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NIGHT LEAD RUBY (420)

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DALLAS, TEX., APRIL 13 (AP)-JUDGE JOE B. BROWN TODAY OVERRULED A REQUEST BY JACK RUBY'S LAWYERS FOR AN EXTENSION OF TIME INVOLVING A MOTION FOR A NEW TRIAL FOR THEIR CLIENT.

THE JUDGE SET APRIL 29 AS THE DATE FOR AN OPEN HEARING ON A DEFENSE MOTION FOR A NEW TRIAL.

DEFENSE LAWYERS ARGUED AT TODAY'S HEARING THAT MORE TIME WAS NEEDED TO DRAW UP A PROPER NEW TRIAL MOTION. ATTORNEY PHIL BURLESON TOLD THE COURT THAT HE HAS LEARNED THAT ONE STATE WITNESS "TOLD A FALSEHOOD UNDER OATH" DURING THE RUBY TRIAL.

OTHER REASONS ALSO WERE MENTIONED FOR THE TIME EXTENSION.

THE NEW LEADER OF THE RUBY DEFENSE, DR. HUBERT WINSTON SMITH, SAID AT THE HEARING TODAY THAT MORE TIME WAS NEEDED BECAUSE HE HAD "ONLY A VAGUE IDEA OF WHAT WENT ON DURING THE TRIAL" IN WHICH RUBY WAS CONVICTED OF MURDER IN THE SLAYING OF LEE HARVEY OSWALD, ACCUSED PRESIDENTIAL ASSASSIN.

"I CAN SAY THAT FROM WHAT I DO KNOW, I AM THOROUGHLY SHOCKED AT HOW MUCH EVIDENCE WAS NOT INTRODUCED AT THE TRIAL," SMITH SAID.

SMITH ADDED THAT HE HAD LEARNED RECENTLY OF "NEW BRAIN TESTS" HE WOULD LIKE TO HAVE RUBY UNDERGO.

RUBY, HIS FACE SHOWING PRISON PALLOR BUT NO EMOTION, WAS BROUGHT INTO COURT UNDER HEAVY GUARD. AGAIN NEWSMEN AND SPECTATORS WERE SEARCHED AS THEY WERE DURING HIS MONTH-LONG TRIAL WHICH ENDED MARCH 14.

BURLESON WOULD NOT ELABORATE ON WHAT HE CALLED NEW EVIDENCE BUT DID SAY IT CONCERNED SOMETHING THAT HAPPENED OUTSIDE THE COURTROOM DURING THE TRIAL.

HE AND SMITH SAID THEY NEEDED THE ADDITIONAL TIME FOR THOSE REASONS:

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THE LENGTH AND COMPLEXITY OF THE TRIAL; THE "NEW EVIDENCE;" DR. SMITH'S UNFAMILIARITY WITH THE CASE DUE TO HIS LATE ENTRY AS A DEFENSE LAWYER; AND THE PRESS OF REGULAR LAW PRACTICE.

THE STATE OPPOSED THE REQUEST FOR MORE TIME. UNDER TEXAS LAW, JUDGE BROWN HAS UNTIL APRIL 29 TO HOLD A HEARING ON THE BASIC MOTION FOR A NEW TRIAL.

THE DEFENSE FILED ITS FIRST MOTION MARCH 20 AND AN AMENDED MOTION APRIL 9. THE MOTIONS ALLEGE 196 (CQ) REVERSIBLE ERRORS TO HAVE BEEN COMMITTED BY JUDGE BROWN DURING THE TRIAL.

THE LAWYERS HAVE ALSO FILED A MOTION ASKING FOR THE TRIAL TRANSCRIPT OR AT LEAST FOR ACCESS TO THE RECORDINGS MADE BY COURT REPORTERS.

SMITH WAS EMPLOYED MARCH 24. HE IS ON LEAVE FROM THE UNIVERSITY OF TEXAS, WHERE HE IS A LAW PROFESSOR.

BURLESON ENTERED NINE PIECES OF EVIDENCE INTO THE RECORD AT THE HEARING. THEY INCLUDED THE TRIAL JURY LIST, THE JUDGE'S CHARGE TO THE JURY AND MELVIN BELLI'S LETTER OF RESIGNATION AS CHIEF COUNSEL FOR RUBY. BELLI, A COLORFUL SAN FRANCISCO LAWYER, WAS FIRED BY THE RUBY FAMILY AFTER HE ANGRILY DENOUNCED THE JUDGE, JURY AND PROSECUTION.

SMITH SAID ONE REASON HE CAME INTO THE CASE WAS TO "RESTORE CONFIDENCE IN THE COURTS."

TODAY'S COURTROOM APPEARANCE BY RUBY WAS THE FIRST TIME HE HAS BEEN OUT OF HIS JAIL CELL SINCE THE TRIAL ENDED.

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