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Dallas, July 17 (AP)—A hearing on Jack Ruby's mental condition will begin Aug. 6, probably before a six-man jury, probate judge F.W. Bartlett Jr. said yesterday.

The probate court hearing was set after attorneys for the 53-year-old condemned slayer presented an affidavit that he is "of unsound mind and mentally incompetent" to conduct his business affairs.

A hearing will determine whether Judge Bartlett appoints a permanent guardian to take charge of Ruby's property and sign contracts in his behalf.

The outcome will not directly affect Ruby's appeal from the death penalty a jury assessed him for the Nov. 24 slaying of Lee Harvey Oswald, accused presidential assassin.

Asst. Dist. Attys. C.N. ~~Frankington~~<sup>M.</sup> Turlington and John Orvis said, however, that it could influence the thinking of appellate judges or jurors called for a future sanity hearing.

They said the district attorney's office, therefore, is likely to contest the claim that Ruby is mentally incapable of handling his affairs.

Prosecutors expressed concern that defense lawyers might later request a sanity hearing and refer to a verdict in Judge Bartlett's court while urging another jury to send Ruby to a state mental hospital.

Chief attorney Clayton Fowler and Sol Dann, a Detroit lawyer, submitted an affidavit from Sam Ruby, a brother of the slayer, that he is mentally ill. They attached reports from two psychiatrists, Dr. Emanuel Tanay of Detroit and Dr. Louis Joly West of Oklahoma City, who said Ruby told them that millions of Jews "are being slaughtered" because he shot Oswald.

Fowler and Dann also saw a parallel between Ruby's trial and the 1954 trial of Dr. Sam Sheppard.

"The same points were involved," Fowler said. "We feel the federal court ruling in the Sheppard case definitely bolsters our position."

Dr. Sheppard was ordered freed after a judge termed the osteopath's conviction on a charge of murdering his wife "a mockery of justice". The judge said newspaper accounts of Mrs. Sheppard's slaying and the investigation of her death made it impossible for her husband to receive a fair trial in Cleveland.

Fowler and Dann noted that the defense tried unsuccessfully to get Ruby's trial moved from Dallas because of newspaper publicity.

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