

RBY

27 July 1964

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EA157DN

RUBY (330)

DALLAS, TEX., JULY 27 (AP)-A VISITING JURIST REFUSED TODAY TO GIVE ATTORNEYS FOR JACK RUBY MORE TIME IN WHICH TO FILE SPECIFIC COMPLAINTS ABOUT RULINGS DURING HIS MURDER TRIAL.

DIST. JUDGE PENN JACKSON OF CLEBURNE SAID HE LACKED POWER TO EXTEND THE TUESDAY DEADLINE FOR FILING FORMAL BILLS OF EXCEPTION. THESE ARE DOCUMENTS IN WHICH DEFENSE LAWYERS OBJECT TO DECISIONS OF JUDGES.

JUDGE JACKSON SAID, HOWEVER, THAT THE COURT OF CRIMINAL APPEALS MIGHT CONSIDER DOCUMENTS FILED AFTER THE DEADLINE IF RUBY'S LAWYERS SHOW THEY WERE NOT AT FAULT IN FAILING TO MEET IT.

"THIS WOULD BE UP TO THE APPEALS COURT, BUT I THINK IT MIGHT DO SO IF YOU SHOWED YOU WERE DILIGENT," JUDGE JACKSON TOLD DEFENSE LAWYERS PHIL BURLESON AND EMMETT COLVIN JR.

THE JURIST DID GIVE THE DEFENSE ATTORNEYS AN ADDITIONAL 60 DAYS IN WHICH TO FILE THE QUESTION-AND-ANSWER RECORD OF TESTIMONY DURING RUBY'S TRIAL ON A CHARGE OF MURDERING LEE HARVEY OSWALD.

JUDGE JACKSON SUBSTITUTED FOR DIST. JUDGE JOE B. BROWN WHO IS ON VACATION.

COURT REPORTER SHIRLEY STINEBAUGH SAID SHE AND ANOTHER REPORTER, JIM MULEADY, HAVE TRANSCRIBED AND DELIVERED 1836 PAGES OF TESTIMONY AND ARGUMENTS DURING THE TRIAL. BUT SHE ESTIMATED THE TASK IS ONLY ONE-THIRD COMPLETED.

"I'M HOPEFUL WE'LL BE FINISHED BY SEPT. 1, THE REPORTER ADDED.

MULEADY HAS TAKEN A LEAVE OF ABSENCE BECAUSE OF HIS HEALTH, JUDGE JACKSON WAS TOLD.

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DEFENSE ATTORNEYS HAVE ASKED FOR A RECORD OF TESTIMONY ON THEIR REQUEST THAT JUDGE BROWN TRANSFER THE CASE TO ANOTHER COUNTY.

THEY SAY THEY NEED THIS IN ADDITION TO TESTIMONY DURING THE TRIAL, WHICH BROUGHT THE DEATH PENALTY.

RUBY'S LAWYERS CONTEND JUDGE BROWN SHOULD HAVE MOVED THE TRIAL ELSEWHERE BECAUSE OF PREJUDICE HERE. THEY CLAIM ALSO THAT HE SHOULD HAVE RULED THAT ANYONE WHO SAW THE SHOOTING OF LEE HARVEY OSWALD ON TELEVISION WAS DISQUALIFIED FROM JURY DUTY.

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~~ON TELEVISION WAS DISQUALIFIED FROM JURY DUTY.~~

THE LAWYERS SAY, IN ADDITION, THAT RUBY IS ENTITLED TO A NEW TRIAL BECAUSE JUDGE BROWN PERMITTED OFFICERS TO RELATE STATEMENTS WHICH THEY SAY RUBY MADE WHILE UNDER ARREST.

ANOTHER DEFENSE OBJECTION INVOLVES JUDGE BROWN'S DECISION TO HOLD A NIGHT SESSION WHICH LASTED PAST MIDNIGHT FOR CLOSING ARGUMENTS.

PROSECUTORS ARGUE THAT RUBY RECEIVED A FAIR TRIAL AND HIS DEATH PENALTY SHOULD STAND.

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