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RBY

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1964

NIGHT LEAD RUBY (400)

BY TOM JOHNSON

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ASSOCIATED PRESS WRITER

DALLAS, TEX., JULY 28 (AP)—LAWYERS FOR CONDEMNED SLAYER JACK RUBY TODAY FILED 15 FORMAL BILLS OF EXCEPTION IN SEEKING A REVERSAL OF THE DEATH PENALTY ASSESSED HIM IN MARCH FOR THE SLAYING OF LEE HARVEY OSWALD.

RUBY SHOT OSWALD, ACCUSED ASSASSIN OF PRESIDENT JOHN F. KENNEDY, TO DEATH IN DALLAS BEFORE A NATIONWIDE TELEVISION AUDIENCE.

THE DOCUMENTS WERE FILED TODAY JUST 30 MINUTES BEFORE THE LEGAL DEADLINE. DEFENSE ATTORNEYS SAID THEY HAD BEEN WORKING ON THEM NIGHT AND DAY.

ONE ALLEGATION OF ERROR WAS ACCOMPANIED BY 400 POUNDS OF NEWSPAPERS STACKED SHOULDER HIGH ON A COURT ROOM TABLE. DEFENSE ATTORNEYS SAID THE NEWSPAPERS WOULD SUPPORT THEIR CONTENTION THE RUBY TRIAL SHOULD HAV BEEN MOV

SHOULD HAVE BEEN MOVED OUT OF DALLAS BECAUSE OF WIDESPREAD PUBLICITY.

RUBY, 53-YEAR-OLD FORMER DALLAS STRIP JOINT OPERATOR, WAS NOT IN THE COURTROOM. HE REMAINED IN HIS DALLAS COUNTY JAIL WHERE HE HAS BEEN ALMOST CONSTANTLY SINCE THE NOV. 24, 1963, SLAYING OF OSWALD IN THE DALLAS CITY HALL.

PHIL BURLESON AND EMMETT COLVIN, JR., BOTH DEFENSE ATTORNEYS FOR RUBY, FILED THE 15 EXCEPTIONS IN THE COURT OF DISTRICT JUDGE JOE B. BROWN, THE RUBY TRIAL JUDGE. THEY SAID MORE ERRORS MAY BE ALLEGED IN THE FUTURE IN THE FORM OF INFORMAL BILLS OF EXCEPTION.

"THE PURPOSE OF THE FORMAL BILLS IS TO SINGLE OUT AND EMPHASIZE SPECIFIC POINTS OF ERROR," DEFENSE ATTORNEYS SAID.

JOE TONAHILL, ANOTHER RUBY LAWYER FROM JASPER, TEX., SAID EARLIER TODAY THE DEFENSE TEAM EXPECTS TO PRESENT ORAL ARGUMENTS IN THE APPEAL BEFORE THE TEXAS COURT OF CRIMINAL APPEALS IN AUSTIN BY THE MIDDLE OF OCTOBER.

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ONE OF THE EXCEPTIONS CONTENDED THAT A PROSECUTION WITNESS, DALLAS POLICE SGT. PATRICK DEAN, GAVE PERJURED TESTIMONY.

ASST. DIST. ATTY. BILL ALEXANDER, WHO WAS ON HAND IN THE COURTROOM TODAY, COMMENTED TO NEWSMEN:

"THAT'S JUST AN UNTRUE ALLEGATION OF A DISGRUNTLED DEFENSE LAWYER."

THE BILLS OF EXCEPTION ALLEGED THAT THE COURT ERRED WHEN:  
IT REFUSED TO ALLOW THE DEFENSE TO ASK PROSPECTIVE JURORS  
IF THEY WERE MEMBERS OF THE JOHN BIRCH SOCIETY;  
IT DENIED A DEFENSE MOTION FOR A PRE-TRIAL SANITY HEARING;  
IT ACCEPTED PERSONS FOR JURY DUTY WHO HAD SEEN ON TELEVISION  
RUBY'S SHOOTING OF OSWALD;

JUDGE FRANK WILSON TOOK OVER THE BENCH ONE  
DAY WHEN JUDGE BROWN WAS SICK;

IT ALLOWED FINAL ARGUMENTS IN THE TRIAL TO GO ON PAST MIDNIGHT;  
IT REFUSED TO LET THE DEFENSE ENTER INTO EVIDENCE THE  
MURDER COMPLAINTS SWORN OUT AGAINST OSWALD IN REGARD TO KENNEDY'S  
DEATH;

IT REFUSED TO MAKE THE DISTRICT ATTORNEY'S OFFICE GIVE THE  
DEFENSE ACCESS TO THE STATE'S FILES IN THE RUBY CASE;

AND WHEN IT DID NOT GRANT A CHANGE OF VENUE MOTION TO MOVE  
THE TRIAL AWAY FROM DALLAS.

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