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Dallas, Feb. 25 (AP)- Judge Joe B. Brown said today he expects to hold a sanity hearing for condemned slayer Jack Ruby based on an affidavit of insanity filed 10 months ago by defense attorneys.

"The affidavit has been pending all this time," Judge Brown said. "It was never withdrawn and it is a sufficient basis for the court to act."

Ruby was sentenced to death for slaying Lee Harvey Oswald, President Kennedy's assassin.

The State Court of Criminal Appeals ruled yesterday that Judge Brown must determine Ruby's present mental condition before the court will hear appeal arguments.

But the Dallas judge had been unsure of the proper procedure for calling a sanity hearing until a check of the records revealed the affidavit.

Before a sanity hearing is set, Judge Brown said, he will confer with defense attorney Phil Burleson. The judge said he is not sure when the hearing will be held.

If Burleson should decide to withdraw the affidavit, Judge Brown said he again would be uncertain what action could be taken. js1119acs