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RUBY

11 SEPT 1965  
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DALLAS, TEX., SEPT. 11 (AP)-DIST. JUDGE LOUIS T. HOLLAND, SAYING HE DID NOT WANT TO "DISTURB THE PRESENT STATUS OF THE CASE," REFUSED YESTERDAY TO SET ASIDE THE MURDER CONVICTION OF JACK RUBY.

HOLLAND MADE THE RULING AT THE CLOSE OF A TWO-DAY HABEAS CORPUS HEARING IN WHICH AS RUBY'S LAWYERS TRIED TO HAVE DIST. JUDGE JOE B. BROWN DISQUALIFIED. IT WAS BEFORE BROWN THAT RUBY WAS TRIED AND SENTENCED TO DIE FOR KILLING PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD.

THE DEFENSE ARGUED THAT BROWN HAS A MOMENTARY INTEREST IN THE CASE. BECAUSE HE IS WRITING A BOOK ABOUT THE RUBY TRIAL.

THE STATE CONTENDED THAT THE BOOK WILL COVER ONLY THE TRIAL, AND THEREFORE CAN IN NO WAY AFFECT THE EVENTUAL OUTCOME OF THE CASE.

RUBY, A FORMER DALLAS NIGHT CLUB OPERATOR, WAS CONVICTED MARCH 14, 1964. HIS CASE NOW IS BEFORE THE TEXAS COURT OF CRIMINAL APPEALS BUT FIRST THERE WILL BE A SANITY TRIAL, SET FOR OCT. 18.

BROWN VOLUNTARILY REMOVED HIMSELF FROM THE CASE LAST JUNE 21. HOLLAND, FROM MONTAGUE, TEX., WAS APPOINTED TO REPLACE HIM.

THE HABEAS CORPUS HEARING WAS MARKED BY EMOTIONAL OUTPOURINGS FROM RUBY AND BY CLASHES BETWEEN BROWN AND DEFENSE LAWYER PHIL BURLESON OF DALLAS.

HOLLAND SAID HE "NEITHER CONDONED NOR CONDEMNED" BROWN'S WRITING THE BOOK.

RUBY'S CONVICTION WOULD HAVE BEEN SET ASIDE IF HOLLAND HAD DISQUALIFIED BROWN, NECESSITATING A NEW TRIAL.

A67DN

BROWN WAS ON THE WITNESS STAND MORE THAN FIVE HOURS.

HE SAID THAT IF HE MADE ANY MISTAKE DURING THE RUBY MURDER TRIAL, IT WAS IN LETTING LIVE RADIO AND TELEVISION COVER THE VERDICT.

BROWN DENIED THAT ANY DECISION HE MADE DURING THE TRIAL OR AFTER WAS CONNECTED IN ANY WAY WITH HIS BOOK WRITING. THE JUDGE SAID HE DECIDED TO WRITE A BOOK ABOUT THE TRIAL IN THE SUMMER OF 1964, SOME FOUR MONTHS AFTER THE TRIAL.

RUBY TALKED TO NEWSMEN TWICE THURSDAY, CHARGING THAT PEOPLE IN "HIGH PLACES" HAD SUPPRESSED INFORMATION ABOUT OSWALD AND ABOUT RUBY HIMSELF. HE DID NOT ELABORATE.

BURLESON AND BROWN CLASHED SEVERAL TIMES. BURLESON WAS ON THE DEFENSE STAFF AT THE MURDER TRIAL.

AT ONE POINT, BURLESON ASKED BROWN:

"JUDGE, ARE YOU BITTER AT ME?"

"NO, BUT I'M DISAPPOINTED IN YOU," BROWN ANSWERED.

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