

A81DN

RUBY HEARING (300)

DALLAS, TEX., OCT. 16 (AP)-JACK RUBY IS EXPECTED BACK IN THE COURTROOM MONDAY BUT DOUBT AROSE THIS WEEKEND THAT THE SANITY HEARING WILL BE HELD THEN FOR THE KILLER.

RUBY SLIPPED INTO DALLAS CITY HALL BASEMENT NOV. 24, 1963, AND SHOT LEE HARVEY OSWALD TO DEATH WHILE OSWALD WAS UNDERGOING A ROUTINE JAIL TRANSFER. OSWALD ASSASSINATED PRESIDENT JOHN F. KENNEDY TWO DAYS BEFORE.

A JURY SENTENCED RUBY TO DEATH BUT A SERIES OF APPEALS IN WHAT HAS BECOME A COMPLEX LEGAL CASE HAS STAYED THE EXECUTION.

THE TEXAS COURT OF CRIMINAL APPEALS REFUSED TO CONSIDER THE CASE UNTIL RUBY'S SANITY IS DETERMINED.

IT IS TO DETERMINE THIS POINT THAT RUBY IS SCHEDULED TO APPEAR IN COURT MONDAY. HOWEVER, HIS ATTORNEYS SAY THEY WILL ASK A DELAY.

STATE DIST. JUDGE LOUIS T. HOLLAND, SCHEDULED TO PRESIDE, SAYS HE WILL GRANT A CONTINUANCE IF THE DEFENSE ASKS IT.

PHIL BURLESON, ONE OF THE RUBY LAWYERS, SAID THE CONTINUANCE WILL BE SOUGHT BECAUSE THE DEFENSE IS APPEALING A DECISION BY JUDGE HOLLAND IN WHICH HE DECLINED TO DISQUALIFY THE ORIGINAL MURDER TRIAL JUDGE, JOE B. BROWN SR. ALSO BEING APPEALED IS A REFUSAL BY JUDGE HOLLAND TO RELEASE RUBY ON A WRIT OF HABEAS CORPUS.

DIST. ATTY. HENRY WADE, WHO PROSECUTED RUBY, SAID HE WILL NOT OBJECT TO A POSTPONEMENT.

RUBY'S LAWYERS AT THE MURDER TRIAL, HEADED BY NOTED MELVIN BELLI OF SAN FRANCISCO, CONTENDED THAT RUBY KILLED OSWALD IN A MOMENT OF IMPULSE CAUSED BY AN OLD PHYSICAL INJURY TO HIS BRAIN.

BELLI AND THE OTHER LAWYERS DID NOT RAISE THE QUESTION OF A PSYCHOSIS WHICH IN PSYCHIATRISTS' LANGUAGE IS "FUNCTIONAL" RATHER THAN ORGANIC OR PHYSICAL.

MOST INSANITY IS OF THE FUNCTIONAL TYPE FALLING UNDER THE TERM OF SCHIZOPHRENIC. IT WOULD BE ON THE ISSUE OF FUNCTIONAL INSANITY THAT RUBY'S SANITY HEARING WOULD TURN.

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