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RUBY (300)

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DALLAS, TEX., OCT. 17 (AP)-JACK RUBY'S SANITY HEARING IS SET FOR TOMORROW BUT HIS LAWYERS SAY THEY WILL SEEK A DELAY.

RUBY, A FORMER DALLAS NIGHT CLUB OPERATOR, HAS BEEN IN CUSTODY HERE SINCE NOV. 24, 1963, WHEN HE FIRED A FATAL PISTOL BULLET INTO THE ABDOMEN OF PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD.

DALLAS JURORS GAVE RUBY THE DEATH PENALTY MARCH 14, 1964, BUT A SUCCESSION OF WRANGLES BETWEEN HIS ATTORNEYS, AS WELL AS A NUMBER OF VARIED APPEALS MOTIONS, HAS THUS FAR KEPT THE CELEBRATED CASE AT THE TRIAL COURT LEVEL.

THE TEXAS COURT OF CRIMINAL APPEALS HAS DIRECTED THAT THE TRIAL COURT LEGALLY DETERMINE WHETHER RUBY IS SANE OR INSANE BEFORE THE APPELLATE COURT TAKES UP THE FORMAL APPEAL OF THE CONVICTION.

STATE, DIST. JUDGE LOUIS T. HOLLAND OF MONTAGUE, TEX., WILL BE ON THE BENCH FOR TOMORROW'S SESSION. HOLLAND WAS NAMED TO HEAR FURTHER PROCEEDINGS IN THE CASE AFTER JUDGE JOE B. BROWN OF DALLAS, WHO PRESIDED OVER THE TRIAL, VOLUNTARILY REMOVED HIMSELF EARLIER THIS YEAR.

DEFENSE ATTORNEY PHIL BURLESON SAID A CONTINUANCE IN THE SANITY HEARING WILL BE SOUGHT TO ALLOW TIME FOR HIGHER COURTS TO RULE ON APPEALS OF SEVERAL OF HOLLAND'S DECISIONS PERTAINING TO PRIOR MOTIONS, AMONG THEM A WRIT OF HABEAS CORPUS ACTION.

THERE HAVE BEEN REPORTS THAT DIST. ATTY HENRY WADE WILL NOT OPPOSE A DELAY. THE JUDGE HAS INDICATED HE WILL GRANT SUCH A REQUEST IF THE DEFENSE FORMALLY MAKES IT IN COURT.

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SHOULD A SANITY HEARING FIND THAT RUBY IS INSANE, HE WOULD BE COMMITTED TO A STATE MENTAL HOSPITAL UNTIL DOCTORS THERE SAID HE HAD REGAINED HIS SANITY. MEANWHILE, THE EXECUTION OF THE DEATH SENTENCE WOULD BE FROZEN BUT NOT OVERTURNED.

RUBY COULD STILL BE ELECTROCUTED AFTER HE GOT OUT OF THE HOSPITAL IF APPELLATE COURTS HELD FOR THE STATE.

LAWYERS AT THE RUBY TRIAL CONTENDED THAT THE DEFENDANT SUFFERED FROM TEMPORARY INSANITY WHEN HE KILLED OSWALD, WHO HAD ASSASSINATED PRESIDENT JOHN F. KENNEDY IN DALLAS TWO DAYS EARLIER.

RUBY SHOT OSWALD AS POLICE WERE TRANSFERRING THE ASSASSINATION SUSPECT FROM THE CITY TO THE COUNTY JAIL.

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