

22 JAN 1964
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RBY

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DALLAS OUT

NIGHT LEAD RUBY TRIAL (300)

DALLAS, (AN. 22) (AP)-DIST. ATTY. HENRY WADE SAID TODAY HE WILL FIGHT ANY ATTEMPT TO MOVE THE JACK RUBY MURDER TRIAL FROM DALLAS WHEN A CHANGE OF VENUE HEARING IS HELD FEB. 10.

AT THAT TIME DIST. JUDGE JOE B. BROWN WILL HEAR ARGUMENTS ON A DEFENSE MOTION TO MOVE THE TRIAL, NOW SET FOR FEB. 17 IN HIS COURT.

THE DEFENSE CONTENDS THAT BECAUSE OF NEWS STORIES PUBLISHED IN DALLAS IT WILL BE IMPOSSIBLE FOR RUBY TO RECEIVE A FAIR TRIAL HERE.

RUBY, A NIGHT CLUB OPERATOR, IS CHARGED WITH MURDER IN THE NOV. 24 SLAYING OF LEE HARVEY OSWALD, ACCUSED ASSASSIN OF PRESIDENT JOHN F. KENNEDY. OSWALD WAS ALSO CHARGED WITH MURDERING DALLAS POLICE OFFICER J.D. TIPPIT ABOUT AN HOUR AFTER THE ASSASSINATION.

"WE THINK THE RUBY CASE SHOULD BE TRIED RIGHT HERE, BECAUSE ANY PLACE YOU SEND IT YOU WILL HAVE THE SAME TROUBLE," WADE SAID.

THE DISTRICT ATTORNEY SAID THAT A RECENT APPELLATE COURT HEARING INVOLVING THE TRIAL OF WEST TEXAS PROMOTER BILLIE SOL ESTES HELD THAT A JUROR NEED NOT BE DISQUALIFIED BECAUSE HE HAD SEEN-ON TELEVISION OR READ IN NEWSPAPERS FACTS ABOUT THE CASE ON WHICH HE WAS TO PASS JUDGMENT.

THE DATES FOR THE CHANGE OF VENUE HEARING AND THE MURDER TRIAL WERE SET YESTERDAY FOLLOWING A BOND HEARING FOR RUBY HERE.

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THREE PSYCHIATRISTS WERE NAMED BY JUDGE BROWN TO EXAMINE RUBY AND REPORT TO THE COURT.

THE THREE ARE DR. ROBERT STUBBLEFIELD OF THE SOUTHWESTERN MEDICAL SCHOOL IN DALLAS, DR. JOHN T. HOLBROOK OF DALLAS AND DR. MARTIN TOWLER OF THE UNIVERSITY OF TEXAS MEDICAL SCHOOL IN GALVESTON.

THE DEFENSE WITHDREW ITS REQUEST TO HAVE RUBY RELEASED ON BOND YESTERDAY FOLLOWING A DAY AND A HALF OF HEARINGS ON THE MOTION. RUBY'S ATTORNEYS SAID THEY HAD SOUGHT HIS RELEASE SO THAT HE COULD RECEIVE PSYCHIATRIC TESTS.

THE DEFENSE HAS CONTENDED THAT RUBY WAS TEMPORARILY INSANE WHEN HE SHOT AND KILLED OSWALD IN THE BASEMENT OF THE CITY HALL BEFORE A NATIONWIDE TELEVISION AUDIENCE. THE STATE SAYS HE WAS IN COMPLETE CONTROL OF HIS ACTIONS.

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