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Austin, Tex., Feb. 24 (AP)- The Texas Court of Criminal Appeals granted today an indefinite postponement of its hearing of Jack Ruby's appeal of his death sentence for slaying presidential assassin Lee Harvey Oswald.

The high court said submission of Ruby's appeal and a decision on which attorneys ~~shall be~~ will be recognized as his counsel should wait until the trial judge, Dallas Dist. Judge Joe B. Brown, decides whether Ruby is now sane or insane.

Hearing on the case previously had been set for March 10.

A conflict recently developed over which attorneys should handle the appeal.

Ruby's sister asked the court not to recognize Texas lawyer Joe Tonahill as one of Ruby's attorneys. Another request to oust Tonahill, this time signed by Ruby, later was presented.

In postponing the hearing, the court said:

"A principal, if not the controlling fact determinative of the question as to which attorneys are to be recognized by this court and be permitted to use the time allowed for oral argument upon submission of this appeal, is whether or not appellant (Ruby) has become insane since his trial.

"This is true because we have before us an affidavit of appellant asking that one of his trial counsel be dismissed and not permitted to argue his case before this court and further requesting that an out-of-state firm of lawyers be permitted to participate and asking for a delay in order for such firm to prepare."

Tonahill and Pjil Burleson of Dallas are the only lawyers presently recognized as attorneys of record in Ruby's appeal by the high court.

The court's opinion quoted the state law on determination of the sanity of a person under death sentence. The law says if the trial judge is satisfied the condemned man might be insane he must impanel a jury to decide the question. If the person is found insane, the court is

required to order him committed to a state mental hospital until his sanity is restored, when the execution may be carried out.

Commitment for insanity suspends automatically all further proceedings in the case.

"We have concluded that the submission of this appeal and decision on the question as to who will be recognized by this court as the appellant's counsel on appeal should be postponed to allow time for the trial judge to judicially determine in the manner authorized by (law) the question of (Ruby's) present sanity or insanity," the high court said.

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