

EB6DN

(TEX.OUT) (180)

DALLAS, TEX., MARCH 24 (AP)-DIST. JUDGE JOE B. BROWN ORDERED A SANITY TRIAL OF JACK RUBY, DUE TO START MONDAY, POSTPONED YESTERDAY UNTIL A FEDERAL COURT RULES ON A MOTION BY DEFENSE LAWYER WILLIAM KUNTSLER.

KUNTSLER ASKED THE U.S. 5TH CIRCUIT COURT OF APPEALS IN NEW ORLEANS TO STAY THE SANITY HEARING UNTIL THAT COURT RULES ON AN APPEAL OF A FEDERAL JUDGE'S RULING RETURNING THE RUBY CASE TO STATE COURTS.

THE DALLAS DISTRICT ATTORNEY'S OFFICE TOLD THE CIRCUIT COURT THAT IF THE STAY IS GRANTED, THERE COULD BE NO STATE ACTION ON ANY ASPECT OF THE CASE FOR ALMOST TWO YEARS.

KUNTSLER, A NEW YORKER, IS WORKING WITH LAWYERS SAM HOUSTON CLINTON JR. OF AUSTIN, TEX., ELMER GERTZ OF CHICAGO AND SOL DANN OF DETROIT.

IN THE NEW MOTION KUNTSLER COMPLAINED THAT BROWN HAD DENIED MOTIONS FOR A CHANGE OF VENUE, FOR BROWN TO DISQUALIFY HIMSELF AND TO OUST JOE TONAHILL AS A DEFENSE LAWYER DURING A MARCH 3 PRE-TRIAL HEARING.

HE ALSO CLAIMED THAT U.S. DIST. JUDGE T. WHITFIELD DAVIDSON ERRED IN RETURNING JURISDICTION TO THE STATE AFTER A HEARING LAST FRIDAY.

THE STATE'S ANSWER CONTENDED THESE DEFENSE MOTIONS WERE PREMATURE, INSUFFICIENT IN LAW AND UNTIMELY AT THE PRE-TRIAL HEARING.

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