

EB78

(170)

NEW ORLEANS, MARCH 24 (AP)-ATTORNEYS FOR JACK RUBY ASKED THE 5TH U.S. CIRCUIT COURT OF APPEALS HERE TODAY FOR A STAY TO BLOCK A SANITY HEARING FOR RUBY SET FOR MONDAY IN A STATE COURT IN TEXAS.

FEDERAL DIST. JUDGE T. WHITFIELD DAVIDSON REFUSED EARLIER TO BLOCK THE HEARING, HOLDING HE LACKED JURISDICTION. DAVIDSON REMANDED THE MATTER OF A SANITY HEARING TO A STATE COURT.

RUBY'S ATTORNEYS ASKED THE APPEALS COURT FOR A STAY UNTIL THE COURT CAN HEAR ARGUMENTS ON THEIR APPEAL FROM DAVIDSON'S RULING.

THE APPEALS COURT TOOK NO IMMEDIATE ACTION ON THE REQUEST.

BRUCE WALTZER, NEW ORLEANS LAWYER, FILED THE MOTION ON BEHALF OF THE NEW YORK LEGAL FIRM OF KUNSTLER, KUNSTLER AND KINEY AND TEXAS CIVIL LIBERTIES UNION ATTORNEY SAM HOUSTON CLINTON JR.

WALTZER TOLD NEWSMEN THE RUBY FAMILY WISHES THESE LAYERS TO REPRESENT HIM IN THE RUBY CASE.

RUBY WAS SENTENCED TO DEATH LAST YEAR BY TEXAS DIST. JUDGE JOE BROWN FOR THE SHOOTING DEATH OF ACCUSED PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD. THE DEFENSE NOW CONTENDS RUBY'S CONSTITUTIONAL RIGHTS WERE VIOLATED IN THE SELECTION OF HIS ATTORNEYS.

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