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Austin, Tex, April 29 (AP)- The Texas Court of Criminal Appeals refused today to consider a new motion that would keep Dallas Dist. Judge Joe Brown from holding a sanity hearing for Jack Ruby.

The denial was announced after the three justices studied an application to file an appellant's motion for relief that was tendered to the court yesterday,

Austin attorney Sam Houston Clinton Jr. said this morning that denial of the motion would send the matter back to the Fifth Circuit Court of Appeals.

"We thought the Fifth Circuit Court opened the door for this motion, but the State Court action today closed the door," Clinton said.

Ruby was convicted and sentenced to death as the killer of Presidential assassin Lee Harvey Oswald.

The federal appellate court on April 23 refused to delay the sanity hearing before Brown. The court said the sanity hearing "is either an integral part of Ruby's appeal now pending in the Texas Court of Criminal Appeals or is so closely related to it as to be under the supervision of the court."

The motion that Clinton wanted to argue before the Texas Court of Criminal Appeals would stop the sanity hearing before Brown, would disqualify Brown to hold such a hearing, and would insure Ruby the right to choice of his own counsel, said Clinton, attorney for the Texas Civil Liberties Union.

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