

EB21DN

(TEX.OUT) (250)

DALLAS, TEX., JULY 24 (AP)-LAWYERS FOR JACK RUBY PONDERED SEVERAL POSSIBLE COURSES TODAY TOWARD FORCING A TRIAL COURT HEARING ON THE DISQUALIFICATION OF DIST. JUDGE JOE B. BROWN.

DIST. JUDGE LOUIS HOLLAND OF MONTAGUE DENIED A DEFENSE MOTION FOR SUCH A HEARING YESTERDAY HE SAID HIS COURT HAS NO JURISDICTION BECAUSE RUBY HAS APPEALED HIS DEATH SENTENCE TO THE TEXAS COURT OF CRIMINAL APPEALS.

RUBY, BACK IN PUBLIC VIEW FOR THE FIRST TIME IN WEEKS, WAS WELL DRESSED AND SEEMED IN GOOD SPIRITS AS HE APPEARED BEFORE HOLLAND.

BROWN VOLUNTARILY WITHDREW FROM THE RUBY CASE JUNE 21. HOLLAND HAS BEEN APPOINTED TO CONDUCT AN OCT. 18 SANITY TRIAL FOR RUBY.

RUBY WAS SENTENCED TO DEATH IN BROWN'S COURT LAST YEAR FOR SHOOTING LEE HARVEY OSWALD, NAMED BY THE WARREN COMMISSION AS THE ASSASSIN OF PRESIDENT KENNEDY.

DEFENSE LAWYERS PHIL BURLESON OF DALLAS AND SAM HOUSTON CLINTON OF AUSTIN CONTEND THAT BROWN SHOULD BE FORMALLY DISQUALIFIED FOR FURTHER PARTICIPATION IN THE RUBY CASE BECAUSE HE IS WRITING A BOOK ABOUT IT.

THEY WANT TO DEVELOP TESTIMONY TO THAT EFFECT IN THE RECORD FOR THE APPELLATE COURT. THE STATE SAYS DISQUALIFICATION IS A MOOT ISSUE SINCE BROWN HAS WITHDRAWN AND NO HEARING IS NEEDED.

DEFENSE LAWYERS SAID AFTER THE BRIEF COURT SESSION THAT THEY MIGHT TAKE THE ISSUE TO FEDERAL COURT, CONTENDING RUBY'S CONSTITUTIONAL RIGHTS WERE VIOLATED BECAUSE AN ALLEGEDLY UNQUALIFIED JUDGE (BROWN) PRESIDED FOR HIS MURDER TRIAL.

ANOTHER POSSIBILITY, THEY SAID, WOULD BE TO FILE A RARE MOTION (WRIT OF CORAM NOBIS) WITH THE TEXAS COURT OF CRIMINAL APPEALS, SEEKING AN ORDER FOR THE TRIAL COURT TO HOLD THE HEARING ON BROWN.

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