

7 SEPT 1964  
115 AED

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(310)

DALLAS, TEX., SEPT. 7 (AP)-DIST. JUDGE JOE B. BROWN MADE NO RULINGS IN THE JACK RUBY CASE WHICH WOULD AFFECT SALES OF HIS PROPOSED BOOK, STATE'S ATTORNEYS WILL ARGUE THURSDAY.

THEREFORE, THEY STATED IN A BRIEF FILED TODAY, HE HAD NO DIRECT MONETARY INTEREST IN THE CASE AND SHOULD NOT BE DISQUALIFIED.

ATTORNEYS FOR JACK RUBY WILL ASK THURSDAY THAT JUDGE BROWN BE DISQUALIFIED AND HIS RULINGS VOIDED BECAUSE OF A PROPOSED BOOK. DIST. JUDGE LOUIS T. HOLLAND OF MONTAGUE WILL PRESIDE.

THE DEFENSE ATTORNEYS WILL TRY TO OVERTHROW A GUILTY VERDICT IN THEIR CLAIMS THAT JUDGE BROWN'S RULINGS WERE PREJUDICED BY THE BOOK.

THE STATE'S BRIEF QUOTED A RECENT SUPREME COURT OF TEXAS CASE WHICH ALSO EXAMINED "PECUNIARY INTEREST."

THE COURT STATED, "IF HIS INTEREST IN THE QUESTION IS INDIRECT, UNCERTAIN OR REMOTE AND THE RESULT OF THE SUIT WILL NOT NECESSARILY SUBJECT HIM TO A PERSONAL GAIN OR LOSS, HE IS NOT DISQUALIFIED TO SIT IN THE CASE."

THE BRIEF EXPLAINS THAT THE CONTRACT BETWEEN JUDGE BROWN AND THE PUBLISHING COMPANY WAS ALLEGEDLY SIGNED JULY 21, 1964, AND THAT ANY FINANCIAL INTEREST MUST BE AFTER THAT DATE.

SINCE THE CONTRACT WAS SIGNED AFTER THE TRIAL, ANY PECUNIARY INTEREST MUST BE CONNECTED WITH APPEAL OF THE CASE, THE BRIEF INDICATED.

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THE BRIEF STATES THAT RUBY'S ATTORNEYS BY INNUENDO CLAIM THAT JUDGE BROWN HAD SUCH A DIRECT FINANCIAL INTEREST THAT HE WOULD TRY TO PREVENT RUBY FROM SECURING A REVERSAL BECAUSE AN AFFIRMANCE BY THE APPEALS COURT WOULD RESULT IN THE SALE OF MORE COPIES OF HIS BOOK.

"IN THE PRESENT CASE, THE CONTRACT BETWEEN JUDGE BROWN AND THE PUBLISHING COMPANY, ACCORDING TO ITS TERMS, DOES NOT PROVIDE ANY ADDITIONAL COMPENSATION OR ANY DIMINISHMENT OF THE COMPENSATION TO BE PAID JUDGE BROWN BY REASON OF ANY ACTION OF HIS AS JUDGE OR IN THE EVENT THE CASE WAS ULTIMATELY AFFIRMED OR REVERSED ON APPEAL," THE BRIEF STATES.

PHIL BURLESON OF DALLAS IS EXPECTED TO REPRESENT RUBY. STATE'S ATTORNEYS WILL BE HEADED BY DIST. ATTY. HENRY WADE.

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