

A182DN

FIRST LEAD RUBY (320)

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DALLAS, TEX., OCT. 18 (AP)-STATE DIST. JUDGE LOUIS T. HOLLAND GRANTED TODAY A DEFENSE MOTION FOR A POSTPONEMENT OF A SANITY HEARING FOR JACK RUBY, KILLER OF PRESIDENT KENNEDY'S ASSASSIN.

THE DECISION MEANS THAT THE NEXT LEGAL STEP IN THE COMPLICATED CASE WILL BE TAKEN BY THE TEXAS COURT OF CRIMINAL APPEALS IN AUSTIN.

DEFENSE LAWYER PHIL BURLESON ARGUED THAT TO HOLD THE SANITY HEARING NOW COULD BE DETRIMENTAL TO RUBY'S POSITION.

AT ISSUE NOW IS WHETHER THE APPEALS COURT UPHOLDS AN APPEAL FROM THE DEFENSE THAT A WRIT OF HABEAS CORPUS MOTION SHOULD HAVE BEEN GRANTED IN A PROCEEDING LAST SUMMER.

RUBY'S ATTORNEYS ARGUED THEN THAT HIS DEATH SENTENCE WAS VOID BECAUSE DIST. JUDGE JOE B. BROWN SR., WHO PRESIDED OVER THE MURDER TRIAL, SHOULD HAVE BEEN DISQUALIFIED.

DEFENSE LAWYERS SAID THAT SINCE JUDGE BROWN WAS WRITING A BOOK ABOUT THE CASE SOME OF HIS JUDGMENTS MAY HAVE BEEN PREJUDICIAL TO RUBY.

BURLESON TOLD HOLLAND THAT HE THOUGHT THE COURT OF CRIMINAL APPEALS WOULD BE ABLE TO ACT ON THE HABEAS CORPUS APPEAL IN THREE TO FOUR WEEKS.

JUDGE HOLLAND SAID AFTER THE 15-MINUTE HEARING THAT TWO POSSIBILITIES ARE NOW OPEN DEPENDING ON THE APPEALS COURT DECISION:

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1. IF THE AUSTIN COURT RULES FOR THE DEFENSE, THE DEATH CONVICTION WILL BE VOIDED AND RUBY WILL BE TRIED AGAIN.

2. IF THE APPEAL IS DENIED, THEN THE SANITY HEARING WILL PROCEED.

DIST. ATTY. HENRY WADE SAID THE STATE WAS READY TO PROCEED WITH THE SANITY HEARING NOW BUT HAD NO OBJECTION TO A DELAY.

RUBY WAS IN COURT, NEATLY DRESSED AS ALWAYS. HE SEEMED IN A CHEERFUL FRAME OF MIND AND HAD MORE COLOR THAN HE HAS IN PREVIOUS COURT APPEARANCES.

RUBY, A FORMER DALLAS NIGHT CLUB MANAGER, WAS SENTENCED TO

DEATH MARCH 14 LAST YEAR FOR SLAYING LEE HARVEY OSWALD NOV. 24,  
1963, TWO DAYS AFTER OSWALD ASSASSINATED PRESIDENT KENNEDY IN DALLAS.

THE SANITY HEARING WAS ORDERED BY THE TEXAS COURT OF CRIMINAL  
APPEALS BEFORE IT WOULD HEAR AN APPEAL OF THE MURDER CONVICTION.  
SUBSEQUENT DEFENSE MOTIONS FURTHER COMPLICATED THE CASE AND  
CAUSED FURTHER APPEALS TO THE APPELLATE COURT, THE HIGHEST IN  
TEXAS IN CRIMINAL MATTERS.

(NO PICKUP)

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