

EB91PD (DN FW)

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(150)

AUSTIN, TEX., MARCH 21 (AP)-THE TEXAS COURT OF CRIMINAL APPEALS RECEIVED TODAY THE RECORD OF A SEPT. 10 HABEAS CORPUS HEARING ON WHETHER THE JUDGE WHO PRESIDED AT THE JACK RUBY MURDER TRIAL DISQUALIFIED HIMSELF BECAUSE HE IS WRITING A BOOK ON THE CASE.

AT THE HEARING, JUDGE LOUIS T. HOLLAND, WHO TOOK THE CASE WHEN JUDGE JOE B. BROWN STEPPED DOWN VOLUNTARILY LAST YEAR, REFUSED TO RULE ON WHETHER JUDGE BROWN WAS DISQUALIFIED.

ALL LEGAL PROCEEDINGS IN THE CASE WERE HALTED PENDING ACTION ON THE HABEAS CORPUS PLEA.

RUBY WAS CONVICTED AND GIVEN THE DEATH PENALTY IN DALLAS TWO YEARS AGO FOR THE SLAYING OF PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD.

THE APPEALS COURT POSTPONED ITS RULING ON THE TRIAL VERDICT UNTIL A SANITY TRIAL IS HELD FOR RUBY. JUDGE HOLLAND, IN TURN, POSTPONED THE SANITY TRIAL UNTIL THE OUTCOME OF THE HABEAS CORPUS MATTER BEFORE THE APPEALS COURT.

IF THE APPEALS COURT RULES THAT JUDGE BROWN HAD A LEGAL RIGHT TO PRESIDE DURING THE TRIAL, JUDGE HOLLAND WILL SET A SANITY HEARING DATE. IF THE COURT DISQUALIFIES JUDGE BROWN, THE DEATH SENTENCE WILL BE SET ASIDE AND RUBY WILL BE GRANTED A NEW TRIAL.

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