

EB49DN

NIGHT LEAD (220)

AUSTIN, TEX., MARCH 21 (AP)-RECORDS FOR A STATE COURT OF CRIMINAL APPEALS HEARING THAT COULD RESULT IN A NEW TRIAL FOR JACK RUBY WERE RECEIVED BY THE COURT MONDAY.

THE DOCUMENTS ARE THE TRANSCRIPT AND SUPPORTING PAPERS OF A SEPT. 10 HABEAS CORPUS HEARING AT WHICH JUDGE LOUIS T. HOLLAND REFUSED TO RULE WHETHER DIST. JUDGE JOE B. BROWN WAS DISQUALIFIED TO PRESIDE OVER THE RUBY TRIAL BECAUSE HE IS WRITING A BOOK ABOUT THE TRIAL.

BROWN VOLUNTARILY REMOVED HIMSELF FROM THE CASE LAST YEAR AND HOLLAND OF MONTAGUE, TOOK JURISDICTION.

RUBY, A FORMER DALLAS NIGHT CLUB OPERATOR, IS UNDER DEATH SENTENCE FOR SLAYING PRESIDENTIAL ASSASSIN LEE HARVEY OSWALD.

THE COURT OF CRIMINAL APPEALS NEVER HAS RULED ON RUBY'S APPEAL OF HIS MURDER CONVICTION. IT POSTPONED ITS RULING UNTIL RUBY RECEIVED A SANITY HEARING. HOLLAND, IN TURN, POSTPONED THE SANITY HEARING UNTIL APPEALS COURT RULES ON THE HABEAS CORPUS REQUEST.

ONE OF RUBY'S LAWYERS, PHIL BURLESON, DALLAS, SAID HE WOULD FILE A MOTION REQUESTING IMMEDIATE ACTION ON THE HABEAS CORPUS APPEAL.

IF THE APPEALS COURT RULES THAT BROWN HAD A LEGAL RIGHT TO PRESIDE OVER THE RUBY TRIAL, HOLLAND WILL SET A SANITY HEARING DATE. IF THE COURT HOLDS BROWN WAS DISQUALIFIED, THE DEATH SENTENCE WILL BE SET ASIDE AND RUBY WILL RECEIVE A NEW TRIAL.

ONLY LAST WEEK, DALLAS DIST. ATTY. HENRY WADE ASKED HOLLAND TO LOOK INTO DELAYS IN GETTING THE TRANSCRIPT TO AUSTIN.

RW658PCS NM