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By Tom Johnson

Dallas, April 1 (AP)- Lawyers for Jack Ruby received orders yesterday to wind up their paper work in appealing his case.

Dist. Judge Louis T. Holland directed defense counsel to get a statement of facts based on a habeas corpus hearing last Sept. 9 on the way to the Texas Court of Criminal Appeals today.

The state argued ~~that~~ at a 2 ½ hour hearing that lawyers for the condemned slayer of presidential assassin Lee Harvey Oswald already had used more than the 90 days allowed for this chore.

Judge Holland ruled, however, that it would be unfair to deny Rub the right to appeal the outcome of the 1965 hearing.

Rub, emerging from jail for his first public appearance since last fall, glumly told reporters that any further efforts in his behalf are useless.

A brother and sister, Sam Ruby and Eva Grant, said, however, that the ruling was "our first victory."

The appeal is from Judge Holland's Sept. 9 refusal to order a new trial for the former Dallas firlie club operator. Defense lawyer Phil Burleson argued this should be done because Dist Judge Joe B. Brown, who heard the Ruby case, was writing a book about it.

Pending disposition of this issue, the Texas Court of Criminal Appeals has deferred action on an earlier appeal of Ruby's murder conviction and death sentence. The appellate court has ordered a sanity hearing for Ruby before it weighs the case.

Burleson said yesterday that the statement of facts had not been forwarded because he and court reporter L.B. Bailey had to correct numerous misspellings, misnumbered pages and so forth.

Bubb, now 55, was sentence to death March 14, 1964. He shot Oswald Nov. 24, two days after President Kennedy was slain on a Dallas street.

Rub, looking healthy and well-fed, talked briefly with newsmen.

"My time is running out," he said. "All hope is over."

Ruby said he has regretted killing Oswald "many, many times."

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