

EB34DN

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AUSTIN, TEX., MAY 11 (AP)-IT HAS BEEN MORE THAN TWO YEARS SINCE JACK RUBY WAS SENTENCED TO DEATH, AND THE TEXAS COURT OF CRIMINAL APPEALS HEARS ARGUMENTS TODAY OVER THE JUDGE WHO PRESIDED AT RUBY'S TRIAL.

RUBY'S LAWYER, PHIL BURLESON OF DALLAS, CONTENDS THAT DIST. JUDGE JOE B. BROWN HAS A MONETARY INTEREST IN THE CASE BECAUSE HE IS WRITING A BOOK ABOUT THE TRIAL WHILE THE VERDICT IS STILL ON APPEAL.

ASST. DIST. ATTY. JAMES M. WILLIAMSON OF DALLAS, ARGUES THAT THE BOOK WILL BE ABOUT THE TRIAL ONLY AND THEREFORE CANNOT AFFECT THE EVENTUAL OUTCOME OF THE CASE.

BROWN REMOVED HIMSELF FROM THE CASE JUNE 21, 1965, AND A HEARING ON DEFENSE EFFORTS TO DISQUALIFY BROWN WAS HELD LAST SEPTEMBER BY DIST. JUDGE LOUIS HOLLAND OF MONTAGUE, TEX. HOLLAND, STATING HE DID NOT WANT TO "DISTURB THE PRESENT STATUS OF THE CASE" AND DENIED THE REQUESTED WRIT OF HABEAS CORPUS.

DURING MORE THAN FIVE HOURS ON THE WITNESS STAND AT THE HEARING, BROWN DENIED THAT ANY DECISION HE MADE DURING THE TRIAL OR AFTER WAS CONNECTED IN ANY WAY WITH HIS BOOK. BROWN SAID HE DECIDED IN THE SUMMER OF 1964--FOUR MONTHS AFTER THE TRIAL--TO WRITE THE BOOK BECAUSE HE HAD BEEN "CAST AS THE HANGING JUDGE IN A CITY OF HATE."

RUBY SHOT AND KILLED LEE HARVEY OSWALD BEFORE MILLIONS OF TELEVISION VIEWERS NOV. 24, 1963. OSWALD WAS IDENTIFIED BY THE WARREN COMMISSION AS THE MAN WHO ASSASSINATED PRESIDENT JOHN F. KENNEDY IN DALLAS TWO DAYS EARLIER.

A DALLAS JURY CONVICTED RUBY ON MARCH 14, 1964. THE COURT OF CRIMINAL APPEALS HAS POSPONED ITS RULING ON HIS CONVICTION UNTIL A SANITY HEARING CAN BE HELD JUDGE HOLLAND HAS POSTPONED THE SANITY HEARING UNTIL THE HABEAS CORPUS MATTER IS DISPOSED OF.

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IF THE HIGH COURT RULES BROWN WAS DISQUALIFIED, RUBY'S DEATH SENTENCE WILL BE SET ASIDE AND HE WILL RECEIVE A NEW TRIAL. IF THE COURT RULES BROWN WAS QUALIFIED A SANITY HEARING WILL DETERMINE HIS MENTAL STATE NOW AND AT THE TIME OSWALD WAS SHOT.

IF RUBY WERE ADJUDGED SANE NOW AND SANE WHEN OSWALD WAS SHOT, THEN THE APPELLATE COURT WOULD TAKE UP THE APPEAL OF THE ORIGINAL CONVICTION. IF FOUND INSANE NOW AND SAN THEN, HE WOULD SET SENT TO A STATE HOSPITAL FOR THE CRIMINALLY INSANE UNTIL HE REGAINED HIS FACULTIES.

IF FOUND INSANE NOW AND INSANE THEN, HE WOULD BE SENT TO THE HOSPITAL UNTIL HE REGAINS HIS SANITY AND THEN WOULD GO FREE. IF FOUND SANE NOW AND INSANE THEN, HE WOULD WALK OUT OF THE DALLAS COUNTY JAIL A FREE MAN.

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