

EA1341WX

(160) SCOTUS-RUBY

WASHINGTON, FEB. 15 (AP)-THE SUPREME COURT FORMALLY DISMISSED FROM ITS DOCKET TODAY AN APPEAL BY JACK RUBY CLAIMING HE WAS NOT TRIED FAIRLY FOR THE SLAYING OF LEE HARVEY OSWALD.

RUBY DIED OF CANCER IN DALLAS, JAN. 3. THREE MONTHS EARLIER THE TEXAS COURT OF CRIMINAL APPEALS HAD REVERSED HIS MURDER CONVICTION AND DEATH SENTENCE, ORDERING A NEW TRIAL.

APPEALING EARLIER TO THE SUPREME COURT RUBY CLAIMED HE DID NOT HAVE "THE REMOTEST SEMBLANCE OF A FAIR TRIAL." THIS CONTENTION WAS BASED ON A COMPLAINT BY HIS ATTORNEYS THAT JUDGE JOE B. BROWN WAS DISQUALIFIED TO SIT AS THE TRIAL JUDGE ?3:-7'3 23 8,53,\$

WAS BASED ON A COMPLAINT BY HIS ATTORNEYS THAT JUDGE JOE B. BROWN WAS DISQUALIFIED TO SIT AS THE TRIAL JUDGE BECAUSE HE INTENDED TO WRITE A BOOK ABOUT THE CASE.

RUBY WAS CONVICTED OF MURDER WITH MALICE IN 1964. A NATIONWIDE TELEVISION AUDIENCE HAD SEEN THE 55-YEAR-OLD NIGHT CLUB OWNER FIRE AT OSWALD AS HE WAS BEING TRANSFERRED FROM A DALLAS POLICE STATION TO THE COUNTY JAIL NOV. 24, 1963, ^{two} ~~7~~ DAYS AFTER THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY.

OSWALD WAS NAMED BY THE WARREN COMMISSION AS KENNEDY'S ASSASSIN.

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