

AFTER APOLOGY

Judge Removes Attorney's Fine

By KENT BIFFLE

"Mr. Tonahill, that remark's going to cost you \$25!" stormed Judge Joe B. Brown at the tallest lawyer in the courtroom Tuesday. "Go pay the clerk!" ordered the judge, holding Joe Tonahill, a 6-foot-4-inch attorney for Jack Ruby, in contempt for a side remark that made spectators giggle.

Tonahill — a 245-pounder with shoulders like bridge abutments—looked genuinely hurt.

He held up a delaying hand:

"Your Honor . . . will you lend me the money?"

The crowd was suddenly giggling again, several lawyers were on their feet, the judge was pointing at Tonahill and Melvin Belli, chief defense counsel, was whispering in Tonahill's ear.

"You do what I tell you . . ." said Judge Brown. "What am I being fined for?" Tonahill wanted to know.

"For making sidebar remarks," said the judge. "You're being fined for making a sidebar remark after the court had cautioned and warned you . . ."

Belli was whispering to Tonahill.

Tonahill looked at the judge earnestly. "I'm sorry," he said.

"All right. Be quiet," snapped the judge, lifting the fine.

Tonahill, of Jasper, later showed reporters that he really didn't have \$25 in his wallet.

He'd gotten into trouble for the side comment after raking prosecuting attorneys over the coals.

"Never in my life have I seen such rudeness from prosecuting attorneys . . ." Tonahill had complained to the bench.

Assistant Dist. Atty. A. D. Jim Bowie, in the midst of questioning a witness, turned to Tonahill

and said grandly: "We apologize."

Bowie resumed questioning the witness. "I accept your apology," said Tonahill primly.

It was that remark that the crowd found funny and the judge didn't.

Tonahill's forehead had been beaded with sweat even before the near-miss fine. In fact, he had earlier made the heat of the stuffy courtroom an issue in the case.

"Let the record show that the courtroom is being turned into a veritable hothouse for security reasons," said Tonahill.

He had protested the unwillingness of the judge and Sheriff Bill Decker to have a window raised near the jury box.

"Sealing the courtroom this way is a major point in this case," Tonahill maintained. Sheriff Decker said keeping that particular window closed had nothing to do with security. "It throws a draft on the judge and the people in the jury box," he said.

When County Judge Lew Sterrett took the witness stand, Tonahill demanded to know if the Commissioners Court wasn't somewhat embarrassed by the cramped facilities for the Ruby hearing.

Sterrett indicated the commissioners were not embarrassed. The county judge pointed out that a new, modern court building is being constructed.

Tonahill wanted the record to show that the room was stuffy. He said, "We all realize that working in an inadequately ventilated courtroom, the attorneys for the defendant cannot be as effective as the law expects them to be."