



Percy Foreman of Houston is shown with contract he signed with family of Jack Ruby to become his attorney.

From left are Earl Ruby, Sam D. Ruby, Foreman, Hyman Rubinstein and Mrs. Eileen Kaminsky.

—Associated Press Wirephoto.

★ PLEA SLATED BY TONAHILL

JASPER, Texas (AP)—Joe Tonahill, East Texas lawyer who assisted Melvin Belli in the murder trial defense of Jack Ruby, said Thursday night he will file a motion for a new trial Friday about 8 a.m.

"Phil Burleson and I, who have been working day and night on this motion, will file it tomorrow about 8 o'clock in Judge Joe B. Brown's court," Tonahill said.

The motion for a new trial, the lawyer said, contains 32 assignments of error, including 138 times "the court failed to sustain objections made in the defendant's amended objections to the court's charge to the jury."

Among the points Tonahill said he would make in the motion for a new trial was that the court erred in failing to disqualify prospective jurors "who had become witnesses to the offense via television."

Tonahill made it plain that he and Burleson, would file the new trial motion despite the fact that Ruby's family have announced that they have hired Percy Foreman of Houston as new chief of the defense staff.