

- Mr. Tolson _____
- Mr. Belmont _____
- Mr. Mohr _____
- Mr. Casper _____
- Mr. Callahan _____
- Mr. Conrad _____
- Mr. DeLoach _____
- Mr. Evans _____
- Mr. Gale _____
- Mr. Rosen _____
- Mr. Sullivan _____
- Mr. Tavel _____
- Mr. Trotter _____
- Tele. Room _____
- Miss Holmes _____
- Miss Gandy _____

(Mount Clipping in Space Below)

Ruby's Team Says State Witness Lied

By LEWIS HARRIS

Defense attorneys said in court Monday that they are "developing facts" which will prove that a state witness lied under oath in the Jack Ruby murder trial.

Attorney Phil Burleson said this and other "new evidence" will be presented at the hearing on Ruby's motion for a new trial.

Dist. Judge Joe Brown set the new trial hearing for April 29 at 9 a.m. He turned down a defense motion Monday for more time to file amended proceedings for the hearing.

Ruby sat impassively through Monday's hearing, his first courtroom appearance since he was condemned to death March 14 for the slaying of accused presidential assassin Lee Harvey Oswald.

Defense attorneys also were trying out a "new look" in their public relations. They had little to say to news media men, and new chief counsel Dr. Hubert Winston Smith emphasized that "we are attempting to get away

from trying this case in the newspapers.

Dr. Smith, a law professor on leave without pay from the University of Texas, noted in court "that we are not here to attack your honor, the prosecution or anyone else. We plan to proceed in a manner designed to restore some dignity and confidence to our process."

He apparently was referring to bitter blasts at the court and Dallas in general by former chief defense counsel Melvin Belli, since fired.

However, when Dr. Smith moved into comment on his specialized field of legal medicine—he ran into a flurry of taunts from the prosecution.

Dr. Smith said he was "thoroughly shocked" by what was not done in the field of scientific evidence for Ruby during his trial.

Assistant Dist. Atty. A. D. Jim Bowie was on his feet with objections, asserting that Dr. Smith was casting himself in the role "of a thirteenth juror."

Bowie said that the defense had presented testimony of its own self-styled "outstanding medical experts," and that all this had already been settled by the jury with its verdict.

Dr. Smith rejoined that he would be prepared in future proceedings to present "evidence of a new form of brain damage study" which was unknown at the time of Ruby's trial. The defense's key trial point was that Ruby was mentally incapable of realizing the nature and consequence of his act because of brain damage.

Smith testified, without explaining, that "possible other new evidence has come to me."

The defense has submitted some 180 asserted reversible errors in its original motions for a new trial. Burleson and Dr. Smith contended that they needed access to the official trial transcript in order to be sure of other possibilities.

While Judge Brown overruled their formal motion on this point, he told the defense "that I want

(Indicate page, name of newspaper, city and state.)

1 "The Dallas Morning News" Dallas, Texas

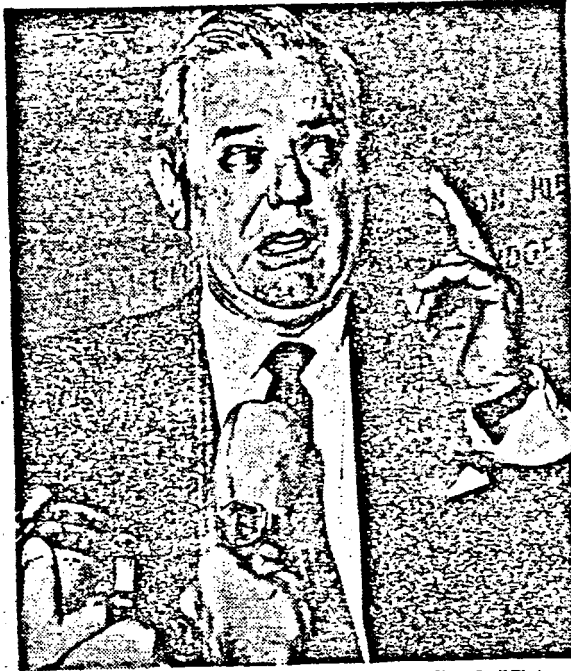
Date: 4-14-64
Edition:
Author:
Editor: Jack B. Krueger
Title:
Character:
or
Classification:
Submitting Office: Dallas

EX-115

REC 45

NOT RECORDED
46 APR 29 1964

53 MAY 8 1964



—Dallas News Staff Photo.

**Dr. Hubert W. Smith . . . works at new
image for Jack Ruby defense.**

to cooperate with you in every way possible. I am just as interested as you in protecting this defendant's rights."

Then he agreed to let the attorneys hear supplemental audio recordings made by court reporters of the trial proceedings.

The defense said it needed the trial transcript principally because Dr. Smith was unfamiliar with what went on.

However, the prosecution hit hard at the fact that Dr. Smith had served as consultant to the defense "as far back as December." He was paid \$750 for the work, they claimed.

Dr. Smith, who is a physician as well as a lawyer, agreed that he had recommended and helped reach some expert medical witnesses for the defense.

But he said he had nothing to do with planning, analyzing or presenting evidence in the case. He said he received the \$750 from Joe Tonahill, a defense attorney, "out of his own pocket."

Dr. Smith said he hoped that funds would be forthcoming from outsiders to help defray future expenses in the Ruby defense.