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ADD RUBY, DALLAS (UPI-65)

RUBY'S FAMILY HAS ASKED THE APPEALS COURT TO DISMISS ATTORNEY JOE TONAHILL OF JASPER, TEX., FROM THE DEFENSE TEAM AND ALLOW A NEW YORK LAW FIRM TO REPRESENT THE DEFENDANT ALONG WITH ATTORNEY PHIL BURLESON OF DALLAS. TONAHILL REFUSED TO QUIT THE CASE.

TONAHILL AND BURLESON ASSISTED ATTORNEY MELVIN BELLI OF SAN FRANCISCO AS RUBY'S TRIAL DEFENDERS. BELLI HAS LONG SINCE LEFT THE CASE, ALONG WITH FIVE OTHER CHIEF DEFENSE LAWYERS.

THE APPEALS COURT SAID IN AN OPINION THAT NEW ATTORNEYS HAD ASKED FOR MORE TIME TO PREPARE THEIR BRIEFS AND ARGUMENTS. TRIAL RECORDS AND DOCUMENTS WEIGHING 600 POUNDS HAVE BEEN SENT TO AUSTIN FOR THE APPEAL.

THE APPEALS COURT SAID THE ISSUE OF TONAHILL'S DISMISSAL DEPENDS ON THE DETERMINATION OF RUBY'S SANITY.

"WE HAVE CONCLUDED THAT THE SUBMISSION OF THIS APPEAL AND DECISION ON THE QUESTION AS TO WHO WILL BE RECOGNIZED BY THIS COURT AS APPELLANT'S COUNSEL ON APPEAL SHOULD BE POSTPONED TO ALLOW TIME FOR THE TRIAL JUDGE TO JUDICIALLY TERMINATE RUBY'S MENTAL STATE.

UNDER TEXAS LAW, SANITY USUALLY IS DETERMINED BY A JURY.

TODAY'S OPINION WAS IN RESPONSE TO A REQUEST BY RUBY'S SISTER, MRS. EVA L. GRANT OF DALLAS, AND SIX OTHER BROTHERS AND SISTERS TO GET TONAHILL OUT OF THE CASE.

THE FIRST REQUEST HAD BEEN TURNED DOWN BECAUSE RUBY HAD NOT SIGNED IT.

WHEN RUBY DID SIGN THE DISMISSAL NOTICE, TONAHILL INSISTED THAT HIS SIGNATURE WAS INVALID BECAUSE THE SLAYER IS INSANE.

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