

(Mount Clipping in Space Below)

SANITY**New Trial
For Ruby
Possible**By **DARWIN PAYNE**
Staff Writer

Possibility of another jury trial for Jack Ruby appeared suddenly Wednesday as the Texas Court of Criminal Appeals referred the question of Ruby's sanity to a Dallas district court.

The high court action at Austin postponed indefinitely the processing of Ruby's appeal and determination of whether defense lawyer Joe Tonahill of Jasper will remain in the case.

District Judge Joe B. Brown of Dallas must rule on the present condition of Ruby's mind before the appeal is heard, the court opinion stated.

JURY DECISION

Under state law if the judge thinks Ruby might be insane he must impanel a jury to decide the question. If found insane Ruby would be committed to a state mental hospital and all proceedings in the case could be suspended at the discretion of defense lawyers.

Judge Brown said he had not received word of the opinion.

"I have received no orders at all or any communication from the Court of Criminal Appeals, and until I do, I have no comment," the judge who presided at Ruby's murder trial said.

He said he could see the reasoning of the appeals court "very clearly."

Hearing of Ruby's appeal had been set for March 10.

The opinion Thursday came

after Ruby's sister, Mrs. Eva Grant of Dallas, asked the court not to recognize Mr. Tonahill as Ruby's attorney. The court was also asked to give new attorneys additional time to prepare their case.

FIRST REQUEST

The first request to oust Mr. Tonahill was rejected because Ruby had not signed it. When Ruby signed the dismissal notice, Mr. Tonahill said it was invalid because Ruby is insane.

The court opinion stated "a principal, if not the controlling fact" that would decide who would be allowed to represent Ruby "is whether or not appellant (Ruby) has become insane since his trial." "This is true because we have before us an affidavit of appellant asking that one of his trial counsel be dismissed and not permitted to argue his case before this court and further requesting that an out-of-state firm of lawyers be permitted to participate and asking for a delay in order for such firm to prepare," the opinion stated.

The court noted that the issue of Ruby's insanity at the time he killed Lee Harvey Oswald and his subsequent insanity were raised at his trial. That jury found him sane.

Dist. Atty. Henry Wade said he was surprised by the court's action.

"I have never heard of the court doing anything like this before," he said. "but then, I suppose it is an unusual case."

Mr. Tonahill praised the court opinion as "a wonderful, humane thing for the court to do." He said it was "a great step in the direction of getting Jack . . . the care he needs so badly in a hospital."

Mrs. Grant's request was to replace Mr. Tonahill on the defense team with attorney Sol Dann of Detroit, Mich. This would leave Dallas attorney Phil Burleson the only original member of the defense team, which has undergone numerous changes.

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

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"The Dallas
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 Being Investigated