Retrial Asked for Ruby; **Excessive Publicity Cited**

AUSTIN, Tex., June 24 they said-it had 350 newsmen (UPI) - A defense lawyer present. in Ruby's murder trial lied trial court judge to prevent and Ruby should get a new this kind of monkeyshine." trial in the Lee Harvey Oswald killing.

Jasper, Tex., said Sgt. Patrick Austin, arguing for Ruby, also Dean of the Dallas police force asked the court o look closely lied when he testified that at Supreme Court reversals Ruby said he killed presiden- in the Danny Escobedo murtial assassin Oswald to spare der conviction and the Ernesto Jacqueline Kennedy the agony Miranda rape conviction. of having to return to Dallas | With those cases, the court

after a recent sanity hearing, can be questioned. Burleson Tonahill argued at the invita- said the testimony of Dean tion of the court.

tions of Dr. Sam Sheppard of Clevelaand and Billie Sol tence will be affirmed or a Estes, the West Texas farm new trial ordered will not be promoter, because of heavy known until October. The publicity.

Attorney Elmer Gertz of fired by Jack Ruby told the Texas Court of Criminal Ap-Court said in the Sheppard peals today the star witness case that it is the duty of the

Gertz, Sol Bann of Detroit, Phil Burleson of Dallas and Attorney J. H. Tonahill of Sam Houston Clinton Jr. of

to testify, and to show "Jews established the precedent that have guts." Although Ruby fired him must have a lawyer before he was obtained by his question-Five lawyers approved by ing Ruby 30 minutes after the Ruby cited U.S. Supreme shooting, before Ruby had Court reversals in the convic- benefit of coursel. Whether Ruby's death sen-

Publicity in the court began a three-month Ruby trial was even worse, summer recess today.