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2nd lead Ruby

By Tom Johnson

Dallas, April 29 (AP)- Defense lawyer Joe Tonahill charged today that Jack Ruby was convicted on false testimony and implored the judge to hear witnesses on his claim.

Judge Joe B. Brown refused to hear such testimony.

A hearing on a motion for a new trial for the condemned killer of accused presidential assassin Lee Harvey Oswald was then adjourned for argument in the Judge's chambers.

Ruby, pale and nervous, said to his brother and sisters as he was led back to jail:

"Goodbye, I'm not coming back!"

Earl Ruby, the brother, said he did not know what Jack meant.

Defense lawyers claim Ruby is insane and that he tried to take his own life Sunday.

The court swore 16 witnesses today who had been subpoenaed by the defense for the new trial hearing.

Tonahill called several persons to the stand, but the judge sustained the prosecution's objection to taking of testimony.

Lawyers' tempers grew short in the crowded courtroom, and Judge Brown frequently had to call for order.

As the judge denied permission for one witness to speak, Tonahill, a 6-foot-4, 240-pound east Texas lawyer, rose to his feet, extended his arms and pleaded:

"for God's sake, do your duty, Judge, and hear this testimony."

Tonahill's first intended witness was Ray Hall, an FBI agent. The lawyer said Hall's testimony would demonstrate that a key prosecution witness at the trial had lied.

"Agent Hall will demonstrate that Officer Dean's testimony was false," Tonahill said. "Dean gave false testimony and your Honor will be shocked to hear our witness today. It will cause you to grant a new trial," Tonahill said.

Dean is Dallas police officer P.T. Dean who testified about what Ruby said minutes after the shooting of Oswald.

Dean testified March 6 as the final prosecution witness that minutes after Oswald was shot Ruby "said something to the effect that he thought about it is two nights prior when he had seen Lee Harvey Oswald on "the showup stand" at police headquarters.

Add dean: "He said when he noticed the sarcastic sneer on Oswald's face, that's when he first thought that if he got the chance he would kill him and would also show the world that Jews do have guts."

Some jurors said afterward that testimony by Dean and other policemen was the key point of the lengthy trial.

Ruby's defense team had filed an amended motion late yesterday charging that Ruby's murder trial was a "public pageant" and spectacle and that the prosecution had suppressed vital evidence. cd1227pcs

Ruby, 53-year-old night club operator, was sentenced to the electric chair for killing Oswald.

Before the hearing began, his sisters, Mrs. Eva Grant and Mrs. Eileen Kaminsky, visited Ruby in a room behind the Judge's bench.

Suddenly the sisters burst into the courtroom and Mrs. Grant cried: "He's so sick, he's so sick! Why can't you do something?"

She appeared to address the question to no one specifically. Mrs. Grant sat and sobbed.

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