

EIM

Rby

2 June 1964  
215 ACS

A50DN

DR. SMITH (240)

DALLAS, JUNE 3 (AP)-JACK RUBY'S THIRD CHIEF DEFENSE COUNSEL, LEGAL-MEDICAL EXPERT DR. HUBERT WINSTON SMITH, HAS RESIGNED TO RETURN TO TEACHING AT THE UNIVERSITY OF TEXAS LAW SCHOOL.

ANOTHER DEFENSE LAWYER, PHIL BURLESON, ANNOUNCED THE ACTION YESTERDAY AND SAID HE AND JOE TONAHILL WILL CARRY ON THE LEGAL BATTLE FOR RUBY, CONVICTED OF SLAYING LEE HARVEY OSWALD, ACCUSED PRESIDENTIAL ASSASSIN.

"WE DO NOT ANTICIPATE ANY NEW ATTORNEY IN THE CASE AND DO NOT FOR THE PRESENT SEE ANY NECESSITY FOR ONE," BURLESON SAID.

SMITH WAS NOT PRESENT MONDAY WHEN BURLESON AND TONAHILL CONFERRED WITH JUDGE JOE BROWN ABOUT RUBY'S MENTAL CONDITION. THEY CONTEND HE HAS BECOME INSANE SINCE HIS MARCH 14 CONVICTION AND SENTENCING TO DEATH.

BURLESON SAID SMITH FELT HE SHOULD RETURN TO TEACHING "TO SUSTAIN HIMSELF AND HIS FAMILY." HE HAD ACCEPTED THE CASE WITHOUT A FEE. UNIVERSITY REGENTS RULED SMITH MUST TAKE A LEAVE OF ABSENCE WITHOUT PAY WHILE WORKING ON THE RUBY CASE.

RUBY'S ORIGINAL CHIEF LAWYER WAS FIERY MELVIN BELLI OF SAN FRANCISCO, CALIF., WHO WAS DISMISSED AFTER THE TRIAL FOR REMARKS ABOUT THE JURY AND DALLAS.

HIS REPLACEMENT, PERCY FOREMAN OF HOUSTON, QUIT AFTER FOUR DAYS OVER WHAT HE CALLED A DISAGREEMENT WITH RUBY'S FAMILY. SMITH WAS THEN HIRED.

SMITH SAID:

"I CAME INTO THE CASE PRIMARILY TO DEVELOP SCIENTIFIC ELEMENTS BEARING ON RUBY'S EMOTIONAL STATUS. I HAVE DEVELOPED THIS EVIDENCE AND RECRUITED SCIENTIFIC SPECIALISTS WHO ARE READY AND WILLING TO CARRY OUT FURTHER STUDIES WHEN THE COURT MAY DESIRE THEIR AID.

"THE CASE IS NOW IN THE APPEAL STAGE WITH PURELY LEGAL QUESTIONS TO BE REVIEWED. I FEEL I HAVE CONTRIBUTED WHAT I CAME INTO THE CASE FOR AND THAT THE LEGAL ASPECTS WILL RECEIVE A HIGHLY COMPETENT PRESENTATION FROM TONAHILL AND BURLESON."

DP215ACS NM