

EB8DN (TONAHILL)

RUBY (190)

AUSTIN, TEX., FEB. 16 (AP)-KINSMEN OF JACK RUBY ASKED THE TEXAS COURT OF CRIMINAL APPEALS TODAY TO DISMISS JASPER, TEX., ATTORNEY JOE TONAHILL FROM RUBY'S APPEAL OF THE DEATH SENTENCE ASSESSED FOR KILLING LEE HARVEY OSWALD.

COURT CLERK GLEN HAYES SAID TWO OF RUBY'S BROTHERS, EARL AND SAM, BROUGHT IN THE MOTION THIS MORNING, THEN LEFT.

"THE COURT WAS IN ITS WEEKLY CONSULTATION SESSION AND I JUST TOOK THE MOTION UP TO THEM AND STUCK IT IN THROUGH THE DOOR," HAYES SAID. "I DIDN'T READ ALL OF IT, JUST NOTED THAT IT SEEKS TO DISMISS TONAHILL AS AN ATTORNEY IN THE APPEAL. I HAVE NO INDICATION IF AND WHEN THE COURT WILL ACT."

HAYES SAID THERE WERE FIVE OR SIX SIGNATURES ON THE MOTION BUT HE DID NOT KNOW WHOSE THEY WERE.

RUBY'S SISTER, MRS. EVA GRANT, SAID RECENTLY SHE WOULD ASK THE COURT OF CRIMINAL APPEALS TO BAR TONAHILL FROM ARGUING IN RUBY'S DEFENSE.

TONAHILL, WHO HAS THE LONGEST TENURE ON THE CONTINUALLY CHANGING RUBY LEGAL STAFF, HAS REFUSED TO WITHDRAW. HE SAID HE WAS REPRESENTING RUBY, NOT THE FAMILY.

ORAL ARGUMENTS IN THE APPEAL ARE SET FOR MARCH 10.

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