

(Mount Clipping in Space Below)

Decision Remains On Scope Of New Trial Hearing For Ray

A prosecutor in the James Earl Ray case said yesterday no decision has been made on how limited the May 26 hearing on Ray's motion for a new trial will be.

Criminal Court Judge Arthur C. Faquin Jr. yesterday set the hearing date.

Ray pleaded guilty March 10 to the murder of Dr. Martin Luther King Jr., but within 24

hours told a member of the sheriff's patrol he would seek a new trial. He claims he was pressured into pleading guilty by his attorney, Percy Foreman of Houston, whom he has fired.

Ray's new chief counsel, Richard Ryan of Memphis, represented Ray at a brief conference with members of the attorney general's staff yesterday in choosing a date to

hear the motion for a new trial.

Exec. Asst. Atty. Gen. Robert K. Dwyer and Asst. Atty. Gen. James C. Beasley represented the state.

Mr. Dwyer said no decision has been reached on whether to limit the hearing strictly to a motion for a new trial, or to permit—or even invite—the defense to move also for relief

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

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COMMERCIAL APPEAL

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under the Tennessee Post-Conviction Act.

When he pleaded guilty, Ray signed a waiver of a new trial and told the court he understood there was no appeal after a guilty plea. If the state chooses to limit the hearing to this, it would have a presumed advantage on that narrow issue.

But if a new trial were denied, Ray could petition the

next day for a hearing under the Post-Conviction Act and be assured of getting it. Mr. Dwyer indicated the state may try to settle both issues at the same hearing.

Judge Faquin will decide whether Ray will be required to support his new trial motion by affidavits or will be brought back from Nashville to testify in person. It is expected that Ray will ask to be brought

back and it is considered likely such a request would be granted.

Asst. Atty. Gen. Clyde Mason is scheduled to succeed Mr. Beasley to assist Atty. Gen. Phil M. Canale and Mr. Dwyer in the Ray case. Mr. Beasley assumes the office of county attorney Monday.

At his home in Hartselle, Ala., magazine writer William Bradford Huie termed "nonsense" Ray's accusation that Mr. Huie worked with Ray's first attorney, Arthur Hanes of

Birmingham, and then Mr. Foreman, to pressure Ray to plead guilty in the King slaying.

Ray supplied Mr. Huie with a handwritten account of his wanderings before the King slaying, which Mr. Huie used in preparing a book. "He Slew the Dreamer," to be published next month.