

(Mount Clipping in Space Below)

Canale Believes Ray Appeal Null

James Earl Ray forfeited the right of appeal when he pleaded guilty in Criminal Court here to the slaying of Dr. Martin Luther King Jr., Atty. Gen. Phil M. Canale said in a motion filed yesterday.

The attorney general cited a Tennessee Supreme Court opinion holding that an "attempted appeal after a plea of guilty is a complete nullity" and asked Judge Arthur C. Faquin to dismiss Ray's motion for a new trial. Judge Faquin will hear the motion May 26.

A plea of guilty precludes appeal both in the state and the United States Supreme Court, the attorney general said. But the state acknowledged informally that Ray can ask for a habeas corpus hearing if his new trial motion is refused. The right to a habeas corpus hearing is guaranteed in the state's Post-Conviction Act.

Meanwhile in Nashville, state penitentiary personnel completed Ray's prisoner classification but ruled he must continue to live alone in a single maximum security cell, as he has since March 11.

An unidentified prison guard was quoted as saying Ray's life would be in danger if he mingled with other prisoners.

Ray was found by psychologists to be of "bright, normal intelligence." He refused to make any statement to them regarding the killing of Dr. King at the Lorraine Motel April 4, 1968.

The classification notes Ray never had "a great deal to do with religion." His prognosis for adjustment to prison or civil life "appears guarded."

Weldon W. Cox, deputy commissioner of corrections, said fitting Ray into a prison occupation presents a "special case. He may be qualified to be a carpenter, plumber, or what-not, but we may not be able to fit him into any of those programs."

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