

(Mount Clipping in Space Below)

Denial Of New Trial For Ray Is Upheld By Appeals Court

KNOXVILLE, July 15.—(AP)—The Tennessee Court of Criminal Appeals refused Tuesday to review a denial by a Memphis judge for a new murder trial for James Earl Ray in the slaying of Dr. Martin Luther King Jr.

Presiding Judge Mark A. Walker of Covington announced the court's decision after it had deliberated the matter less than four hours.

Defense attorney J. B. Stoner of Savannah, Ga., said the appellate court's ruling will be appealed to the State Supreme Court.

Ray pleaded guilty in Memphis March 10 to the sniper slaying last year of King, a civil rights leader, and was sentenced by Criminal Court Judge W. Preston Battle to 99 years in state prison. Battle died 21 days later.

In seeking a new trial, Ray claimed he was pressured by his former lawyer, Percy Foreman, of Houston, Texas, into entering the guilty plea. Foreman denied the charge.

Judge Arthur C. Faquin, who succeeded Battle in handling the Ray case, denied Ray's motion for a new trial at a May 26 hearing in Memphis.

The gist of the defense argument before the appellate court Tuesday morning was that Faquin erred in not set-

ting aside the sentence on grounds that Battle died before he had time to hear Ray's motion for a new trial.

Stoner also argued that Faquin erred in his refusal to consider as motions for a new trial letters which Ray had written to Judge Battle from the State Penitentiary in Nashville.

Thomas E. Fox of Nashville, deputy state attorney general argued that Ray, by pleading guilty, surrendered his right to both a new trial and appeal.

Ray, now serving his sentence in the State Penitentiary, hired Stoner, Chattanooga lawyer Robert W. Hill Jr. and Memphis attorney Richard Ryan to represent him after dismissing Foreman.

Ray was not present at the hearing.

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