

(Mount Clipping in Space Below)

JAMES EARL RAY

DENIED NEW

TRIAL

Guilty Plea Held Valid By Jurists

Opinion States
He Waived All
Appeal Rights

KNOXVILLE, Tenn. — (UPI) — Saying it could not sit idly by while "mounting murder and violence stalk the land," the Tennessee Supreme Court refused a new trial today to James Earl Ray, convicted killer of Dr. Martin Luther King Jr.

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

page 1

MEMPHIS PRESS-
SCIMITAR,
MEMPHIS, TENNESSEE

Date: 1/8/70
Edition: Final
Author:
Editor: CHAS. H. SCHNEIDER
Title: MURKIN

Character:
or 44-33861
Classification:
Submitting Office: MEMPHIS

Being Investigated

~~44-1987-Sub-C-446~~

SEARCHED	INDEXED
SERIALIZED <i>llh</i>	FILED <i>llh</i>
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FBI — MEMPHIS	

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44-1987-Sub-C-446

The sharply-worded opinion said Ray had knowingly pleaded guilty in Criminal Court at Memphis to the slaying of the civil rights leader. The eight-page decision added that Ray had been represented by competent and nationally prominent counsel, and that he had waived all rights of appeal in entering his plea.

"The court finds that the defendant willingly, knowingly and intelligently with the advice of competent counsel entered a plea of guilty to murder in the first degree by lying in wait, and this court cannot sit idly by while deepening disorder, disrespect for constituted authority, and mounting violence and murder stalk the land and let waiting justice sleep," the Supreme Court said.

Ray is serving 99 years in the state penitentiary for the April 4, 1968, sniper slaying of King in Memphis. His bid for a new trial had been rejected by the state Court of Criminal Appeals and it was this decision that was appealed to the Supreme Court.

Today's decision traced the history of the Ray case through Tennessee courts, from his guilty plea at Memphis March 10, to his letter to the late Judge Preston Battle stating his intention to seek a new trial, through his subsequent appeals.

It said that Ray had waived his right of appeal.

"... It is well settled in Tennessee that when a defendant pleads guilty and fully understands what he is doing, as we believe this defendant did, there can be no ground to justify the granting of a new trial," the court said.

"Otherwise, the doors of our state prisons would remain ever ajar to those who are incarcerated therein on pleas of guilty, and who become dissatisfied, seek relief on motions for a new trial."

The court rejected Ray's contention that his letter to Judge Battle two days after his imprisonment at Nashville constituted an automatic motion for a new trial which, because of Battle's death shortly afterward, must be automatically granted under Tennessee law.

The high court decision closed the door on efforts through the state court system for a new trial in the Ray case.

There are other possible avenues open, however.

Ray's attorneys have hinted that he might carry the fight into the federal courts.

At the time he pleaded guilty to the King slaying, Ray was represented by Percy Foreman, a nationally known attorney from Houston, Tex.

Foreman entered the case after Arthur Hanes, former Birmingham, Ala., mayor, had been dismissed by Ray.

Ray has carried on a running court battle with both Foreman and Hanes since his trial, petitioning federal court to declare invalid contracts with Ray for publication of a book about his involvement in the King murder.

William Bradford Huie, the author, also was involved in the suits but federal rulings in these petitions also have gone against Ray.