

(Mount Clipping in Space Below)

Ray's Attorneys to Ask New Trial or Full Hearing

Special to The Press-Scimitar

JACKSON, Tenn. — Attorneys for James Earl Ray will ask the three-judge Tennessee Court of Criminal Appeals here tomorrow to either grant Ray a new trial or a full hearing.

The convicted killer of Dr. Martin Luther King Jr. is presently serving a 99-year prison sentence after pleading guilty before Judge W. Preston Battle on March 10, 1969.

"We want the man to have a trial, which he never had," said Robert I. Livingston of Memphis, one of Ray's attorneys. "At the very least, we want an evidentiary hearing."

Attorneys are appealing a decision by Criminal Court Judge William H. Williams last Feb. 26 in which Williams dismissed an appeal

by Ray for a trial or hearing in the case under Tennessee's "post-conviction relief" law.

Williams was appointed, then elected, to fill a vacancy on the Shelby County Criminal Court bench when Battle died a short time after the Ray trial.

Among a number of contentions rejected by Williams were that Ray:

- Was coerced and pressured into pleading guilty by Percy Foreman, his attorney.

- Was not identified by Charles Quitman Stevens, the state's chief witness.

- Was subjected to unfair treatment by the state while he waited trial, and was incapable of coming to a decision on his defense.

The petition also charges that no identifiable bullet

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PAGE 13

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was ever removed from King's body after he was slain at a Memphis motel on April 4, 1968.

Criminal Appeals Judges
Mark Walker, William S. Russell and Charles S. O'Brien are scheduled to hear Ray's plea from Livingston and Bernard Finsterwald, a Washington, D.C., attorney.

Ray, now 41, is confined at the maximum security Brushy Mountain State Prison at Petros, Tenn. He will not appear for the hearing.

A decision on the case from the appeals court is not expected for several months.

The petition claims Ray "was told by Foreman 'the only way he could save petitioner's life was by pleading guilty'".

"Foreman told petitioner

(Ray) that the chances of conviction were '100 per cent' and the chances of the electric chair were '99 per cent'," the petition added.

The appeal also charges that Foreman, in order to keep Ray from changing his guilty plea decision, threatened at the last minute to tie up a half-million dollars in Ray's future literary and other earnings if he did not plead guilty.

Livingston said he visited with Ray at the prison last week and that "he looked just fine."

"He smiles and keeps his sense of humor," Livingston said.

Ray tried to escape through a steam pipe last March but was captured in the prison yard. He was put

in solitary for a period and then released, Livingston said.

"When I saw him," the attorney said, "he was on what he called 'limited privileges' for refusing to go on a work detail with another man as ordered. He said the other fellow was a 'stool pigeon' who would have been used to keep watch over him."