

(Mount Clipping in Space Below)

# Ray To Ask Court For A New Trial

James Earl Ray, convicted assassin of Dr. Martin Luther King Jr., Monday will present a petition for a new trial to the United States District Court in Nashville.

Memphis attorney Robert Livingston, one of at least three attorneys representing Ray, said this will be his first attempt in federal court to gain a new trial.

Ray currently is serving a 99-year sentence in the Tennessee State Penitentiary at Nashville. He was found guilty of first degree murder in the shooting death of the civil rights leader here April 4, 1968.

The Tennessee Supreme Court twice has refused Ray a new trial based on his contention that his guilty plea, issued in Criminal Court March 10, 1969, was not freely and voluntarily made. Ray was captured in London June 9, 1968.

"We would have gone into the federal courts before," Mr. Livingston said, "but the law requires that all state court appeals be exhausted first. We have now done this."

The 24-page petition, to be filed with Judge L. Clure Morton Monday afternoon, contends Ray is entitled to a new trial based on nine points involving the violation of his constitutional rights.

Listed are alleged violations that occurred both before and after the 1969 trial.

"We didn't get a very good reception in the Tennessee courts," Mr. Livingston said, "and we really don't know what to expect from the federal judge. But we will pursue this man's right to a trial, which he has never had, to the United States Supreme Court if necessary."

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

PAGE 25

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Ray's most recent petition reiterates his earlier contentions attorney Percy Foreman was incapable of rendering effective counsel and that attorney Arthur Hanes had contracts with author William Bradford Huie which were not in the best interests of Ray's defense.

Ray's newest petition also charges evidence regarding his case was withheld and trial Judge Preston Battle neither ascertained the facts prompting his guilty plea nor determined whether or not Ray understood the nature of the charges against him.

Judge Battle, who was 60 at the time, died of a heart attack while at his desk on March 31, 1969.

Lawyers Bernard Fensterwald and James H. Lesar of Washington also are

working with Ray's defense.

"We have some very strong material if we can just get the judge to see it. We expect to show that Mr. Ray's guilty plea was a sham and a farce and a mockery of justice and was not voluntarily entered," Mr. Livingston said.

A 32-page memorandum of points and authorities and a 47-page memorandum of facts also will be submitted Monday to support the trial petition.