

Ray Asks Court to Dismiss King Case

By MARTIN WALDRON
Special to The New York Times

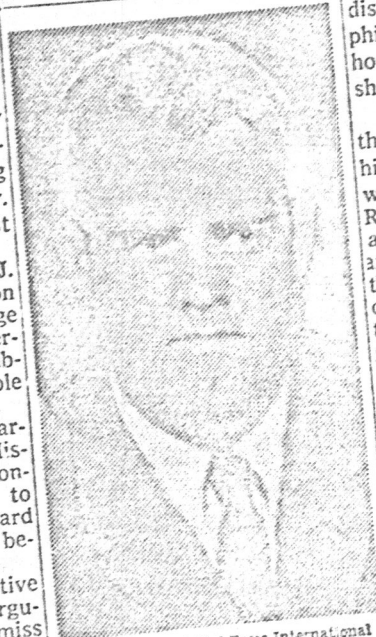
MEMPHIS, Aug. 16 — An attorney for James Earl Ray asked the court today to dismiss an indictment charging Ray with murdering the Rev. Dr. Martin Luther King Jr. last April 4.

The attorney, Arthur J. Hanes Jr., said in a motion filed with Criminal Court Judge W. Preston Battle that "pervasive and widespread" publicity had made it impossible for Ray to get a fair trial.

The trial of Ray, a 40-year-old escaped convict from Missouri who was arrested in London in June and returned to Tennessee under heavy guard last month, is scheduled to begin Nov. 12.

Judge Battle set a tentative date of Sept. 6 to hear arguments on the motion to dismiss the murder indictment and on two other motions — to dismiss an indictment charging Ray with carrying a dangerous weapon and to allow Ray's attorneys to examine the evidence that more than 2,000 agents of the Federal Bureau of Investigation gathered against Ray during a four-month investigation.

Mr. Hanes, whose father is



United Press International
Arthur J. Hanes Jr.

chief defense attorney, said that Ray was extradited to the United States from England on a murder charge and could not be tried on the charge of having carried a dangerous weapon.

That charge stems from the

discovery of a rifle on a Memphis street near the rooming house from which Dr. King was shot.

Included in a list of evidence that Mr. Hanes said he and his father wanted to inspect were: any firearms owned by Ray now in possession of the authorities; any automobiles and objects found in them that had belonged to Ray; records pertaining to hotels, motels or rooming houses; photographs; prison records; passport and medical records, and the result of fingerprint and ballistic tests made during the investigation of Dr. King's murder.

In support of his contention that Ray could not receive a fair trial because of prejudicial publicity, Mr. Hanes said that the murder and the subsequent investigation had been so widely reported "that any prospective juror will have read or heard prejudicial matter on many occasions and will have been repeatedly exposed to published matter tending to influence public opinion in favor of the defendant's guilt and tending to remove that presumption of innocence which must accompany him to trial."

W. J. Jones
8/17/68

C-3

44-703-763

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 17 1968	
FBI - WASH. F. O.	

Dawson 112