(Mount Clipping in Space Below)

udge W. Preston Battle Found Fatally Stricken, Victim Of Heart Attack

Judge Preston Battle
—Staff Photo

Drama's Sequel

Jurist Claimed National Attention By Conducting James Earl Ray Case

By WOODROW [illegible] JR.

Criminal Court Judge W. Preston Battle, who gained national attention in conducting the trial of James Earl Ray for the sniper-slaying of Dr. Martin Luther King, was found slumped over his desk at 5:25 p.m. yesterday. He was dead when he arrived at Methodist Hospital at 6:02 p.m.

Capt. A. C. Gilless of the Sheriff's Department homicide squad said the judge died of a heart attack. A physician who attended the judge at the hospital said there were no outward indications of the cause of death.

The doctor said he knew Judge Battle had a mild diabetic condition and was being treated for a "neck condition" by an arthritis specialist.

Judge Battle had apparently been writing at his desk just before he was stricken. A pen was found beside his desk. Friends said he had no history of heart trouble.

Chief Deputy Sheriff Roy C. Nixon said an immediate autopsy was ordered and performed at John Gaston Hospital morgue.

Capt. R. A. Cochran of the Homicide Bureau said the autopsy completed at 9:50 p.m. by Dr. Jerry T. Francisco, county medical examiner, showed Judge Battle died of a heart attack.

Judge Battle was found by Asst. Atty. Gen. Jim Beasley, who had tried unsuccessfully to find him earlier in the afternoon.

"I called him several times today. I called his secretary and she said he was apparently with someone else because she hadn't been able to get him either," Mr. Beasley said.

"She checked with Sheriff (William) Morris about 3 p.m. and found he wasn't with him. I left a message with her for him to call me, and checked with her later."

Mr. Beasley said that he was not sure what time he had tried to call the judge, but that he had seen him between 12:30 and 1 p.m.

Leaving the Criminal Courts Building to go home late yesterday, Mr. Beasley saw lights on in Judge Battle's office.

"I don't normally go into judges' offices, but I just thought something might be wrong," he said.

An ambulance took the judge, seemingly dead, to the hospital from his office in the west end of the building's second floor, only a few steps from the courtroom where Ray had pleaded guilty March 10 and was sentenced by Judge Battle to 99 years in prison.

Mr. Beasley, one of the chief investigators for the attorney general's office in the Ray case, said Judge Battle had taken a week's vacation and had a physical checkup just before the final hearing.

The judge, obviously keeping himself clear for future hearings concerning the case, had said little about it publicly. James A. Blackwell, Criminal Court clerk, said the judge had signed the minutes of the trial in which Ray pleaded guilty, however.

Mr. Beasley said law enforcement officials and the attorney general's office had

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[illegible] CRIMINAL APPEAL

[illegible], TENN.

Date: 4-1-69
Edition:
Author:
Editor: [illegible] KANSA
Title:

Character:
or [illegible] MORRIS
Classification:
Submitting Office:

☐ Being Investigated

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asked other judges to take charge of all material concerning the case.

The papers from the Ray Case and others were gathered together and taken to the office of Criminal Court Clerk James Blackwell and locked up.

"We don't want Ray to tell us later he wrote something to Judge Battle and it disappeared," he said.

Judge Battle was reluctant to talk about the Ray case after the sentencing. He said that "if I discussed the case I might have to recuse myself and make some other poor judge go through what I have for the past year. Gentlemen, I wouldn't wish that on anybody."

During the numerous preliminary hearings and the final session, Judge Battle insisted on strong controls, following exacting procedure and limiting publicity about the case as much as possible.

Leo Bearman Jr. of the amicus curia committee named by Judge Battle to assist him in applying his order limiting publicity in the Ray case, said the judge's death may render contempt proceedings against six persons moot.

In September, Judge Battle found two reporters, an attorney and a private detective guilty of contempt but delayed sentencing them, saying that by their future conduct they might purge themselves.

He had also cited on contempt charges a fingerprint expert for the Federal Bureau of Investigation, George Bonebrake, and magazine writer William Bradford Huie. Hearings for them was set for April 11.

"A contempt proceeding was a very personal matter with the judge," said Mr. Bearman. "Judge Battle's death could make the prosecutions moot. But I just don't know. I don't think anybody would know until he has gone to a law library and read the precedents."

Judge Battle had said he would not be available to hear any new motions in the Ray case until after a planned march Friday in memory of Dr. King.

Chief Justice Hamilton Burnett of the Tennessee Supreme Court said Judge Battle's death would have no effect on any request Ray might make for a new trial.

"It makes no difference at all," he said, adding that any Criminal Court judge could rule on a petition for a new trial.

"It's normal for a case to be referred to its original location because of the availability of witnesses," the justice said, "but there is no legal basis requiring the same judge who heard the original case to hear an appeal."

Judge Battle became a Criminal Court judge in 1959 when he was appointed to a newly created court. He was re-elected in 1966 for a term which would have ended in 1974.

Gov. Buford Ellington will name a successor, but may ask the local bar association for recommendations.

Services will be at 3:30 p.m. tomorrow at Grace-St. Luke's Episcopal Church with burial in Elmwood Cemetery. Memphis Funeral Home on Union is in charge.

Judge Battle leaves his wife, the former Florence Warfield Boyce; a daughter, Mrs. E. R. Kinnebrew III of 269 Conlee; a son, W. Preston Battle Jr. of 1422 Lamar; a step-daughter, Mrs. E. Frank King of 8123 Dogwood Road, Germantown, and a stepson, W. J. Britton III of 189 Wallace Road.

He would have been 61 May 6. Born in Memphis, he attended Memphis public schools, Memphis University School, Woodberry Forest School in Orange, Va.; Washington & Lee University and the University of Memphis Law School.

An assistant attorney general in Shelby County from 1934 until 1945, he practiced law in Memphis from 1945 until 1959, when he was appointed to the new court.