

CBS Denied King Evidence

9-27-75
Kerrigan

MEMPHIS (UPD)—Criminal Court Judge William Williams denied yesterday a petition by CBS News to examine ballistics evidence used to convict James Earl Ray for the 1968 murder of Dr. Martin Luther King Jr. "I have no dispute with CBS News or other news media concerning the right to inspect evidence in finally determining judicial procedure, but this is not the time," the judge said.

THE NETWORK had

asked for the right to "scientifically analyze" the rifle authorities said fired the bullet that struck the civil rights leader and Nobel peace prize winner in the neck as King stood on the balcony of a Memphis motel on April 4, 1968.

The petition also asked for the right to inspect a windowsill removed from a flophouse bathroom where the state contends Ray braced the rifle as he fired the fatal shot.

Ray was linked to the crime by fingerprints found on the rifle left outside the rooming house and was arrested two months after the shooting in London.

ON MARCH 10, 1969, Ray pleaded guilty to a charge of first-degree murder in exchange for a 99-year prison sentence. However, he immediately repudiated the confession and has since been attempting to gain a new trial on the basis that he

was coerced into the plea. Williams said he denied the network request because Ray's request for his conviction to be set aside is pending before the U.S. 6th Circuit Court of Appeals in Cincinnati.

U. S. Dist. Court Judge Robert M. McRae Jr. ruled earlier this year that the convicted assassin is entitled to no new hearing.

JEWETT MILLER, an assistant Shelby County attorney general, joined Ray's lawyers in arguing against the network request.

"The very inspection asked for by the interloper in this case (CBS) has been conducted by experts in the field," Miller said. He called the petition "a blatant disregard for the rights of Mr. Ray."

Williams said another reason for denying the petition was that the network intended to become an adversary in the case by using the material from the tests in its broadcasts.

"There are no third parties in a pleading in criminal actions in the United States," the judge said.

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