

047A

RAY 11/9 NX

MEMPHIS, TENN. (UPI)--CRIMINAL COURT JUDGE W. PRESTON BATTLE FRIDAY REJECTED THE PLEA OF FEDERAL PRISONER PUBERT JAMES PUTT TO TESTIFY IN THE MURDER TRIAL OF JAMES EARL RAY.

PUTT, HELD IN THE MEDICAL CENTER FOR FEDERAL PRISONERS AT SPRINGFIELD, MO., AS MENTALLY INCOMPETENT, CLAIMED HE HAS INSIDE INFORMATION IN THE ASSASSINATION OF DR. MARTIN LUTHER KING JR.

"I'VE NEVER HEARD OF A CASE LIKE THIS," BATTLE SAID AS HE REJECTED THE PETITION WHICH WAS MADE ON WHITE, RULED-TABLET PAPER.

GENE GUERIG, AN ASSISTANT ATTORNEY GENERAL FOR SHELBY COUNTY, ASKED BATTLE TO DISMISS PUTT'S MOTION.

"WE ARE NOT OPPOSED TO BRINGING THE MAN DOWN IF MR. HANES WANTS TO SUBPOENA HIM AS A WITNESS," GUERIG SAID OF RAY'S CHIEF DEFENSE ATTORNEY, ARTHUR J. HANES SR.

RAY GOES ON TRIAL BEFORE BATTLE THURSDAY ON CHARGES OF MURDERING KING.

STATE ATTY. GEN. PHIL A. CANALE SAID HE WANTED BATTLE TO DISMISS PUTT'S MOTION IN OPEN COURT "IN AN EFFORT TO AVOID EVEN THE REMOTE POSSIBILITY OF ANY SUGGESTION OF SUPPRESSION OF EVIDENCE."

PUTT'S PETITION, COINED IN LEGAL PHRASES, CLAIMED HE WAS "INADVERTANTLY INVOLVED IN THE ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY AND KNEW THE VERY DAY THAT DR. MARTIN LUTHER KING JR. AND SEN. ROBERT F. KENNEDY WERE TO BE KILLED."

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