RAY CASE AGAIN HAS LATER DATE

Trial Will Be Resumed April 7, 'God Willing'

By BILL JOHNSON

MEMPHIS, Tenn. (AP) — The trial judge granted a second continuance Friday in the James Earl Ray case—until April 7—and said "It will go to trial that day, God willing."

Judge W. Preston Battle set the new court date for the man charged in the slaying of Dr. Martin Luther King Jr. after defense attorneys reported they could not be ready by March 3. Percy Foreman of Houston, Ray's chief counsel, told the court he thought it would take 90 more days to prepare his case.

The state, which said it had been ready since Ray was first scheduled to stand trial last Nov. 12, opposed the motion.

Ray, who has been in jail since he was arrested in London last June 8, two months and four days after King was felled by a sniper's bullet here, appeared pale and at times disinterested as he listened to the opposing lawyers argue several defense motions.

The only time he moved from his seat behind Foreman was to rise, take one step forward and sign the motion asking that the trial be delayed.

Battle said he had hoped the trial could begin March 3. "I have lived with it for nearly a year," he said. "The marriage is incompatible and I'd like to get rid of my spouse."

But, he said, the constitutional mandate that a defendant must have counsel of his choice carried with it the requirement that the lawyer be given adequate time "to do all the things that are necessary to throw up a defense around this man. I see nothing to do but reset the case."

He said he picked April 7—the day after Easter—as the new date because to begin the trial during Holy Week the week before would lead to prospective jurors seeking to be excused on religious grounds.

"A lot of people are going to excuse themselves on capital punishment, which I understand will be asked," Battle said.

Battle granted a defense motion that returned prosecution subpenaes be made available to Foreman so the defense can know which of 360 prospective witnesses the state actually plans to call. The subpenaes are to be shown to no one else than the defense, Battle said, and then are to be handed into the custody of the judge to prevent any possible harassment of the witnesses.

Battle rejected a defense motion that the court name court reporters for the trial, saying the recording system used had been sanctioned by the state's judicial system. Also rejected was a motion that he order the state to stipulate—agree with the defense—on testimony which would be given by some prosecution witnesses.