

## Ray Lawyer Says Trial Was Double Jeopardy

KNOXVILLE (AP) — James Earl Ray's trial for breaking out of Brushy Mountain State Penitentiary a year ago constituted double jeopardy because Ray already had been punished for the escape, his attorney said Tuesday.

Kenneth Krushenski told the Tennessee Court of Criminal Appeals that a prison board already had forfeited Ray's honor time for good behavior and segregated him from the rest of the prison population before his criminal trial last October on the escape charge.

Meanwhile, Krushenski said Ray told him Monday that his chief attorney, Mark Lane, would be moving to Memphis soon in an effort to win Ray a new trial for the death of Dr. Martin Luther King Jr.

The double jeopardy question was one of four issues raised by Krushenski in arguing Ray's appeal of the October conviction and his sentence to an additional one to two years in prison.

Ray, 50, and six other inmates climbed a makeshift pipe ladder over the East Tennessee prison's wall June 10, 1977, but all were recaptured.

Krushenski also claimed that Asbury erred in failing to allow Ray's attorneys to enter evidence about their client's state of mind at the time of the breakout.

In a brief filed with the court, Krushenski said such evidence would have shown that Ray believed he did not get a fair trial for King's murder because he was allegedly coerced, tortured and pressured by the FBI, Memphis police and a former attorney into pleading guilty.

William Haynes, an assistant state attorney general, said evidence on Ray's state of mind was no more than an attempt to reopen the King case, which had been denied in state and federal courts reaching to the U.S. Supreme Court.