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Tennessee Today

Basis for Seeking Trial for James Earl Ray Revealed

MEMPHIS (AP) — An attorney for James Earl Ray says the convicted killer of Dr. Martin Luther King Jr. is entitled to a new trial under current Tennessee law.

Lawyer-author Make Lane said yesterday he will ask the Criminal Court at Memphis to grant Ray a full trial within the next two weeks on grounds that state law requires a new trial if the trial judge dies or becomes insane before disposing of a case.

Ray was sentenced to 99 years in prison in 1969 after pleading guilty to the April 4, 1968, slaying of King, who was gunned down as he stood on the balcony of a downtown Memphis motel.

Ray, serving time at Brushy Mountain State Penitentiary in Petros, recanted his plea and has been asking for a full trial.

In a speech yesterday before a group of Memphis State University law students, Lane attacked the FBI, Memphis police, members of the Memphis bar and judges who he said have covered up facts in the case.

He refused to reveal details of his motion for a trial, but he told the law students there were grounds to grant the motion in Section 17-117 of the Tennessee Code.

That section states that when a vacancy in the office of trial judge occurs "after verdict but prior to the hearing of the motion for new trial, a new trial shall be granted the losing party . . ."

Judge W. Preston Battle, who accepted Ray's guilty plea, died shortly after Ray was sent to prison.

Charles Galbreath of Nashville, another lawyer for Ray and a former Tennes-

see Court of Criminal Appeals judge, said state courts, excluding the Tennessee Supreme Court, denied Ray a full trial on the section Lane cited because they ruled Ray's guilty plea had been made voluntarily. The code would give a person a new trial if the courts determined that a guilty plea had been made involuntarily.

Galbreath said Ray tried to convince the court his guilty plea was coerced.