

Key Witness In Ray Case Walks Free After Trial

By CHARLES EDMONDSON

Charles Q. Stephens, 57-year-old key witness in the coming trial of the man charged with killing Dr. Martin Luther King Jr., walked free from the Shelby County Jail yesterday after a Circuit Court judge ruled his imprisonment as a "material witness" was illegal.

Judge William W. O'Hearn held that Mr. Stephens' imprisonment for the past 30 days was without legal justification and ordered his instant release.

imprison a man because he is the victim of circumstances?" Judge O'Hearn asked. "Mr. Stephens promises to cooperate as a state witness. He has not violated the statutes. He cannot be imprisoned on conjectures as to what he might do."

Mr. Stephens is supposed to have seen a man identifiable as James Earl Ray, charged with Dr. King's murder, run from the second floor of a South Main Street rooming house from which the fatal shot was fired April 4.

Asst. Atty. Gen. James C. Beasley told the court the prosecution has no other witness who "can testify to the same material facts."

Mr. Beasley said Mr. Stephens was placed in jail "to keep him from being disposed of—to speak plainly." However, Police Chief Henry Lux said a three-shift bodyguard detailed to guard the witness in the Shelby County Jail would be discontinued. "We haven't the men to supply a bodyguard for Stephens," Chief Lux said.

Mr. Stephens was freed on a writ of habeas corpus. During the hearing Judge O'Hearn observed, "It would be naive not to consider anything could happen to him (if he is released)."

Atty. Gen. Phil M. Canale and the Memphis office of the FBI replied, "No comment," when asked if Mr. Stephens will be given a bodyguard, which he said he is willing to accept. He had a bodyguard outside the jail from July 5 to July 22.

On July 22, Criminal Court Judge W. Preston Battle, who will preside at Ray's trial, ordered Mr. Stephens held in default of a \$10,000 material witness bond. Until 3:30 p.m. yesterday he had been held in an air conditioned private room on the fifth floor of the Shelby County Jail.

It was the first of several pretrial orders issued by Judge Battle to be tested in another court.

Jay Fred Friedman, one of Mr. Stephens' attorneys, quoted his client as saying, "I'm going underground — out of circulation. Last time I opened my mouth they put me in jail. This time I'm going to keep my mouth shut."

Mr. Friedman said Mr. Stephens, a former heavy machinery operator drawing a partial disability pension of \$113 from the Veterans Administration, will remain in Shelby County as ordered by Judge O'Hearn and will be on hand to testify when the Ray trial opens Nov. 12.

Mr. Stephens testified he agreed to "take a room" at the jail upon being assured he could leave occasionally under

(Indicate page, name of newspaper, city and state.)

PAGE 50408

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 5/22/68
Edition: Final
Author: ERN K. R. AHLGREN
Editor:
Title:

Character:
or
Classification: 44-1987
Submitting Office: MEMPHIS
 Being Investigated

*orig. memo via
Bureau
5-22-68*

*44-1987-35
185
RY*

police protection and could have visitors. He said he had been allowed no visitors except his two attorneys.

Harvey L. Gipson, co-counsel for Mr. Stephens, objected that his client had been allowed fewer visitors than accused criminals and convicts.

Mr. Stephens who has a drinking problem, appeared in excellent health. He appeared 10 to 20 pounds heavier than when he went on jail fare.

He wore a blue, grey and white-checked sport shirt, gray slacks and soft-finished loafers.

Order Frees Key Witness

A confinement of 40 days that began voluntarily and ended with Charles Quitman Stephens (right) a prisoner was over yesterday when the man who has been identified as a key witness in the death of Dr. Martin

Luther King Jr. left the Shelby County Criminal Courts Building with Harvey L. Gipson, one of his attorneys. A writ of habeas corpus ordering the release was granted by Circuit Court Judge William O'Hearn.