

Judge won't block new tests on Ray rifle

MEMPHIS, Tenn. (AP) — A judge accused James Earl Ray's lawyers Thursday of creating a media circus but said he could do nothing to block new tests on the rifle believed used to kill the Rev. Dr. Martin Luther King Jr.

Prosecutors asked Judge Chris Craft, the administrative judge for the state criminal court in Memphis, to decide if another criminal judge, Joe Brown, has the authority to conduct the tests.

Judge Brown said he will have the 30-06 hunting rifle fired Monday. It hasn't been fired since King's assassination in 1968.

Judge Craft said he could not tell another judge what to do. Prosecutors may seek an appeals court order delaying the tests.

Ray, suffering from liver disease, is seeking tests on the rifle in his attempt to take back his 1969 guilty plea and go to trial for the slaying. The rifle had Ray's fingerprints on it, but he said it was used to frame him.

Judge Craft accused Jack McNeil, one of Ray's lawyers, of bypassing the court's usual procedure for assigning cases to judges when he went to Judge Brown requesting the tests.

"You picked your court ... to create this media circus," Judge Craft said.

"The real significance of this case is who killed Martin Luther King," Mr. McNeil told him.

Prosecutors said they were not trying to prevent new tests on the rifle but opposed the way Judge

Brown was going about it. They also said evidence in the King assassination is under the control of another judge in whose court Ray gave his guilty plea.

"If Judge Brown does something or somebody else does something that destroys the integrity of that rifle ... whatever evidence might be available may forever be lost," prosecutor Lee Coffee said.

He said Judge Brown didn't give prosecutors a say in how or when the rifle will be fired or how test bullets will be compared with the one taken from King's body. Judge Brown has not said where or when such comparisons will be made.

Ray, 69, is serving a 99-year sentence at a Nashville prison. He wants new tests on the rifle and

the death bullet using modern, high-powered microscopes. Tests by the FBI and a congressional committee 20 years ago failed to prove beyond a scientific doubt that the rifle was the murder weapon. King was killed by the same kind of gun.

Ray's guilty plea has been upheld seven times by state and federal courts, and the State Court of Criminal Appeals ruled earlier this month that he has no grounds for a new petition claiming innocence.

But that court also said a trial judge has the authority to order scientific tests on evidence under his supervision. Judge Brown took that to mean he can order tests on the rifle.