

Ray Case Is Delayed by Turf War Between Judges

By The New York Times

MEMPHIS, Aug. 19 — A Tennessee court late Monday night halted all legal proceedings relating to James Earl Ray and scheduled a hearing for next week to clear up legal wrangling over the case by two Shelby County criminal court judges.

The "emergency stay and extraordinary appeal" were granted by the Tennessee Court of Criminal Appeals to the State Attorney General just hours before a hearing was scheduled to begin this morning. At that hearing, Judge Joe Brown was to have considered whether to order further tests on the rifle that prosecutors say Mr. Ray used to kill the Rev. Dr. Martin Luther King Jr. here on April 4, 1968.

Also at today's hearing, prosecutors were to have presented Judge Brown with bullets, test-fired from the rifle in 1968 by the Federal Bureau of Investigation, for more tests.

Mr. Ray confessed and pleaded guilty in 1969 to the murder of Dr. King, but recanted his confession three days later. In the latest effort to win a new trial, his lawyers had sought and won testing of the rifle. Tests conducted in May by his defense team were inconclusive.

But this six-month effort to try Mr. Ray has set off a turf battle between Judge Brown and another Shelby County judge, John P. Colton, in

whose court division Mr. Ray entered his 1969 guilty plea.

Judge Colton contended in April that he should handle all matters in the Ray case except the rifle retesting, which court rules assigned to Judge Brown's court in 1994.

Last month, with no motions in the case before him, Judge Colton appointed a special master to investigate Judge Brown's handling of the case. Yesterday, just hours before the stay and appeal, Judge Colton issued an order asking the special master to take new testimony from at least two people who "claim to have evidence of a conspiracy to kill Dr. Martin Luther King Jr."

That action angered prosecutors, who accused Judge Colton of exceeding his legal authority.

"I'm not aware of a judge ever selecting his own prosecution and alternative grand jury process," said John Campbell, an assistant district attorney. "I just don't know where they plan to go with all of this."

The court order halting proceedings in the case also applies to Judge Colton. The appeals court hearing scheduled for Aug. 29 in Jackson, Tenn., is expected to address the confusion about jurisdiction and legal authority.

Gerald Posner, who has been working in Memphis on a book for Random House about the King assas-

sination, said today, "The judges are not just arguing over local issues, but over who will control the enduring historical record of this combustible and unpredictable case."

Mr. Ray, serving a 99-year sentence in a Tennessee prison, is suffering from a fatal liver disease.