

Ballistics Ban Sought

Prosecutor: No more tests on Ray rifle

By Michael Dorman
SPECIAL CORRESPONDENT

The chief prosecutor in the James Earl Ray case is asking a court in Memphis, Tenn., to bar any further attempts to perform ballistics tests on the rifle identified as the murder weapon in the Rev. Martin Luther King Jr.'s assassination.

Ray's lawyers are demanding more tests, even though all previous examinations have proved inconclusive. Ballistics experts have testified that further tests would be fruitless.

Prosecutor John Campbell filed a motion before Shelby County Criminal Court Judge Joe Brown, asking for a ban on further tests on the rifle, which Ray admits owning. But action in the case has been temporarily halted because of a turf war between Brown and another Criminal Court judge, John Colton.

Although he has no apparent jurisdiction in the Ray case and cited no basis for interceding, Colton contends that he should handle all court matters in the King assassination except the ballistics tests. Brown was given jurisdiction over the tests in 1994.

Last month, Colton appointed a special court officer to investigate Brown's handling of the Ray case and ordered the officer to take new testimony from at least two people who "claim to have evidence of a conspiracy to kill Dr. Martin Luther King Jr.," according to a court document.

But the Tennessee Court of Criminal Appeals, acting on a request from the attorney general, put all legal action in the Ray case on hold until Aug. 29, when a hearing is to be conducted on the judicial wrangling.

"I've been unable to find any reason for Judge Colton's action," Campbell said yesterday. "I'm not aware of a judge ever selecting his own prosecution and alternative grand jury process."

Colton and Brown could not be reached for comment.

While he opposes further tests on the rifle, Campbell said he has no objection to a defense request to compare test bullets fired by FBI agents from Ray's rifle shortly after the 1968 assassination with the bullet that killed King. The fatal bullet was deformed as it passed through King's body and has defied attempts to match it to Ray's rifle.

Campbell said he would cooperate if defense attorney William Pepper guarantees that the defense will pay for any future tests. Pepper had agreed to pay for the previous examinations and had therefore been permitted to choose the experts who conducted the tests. But when the \$18,000 bill came, Pepper asked that it be paid by the state.

Ray, who pleaded guilty to the assassination but then recanted, is serving a 99-year prison sentence. He is seeking the tests in hopes that they will provide grounds for an appeal.