

# Ray's quest for trial won't

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USA TODAY

Lawyers for convicted assassin James Earl Ray say they'll take their appeal for a new trial to federal court if a Tennessee court turns down Ray's request for tests that he says will clear him of killing the Rev. Martin Luther King Jr.

Their decision ensures that Ray's appeal for a new trial will continue, even if he loses during a hearing today in Memphis.

"At that point we'd consider separate (federal) proceedings

based on new evidence that has come to light," Ray's lead attorney, William Pepper, said.

Pepper was referring to recent statements from a former Memphis restaurant owner who says he was asked by organized crime contacts to help arrange King's 1968 murder. Prosecutors have been unable to substantiate the story.

Today in Memphis, criminal



1991 AP file photo

Ray: Lawyers cite new evidence

court Judge Joe Brown is expected to decide whether to order further tests to determine whether a .30-06 hunting rifle found at the scene actually fired the bullet that killed King.

The rifle was test-fired last May, but examination by a subatomic micro-

scope could not rule it out as the weapon used to shoot King. Two previous test firings, in 1968 and 1978, used less sophis-

## end with hearing

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ticated equipment but produced the same result.

Ray, 69, admitted killing King but later recanted.

He acknowledges owning the rifle, but says it was dropped at the scene by the real killers to implicate him.

If Ray's rifle is shown not to be the murder weapon, it would buttress his case for a new trial.

Supporters of a new trial include King's widow and four children, who believe a trial could answer their continuing questions about why and how King was killed.

Memphis prosecutors oppose the new tests, which they say are unlikely to produce conclusive results.

At a hearing last week, the judge, a hunter with knowledge of rifles and shooting, spent considerable time questioning ballistics experts.

Prosecutors objected, accusing Brown of stepping over the boundary between judge and advocate.

"We're trying to get the facts," Brown retorted. "Dr. King is in his grave, a national hero, a world hero. And I'm... getting to the facts."