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Associated Press Writer

MEMPHIS, Tenn. AP - Captive quarry of one of the nation's greatest manhunts, James Earl Ray is scheduled to go to trial Tuesday in the assassination of the Rev. Martin Luther King Jr.

A jury in Shelby County criminal court eventually will be asked to determine whether the 40-year-old escaped convict fired a single fatal bullet into King's neck. King, the civil rights apostle of nonviolence, was shot to death from about 200 feet as he stood on the balcony of the Lorraine Motel in Memphis April 4.

Ray, a quiet, nervous man of many aliases, was captured in London June 8, by Scotland Yard operatives. His seizure climaxed a record \$1.5 million FBI manhunt, during which more than 3,000 agents travelled an aggregate 500,000 miles for two months along Ray's elusive trail.

The state of Tennessee apparently will have to rely on fitting together all the pieces of circumstantial evidence in its attempt to prove Ray is guilty, unless the jury is to hear eyewitness testimony not as yet made public.

Circumstantial evidence may be illustrated by the example of a man who emerges from a subway to find the streets wet, and water running in the gutters, dripping from the eaves and trickling down windows of buildings. The sun is shining and he has not seen it rain. But because of the circumstances confronting him, he may conclude beyond a reasonable doubt that there was a shower while he was underground.

In some cases, circumstantial evidence may prove more convincing than direct evidence. Unless they are trained observers, three men witnessing a shooting sometimes will offer contradictory details of what transpired. Such disagreement can create a doubt in a juror's mind, whereas circumstantial evidence may well be viewed as beyond contradiction.

A skeletal outline of the state's case against Ray was presented at his extradition hearing in London last June, after his capture. Presumably, the prosecution's case was revealed only to an extent deemed necessary at the time.

The hearing produced this broad outline:

On March 29, a man said to be Ray bought a rifle with a telescopic sight at a Birmingham, Ala., shop. The next day he came back to exchange it for a Remington 760 rifle, serial No. 461476, and a telescopic sight, serial A17350.

A receptionist in a Memphis motel was quoted as saying that a man she identified as Ray booked lodging there April 3. On the same day, the prosecution said, a Memphis store sold a pair of binoculars, serial No. DQ408664, with straps, for \$41.00 to a purchaser resembling Ray.

Charles Q. Stephens said in an affidavit that on the day of King's assassination he was living in a Memphis rooming house, from which the FBI claims the fatal shot was fired.

Stephens said he saw the woman manager, Bessie Brewer, talking with an unidentified man outside Apt. 5B, down the hall from his own apartment. Three times that afternoon, Stephens recalled, he heard footsteps between Apt. 5B and the common bathroom next to his apartment, 6B.

"On the third time," Stephens' affidavit read, "the person stayed there what seemed like a long time toward the end of the afternoon between 5 and 6 p.m. I wanted to use the toilet."

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"I was in my kitchen working on a small radio when I heard a shot," the affidavit continued. "I could tell it came from the bathroom because it was very loud. Then I heard voices yelling and hollering in the Lorraine Motel.

"I went out and saw a man running and carrying a bundle about three feet long and six or eight inches thick, wrapped in a newspaper. Although I didn't get a long look, I think it was the same man I saw earlier with Mrs. Brewer."

King was shot to death at 6:05 p.m. that Thursday in April.

The owner of a store in the area said that around 6 p.m. he heard a thud, found a bundle in front of his store and saw a white man walk away and depart in a small white car. A white 1966 Mustang impounded by the FBI in Atlanta a week after the assassination was said to have been Ray's.

Police who examined the discarded bundle claimed it contained binoculars, a rifle and a telescopic sight—each bearing the serial number previously noted. Inside Apt. 5B, they reported finding straps for the binoculars and a sales receipt for \$41.05.

Thumb and fingerprints found on the binoculars, rifle and sight were said by the FBI to have matched those of Ray. The bullet that killed King was recovered in an autopsy and was described as a type fired by a Remington 760 rifle.

That is the nub of the state's case against James Earl Ray, insofar as it has been revealed. From it, there is no indication that anyone actually saw who assassin fire the rifle.

There has been no public disclosure of motive. The state has insisted there was no conspiracy, although the defense has hinted otherwise.

Ray's brother, Jerry, 32, said last June after the fugitive was captured: "I don't think he did it. I think he was used as a decoy in some way."

Which may be exactly what the defense intends to claim. On Oct. 28, the Nashville Tennessean reported the defense will say Ray was promised \$12,000 to \$15,000 "to lead police away from the real killers and become the lure in the greatest manhunt in history."

The newspaper added that the defense will seek to convince the jury that the state's circumstantial evidence was deliberately left behind by Ray in his role as a decoy.

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