

A Ruling Which Fits The Ray Case

Nashville, Tenn.

In a ruling which a high legal source said could "fit the James Earl Ray case like a glove," the Tennessee Supreme Court held yesterday that a convicted criminal cannot invalidate a prison sentence by claiming he pleaded guilty on faulty advice of his lawyer.

Ray was sentenced to 99 years in the Tennessee state prison this month after pleading guilty in Memphis to the murder of Dr. Martin Luther King Jr. Since then he has been described as wanting a new trial on grounds his lawyer, Percy Foreman of Houston, "pressured" him into pleading guilty.

The Tennessee Supreme Court ruled on an appeal by Robert E. Richmond, convicted of burglary in Franklin County. Richmond claimed that he should get a new trial because his lawyer, in getting him to plead guilty, had given him "improper advice."

"In cases in which this exercise of judgment by counsel (that of urging a defendant to plead guilt) has been attacked, it has been uniformly held that this is not a ground for invalidating the judgment," the Tennessee court ruled in rejecting Richmond's appeal.

"Incompetency of counsel, such as to be a denial of due process and effective representation of counsel, must be such as to make the trial a farce, a sham, a mockery of justice."

The Tennessee Supreme Courts said there have been Federal cases backing up its ruling.

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