

A250

lbylwyfzz

Ray #80

By DON MCLEOD

Associated Press Writer

NASHVILLE, Tenn. AP -In an action which could apply to James Earl Ray's case, the Tennessee Supreme Court ruled Wednesday a man convicted of a crime cannot win freedom on habeas corpus on grounds he was pressured by his lawyer to plead guilty.

Ray, serving a 99-year sentence for the assassination of Dr. Martin Luther King, now claims he was induced by his lawyer, Percy Foreman of Houston, Tex., into pleading guilty. Foreman has denied any pressure on Ray and Ray said there was none when he pleaded guilty March 10.

But Ray was quoted again Wednesday by a former prison mate as saying the guilty plea was the result of pressure, adding, "I'll be going back to Memphis before long" for a hearing. Ray was slain in Memphis April 4, 1968.

The Supreme Court opinion, written by Justice Allison B. Humphreys, was in the case of Robert E. Richmond, convicted of burglary in Franklin County, Tenn. He sought a writ of habeas corpus on grounds that he was wrongfully induced by his lawyer to plead guilty.

The high court held that the facts set forth did not warrant a reversal of the Circuit Court judgment, then stated the standard which it said is applied in most federal courts:

"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."

When Ray went before Judge Preston Battle in Criminal Court in Memphis to plead guilty, the judge asked him repeatedly if the decision were his own, whether any pressure had been applied, whether he made his decision to plead guilty of his own free will.

In addition, the judge made it clear that his guilty plea forfeited any right of appeal.

In each case, in open court, Ray agreed he had not been pressured and said he understood there was no appeal.

Subsequently, however, Ray was reported as having second thoughts, and telling officers who brought him here from Memphis that he wished now to change his plea to innocent and stand trial. The idea, he said, would be to take his chances on a life sentence.

Under the 99-year sentence, he won't be eligible to seek parole for 20 years. Should he get life, he could be eligible for parole in 13 years, seven months earlier with maximum good behavior time.

Meanwhile, the Nashville Banner quoted James E. Powers, 45, of Indianapolis as saying Ray "didn't expect to be in prison very long." The Banner said Powers, just released from serving a one-year sentence for petit larceny, had been in a maximum security cell just two doors away from Ray.

RS544pes March 26