



**LAST PUBLIC PHOTO OF JUDGE PRESTON BATTLE**  
Taken March 10 after he sentenced James Earl Ray

## Death of Judge May Benefit Ray

MEMPHIS, Tenn. (UPI) — The death of the trial judge in the James Earl Ray case could bring the convicted slayer of Dr. Martin Luther King Jr. a new trial under Tennessee law, an appeals court judge said today.

The key apparently was the contents of a letter mailed by Ray to Judge W. Preston Battle, who collapsed in his chambers and died of a heart attack yesterday. Battle, 60, recently had returned from a vacation following the Ray trial three weeks ago.

Ray pleaded guilty to the April 4, 1968, murder of King in Memphis and received a 99-year prison sentence during a jury trial required by Tennessee law in all criminal cases. Ray said his lawyer, Percy Foreman, advised him to plead guilty to avoid a possible death penalty.

But after Ray began serving his sentence in the state prison at Nashville, he reportedly had second thoughts and considered seeking a new trial. He wrote Battle asking, sources said, for a new trial. Battle's office confirmed receipt of the letter, but did not divulge its contents.

Judge Charles Galbreath of the State Court of Criminal Appeals said in Nashville that Tennessee law provides any

motions for a new trial pending before a deceased judge must be granted. The law does not define a motion, or how it must be filed, he said.

"An attorney could make an argument that a letter asking for a new trial, in general terms, was a motion for a new trial," the judge said.

Galbreath emphasized he was only expressing general principles of law and did not want to pass on the merits of the case unless it was presented to him.

Battle, who had been picked by lot from among five Shelby County criminal court judges to preside over the Ray trial, apparently had been dead about two hours when he was found slumped over his office desk.

Dr. Jerry T. Francisco, Shelby County medical examiner, said an autopsy confirmed the cause of death was a heart attack.

A dour man who peered over half-lens glasses, Battle had vowed to conduct Ray's trial as nearly as possible like other cases. After the formal trial, which lasted about three hours before a jury that had agreed to the 99-year sentence in advance, Battle said the settlement was "a just one to both the defendant and the state."