

Jurist's Death May Give Ray a New Trial

MEMPHIS — (UPI) — The death of the trial judge in the James Earl Ray case could bring the convicted slayer of Dr. Martin Luther King 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, 60, who died of a heart attack yesterday.

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.

Second Thoughts

But after Ray began serving his sentence, he reportedly had second thoughts and considered seeking a new trial. He wrote Battle asking, sources said, for a new trial.

Judge Charles Galbreath of the state court of criminal appeals said in Nashville that a 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.

Legal Argument

"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.

The decision, perhaps, will



LAST PHOTO OF JUDGE BATTLE (LEFT)
Picture was made just after the sentencing of Ray
—AP Photo

have to be made by Battle's successor, to be appointed by Gov. Buford Ellington.

The state supreme court last week had dealt a blow to Ray's hopes for a new trial, ruling in a case "that fits

Ray's case like a glove" that a defendant cannot get a new trial on grounds he was talked into pleading guilty by his attorney. Ray reportedly contends Foreman pressured him into his guilty plea.