

ztee

Ray-Battle Bjt 470

MEMPHIS, Tenn. AP - Two prison cell letters from James Earl Ray and the death of the judge who received them have placed the state of Tennessee in an apparent legal dilemma.

The problem is whether the circumstances may force authorities to give the admitted killer of Dr. Martin Luther King Jr., the trial by jury he has been quoted as saying he wants.

Faced by seemingly conflicting opinions from higher judicial authority, four judges of the Shelby County Criminal Court huddled with prosecution officials Tuesday. None of those at the meeting would say what, if any, conclusion was reached.

Judge W. Preston Battle, who accepted Ray's guilty plea in Criminal Court March 10 and sentenced him to 99 years, disclosed nine days later that he had received a letter from Ray, saying he intended to "file for a postconviction hearing."

Battle, 60, died of a heart attack Monday in his chambers.

Associates who searched his official effects said Tuesday they found a second letter which Ray asked the judge to treat "as a legal notice of an intent to ask for a reversal of the 99 year sentence."

Existence of the second letter written from the state penitentiary in Nashville, had not been made public by the judge. Its wording raised the question whether it was the valid equivalent of a motion for a new trial, or perhaps a writ of habeas corpus.

"I understand on one avenue of appeal," Ray's second letter said, "I have only 30 days in which to file review notice, to have previous sentence set aside. That is the appeal route to which I address the court."

Ray apparently referred to a 30-day review period in which a judge may reopen a case at his discretion.

High court judges differed on the implications of the letters.

State Criminal Appeals Court Judge Charles Galbrath says a motion for a new trial filed within the 30-day review period is automatically granted when the judge who presided over the case dies before acting on it.

But Chief Justice Hamilton Burnett of the Tennessee Supreme Court said Ray's letters, even if construed as motions, do not automatically guarantee a new trial.

The new trial plea is one of the rights Ray waived in pleading guilty, along with his right of appeal to other state courts, said Burnett.

The justice said any petition filed by Ray would have to be ruled upon as a habeas corpus writ, in which a prisoner contends his rights were violated.

The Memphis Commercial Appeal reported that "at the attorney general's office, it was said a preliminary hearing on the motions implied in Ray's letters probably will be held in about two weeks."

Ray entered the guilty plea before Battle in exchange for a 99-year-sentence for the April 4 sniper slaying of King. A jury was required to ratify the plea, but there was no full-scale trial and the jurors agreed in advance to the sentence.

In open court, Ray was asked repeatedly by Battle whether he understood that such a plea precluded appeals. He said he did.

Ray has claimed since, however, that he was pressured into his guilty plea.

MC308aes April 2