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**King Killing
Eyewitness
Called Drunk**

Memphis

A man claimed by state prosecutors to be a key eyewitness in the 1968 shooting here of Dr. Martin Luther King Jr. was so drunk at the time that he could not stand up, a cab driver testified yesterday.

James M. McCraw, 49, the cab driver, gave the testimony in a federal court hearing on whether Dr. King's alleged assassin, James Earl Ray, should be given a new trial.

Charles Q. Stevens, a drifter, had told police he saw a man resembling Ray fleeing the scene from which the fatal shot was fired.

But McCraw testified yesterday he received a call to pick up a man in a flophouse adjacent to the motel used by Dr. King. When he arrived 15 minutes before the shooting, he said, he found Stevens, a heavy drinker, "laying on the bed . . . pretty drunk" and unable to get up. McCraw said he left, deciding Stevens was too drunk to travel.

Asked by Ray attorney, Bernard Fensterwald, if Stevens was not in a walking condition, McCraw agreed. "I would say so."

The testimony came in the second day of the hearing into claims by Ray that he was coerced into pleading guilty to the King murder and given ineffective assistance by his attorney at the time, the noted Houston criminal lawyer, Percy Foreman.

McCraw testified only briefly and was subjected to little cross-examination by state prosecutors.

Two months after the April 4, 1968 shooting of Dr. King, Stevens signed an affidavit for prosecutors saying he saw a man resembling FBI "wanted" poster of Ray running from a flophouse and carrying an oblong bundle. Prosecutors contend the fatal shot was fired from a flophouse bathroom window overlooking the motel balcony on which Dr. King was standing.

McCraw testified yesterday he told Foreman in 1968 of Stevens' drunken condition while Foreman was preparing Ray's defense.

Ray's present attorneys, Fensterwald and James J. Lesar, both of Washington, contend Foreman consistently ignored such exculpatory evidence while seeking to avoid a full-dress trial and preserving exclusive access to details of the murder for author William Bradford Huie with whom Foreman had a contract to split book and magazine royalties.

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