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Ray Trial 340

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MEMPHIS, Tenn. AP — With one big item accomplished—delay of the trial—James Earl Ray's new lawyer turned today to preparing a defense for the man accused of assassinating Dr. Martin Luther King Jr.

Percy Foreman, the famed Texas criminal lawyer who took the case Sunday, went into court Tuesday, the day Ray's trial was to begin, and got a delay until March 3.

Judge W. Preston Battle granted the postponement and agreed to enter Foreman as Ray's attorney of record to replace former Birmingham, Ala., Mayor Arthur J. Hanes, who was fired abruptly the same night Foreman was hired.

Foreman said he planned to stay on here for a few days to confer with ~~Tennessee~~ ~~attorneys~~ ~~and~~ ~~other~~ ~~attorneys~~ ~~at~~ help in securing

In a letter in which Ray declared his intention to fire Hanes and retain Foreman, Ray had said he had "decided to engage a Tennessee attorney." Hanes had been assisted by his son, also of Birmingham.

Foreman said he did not know whether he would request that the trial be moved to another location.

Describing Battle as being very fair, Foreman said if he did seek to have the trial moved, he still would ask that Battle remain as judge.

Meanwhile, the Texas attorney disclosed that he written FBI Director J. Edgar Hoover demanding access to the cheap boarding house room in which Ray was said to have stayed before the fatal shot was fired.

Foreman was denied entrance to the room when he went there Tuesday afternoon.

"A man who called himself Delbert White and said he was in charge of the place, would not let me enter . . . This man told me that the FBI and Memphis police told him to demand to see a gold badge" before letting anyone inspect the room.

In setting off the trial until next spring, Battle directed Foreman to report on or about Dec. 15 on whether he would be ready to go to trial in March.

Hanes, who also appeared in court Tuesday, insisted that he was still ready to go to trial. The prosecution objected that the switch of lawyers was a maneuver designed merely to delay the trial.

Hanes told newsmen after the court proceeding that Ray was hopeful of doing better if his trial was postponed until after the new Republican administration takes office in January. He said he did not know on what Ray based this belief.

Asst. Dist. Atty. Robert K. Dyer accused Ray of "trifling with the court."

In his written motion for postponement, Foreman declared: "This application is not made for delay but justice may be done . . . a serious disagreement with reference to his defense has arisen between him and his said attorneys, both as to strategy and to policy."

"It's an awful thing to have to continue a case at this time," Battle said. "But the defendant's right to counsel of his own choice is guaranteed by the constitution of the state of Tennessee."

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