

RAY DEFENSE TOLD TO PREPARE CASE

Judge Issues Order in View
of Foreman's Illness

MEMPHIS, Jan. 17 (UPI)—Criminal Court Judge W. Preston Battle said today he wanted the trial of James Earl Ray to start March 3, "if humanly possible," and directed a public defender to represent Ray if Percy Foreman, his ailing lawyer, is unable to do so.

Judge Battle opened a hearing to determine the defense's readiness for trial, but he said he had been advised by telegram from Houston that Mr. Foreman, who is Ray's chief counsel, was ill with pneumonia.

Ray is charged with the murder of the Rev. Dr. Martin Luther King Jr. on April 4, quietly during the brief, five-minute hearing while Judge Battle questioned the Shelby County Public Defender, Hugh Stanton Sr. on what steps had been taken to prepare the Ray case.

"We have gathered some material, enough to show us that there is more work to be done," said the 72-year-old Mr. Stanton. "I can't say yet whether we will be prepared for trial by March 3."

"I want to start the Ray trial on March 3 if humanly possible," Judge Battle replied. "I'm ordering that your office prepare this case in such a manner that if it becomes necessary you could take full charge."

He then ordered Mr. Stanton to report again on Feb. 14 able to meet the deadline.

Order Is Not Criticism

"This order is not intended as criticism or meant to cast a reflection on anybody," the judge said. "It is only a practical action, the best insurance against any avoidable delay in bringing the Ray case to trial."

He asked that a full transcript of the brief hearing be sent to Mr. Foreman in Houston.

Doctors in Houston said Mr. Foreman was confined to bed at his home in Houston, suffering from pneumonia that de-

veloped from a bout with influenza last week.

The public defender, who has a staff of 16 largely part-time workers, said he had been reluctant to proceed with preparation of the case without Mr. Foreman's participation.

Mr. Foreman was hired by Ray last Nov. 10, two days before his trial was originally scheduled, to replace Arthur J. Hanes Sr., a former Mayor of Birmingham, Ala.

At that time Judge Battle rescheduled the trial for March 3, but ordered Mr. Foreman to report periodically on his progress in preparing for the trial.

The first hearing was Dec. 18 when Mr. Foreman told the judge that Ray was without funds and he would be unable to fully prepare the case alone. Judge Battle assigned Mr. Stanton to help with the case.

Today's appearance in court was the fourth time Ray has been out of his cell at the Shelby County Jail since he was brought here from London last July 19.

Foreman Visits Ray in Jail

MEMPHIS, Jan. 21 (UPI)—Percy Foreman, confined to his home in Houston a week ago with pneumonia, was at the Shelby County jail today visiting his client, James Earl Ray, who is charged with the murder of the Rev. Dr. Martin Luther King Jr. Mr. Foreman said he arrived here shortly before noon, had visited with Ray, and expected "to be here from now on." "I'm just catching, the judge is pitching," the noted lawyer said when asked whether he believed the trial would begin on March 3 as scheduled.

NYTimes 22 Jan 69