

Judge in Ray Case Sees Sheriff on Eve of Hearing

By MARTIN WALDRON

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MEMPHIS, March 9 — The trial judge in the James Earl Ray case arrived at the courthouse early tonight amid reports that Ray had changed his mind and would not plead guilty to the murder of the Rev. Dr. Martin Luther King Jr.

Percy Foreman, Ray's attorney, had been at the courthouse for more than an hour when Circuit Judge W. Preston Battle arrived. The judge said that he had no comment.

The prosecutor, P. M. Canale, was in his office in the courthouse. The judge entered an elevator in the closely guarded lobby and declined to say what the purpose of his visit was.

Judge Battle conferred with Sheriff William N. Morris Jr., but there was no word whether he has talked to Mr. Foreman or Mr. Canale. The judge left the courtroom about 7:30 P.M.

Mr. Foreman and Mr. Canale met in the latter's office after Mr. Foreman had visited for more than an hour and a half with Ray.

There was no official confirmation that Ray had changed his mind about pleading guilty, just as there had been no official confirmation that he had agreed to do so and accept a sentence of 99 years.

A statement by Judge Battle released yesterday said that members of the press who expected to cover Ray's trial beginning tomorrow should report at 8 A.M. for the 9:30 hearing.

This was interpreted as an indication that some judicial action was expected to begin tomorrow. Ray's trial had been scheduled for April 7.

The trial will have perhaps the strictest security measures in American trial history. More than 100 policemen will help to guard Ray.

Also, everyone entering the courthouse during the trial will have to undergo at least two security checks, including a search.

A source close to the Ray family said that the defendant had agreed reluctantly to accept the 99-year sentence after meeting several times during the last week with Mr. Foreman.

The Houston attorney took over the case last Nov. 12 after Ray had dismissed his previous attorney, Arthur J. Hanes of Birmingham.

Mr. Foreman refused comment on a report circulated widely in Memphis that Ray might be planning to dismiss him.

"I am trying to save a man's life, not help sell newspapers,"

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RAY IS REPORTED IN A PLEA CHANGE

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Mr. Foreman told reporters this afternoon when they attempted to interview him.

Ray was said to have agreed to accept the 99-year sentence rather than run the risk of being sentenced to death if he should be convicted of first-degree murder in Dr. King's slaying.

Tennessee maintains the death penalty for murder and several other crimes, but there have been no executions in the state for more than seven years.

Ray has been lodged in the County Jail in Memphis since last July, when he was extradited to the United States from London. He had been arrested in London by Scotland Yard detectives.

If Ray does enter a plea of guilty tomorrow, one or more witnesses from England may testify at the trial, which would still be required.

Court officials refused to say if any witnesses were on hand and prepared to testify. Under Tennessee law, even if a defendant does plead guilty in a murder case, the state must prove that the murder was committed and the defendant was probably guilty.

Dr. King was shot to death at 6:01 P.M. on April 4 of last year as he stood on the balcony of a downtown Memphis motel. The police said that the shot had come from a dollar-a-day roominghouse across the street from the motel.

A man resembling Ray registered in the roominghouse about three hours before the murder.

Dr. King was in Memphis at the time to lend support to a strike by city garbage workers who were seeking more pay and better opportunities of promotion to foreman.