

Ray Asks a Review Of His Guilty Plea

By The Associated Press

MEMPHIS, March 19—

James Earl Ray says he plans to seek a review of his plea of guilty to the slaying of the Rev. Dr. Martin Luther King Jr., according to the judge who sentenced him to 99 years in prison for the killing.

Judge W. Preston Battle Jr. disclosed today that Ray had written to him from the Tennessee State Penitentiary. The judge said only that Ray wanted a hearing and that he had written that he had dismissed his lawyer, Percy Foreman of Houston.

Published reports say that Ray wants to withdraw the guilty plea and stand trial for first-degree murder.

Mr. Foreman, in New York, denied having been discharged, saying his connection with the case "ceased

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at 12:35 P.M. on March 10," when Ray was sentenced after his guilty plea.

Ray had originally been scheduled to stand trial April 7, but, with a 99-year sentence prearranged by the state and Mr. Foreman, he switched his plea and began serving the sentence the following day, March 11.

Before accepting the plea, Judge Battle emphasized that the action would close the door on appeal. Ray assented.

However, under Tennessee law, Judge Battle retains jurisdiction in the case over a 30-day review period. Then after 30 days, the plea and sentence become final.

In New York, Mr. Foreman

said he had expected Ray to try for a reopening of the case, "but in about a year or two."

Saying that he would decline henceforth to comment on the case, Mr. Foreman repeated: "In my view, there was no conspiracy."

He said: "In my view, James Earl Ray decided, and he alone decided, to kill Martin Luther King so that he could claim the glory."

"I think that James Earl Ray was a racist. He thought he would be a hero. He completely misconceived the thinking of the white race," Mr. Foreman said.

The lawyer said, "I'm very happy to be out of it." He said he did not know who would now represent Ray.

"I think that James Earl Ray enjoys the spotlight and any

way he can keep the center of the stage he will do it," said Mr. Foreman. "I wish him well. I don't think it advisable, but that's his responsibility. I've discharged mine."

He said: "He probably believes that if he got a new trial, since he's already saved his life, he has no chance that he will get the death penalty."

To get the case reopened, Ray would have to institute a habeas corpus action in which he would have to show his rights were violated when he entered the guilty plea.

Ray was quoted as having told policemen who accompanied him from the Shelby County Jail in Memphis to Nashville that he now had second thoughts, wishing he had gone to trial and taken

his chances on getting a life sentence.

Today, The Memphis Press-Scimitar reported he now would seek to withdraw the guilty plea and go to trial as he had previously planned.

The discharge of Mr. Foreman, the second lawyer Ray had dismissed since his arrest in London on June 8, would be in line with such plans.

Mr. Foreman told the court when Ray pleaded guilty he had agreed to the plea "to save this man's life." First-degree murder in Tennessee is punishable by sentences ranging from 20 years to electrocution.

However, Tennessee law allows for a 30-day review period during which Judge Battle still has jurisdiction over the case,

without any appeal or other sort of review action.

During this time, the judge at his discretion could allow Ray to change his plea from guilty to not guilty, paving the way for a trial.

Opinion of Legal Authorities

After the 30 days, the 99-year sentence and guilty plea become final—and the case then would have to be reopened through a petition for habeas corpus. Judge Battle has already told Ray that the guilty plea foreclosed appeal.

Postconviction habeas corpus action, to be successful, would need to show that Ray was pressured into pleading guilty through inadequate counsel or that his constitutional rights otherwise were denied.