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URGENT

Judge Lead A278NS

By DOUG STONE

Associated Press Writer

MEMPHIS, Tenn. AP -The judge who presided over the James Earl Ray case since last summer died of an apparent heart attack in his chambers Monday.

Shelby County Criminal Court Judge W. Preston Battle, 60, was found slumped over his desk. He was pronounced dead on arrival at a Memphis hospital.

Battle accepted Ray's March 10 plea of guilty to the murder of Dr. Martin Luther King Jr., and sentenced Ray to 99 years in the Tennessee state penitentiary in Nashville.

While Ray entered a guilty plea to the King slaying, he later said he was pressured into doing so and would seek a review of his case.

Under Tennessee law, it would have been Battle, as the judge who passed sentence, who would grant such a review.

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Judge Lead Insert

MEMPHIS-Judge Lead A288NS insert after 5th graph: review.

Since Battle had signed the minutes of Ray's brief trial, the proceedings are final, and another Criminal Court judge said Ray's rights to a new trial would in no way be prejudiced because of Battle's death.

"There is a full transcript of every word which was said in court," the judge said. "This is just a question of mechanics--the motion for a new trial could be heard by a judge named by the presiding judge of Shelby County, or it could go before a Memphis judge to be selected by the chief justice of the state supreme court.

Battle: 6th graph.

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Battle was found slumped over his desk in chambers about 5:25 p.m., CST, by Asst. Dist. Atty. Gen. James Beasley, who was one of the prosecutors in the Ray case.

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NASHVILLE-Lead Judge A288NS, insert after sixth graf: case.

An autopsy performed Monday night by Dr. Jerry T. Francisco, the same county medical examiner who did the King autopsy, confirmed that Battle's death was from a heart attack.

"There was no indication of any foul play," said Sheriff's Capt. A. C. Gilles. "I was one of the first ones to view the body when it was found."

Gilles said, etc, picking up 3rd graf A306NS, sent as insert to Lead Judge, A288NS.

MEMPHIS-Lead Judge A288NS, insert after sixth grafC case.

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Judge Lead Add

MEMPHIS, Tenn., Judge Lead A288 add: case.

Judge Battle said in a recent interview that he remained puzzled about several unanswered questions in the Ray case but added that he was convinced a trial would not have produced the answers. Speaking of the agreement to accept the guilty plea, he said, "I was convinced then and am convinced now that the trial would have muddled our understanding of the substantial evidence which established Ray as the killer."

Judge Battle was known as a stickler for the law and rigid courtroom behavior. He imposed stringent restrictions on news coverage of the Ray trial.

He began his legal career in 1934 as a county prosecutor, leaving the county service in 1945 with the rank of first assistant district attorney general. From 1945 to 1959 he was in private law practice, working mainly with criminal cases.

He was appointed to the bench in 1959 when a new Criminal Court division was formed in Memphis.

Judge Battle was a short, double-chinned, heavy set man with a serious demeanor. He often called a recess while hearing a case, to mull through legal volumes in his chambers.

Memphis attorneys said he could be devastating when he felt a lawyer was grandstanding in the courtroom. At the same time he exhibited patience and compassion when a witness or defendant appeared nervous or emotionally shaken.

Judge Battle presided over a number of headline-making trials during his term on the bench, sometimes seeing his decisions reversed.

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Judge Lead 2nd Add

MEMPHIS, Judge Lead A296 2nd add: reversed.

He presided at the celebrated trials of grocery executive Louis F. Montesi, charged with the shooting death of his wife in 1965. Montesi's conviction of voluntary manslaughter was invalidated by the State Supreme Court. He was later convicted of involuntary manslaughter in a second trial before Judge Battle.

The judge attended Washington & Lee University and was graduated from the University of Memphis Law School, now a part of Memphis State University School of Law.

He married in 1921 and was the father of four children.

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Judge lead 3rd Add

MEMPHIS—Judge lead A299 3rd add: children.

Battle's stringent "no publicity" orders in the Ray case came after the defendant was extradited from London to the United States last July and placed in the county jail here.

The major part of Battle's time since then had been occupied with the Ray case. Ray was first scheduled to go to trial before Battle last November, but the trial was postponed when Ray fired the Birmingham, Ala., ex-mayor, Arthur Hanes, as his defense counsel on the eve of the trial and hired Percy Foreman of Houston, Tex.

Battle, during the course of the Ray case, found six men in contempt of his edicts covering pretrial publicity. Those men were to have appeared April 11 when Battle had intended to announce what punishment he would render.