

Judge W. Preston Battle Dies; Presided Over the Ray Trial

Accepted Guilty Plea in Deal for 99-Year Sentence—Set Strict Publicity Rules

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MEMPHIS, March 31—W. Preston Battle, the judge who presided over the James Earl Ray trial, was found dead today, apparently of a heart attack, at his desk in Shelby County Criminal Court. He was 60 years old.

The judge, who was listed dead on arrival at a hospital here, was found by James Beasley, an assistant attorney general who was one of three prosecutors in the trial for the murder of the Rev. Dr. Martin Luther King Jr.

Mr. Battle is survived by his widow, the former Florence Warfield Boyce; a daughter, Mrs. E. R. Kinnebrew 3d; a son, W. Preston Battle Jr., a stepson, W. J. Britton 3d, and a stepdaughter, Mrs. E. Frank King of Germantown, Tenn.

Funeral arrangements were incomplete tonight.

Puzzled About Case

After months of preparation, the trial of James Earl Ray opened and closed March 10 when the defendant pleaded guilty to the murder of Dr. King and was sentenced to 99 years in the Tennessee State Prison by Judge Battle. The jury had agreed to such an arrangement by the state and the defense.

In an interview a few days later, Judge Battle said that he, like many other citizens, was still puzzled about many aspects of the assassination but that he felt a trial would not have produced the answers.

"I'd like the full proof," the short, heavy-set judge said.

"And as I said when the agreement was reached to permit Ray to change his plea to guilty, there is no end to our interest or to the law's responsibility and determination. If any evidence would arise that would point to a co-conspirator, that person will be pursued and treated as though he also had his finger on the trigger.

"There has been much talk of a conspiracy, but no one's saying so has yet produced a single shred of evidence or named an associate or conspirator."

Selected by Lot

Judge Battle, who was chosen by lot to preside over the case, had a reputation as a modest, taciturn and compassionate, though stern man.



Associated Press

Judge W. Preston Battle

"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," he said. "It is an error to assume that the prosecution would have had a chance to cross-examine Ray about his finances, or how he escaped from the Missouri State Penitentiary, or about persons who gave him any aid before or after the slaying of Dr. King."

He maintained that he could have refused to accept the joint prosecution-defense agreement, but declared: "My conscience told me that it better served

the ends of justice to accept the agreement."

On March 18, Judge Battle received a letter from Ray stating his plans to seek a review of his plea of guilty and disclosing that he had dismissed Percy Foreman as his lawyer and that he had been in touch with his former lawyer, Arthur J. Hanes.

"It would be presumptuous of us," Judge Battle said at that time, "to discuss this case too much. It may well come back before me on a post-conviction motion. I understand this man's a pretty good jailhouse lawyer. If I discuss the case I might have to excuse myself and make some other poor judge go through what I have for the past year."

Long before the trial, the judge issued an order to the news media against any discussion of the case by lawyers, witnesses and others that might be prejudicial.

William Bradford Huie, the biographer of Ray, was arrested in February on a contempt of court warrant for violating Judge Battle's ban on pretrial publicity.

Judge Battle, who was considered a stickler for the law and rigid courtroom behavior, was appointed to the bench when a new Criminal Court division was formed in Memphis in 1959. During his term, he presided over many headline trials.

He took an unpopular position when he dismissed an indictment against a theater manager for planning to show "I Spit on Your Grass," a movie that included love-making scenes by interracial couples. He found the state's obscenity law unconstitutional.

"They told me I'd be opening a Pandora's box for children, but I have to call 'em as I see 'em," he commented.

He was known to be sparing in his use of words, but not to hesitate honing and sharpening them when he felt a lawyer exceeded the limits of propriety or indulged in grandstand tactics.

Mr. Battle attended Washington and Lee University and was graduated from the University of Memphis Law School.

In 1934, he went to work in the district attorney's office. He left for private practice in 1945 and became one of Memphis's leading criminal lawyers.