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By DOUG STONE

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MEMPHIS, Tenn. AP - Judges studying the late Judge W. Preston Battle's personal files Tuesday discovered a second letter from James Earl Ray. Ray said the letter was notice of an intent to seek reversal of his 99-year sentence for the slaying of Dr. Martin Luther King Jr.

The letters turned up as the four surviving judges of the Shelby County Criminal Court sought to determine whether Battle's files contained anything that could be considered a motion by Ray for a new trial.

Battle died Monday of a heart attack.

He had handed down the sentence after Ray pleaded guilty March 10 to the sniper slaying last April 4 of King, who was in Memphis to aid the city's striking garbage workers.

The second letter, dated March 26, stated:

"I would respectfully request this court to treat this letter as a legal notice, of an intent to ask for a reversal of the 99-year sentence petitioner received in aforementioned court."

Whether this statement constitutes a request for a new trial would have to be determined judicially.

Judge Charles Galbreath of the State Court of Criminal Appeals said after Battle's death that a new trial would be automatic if Ray had asked for a new trial since Battle died before giving a ruling.

The contents of Ray's letters were revealed by Criminal Court Clerk James A. Blackwell who took custody of Battle's official papers to be filed as part of the court's records.

Battle had acknowledged receipt of a March 19 letter from Ray and had divulged some of its contents, including Ray's wish for a new trial. The judge had never revealed that he had received a second letter.

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Ray Bjt NL 520

MEMPHIS, Tenn. AP - The four surviving judges of Shelby County Criminal Court began to study the late Judge Preston W. Battle's personal files Tuesday to determine whether they contained anything that could be considered a new trial motion by James Earl Ray. Judge Battle, who sentenced Ray to 99 years in prison for the slaying of Dr. Martin Luther King Jr., died Monday of a heart attack.

The key to the question may be a letter which Ray wrote Battle from his maximum security cell in the Tennessee State Penitentiary. When Battle announced receipt of the letter March 19, he said it was not such a motion-but merely an indication that he would file one later.

Battle's personal papers dealing with the case were impounded Monday after the judge was found dead in his chambers.

Tennessee law gives a 30-day grace period after sentencing during which a prisoner can have his case reopened at the judge's discretion. Ray was sentenced March 10.

But if the presiding judge dies during this period, as in Battle's case, Tennessee law is clear. If a new trial motion is pending, the trial automatically is granted. There is no room in the law for doubt.

Here are the courses now open:

-If Ray's letter is construed as a new trial motion, he'll get it, no questions asked, according to Tennessee legal authorities.

-If the judges don't, on their own, decide the letter is a new trial motion, Ray can tell the court by April 10 that he wants the letter to stand as a new trial request. Should the court comply, he still could get it.

-Even if Ray fails in moves to get present files on the case to be considered new trial requests, he still has until April 10 to seek a new trial. But then the outcome of that motion would be left to the discretion of the new judge.

After Battle's funeral Wednesday, Gov. Buford Ellington will appoint the judge's successor. So far, there has been no indication whom the governor will name or when he will name him.

When Judge Battle sentenced Ray, he told him a guilty plea closed the door on appeal. And he asked from the bench repeatedly whether Ray understood this.

Ray acknowledged that he did.

But on his way to prison here the next day, he reportedly told transporting officers: "I wish the hit oi hadn't-pleaded guilty-now, because with what they had on me, I believe the worst I'd have gotten would have been life."

Under state law, a life prisoner becomes eligible for parole in no more than 13 years and seven months. Ray must serve at least 30 years under his present sentence.

Ray has issued statements through various persons, including lawyer J. B. Stoner of Savannah, Ga., that he was pressured by his defense attorney, Percy Foreman of Houston, Tex., into pleading guilty. At the time the guilty plea was entered, Foreman told the court the plea was the only way "to save this man's life" from the state's electric chair.

Foreman has denied exerting any pressure and says he has in his possession a letter signed by Ray asking that he plead guilty.

In any case, Ray announced in his letter to Battle that he had dismissed Foreman and would seek a new trial. So far as is known, however, he has not hired a new lawyer to pursue his case.

Stoner has made it clear that he represents Ray only in civil matters.

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