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Judge Sets May 26 To Hear Ray Plea For Murder Retrial

MEMPHIS, April 16 (AP)—Judge Arthur C. Faquin Jr. today set May 26 to hear a motion by James Earl Ray for a new trial in the murder of the Rev. Dr. Martin Luther King Jr.

Robert K. Dwyer, executive assistant district attorney, said there was a strong possibility that Ray himself would appear at the hearing.

The question of Ray's eligibility for a new trial is unclear under Tennessee law. He entered a guilty plea on March 10 to Dr. King's murder and was sentenced to 99 years in prison.

Normally, anyone who enters such a plea forfeits rights to appeals or new hearings, and Criminal Court Judge W. Preston Battle pointed that out to Ray when the plea was made.

However, Tennessee law also provides that any new trial motions that are pending before a judge who dies must automatically be granted. Judge Battle died of a heart attack on March 31.

Almost immediately after he pleaded guilty Ray said he was pressured into doing so and wanted a new trial. He wrote two letters to that effect to Judge Battle and Ray's attorneys contend that a letter sent five days before the judge's death constitutes a motion for a new trial.

Judge Faquin, who was named back-up judge in the early stages of the case last summer, assumed full responsibility upon Judge Battle's death.

In a development yesterday, a civil suit filed in United States District Court in Nashville by Ray's present attorneys was amended to charge that Ray's former counsel, Arthur Hanes of Birmingham, Ala., had been in "collusion" with William Bradford Huie, the author, in a plan to "exploit" Ray for monetary reasons.