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Ray's Plea

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Hearing on New King Case Trial

Cincinnati

A federal appeals court yesterday ordered a special hearing that could result in a new trial for James Earl Ray, convicted assassin of Dr. Martin Luther King Jr., because Ray's lawyer had a financial interest in a book about the case.

The U.S. Court of Appeals for the Sixth Circuit, in a 2-to-1 decision, ordered a hearing to determine the validity of Ray's claims that he was coerced into pleading guilty March 10, 1969.

He is serving a 99-year sentence for the April 4, 1968, assassination of King.

Ray had promised lawyer Percy Foreman all royalties he received from author William Bradford Huie, who was to write about the case. Just before Ray pleaded guilty, Foreman sent him a letter, offering to return all money beyond an initial \$165,000 if a guilty plea was entered, he said.

"The allegations . . . if true would support a finding that Ray's attorneys deliberately compromised their client's interests in order to further the financial success of Huie's works in which they themselves had a substantial interest," wrote Judges Harry Phillips and William Miller.

If Ray is successful at the

hearing — to be held later this year in Nashville, Tenn. — he will have the new trial he has sought for five years. Ray has said he will plead innocent if he gets a new trial.

Ray's current attorney, Bernard Fensterwald, contends his client was "browbeaten, badgered and bribed" into pleading guilty by Foreman.

"He (Foreman) talked to no witnesses, made no investigation," Fensterwald argued in court here. "He told Ray there was a 100 per cent chance of conviction and a 99 per cent chance he would go to the electric chair."

Henry Haile, the Tennessee assistant attorney general who argued against Ray's appeal, said he was "very surprised at the decision . . ." And hasn't decided whether to appeal yesterday's ruling to the U.S. Supreme Court.

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