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# U.S. NEWS

## STORY PAGE

### Court says judges overstepped bounds in Ray investigation

August 29, 1997  
Web posted at: 7:38 p.m. EDT (2338 GMT)

JACKSON, Tennessee (CNN) -- A Tennessee appeals court agreed Friday afternoon with a state request to keep two Memphis judges from taking any more action in the James Earl Ray case. But the court said Ray, who pleaded guilty in 1968 to killing Martin Luther King Jr., can continue his efforts to get more rifle tests in his quest for a trial.



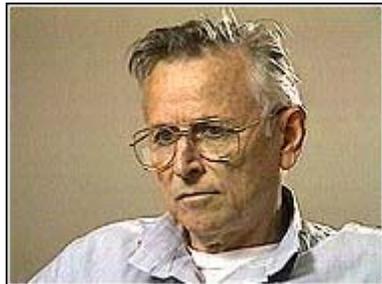
A criminalist shown testing the rifle in May (CNN)

State prosecutors had asked the Tennessee Criminal Court of Appeals to make two state judges stop pursuing issues related to the King assassination on the grounds that they had overstepped their judicial bounds.

Memphis Criminal Court Judge Joe Brown had ordered new testing on the rifle which investigators said was used to kill King. Like tests conducted in 1968 and 1978, the new tests were inconclusive. Brown has been considering ordering another round of ballistics tests.

### Judges may have overstepped separation of powers

Kathy Morante, a deputy attorney general, said Brown had the authority to order the May ballistics tests under a narrow ruling from the Court of Criminal Appeals, which said a trial judge can order new scientific tests on evidence under his control.



Ray (CNN/file)

But, she said, he has since gone beyond that and violated the state constitution's separation of powers rule which gives prosecutors, not judges, the authority to investigate crimes.

Specifically, Morante said, Brown should not have ordered

the FBI to turn over test bullets it fired from Ray's rifle in 1968, nor should he have told prosecutors to submit proposed guidelines for further tests.

In siding with the state, the court said "a judge must not independently investigate facts in a case and must consider only the evidence presented."

John Colton Jr., also a Memphis judge, wants to appoint a special investigator to take sworn testimony about the possibility of a conspiracy in King's death.

"Neither Judge Brown nor Judge Colton has the authority to issue these orders," Morante said.

### **King family supports Ray's bid for trial**

Ray, 69, confessed to the 1968 assassination of the civil rights leader and is serving a life sentence for the murder. He has recanted his confession and has been trying to take back his guilty plea and get a trial on the assassination charges for more than 28 years. It has been upheld eight times by state and federal courts.

King's family supports Ray's bid for a trial, believing it could answer questions about a conspiracy. Dexter King, King's son, attended the appeals court hearing to lend Ray his support.

"This is not about Ray. It's about justice," Dexter King said outside the courtroom. "Judge Brown is very capable. Are we questioning his competence as a jurist?"

*The [Associated Press](#) contributed to this report.*



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EXPLORE

## Family hopes Ray stays alive for more hearings

December 25, 1996  
Web posted at: 11:15 p.m. EST

NASHVILLE, Tennessee (CNN) -- James Earl Ray, convicted assassin of Dr. Martin Luther King Jr., remained hospitalized Wednesday in critical condition, while his family clung to the hope he will survive long enough to clear his name.



James Earl Ray (CNN/file)

Jerry Ray said Christmas Day he would authorize putting his brother on life-support equipment, if necessary, while attempts are made to prove he didn't kill the civil rights leader. On Tuesday, Jerry Ray signed a request refusing such medical measures.



(CNN)

In explaining the change, Jerry Ray told reporters he wanted a February 20 hearing to go forward. William Pepper, James Earl Ray's attorney, is seeking permission to test the murder weapon, which was found with James Earl Ray's fingerprints.

Pepper and Ray, who contends he was a fall guy for the real killers, believe tests on the rifle will prove it was not used in the slaying. Prosecutors say the tests aren't warranted and could damage the evidence.

"If James dies, that hearing won't happen. If James dies, he goes down in history as Martin Luther King's killer, and that makes the whole Ray family look bad," Jerry Ray said.

"The Rev. James Lawson called me from California [Tuesday]," he said. "James' attorney William Pepper called, too, and they convinced me that we had a good chance."

### 'Did not act alone'

Lawson, a Los Angeles pastor who had a church in Memphis in 1968, is one of several black leaders who said they do not believe Ray was the assassin.

The Rev. Jesse Jackson, who was with King in Memphis when he was assassinated, believes Ray had an accomplice or accomplices. "I am convinced of two things -- James Earl Ray was involved in Dr. King's assassination, and James Earl Ray did not act alone," Jackson told CNN Wednesday.



(CNN)

Ray "did not have motivation or money" to pull off the assassination alone, Jackson said.

 (38K/13 sec. [AIFF](#) or [WAV](#) sound)

Jackson, like other black leaders, said he is hopeful for a death bed confession of "who all was involved" to "give us all a sense of relief."

 (226K/21 sec. [AIFF](#) or [WAV](#) sound)

Ray, 68, is in a coma, suffering from cirrhosis of the liver, kidney failure and internal bleeding.

He has been serving a 99-year sentence at the Riverbend Maximum Security Prison in Nashville. He was transferred to the hospital last weekend.

Ray pleaded guilty to the April 1968 killing of the civil rights leader at a Memphis motel. Arrested after an international manhunt, Ray pleaded guilty but promptly recanted and claimed he was the fall guy for others.

*The [Associated Press](#) contributed to this report.*

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