

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

---

No. 75-1795

---

JAMES EARL RAY,

Petitioner-Appellant,

vs.

J. H. ROSE, Warden, Tennessee State Penitentiary,

Respondent-Appellee

---

MOTION FOR APPOINTMENT OF COUNSEL

Comes now the petitioner, James Earl Ray, and moves the Court to appoint the undersigned attorney to represent him in this cause as provided by 18 U.S.C. §3006A(g).

The hallmark of American justice is its attempt to insure that no individual charged with a crime will be convicted without due process of law. Petitioner has repeatedly stated and testified that he did not shoot Dr. Martin Luther King, Jr. and was coerced into entering a plea of guilty to that crime. In Ray v. Rose, 491 F. 2d 285 (C.A. 6, 1974), this Court thought petitioner's allegations of

sufficient moment as to require a "full-scale judicial inquiry" by the district court.

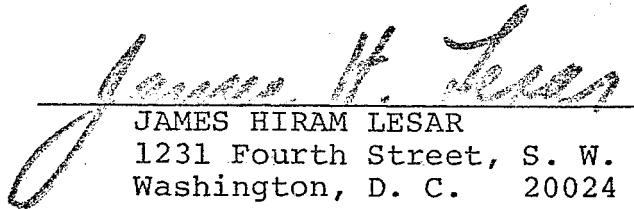
Before holding the evidentiary hearing ordered by this Court the district court ruled that it could not subpoena key witnesses or compel the production of relevant documentary evidence. After holding an evidentiary hearing in the absence of these key witnesses and the relevant documentary evidence, the district court ruled that Ray had not shown that his plea was coerced or that he had been denied the effective assistance of counsel. On appeal this Court affirmed those rulings.

Ray is entitled to ask the Supreme Court to review the denial of his petition for a writ of habeas corpus. However, as the attached affidavits attest, Ray is indigent and cannot afford to retain a lawyer to prepare a petition for a writ of certiorari. This Court having denied Ray's motion that he be allowed to change counsel and file his petition pro se, Ray's right to petition the Supreme Court can only be guaranteed by the appointment of counsel to represent him.

Because of his familiarity with the record in this case, the undersigned counsel is the attorney best qualified to prepare Ray's petition for certiorari.

For the above stated reasons, petitioner's motion for appointment of counsel is in the interests of justice and should be granted.

Respectfully submitted,

  
JAMES HIRAM LESAR  
1231 Fourth Street, S. W.  
Washington, D. C. 20024

CERTIFICATE OF SERVICE

I hereby certify that I have this 2nd day of August, 1976, mailed a copy of the foregoing Motion for Appointment of Counsel to Assistant Attorney General William J. Haynes, Jr., 420 Supreme Court Building, Nashville, Tennessee 37219.

  
JAMES HIRAM LESAR