

UNITED STATES GOVERNMENT

Memorandum

Tolson	_____
DeLoach	_____
Mohr	_____
Bishop	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. DeLoach

DATE: September 30, 1968

FROM : A. Rosen

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. McGowan
- 1 - Mr. Long
- 1 - Mr. Bishop

SUBJECT: MURKIN

SYNOPSIS:

This is the case involving the murder of Martin Luther King, Jr. Judge W. Preston Battle, Memphis, Tennessee, issued a court order on September 18, 1968, for the defense to inspect, copy or photograph items and documents of evidence in relation to trial of James Earl Ray on state charges, which include penal records and psychiatric reports of Ray. Mr. Phil M. Canale, Jr., who is handling the state's prosecution advised order is in reference to evidence now in possession of Memphis Police Department, and he does not intend to exhibit to the defense any reports contained in our investigative reports furnished to him by us. Representatives of Mr. Canale were in our laboratory reviewing evidence recovered by us and in our possession. Any evidence they request and we turn over to them will be subject to inspection by the defense. The Department has advised it will no doubt be necessary to turn over some of our evidence to Memphis authorities. Evidence recovered by Memphis is under very strict control of Mr. Canale.

ACTION:

This matter is being followed closely, and the Department is being furnished a copy of the court order. The Department will be advised of Mr. Canale's interpretation of the court order.

BACKGROUND:

Judge W. Preston Battle, Criminal Court of Shelby County, Memphis, Tennessee, issued a court order on September 18, 1968, for the defense to inspect, copy or photograph items and documents of evidence in relation to the trial of James Earl Ray on state charges. The items and documents of evidence includes firearm, automobile and objects found therein, guest registers of hotels, motels and rooming houses, penal records of Ray,

Enclosure

REL:jms
(7)

DETAILS 3
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psychiatric reports of Ray, television sets, binoculars, or other tangible objects purportedly used or handled by Ray. The judge in this court order denied the defendants motion to produce ballistic and weapons test.

Mr. Phil M. Canale, State Attorney General, Shelby County, Memphis, Tennessee, who is handling the state's prosecution advised the order is in reference to the evidence now in possession of his department as recovered at the scene of the assassination by the Memphis Police Department. It is noted that the court order cites penal records of Ray and psychiatric reports. Reports such as these are contained in the results of investigative reports furnished to Mr. Canale, with Departmental approval. In relation to this Mr. Canale has advised the court order does not refer to the investigative reports furnished to him and he does not intend to exhibit these to the defense.

Three representatives from Mr. Canale's office were in our laboratory reviewing the evidence recovered by us and which is in our possession. According to Mr. Canale, when any of our evidence is turned over to them at their request, the Defense has the legal right to inspect this evidence. There appears to be nothing objectionable in this, as the Department has advised that it will no doubt be necessary to turn some of our evidence over to the Memphis authorities.

Mr. Canale has advised that Arthur J. Hanes, attorney for James Earl Ray, has inspected some of the evidence in possession of Memphis authorities and Hanes has not made any requests whatsoever for inspection of evidence in the FBI's possession. Mr. Canale has further advised the evidence as recovered by the Memphis Police Department is under his own very strict control and the utmost security is being maintained to insure the evidence is preserved.

apn P

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

STATE OF TENNESSEE

VS.

No. 16645
(Murder)

JAMES EARL RAY, Alias

ORDER

This cause having come on for hearing on September 6, 1968, on defense Motion for Discovery, the Court having heard arguments of counsel for the State of Tennessee and for the defense, and being otherwise fully advised in the premises,

It is, therefore, ORDERED, ADJUDGED and DECREED as follows:

The defense Motion for Production of books, papers, documents and tangible objects is hereby granted as to the following: Any fire-arm or other weapon belonging to Defendant or allegedly used in committing the crime charged; Any automobile allegedly owned or operated by Defendant and any and all objects found therein; Documents, particularly guest registers, pertaining to any hotel, motel, rooming house or other purported place of residence, temporary or permanent, of Defendant from April 23, 1967, until June 8, 1968, and of the alleged victim of the crime charged from March 25, 1968, through April 4, 1968; Any photographs in possession of the Attorney General purportedly showing Defendant or others sought in connection with the crime herein charged; Penal records of Defendant, including any and all medical, optometric, or psychiatric reports contained therein or produced while Defendant was in custody of any authority; Any military records of Defendant in the possession of the Attorney General, including results of medical, optometric, or psychiatric tests and results of proficiency tests; Passports, visas and applications therefor; Manifests, passenger lists, tickets, or other documents pertaining to transportation of or travel by Defendant; Any fingerprints found on tangible objects

named or produced herein; Any fingerprints used or displayed in any search for Defendant; Expended slugs from a firearm, or fragments thereof; Bullets, hulls, shells or casings, expended or unexpended; Maps, television sets, binoculars, or other tangible objects purportedly used or handled by Defendant; Logs and records of calls made over the radio network of any law enforcement agency of Shelby County, Tennessee, during the period of April 4, 1968 through April 5, 1968; The names and addresses of all witnesses for the State in this cause; Any and all statements, signed or unsigned, attributed to or purportedly made by Defendant and ~~any and all statements made in the presence of the Defendant to which note of his reaction was made;~~ Any bank or trust company records pertaining to Defendant, his accounts or transactions by or concerning him.

C. J. H.

The Attorney for Defendant shall be allowed to inspect, copy, or photograph the above named items and documents at such reasonable time, place and manner as shall be mutually convenient to the Attorney for the State and the Attorney for Defendant; The terms of such inspection shall remain under the supervision and control of the Court.

The Defendant's Motion to Produce ballistic and weapons tests and reports thereof is hereby denied as being the work product of a law enforcement officer or Attorney for the State.

Done this 18th day of September, 1968.

C. W. Preston Balle
 Judge, Division 3, Criminal Court of Shelby County, Tennessee

*OK Robert K. [unclear]
 Esquire [unclear]*

*9/14/68
 Affirmed by
 [unclear]
 Attorney for
 Defendant*

Rosen to DeLoach memorandum

RE: MURKIN

ENCLOSURE (1)

44-38861-5213