

FBI WASH DC

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAR 10 1969

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

FBI MEMPHIS

625PM URGENT 3-10-69 MCP

TO DIRECTOR 44-38861

FROM MEMPHIS 44-1987 5 P

MURKIN.

A HEARING OF THE JAMES EARL RAY MATTER WAS HELD BEFORE THE HONORABLE W. PRESTON BATTLE, SHELBY COUNTY, TENNESSEE, CRIMINAL COURT JUDGE, MEMPHIS, DURING A.M., AND EARLY P.M., THIS DATE.

PERCY FOREMAN, ATTORNEY FOR RAY, PRESENTED A PETITION TO THE COURT WHEREIN THE DEFENSE AND PROSECUTION HAD AGREED TO A COMPROMISE SENTENCE OF NINETY NINE YEARS IN RETURN FOR RAY'S PLEA OF GUILTY TO MURDER IN THE FIRST DEGREE IN CONNECTION WITH THE MURDER OF DR. MARTIN LUTHER KING, JR. JUDGE BATTLE QUESTIONED RAY CONCERNING THE PLEA AND RAY AGREED THAT HE WAS VOLUNTARILY PLEADING GUILTY TO THE CHARGE. JUDGE BATTLE EXPLAINED TO RAY CERTAIN RIGHTS THAT RAY WAS WAIVING BY A GUILTY PLEA SUCH AS A RIGHT OF APPEAL.

THE NAMES OF TWELVE JURORS WERE THEN CALLED AND THESE JURORS WERE SEATED. JUDGE BATTLE EXPLAINED TO THE JURORS THAT A COMPROMISE HAD BEEN REACHED BY THE DEFENSE AND PROSECUTION TO A SENTENCE OF NINETY NINE YEARS FOR RAY IN RETURN FOR RAY'S PLEA OF GUILTY TO THE CHARGE OF MURDER IN

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MR. DELOACH FOR THE DIRECTOR

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THE FIRST DEGREE. ALL OF THE JURORS AGREED THAT THEY COULD FOLLOW THE SENTENCING RECOMMENDATION OF NINETY NINE YEARS.

PHIL CANALE, SHELBY COUNTY STATE ATTORNEY GENERAL, ADDRESSED THE JURY AND DURING HIS REMARKS STATED THAT THE EXTENSIVE INVESTIGATION CONDUCTED IN THIS MATTER FAILED TO REVEAL ANY EVIDENCE OF A CONSPIRACY IN THE SHOOTING OF KING.

FOREMAN THEN ADDRESSED THE JURY AND DURING HIS REMARKS HE MENTIONED THAT IN JULY OF ONE NINE SIX EIGHT, RAMSEY CLARK, U. S. ATTORNEY GENERAL AND JOHN EDGAR HOOVER, DIRECTOR, FBI, HAD PUBLICLY STATED THAT THERE WAS NO CONSPIRACY IN THE SHOOTING OF KING. FOREMAN STATED THAT IT TOOK HIM OVER A MONTH OF REVIEWING EVIDENCE AND TALKING TO RAY TO CONVINCCE HIMSELF (MEANING THAT THERE WAS NO CONSPIRACY).

AS FOREMAN REACHED THE DEFENSE COUNSEL TABLE AND SAT DOWN, RAY ROSE TO HIS FEET AND ADDRESSED JUDGE BATTLE, STATING THAT HE DID NOT AGREE THAT THERE WAS NO CONSPIRACY IN THE WRITTEN SIXTEEN PAGES OF STIPULATIONS THAT HE HAD SIGNED. RAY THEN STATED THAT HE ^{DID} NOT AGREE WITH THE THEORIES OF RAMSEY CLARK, JOHN EDGAR HOOVER, CANALE AND

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FOREMAN (REFERRING TO THE FACT THERE WAS NO CONSPIRACY), JUDGE BATTLE ADDRESSED RAY, ASKING RAY IF HE WERE STILL PLEADING GUILTY TO CHARGE OF MURDER IN THE FIRST DEGREE AND RAY REPLIED "YES SIR" AND SAT DOWN.

THE JURY WAS THEN SWORN AND TESTIMONY FROM FIVE WITNESSES WAS PRESENTED TO THE JURY BY THE PROSECUTION WITH NO CROSS EXAMINATION BY THE DEFENSE.

REV. SAMUEL B. KYLES, MONUMENTAL BAPTIST CHURCH, MEMPHIS, TESTIFIED THAT HE WAS A FRIEND OF KING FOR TEN YEARS AND WAS PRESENT ON THE BALCONY OF THE LORRAINE MOTEL IN MEMPHIS WHEN KING WAS SHOT.

CHAUNCEY ESKRIDGE, ATTORNEY, CHICAGO, ILLINOIS, TESTIFIED THAT HE REPRESENTED KING FOR A NUMBER OF YEARS AND THAT HE WAS IN THE COURTYARD BELOW THE BALCONY OF THE LORRAINE MOTEL WHEN KING WAS SHOT.

DR. J. T. FRANCISCO, SHELBY COUNTY CORONER, MEMPHIS, TESTIFIED TO THE RESULTS OF THE AUTOPSY PERFORMED BY HIM ON THE BODY OF KING.

INSPECTOR N. E. ZACHARY, MEMPHIS POLICE DEPARTMENT, TESTIFIED THAT HE WAS IN CHARGE OF THE POLICE DEPARTMENT

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HOMICIDE DIVISION AT THE TIME KING WAS SHOT AND THAT HE PRESERVED CERTAIN EVIDENCE AT THE SCENE OF THE CRIME AND TURNED THIS EVIDENCE OVER TO ROBERT G. JENSEN, SAC, MEMPHIS FBI.

ROBERT G. JENSEN, SAC, MEMPHIS FBI DIVISION, TESTIFIED TO THE OBTAINING OF THE VOLUMINOUS EVIDENCE FROM INSPECTOR ZACHARY AND THE MANNER IN WHICH THE EVIDENCE WAS IDENTIFIED, PACKAGED AND FORWARDED TO THE FBI LABORATORY. SAC JENSEN TESTIFIED TO THE EXTENSIVE INVESTIGATION THAT WAS CONDUCTED BY THE FBI AND OR ON BEHALF OF THE FBI THROUGHOUT THE U. S., MEXICO, CANADA, ENGLAND AND PORTUGAL, WHICH CULMINATED IN THE ARREST OF RAY IN LONDON, ENGLAND, ON JUNE EIGHT, ONE NINE SIX EIGHT.

IN ADDITION, JAMES BEASLEY, ASSISTANT SHELBY COUNTY STATE ATTORNEY GENERAL, DESCRIBED TO THE JURY THE EVIDENCE THAT THE PROSECUTION COULD INTRODUCE, NAMELY THAT NAMED IN THE SIXTEEN WRITTEN PAGES STIPULATED TO BY BOTH DEFENSE AND PROSECUTION. BEASLEY WENT INTO GREAT DETAIL AS TO THE POTENTIAL TESTIMONY OF FBI EXPERTS FROM THE DOCUMENTS SECTION,
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HAIRS AND FIBERS SECTION AND FIREARMS IDENTIFICATION UNIT OF THE FBI LABORATORY AND THE LATENT FINGERPRINT SECTION OF THE FBI IDENTIFICATION DIVISION. THE STATE THEN RESTED ITS CASE AND THE DEFENSE DID NOT OFFER ANY ^{EVIDENCE} PROOF.

JUDGE BATTLE THEN REQUESTED THAT EACH MEMBER OF THE JURY RAISE HIS RIGHT HAND IF HE WAS AGREEABLE TO THE SENTENCE OF NINETYNINE YEARS. ALL JURORS RAISED THEIR RIGHT HAND. JUDGE BATTLE THEN REQUESTED THAT RAY STAND UP AND THEN JUDGE BATTLE SENTENCED RAY TO SERVE A TERM OF NINETYNINE YEARS IN THE STATE PRISON AT NASHVILLE, TENNESSEE.

THROUGHOUT THE TESTIMONY OF THE FIVE WITNESSES PRESENTED BY THE PROSECUTION, AS WELL AS THE EVIDENCE BEING DISCUSSED BY BEASLEY, THE WITNESSES AND BEASLEY UTILIZED THE ^CMOCK UPS PREPARED BY THE EXHIBITS SECTION OF THE ADMINISTRATIVE DIVISION OF THE FBI. THE JURORS, NEWS MEDIA, MEMBERS OF THE COURT AND PUBLIC WERE ATTRACTED TO THE MOCK UPS AND MADE VERY FAVORABLE COMMENTS CONCERNING SAME UPON COMPLETION OF THE HEARING. THE HEARING ENDED AT TWELVE TWENTY P. M., THIS DATE. END.

PGH

FBI WASH DC

CC-MR. ROSEN