

G E O R G E M c M I L L A N

February 7, 1974

Dear Jack:

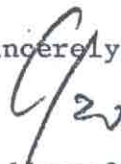
The state of Tennessee has decided not to appeal the decision of the 6th circuit court of appeals giving Jimmy an evidentiary hearing. So, the hearing is going to be held. No date has been set. It cannot be held in fewer than 90 days, and I am told that it probably will be held in June, perhaps July. If the courts should decide that Jimmy deserves a new trial, that trial probably wouldn't be held in less than a year--or so I am told. That is, if Jimmy should get a favorable ruling out of the evidentiary hearing which is to be held in front of Judge Morton in Nashville, the state would appeal that--back up to the court of appeals, even to the Supreme Court. All that takes time.

I don't know enough about the law to know what is going to happen at the evidentiary hearing. Foreman, Hanes, Huie, all might appear, or they might not, and give depositions instead. Jimmy may or may not take the stand, depending on his decision with his lawyer advising him. Jerry tells me that Jimmy wants to take the stand, is determined to take the stand. But I am not sure that Fensterwald would want him to--I just don't know about that. I don't know whether Fensterwald would want you to take the stand, you or Jerry. That is really none of my business. That is Fensterwald's department.

I do not believe that anything is going to happen at the evidentiary hearing or at a trial, if one should be held, that is going to change my book a bit.

I'll keep you in touch with what is happening.

Sincerely,



P.S. What is Carol's new address?

Mr. John Larry Ray 86798
U. S. Penitentiary
Marion, Illinois 62959

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GM:mLz