

Reverend Samuel B. Kyle was the first witness at the guilty-plea hearing. (Transcript, pp. 29 ff.) He lived at 2212 South Parkway East, Memphis, was pastor of the Monumental Baptist Church, at 704 South Parkway East and had been a personal friend of King's for about 10 years.

He testified that King was to have been his dinner guest, that a t a few minutes before six King was "alive and in good health and in good spirits, the words of Prosecutor Robert K. Dwyer's question. (T30-1)

Kyles identified the place he and King has been standing for "three or four minutes" by pointing it out on the scale model of the area made by the FBI. He said he had turned to his right "and got approximately five or six steps away from him and I heard what I now know was a shot." (T31-2) When he saw the fallen, bleeding King he rushed back to Room 306 "and picked up the phone to try to get an ambulance and I didn't have success at that because I think the operator had left. She must have heard the shot and come out."

When King was taken to the Hospital, Kyles remained behind to handle other details, like informing Mrs. King.

He was asked if he had looked over toward the rooming house after the shot. He said he looked had because others were pointing "and we all looked in that direction." Dwyer interpreted this to mean toward the rooming house on the mockup, then asked "Do you see ~~the~~ <sup>the</sup> area over there?" Kyles pointed on the mockup and asked "here?" Dwyer said "Yes," followed by "Right in the back, did you look down in there, in that area?" Kyles responded, "Yes, I looked over here because there were bushes and things. It wasn't clear like this (indicating)." Kyles saw nothing moving in that area. (T34-6)

At the end of the brief questioning, of about seven pages, Kyles identified a picture as depicting the wound he saw on ~~Dr.~~ King and that at the funeral, which he attended, it was King who was buried. (T.36)

(note to self, pick up what Kyles volunteered on T 33 later)

By Kyles' testimony it was established that the victim was in fact Dr. King, that he had been shot, and that he had been killed. at approximately 6 p.m. on April 4, 1968.

Chauncey ~~Eskridge~~ Eskridge, of Chicago, friend and lawyer of the victim, was next.

(T38 ff) He testified to having been standing in the parking area below Room 306, right behind Solomon Jones,

behind the driver ~~of the~~ of the limousine assigned to Dr. King. "We both were on the lefthand side of the car, and Rev. Andrew <sup>+</sup> Young was on the righthand side of the car."

(T 39) Dr. King came out briefly, he testified to give a message, "Telle Jesse Jackson we are ready to go." (Jesse Jackson was head of Operation Breadbasket, another economic program based in Chicago. He also was a close friend and associate of Dr. King.)

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"He went back in to put his shirttail and a few minutes later he came out with his coast on and put his hand on the rail [of the balcony] and leaned over the rail and said, "Okay, start the car." Whereupon the sound came from my right ear and said 'Zing!'"

Eskridge ~~next~~ was asked if he had looked toward the boarding house. He said he had. Asked if he had seen anyone moving he said he had not. (T40) He was at the hospital when informed that Dr. King was dead and he also was at the funeral. (T40,41)

Both witnesses were used to establish the fact that the dead man was to their knowledge Dr. King, the approximate time of the shooting and by inference the direction from which the shot came, the back of the rooming house.

They were followed by the Shelby County Medical Examiner, Dr. Jerry Thomas Francisco (T42 ff). He testified to beginning to perform an autopsy on the body of Dr. King at 8:47 p.m. ~~(T43)~~ (T43) and ~~it~~ to "what your examination reflected."

"The examination revealed a gunshot wound to the right side of the face, passing through the body into the neck, through the spinal cord at the base of the neck, with the bullet lodging beneath the skin near the shoulder blade on the left." (T44)

He also testified to recovering and putting an identifying mark of what was described by both him and Dwyer as "a bullet." ~~(T44-5)~~ (T44-5)

Y <sup>He</sup> gave the trajectory as downward and from right to left. (T44) What were described as his making "tests" consisted of his going to the scene of the crime and viewing both the motel room and the rooming house bathroom. His brief testimony ended with the brief conjecture ~~of Dwyer put it there and then angle~~ in the words of Dwyer's question, it was "consistent with the angle of the wound" for a shot to have come from that bathroom window. (T46)

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The testimony of the medical examiner was to the possibility of a shot coming from the rooming house, based on his own observations of both the scene of the crime and the autopsy he had performed on the victim.

Memphis Police Department Inspector N.E. Zachary followed. (T 47 ff.) He was then in charge of the homicide bureau. (Since then he retired and moved into Mississippi, below Memphis.) At the time of the crime he was in police headquarters. When informed of the shooting he went to the Lorraine Motel. He spent some time there, part of it in giving instructions that included taking photographs. He also detailed men to the area. (T48) He claimed to have been the one who found the bundle at Canipe's and to have ~~stationed~~ ~~a~~ ~~guard~~ ~~on~~ ~~it~~ ~~with~~ ~~instructions~~ ~~to~~ ~~let~~ ~~no~~ ~~one~~ ~~touch~~ ~~it~~ ~~or~~ ~~move~~ ~~it~~ until we could take photographs of it."(T49)

He then identified the contents of the bundle and that about 10 p.m. he turned all but a "tee shirt and shorts over to the ~~FBI~~ Special Agent in Charge of the FBI's Memphis office. Robert G. Jensen Jensen. (T50-3)

Through this testimony the prosecution sought to establish a chain of evidence relating to the bundle and its contents, most importantly of the contents the rifle.

Jensen was the last of the five live witnesses. His testimony was also quite brief, of ~~five~~ <sup>six</sup> pages. (T54ff) (He also has since retired. He is director of security for the Holiday Inns, based at the same Rivermonet Motel to which Canipe had been taken after the March 28 violence.)

At about five minutes after six he was informed of the shooting, called Washington, was ordered to move into the case and by 6:30 p.m. had dispatched agents to this end.(T55)

Jensen confirmed that Zachary had turned the bundle over to him. He testified to supervising the wrapping of it and to having an agent "physically carry ~~it to Washington~~ the material to the laboratory," meaning the FBI lab in Washington. (T 56)

On the ~~the~~ next day he assigned his agents "to make a canvas of the hotels and motels in Shelby County." As a result they located a registration in the name of Eric S. Galt at the Rebel Motel. The registration included the white Mustang. (T56-7)

He also gave hearsay testimony to the effect the rifle to Aeromarine in Birmingham, to a search for Galt in Birmingham

and, after the Mustang was found in Atlanta on April 11, to fur her investigations in Los Angeles and Mexico, based on items recovered in the car and a "Mexican tourist sticker on it. (T57-8) Later the investigation extended to Canada and Portugal. (He was not asked about England) His testimony concluded with an affirmative answer to the question, "Did the investigation made by the F.B.I. culminate in the arrest of James Earl Ray? (T59)

Percy Foreman and the prosecution had agreed to stipulations on the other evidence the State would present if there had been a trial. These were narrated by James Beasley, then another Assistant District Attorney General. (T60 ff).