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ROBERT V. WENZLER

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The said witness, having been first duly sworn,  
testified as follows:

DIRECT EXAMINATION  
BY MR. LESAR:

Q. Mr. Wenzler, for the record, would you state your current address?

A. 4100 Ward Avenue.

Q. And at the time of the James Earl Ray case could you state what your business was?

A. I was a senior survey party chief for the City of Memphis.

Q. And in that capacity did you execute an affidavit which was filed with the London court for the extradition of James Earl Ray?

A. I executed an affidavit for the attorney general here, yes, sir.

Q. On June 10, 1968?

A. The exact date I don't remember.

THE COURT: You are still lowering your voice. Speak up, sir.

THE WITNESS: All right, sir.

BY MR. LESAR:

Q. Is that a copy of an affidavit which you executed?

1 A. Yes, sir.

2 Q. And attached to this affidavit is a letter from a  
3 Mr. Frank C. Holloman, director, Division of Fire and  
4 Police, City of Memphis, from a A. C. Holbrook, plans and  
5 design division. Was that attached to the affidavit also?  
6 Are you familiar with that?

7 A. Yes.

8 Q. What is the relation of Mr. Holbrook to you at that  
9 time?

10 A. Mr. Holbrook was the office engineer in charge of the  
11 field force for the City of Memphis.

12 Q. On page 2 of that letter I direct your attention to  
13 the first paragraph. Would you read it for us?

14 A. (Reading)

15 "The windowsill from the building from which  
16 the shot was fired is sixteen point three feet  
17 higher than a point fifty-nine inches above the  
18 floor of the balcony on which Dr. King was standing  
19 when shot."

20 Q. Now, this says that the windowsill of the building  
21 from which the shot was fired was sixteen point three feet  
22 higher than a point fifty-nine inches above the floor of  
23 the balcony.

24 Was the survey which was attached to this based on  
25 these figures?

1 A. Yes.

2 Q. Do you recall why a figure of fifty-nine inches from  
3 the floor of the balcony was used?

4 A. That was the figure that was given to us by the two  
5 lieutenants that were down there. This was the approximate  
6 height the bullet had entered Dr. King's body.

7 Q. And you simply accepted their figures for that?

8 A. Yes, sir.

9 Q. Did they tell you what position Dr. King was in when  
10 --

11 MR. HAILE: I object. It is hearsay in the  
12 first place. What has it got to do with trying  
13 the lawsuit?

14 MR. LESAR: If they don't know what position  
15 he was shot in --

16 MR. HAILE: Why don't you put them on the  
17 stand? How would he know?

18 THE COURT: You can ask what other figures  
19 he has.

20 MR. LESAR: Yes, sir. I think I put it up  
21 here a second ago.

22 Q. Mr. Wenzler, I show you a chart No. 17 from the King  
23 autopsy, and ask you -- are you familiar with that chart?  
24 Did you ever see it before?

25 A. No, sir.

1 Q. What does it reflect?

2 MR. HAILE: Object to that autopsy testimony  
3 or any testimony about a document he has never seen.  
4 I don't understand what he is trying to prove through  
5 this witness, and I don't see how this witness can  
6 testify about an autopsy that he didn't do and charts  
7 he has never seen.

8 He did a triangulation.

9 THE COURT: I think we can ask the witness what  
10 he did. There ought to be a way of finding out.

11 MR. HAILE: I am not objecting to that. I am  
12 just objecting to all this other thing about how  
13 Dr. King was standing and what the autopsy report  
14 shows and all that stuff.

15 MR. LESAR: I think it is simply a matter of  
16 reading numbers that are written on the autopsy  
17 chart and the relevance will be clear.

18 Q. Is there a maximum given there for the distance between  
19 the heel of Dr. King in an upright position to his mouth?

20 A. It shows sixty-one inches.

21 Q. And does it also show the location of the wounds on  
22 Dr. King?

23 A. If I am reading it right it shows the wound on the  
24 right cheek and also one on the neck.

25 Q. And the top of those two wounds is somewhat lower than

1 the sixty-one inches?

2 A. The wound on the cheek is just a little lower than the  
3 sixty-one inches, yes.

4 Q. And it would be a reasonable inference from that that  
5 the fifty-nine inches may have been drawn from that calcula-  
6 tion?

7 MR. HAILE: Your Honor, I object to the  
8 inference.

9 THE COURT: I don't know how this witness  
10 can say what the reasonable inferences are. I  
11 can do that.

12 BY MR. LESAR:

13 Q. Let me ask you this, then: When you drew this survey  
14 did you ever consider or were you ever instructed to calculate  
15 angles from any other location than between the bathroom  
16 window in the Lorraine Motel?

17 A. No, sir.

18 Q. And were you ever questioned by any defense attorney  
19 about the survey that you made?

20 A. Defense attorney, no, sir.

21 MR. LESAR: Thank you. That's all, Your Honor.

22 CROSS EXAMINATION

23 BY MR. HAILE:

24 Q. Were you ever questioned by these attorneys before  
25 today?

1 A. No, sir.

2 MR. HAILE: Thank you.

3 THE COURT: Is that all?

4 MR. HAILE: Yes, sir.

5 THE COURT: Thank you, sir.

6 (Witness excused.)

7 THE COURT: Is your next witness short?

8 MR. LESAR: The next witness will be

9 Dr. Jerry Thomas Francisco.

10 THE COURT: Are you putting him down as a  
11 short witness?

12 MR. LESAR: I hope so. Do you want to take  
13 a recess?

14 THE COURT: I don't know. I have heard  
15 Dr. Francisco. Come on around, Doctor. We may have  
16 to break up your testimony, but maybe we won't.

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