PETITIONER IS NOT ENTITLED TO THE INSPECTION OF RECORDS UNDER THE FIRST AND SIXTH AMENDMENTS, COMMON LAW OR UNDER TENNESSEE LAW:

The State of Tennessee would show that James Earl Ray ~~has appealed his guilty plea, which was entered~~ entered a plea of guilty on March 10, 1969 in Division 3 of the Criminal Courts of Memphis, Shelby County, Tennessee to murder, first degree before the Honorable Judge Preston M. Battle for the slaying of Dr. Martin Luther King, Jr. and was sentenced to serve 99 years in the State Penitentiary. James Earl Ray filed a Habeas Corpus petition to the Federal District Court in Memphis, Tennessee attacking this guilty plea on several different issues. Federal District Court dismissed this Habeas Corpus petition and then appealed by his attorney to the Federal Court of Appeals for the Sixth Circuit. That court ruled that an evidentiary hearing should be conducted in that case and remanded it to the Federal District Court for said evidentiary hearing. RAY v. J.H. ROSE, WARDEN, 491 Fed 265 (C.A. 6, 1974). An evidentiary hearing was held in the Federal District Court and in a memorandum decision, CIVIL NO. 74-166, Robert M. McRae, Jr., Federal District Judge refused to

overturn James Earl Ray's guilty plea as entered in the State Criminal Court.

James Earl Ray's attorneys have appealed Judge McRae's decision to the ~~Sixth~~ Federal Court of Appeals for the Sixth Circuit.

Thus James Earl Ray still has pending litigation in the Federal Court attacking his guilty plea entered on March 10, 1969 in ~~Criminal Court~~ Memphis Shelby County, Tennessee.

~~The lawyers will settle~~ the case of trial by newspaper and television.

~~The~~ CBS by its admission desires to televise a program which will deal specifically in the ~~any~~ assassination of Martin Luther King, Jr. by James Earl Ray. The very essence of their petition is to ~~specifically~~ inspect the evidence, to wit: the rifle used, the bullet recovered, the live cartridges etc.

The Petitioner alleges that ~~constitutional~~ the media has a far superior right to inspect the records than the defendant has. A fair and impartial judicial determination.

This is simply not the law in the United States. Petitioner's Counsel asserts that the factual situation involved in the Sheppard case is entirely different and conclusively

distinguishable from the present
case at bar. Shepard v. Maxwell,
384 U.S. 333, 86 S. Ct. 1507, 16 L. Ed. 2d
600 (1966).

The factual situation certainly
may be different, but the issue remains
wholly intact: ... "the failure to accord
an accused a fair hearing violates
even the minimal standards of due
process." (Writer's emphasis), IRVIN
V. DOWD, 366 U.S. 717, 81 S. Ct. 1639,
6 L. Ed. 751 (1961). To refuse such
a program, the sole purpose
of which is to direct Lopez
its attention to the identical
issues which are presently pending
before the Federal Sixth Circuit Court of Appeals would violate
the minimal standards of
due process but such a nationwide
focus would be totally inconsistent
with those standards.

Petitioner alleges that "even after
the Court of Appeals in Cincinnati finally
disposes of the appeal, there may be
a petition for Certiorari to the United
States Supreme Court in which case
the case would probably not be
finally disposed of through the entire
federal judiciary until the end
of 19X." Petitioner clearly shows
the issue as what would be

situation
the ~~Petitioner~~ if the Sixth Circuit
Court of Appeals granted James Earl
Ray a new trial in the Criminal
Court of Shelby County, what effect
~~of~~ would a nationwide broadcast
~~of the~~ of the results of tests that
Petitioner's "experts" had performed
on the urethral ~~and~~ fluid
progeny being released synonymously
with the criminal prosecution of
James Earl Ray.

Petitioner further asserts
that because the killing of
Martin Luther King, Jr. is a six and
one-half (6-1/2) year old, there
is little chance that such a
nationwide broadcast would deprive
James Earl Ray of a fair and
impartial trial. The State
of Tennessee would assert that
as long as James Earl Ray
has pending litigation concerning
his guilty plea to the slaying
of Dr. Martin Luther King, Jr. and
such litigation could possibly
~~James~~ James Earl Ray will a ~~new~~
trial of the first degree murder
indictment, the granting of Petitioner's
request ~~and~~ with pending publicity
broadcast would be violative of
James Earl Ray's right to a fair
and impartial trial or trial.

In ESTES v. TEXAS, 381 U.S. 532, 85 S. Ct. 1628, 14 L. Ed. 2d 543 (1965), Mr. Justice Clark stated, with

(accused being tried)

"finality, a new trial places [illegible] be jeopardized in that potential jurors will often have seen and heard the original trial when it was telecast. Yet viewers may later be called upon to sit [illegible] the jury box during the new trial."

(DOJ procedures for radio & TV)

Justice Clark went on to state,

"... our judges are high-minded men and women. But it is difficult to remain oblivious to the pressures that the news media can bring to bear on them both directly and through the shaping of public opinion."

The Supreme Court in Estes v. Texas make it perfectly clear that televising a criminal trial [illegible] the conscience of the Court & chilling the desire of petitioner to [illegible] rightfully televise those issues which are presently pending before a Court would be violative of the Sixth Amendment for federal courts and the Fourteenth Amendment for state Courts. Placing the identical issues pending before a [illegible] Federal Court of Appeals before a natural audience would divert the hearing from its proper purpose

in that it has an inevitable impact on all the participants; make the judges ~~of~~ subject to ~~a formed~~ public opinion; and it would ~~may~~ ~~be often~~ ~~disqualify~~ the defendant and subject him to a hearing under such prejudicial conditions not experienced by the defendants.

Further the A.B.A. Standards - Fair Trial and Free Press provide in Part I 1.1 that it is the duty of the lawyer not to release or authorize the release of information.