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IN THE CRIMINAL COURT OF TENNESSEE
FOR THE 30TH JUDICIAL DISTRICT AT MEMPHIS
DIVISION 3

BY:

STATE OF TENNESSEE,	*	
Plaintiff,	*	
vs.	*	No. 16645 Div. 3
JAMES EARL RAY,	*	
Defendant.	*	P7703

MOTION TO REQUEST DEFERMENT OF PROCEEDINGS REGARDING ONE 30.06 REMINGTON RIFLE

Comes now John G. Montague and petitions the court to enter an order permitting the parties to go forward in an action styled Renfro Hayes v. John G. Montague v. Hugh W. Stanton and James A. Blackwell, No. 96259-3 R.D. now pending in the Chancery Court of Shelby County, Tennessee.

In support of this Motion, the petitioner would show that on March 13, 1969 the Honorable W. Preston Battle entered an Order directing the Clerk of this Court, the third-party defendant, James A. Blackwell, to retain a number of exhibits which were introduced in connection with the guilty plea proceedings of the defendant, James Earl Ray.

Included in these exhibits is a 30.06 Remington rifle allegedly used to kill Dr. Martin Luther King, Jr.

On August 23, 1988, Renfro Hayes filed an action against Montague in the Chancery Court of Shelby County, Tennessee. Hayes v. Montague, No. 9629-3 R.D.

Montague, in turn, filed a third-party action against the defendants, Hugh W. Stanton and James A. Blackwell, on November 14, 1988. Montague has moved for summary judgment and the third-party defendants have responded.

Attached to this Motion are copies of the Original Complaint, Answer and Third-Party Complaint, Answer of Third-Party Defendants, Motion for Summary Judgment, Affidavit of John Montague, and Memorandum of Authorities of behalf of Montague. Also attached is a copy of the Response of Third-Party Defendants to the Motion for Summary Judgment.

At the present time counsel is unaware of any attempts by Ray to set aside his conviction in this case. His most recent attempts at securing post-conviction relief were denied when the U.S. Supreme Court denied certiorari in his attempt to reverse the findings of the Sixth Circuit Court of Appeals that he was not entitled to federal relief. Ray v. Jones, ___ U.S. __, #89-374.

PREMISES CONSIDERED, PETITIONER PRAYS that this Court enter an appropriate Order allowing the parties to go forward with the proceedings in Chancery Court and thereby determine the various rights and responsibilities of the plaintiff, defendant, and third-party defendants.

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion has been mailed postage pre-paid to J. Minor Tait, Jr., Assistant County Attorney, P.O Box 3160, Memphis, TN 38173-0160 and Mr. Renfro Hayes, 3148 Morningside Street, Memphis, TN 38127, this the 14 day of November, 1989.

RONALD D. KRELTSEIN