FILED Feb 4, 1969
J. A. BLACKWELL, CLERK
BY B. C. Cohen D. C.

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

Division III

STATE OF TENNESSEE		
Vs.		No. 16645 and No. 16819
JAMES EARL RAY,		
Defendant		

TO SAID HONORABLE COURT:

COMES NOW, James Earl Ray, Defendant in the above styled and numbered causes presently pending on the docket of this Court and files this Motion to Permit a photographer of his selection to take photographs of said defendant for the pur - pose of obtaining funds with which to prepare for the trial of his case or cases; and, in support of said motion, would res - pectfully show said Honorable Court:

I.

Defendant is advised that there is a commercial value to a series of pictures if they can be made available as exclusive to a picture magazine and that this value is respectively either $3,000.00 or $5,000.00.

II.

That there is insufficient money available to bring necessary witnesses from other States and other Countries, unless this re- quest be granted. That, if granted, all such monies derived from the sale of said pictures, will be expended in the actual prepa- ration for trial and the trial of said case or cases. That Defen- dant is without funds or monetary resources with which to prepare his case properly for trial, unless these funds be made available.

III.

Defendant says that the taking of a great number of photo - graphs will be necessary in order to obtain the two or three dozen that would comprise the selection for publication, and this would require a considerable period of time for the photographer to pre-

pare the proper poses and lighting. Defendant says that contemplated in the above offers for photographs would be a short motion picture, but says the same photographer could take all such moving or still photographs.

IV.

Defendant says that at least two (2) such photographs would be made available without charge to the news media at large to be released b y the Sheriff of Shelby County or the Court as they see fit, but that if all such photographs were so released there would be no cash value to any of them.

V.

Defendant's attorneys have been advised by the Court that there will be no funds available from the State of Tennessee to bring witnesses from other States, and says that the value of said pictures is an intangible but valuable asset belonging to this Defendant, which can be made available only by an order of the Court permitting the taking of such pictures.

VI.

Defendant says that an effort to gain the permission of the Sheriff of Shelby County, Tennass ee, to admit the taking of the pictures aforesaid has been without avail, but the said Sheriff has said that if an order of the Court be obtained that he will permit the taking of said pictures.

VII.

Defendant says that he will submit the name of the selected photographer to the Court and or the Sheriff of Shelby County for clearance well in advance of the taking of such photographs, and, of course said photographer would be subject to the maximum security regulations now in effect or as the Court may detdrmine.

VIII.

Defendant says that the unusual facts and circumstances attendant upon this case, meaning the wide interest of the public and the lack of funds by the defense for effective preparation, and the availability of a purchase fee for said pictures, justi-

fy this request on the part of the Defendant, and, to deny same would be a denial of due prodess of law and would likewise deny the defendant the right to effective representation of counsel in violation of the Constitution of the United States of America.

IX.

Defendant days that if opposition be urged to this motion on the ground that the publicity attendant upon the publication of said pictures, then he is willing to have said pictures im - pounded until a jury shall have been selected.

But, to this point, Defendant respectfully would show the court that all pictures heretofore printed of this Defendant have been mug shots taken in a jail or penitentiary or one taken by the photographer for the Sheriff's office showing this defendant manacled in chains and at the end of a long journey, dishevelled and otherwis e unfavorable and opprobrious.

WHEREFORE, premises considered, Defendant prays the Court that an order issue directing the Sheriff of Shelby County, Tenn., Texas, to admit a photographer and to permit the taking of photographs and a moving picture short of the Defendant, so that the proceeds of the sale of same may be made available for the defense and expenses incident to the trial of this cases and motions to be heare in advance of said trial, as said Defendant, in duty bound, will ever pray.

James Earl Ray
JAMES EARL RAY

SUBSCRIBED AND sworn to at Memphis, Shelby Co., Tennessee, this 3rd day of February, A.D., 1969.

Notary Public, Shelby Co., Tennessee.
My commission expires April 23, 1969.

O R D E R

The foregoing motion to permit the taking of exclusive photographs to be sold for the purpose of obtaining funds with which to prepare and pay expenses incident to the Defense of said Defendant having been presented to and considered by the Cour t this _____ day of February, A.D., 1969, the same is:

GRANTED subject to the order this day entered with relation thereto.

OVERRULED and DENIE D, to which action of the Court in over - ruling and denying said motion the Defendant, by counsel, then and there excepted, and said motion, together with this ruling thereon and Defendant's exception are ordered filed as a part of the record of this case.

W. Preston Battle, Judge.