MR. STONER: Your Honor, if it please the Court, in the Motion for A New Trial, the defendant would like to on the first page of the Amended and Supplemental Motion for a New Trial in the second unnumbered paragraph after the word "that" in the second line and before the words "the said waiver", beginning there we would like to strike the rest of that paragraph. Further, if it please the Court, the defendant would like to strike and withdraw paragraph one two, three, four, five, six, seven and eight.

THE COURT: Alright, any objections to that from the State?

MR. DWYER: We have no objections, if the Court pleases, to the defense striking allegations named. Their motion, as the Court knows, how two weeks ago that motion is a Motion to Strike. We want that motion to carry over to the remaining motions that the defense has before the Court at this time.

THE COURT: That will be granted, Mr. Dwyer. The Motion to Strike will be -- the only portion that Mr. Stoner, I believe, has stated is they want to withdraw certain portions of their Amended and Supplemental Motion,

Is that correct, Mr. Stoner?

MR. STONER: That's correct and also we would like to withdraw the exhibits, if it please the Court.

THE COURT: Alright, and the exhibits. Any objections to that now from the State?

MR. DWYER: We do not, your Honor.

THE COURT: Alright, then the Court will allow James Earl Ray through his attorneys to withdraw the portions of his Amended and Supplemental Motion after the word "that" in the second paragraph. That portion that says "the said waiver" down to "in support thereof" and including those words. Those may be withdrawn. Paragraph one, two, three, four, five, six, seven and eight are allowed to be withdrawn by the defendant and the exhibits one through seven which are attached to the Supplemental Motion will be allowed to be withdrawn. Alright, anything further now preliminary, gentlemen? Alright, the State has filed a Motion to Strike in this case, gentlemen. This Motion to Strike will be heard at this time.

MR. DWYER: Your Honor, as I understand now before the Court is part of the first allegation in the Amended and Supplemental Motion filed

We acknowledge service of the foregoing Notice and receipt of a copy of the Petition for Writ of Certiorari and assignment of errors and brief in support thereof, more than five days prior to the date set in the foregoing notice for presenting said Petition to the Supreme Court of the State of Tennessee, or one of the Judges thereof.

This the 8 day of October, 1969.

GEORGE F. McCANLESS
ATTORNEY GENERAL

Thomas E. Fox
THOMAS E. FOX,
ASSISTANT ATTORNEY GENERAL

STATE OF TENNESSEE
Shelby County

I, J. A. BLACKWELL, Clerk of the Criminal Courts of Shelby County, Tennessee, do hereby certify that the FOLLOWING foregoing SEVEN (7) pages of writing contain a full, complete, true and perfect copy of all the proceedings had in the case of the State of Tennessee, vs.

Docket No. 16645

JAMES EARL RAY

Indictment for MURDER FIRST DEGREE

as the same now appears on file, and of record in my office.

WITNESS my hand and the seal of said Court, at office in Memphis, this, the 31st day of DECEMBER 19 69

J. A. BLACKWELL, Clerk

SEAL

By: David Avery D. C.