IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

DIVISION III

STATE OF TENNESSEE, Respondent, Appellee, vs. JAMES EARL RAY, Petitioner, Appellant.	)	CASE NO. P 9963

This cause came on to be heard and was heard on the 24th day of June, 1992, before the Honorable John P. Colton, Jr., Judge, holding the Criminal Court for Shelby County, at Memphis, Tennessee.

Whereupon, the following proceedings were had:

THE COURT: Ladies and gentlemen, we're here on a petition for viewing and testing in use of evidence under limited conditions imposed by the Court.

Mr. Emmons?

MR. EMMONS: May it please the Court, thank you very much, Your Honor.

We're here on our petitionsto rehear and to re-consider the Court's earlier ruling.

May I first of all introduce these members involved

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in this at counsel table?

THE COURT: Yes, sir.

MR. EMMONS: This to my right is Mr. John Alexander, one of my partners and he's here with me. To my immediate left is Dr. William F.Pepper, attorney and counsel of law from London.

THE COURT: Good morning, gentlemen.

MR. EMMONS: He's currently representing Mr. James Earl Ray and has for some 14 years I believe.

To Mr. Pepper'sleft is Stuart Pierson from Washington, D. C. with the firm of Davis, Wright, Tremaine representing Home Box Office, Incorporated.

THE COURT: Good morning.

MR. EMMONS: Mr. Pierson, through me as the Court knows, has filed a separate petition asking the Court to rehear and brief the matter separately, and we're asking that HBO be allowed to intervene in this and join in all respects in our petition on behalf of TIMS.

THE COURT: That's granted. I'll allow HBO to intervene.

MR. EMMONS: And on behalf of HBO, may Mr. Pierson be allowed to argue orally and present some testimony.

THE COURT: All right, sir. Is he representing you here as Counsel for them for the State of Tennessee?

MR. EMMONS: Yes, Sir.

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THE COURT: All right, sir.

MR. EMMONS: That's so indicated on the pleadings that were drawn. And I might ought to make just a brief introductory statement, if I may, to explain the pleadings.

As the Court knows just as I've mentioned in my motion to reconsider is a very quick and hatred history, so to speak, that has continued up to the very present moment.

I filed a motion to reconsider, I think, Friday so that something would be on the record to give Your Honor and the Attorney General an opportunity to see what we had in mind.

Then on behalf of HBO, Mr. Pierson had a pleading that was filed yesterday, filed under my name as Tennessee Counsel, also. That was not filed until yesterday and we'll distribute copies of that immediately as soon as we can.

There are a couple of matters I know that that petition represents that the Attorney General is joining with us. I think the exact language:

The Attorney General of Shelby County continues to support and agree with the petition.

They, of course, can speak for themselves. But it's my understanding they continue to agree with the joint order granting the petition, the joint order, that we have submitted to this Court based upon several days of conversations and negotiations that we had, which, of course, the joint order the Court has not

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signed based on the Court's ruling in regard to our original petition and the State's motion to dismiss.

I know it all sounds very confusing, but this has happened so quickly. I wanted to make that statment and the State can verify it any further if they feel like it needs it.

And in that context, I'll say that we are here today, going forward and still relying on the joint order. We're not asking this Court for any additional relief, though there are some parts of the petition to rehear that appear we're pushing forward further, we are relying strictly on the joint order and the support that the Attorney General continues to maintain for that joint order.

I don't know if that's sufficiently confusing for the Court. If the Court has any questions, I'll be happy to answer at this time.

THE COURT: All right.

Does the State want to be heard on this statement here?

MR. STROTHER: Your Honor, I think Mr. Emmons has basically correctly stated our position. But just so the Court is aware, one, originally when this petition was filed, we filed a motion to dismiss the original petition. Before that petition was ever heard an agreement that we thought was satisfactory in protecting the sanctity of the evidence

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was agreed to by the petitioner and the State.

After that agreement was reached, the Court saw fit to enter an order in which the county had jurisdiction over the matter, entered an order which was more restricted than the agreement we had reached with the petitioner.

We have no objection to that order. It is more protective and more restricted than our original agreement.

At the same time, we're not here to say we wish to renege on the original agreement we had with them, that we would be willing to go along with that if the Court saw fit to grant their petition to reconsider in granting such an order as restrictive as the original.

And I do want to be clear that we do, and I don't see this happening because they're not asking for any more than is in the agreement, but if anything should come out of this more inclusive than in the agreement, we still would like to reserve our rights to perhaps ask the Court to reconsider or either perhaps appeal any order of this Court.

THE COURT: All right, sir.

I see Ms. Johnican in the courtroom, the Clerk of the Court here.

Ms. Johnican, have you got a representative here?

MS. JOHNICAN: Yes, Sir, I've got somebody.

THE COURT: Have you got a lawyer representing you here, Ms. Johnican?

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MS. JOHNICAN: No, we don't have a. . .

THE COURT: All right. Do you wish to be. . .

MS. JOHNICAN: I think. . .

THE COURT: You're just here to see what's going on, right?

MR. EMMONS: Your Honor, we intend to call her as a witness. I know Mr. Higgs is her lawyer. I spoke to him yesterday about that and I thought he was here at the hearing.

THE COURT: All right.

Thank you, ma'am.

MR. EMMONS: I need to clarify this. I wish to put her on as a witness for just a moment very briefly just to talk about the security of the Clerk's Office procedures for getting that. I don't want to do that if she's uncomfortable about Mr. Higgs not being here.

THE COURT: No, sir, I don't see any problem on that, unless you or the State do. She's not a party defendant as far as I know.

MR. EMMONS: Right. I understand. I don't think there is any problem, but I just want to be sure.

THE COURT: All right.

MR. EMMONS: May I make two more statements right quick, Your Honor.

THE COURT: Yes, sir.

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MR. EMMONS: We have an original of a new affidavit that has been signed by Mr. James Earl Ray that I have provided to the Court a copy of just as soon as I could, hoping that the Court might have an opportunity for a review in advance of this hearing. We have the original that we'll put into evidence rather than filing it, if that's agreeable with the Court.

THE COURT: Yes, sir.

MR. EMMONS: Seondly, I've intended to call and ask for Mayor Morris to come and testify. He has some problems with his schedule this morning. I'd like to proffer to the Court what - it's a relatively minor matter - he would say. There will be some other testimony of Mr. Saltman regarding the same subject and the mayor has told me through Mr. Jones that if necessary he will come over later and make this testimony.

If I could proffer it in this form. I think maybe the State would stipulate to it or the Court will understand what I'm saying. If that's not sufficient then we'll go at it in a different direction later in the hearing.

THE COURT: Whatever you want to put on, that'll be fine. I'll accept that without him being here if you want to.

MR. EMMONS: Basically it's a very sensitive, I think, a matter that was just misunderstood or misapprehended

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in some way that caused publicity. And that is the Court's concern that there'll be a disruption of the orderly operation of criminal courts because we would be using one of these courtrooms. And Mr. Saltman and Mayor Morris engaged in conversation and agreed basically to use the Tennessee Supreme Court courtroom in the civil courthouse.

THE COURT: Yes, sir.

MR. EMMONS: And that deal has basically been struck. And I just want the Court to be aware that it would not cause any obstruction here.

THE COURT: All right, sir, I understand that.

MR. EMMONS: If I may call Ms. Johnican please?

THE COURT: Yes, sir.

MINERVA JANE JOHNICAN was called and being duly sworn was examined and testified as follows:

EXAMINATION

BY MR. EMMONS:

Q Would you state your name for the record please.

A Minerva Jane Johnican.

Q And. . .

A Criminal Court Clerk.

Q Thank you. How long have you been the Criminal Court Clerk?

A A year and about eight months.

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Q Elected by the people of Shelby County?
A The people of Shelby County, uh-huh.
Q And as such, do you have basically the charge, the custody, the chair, control of all the records of the criminal cases in Shelby County in the criminal courts?
A I do.
Q Also you have to deal with physical evidence in regard to criminal cases?
A I do keep the evidence in the property room, uh-huh.
Q Is that property room located on the 4th Floor of this building?
A It's on the 4th Floor in the center of the offices of the criminal courts, uh-huh.
Q Do you have specific deputies in charge of that operation?
A I do. There are two deputies in charge.
Q Who are they please?
A Mr. Bennie Holly and Mr. E. L. Hutchinson.
Q Would you describe to us, Ms. Johnican, the nature of that room, what's kept there and how it operates?
A The evidence of the criminal cases that is coming before the ten criminal courts and we keep that evidence in cooperation with the Attorney General's Office.
It is secured, it is well secured. They have burglar alarms all around it. We also have locks on the

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doors that are sensitized. I would suggest that it's very well secured.

Q Mr. Hutchinson and Mr. Holly sit behind strong pane glass windows, correct?

A Right, uh-huh.

Q And they have to punch a buzzer lock?

A No one can get in without their permission.

Q And then there's a second door there?

A There's a second door to get into the evidence room proper, uh-huh.

Q Who has access to that evidence - generally?

A Generally Ben Holly and the Clerk, which is Minerva Johnican, uh-huh.

Q All right.

A And the Attorney General's Office.

Q When it's called into court to be used in a case and that it's properly checked out and. . .

A It's properly checked out and usually when it's returned it's returned properly by a bailiff coming along with the clerk to return it back to the evidence room.

Q And do you have responsibility to inventory and to keep inventories on that evidence?

A We do have inventories on the evidence. However, the proceedings or the evidence that was in the Martin Luther King case, I felt once upon a time I wanted to and I

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had talked about it in my office, that we really needed to take special care of that because it has historical value. And I was proceeding just before this particular matter came up to present some kind of petition to the Court that this matter could be taken care of by a curator so that we could basically get it into some historical museum or something because there was just so much there that was important to the future of generations that will come behind us.

Q Now this evidence is kept, the Martin Luther King evidence specifically, is kept in about 15 boxes, I believe?

A Yes, I believe we have about 15 boxes.

Q And to gain access that's through Mr. Holly or Mr. Hutchinson. Anyone that sees any evidence back there, I believe, also has to register?

A Right.

Q Sign in and sign out?

A We have a log-in, that's right.

Q Now when you began to think about the historical value - without getting into all of this - when you became aware of the proposed project by TIMS Television, did you cause to be made a rather extensive inventory of that evidence?

A I thought it was very important that quite frequently we would hear more about the Martin Luther King evidence than usual, so I felt that it was important that that should be exclusively catalogued. We've done had pictures made of

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it and we put it all into individual boxes and made sure that we had every piece of evidence there and kept it.

Q That was to stabilize it and protect the integrity of evidence?

A Right.

Q All right.

A Uh, huh. And especially since I was new coming into office, I wanted to make sure that I was responsible for certain items and that they were there and that we had knowledge of what was there.

Q Mr. Hutchinson and Mr. Holly, basically, were they in charge of making this inventory?

A They were in charge of that and another person from my office, Mr. King, he was helping them with the documentation.

Q Do you know how long that inventory took?

A It took quite awhile.

Q Several days, wasn't it?

A Probably about a couple of weeks.

Q May I hand you - if the bailiff would be so kind - this document. I'll ask you to look at that document and see if you recognize it; if so, describe it to the Court, tell exactly what it is.

A This is the evidence that my office did to catalogue the material.

Q And this is in relation to the evidence of the murder

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of Dr. Martin Luther King?

A Right.

Q All right.

MR. EMMONS: If Your Honor please, I would move that this document be entered into evidence as Exhibit 1.

THE COURT: Is there any objection from the State?

MR. STROTHER: No, Your Honor.

THE COURT: All right, mark that as Exhibit 1.

(Exhibit 1 was marked into evidence)

THE COURT: All right, Mr. Emmons.

MR. EMMONS: Yes, Sir.

Q Ms. Johnican, let me ask you this. Are you comfortable with your security procedures. . .

A I feel real good about our security. We put a lot of emphasis on security down in our office because we know we handle sensitive matters.

Q And, Ms. Johnican, if the Court granted some of the relief that we are requesting here and allowed TIMS and HBO and its authorized representatives to have a limited access to that evidence, do you feel you can work faithfully with the Court in discharging that responsibility?

A Yes. The only thing that I would ever say is that I would like to make sure that someone from our office is

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with that material at all times because the responsibility would be on me.

Q I know your experience with the evidence is that it's literally handled, if not with kid gloves, at least with rubber gloves?

A Rubber gloves, that's right.

Q And that again is an effort on your part to protect and preserve the integrity of the evidence?

A That's true.

Q Did you all order that we have submitted to the Court-- Let me read this one provision to you and see if you have any problem with this at all:

That TIMS Television, POC - now that would include also Home Box Office, Incorporated - representatives be allowed to look at and examine all physical evidence officially listed and associated with the assassination of Dr. Martin Luther King, Jr. so long as subject to the integrity of said physical evidence for all purposes not being compromised and subject to such good examination being under the supervision of the Clerk of the court or designated representatives.

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Do you feel you'd have any problems complyng with that?

A I have no problems with that.

Q All right.

A As a matter of fact, some of the T.V. stations have already looked at it.

Q That was pursuant. . .

A Under an order. Under an order.

Q Pursuant to an order of this Court?

A Right, pursuant to an order.

THE COURT: They've only looked at it, though, is that correct?

MS. JOHNICAN: Right.

Q Correct. And I believe the order specified only to be looked at.

A To be looked at.

Q Okay. Ms. Johnican, the Court had mentioned at one time, I believe the first hearing we had on this when Mr. Saltman testified, TIMS had made the offer to pay for any costs, transporting, etcetera or the Court had made an inquiry about guardian ad litem and I want to ask you this. If the Court decided to do that to appoint a special representative of the court as double insurance,to protect the integrity of the evidence, would that cause you any problem at all?

A No. No problem for me.

Q And the Court hasn't said that, but the Court

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mentioned that one time, so I can understand. I simply wanted to ask you that - if the Court has its own representatives as additional insurance that wouldn't cause you any problem, would it?

A No. That was the main thing that I want to do is make sure that some of the people that represent our office is there at all times.

Q Thank you.

You, of course, are a very active member of the African-American community (roaring sound)establishment, do you have any personal feelings or strong feelings outside of your job as Clerk about whether this project is a project that would be good for all people?

A Well, I was involved in the sanitation movement, in the movement of the sanitation strike, so I do have some strong feelings about this, the assassination of Dr. King, and I certainly think that there are some strong feelings among the black community here that need to be cleared.

And I feel that, I don't know that this could clear it or even hint of being clear, but I certainly think that it would be a move toward easing the tension in the community if somehow--My initial response in restraining the material may very well keep the suspicion going. We don't need that.

We somehow need to build relations here. And that

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is very important in the city.

Q If this matter were carried on and the Court allowed it and if the Court allowed a limited access, that the companies involved, HBO and TIMS, decided to carry it on in a very honorable way, a thorough investigation under the auspices of a mini trial, do you feel that this could be beneficial at this time?

A I think if it's done right and if it's done in a highly, honorable way I think it would be a good move toward building that relationship, and understanding.

Q All right. Thank you.

Ms. Johnican, thank you for taking the time to come down and be with us.

THE COURT: Does the State have any questions?

MR. STROTHER: Just one, Your Honor.

THE COURT: All right.

EXAMINATION

BY MR. STROTHER:

Q Ms. Johnican, have you had a chance to examine the consent order entered into between our office and TIMS Television - have you ever seen that or. . .

A The first one?

Q Yes, ma'am.

A Yes, I have. I have. I don't know that I remember it all, but I've seen it.

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Q I'm not sure I remember it all, but I think the crux of it was that we're requesting that at any time that this evidence was looked at, used, examined in any way that a representative of your office be present and monitor that examination and be there and protect that evidence.

A Uh-huh.

Q Does that present any problem for you whatsoever?

A None at all.

Q I think the other thing you wanted to do was to be sure that nothing was done to that evidence that in any way would destroy, that would alter, change or destroy it in any way.

A Uh-huh.

Q Would you all have any problem with that?

A I think our only problem--I wouldn't have any problems with that, but I think there is a serious problem that I said earlier. As long as it sets in the boxes as it is, the longer it sets, the longer it becomes not usable in a court. I think it's - no curator, no one in the, no special air. I think you have to have a special kind of climate for things and,you know, it's 23 years old now and we know very well that it's deteriorating.

Q And over those 23 years it may in fact have already changed. . .

A That's right. It could be.

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Q Thank you.

A Uh-huh.

THE COURT: Anything further?

MR. EMMONS: No, Sir.

THE COURT: All right.

Ms. Johnican, thank you for coming down.

MS. JOHNICAN: Thank you, Judge.

(WITNESS EXCUSED)

THE COURT: You may call your next witness.

MR. EMMONS: Your Honor, at this time I'd like to pass for the time to Mr. Pierson for some testimony and then call on Dr. Pepper, which they don't have any testimony.

THE COURT: All right.

MR. PIERSON: If it please Your Honor, Jack Saltman please.

JACK SALTMAN was called and being duly sworn was examined and testified as follows:

EXAMINATION

BY MR. PIERSON:

Q State your full name for the record please.

A Jack Saltman, S-a-l-t-m-a-n.

Q Mr. Saltman, you've been in this courtroom in this

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proceeding before?

A Yes, I have.

Q Was that just this past May?

A That's right.

Q For the record again, would you please state your position with TIMS and generally your background with TIMS.

A I'm Executive Documentary Producer over the TIMS Television (roaring sound)currently the franchise holder - we are the biggest franchise holder in Britian - transmitting a variety of programs.

My own background is that I've been in television 31 years now and largely on the serious side of television, the hour-long documentaries, the major currently. . .programs in Britian.

Q In your testimony on May 2nd, you described briefly the format for the project of TIMS and HBO originally, and you heard the testimony of Ms. Johnican at the end when she was talking about her concerns about it being done honorably. Could you please speak to that.

A The whole essence to a program like this has got to be in its integrity. That if there's any attempt at all to fracture that integrity, the program will not be worth doing, would not be worth spending a cent on.

Like I told the Court the last time, I made a program some years ago on . . .with the same rules in effect applying

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where total integrity was required by the attorneys, by the judges. And this would be equally, the program would be made in the same manner.

We would have a judge and. . .and a statement. . . for the prosecution and Dr. Pepper for the defense, that the rules of evidence and the rules of the Court of the State of Tennessee 1992/93 would be observed. And as far as it is humanly possible, the program will be made with top integrity.

Q You'll have a real judge?

A We'll have a real judge, real attorneys, a real jury selected in the number of places, and of course, we would require if the Court shall see fit, have the real evidence because I felt that that was an extremely important part of that process.

Q To the extent that that passage of time permits, would you have real witnesses?

A We would have as many real witnesses as both attorneys can find to take part. I understand that a number of witnesses have already been contacted and that there are a considerable number of witnesses who have offered to come forward and testify in our program.

Q Is there some temper of urgency to your proceeding now?

A Yes. I think from a historical prospective. That's subject to the case. I mean, the fact is this assassination

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on April 4th. . .took place 25 years ago - the anniversary. . . .I don't know of the witnesses who have passed away or would be unavailable because they're too old. And in fact for any sort of historical record, either this program or if something like it isn't made fairly soon or frankly it will never be made because the witnesses will have passed away.

Q Is it your intention to provide a trial by television?

A No, I don't like that expression. It's not a trial by television. If I were to make a program where a normal documentary that I come along to a place I choose the people I was to interview; I point the camera at them, I'm the sole arbiter of how I edit a program and I put out a documentary. In essence, that is called by television because I'm just like the judge and jury.

What I try to do is create a trial on television by providing a forum of which I have no part other than providing that forum and the wherewithall to make the program. I leave it to the due process. I call due process as a book, just a simulated process of law.

But insofar as we can I leave it to you lawyers and the real judge and the real jury to make that decision based upon the testimony.

So I don't like the expression of trial by television; I prefer trial on television. That's what we're

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trying to do.

Q How many days would the proceeding take?

A We would certainly estimate at least ten days. That would be a. . .figure. Plainly if the attorneys argue a case and they have so many witnesses and so much evidence they require more time, then I would try to arrange for more time. And we're talking again about boarding down the number of days of testimony that we hear to maybe, what. . . was a four-hour transmission. So playing it is a lot less than ten or twelve days in court, but it is probably as big a lump of television as you're ever likely to get.

Q You were here in the courtroom when Ms. Johnican testified?

A Yes, I was.

Q And you heard Mr. Emmons ask her about a particular provision in the joint order having to do with maintaining the evidence in the custody of the clerk?

A Yes.

Q As far as you know about the project is there any difficulty about that?

A No. I think that was a good agreement we reached with the Attorney General. We were very glad to reach that agreement with the Attorney General's Office, and I think that's something a person could live with.

Q If the Court should determine it appropriate to

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appoint a guardian ad litem or to provide for one, would the expenses be paid by TIMS?

A Yes, of course. As I said the last time, there's no way we would want any burden or the cost of this production to fall upon the city of Memphis or the county. We would obviously meet all additional costs, whether it is time, over-time or whatever else was incurred.

Q Do you have a potential courtroom as far as you understand?

A Yes. I went to see Mayor Morris on my last, on one trip over here, in fact. I put a proposal to him and he said let me have it in writing. I subsequently dropped him a formal letter asking for that and he has since confirmed that that has met with his approval. And we're talking about the Supreme Court.

Q And that's close at hand from here?

A It's 50 yards away as far as I can see.

Q All right.

MR. PIERSON: Your Honor, as Mr. Emmons mentioned, there is a supplemental affidavit of Mr. Ray, which we would propose to introduce with Mr. Pepper if that's agreeable.

THE COURT: Yes, sir, that can be entered.

Has the State had a chance to look at it?

MR. EMMONS: I just gave it to him. I'm sorry.

THE COURT: All right.

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MR. PIERSON: That's all the questions I have for Mr. Saltman, Your Honor.

THE COURT: All right.

State?

MR. STROTHER: No questions, Your Honor.

THE COURT: All right, sir.

Mr. Saltman, let me ask you. If you had some of this evidence and some scientific evaluation were made of it was destroyed, I'm sure it wouldn't be done certainly on purpose, but if it were destroyed and Mr. Ray were granted a trial later on, are you aware that that couldn't be used in the case at that time?

MR. SALTMAN: Yes, I am. May I just, the two or three points you made, Your Honor?

THE COURT: Yes, sir.

MR. SALTMAN: I'm not an expert in. . .plainly, but I'm assured by some of the forensic people and the scientists that there's no danger of that happening, that that is a hypothesize.

I think you will understand that in Mr. Ray's affidavit he has accepted that as a hypothesize, and has waived any rights or holding anybody liable if such an unlikely event were to occur.

THE COURT: I understand what you're saying. I hear what you're saying. This Court's experience is as in trials over 25 years and more I've seen cases come up

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where evidence has been used scientifically and some of it has been destroyed. And I just wanted to see what your thoughts were on that, sir.

MR. SALTMAN: Well, plainly, Your Honor, certainly we as a production company would repeat and repeat that plainly the evidence must have been exactly as it says in the petition - that the integrity of the physical evidence has got to be retained.

And as I understand it, there's no danger of that happening. If I may say, Sir, it's a photocast. . ., because as I understand it from both James Earl Ray and his attorney, there's no chance of him ever appearing in court. He's been in jail 23 or 24 years.

And you see, it's sort of a Catch 22 because if that is concerning the Court, then we can't touch the evidence because if we do. . .subsequent trial, it couldn't be used. But there's not likely to be a subsequent trial unless. . . evidence as in not being made we destroy the evidence. This is sort of secular argument.

And I would ask Your Honor, perhaps,Sir, to help us in this problem.

THE COURT: So that's a concern of the Court. And I think that's the whole reason we're going through what we're going through right now.

In a case of this sort, it's not just a case

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involving Mr. Ray. You need to be aware of the fact where anyone who receives life imprisonment as he has done or received death by electrocution, those cases are not over with in all reality until that person in fact is dead.

That's the way things happen in this country from what I've seen.

I have no further questions.

Did you want to question further, sir?

MR. PIERSON: No, Your Honor.

If the Court please, for HBO I'd like to speak a little bit to the Court's concern.

MR. STROTHER: Let me address the Court on this issue.

This matter of testing, and Mr. Saltman and I and Mr. Emmons and Mr. Pepper I think were all together. The only scientific test or comparison that was contemplated by the consent order was that an individual who would bring a comparison ballistics microscope with him when he examined the evidence or the projectile and the known - the projectile shot in the weapon and that would be done in the Clerk's Office under that kind of supervision.

There is no other testing that I know of that was contemplated here and we made no agreement of. . .

Am I correct, Mr. Saltman?

MR. SALTMAN: To the best of my memory of our

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conversation, sir.

MR. STROTHER: Nothing would be removed from the Clerk's Office?

MR. SALTMAN: Absolutely not.

MR. STROTHER: The only test would be that comparison and the microscope test, is that correct?

MR. SALTMAN: As I recall the conversation, that's correct, sir.

MR. STROTHER: That's all.

MR. PIERSON: Your Honor, in the terms of the joint order Mr. Emmons read - particularly in the terms he read - I speak to the manipulation we used, which were not in any way outside the integrity of the evidence. And while there is a broader range of potential forensic testing described in Mr. Ray's affidavit, it's done for purposes of making his affidavit absolutely comprehensive.

All we seek here is the entry of the joint order which has that specific provision and which would provide as well that the evidence would not move from the custody of the Clerk where it is currently protected.

THE COURT: This Court, I'm not going to make certainly any ruling now, but, gentlemen, I've tried and I'm not trying to pat myself on the back. In many cases over the years involving forensic testing of ballistics and firearms and I may be wrong, but I think I'm more right than

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wrong, that those kind of tests really can't be very conclusive. And I just wonder where you might be going with something like that.

MR. PIERSON: I think Mr. Pepper can speak to that, particularly, bearing in mind again the terms of the joint order, which do not contemplate traditional firing ballistics testing. They contemplate only examination, passive examination.

THE COURT: Are there any more questions of this witness?

COUNSEL: No, Your Honor.

THE COURT: All right.

You may stand down, sir.

(WITNESS EXCUSED)

THE COURT: All right. You may put on the next witness.

MR. PEPPER: Your Honor, thank you very much. I'd appreciate it if I could be heard by this Court. I wish also to express my appreciation to the Office of the Attorney General for the openness and cooperation that they have shown throughout this entire matter in the discussions that have taken place as well as I'd express my gratitude to the Clerk and her colleaques for their assistance.

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THE COURT: All right, sir.

For the record, would you state your name so this lady can get it down, please, sir.

MR. PEPPER: I'm William F. Pepper.

THE COURT: All right. Are you going to make a statement from there, sir?

MR. PEPPER: Yes, I'll make a statement if the Court doesn't mind.

It's not my purpose to argue the legal issues that are before the Court. Those have been briefed by my learned colleagues from HBO and TIMS.

THE COURT: Yes, sir, I just wanted to keep this record straight in case we have some need of recording it and it going somewhere else.

MR. PEPPER: Right.

THE COURT: All right, sir.

MR. PEPPER: I appear as counsel on appeal on appellate matters for James Earl Ray. Comments of that position, I met Mr. Ray about 14 years ago at Brushy Mountain Penitentiary - A little bit of history for the Court; it might be useful. I at that point conducted an examination of him over a period of five hours at the request of the Rev. Ralph Abernathy - who might have gone back a number of years before that.

As a result of that examination of Mr. Ray, I have come to represent him for nearly, off and on over a period of

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nearly seven years on various appellate matters that have come up, petitions even initiated, some of which have come before this Court.

The last time I appeared before this Honorable Court was in 1978. At that time I was arguing on behalf of Mr. Ray for a petition to petition a post conviction relief.

I've labored with this case off and on over a period of many years and have developed a healthy degree of skepticism, which I bring to this Court, in terms of all aspects of the proceedings and the petitions that have been involved.

Mr. Ray has no objection to the petition, the joint petition of HBO and TIMS, and no objection to the consent order, and the terms of that consent order that were arrived in the Attorney General's Office.

This is borne out of a period of five separate discussions with him, and I've presented him with Mr. Saltman on two occasions to answer any questions he had about the nature of the program. He's fully familiar, Your Honor, with the nature of this program, what is proposed and what the risks are.

His affidavit in this matter goes beyond the joint order. Superfluously driven, it was laid before the Court without any questions, his position. Paragraph 12 of the affidavit specifically states: I'm aware that the Court has denied the petition for access

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to the evidence, because of concern that the evidence may be required at some later time.

I do not have any post conviction relief or habeas corpus petition pending, thus I do not think further judicial need for the evidence will arise.

However, I appreciate and respect the Court's concern. It's my intention by this affidavit to advise the Court that I fully understand the evidentiary and proof risks in allowing requested access. Regardless of any future need for the evidence, I intend to relieve the Court, all employees of the State of Tennessee and any other persons connected in any way with allowing access or acting as a consequence of the requested access order from any responsibility for any effects on the evidence and for any possible arguments or criticism which may arise as a consequence of their conduct concerning the requested access order.

Now the Attorney General, I believe, has just been

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delivered a copy of the affidavit, and, Your Honor, I'd like to for the record enter this into evidence at this time.

THE COURT: All right.

Are there any objections?

MR. STROTHER: No objection, Your Honor.

THE COURT: All right.

I've read it. Thank you, sir.

Let's mark that Exhibit 2.

(Exhibit No. 2 was marked into evidence)

MR. PEPPER: I think it should be clear what it is we're discussing. We're talking about a wealth of physical items that have become identified with or associated with this matter in these proceedings over a course of many years.

The vast majority of these physical items were never introduced into any court of law, have never been introduced or presented as evidence at all and never will be. A very limited number of items have perhaps a direct, particular bearing on the principle facts of this case.

The joint order provisions, General Pierotti has said quite clearly, not any type of destructive or surface testing, but rather a microscopic comparison analysis taken from the evidence, slugs out of there.

With respect, Your Honor, it is possible through

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microscopic analysis in using a comparison microscope to look very carefully at the minisha (phonetically) and the stria of the various slugs involved and to determine whether or not in fact they have come from the same gun.

It's not a guaranteed procedure to be sure, but none the less, it is one that can be performed without any destructive effect whatsoever on the evidence.

Mr. Ray was and is prepared to exceed to other types of tests which are not the subject of this petition at this time. Talking about secretor analysis, hair removal analysis, even DNA testing, as well as neutron activation analysis. But we're not discussing those at this time.

We're discussing simply a comparitive microscopic analysis of evidence that is there. This evidence has lain for about 24 years, as Ms. Johnican says, a series of boxes in her office. I dare say that at this point in time in terms of any kind of genetic analysis,the humidity has affected the relevant elements anyway and it would likely not be possible now. So I think that has very much to be borne in mind.

I think it's the credit of the court clerk that her office attempted to itemize and draw up an inventory and develope some kind of depository of responsibility for this evidence.

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It appears to me that there should be no reason for the denial of this petition in its present form. What reason can there be, given with the forum and the format agreement between the State and the petitioners respectively to this type of an examination?

Only, I suggest, Your Honor, with respect, denial would leave once again to suppression, the suppression of evidence that perhaps could shed some light on the lingering mystery of the assassination of Martin Luther King, Jr.

And I think Your Honor bears in this matter an awesome responsibility. Long after people forget what was said here today, this morning, they will remember what you do here. And your judicial stewardship, Your Honor, will be, I suggest, with respect, viewed for a long time to come in terms of the nature and the specifics of the decision that you render.

Whether or not you choose to open up yet a window long unopened in respect to this case and perhaps the city of Memphis along the way to a redemption in respect of this heinous crime which has yet to occur, it's long awaited, we hope that Your Honor will rise to that occasion and grant even a very limited request that's before you today.

Thank you very much.

THE COURT: All right.

Mr. Emmons?

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MR. EMMONS: We have no further proof.

Since Mr. Pepper represents Mr. Ray and we're also pleased to have here today W. Hickman Ewing who has agreed to be the prosecutor in this case. I think it might be good just to get that side of it, just what he feels like he needs, get the Court to take a statement from him.

THE COURT: Okay.

Is this going to be under oath?

MR. EWING: My concept was to make a statement similar to Dr. Pepper. I would be glad to. . .

THE COURT: That'll be fine.

MR. EWING: I'll stand over here by the prosecutor.

THE COURT: All right.

MR. EWING: Your Honor, for the record, my name is Hickman Ewing, Jr.. I'm a lawyer in private practice here in Memphis; I was with the U.S. Attorney's Office for 19 years up until about a year ago, so I've been a. . .prosecutor.

I was contacted by Mr. Saltman concerning if this project goes forward, would I be interested in being a part of it as the prosecutor. And my concern, I had a number of concerns and I questioned him about it. He assured me that they were interested in total integrity, just like he testified to. I had a lot of questions. I don't know about this case. I was still in the Navy; it was before I even went to law school when Dr. King was killed.

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But I want to be sure there will be no hindrance - any post conviction proceeding -- anything that was pending. That was one of the first questions I ever asked him. I checked with the disciplinary people; I checked with General Canale, who was the District Attorney when Martin Luther King was killed and when James Earl Ray pled guilty.

Mr. Canale actually had worked for me for some eight years after he retired from being the District Attorney.

Your Honor, I was satisfied that what they were trying to do was do a serious production. I found out they weren't using actors. Basically, it would be like he's on trial and they would give me the means to put a case together. The District Attorney's Office obviously has an extensive file on this, which we have looked at.

My interest obviously is to go forward with the project. I've followed this since this petition was filed, and obviously my concern as a prosecutor I'd want access to be able to see, not only the statements of the witnesses and the various things that went on over the years, but also have access to the physical evidence to look at it, whether it's with gloves or whatever.

Only when you're prosecuting a case, obviously you don't have custody of it. It's either with the police, or if there's been a trial, it's in the Clerk's Office. And when it comes time to try the case, I'm staying in the

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courtroom and the clerk brings the evidence in. It's sitting there in the custody of a clerk. When it comes time to hand the gun up or the map or whatever it is, that is handed to the witness and shown, and, do you recognize this gun? Yes, I do. Where did you see it?

I've read several books about the case now; I've familiarized myself with the case, and I've talked to several of the witnesses. For example, Jim Papia (phonetically); he's a retired police officer. He's a deputy marshal now. He was one of the two policemen. He's the first one in the rooming house.

When we try the case, I'd like to hand Jim the photos and say, Jim, do you recognize this? Yes, I was there on that date. I was the first one up; I saw it as it was; I was with Inspector Leigh when he recovered these items - not to destroy them, not to remove any prints, but just to present the case, to get it ready to present it.

So from my standpoint, Your Honor, and I've talked to General Pierotti and General Strother and I can see no harm which would come with giving access to allow me to go into the Clerk's Office and look at this evidence, which I cannot do today.

Then when we try the case, again, and it's contemplated using the courtroom that's used two or three days a year in the Civil Courthouse, to have the Clerk's

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Office physically - they're in custody of it just like they always are -- and to be viewed. It will never leave their custody.

So from my standpoint, in order to present a fair picture - and that's what I signed on to do - obviously Mr. Ray pled guilty. I'm assuming the role as prosecutor and I don't intend to pull any punches. At this day in the record I presume that he's guilty; he said he was guilty. I'm going to seek to prove it.

So to get ready to go to trial I need access of the evidence in order to do that. And I don't say I promise you, Your Honor, but I'm not going to do anything that I think,as a professional prosecutor, anything to allow Mr. Ray to someday go free because of some gletch in the evidence or whatever.

So from my standpoint, I'm fully on board on the project and I can see, from my standpoint, no problem with reconsidering the order in modifying and allowing us this access to examine the evidence and use it in the trial.

THE COURT: All right, sir.

Mr. Ewing, if you'll just stand there.

Does anybody have any statement or want to ask any question or to put anything on the record here about what Mr. Ewing has said?

MR. STROTHER: No, Your Honor.

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THE COURT: All right.

Is there anything else from the Defense that you want to bring out through Mr. Ewing?

MR. EMMONS: No, Sir. We appreciate the statement very much.

THE COURT: Thank you, Mr. Ewing.

MR. EMMONS: We appreciate him being here.

We have no further proof. We would like to move in all evidence from other hearings be records adopted at this hearing in case there is any need for an appellate review.

THE COURT: All right, sir.

MR. EMMONS: Thank you, Sir.

If the State has no proof, which I don't anticipate they do, they might surprise me, Mr. Pierson and I would like a brief period to argue to the Court.

THE COURT: Yes, sir.

All right. This is all the petitioners are going to put on?

MR. EMMONS: That's our proof, Your Honor.

THE COURT: All right.

Does the State have any proof?

MR. STROTHER: No, Your Honor.

THE COURT: All right.

We'll hear from the Petitioner then.

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MR. PIERSON: Your Honor, I'll try to be brief.

In the order denying access, seeing there were three things that concerned the Court, standing as a petitioner which I think we've resolved. And secondly, Mr. Ray's rights and intentions both now and in the future. There's no way to predict what anyone currently incarcerated will do. And the very best we can do under the circumstances is to obtain from that individual as unconditional, voluntary, free and full a waiver as we can obtain.

I think you'll find in looking at the new affidavit that that's accomplished. And in the process, there's also an identification to avoid any charges or allegations or assertions against any people who might act under the Court's order.

There remains a residual question, which I think the Court has referred to, and that is the continuing obligation as the judicial branch of the fairness of government to look after the integrity of the evidence not withstanding what the parties may agree to.

All of us as advocates have come into courtrooms and offered to judges compromises which we find that only consider two parts of a three-part bargain.

We have, I believe, done the very most we can possibly do to assure the Court of our residual concern.

The first request is that the evidence as it always

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would be remains in the custody of the Clerk. And whatever may be done under this access order, will be done in the presence of the clerk just as would have been done over the years and the joint order makes it clear that this examination is not to be invasive. It is for that matter not even to be active. It is purely passive. It is just as passive as it would be if somebody in the Clerk's Office put on the rubber gloves and looked at the evidence to prepare for, an example, an exhibit list. It is just as passive as it would be if up until recently members of the media were to come in and examine it and look at it.

We have two kinds of judicial records and evidence, which makes this case somewhat unique. We have those which are traditionally and readily and routinely duplicateable, such as documents or magnetic tapes, or for that matter, photographs, items, pieces of physical matter which can be readily duplicated and copied, the original returned and the copy used in its stead - xerography, (phonetically) if you will.

The other kind of evidence we have is real evidence, physical evidence that cannot be readily duplicated, like guns, clothing, a gun, bullets, clothing and matter of that kind.

It is perhaps because of the existence of that evidence as well as the posture of this particular matter

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involving the assassination of Dr. King that we have come into this court and believe and agree with the Court that it has jurisdiction to determine access to this material. We believe, as we have said in the brief, that there is a state policy expressively stated and broadly stated for access to judicial records.

We believe the policy is intended to include physical items such as this. However, these are physical items which reside in the custody of the Clerk of the Criminal Courts and accordingly it is appropriately in this Court's jurisdiction to determine whether or not access will be given.

We suggest that the joint order provide the same degree of assurance,that the evidence will not be altered, destroyed, adversely affected in its physical properties or appearance by the passive examination and use we've proposed as if we were merely Xeroxing or copying documents or photographing items in the Clerk's Office.

One concern and a matter which has not been brought up in our submissions, and I confess to the Court it only occurred to us this morning, were Mr. Ray a defendant under indictment pending trial he would normally have a right to have his counsel have access to the evidence. And indeed, for example,if it were a drug case, have an opportunity to have the physical material tested by the standard forensic testing.

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We do not propose such testing, although it is common in criminal cases and is common before the evidence is presented and it's common to allow the defendant to do that. We suggest only passive examination in use of this evidence under the custody of the Clerk.

For all intents and purposes while it's true that there's no assurance what Mr. Ray may later do, the judicial features of his conviction/incarceration for the murder of Dr. King are over.

But the public issue remains. What we're seeking here is a method, using the time-honored and well respected, at least among lawyers and judges, a method of examining facts and evidence to arrive at as truthful a conclusion as can be obtained.

That has never been done in this matter. And since the judicial proceedings are for all intents and purposes over, and while the public issue remains, the only remaining available thought is a fairly done and honest presentation by lawyers, real lawyers, real judges, real witnesses and a real jury and hopefully, real evidence to make a decision.

It may not put the public issue to rest, but the very least it will do what public trials do in courts every day; it will tell the public that the day has been had, the evidence has been examined and the jury has reached a conclusion.

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We submit that under the circumstances the access order should be issued. There's no substantial threat to the evidence and there is a compelling interest to allow the public to examine this material in the course of a trial.

THE COURT: All right.

MR. EMMONS: Your Honor, (roaring) different issues than my learned colleague has, but may I talk for a moment about the rights of the defendant, though.

I would just concur very strongly with what Mr. Pierson has said. Your Honor has indicated concern about Mr. Ray's state of mind. And I honestly do appreciate that. I think there were times in the past when not enough interest was shown of his state of mind.

One of the points of controversy had to do with the long number of days he spent in a flood-lighted cell with metal sheets on the windows and the affect that that might have had on his mind.

Of course, he's incarcerated now and in a totally different situation for 20 some-odd years. The people who have seen him, that have testified here, that have spoken to the Court, that have gotten affidavits from him feel that there's absolutely nothing wrong with his thought processes now.

And as a matter of fact, I suggested in my brief, and I didn't intend to do this facetiously, we might have

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reason to suspect his mental faculties if he really thought the post conviction process was going to bring him some relief.

I know the Court has to be concerned about ultimately what-ifs, because that's what Courts do, and the Court is quite proper in considering that. But yet this very Court has denied a petition for post conviction relief since Your Honor has been on the bench.

Your Honor will be here many more years we assume. Any post conviction relief petitions that come down from Nashville are coming back in Your Honor's court. I assume there's nothing that can be brought of a different nature that this Court could consider to grant that request. So Mr. Ray is looking at nothing but bleakness.

And by "bleakness" I mean no opportunity on his part to tell his story. And he's willing to conscientiously, intelligently waive by affidavit any rights to the chain of evidence and the evidence itself if he can simply have this forum to speak to and to do it in this way.

And while I understand and appreciate and think it's incumbent upon the Court to exercise the concerns that you have for the Defendant, I would suggest very strongly that in this context those concerns are misplaced. Not misplaced in the sense you shouldn't have them, but because all the evidence cries out that the Court's concerns have

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been answered.

And we've done everything conceivable to address this problem, because we know it concerns the Court. At the same time, I think the Defendant's rights have to be viewed within reality in the windows of reality rather than the legal concept that we've learned about and that we adhere to.

Technically, of course, he could be granted some kind of relief, but the federal relief is no longer a possibility; the state relief is basically meaningless in this posture.

Mr. Ray has absolutely no opportunity to get a hearing of any kind on this matter, unless the Court approves this kind of relief that we're requesting today in this project.

Let me speak for a moment to the rights of the victim's family, because that properly concerns the Court. We've provided the Court previously with a statement from Martin Luther King, III that was taken from a television transcript. We'd intended to have a more detailed statement available for the Court today, but time simply did not allow it. There were logistic problems.

We believe without any question that members of the King family would support this serious type project. And if that becomes a point that the Court feels is urgently important in making up the Court's mind, we would ask for

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another day or two to get that information to the Court.

I want to not argue contrary to that, but I want to suggest to the Court that the rights of the victim's family in the property of the victim.

As the Court knows, I was prosecutor for many years. I think I prosecuted over 50 homicides. I remember one time I was speaking in a seminar in North Dakota in October and I'd prosecuted more homicides that year in Memphis, Tennessee in Judge Jim Beasley's court than all the prosecutors in North Dakota had prosecuted in the entire state. I do have some experience in speaking at this hearing.

Never have I had a family concerned about the return of the clothes. What the family's concern is is justice. Are we convicting the person that killed their loved one? Is there anything else that they need to know?

And surely we can all know from the statements we have seen from the King family that though they originally consented in the plea bargain, as I understand, yet there's got to be concern as to whether or not all the information that should have been brought out was ever brought out or ever will be brought out.

And I would submit that the concerns of the King family, as the Court expressed it, as to the property of the deceased would really pale in comparison to what their real concerns and their real rights as a victim's family are.

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Don't they have a right to know if we can give-- Through the Court's or through a media access, don't they have a right to know more than they know about the death of their loved one? This case has been shrouded in mystery from the beginning.

It was on the eve of going to trial, Your Honor, when one of the most famous criminal defense lawyers in America came to town and took it over. There are a number of things about that representation that cause concern. Local counsel was appointed.

It turns out that the local counsel's appointed had represented the State's chief witness himself.. There were major concerns about conflict of interest.

All of a sudden there's a guilty plea. The public hears nothing. The public knows nothing. The paranoia of the public festers in this kind of climate. And it's like the old statement- just because I'm paranoid, it doesn't mean I'm not being followed.

This paranoia might be well taken and it might not be well taken. But as long as everything remains in the dark it's there for people to wonder about and to think about and scheme about.

And here we've had 24 years to pass. Mr. Ray has no realistic opportunity at all of having his story heard. The questions that the public is clammoring for and has a right

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to clammor for have never been answered.

We have a window of opportunity right now, right here while most of these witnesses are still alive. We don't have to put on a stage play. There are scores of Memphis police officers still serving on the police force, sheriff deputy still serving on that sheriff force, people recently retired that have volumes of information about this case that nobody knows about. There are documents, there are witnesses that have never been heard by the public.

The only partical of information that has seeped forth from these caverness boxes of evidence was, first of all, in an effort by the Attorney General's Office many years ago, and I was in the office, Mr. Carlisle had a slide show. If you happened to be a Kiwanian or a Rotarian you got to see the slide show. And I went with Mr. Carlisle a lot of times and I imagine these gentlemen did too. I don't know.

But the people were facinated with this case.

And I'm simply saying, Your Honor, we have a window of opportunity right now that we might not have five years from now. The major witnesses might be dead. We have a major English television production company, TIMS. We have a major American company, HBO.

They're willing to join in their efforts and spend a ton of money, and I won't even mention the fact that it will all be spent in Memphis and help the economy, because

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that's got nothing to do with Your Honor's decision. But they're willing to spend a ton of money and they're willing to do a first-rate production that I think nobody can doubt based on the hearing.

They're willing to put four hours on non-commercial television. By non-commercial I mean four hours straight through, straight time. Whereas I would assume that that would amount to about six hours if it were network with the commercial time.

This is a major task. It would reflect credit upon our city into this investigation. It would lift the veil, part the waters, whatever matters would we choose and let the public see. Let people understand.

But it can't be meaningful; it'll be more like a play unless we have access to the minimum amounts of evidence.

In addressing myself to that issue, I understand the responsibility of this Court. I understand it and I agree with it. And I just feel like that with the waiver of Ray, as complete as it is, with all the evidence indicating that his state of mind is good, this protects everybody.

But secondary, I would say, regardless of that, this Court can and will, if you grant relief,put into effect procedures that are so strong that simply, I would submit, nothing can happen.

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Not only do we have the statement of Mr. Saltman, Dr. Pepper, Mr. Hickman Ewing, Ms. Johnican, but the Court has suggested at one point the possibility of a guardian ad litem that would report only to the Court. I would urge the Court if that would make a difference in the Court's feeling to do that. These people are perfectly willing to pay for somebody you know, that you trust, whoever, that you have complete confidence in, that would have the last key to the door, so to speak,and to report daily if necessary to the Court. And any time any question arose in that person's mind could say, no, let's go talk to the Judge.

I just don't know any more that we can do. This is a historic project. This will be a project, a first of a kind in this nation. This would be something that I think would be talked about for years to come.

I don't have any idea what the results would be. Mr. Ewing, I'm sure feels like he's going to bounce Mr. Pepper all over the courtroom. And Mr. Pepper feels like he's going to bounce Mr. Ewing all over the courtroom. That's the nature of our adversary system. They both might do some bouncing.

But the public is going to win, because finally people throughout the world are going to know what the evidence is in the murder of Dr. Martin Luther King.

And to me, Your Honor, and I submit that that so far

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outweighs the possible minute concerns of the Court, that the Court has to give that strong weight. Never in the history of the world has the public's right to know been riding a crest of popularity as it is now in nations around the world. And where that right to know is forfeited in any way, then damage results.

There are people within a stone's throw of Tiananmen Square that don't know what happened there on those dreadful nights months ago, but everybody in Ashflat, Arkansas knows because there was some media there.

Horrible things that happened in Iraq were unknown to the citizens close by, but they were known in every little town in Kansas and throughout the world because of CNN. And freedom depends upon the free dessdemination of information. I know the Court understands that. I'm not arguing that.

I'm just saying that to me, Your Honor, this so outweighs the other concerns. There simply can be, first of all, no cost to the State. Secondly, because of the waiver, there's no lost to the State. But the people, the public would lose. And I will urge the Court to strongly consider that.

In weighing all the awesome responsibilities this Court has, we certainly don't take that lightly and join in issue with the Court strongly. And I know the Court understands that.

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We appreciate very much this opportunity to be reheard and get everything before the Court that we feel the Court needs.

THE COURT: Thank you, sir. We appreciate it, Mr. Emmons.

Is there anything further from the State?

MR. STROTHER: Your Honor, I think our original statement stands. We think the Court (roaring) order protecting the sanctity of the evidence. We likewise think that the agreement which was entered into between the parties in our office also maintains the sanctity of the evidence, and it is a matter in which we certainly don't take opposition to.

THE COURT: All right, sir.

Ladies and gentlemen, you all have all done a good job of the presentation. It's been presented to the Court in a very professional manner and I appreciate the way you've done it.

This Court will take everything into consideration that we have, past and present, and would want to research some on this in light of some law that the Court is looking at now that appears to be some new law that's come out with the United States Supreme Court.

I will give you, within a week to ten days, I'm ruling on this very quickly because I think time is of the essence and I appreciate that.

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Anything else?

COUNSEL: No, Your Honor.

THE COURT: All right.

Recess.

* * * * *

(END OF REQUESTED PROCEEDINGS)

THIS WAS ALL THE PROCEEDINGS HAD IN THE ABOVE-ENTITLED CAUSE.

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C E R T I F I C A T E

I, the undersigned, Wanda Collom, Official Court Reporter for the Thirtieth Judicial District of the State of Tennessee, do hereby certify that the foregoing is a true, accurate and complete transcript, to the best of my knowledge and ability, of all the proceedings had and evidence introduced in the hearing of the captioned cause, in the Criminal Court for Shelby County, Tennessee on the 24th day of June, 1992.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

Witness my signature on this the 16th day of July, 1992.

WANDA COLLOM
Official Court Reporter
State of Tennessee

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