IN THE CRIMINAL COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT
AT MEMPHIS, TENNESSEE
DIVISION IX

STATE OF TENNESSEE

-vs- NO. B-16645

JAMES EARL RAY,
Defendant

AFFIDAVIT OF TOMMY HEFLIN
TENNESSEE BUREAU OF INVESTIGATION

I, TOMMY HEFLIN, am chief firearms and toolmarks examiner for the Tennessee Bureau of Investigation. On May 14, 1997, I was at the Rhode Island State Crime Laboratory at the University of Rhode Island acting as an observer and expert for the District Attorney of the 30th Judicial District in the test of a rifle and bullet entered as evidence in the case of State of Tennessee v. James Earl Ray. I was present when the Remington Game Master Rifle was examined by the defense experts, and was allowed to inspect the rifle myself. I found that the rifle was in excellent condition. Upon inspecting the bore I found that there was very little fouling of any kind visible. The defense experts cleaned the bore with a patch and the residue was examined. On the patch was some powder residue and lint. No rust was seen. Upon checking the bore again I found it to be in excellent condition. At no time was there any discussion of more aggressive cleaning. I discussed the condition of the rifle with the experts hired by Mr. Ray and all agreed that the bore was in excellent condition and no further cleaning was discussed. The experts were supplied with a list of suggestions for cleaning the bore as prepared by Judge Brown. The experts indicated that they had read the suggestions of Judge Brown but would not use any of the cleaning methods outlined in the paper. At no time did I see Mr. McNeil or any other of defendant's attorneys make any demands on how the testing should be done. At no time did any attorney object to any technique used by the experts to test the rifle and the bullet.

I am aware that Mr. Robert Hathaway has signed an affidavit that states that he was prevented from using a copper or bronze brush to clean the bore. At no time did the issue of a bore brush come up in my ~~presents~~ PRESENCE. I would strongly object to the use of a wire brush to clean the bore of this weapon. The brush will leave minute scratches on the bore that may compromise any further testing. The brushes can also obliterate marks on the bore that date from the rifle's manufacture. Since these are the marks that are used for comparison, any subsequent test would be strongly compromised. Due to the history of this rifle and the inconsistency of bullet marks that have been the result of every prior test, to use a brush to scrub the bore would raise a great question mark for any further testing done on this rifle in the future.

Further the affiant sayeth not.

Tommy M. Heflin

TOMMY HEFLIN
TENNESSEE BUREAU OF INVESTIGATION

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Sworn to and subscribed before me this the 13th day of June, 1997.

Nancy Jo Daniel

NOTARY PUBLIC

My commission expires March 24, 2001.