See Reverse Side

4

FILED
OCT 6 1969
BESSIE BUFFALOE, Clerk

TO THE HONORABLE SUPREME COURT OF THE STATE OF TENNESSEE, SITTING AT JACKSON, TENNESSEE, OR TO ANY OF THE JUDGES THEREOF:

STATE OF TENNESSEE
VS
JAMES EARL RAY

FROM THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

PETITION OF JAMES EARL RAY FOR WRIT OF CERTIORARI

Your petitioner would respectfully show to the Court that he is much aggrieved by the judgment of the Criminal Court Division II of Shelby County, Tennessee, the Honorable Arthur C. Faquin, Judge, presiding, said judgment being rendered on the 26th day of May, 1969, and sustaining the State of Tennessee' Motion to Strike the petitioner's Motion for a New Trial.

Your petitioner would further relate that he timely petitioned the Criminal Court of Appeals for a Writ of Certiorari, and that the same was denied, hence this appeal to this Honorable Court.

YOUR PETITIONER STATES:

1. That the Criminal Court of Shelby County, Tennessee, the Honorable Judge Arthur C. Faquin presiding, erred in the hearing of May 26, 1969, in allowing the introduction of testimony by Mr. J. A. Blackwell, Clerk of the Criminal Court of Shelby County, Tennessee, and

the introduction of other evidence by Mr. Blackwell to show that the confession of James Earl Ray, petitioner, was freely and voluntarily given at a prior hearing.

2. That the Court erred in not sustaining the objections to testimony of Mr. Blackwell and the introduction of documents in this cause on May 26, 1969.

3. That the Court erred in not holding that the letters and amendments as presented by petitioner-defendant do not constitute a Motion for a New Trial. The letters and Motion for a New Trial are herein exhibited and attached hereto as Exhibits Nos. 1, 2 and 3.

4. That the Court erred in holding that the petitioner, James Earl Ray, waived his right to a Motion for a New Trial and an appeal.

5. That the Court erred in holding that a guilty plea precludes the petitioner from filing for a Motion for a New Trial.

6. That the Court erred in holding that the petitioner-defendant, James Earl Ray, knowingly, intelligently, and voluntarily expressly waived any right he might have to a Motion for a New Trial and/or Appeal.

7. That on June 16, 1969, the Court ruled erroneously in denying petitioner-defendant's prayer for leave or permission to file an appeal holding (a) that your defendant had waived his right of appeal, (b) that the sustaining of the State of Tennessee's Motion to Strike your defendant's Motion for a New Trial was an Interloc-

utory Order, and that, therefore, there was no appeal from the same.

8. That the Court erred in not granting your defendant's Motion for a New Trial pursuant to and in accordance with Code Section 17-117 of the Tennessee Code Annotated.

To all of the above citations of error the petitioner-defendant has heretofore reserved his exceptions.

Your petitioner would respectfully allege that he has no other remedy of speedy available appeal other than this Application for Writ of Certiorari.

Petitioner would state that notice was served on the Attorney General of the State of Tennessee, more than five (5) days before the filing of the Petition for Certiorari; and that the Petition would be presented to the State Supreme Court or one of the Judges thereof on October 6, 1969, at Jackson, Tennessee, and that a copy of the Petition was presented to the Attorney General of the state of Tennessee, as well as a copy of the Brief filed herein; a copy of the Notice and receipt thereof is attached hereto.

P EMISES CONSIDERED, PETITIONER PRAYS:

1. That a Writ of Certiorari issue by this Honorable Court to the Criminal Court Division II of Shelby County, Tennessee, directing that Court and the Clerk thereof to certify and transmit to this Court the entire record and proceding in this cause including the opinion and judgment of the Trial Judges, consisting of the late Honorable Judge Preston W. Battle and the Honorable Judge Arthur C. Faquin, Judge of Division II of the Criminal Court of Shelby County, Tennessee.

2. That the judgment of the Criminal Court Division II in sustaining the State of Tennessee's Motion to Strike the Motion for a New Trial be reviewed and error complained of corrected; that your petitioner be granted a new trial and this cause remanded to the Courts of Shelby County, Tennessee, for a new trial and for further handling.

3. That petitioner have all such other, further, and different relief to which he is entitled, and he prays for general relief.

THIS IS THE FIRST APPLICATION FOR A WRIT OF CERTIORARI IN THIS CAUSE BEFORE THIS HONORABLE COURT.

Richard J. Ryan

STATE OF TENNESSEE
COUNTY OF SHELBY

RICHARD J. RYAN, who being first duly sworn, states that he is one of the attorneys for the petitioner, James Earl Ray; that he is familiar with the facts set forth in the foregoing Petition for Certiorari, and that the statements contained herein are true, except those made as upon information and belief, and these he believes to be true.

Richard J. Ryan

Subscribed and sworn to before me this 3rd day of October, 1969.

Bessie Lee Turner
NOTARY PUBLIC

My commission expires:
10-7-71