IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE

DIVISION III

STATE OF TENNESSEE	I	
VS.	I	NO. 16645 Murder First Degree
JAMES EARL RAY	I	

ORDER

Upon this cause being called for trial on Tuesday, November 12, 1968, with the defendant being present in open Court with his attorneys of record, Messrs. Arthur J. Hanes, Sr., and Arthur J. Hanes, Jr., and the State of Tennessee being represented by the Honorable Phil M. Canale, Jr., District Attorney General for the Fifteenth Judicial Circuit, his Executive Assistant Robert K. Dwyer and his Assistant James C. Beasley, the Court was addressed by Mr. Percy Foreman of the Houston, Texas, Bar as agent of the defendant James Earl Ray, with reference to a clerical motion which he asked the Court to consider before an announcement of ready could be made by the prosecution;

Immediately thereafter Mr. Arthur J. Hanes, Sr., moved the Court to remove his name and that of Arthur J. Hanes, Jr., as attorneys of record for the defendant James Earl Ray in view of a letter from the said James Earl Ray, requesting attorneys Hanes and Hanes do nothing further in the defendant's behalf;

WHEREUPON the Court questioned the defendant James Earl Ray and was advised by said defendant that he had written said letter and wished to terminate the services of Mr. Hanes and employ other counsel.

The State of Tennessee, announcing ready for trial, opposed the motion of Messrs. Hanes to be allowed to withdraw as counsel on the date of trial, said date [illegible] been selected

on or about July 21, 1968; opposed the hiring of new counsel insofar as said employment of new counsel being contingent upon the cause being continued for trial; and proposed in the alternative that counsel of record be required to continue in the case and that Mr. Percy Foreman be allowed to enter and associate in the cause so the case could be tried as scheduled.

FROM ALL OF WHICH THE COURT being of the opinion that under the unique facts and circumstances of this case the motion of the defendant to change counsel should be granted and the motion of the defendant for a continuance be granted and further that Messrs. Hanes should only be discharged conditionally from further responsibility in the case.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Messrs. Arthur J. Hanes, Sr., and Arthur J. Hanes, Jr., be discharged from further responsibilities in this cause subject to the following conditions:

(1) They shall remain counsel of record insofar as they both continue to be bound by the Court's orders on publicity;

(2) They shall co-operate with Mr. Foreman in making available to him everything disclosed by their investigation in this case and fully acquainting him of their actions in readying the case for trial;

(3) That Mr. Arthur J. Hanes, Sr., being now under a finding of Contempt by the Court with sentence withheld by the Court shall make an appearance bond in the amount of One Thousand ($1,000.00) dollars before leaving this jurisdiction.

IT IS FURTHER ORDERED BY THE COURT that the trial of this cause be continued until March 3, 1969, and that the transcript of these proceedings be attached to and made a part of this order.

Mr. Haynes noted an exception to the Court's ruling on his conditional discharge.

ENTER this the 12th day of November, 1968, as and for Nov. 12, 1968 nunc protunc

W. Preston Battle
JUDGE

Tuesday, November 12, 1968

CLERK: Docket No. 16645 and 16819, State of Tennessee versus James Earl Ray, charged with murder in the first degree and carrying a dangerous weapon.

MR. FOREMAN: Before any announcement on the part of Ray by the prosecution, your Honor, as agent of the defendant, I have a clerical motion which I would ask the Court to consider before an announcement of ready by the prosecution.

MR. HANES: Your Honor, may it please the Court, it is my understanding that the defendant in this case has written a letter to me requesting that I do nothing further in his behalf in this case and I have not seen the letter yet although I do have a copy. Yes, I am now being handed another letter which I think is the original which has just been handed to me since I have been on the case, your Honor. And, in view of this letter, I move your Honor to remove my name and that of my son as Attorney of Record for the defendant James Earl Ray in this case, your Honor.

THE COURT: Mr. Sheriff, would you hand Mr. Ray this? Mr. Ray, I have here a copy of, what reports to be a copy of a letter dated November 10, 1968, from you directed to Mr. Hanes. I wish you to examine and see if you wrote that letter.

DEFENDANT: Yes, Sir.

THE COURT: Did you send that letter?

DEFENDANT: Yes, Sir.

THE COURT: And, I believe in that letter you state that you wish to determinate the services of Mr. Hanes in this case?

DEFENDANT: Yes, Sir.

THE COURT: And want to hire counsel. Alright, Sir, you may be seated.

MR. DWYER: Before the Court rules, if the Court is fixing to rule, might the State be heard in this matter? Your Honor, in view of the motion that has been made by Mr. Hanes here, it is the State's position that that motion should be disallowed. Now, we feel this way, if the Court pleases, this man was taken into custody on June the 8th. On June the 13th of this year he employed and was represented by Mr. Hanes and I believe at that time Mr. Hanes was in London, England where the defendant was incarcerated and holding himself out to be Attorney of Record. He was transferred, extradicted back to the United States and was lodged in the Shelby County Jail on July the 19th of this year. On the 21st, Mr. Hanes appeared in this Court, he represented to this Court that he was Counsel of Record and by consent agreed we set today as the