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44-38861-5920



K 211

44-38861-5920

Full cut #8508 - Half cut #8509 - Third cut #8510 - Fourth cut #8511 - Fifth cut #8512

GRAVITY

James E. Ray 00416-J

BOX 900

JEFFERSON CITY, MISSOURI 65102

To. Cong. Thomas curtis
House office Building
Washington, D.C.

Business

Rep. 2nd. Dist. Missouri.

44-38861

JK

K211

MISSOURI STATE PENITENTIARY

(Inside Mail Only)

Name James E. Ray Number 00416-J Date 1-4-62

Hall E Cell 224 Assignment isol.

SUBJECT writing pass

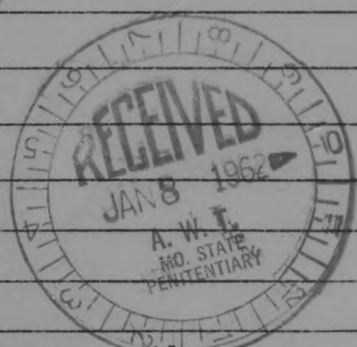
Mr. Schubert;

I have a letter from my brother
(Gerry Ray - 1913-Hickory St. St. Louis. Mo.)
saying that the place he was
living at burnt down and that
he was coming to visit next week,
could another pass be sent to him
at the above mention address
Thanks.

(OK)

R #

MP 1/9/62



Fold, seal and address on reverse side.

44-38861 JK K211

71-38861 JK K211

44-760
Kurt
4-26-68
RDC
4-26-68



CK

Mr. Schubert

asst. warden - treatment

MISSOURI STATE PENITENTIARY FOR MEN — REGULATIONS

VISITING: No visit will be authorized until the inmate has been assigned from the Reception-Diagnostic Center to the institution and has made the proper request for the issuance of a visitor's pass to his prospective visitors. All visitors must possess a visitor's pass issued from the institution. Identification will be required. The pass is valid only for the person whose name appears on the pass. Visits at the institution are permitted every day except Monday, between 9 a. m. to 1 p. m. Men assigned to the Sawmill Farm are permitted visits only on Saturdays and Sundays. Their visitor must notify the institution for 24 hours in advance of the intended visit. Children of inmates may be permitted, if conditions permit. Nieces and Nephews may be denied due to the limited visiting facilities. Men are permitted four (4) visits per month. Visits in the hospital are limited to Mother, father or wife, the length of the visit dependent on the condition of the inmate. No article will be brought into the institution. On the farms a family lunch may be prepared, subject to inspection. No one having served a sentence in a correctional institution will be permitted to visit. Anyone having the odor of an alcoholic beverage on their breath will be denied a visit. Visiting passes are issued at the request of the inmate. Do not write for a visiting pass.

CORRESPONDENCE: All correspondence for men whose assignment is in any way connected with the State Penitentiary must be addressed giving the man's name, register number, Box 900, Jefferson City, Missouri, 65102. This affects men who may be assigned to the Sawmill Farm, Renz Farm, Church Farm, Fordland Honor Camp or any other outside unit as well as men at the main institution. The inmates are permitted to write two letters per week. Improperly addressed mail will be returned to the sender. Incoming letters shall not exceed two (2) pages of paper not exceeding the normal 8½ x 11 inches, and shall not be written on but one side. Only approved correspondents will be permitted to receive letters from the inmate. Enclosures in the letter will prohibit its delivery—news clippings, etc.

MONEY: All money sent an inmate must be in the form of a postal money order, express or cashier's check made payable to the Treasurer, Missouri State Penitentiary. The order is to be placed in an envelope addressed to the inmate. All money orders must bear the name and address of the sender or they will not be credited to the inmate. Personal Checks and Cash will not be accepted. Money will only be accepted from members of the inmates family, exceptions to this ruling must be approved by the Warden.

PACKAGES: No package will be received at the institution. Occasionally the men will be permitted to receive various items, however, notice of this authorization will be transmitted from the institution. Items which are normal necessities are available in the inmate's canteen for purchase by the inmate. Local newspapers must come direct from the publisher to the inmate. All magazines must first be approved by the Associate Wardens Custody or Treatment. No item will be accepted from the home.

ALL ITEMS received at the institution are subject to the approval of the Warden or the Associate Wardens—Custody and Treatment.

FORDLAND HONOR CAMP: All regulations listed apply to this unit. Visits for the Honor Camp are conducted only on Saturdays and Sundays. Mail for men assigned to this unit must be posted Box 900, Jefferson City, Missouri 65102.

Do not attempt to visit any man at the institution unless you have a pass

44-38861 JK K211

RC30-4-26-68
MSP
44-760

MISSOURI STATE PENITENTIARY FOR MEN — REGULATIONS

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44-38861 JK K217

OP/Bo
4-26-68
Hansley - MSP
94-760

MISSOURI STATE PENITENTIARY

(Inside Mail Only)

Name James Earl Ray Number 00416 Date April
Hall B Cell 24 Assignment clearing plant
SUBJECT Legal papers

Could you send me my
commitment papers or my other papers
pertaining to my case. Thanks

Sent

4-15-60

Fold, seal and address on reverse side.

44-38861 JK K211

44-38861 JK K211

44-760
4-26-68
Mr. Loman
Record Office

Mr. Loman
Record Office

SUBJECT

NAME

CALL

ADDRESS

NUMBER

NUMBER

DATE

(Type in full)

MISSOURI STATE PENITENTIARY

GUY M. SONE
CLERK CIRCUIT COURT
OF COLE COUNTY
JEFFERSON CITY, MO. 65101



PRAY
FOR
PEACE

Physicians warn that many forms of insomnia most very
serious nervous troubles such as severe depression or even
suicidal tendencies. For this reason, persistent sleeplessness
should be checked by a qualified psychiatrist.

Mr. James Earl Ray
c/o State Hospital No. 1
Fulton, Missouri

on detail phy. would know I have all
the symptoms for my test

find out when the order to release me
was sent to the prison as the physician
was informed they me on Thursday about computers
failed I was sent to prison.

44-38861 JK K211

31
RBA 4-24-68
Army Secy-MSP
44-760

44-38861 JK K211

Form 5.7
10-20-60



LOS ANGELES POLICE DEPARTMENT

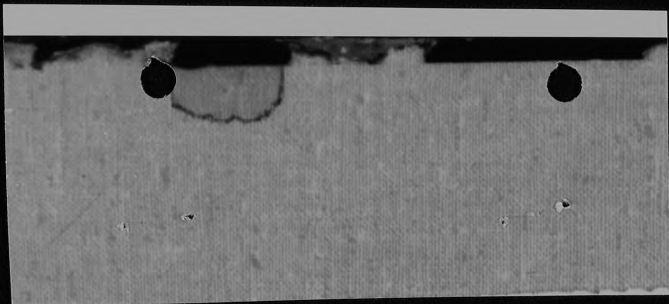
Race ☒
Cauc. ☐ Mex. ☐ Neg. ☐ Other ☐
Year Born 1928
Surname Ray
Charge Burg -
L. A. No. 139648

Division Cent Bkng. No. 86207

1. Name James E Ray Sex Male
2. Street Address trans.
3. City Los Angeles State California
4. Place of Birth Alton, Illinois Date of Birth
5. Occupation Laborer Date (Today) 10-11-49
6. Where Now Employed Dryden Rubber Div - Chicago Ill.
(Or Where Last Employed)
7. Name of Nearest Relative Mrs James Ray Relation Mother
8. Address of Nearest Relative 538 E Broadway Alton Ill.

44-38861-K

JK



2025 RELEASE UNDER E.O. 14176

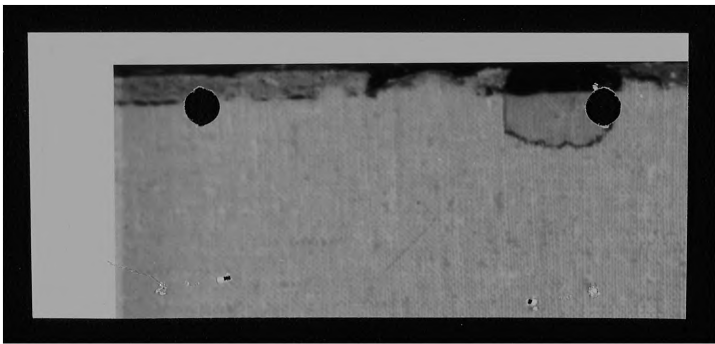


LOS ANGELES POLICE DEPARTMENT

Race ☒
Cauc. Mex. Neg. Other
Year Born 1928
Surname Ray
Charge Burg -
L. A. No. 139648

1. Name James E. Ray Sex Male
2. Street Address trans.
3. City Los Angeles State California
4. Place of Birth Alton, Illinois Date of Birth [Redacted]
5. Occupation Laborer Date (Today) 10-11-69
6. Where Now Employed (Or Where Last Employed) Dryden Rubber Div - Chicago Ill.
7. Name of Nearest Relative Mrs James E Ray Relation Mother
8. Address of Nearest Relative 628 E Broadway Alton Ill.

44-38861 K 25-2 JK



2025 RELEASE UNDER E.O. 14176

LAST NAME Wilson	FIRST NAME James	MIDDLE NAME Earl	DATE OF BIRTH MO DAY YR [REDACTED]	SOC. SEC. NO. [REDACTED]	AGENCY Justice	PAYROLL OFFICE FBI	LOCATION Washington	PAYROLL OFFICE NO. 15-20-0001
			DO NOT USE					

(RECORD EACH NAME CHANGE—
STRIKE OUT PREVIOUS NAME)

SERVICE HISTORY					FISCAL RECORD			
EFFECTIVE DATE	ACTION	BASE PAY	DO NOT USE	REMARKS	YEAR	CALENDAR YEAR SALARY DEDUCTIONS	ACCUMULATIVE TOTAL SALARY DEDUCTIONS	REMARKS
(1)	(2)	(3)		(4)	(5)	(6)	(7)	(8)
7-10-73	EXC. APPT. COND'L	5432		GS 2			7-18-76	
8-19-73	PROMOTION	6128		GS 3				
	BSI Executive Order 11739 approved							
10-1-73	effective 10-14-73	6408			1976	248.73	248.73	
8-14-74	WIGI	6622		GS 4	1977	279.16	527.89	
	BSI Executive Order 11811 approved							
10-7-74	effective 10-13-74	6989						
12-22-74	PROMOTION	7596						
	BSI Executive Order 11883 approved							
10-6-75	effective 10-12-75	7976						
12-21-75	WIGI	8242						
	BSI Executive Order 11941 approved							
10-1-76	effective 10-10-76	8593						
	After 1 hour							
6-1-77	Resignation							
12-19-76	WIGI	8870						

2801 and 2808 sent to OSC **7-8-77**

Standard Form 2806
February 1966 2806-104

INDIVIDUAL RETIREMENT RECORD
[CIVIL SERVICE RETIREMENT SYSTEM]

GPO 43-16-80012-1 875-330

U.S. CIVIL SERVICE COMMISSION
P.P.M. SUPPLEMENT 831-1

NOT RECORDED
13 JUL 11 1977

Name James Earl Ray No. 00416

List the names of relatives or friends with whom you wish to visit and correspond.

[illegible]

Dear warden;

I am writing you concerning my possible release from B. Basement, I have been down here eight months now, minus six weeks in "Gulm", one of the doctors there told me that I had probably had a physical and nervous breakdown, I think if I would of had a doctor's diagnosis when I first started having the trouble in April of 1965 it's possible I would never have been in this predicament, However that is no fault of the present administration as they had not assumed authority here yet. I think in view of these things along with the fact that 4 years prior to the attempt escape I had only one minor report on me, plus the first time in 5 years I had been checked into the hospital it would not be unreasonable to let me out of the Basement at this time. I think I have been down here longer than the average person who attempted to escape and wasn't tried eight, also Dr Enloe has been giving me some medicine and I feel a lot better than when I come down here. Thank you for my consideration.

44-38861

JK

K211

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS

STATE OF MISSOURI - PLAINTIFF
VS.

CASE NO. 1427-H

JAMES E. RAY, PRO SE, DEFENDANT

00416

DEFENDANT'S MOTION TO APPEAL AS A POOR PERSON
FROM THE TRIAL COURTS OVERRULING OF HIS MOTION
UNDER AUTHORITY OF RULE 27.26 AND TO HAVE THE PAPERS
AND THE RECORD OF TRIAL COURTS CONCLUSION IN THIS
ACTION MADE A-PART OF THE TRANSCRIPT OF RECORD
ON THE APPEAL IN CASE NO. 1427-H.

COMES NOW JAMES E. RAY, PRO SE DEFENDANT IN THE
ABOVE CAPTIONED CAUSE WHICH IS A CRIMINAL CAUSE
INVOLVING A CAPITAL CRIME, HAVING BEEN NOTIFIED BY
THE HONORABLE JOHN C. CASEY, JUDGE OF THIS COURT,
THAT A MOTION TO VACATE THE JUDGEMENT AND SENTENCE
HEREIN UNDER THE AUTHORITY OF RULE 27.26 OF THE RULES
OF CRIMINAL PROCEDURE, HAS BY THIS COURT BEEN DENIED.
TO MAKE HIS MOTION THAT HE BE ALLOWED TO
APPEAL FROM THE DENIAL OF HIS MOTION, AND
THAT THIS HONORABLE COURT SHALL MAKE DEFENDANT'S
MOTION IN THE FOREGOING PREMISES A PART OF THE
RECORD OF THE CASE ABOVE CAPTIONED.

CLASSIFICATION'S COPY

44-38861 JK K211

IT IS SUGGESTED THAT UNLESS AND DEPENDANT
UPON, THE SUBMISSION OF THE ISSUES HERE
PROPOSED TO BE RAISED HAS BEEN ADJUDICATE,

AND UNLESS SUCH ADJUDICATION BE
FAVORABLE TO MOVANT, THESE ISSUES AND
THE RECORD OF THE ADJUDICATION THEREON
ARE ESSENTIAL TO THE SUBMISSION OF A
PROPER RECORD FOR APPEAL, IF THERE IS
TO BE AN ADEQUATE APPELLATE
REVIEW WITHIN THE MEANING AND THE
SPIRIT OF THE AUTHORITIES HEREIN
CITED. THE RULE THAT CONSTITUTIONAL
QUESTIONS SHALL BE RAISED AS EARLY
IN THE PROCEEDING AS IS PROPER, AND
THE RULE THAT WHAT IS NOT BRIEFED
ON AN APPEAL IS DEEMED TO BE WAIVED,
SHALL EFFECTIVELY OPERATE TO
FORECLOSE MOVANT'S RIGHTS ON THE
APPEAL HEREIN, UNLESS THIS HONORABLE
COURT ABIDES BY ITS OBLIGATION TO
"ENFORCE THE CONSTITUTION OF THE
UNITED STATES" (SMITH V. O'GRADY
312, U.S. 329 334, 61 S. CT. 572, 574,
85 L. ED. 859.)

AN MOVANT RESPECTFULLY URGES ALL
THESE THINGS.

RESPECTFULLY SUBMITTED BY:

NOTORIZED BY:

JAMES RAY Pg. 20

LAST
PAGE

WITNESS HIMSELF, BUT RESTS FOR IT
CREDIBILITY UPON THE COMPETENCY AND
VERACITY OF ANOTHER; RECOGNISING THAT
SUCH TESTIMONY IS, EXCEPT IN CERTAIN
WELL DEFINED CASES, HELD TO BE
IN INCOMPETENT TO ESTABLISH ANY
SPECIFIC FACT IN ITS NATURE SUSCEPTIBLE
OF BEING PROVED BY WITNESSES WHO
SPEAK FROM THEIR OWN KNOWLEDGE.

ON POINT ~~S.R. 500~~

THAT MOUANT WAS WITHOUT THE
ASSISTANCE OF COUNSEL IN A CRIMINAL
OFFENCE FOR THE FOLLOWING PROCEEDING
ARRAIGNMENT, PLEMINARY HEARING, AND
HIS APPEAL TO THE MISSOURI COURT
WHILE THE UNITED STATES SUP. CT HAS
NOT RULED ON WHETHER ^{THE} DEFENDANT MUST
HAVE COUNSEL AT ALL STAGES OF COURT
APPEARANCES IT HAS HELD IN POINTER —
— V. TEXAS, 379 U.S. 815.

"IN ALL CRIMINAL PROSECUTIONS, THE
ACCUSED SHALL ENJOY THE RIGHT... TO BE
CONFRONTED WITH THE WITNESSES AGAINST HIM... AND
TO HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENCE."

PG 19

44-38861

JK

K211

WHO WAS QUESTIONED BY MR. HOSTER (THE
ASST. CIRCUIT ATTORNEY)

Q: WELL, READ WHAT IS ON THE CARD
WILL YOU?

A: I MAY SAY AT THE VERY OUTSET, TO KEEP
YOUR RECORD STRAIGHT, THAT THE BOY
WAS RECEIVED AT THE INSTITUTION ON
OCTOBER 19TH, AND THE FOLLOWING DAY
WAS HIS FIRST VISIT TO OUR DOCTOR, WHICH
WAS ON THE 20TH, - IT IS MARKED HERE
WITH THE STAMP, OCTOBER 20TH, 1959.

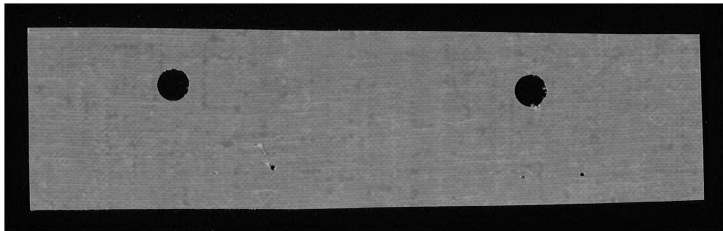
EXAMINATION NEGATIVE, AND IT IS SIGNED
RIGHT ALONGSIDE THAT BY DR. S'DOWD, - THAT
IS THE FIRST TIME TO THE DOCTOR. NEXT

~~IT IS THE NEXT TIME THE DOCTOR ON NOVEMBER~~
~~5TH, 1959. IT STARTED OUT WITH AN IN~~
~~VERY SMALL LETTERS, THAT MEANS CLINIC~~

~~CASE. Q: PAROXYSM? A: THAT IS A CLINICAL~~

~~CASE Q: VENEREAL DISEASE? A: VENEREAL CLINIC~~

~~Q: VENEREAL?~~



2025 RELEASE UNDER E.O. 14176

IT IS ESTABLISHED BY THE RECORD THAT WHEN THE PETITIONER SOUGHT TO ESTABLISH THE FACT THAT WHEN HE WAS RECEIVED AT THE MUNICIPAL JAIL HE WAS STILL SUFFERING FROM THE EFFECTS OF POLICE BRUTALITY WHICH LED TO HIS "SIGNING OF THE CONFESSION," THE COURT ALLOWED THE JAIL WARDEN TO TESTIFY IN PLACE OF THE RESIDENT DOCTOR PHYSICIAN REGARDING THE RESULTS OF SEVERAL TESTS THAT THE DOCTOR HAD RUN. THE TESTIMONY OF THE JAIL WARDEN (MR. BOEGER) TO THE EFFECT THAT HIS MEDICAL RECORDS SHOWED THAT THE PETITIONER HAD ONLY BEEN DIAGNOSED AS HAVING, AND HAD ONLY BEEN TREATED FOR A VENEREAL DISEASE AS A RESULT OF HIS EXAMINATION BY THE JAIL PHYSICIAN, WHICH TESTIMONY, SO GIVEN BY AN AGENT OF THE STATE AND SO RECEIVED BY THE COURT AND SO GIVEN BY THE COURT TO THE JURY, AT THE SOLICITATION OF THE STATE, WAS FALSE WHEN GIVEN, AND WAS KNOWN TO BE FALSE WHEN GIVEN, BY THE AGENTS OF THE STATE. PETITIONER URGES THAT THE TESTIMONY OF WARDEN BOEGER (TR. 190, 191) WAS HEARSAY IN THAT HE WAS NOT A QUALIFIED MEDICAL EXPERT, BUT THAT IN THE PRESENT CASE, HE WAS PERMITTED TO TESTIFY AS ONE. THE TESTIMONY OFFERED BY WARDEN BOEGER,

Pg. 17

44-38861

JK

K211

OK
PRINT 4

SINCE THE DECISION OF THE SUPREME COURT OF THE UNITED STATES IN MOONEY V. HOLLOMAN 294 U.S. 103, AND IN PYLE V. KANSAS, 317 U.S. 213, AND ALCORTA V. TEXAS, 355 U.S. 28, IT IS WELL ESTABLISHED THAT A CONVICTION OBTAINED BY USE OF FALSE TESTIMONY BY REPRESENTATIVES OF THE STATE MUST FALL UNDER THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

IN NAPOE V. ILLINOIS, NO. 583- OCTOBER TERM- 1958, IN A DECISION RENDERED ON JUNE 15, 1959, THE SUPREME COURT OF THE UNITED STATES HELD:

THE PRINCIPLE THAT A STATE MAY KNOWINGLY USE FALSE EVIDENCE, INCLUDING FALSE TESTIMONY, TO OBTAIN A TAINTED CONVICTION IN ANY CONCEPT OF ORDERED LIBERTY, DOES NOT CEASE TO APPLY MERELY BECAUSE THE FALSE TESTIMONY GOES ONLY TO THE CREDIBILITY OF THE WITNESS. THE JURY'S ESTIMATE OF THE TRUTHFULNESS AND RELIABILITY OF A GIVEN WITNESS MAY WELL BE DETERMINATIVE OF GUILT OR INNOCENCE, AND IT IS UPON SUCH SUBTLE FACTORS AS THE POSSIBLE INTEREST OF THE WITNESS IN TESTIFYING FALSELY THAT A DEFENDANT'S LIFE OR LIBERTY MAY DEPEND.

44-38861 JK K211

THREAT OR DOING ANY VIOLENCE!"
THE PRESENT INSTRUCTION DOES NOT
REFER TO THREATS. THE COURT SAID ~~THE~~ THERE
369 S.W.2d LOC. CIT 420: WHILE, AS STATED,
THE EVIDENCE ON SOME OF THESE
MATTERS WAS CONFLICTING, THE ISSUE
WAS FOR THE JURY AND THE ISSUE OF
MENTAL DURESS AND COERCION HAD TO
BE DECIDED IN ORDER TO DETERMINE WHETHER
THE CONFESSION WERE OR WERE NOT
VOLUNTARILY GIVEN. NO SUCH ISSUE WAS
PRESENTED TO THE JURY BY INSTRUCTION 7
OR ANY OTHER INSTRUCTION. IN OMITTING
TO PRESENT THE ISSUE OF MENTAL DURESS
AND COERCION FOR DETERMINATION BY THE
JURY, THE INSTRUCTION WAS CLEARLY
ERRONEOUS AND SHOULD NOT HAVE BEEN
GIVEN. WE FIND NO MERIT IN THE OTHER
CONTENTIONS."

ON,
POINT 3

ON EXAMINATION OF THE INSTRUCTIONS THAT WERE GIVEN IN THIS CASE, THEIR WAS NO INSTRUCTION GIVEN IN RELATION TO THE SIGNED STATEMENT WHICH IS A REVERCEABLE ERROW ACCORDING TO THE MISSOURI SUPREME COURT IN THE TWO BELOW LISTED CASES.

... 1. THE MISSOURI SUPREME COURT STATED, INSTRUCTIONS ARE GIVEN FOR THE PURPOSE OF HYPOTHESIZ THE BASIC FACTUAL ISSUES FOR THE JURY. IN OUR VIEW THIS OMISSION WAS NOT CURED BY ADDING THE GENERALITY THAT "YOU HAVE A RIGHT TO CONSIDER ALL THE CIRCUMSTANCES" AS WAS DONE HERE. STATE V. GOACHER 376 S. W. 2d. 97 PAGE 105.

2. IN STATE V. WILLIAMS, BANC, MO, 369 S. W. 2d. 408, A MOST RECENT CASE, THE JUDGMENT WAS REVERSED SOLELY BECAUSE OF THE OMISSION OF ALL REFERENCE TO THE ISSUES OF MENTAL DURESS AND COERCION IN A VERY SIMILAR INSTRUCTION, AND IN A CASE WHERE THAT WAS A BASIC ISSUE. THERE ALSO THE INSTRUCTION REFERRED TO "HOPE OF LENIENCY OR REWARD" AND IT INCLUDED THE PHRASE "WITHOUT ... ANY

JUSTICE HARLAN JOINED BY JUSTICE BLACK REASONED THAT SINCE ROBINSON'S COUNSEL COMPLAINED THAT ROBINSON WAS INSANE AT THE TIME OF THE CRIME BUT NOT AT THE TRIAL THE CONVICTION SHOULD STAND. JUSTICE HARLAN SAID..... THE CONCLUSIVE FACTOR IS THAT ROBINSON'S OWN LAWYERS, THE TWO MEN WHO APPARENTLY HAD THE CLOSEST CONTACT WITH THE DEFENDANT DURING THE PROCEEDING, NEVER SUGGESTED HE WAS INCOMPETENT TO STAND TRIAL AND NEVER MOVED TO HAVE HIM EXAMINED ON INCOMPETENCY GROUNDS DURING TRIAL;... THIS WAS NOT SO DURING THE TRIAL IN THE INSTANT CASE.

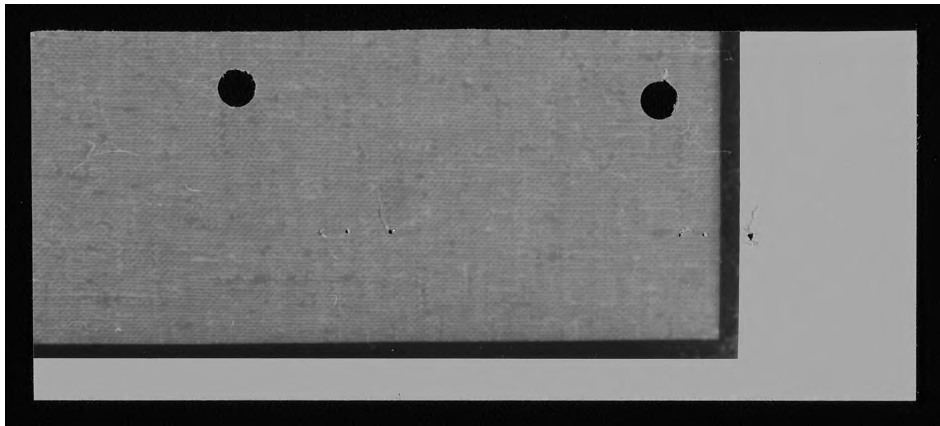
... BEING AN INDIGENT HE WAS DEFENDED
BY COURT APPOINTED COUNSEL, ... HIS COUNSEL
CLAIMED THAT HE WAS INSANE AT THE TIME OF
THE SHOOTING AND RAISED THE ISSUE OF
HIS INCOMPETENCE TO STAND TRIAL. ...
... (IN THE INSTANT CASE ALSO COUNSEL FOR
THE DEFENDANT SAID IN HIS MOTION FOR A
NEW TRIAL MOTION NO. 15 - QUOTE: "COUNSEL
FOR DEFENDANT DISCOVERED AND CALLED
TO THE COURT'S ATTENTION DURING THE TRIAL,
THAT DEFENDANT, BY HIS ACTIONS, GAVE EVERY
INDICATION OF BEING INSANE AND NOT
RESPONSIBLE FOR HIS ACTIONS. A MIS-TRIAL
SHOULD HAVE BEEN DECLARED AND A
PSYCHIATRIC EXAMINATION SHOULD HAVE
BEEN ORDERED FOR DEFENDANT, TO
DETERMINE THE ISSUE OF HIS SANITY, UNQUOTE).
++++ WE GRANTED CERTIORARI TO RESOLVE
THE DIFFICULT QUESTIONS OF STATE-
FEDERAL RELATIONS POSED BY THESE
RULINGS. 382 U.S. 890 (1965) WE HAVE
CONCLUDED THAT ROBINSON WAS
CONSTITUTIONALLY ENTITLED TO A HEARING
ON THE ISSUE OF HIS COMPETENCE. ...
... THE STATE CONCEDES THAT THE CONVICTION
OF AN ACCUSED PERSON WHILE HE IS LEGALLY
INCOMPETENT VIOLATES DUE PROCESS,
BISHOP V. UNITED STATES, 350 U.S. 961 (1956),
AND THAT STATE PROCEDURES MUST BE
ADEQUATE TO PROTECT THIS RIGHT... Pg 12

POINT 2. ON THE QUESTION OF A SANITY HEARING AS WAS REQUESTED BY MOVANT'S LAWYER, DURING THE TRIAL AND IN A MOTION FOR A NEW TRIAL, MISSOURI STATUTE 552.010 STATES- DEFINITION OF MENTAL DISEASE OR DEFECT THE TERM MENTAL DISEASE OR DEFECT INCLUDE CONGENITAL AND TRAUMATIC MENTAL CONDITIONS AS WELL AS DISEASE.

552.020- WHEN EVER THERE IS REASONABLE CAUSE TO BELIEVE THAT THE ACCUSED HAS A MENTAL DISEASE OR DEFECT EXCLUDING FITNESS TO PROCEED, THE COURT SHALL APPOINT ONE OR MORE PHYSICIANS TO EXAMINE THE ACCUSED AND REPORT UPON THE MATTER THE ORDER SHALL SPECIFY THE TIME, PLACE, AND CONDITIONS UNDER WHICH THE EXAMINATION SHALL BE CONDUCTED, AND MAY INCLUDE PROVISIONS FOR THE INTERVIEW OF WITNESSES OR OTHER PHYSICIANS AND FOR A COMMITMENT OF THE ACCUSED TO A HOSPITAL OR OTHER SUITABLE FACILITY FOR SUCH TIME AND UNDER SUCH CONDITIONS AS THE COURT DEEMS NECESSARY FOR THE PURPOSE.

TURNING TO THE FEDERAL VIEW AS INTERPRETED IN PATSY ROBINSON- 382 U.S. 890 (1965). MR. JUSTICE CLARK DELIVERED THE 7-2 ~~MAJORITY~~ MAJORITY OPINION STATED, IN 1959 RESPONDENT ROBINSON WAS CONVICTED OF THE MURDER OF HIS COMMON-LAW WIFE,

pg 11



2025 RELEASE UNDER E.O. 14176

FURTHER IN REGARDS TO STATE
PROCEDURE THE UNITED STATES
SUPREME COURT IN ROGERS V. RICHMOND,
365 U.S. 534 (1961) ... RULED THAT
SINCE THE STATE COURT HAD APPLIED
AN ERRONEOUS STANDARD TO JUDGE
THE ADMISSIBILITY OF A CONFESSION,
THE "DEFENDANT SHOULD HAVE THE
OPPORTUNITY TO HAVE ALL ISSUES
WHICH MAY BE DETERMINATIVE OF
HIS GUILT TRIED BY A STATE JUDGE
OR A STATE JURY UNDER APPROPRIATE
STATE PROCEDURES WHICH CONFORM
TO THE REQUIREMENTS OF THE
FOURTEENTH AMENDMENT."
AT 547-548.

WHO BEING A LAWYER MUST OF BEEN
AWARE OF RULES 21.14 AND 21.11,
FINALLY THIS CASE IS NOT UNLIKE
RECK & PATE, 81 S. CT. 1541 AT PG'S. 1547.

"HE HAD BEEN QUESTIONED INTERMITTENTLY,
AS MUCH AS SIX HOURS ~~AT A TIME~~ SOMETIMES
BY SEVERAL OFFICERS, HE HAD BEEN
INTERROGATED A TOTAL OF SOME TWENTY
HOURS. . . . HE ALSO SPENT CONSIDERABLE
TIME ON PUBLIC DISPLAY IN "SHOWUPS" . . .
IN ADDITION RECK WAS WEAKENED BY
ILLNESS, PAIN AND LACK OF FOOD. . . .
FINALLY UNLIKE TURNER, RECK MUST BE
REGARDED AS CASE OF AT LEAST
BORDERLINE MENTAL RETARDATION. . . .
AT THIS POINT PETITIONER WOULD
RESPECTFULLY SUGGEST THAT THE BURDEN OF
PROVING A PURPORTED CONFESSION IS
VOLUNTARILY MADE, RESTS ENTIRELY UPON
THE STATE. HOWEVER THE RULE MOST
FLAGRANTLY IGNORED IN THIS CASE
BY THE COURTS OF MISSOURI, IS THAT WHICH

RENDERED THE CONVICTION AND SENTENCE WHOLLY VOID. WE ARE NOT CONCERNED WITH A MERE QUESTION OF STATE PRACTICE, OR WHETHER CONSULS ASSIGNED TO PETITIONERS WERE COMPETENT

OR MISTAKENLY ASSUMED THAT THEIR FIRST OBJECTIONS WERE SUFFICIENT. JUST AS IN BROWN, THE EVIDENCE HERE CLEARLY ESTABLISHES THAT THE CONFESSION MOST PROBABLY WAS NOT THE PRODUCT OF ANY MEANINGFUL ACT OF VOLITION;.....

UNDER THIS STATE PROCEDURAL RULE THE FOLLOWING EVIDENCE WAS NOT TAKEN INTO CONSIDERATION BY THE TRIAL COURT, SINCE IT WAS BROUGHT OUT AFTER THE AFORE MENTION HEARING.

1. THAT THE STATEMENT WAS NOT GIVEN UNTIL ABOUT 28 HOURS AFTER HIS ARREST, IN VIOLATION OF RULE 21.14
2. HE WAS SUFFERING FROM A HEAD WOUND THAT REQUIRED SIX STICHES TO CLOSE.
3. HE HAD BEE QUESTIONED INTERMITTENTLY DAY AND NIGHT IN PAIN AND LACK OF FOOD HE SPENT CONSIDERABLE TIME IN SHOW UPS.
4. HE WAS NOT BROUGHT BEFORE A MAGISTRATE UNTIL NINE DAYS AFTER ARREST, IN VIOLATION OF RULE 21.11
5. THE SIGNING OF THE STATEMENT WAS MADE IN THE PRESENTS OF MR. KOSTER "WHO LATER PROSCOTED THE CASE"

Unit No. 6 Date In 4/14/68 Out _____ Total Days _____

NAME SP/4 Donald W. Jenner
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CITY Bellflower STATE Calif.
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MAKE _____ YEAR _____ NUMBER PERSONS 1
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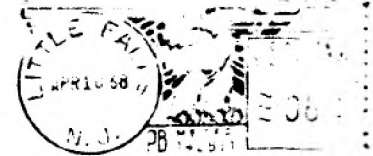
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