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KC

STATE OF MISSOURI  
CITY OF ST LOUIS

00416  
JAMES RAY

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS

STATE OF MISSOURI, PLAINTIFF

V.S. \_\_\_\_\_ DEFENDANT

CASE NO. \_\_\_\_\_

DEFENDANT'S MOTION TO VACATE AND  
SET ASIDE JUDGMENT AND SENTENCE  
BECAUSE OF INVASION OF FEDERAL AND  
STATE CONSTITUTIONAL RIGHTS UNDER  
AUTHORITY OF RULE 27.26.

JURISDICTIONAL STATEMENT.

RULE 27.26 OF THE RULES OF CRIMINAL  
PROCEDURE (1952) FOR THE COURTS OF  
MISSOURI, PROVIDE: A PRISONER IN  
CUSTODY AND UNDER SENTENCE AND  
CLAIMING A RIGHT TO BE RELEASED ON  
THE GROUNDS THAT SUCH SENTENCE WAS  
IMPOSED IN VIOLATION OF THE CONSTITUTION  
AND LAWS OF THIS STATE OF THE UNITED STATES,

OR THAT THE COURT IMPOSING SUCH SENTENCE WAS WITHOUT JURISDICTION TO DO SO MAY FILE A MOTION AT ANY TIME IN THE COURT WHICH IMPOSED SUCH SENTENCE TO VACATE, SET ASIDE, OR CORRECT THE SAME.

RULE 26.02 OF THE RULES OF CRIMINAL PROCEDURE (1952) FOR THE COURTS OF MISSOURI PROVIDE: THESE RULES ARE DRAFTED AND PROMULGATED PURSUANT TO AUTHORITY GRANTED THE SUPREME COURT BY SECTION 5, ARTICLE 5 OF THE CONSTITUTION OF 1945 OF THE STATE OF MISSOURI AND ARE INTENDED TO PROVIDE FOR THE JUST DETERMINATION OF EVERY CRIMINAL PROCEEDING. THEY SHALL BE CONSIDERED TO SECURE SIMPLICITY AND UNIFORMITY IN PROCEDURE, FAIRNESS IN ADMINISTRATION AND THE ELIMINATION OF UNJUSTIFIABLE EXPENSE AND DELAY.

MOYANT IS BY NECESSITY OF CIRCUMSTANCES PRESENTING THE FOLLOWING MOTION TO VACATE AND SET ASIDE JUDGMENT AND SENTENCE, ECT. PRO SE, FOR THE REASON THAT, THE FEDERAL COURTS HAVE TWICE, RULED ON HABEAS CORPUS HEREING THAT THE STATE IN VIEW OF TOWNSEND V. SAIN, 372 U.S. 293, 83-5CT. 745, SHOULD HAVE A CHANCE TO CORRECT THEIR OWN ERROR IF THEIR IS ERROR.

TWO. SOME OF THE ISSUES RISED IN THIS MOTION WERE NOT RISED IN THE ORIGINAL MOTION

FOR A NEW TRIAL AND ON THE APPEAL TO  
THE MISSOURI SUPREME COURT,

COMES NOW JAMES E. RAY, PRO SE, THE  
DEFENDANT IN THE BEFORE CAPTIONED CAUSE,  
ALLEGING A CAPITAL FELONY, TO MAKE  
AND PRESENT HIS FORMAL WRITTEN  
MOTION TO VALATE AND SET ASIDE  
JUDGMENT AND SENTENCE BECAUSE OF  
INVASION OF FEDERAL CONSTITUTIONAL  
RIGHTS AND STATE LAWS FOR THE FOLLOWING  
REASONS, TO WIT:

- I. BECAUSE, THE COURT USED A FAULTY  
AN AND ILLEGAL METHOD IN REFERENCE  
TO THE SIGN STATEMENT THAT WAS  
INTRODUCED OVER PETITIONER'S TIMELY  
OBJECTION IN VIOLATION OF THE  
FOURTEEN AMENDMENT TO THE U.S. CONSTITUTION.
- II BECAUSE, IN VIOLATION OF MOVANT'S FEDERAL  
CONSTITUTIONAL RIGHTS UNDER THE  
FOURTEEN AMENDMENT AND STATE STATUTES.  
THE PATITIONER WAS NOT GIVEN A SANITY HEARING
- III BECAUSE, IN VIOLATION OF MOVANT'S  
RIGHTS UNDER MISSOURI STATUTES, THE  
COURT ISSUED FAULTY OR NO INSTRUCTIONS  
TO THE JURY FOR THE SAID JURY TO  
RULE ON CONCERNING MENTAL DURESS  
OR COERCION. PH 3

IV. BECAUSE, PERJUREY TESTIMONY WAS INTRODUCED IN MOVANT'S TRIAL IN VIOLATION OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

V BECAUSE, THE MOVANT'S WAS WITHOUT THE ADVICE AND ASSITANCE OF CONSUL AT VARIOUS STAGES OF HIS TRIAL AND APPEAL IN VIOLATION OF THE ~~SIXTH~~ AMENDMENT TO THE UNITED STATES CONSTITUTION.

### PRAYER

WHEREFOER, IN ALL OF THE FOREGOING PREMISES, AND FOR ALL THE FOREGOING REASONS, MOVANT'S PRAYS THAT THIS HONORABLE COURT SHALL NOTIFY THE CIRCUIT ATTORNEY OF THE CITY OF ST. LOUIS IN THE PREMISES HEREOF; SHALL THEN ASSIGN COMPETENT COUNSEL FOR THE PROSECUTION HEREOF ON BEHALF OF THE MOVANT.

RESPECTFULLY SUBMITTED BY  
JAMES E. RAY PRO SE,  
MOVANT-DEFENDANT.

STATE OF MISSOURI }  
CITY OF ST. LOUIS } 55

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI  
DIVISION NO.

STATE OF MISSOURI, PLAINTIFF

VS.

DEFENDANT

CAUSE NO

SUGGESTIONS AND AUTHORITIES IN SUPPORT OF  
DEFENDANTS MOTION TO VACATE AND SET ASIDE  
JUDGEMENT AND SENTENCE

POINT ONE

MOVANT'S MOST RESPECTFULLY INVITES THE  
ATTENTION OF THE COURT TO THE FACT  
THAT ITS DECISION STANDS UPON ITS FACE  
IN CONFLICT WITH THE DECISIONS OF THE  
SUPREME COURT OF THE UNITED STATES, IN  
BLACKBURN V. ALABAMA, 361 U.S. 199, 208, 80  
S. CT. 274, 280; AND BROWN V. MISSISSIPPI,  
297 U.S. 278, 56 S. CT. 461, 80 K. ED. 682,  
IN REGARDS TO THE PROCEDURAL RULE THAT  
THE COURT APPLIED IN DETERMINING IF THE  
STATEMENT WOULD BE SUBMITTED TO THE

JURY AS LAWFUL EVIDENCE, THE COURT APPLIED THE RULE THAT ALL THE EVIDENCE REGARDING THE STATEMENT MUST BE SUMITED AT THE HEARING ITSELF OUTSIDE THE PRESENCE OF THE JURY, ALL EVIDENCE INTRODUCED LATER IN THE TRIAL WOULD BE VOID.

THIS IS IN DIRECT CONFLICT WITH BLACKBURN V. ALABAMA, SUPRA, WHICH HOLDS; ... "SINCE CHAMBERS V. FLORIDA, 309 U.S. 227, 60 S. CT. 472, 80 L. ED. 716, THIS COURT HAS RECOGNISED THAT COERCION CAN BE MENTAL AS WELL AS PHYSICAL. A PROLONGED INTERROGATION OF AN ACCUSED WHO IS IGNORANT OF HIS RIGHTS AND WHO HAS BEEN CUT OFF FROM THE MORAL SUPPORT OF FRIENDS AND RELATIVES IS NOT INFREQUENTLY AN EFFECTIVE TECHNIQUE OF TERROR. THUS THE RANGE OF INQUIRY IN THIS TYPE OF CASE MUST BE BROAD, AND THIS COURT HAS INSISTED THAT THE JUDGMENT IN EACH CASE BE BASED ON A CONSIDERATION OF THE TOTALITY OF THE

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 PRESENCE OF MR. KOSTER "WHO LATER PROSCOTED THE CASE"



WHO BEING A LAWYER MUST OF BEEN  
AWARE OF RULES 21.14 AND 21.11,  
FINALLY THIS CASE IS NOT UNLIKE  
RECK V PATE, 81 S. CT. 154; AT PGS. 154):

"HE HAD BEEN QUESTIONED INTERMITTENTLY,  
AS MUCH AS SIX HOURS ~~AT~~ AT TIMES 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

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. ....

POINT 2. ON THE QUESTION OF A SANITY HEREIN 6

AS WAS REQUESTED BY MOVANT'S LAWYER,  
DURING THE TRIAL AND IN MOTION FOR A NEW TRIAL  
MISSOURI STATE 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  
INTERPRED IN PATEY ROBINSON- 382 U.S. 890  
(1965). MR. JUSTICE CLARK DELIVERED THE 7 TO 2  
~~MAJORITY~~ MAJORITY OPINION STATED, IN 1959  
RESPONDENT ROBINSON WAS CONVICTED OF THE  
MURDER OF HIS COMMON-LAW WIFE, ....

... BEING AN INDIGENT WHO 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 HOLDINGS. 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... P. 12

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.

ON  
POINT. 3

ON EXAMINATION OF THE INSTRUCTIONS THAT WERE GIVEN IN THIS CASE, THERE WAS NO INSTRUCTION GIVEN IN RELATION TO THE SIGNED STATEMENT WHICH IS

A REVERSEABLE 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

THREAT OR DOING ANY VIOLENCE!"  
THAT PRESENT INSTRUCTION DOES NOT  
REFER TO THREATS. THE COURT SAID ~~THE~~  
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  
HINT #4  
SINCE THE DECISION OF THE SUPREME COURT OF THE  
UNITED STATES IN MOONEY V. HOLOMAN 294 U.S. 103,  
AND IN PYLE V. KANSAS, 317 U.S. 213, AND ALBERTA 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 CONCEIPT 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.



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 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,

As 11/11/19

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. D'OWD, THAT IS THE FIRST TIME TO THE DOCTOR. NEXT ~~IT IS THE SAME DATE AS THE DATE ON ALL OTHER~~  
~~STAMPED AND SIGNED OUT WITH IN~~  
VERY ~~VERY~~ LETTERS, THAT ~~DATE~~ CLINIC  
CASE ~~ON~~ PAROON THE ~~DATE~~ CLINICAL  
CASE ~~ON~~ REPEATED ~~DATE~~ AND ~~DATE~~ CLINIC  
Q: ~~DATE~~?

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  
INCOMPETENT TO ESTABLISH ANY  
SPECIFIC FACT IN ITS NATURE SUSCEPTIBLE  
OF BEING PROVED BY WITNESSES WHO  
SPEAK FROM THEIR OWN KNOWLEDGE.

ON POINT ~~S. 5. 5. 5.~~

THAT MOUANT WAS WITHOUT THE  
ASSISTANCE OF CONSUL IN A CAPTIVAY  
OFFENCE FOR THE FOLLOWING PROCEEDING  
ARRAIGNMENT, PRELIMINARY HEARING, AND  
HIS APPEAL TO THE MISSOURI COURT  
WHILE THE UNITED STATES SUPREME COURT  
NOT RULED ON WHETHER ~~THE~~ <sup>THE</sup> 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."

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

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:  
NOTARIZED BY:

JAMES RAY Pg. 20



U. S. PENITENTIARY, LEAVENWORTH, KANSAS

The enclosed check No. 19,7 813  
in the amount of \$ 35.63 represents  
Balance of your account (  ) Meritorious Earnings ( ) Month of \_\_\_\_\_  
Industries Earnings ( )  
Month of \_\_\_\_\_

April 4, 1953  
(Date)  
Formerly  
Reg. No. 72198-L  
(Inmate's Number)

Mr. James Earl Ray  
c/o Mr. Richard H. Johnson  
U. S. Probation Officer  
Federal Building  
Kansas City, Mo.

*Received from  
US Prob. Office, KC, Mo  
James Earl Ray*

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



Physicians advise that many forms of insomnia mask very  
serious nervous troubles such as severe depression or even  
suicidal tendencies. In this case, persistent sleeplessness  
should be checked by a qualified psychiatrist.

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

Mr. Robert P. ...  
the ... of the ...

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

---

MISSOURI STATE PENITENTIARY

(Inside Mail Only)

Name John E. Ray Number 00416 Date 5-1-60  
Hall B Cell 24 Assignment cleaning plant  
SUBJECT mailing list

Dear Sir:

could you add the following  
to my mailing list if they  
are not already on it

MAY 5 1960

- Lucille Ryan - mother ~~of~~
- John Ray - brother MAY 5 1960
- Jerry Ray - brother MAY 5 1960
- Mary Maher - Grandmother MAY 5 1960

all-1913-Haskins St. St. Louis Mo.  
I had been writing to John  
Ray & receiving mail But I got  
a letter black Friday saying  
he was not in the list could  
you let me know if the above are  
on as I would also like to have  
them on mailing pass. Thanks

Fold, seal and address on reverse side.

71-0-1016



Mr. Schubert - asst. w. m.  
Subject - mail

11/30  
Henry Long - 1950  
44-760

Jan

MISSOURI STATE PENITENTIARY

(Inside Mail Only)

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

Could you send me my  
commitment papers as my other papers  
pertaining to my case, thanks

Don't

4-15-68

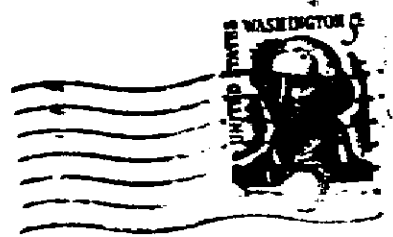
Fold, seal and address on reverse side.

44-160  
R...  
4-26-68  
J...

ms

Mr. Loman  
Record Office

BRONNER JOHN RAY



100-900  
BEEFINSO, CITY, MD.

JOHN RAY  
1819 PARK AVE.  
ST. LOUIS, MO.

APD-9-21-68  
Army Day -ms  
47-760

AR

~~6-8-66  
14-11-66  
8-11-66~~

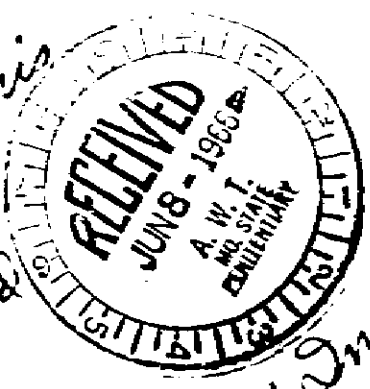
James E. ...  
1717 ...  
ST. LOUIS, MO.

... my ...  
... approval

James E. ...  
James E. ...

~~6-8-66~~

6-8-66  
(R) Pass Mail this  
date. Notation  
made on card



To: Immediate  
FILE

50416 J

7

1

Handwritten notes, possibly a signature or initials, located in the center of the page.

Handwritten mark or signature on the left side of the page.

RBW 4-26-68  
Henry Long-158  
44-710



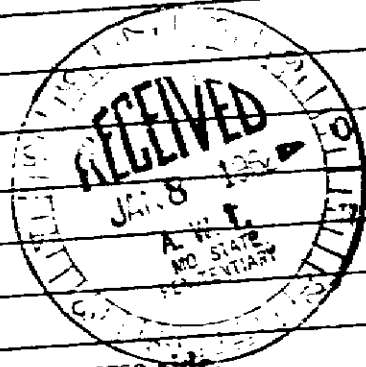
MISSOURI STATE PENITENTIARY  
(Inside Mail Only)

Name George E. Ray Number 99213-Z Date 1-4-62  
Hall III Cell 224 Assignment lab  
SUBJECT Writing piece

Mr. DeLoach:

I have a letter from my brother  
(George Ray - 1913 - Hickory St. St. Louis, Mo.)  
saying that the place he was  
living at burnt down so that  
he was going to visit next week,  
could you please be sent to him  
at the above mentioned address  
Thank you

OK



Fold, seal and address on reverse side.

1875  
1900  
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1910  
1915  
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1930  
1935  
1940  
1945  
1950  
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1965  
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2095  
2100

—

Mr. Schubert  
acet. worden - treatment





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

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

copy 6

MOUANT RESPECTFULLY SUGGESTS THAT THE AUTHORITY  
FOR GRANTING OF THE MOTION BY THIS COURT IS VESTED  
IN THIS COURT BY RULE 28.05 AND RULE 36.02 OF THE  
RULES OF CRIMINAL PROCEDURE.

RESPECTFULLY SUBMITTED BY

James E. Ray

STATE OF MISSOURI | HI | SS.

AFFIDAVIT

I JAMES E. RAY, BEING DULY SWORN, UPON MY OATH, DO DEPOSE AND SAY THE FOLLOWING:

1. I AM THE SAME JAMES E. RAY, DESIGNATED AS THE PETITIONER IN THE ACCOMPANYING AND ATTACHED PETITION FOR MOTION TO APPEAL, AND I DO VERILY BELIEVE THAT I HAVE A JUST AND SUBSISTING CAUSE OF ACTION THEREIN AND THAT UNLESS I AM PERMITTED TO FILE AND PROCEED THEREUPON IN FORMA PAUPERIS, GRAVE INJUSTICE SHALL RESULT.

2. I AM A CITIZEN OF THE UNITED STATES, OF LAWFUL AGE.

3. I DO NOT OWN ANY MONEY, STOCKS, BONDS, REAL-ESTATE, OR ANY OTHER PROPERTY WHICH IS OF SUFFICIENT VALUE TO PAY OR TO SECURE THE PAYMENT OF THE FILING FEES OR COST OF PROCEEDING IN SAID CAUSE.

STATE of MISSOURI )  
County of COLE ) SS

JAMES E. RAY, AFFIANT.

SUBSCRIBED AND SWORN TO, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY AFORESAID, AND DONE IN MY OFFICE UNDER MY HAND AND MY SEAL ON THIS AUG 15 1966

1966

Notary Public, Miss. Oct. 10, 1959

NOTARY PUBLIC

MAY 5 1960

### VISITING AND CORRESPONDENCE INQUIRY

Your name has been submitted by RAY, James E., Reg. No. 00416  
an inmate of the Missouri State Penitentiary for consideration of  visiting or  correspon-  
dence privileges. Please complete the following questionnaire and return to the Classification  
Office, Box 900, Jefferson City, Missouri, not later than August 1, 1956. All spaces must be  
completed and verified by local law enforcement officer.

Name John Ray Relationship to inmate B. 7-72

Address 1401 N. 1st St. Town St. Louis State Mo.

Age 34 Sex M Marital Status:  Married  Single  Divorced

How long have you known the inmate \_\_\_\_\_ In what way did you meet the  
inmate? \_\_\_\_\_

Have you ever been arrested? \_\_\_\_\_ If yes, what charge? \_\_\_\_\_

In what County and State \_\_\_\_\_

Your occupation \_\_\_\_\_ Are you now employed \_\_\_\_\_

Employer's name and address \_\_\_\_\_

I, the undersigned, declare that the above answers are true and understand that any misrepre-  
sentation in answering the questions will automatically result in the removal of my name from  
the inmate's visiting list or correspondence list, if such is approved.

Signed: \_\_\_\_\_

If married, signature of husband's  
approval is necessary.

Signed: \_\_\_\_\_

This statement of facts and signature to be witnessed by a local law enforcement officer as  
verification:

I, \_\_\_\_\_ am  
Name Title

acquainted with the above signer and to the best of my knowledge believe the answers as given  
to be true.

The contents of this form will be submitted for approval and if such approval is granted, you  
will receive by return mail notice that correspondence has been approved and correspondence  
regulations, and / or visiting pass and a list of visiting regulations.  
Failure to receive such approval by return mail will be indication to you that you will not be  
privileged to visit or write to the inmate above.

E. V. NASH  
Warden  
Missouri State Penitentiary

*Pass mailed 5-18-60  
Added to mailing list 5-20-60*





Am

ABC-11-26-68  
Amy Long MSP  
44-760

*James C. Roy 00416-5*  
BOX 900  
JEFFERSON CITY, MISSOURI 65102

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

Business

Rep. 2nd. Dist. Missouri.

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JEFFERSON CITY, MISSOURI 65122 MISSOURI STATE PENITENTIARY (WRITE ON THIS SIDE OF SHEET ONLY) DATE June-14-1965

Rep. Thomas Curtis TO James E. Ray FROM  
 House office Building 00416-2 REGISTER NO.  
 Washington, D.C. CITY STATE  
 Business RELATIONSHIP K BOX 900, JEFFERSON CITY, MISSOURI 65102 HALL 172 CELL NO.

Dear Congressman Curtis;

I am presently an inmate of the Missouri State Penitentiary at Jefferson City, 37 years old and serving 20 years from St. Louis, and have completed about 5 1/2 years of it. In April of this year I contacted some kind of illness which has caused me to be admitted to the hospital three times since the April date, and I seem to be getting worse. During this time I have never been examined by a doctor although the state hires several. I have requested such an examination several times and my Brother Jerry Ray who resides in St. Louis has written one of the doctors and offered to pay for the examination. Both of the requests have been in vain. In view of the above mentioned facts which could be checked on and that the state legislature appropriate funds to pay the doctors, I request very much appreciate it if your office could do anything about the above problem, I don't like to bother you as you must have more important things at hand, but I don't see any other recourse.

Sincerely

James E. Ray

Dear Mr. Curtis,  
 recently met twice  
 H.W.M.

### 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 visitors 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, his 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 to 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 inmate's 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 institutions are subject to the approval of the Warden or 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.**

OTB  
4-26-68  
M...  
94-760  
98

JEFFERSON CITY, MISSOURI MISSOURI STATE PENITENTIARY (WRITE ON THIS SIDE OF SHEET ONLY) DATE 7-13-66

Mr. Racke FROM James Ray

Classification TO 00416 REGISTER NO.

STATE CITY BOX 900, JEFFERSON CITY, MISSOURI 64102

RELATIONSHIP FIVE BB HALL CELL NO. 9

P.D.R.

Dear Sir;

I am presently being held in the basement for attempted escape. The warden said I would either be tried in court or receive administrative punishment. They are going to try me in court as I have been out twice for hearing. In view of this and what the warden said don't you think I should be turned out?

I would appreciate any information you could give me on this.

Thanks

Chief Warden

Inform's - he will remain in Max security pending outcome of trial. Then we will check again.

**MISSOURI STATE PENITENTIARY FOR MEN — REGULATIONS**

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*(Handwritten notes and signatures)*  
C/O [unclear]  
1830-44665  
1844-760  
[unclear]

1030  
11-26-63  
Henry Ford  
44-760.

9th