

Washington, Tennessee.

Received
1-19-70
B. Ruffalo
Clerk

Dear Sirs,

This letter, which I respectfully request be made part of the court record, is in relation to the honorable court's 1-8-70 decision titled Raf vs. Tenn. a Cause Originatory in Memphis Tennessee, where in the court was requested to render a decision on a legal question - not a finding of fact.

Under normal circumstances petitioner would not correspond with the honorable court directly, that being consul's prerogative. However petitioner Chief Consul Mr. F. B. Stone is not at present in the United States and there are not normal circumstances as the court pointed out.

Also, petitioner believes it necessary, for legal reasons, for him to get the following information before the court, in the records, at this time, for timeliness.

Specifically, it seems that since the -

prosecution lost the services of Mr. Ramsey Clark's proxy it has been trying directly, and it would seem by the demeanor of some courts, with their acquiescence, to decide what the defense will present when it files petitions.

The only question petitioner's counsel put before the honorable Arthur G. Quinn, despite prosecution attempts to broaden the hearing, was whether or not petitioner was entitled to a trial under the law whereby if trial judge dies while motion for new trial is pending the trial is granted as a matter of law.

This was the only question before the court of criminal appeals and, before the Tennessee supreme court.

petitioner's counsel did not raise "any" questions on finding of fact or offer proof on any issues, such as, petitioner's so called bargain with the prosecution, or whether he knew what he was doing at the plea.

and petitioner's counsel went to considerable length before Judge Fogain to emphasize this point.

Neither did petitioner raise the issue of Percy Foreman's competence - from the defense point of view.

It seems Mr. Foreman is very competent - serving his own financial interest - as many of his former - now thredbare - female clients will testify.

The point petitioner wishes to make - for the record - is that only a legal question was before the honorable court - at this time. Petitioner can understand the prosecution wish to get the aforementioned issues before the court prematurely since under the state's post conviction law the courts are constitutionally required to entertain a allegation "only once".

In relation to the last paragraph, the former chief justice of the Tennessee Sup. Ct. rendered an opinion for the press in the instant case even before -

he had read petitioner's petition.
With all due respect to the honorable
Court, if this is to be the rule, if
the Court is going to pre-judge all
litigation petitioner files regardless of
merit, and raise issues not before
the Court in order to issue pious
proclamations which would seem more
appropriate coming from a T.V.
editorialist, than a Court of law,
then a letter to petitioner to this effect
would greatly expedite the state end
of any further litigation by petitioner.

The only thing petitioner expects is due process
and a denial of such wouldn't seem to be a
constitutional remedy for the constitutional flouters,
the Court mentioned.

RESPECTFULLY, JAMES E. RAY

James E. Ray

SWORN TO AND SUBSCRIBED BEFORE ME,

This THE 12th DAY OF JANUARY - 1970.

Byron J. Stearns

NOTARY - PUBLIC

MY COMMISSION EXPIRES - 4-26-72