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IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE
Division III

STATE OF TENNESSEE

VS.

NO. 16645

JAMES EARL RAY,
Defendant

MOTION TO REQUIRE THE RETURN OF A
STATE'S SUBPOENA TO THE CLERK OF THE
CRIMINAL COURT

TO THE HONORABLE W. PRESTON BATTLE, JUDGE, CRIMINAL COURT,
SHELBY COUNTY, TENNESSEE:

Defendant, James Earl Ray, is presently under indictment for the offense of Murder in the First Degree in the above numbered cause. His case was previously set for trial on November 12, 1968. Prior to that time the Clerk of the Criminal Court of Shelby County, at the instance of the State of Tennessee, issued a subpoena requiring the attendance of certain witnesses in this Court on November 12, 1968. This subpoena has never been returned to the Criminal Court Clerk's office by the Deputy Sheriff who served it, or by any other person. The defense subpoena, issued by the Clerk for the same trial date, is in the records of this cause.

Wherefore, defendant moves the Court for an order requiring the Sheriff of Shelby County or his Deputy, or whomever the proof may show to be in possession of said subpoena to return it to the Clerk of the Criminal

Court of Shelby County, there to be filed with the other records
and papers in this cause.

ATTORNEYS FOR DEFENDANT

CERTIFICATE

I, Hugh W. Stanton, Jr., do hereby certify that I have
delivered a copy of the foregoing pleading to the Honorable Phil M.
Canale, Jr., Attorney General, Shelby County Office Building, this
_____ day of February, 1969.

HUGH W. STANTON, JR.