

STATE OF TENNESSEE

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May 12, 2009

Edmund J. Schmidt, III
1913 21st Avenue South
Nashville, TN 37212

RE: Public Records Request of Joseph Rosenbloom

Dear Mr. Schmidt:

This letter is to follow up on our telephone conversation earlier today concerning your client's public records request. Specifically, your client has requested the following documents: (1) all documents regarding Martin Luther King, Jr.'s activities in Memphis in February and March 1968; and (2) documents created from April to December of 1968 regarding the investigation of James Earl Ray for the murder of Martin Luther King, Jr.

As I informed you in our telephone conversation, the Tennessee Attorney General is not involved in the investigation and prosecution of criminal cases at the trial level; rather, such investigation and prosecution are conducted by the appropriate District Attorney General. The role of the Tennessee Attorney General in criminal cases is to represent the State in appeals and other post-conviction proceedings in state and federal court. Accordingly, this Office has been involved in a number of post-conviction proceedings filed by James Earl Ray, including the following: 1) Petition for Writ of Certiorari before Tennessee Supreme Court, *Ray v. State*, 451 S.W.2d 854 (Tenn. 1970); 2) Appeal of dismissal of petition for post-conviction relief, *Ray v. State*, 480 S.W.2d 919 (Tenn. Cr. App. 1972); 3) Federal habeas corpus proceeding, *Ray v. Rose*, 373 F.Supp. 687 (M.D. Tenn. 1973); *rev'd* 491 F.2d 285 (6th Cir. 1974), *cert. denied* 417 U.S. 936 (1974), *on remand* 392 F.Supp. 601 (W.D.Tenn. 1975), *aff'd* 535 F.2d 966 (6th Cir. 1976), *cert. denied* 429 U.S. 1026 (1976); 4) Appeal of escape conviction, *Ray v. State*, 577 S.W.2d 681 (Tenn. Cr. App. 1979); 5) Appeal of dismissal of petition for post-conviction relief, *State v. Ray*, 1986 WL 1671 (Tenn. Cr. App. 1986); and 6) Appeal of dismissal of petition for post-conviction relief, *Ray v. State*, 1988 WL 105724 (Tenn. Cr. App. 1988).

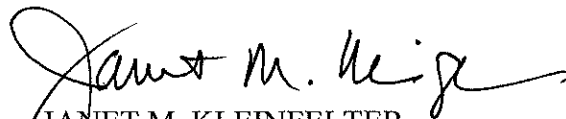
We have conducted a search of our records and determined that we do not have any records responsive to your client's first request, *i.e.*, documents regarding Martin Luther King, Jr.'s activities in Memphis in February and March 1968. With respect to the second request, we have also determined that we do not have any documents in records that were created by the Office of Attorney General that are responsive to that request. We have, however, determined that there are in one or more of our case files, copies of documents that were filed with the Shelby County Criminal Court and made part of the court record in that case (*State v. Ray*, No. 16645, Division III, Shelby County Criminal Court). Some of these documents may have been created during the period of April to December of 1968 and are in regards to the investigation of James Earl Ray for the murder of Martin Luther King, Jr. These documents would appear to be responsive to your client's second request.

Additionally, while the Office of Attorney General did not prosecute the extradition of James Earl Ray, this Office was involved in advising the Governor concerning this matter. Consequently, this Office received copies of some of the documents that were filed in the extradition proceeding. From our review of these documents, it appears that some of them may also be responsive to your client's second request.

In conclusion, the Office of Attorney General does not have any documents responsive to your client's first request. We also do not have any documents responsive to your client's second request that were created by the Office of Attorney General. We do have copies of some of the documents that were filed in the Shelby County Criminal Court and the extradition proceedings that appear to be responsive to your client's second request. Please advise as to whether your client still wishes to receive copies of these documents. If so, we will respond with an estimate of the time that it will take us to produce copies of these documents, as well as an estimate of the cost in accordance with the provisions of Tenn. Code Ann. §§ 10-7-503(a)(2)(B)(iii) and 10-7-503(a)(7)(C)(ii).

If you have any further questions, please do not hesitate to contact me.

Sincerely,


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