

EX PARTE JAMES C. GRISWOLD

8403

STATE OF ALABAMA

COUNTY OF MOBILE

TO THE HONORABLE Joseph H. Haskins, AS JUDGE OF
THE CIRCUIT COURT OF Mobile COUNTY, ALABAMA:

The petition of Samuel H. Griswold, Jr., brother of James C. Griswold, who is over the age of twenty-one years and who is a resident citizen of Mobile County, Alabama, respectfully shows and represents unto Your Honor:

ONE

That the said James C. Griswold is over the age of twenty-one years and is a resident citizen of Baldwin County, Alabama.

TWO

That James C. Griswold is now illegally restrained of his liberty and is imprisoned in the County Jail of Baldwin County, Alabama, at Bay Minette in said County by Taylor Wilkins, the Sheriff of said County, or by Mr. Garner, Chief Deputy Sheriff, or Roy Randle, Deputy Sheriff, and said Sheriff, Chief Deputy or Deputy as an officer of said County, restrains said James C. Griswold under a commitment issued on October 17, 1968, by Arrie S. Godwin, a Justice of the Peace of Baldwin County, Alabama, and your Petitioner respectfully shows unto Your Honor:

THREE

That said James C. Griswold was arrested on a charge of breach of peace sworn out by his wife, Dorothy Griswold, during the evening of October 16, 1968; that said James C. Griswold was brought before said Arrie S. Godwin, Justice of

the Peace, during the early morning of October 17, 1968, for a hearing thereon; that the said James C. Griswold demanded a right to be represented by counsel and demanded that the cause be heard by a jury and requested that he be permitted to post bond for a hearing at a later date at which he could have witnesses present in his behalf, all of which requests were peremptorily denied by the said Arrie S. Godwin, Justice of the Peace, who proceeded to order said James C. Griswold placed under a Peace Bond of \$1,000.00 and for failure to post same committed the said James C. Griswold to the County Jail of Baldwin County, Alabama.

FOUR

That the Circuit Judge of Baldwin County, Alabama, is upon information and belief presently outside the confines of the State of Alabama and therefore is not available for consideration of this petition by reason of which Petitioner moves pursuant to Title 15, Section 6 of the 1940 Code of Alabama for a Writ of Habeas Corpus to be issued by this Court.

FIVE

Petitioner further shows that by reason of said James C. Griswold being committed to the County Jail of Baldwin County, Alabama, without due process for reasons set forth hereinabove, said detention is not lawful; that James C. Griswold is being illegally restrained of his liberty and that he is being illegally imprisoned.

Your Petitioner prays that a Writ of Habeas Corpus be issued, directed to said Taylor Wilkins or a deputy of said Sheriff as Sheriff or Deputy Sheriff of Baldwin County, Alabama, commanding him to bring the body of James C. Griswold

before Your Honor at the time and place to be by you appointed together with the cause of James C. Griswold's detention.


Samuel H. Griswold, Jr., Petitioner

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, Alice Hicks Andrews, a Notary Public in and for said County and State, personally appeared Samuel H. Griswold, Jr., the above named petitioner, who being by me first duly sworn doth depose and say that the facts stated in said Petition are true and correct.


Affiant

Subscribed and sworn to before me on this 18th day of October, 1968.


Notary Public, Mobile County, Alabama

MOORE, MOORE, DOWNING & LAYDEN
BY: MAURICE A. DOWNING,
Attorney for James C. Griswold

COMPLAINT VINDICTIVE
SHERIFF CIRCUIT COURT MOBILE

Witness will bring and seat of said court into the state of Alabama 1968
proceedings.

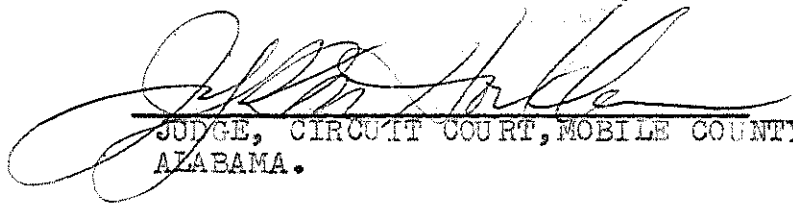
In this case to the circuit court of Baldwin County, Alabama, for the purpose
of said court made an order rendered this case rendered with the life of Barbara
Vindictive, do hereby certify that on this day the circuit court of Mobile
EX PARTE JAMES C. GRISWOLD CASE NO. 200-40-4

STATE OF ALABAMA)
COUNTY OF MOBILE)
SHERIFF OF VINDICTIVE)
COUNTY OF MOBILE)

TO THE SHERIFF OF BALDWIN COUNTY, ALABAMA:

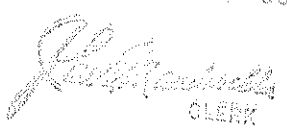
You are commanded to have the body of James C. Griswold
alleged to be detained by you, by whatsoever name the said
James C. Griswold is called or charged, with the cause of such
detention, before Judge Joseph M. Hocklander, Judge of the
Circuit Court of Mobile County, Alabama, on October 22nd, 1968
at 2:00 P.M. to do and receive what shall then and there be
considered concerning the said James C. Griswold.

Dated this 18th day of October, 1968.


JUDGE, CIRCUIT COURT, MOBILE COUNTY,
ALABAMA.

STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON

OCT 18 2 41 PM '68


CLERK

NOT RECORDED

OCT 18 3 47 PM '68

RECEIVED BY
CLERK, CIRCUIT COURT, MOBILE
COUNTY, ALABAMA

[Signature]
CLERK, CIRCUIT COURT, MOBILE COUNTY, ALABAMA

Dated this 18th day of October, 1968.

No. 20040-A

Wain
SAMUEL H. GRISWOLD, JR.
~~JAMES C. GRISWOLD, JR.~~

Petitioner

Vs.

TAYLOR WILKINS,
Sheriff Baldwin County

Respondent

PETITION FOR WRIT OF
HABEAS CORPUS

Issued: - Oct. 18, 1968
Returnable: Oct. 22, 1968
2:00 P.M.

Copy for Carl M. Booth

STATE OF ALABAMA,
COUNTY OF MOBILE.)

I, John E. Mandeville, Clerk of the Circuit Court of Mobile County, Alabama, do hereby certify that on this day the Circuit Court of Mobile County, made an order transfer this case together with the file of papers in this case to the Circuit Court of Baldwin County, Alabama, for further proceedings.

Witness my hand and seal of said court this the 21st day of October, 1968.

John E. Mandeville
CLERK, CIRCUIT COURT, MOBILE
COUNTY, ALABAMA.

CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

(THIRTEENTH JUDICIAL CIRCUIT OF ALABAMA)

POST OFFICE BOX 298
MOBILE, ALABAMA 36601

JOHN E. MANDEVILLE
CIRCUIT CLERK

MYRTLE M. TROTT
DEPUTY ADMINISTRATOR,
CRIMINAL DIVISION

CATHERINE L. EBERLEIN
CASE TRIAL CLERK

JUANITA W. ADAMS
CHIEF CLERK, CIVIL DIVISION

October 22nd, 1968

Mrs. Alice Duck
Clerk, Circuit Court
Baldwin County.
Bay Minette, Alabama. 36507

Dear Mrs. Duck:

By now I am sure you have received the papers that was mailed by the Sheriff here to Mr. Taylor Wilkins in this case.

Judge Hocklender at first set it for hearing here in Mobile and later found out that a Judge was available there in Baldwin County.

I was told that Mr. Dominic Matranga was going to handle the hearing there in Bay Minette and if the papers were sent to him, he would in turn deliver them to you and have you sign the receipt card and return it to this office. This morning Mr. Matranga return the papers to this office and stated that he was not handling the hearing.

Will you please sign the receipt card and return it to this office.

Hoping that this letter finds you well and not too overloaded with work, if that is possible.

Sincerely,



Myrtle M. Trott
Deputy Administrator
Circuit Court
Mobile, Alabama.