

The State of Alabama,  
Baldwin County

CIRCUIT COURT, Spring SESSION, 1954

The Grand Jury of said County charge that before finding this indictment

Lurton Lewis Heflin, alias L. L. Heflin, alias JIMOR Heflin, and Samuel J. Hornbeck, whose names are to the Grand Jury otherwise unknown, unlawfully and with malice aforethought, killed Leroy Miller, by shooting him with a pistol

against the peace and dignity of the State of Alabama.

Kenneth Cooper  
Solicitor of the Twenty-Eight Judicial Circuit.

No. \_\_\_\_\_

The State of Alabama  
Baldwin County

Circuit Court

Spring Session 1954 Term, 19\_\_\_\_\_

The State

vs.

LURTON LEWIS HEFLIN, Alias L. L.  
HEFLIN, Alias JUNIOR HEFLIN, and  
SAMUEL J. HORNBECK

INDICTMENT

MURDER, 1st DEGREE  
NO. \_\_\_\_\_ Prosecutor

WITNESSES:

- Taylor Wilkins
- George H. Crawford
- Nelson Grubbs
- Cletus J. Goldman
- Mrs. Pearl Miller
- Mrs. Grace Kingery
- Mr. Kingery

GRAND JURY NO. 1

A TRUE BILL,

Emmett Gullledge  
Foreman Grand Jury.

Filed in open Court and in the presence of  
the Grand Jury on the 11th day of  
March, 1954

Alice J. Duck  
Clerk.

Presented in open Court to the presiding  
Judge by the Foreman of the Grand Jury, in  
the presence of 17 other Grand Jurors.

Alice J. Duck  
Clerk.

Bail fixed \$ \_\_\_\_\_ No. Bail \_\_\_\_\_

H. M. Hall  
Judge.

1910

*Ret Es 1*

THE STATE OF ALABAMA,  
Baldwin County.

Circuit Court, SPRING Session, 195 4

The Grand Jury of said County charge that before finding this indictment  
Lurton Lewis Heflin, alias L.L. Heflin, alias Jinior Heflin, and  
Samuel J. Hornbeck, whose names are to the Grand Jury otherwise  
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Miller, by shooting him with a pistol,

against the peace and dignity of the State of Alabama.

*Kenneth Cooper*  
Solicitor of the Twenty-Eighth Judicial Circuit.

No. ....

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Circuit Court

SPRING SESSION 1954 ~~Term 1954~~

THE STATE

Vs.

LURTON LEWIS HEFLIN, Alias L.L.  
HEFLIN, Alias JUNIOR HEFLIN  
and SAMUEL J. HORNBECK.

INDICTMENT

MURDER, 1st DEGREE  
No. Prosecutor.

WITNESSES:

TAYLOR WILKINS  
GEORGE H. CRAWFORD  
NELSON GRUBBS  
CLETUS J. GOLDMAN  
MRS PEARL MILLER 1-70-576  
*Mrs Grace Kingery*  
*Mr Kingery*

GRAND JURY NO. 1

A TRUE BILL

*Ernest Sullidge*  
Foreman Grand Jury.

Filed in open Court and in the presence of  
the Grand Jury on the 11th day of  
March, 1954

*Alice French* Clerk.

Presented in open Court to the presiding  
Judge by the Foreman of the Grand Jury, in  
the presence of 1 other Grand Jurors.

*Alice French* Clerk.

Bail fixed \$ No Bail  
*W. Moore* Judge.

*In jail*

*The Jury find the defendant guilty  
of second degree murder and fix his  
sentence of thirty years in prison  
within the penitentiary.*  
*George A. Taylor, Foreman*

ALABAMA TO BE FILED WITH THE ORIGINAL AND TO BE RETURNED TO THE CLERK OF THE COURT

ALABAMA TO BE FILED WITH THE ORIGINAL AND TO BE RETURNED TO THE CLERK OF THE COURT

1910  
STATE OF ALABAMA,

Plaintiff

Vs.

LURTON LEWIS HEFLIN,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CRIMINAL DIVISION

TO THE HONORABLE HUBERT M HALL, JUDGE OF SAID COURT:

Comes now the State of Alabama, Plaintiff, on the relation of Kenneth Cooper, Solicitor of the twenty-eighth Judicial Circuit, and represents unto Your Honor as follows:

1. That at the 1954 Spring Session of this Court Albert Sidney Denton was convicted of the crime of murder, first degree, and sentenced to life imprisonment, and is now serving said sentence;

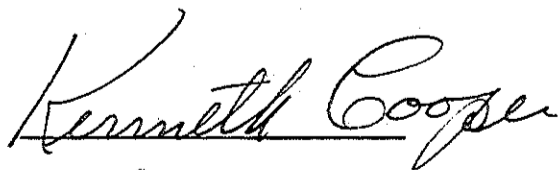
2. That an appeal to the Supreme Court of Alabama is now pending in said case in this Court:

3. That in the trial of the said Albert Sidney Denton certain exhibits were introduced as evidence in said case, and are now being held for proper inclusion in the appeal of the said case against the said Albert Sidney Denton;

4. That the State exhibits introduced as evidence in the trial of the said Albert Sidney Denton are now indispensable for use in the trial of the case of State of Alabama, Plaintiff, vs. Lurton Lewis Heflin, Defendant, and are therefore needed in said trial.

The Premises Considered, it is requested that Your Honor issue the necessary order permitting the State Exhibits introduced into evidence in the case of State of Alabama vs. Albert Sidney Denton be withdrawn and used in this case of State of Alabama vs. Lurton Lewis Heflin, and upon completion of the trial of the last mentioned case appropriate substitutions be made in the records to provide the necessary records needed in appeal of said cases.

Done this 1st day of October, 1954.



Circuit Solicitor,

28th Judicial Circuit.

1910  
STATE OF ALABAMA )  
BALDWIN COUNTY )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
CRIMINAL DIVISION.

Upon Consideration of the foregoing request for use of all State exhibits introduced as evidence in the trial of the case of the State of Alabama vs. Albert Sidney Denton ,

It is Ordered, Adjudged and Decreed that all exhibits used by the State in the case of State of Alabama vs. Albert Sdieny Denton be withdrawn and turned over to the Solicitor, Kenneth Cooper, for appropriate use in the trial of the case of State of Alabama vs. Lurton Lewis Heflin, who is charged with the offense of murder, first degree;

And It Is Further Ordered, Adjudged and Decreed that upon completion of said trial of the said Lurton Lewis Heflin the Court Reporter and/or the Clerk of this Court take the appropriate action to provide for inclusion of the exhibits in both the case of State of Alabama vs. Albert Sidney Denton and State of Alabama vs. Lurton Lewis Heflin as the law prescribes.

Done this 1st day of October, 1954.

*Hubert M. Hall*

Circuit Judge

THE STATE OF ALABAMA } To Any Sheriff of the State of Alabama:  
Baldwin County

An indictment having been found against

Lutton Lewis Heflin, alias L. L. Heflin, alias  
Junior Heflin

at the Spring Term, 1954, of the Circuit Court of Baldwin County, for the offense of

Murder, 1st Degree

you are, therefore, commanded forthwith to arrest the said Defendant and commit him

to jail, unless he give bail to answer said indictment, and that you return this Writ according to law.

Dated this 11th day of March, 1954.

Bevins J. French  
Clerk Circuit Court of Baldwin County.

THE STATE OF ALABAMA }  
Baldwin County

We, \_\_\_\_\_, as principal and

the other undersigned as sureties, agree to pay the State of Alabama \_\_\_\_\_

Dollars, unless the said \_\_\_\_\_ appears

at the \_\_\_\_\_ Term of the Circuit Court of Baldwin County, and from Term to

Term thereafter until discharged by law, to answer a criminal prosecution for the offense of \_\_\_\_\_

In signing the above bond we and each of us hereby waive all legal rights of exemptions allowed us by the Constitution and Laws of the State of Alabama.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

- \_\_\_\_\_ (L. S.)
- \_\_\_\_\_ (L. S.)
- \_\_\_\_\_ (L. S.)
- \_\_\_\_\_ (L. S.)

Taken and approved \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

\_\_\_\_\_  
Sheriff of Baldwin County.

Received in Sheriff's Office  
this \_\_\_\_\_ day of \_\_\_\_\_, 19  
TAYLOR WILKINS, Sheriff

**CAPIAS**

No. 1

THE STATE

vs.

Linton Lewis Heflin  
alias L. Heflin, alias junior Heflin

named Defendant

Linton Lewis Heflin  
alias L. Heflin

Bail Fixed in This Case in Open Court at

\$ 1000 Bail

and placing him

By bringing him

into Court

By

Hubert M. Hall  
Judge Presiding.

Taylor Wilkins, Sheriff

Attest:

Alice J. Smith  
Clerk.

Geo. J. Smith, Deputy Sheriff



The State of Alabama, }  
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

An indictment having been found against

Lurton Lewis Heflin, alias L.L. Heflin, alias Junior Heflin

at the Spring Term, 1954 of the Circuit Court of Baldwin County, for the offense of

Murder, 1st Degree

you are, therefore, commanded forthwith to arrest the said Defendant and commit him

to jail, unless he give bail to answer said indictment, and that you return this Writ according to law.

Dated this 11th day of March, 1954.

Alice J. Duck  
Clerk Circuit Court of Baldwin County.

The State of Alabama, }  
Baldwin County

We, \_\_\_\_\_ as principal and

the other undersigned as sureties, agree to pay the State of Alabama \_\_\_\_\_

Dollars, unless the said \_\_\_\_\_ appears

at the \_\_\_\_\_ Term of the Circuit Court of Baldwin County, and from Term to

Term thereafter until discharged by law, to answer a criminal prosecution for the offense of \_\_\_\_\_

In signing the above bond we and each of us hereby waive all legal rights of exemptions allowed us by the Constitution and laws of the State of Alabama.

Witness our hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
(L. S.)

\_\_\_\_\_  
(L. S.)

\_\_\_\_\_  
(L. S.)

\_\_\_\_\_  
(L. S.)

Taken and approved \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Sheriff of Baldwin County

CAPIAS

No. 1

THE STATE

vs.

LURTON LEWIS HEFLIN, alias L.L. Heflin, alias Junior Heflin

Bail fixed in this case in open Court at

\$ no Bail

By Hubert M. Hall  
Judge Presiding.

Attest: Alice J. Duck  
Clerk.

Executed this 25 day of Sept., 1954

By arresting the within

named Defendant

Lurton Lewis Heflin, alias L.L. Heflin

and placing him by bringing him into Court

Taylor Wilkins, Sheriff

Geo. Crawford, Deputy Sheriff

*Executed this  
7th day of June 1962  
by arresting the within  
Def. and placing him  
in jail  
Taylor Wilkins  
Sheriff*

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby Certify that the foregoing is a true and correct copy of the CAPIAS, in the Case of STATE OF ALABAMA vs: LURTON LEWIS HEFLIN, alias L.L. HEFLIN, alias JUNIOR HEFLIN, and the same is on file in my Office.

WITNESS my hand and seal this 13th day of April, 1962.

*Alice J. Duck*  
Circuit Clerk

# JURY LIST

Fall Term, September 27th, 1954

NO.	NAME	OCCUPATION	ADDRESS
<del>1</del>	<del>Joe T. Worcester</del>	<del>farmer, Fairhope</del>	<del>51</del>
2	Louis Jurkivich	farmer, Rabon	
<del>3</del>	<del>E. C. Johnson</del>	<del>logging, Bay Minette</del>	
<del>4</del>	<del>M. D. Drinkard</del>	<del>dairy, Bay Minette</del>	
<del>5</del>	<del>Frank A. Kucera, Jr.</del>	<del>farmer, Silverhill</del>	
<del>6</del>	<del>Charlie Zehner</del>	<del>inspector, Bay Minette</del>	
<del>7</del>	<del>John William Spaulding</del>	<del>truck driver, Foley</del>	
<del>8</del>	<del>Ossie V. Morris</del>	<del>farmer, Gateswood</del>	
9	Hugh S. Metcalf, Sr.	farmer, Foley	
<del>10</del>	<del>Charles E. Gantt</del>	<del>millman, Little River</del>	
<del>11</del>	<del>Sibley B. Richerson</del>	<del>clerk, Stockton</del>	
<del>12</del>	<del>G. M. Mills</del>	<del>turpentine, Magnolia Springs</del>	
13	William E. Boykin	laborer, Robertsdale	
<del>14</del>	<del>Herman Dodge</del>	<del>merchant, Elberta</del>	
<del>15</del>	<del>John M. Dukes</del>	<del>restaurant, Foley</del>	
<del>16</del>	<del>Henry C. Crawford, Jr.</del>	<del>farmer, Belforest</del>	
17	Cecil Vinson	laborer, Stapleton	
<del>18</del>	<del>Norman McInnis</del>	<del>Supt. Mill Co., Stockton</del>	
<del>19</del>	<del>Bud Shelia</del>	<del>laborer, Elsanor</del>	
<del>20</del>	<del>George H. Baldwin</del>	<del>produce dealer, Robertsdale</del>	
<del>21</del>	<del>Mike Kaiser, Jr.</del>	<del>farmer, Elberta</del>	
<del>22</del>	<del>Roy Norris</del>	<del>sea food dealer, Bon Secour</del>	
<del>23</del>	<del>Julius Schwart</del>	<del>farmer, Lillian</del>	
<del>24</del>	<del>Ben C. Gates</del>	<del>M. P. dealer, Foley</del>	
<del>25</del>	<del>George Dyson</del>	<del>farmer, Fairhope</del>	
26	M. O. Berglin	merchant, Fairhope	
<del>27</del>	<del>Dan C. Hayes</del>	<del>farmer, Foley</del>	
<del>28</del>	<del>Elbert E. Killion</del>	<del>carpenter, Foley</del>	
<del>29</del>	<del>Jesse Porter</del>	<del>insurance, Foley</del>	
<del>30</del>	<del>McNeil Bush</del>	<del>merchant, Stapleton</del>	
<del>31</del>	<del>Elbert M. Rhodes</del>	<del>farmer, Summerdale</del>	
<del>32</del>	<del>Orlando J. Mancini</del>	<del>farmer, Bay Minette</del>	
<del>33</del>	<del>William C. Mayo</del>	<del>fisherman, Foley</del>	
<del>34</del>	<del>W. D. Mitchell</del>	<del>laborer, Seminole</del>	
<del>35</del>	<del>Walter L. Hammond</del>	<del>merchant, Robertsdale</del>	
<del>36</del>	<del>Roy E. Dawson</del>	<del>live stock dealer, Robertsdale</del>	
<del>37</del>	<del>Erick Lauder</del>	<del>carpenter, Foley</del>	
<del>38</del>	<del>Heartin Parker</del>	<del>farmer, Bon Secour</del>	
<del>39</del>	<del>Owen Eubanks</del>	<del>mechanic, Bay Minette</del>	
<del>40</del>	<del>Verdis Verlon Hudson</del>	<del>liquid carriers, Bay Minette</del>	
<del>41</del>	<del>John Gottier</del>	<del>farmer, Elberta</del>	
<del>42</del>	<del>Lovick Allen</del>	<del>inn keeper, Gulf Shores</del>	
<del>43</del>	<del>C. M. Coghlan</del>	<del>farmer, Latham</del>	
44	I. B. Byrd	farmer, Stapleton	
<del>45</del>	<del>William C. Osborne</del>	<del>laborer, Foley</del>	
<del>46</del>	<del>Litcher Davis</del>	<del>electrician, Foley</del>	
<del>47</del>	<del>LEATH I. WINDBIGLER</del>	<del>NURSERMAN, FOLEY</del>	
<del>48</del>	<del>AUBREY LANGHAM</del>	<del>FARMER, LOWLEY</del>	
49	B. GORDON SAWYER	INSURANCE, FAIRHOPE	
<del>50</del>	<del>MAY SHIBA</del>	<del>CARPENTER, FOLEY</del>	
<del>51</del>	<del>LOUIS SCHINDLER</del>	<del>ROAD WORK, MAG, SPCS.</del>	
<del>52</del>	<del>HENRI CARSON</del>	<del>PRINTER, FOLEY</del>	
53	E. B. EVANS	RETIRED, SEMINOLE	
<del>54</del>	<del>CECIL BLACKWELL</del>	<del>OFFENSE WORKER, BON SECOUR</del>	
<del>55</del>	<del>THOMAS I. STEELE</del>	<del>DEFENSE, FOLEY</del>	
56	HOMER C. SINGLETON	FILLING STA. OPR, FOLEY	
<del>57</del>	<del>STEVE STEJHAL</del>	<del>MERCHANT, SILVERHILL</del>	
<del>58</del>	<del>JOHN H. CANAAN</del>	<del>MERCHANT, LOWLEY</del>	
<del>59</del>	<del>GIRARD LUGASSEN</del>	<del>PLUMBER, FAIRHOPE</del>	
<del>60</del>	<del>ISSAC EMMONS</del>	<del>FARMER, SILVERHILL</del>	
61	GEORGE STOUGH	MGR. OF TRACTOR CO., BAY MINETTE	
62	BRUCE CLEVELAND	FARMER, FOLEY	
63	HERBERT DEAN	FARMER, LOTTIE	
<del>64</del>	<del>ALBERT MCKENZIE</del>	<del>SHIPIARD WORKER, ROBERTSDALE</del>	
<del>65</del>	<del>ELLIS WEEKS</del>	<del>FARMER, FOLEY</del>	
<del>66</del>	<del>DAN HAYS</del>	<del>FARMER, BON SECOUR</del>	
<del>67</del>	<del>Howard Holl</del>	<del>Bay Minette</del>	

S - XXXX XXXX XXXX

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State  
V5  
Arthur L. Wepler

1910

1910

States Ed.

THE STATE OF ALABAMA,

VS.

LURTON LEWIS HEFLIN, alias L. L. HEFLIN, alias

No. \_\_\_\_\_

JUNIOR HEFLIN

On this the 25th day of September, 1944, the Defendant, being in open Court in person, and it being made known to the court that the Defendant in this case is indicted for a capital offense and that he is unable to employ counsel, it is ordered by the Court that

Nancy J. Miller Jr. & Robert M. Brantley, who are a regularly licensed attorney practicing in this Court, be, and they are hereby appointed counsel for the Defendant in this case.

On this the 25th day of September, 1944, the Defendant being in open Court in person, and attended by his counsel, is duly and legally arraigned upon the indictment, and for his plea thereto says that Not guilty

On this 25th day of September, 1944, in the cause of the State of Alabama against LURTON LEWIS HEFLIN, alias L. L. HEFLIN alias JUNIOR HEFLIN

wherein the Defendant is charged with the offense of Murder, 1st Degree the Defendant in person being then and there in open Court and attended by his counsel, the following proceedings were had and orders made in open Court in the presence of the Defendant and his counsel:

It is ordered and adjudged by the Court that the 1st day of October, 1944, it being Friday of the Second Week of this Term of the Court, be and the same is hereby fixed for the date of the trial of this cause, and that the Sheriff of this Court summons 80 persons in this cause, including those persons drawn on the regular juries for the second week of this term of this Court.

It is ascertained and adjudged by the Court that 60 persons have been drawn on the regular juries for the said Second Week of this Term of this Court. And the Court ordered that the legal jury box of this County be brought into open Court, and the Court ascertained and adjudged that said order had been obeyed, and that said box was, in open Court, well shaken. The Court then and there in open Court, publicly drew from the said jury box the names of 20 persons, the same being the number of persons required, with the regular juries drawn for the Second Week of this Term of this Court, to make the number of persons the Sheriff was commanded to summons in this cause by order of the Court herein-before set forth. The Clerk of the Court, in the presence of the Court, immediately made a list of the names drawn by the Court from the jury box in this cause. And it is ordered and adjudged by the Court that the said Clerk forthwith issue a mandate to the Sheriff of this County, commanding him to summons said persons whose names the Court drew from the jury box in this cause and the regular jurors drawn for the Second Week of this Term of this Court to appear in this Court as jurors in this cause at the Court House of this county at 9 o'clock on 9 morning of the Second Week of this Term of this Court, the same being the 1st day of October, 1944.

It is ordered and adjudged by the Court that the Sheriff of this County forthwith serve on the Defendant a list of the names drawn in this cause by the Court from the jury box, and a list of the names of all the jurors drawn for the Second Week of this Term of this Court, together with a copy of the indictment in this cause.

1910

THE STATE OF ALABAMA,

DR.

Payable to Taylor Wilkins, Sheriff of Baldwin County.

For removal of Lurton Lewis Heflin charged with: Murder 2nd Degree (Use Felony only) from Atlanta, Georgia County, to jail in Baldwin County.

Date or dates of removal June 7, 1962

Table with columns for DATE, Commercial Transportation must be tax exempt. ITEMIZATION OF EXPENSES, and monetary amounts. Rows include expenses like 'Traveling to airport in Mobile Co. and return' and 'Plane ticket from Atlanta, Ga. to Mobile, Ala.' with a total of \$109.87.

Mileage In State Title 11, Sec. 100.

Mileage Out Of State Title 15, Sec. 72

THE STATE OF ALABAMA,

Baldwin County.

I, Alice J. Duck, Clerk of the Circuit Court

in and for said county, do hereby certify that the fees in the case of Lurton Lewis Heflin have been reported to and docketed, or will be docketed by me, this 7 day of June, 1962

Alice J. Duck, Clerk. See Title 11, Sec. 102

THE STATE OF ALABAMA,

Baldwin County.

Personally appeared before me Taylor Wilkins, Sheriff of

Baldwin County, who being duly sworn, says the above account for the sum of

\$109.87 dollars, is correct;

that he has never received the same or any part thereof; that he had guard employed; that said account embraces, aside from per diem for self or deputy and guard, only actual traveling expenses, and that without any unnecessary delay the nearest route usually traveled was followed.

Sworn to and subscribed before me this 7

day of June, 1962

W. R. Stuart, Judge of Probate.

Taylor Wilkins, Sheriff.

(Probate Judge must sign, see Title 11, Sec. 102)

SUPPORTING PAPERS MUST BE ATTACHED

IN STATE

- TITLE 15, SEC. 180, 181, 182 & 183
A: Solicitor's statement & authorization of Probate Judge
B: Receipt & notification from Officer who has Prisoner in custody
C: Receipts for expenditures

OUT OF STATE

- TITLE 15, SEC. 72 & 75, as Amended
A: Governor's Extradition or Waiver of Extradition signed by Prisoner
B: Receipts for expenditures

THE USE OF A GUARD MUST BE AUTHORIZED

(Attorney General Opinion 3-27-59)



THE STATE  
vs.

In the Circuit Court of Baldwin County,

Lurton Lewis Heflin, Alias L. L.  
Heflin, Alias Junior Heflin

Fall Session, 1954

Venire of the jurors in the above stated cause, names herein stated from No. 1 to No. 20 both inclusive, being the special jurors drawn in open Court by the presiding Judge, in said cause, and the other names, from No. 21 to No. 80, both inclusive, being the regular jurors drawn and summoned for the week of the Term of said Court, the said cause having been set for trial on the 1st day of October 1954, which is a day of said week of the Term of said Court, to-wit:

No.	NAME	Occupation	Residence Address	Business Address
1	Teath I. Windbigler	Nurseryman	Foley, Ala.	
2	Aubrey Langham	Farmer	Loxley, Ala.	
3	B. Gordon Sawyer	Insurance	Fairhope, Ala.	
4	Max Skiba	Carpenter	Foley, Ala.	
5	Louis Schindler	Road Work	Magnolia Spgs, Ala.	
6	Henry Carson	Printer	Foley, Ala.	
7	E. A. Evans	Retired	Seminole, Ala.	
8	Cecil Blackwell	Defense Worker	Bon Secour, Ala.	
9	Thomas L. Steele	Defense	Foley, Ala.	
10	Homer C. Singleton	Filling Station Op.	Foley, Ala.	
11	Steve Stejhal	Merchant	Silverhill, Ala.	
12	John H. Cannan	Merchant	Loxley, Ala.	
13	Girard Lucassen	Plumber	Fairhope, Ala.	
14	Issac Emmons	Farmer	Silverhill, Ala.	
15	George Stough	Mgr. of Tractor Co.	Bay Minette, Ala.	
16	Bruce Cleveland	Farmer	Foley, Ala.	
17	Herbert Dean	Farmer	Lottie, Ala.	
18	Albert J. McKenzie	Shipyard worker	Robertsdale, Ala.	
19	Ellis Weeks	Farmer	Foley, Ala.	
20	Dan Hays	Farmer	Bon Secour, Ala.	
21	Joe T. Worcester	Farmer	Fairhope, Ala.	
22	Louis Jurkievich	Farmer	Rabon, Ala.	
23	E. C. Johnson	Logging	Bay Minette, Ala.	
24	Frank A. Kucera, Jr.	Farmer	Silverhill, Ala.	
25	Charlie Zehner	Inspector	Bay Minette, Ala.	
26	Clarence M. Underwood	Farmer	Summerdale, Ala.	
27	M. D. Drinkard	Dairy	Bay Minette, Ala.	
28	John William Spaulding	Truck Driver	Foley, Ala.	
29	Ossie V. Morris	Farmer	Gateswood	
30	Hugh S. Metcalf S.	Farmer	Foley, Ala.	
31	Charles E. Gantt	Millman	Little River	
32	Melvin Plash	Fisherman	Bon Secour	
33	Eugene E. Callaway	Seafood	Foley, Ala.	
34	Sibley B. Richerson	Clerk	Stockton, Ala.	
35	G. M. Mills	Turpentine	Magnolia Springs	
36	William E. Boykin	Laborer	Robertsdale	
37	Herman Dodge	Merchant	Elberta	
38	Howard Hall	Parts Clerk	Bay Minette	
39	John M. Dukes	Restaurant	Boley	
40	Lindon Rhodes	Farmer	Summerdale	
41	Henry C. Crawford, Jr.	Farmer	Belforest	
42	Cecil Vinson	Laborer	Stapleton	
43	Norman McEnnis	Supt. Mill Co.	Stockton	
44	Bud Sheria	Laborer	Elsanor	
45	George H. Baldwin	Produce Dealer	Robertsdale	
46	Mike Kaiser, Jr.	Farmer	Elberta	
47	Roy Norris	Seafood dealer	Bon Secour	
48	Basil Jurkeiwicz		Magnolia Springs	
49	Julius Schwart	Farmer	Lillian	
50	Louis Pollard (negro)	Merchant	Foley	
51	Ben C. Gates	M.P. dealer	Foley	
52	George Dyson	Farmer	Fairhope	



*State vs Heflin*

No.	NAME	Occupation	Residence Address	Business Address
53	M. O. Berglin	Merchant	Fairhope	
54	Charlie Holtzafle	Electrician	Foley	
55	Dan C. Hayes	Farmer	Foley	
56	Elbert E. Killion	Carpenter	Foley	
57	Jessie Porter	Insurance	Foley	
58	McNeil Bush	Merchant	Stapleton	
59	Henry Bishop	Bank Cashier	Fairhope	
60	Elbert M. Rhodes	Farmer	Summerdale	
61	R. Harold Agee	Merchant	Foley	
62	Alfred Riebe	Farmer	Elberta	
63	Orlando J. Mancini	Farmer	Bay Minette	
64	B. Marco	Farmer	Belforest	
65	George H. Carr	Farmer	Foley	
66	William C. Mayo	Fisherman	Foley	
67	W. D. Mitchell	Laborer	Seminole	
68	Walter L. Hammond	Merchant	Robertsdale	
69	Roy E. Dawson	Livestock dealer	Robertsdale	
70	Erick Lauder	Carpenter	Foley	
71	Heurlin Parker	Farmer	Bon Secour	
72	Wm. P. Baldwin	Produce agent	Robertsdale	
73	Owen Eubanks	Mechanic	Bay Minette	
74	Verdis Verlon Hudson	Liquid carriers	Bay Minette	
75	John Gottler	Farmer	Elberta	
76	Lovick Allen	Inkeeper	Gulf Shores	
77	C. M. Coghlan	Farmer	Latham	
78	I. B. Byrd	Farmer	Stapleton	
79	William C. Osborne	Laborer	Foley	
80	Litcher Davis	Electrician	Foley	
81				
82				

I hereby certify that the foregoing is a correct list of the venire in the case of the State vs *Lurton Lewis Heflin*  
*alias L. Heflin alias Junior Heflin* charged with  
*Murder 1st degree*; that the names of jurors from  
 No. *1* to *20*, both inclusive, are the special jurors drawn by the presiding Judge, in  
 open Court, and that the names of jurors from No. *21* to No. *80*, both inclusive, is a correct list  
 of the regular jurors drawn and summoned for the *second* week of the *Fall* Term, 19*54*, of the  
 Circuit Court of Baldwin County, Alabama. I further certify that the foregoing copy of the indictment is a true and correct  
 copy of the indictment in this case.  
 Witness my hand this *25th* day of *Sept*, 19*54*  
*Jay W. Walker*  
 Sheriff Baldwin County, Ala.  
 Executed by serving a copy of the indictment and a correct list of the jurors in this case, on this the *25th* day of  
*Sept*, 19*54*, upon *Lurton Lewis Heflin*  
 the Defendant  
*Jay W. Walker* Sheriff.

THE STATE OF ALABAMA, Baldwin County.	CIRCUIT COURT List of Jurors and Copy of Indictment	STATE vs.	
--	--	--------------	--

1910 12  
EX PARTE LURTON LEWIS HEFLIN,  
alias L.L. HEFLIN, alias JUNIOR  
HEFLIN,

VS:

STATE OF ALABAMA

IN THE CIRCUIT COURT OF THE  
TWENTY-EIGHTH JUDICIAL  
CIRCUIT OF ALABAMA

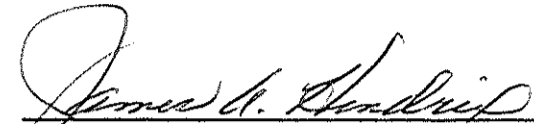
MOTION TO DISMISS

Comes now the State of Alabama, by and through, James A. Hendrix, Solicitor  
Twenty-Eighth Judicial Circuit of Alabama, and respectfully moves this Honor-  
able Court to dismiss the petition for writ of error coram nobis heretofore  
filed in this cause, and as grounds for said motion sets down and assigns the  
following grounds, separately and severally:

1. For that the allegations of said petition are vague, indefinite, un-  
certain, confusing, and are mere naked conclusions of the petitioner.
2. For that it affirmatively appears that the allegations of said petition  
seek to establish matters which were available to petitioner at the time of  
trial.
3. For that it affirmatively appears that the allegations of said petition  
are not concerned with questions of fact.
4. For that it affirmatively appears that the allegations of said petition  
are insufficient to show that the matters alleged would have prevented the  
rendition of judgment.
5. For that it affirmatively appears on the face of the petition that  
the allegations contained therein are unreasonable and lack the probability  
of truth.
6. For that the allegations of said petition fail to make a credible  
showing or a substantial foundation of the matters which petitioner seeks to  
establish.
7. For that the allegations of said petition fail to set forth particular  
facts which make an adequate showing of the substantiality of petitioner's  
claim to enable this Honorable Court to ascertain whether facts alleged would  
afford prima facie just grounds for relief.
8. For that the allegations of said petition fail to show a valid defense.

1910 1/2

WHEREFORE, the above premises considered, the State of Alabama respectfully moves this Honorable Court to dismiss the petition for writ of error coram nobis heretofore filed in this cause.

  
Solicitor Twenty-Eighth Judicial  
Circuit of Alabama.

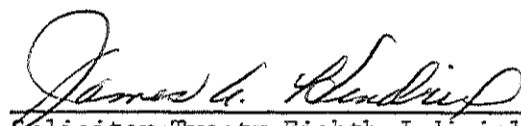
CERTIFICATE OF SERVICE

I, James A. Hendrix, Solicitor of the Twenty-Eighth Judicial Circuit of Alabama, hereby certify that I have served a copy of the foregoing motion upon the petitioner, Lurton Lewis Heflin, alias L.L. Heflin, alias Junior Heflin, by handing a copy of same to him at Baldwin County Jail, on this the 15<sup>th</sup> day of December, 1964.

FILED

DEC 15 1964

ALICE I. DUCK, CLERK  
REGISTER

  
Solicitor Twenty-Eighth Judicial  
Circuit of Alabama.

791072

December 8, 1964

Mr. Frank Lee  
Director Department of Corrections and Institution  
Montgomery, Alabama

Dear Sir:

Re: Lurton Lewis Heflin

The above subject has filed petition for Writ of error coram nobis in our Circuit Court. A hearing has been set thereon for the 21st day of December, 1964. Please have this prisoner delivered to the Baldwin County jail by the 15th day of December, 1964, in order that he may confer with his attorney.

Very truly yours,

---

Circuit Clerk

AJD/eb

COPY

THE STATE OF ALABAMA  
Baldwin County - Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the 21st day of  
December, 1964 ~~Monday~~, 196~~x~~, in a cer-  
tain cause in said Court wherein Lurton Lewis Heflin, alias L.L. Heflin, alias Junior  
Heflin, Petitioner ~~Plaintiff~~ and State of Alabama, Respondent  
~~Defendant~~, a judgement was rendered against said  
Lurton Lewis Heflin, alias L.L. Heflin, Alias Junior Heflin

to reverse which judgment, the said Lurton Lewis Heflin, alias L.L. Heflin,  
alias Junior Heflin,

applied for and obtained from this office an APPEAL, returnable to the next  
Term of our Supreme Court of the State of Alabama, to be held at Montgomery, on  
the        day of       , 196 next, and ~~the necessary~~ <sup>no</sup> bond  
having been given ~~by the said~~ by the said Petitioner in prison,  
~~with~~       , sureties,

Now, You Are Hereby Commanded, without delay, to cite the said State of Alabama  
       or James A. Hendrix, Solicitor of the Twenty-  
Circuit,  
Eighth Judicial, ~~attorney~~ to appear at the next Term of our  
said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 19th  
day of January, A. D., 1965.

Attest:

      , Clerk.

I, Hereby accept service of a copy of the foregoing this 21<sup>st</sup> day of  
January, 1965.

*James A. Hendrix*  
Solicitor.

1910 1/2

IN THE CIRCUIT COURT OF BALDWIN COUNTY  
TWENTY-EIGHTH JUDICIAL CIRCUIT  
OF ALABAMA

No. 1910

---

State of Alabama

v.

Lurton Lewis Heflin;  
alias L.L. Heflin;  
alias, Junior Heflin

---

APPLICATION FOR APPOINTMENT OF  
COUNSEL TO PROSECUTE APPEAL

Comes now the defendant-appellant in the above styled cause and moves this Honorable Court to appoint counsel to represent him in the prosecution of his appeal, from the ORDER of this Honorable Court in sustaining the State's Motion To Dismiss his Error Coram Nobis Application, to the Supreme Court of Alabama, for the following reasons:

1. That defendant-appellant is a poor person and is unable to employ counsel in his own right.

2. That defendant-appellant is a citizen of the United States of America.

3. That questions of law to be presented on appeal are of a highly technical nature requiring the services of experienced counsel to brief and prepare his appeal for review by the Supreme Court of Alabama.

4. That defendant-appellant believes in particular, among others, there is grave error in the rulings of this Honorable Court in sustaining the State's objections to examination of

191072

rebuttal witness into a field of inquiry opened by counsel for the State, going into the relevancy of pre-trial motions, that should have been filed by counsel for the defendant to have insured him a fair trial and due process of law.

Defendant-appellant respectfully submits the following names of competent attorneys, all members of the Alabama bar, with the hope this Honorable Court might consider and select one as his counsel:

- 1. Hon. John Coxwell
- 2. Hon. Vincent Kilborn
- 3. Hon. Jerome A. Cooper
- 4. Hon. Roderick Beddow, Jr.

As an alternative, he would request this Honorable Court to appoint any other member of the bar who can conveniently arrange his schedule to accept defendant-appellant's appeal.

*Lurton Lewis Heflin*  
 Lurton Lewis Heflin  
 Kilby Prison  
 Montgomery, Alabama  
 Defendant-Appellant

Subscribed and sworn to before me this 4 day of Jan.

1965.

*James W. Malone*  
 Notary Public

My commission expires 10-17-65.



**FILED**  
 JAN 6 1965  
 JAMES L. DUCK, CLERK

cc: Hon. Richmond Flowers  
Attorney General of Alabama

1910 1/2

IN THE CIRCUIT COURT OF BALDWIN COUNTY  
TWENTY-EIGHTH JUDICIAL CIRCUIT  
OF ALABAMA

No. 1910

---

State of Alabama

v.

Lurton Lewis Heflin;  
alias, L.L. Heflin;  
alias, Junior Heflin

---

APPLICATION FOR FREE TRANSCRIPT OF  
THE EVIDENCE OF ERROR CORAM NOBIS  
PROCEEDING ABOVE STYLED

Comes now the defendant-appellant, Lurton Lewis Heflin; alias L.L. Heflin; alias Junior Heflin, and moves this Honorable Court for a free transcript of the evidence of his error coram nobis proceeding, above styled, for the following reasons:

1. That defendant-appellant wishes to appeal, the order of the Honorable Telfair Mashburn, of December 21, 1964, sustaining the State's Motion To Dismiss, same to the Supreme Court of Alabama for review by that Court.
2. That defendant-appellant is an impoverished citizen of the United States of America now imprisoned in Kilby prison, Montgomery, Alabama, in violation of the laws and constitutions of Alabama and the United States of America.
3. That the ORDER of this Honorable Court dismissing defendant-appellant's Application For A Writ Of Error Coram Nobis was an abuse of discretion on the part of this Honorable Court to the end that there is manifest error in the ORDER doing violence to the recent decisions of the United States Supreme Court in the cases of HAMILTON v. UNITED STATES, 82 S Ct. 157, 368 U.S. 52 7 L Ed 2d 114; POWELL v. ALABAMA, 77 L. Ed. 162; CARNLEY v. COCHRAN,



1910 1/2

82 S. Ct. 884, 369 U.S. 596, SL Ed. 2d 70; GIDEON v. WAINWRIGHT,  
372 U.S. 335, 9 L. Ed. 2d 799, 83 S. Ct. 792, 93 ALR 2d 733;  
DOUGLAS v. CALIFORNIA, 372 U.S. 353; and SANDEFS v. ALABAMA,  
U.S. Supreme Court, April 20, 1964, plus other grave errors.

4. That the preponderance of the evidence adduced at the  
said Error Coram Nobis hearing does not support this Honorable  
Court's ORDER of dismissal.

Defendant-appellant therefore asks for a free transcript  
of the evidence of the said hearing in accordance with the  
ruling of the Supreme Court of the United States of America in  
the case of LANE v. BROWN, 372 U.S. 477; and Act 525 of the Ala-  
bama Legislature, September 16, 1963.

January 5, 1965.

*Lurton Lewis Heflin*  
Lurton Lewis Heflin  
Kilby Prison  
Montgomery, Alabama  
Defendant-Appellant

Subscribed and sworn to before me this 5 day of January,  
1965.

*James W. Malone*  
Notary Public

My commission expires 10-17-65



cc: Hon. Richmond Flowers  
Attorney General of Alabama

FILED  
JAN 6 1965  
ALBANY COUNTY CLERK REGISTER

1910 1/2

IN THE CIRCUIT COURT OF BALDWIN COUNTY  
TWENTY-EIGHTH JUDICIAL CIRCUIT  
OF ALABAMA

No. 1910

---

State of Alabama

v.

Lurton Lewis Heflin;  
alias, L.L. Heflin;  
alias, Junior Heflin

---

DESIGNATION OF RECORD

Defendant-appellant designates the entire record in this case to be prepared and transmitted to the Clerk of the Supreme Court of Alabama.

January 4, 1965

*Lurton Lewis Heflin*  
Lurton Lewis Heflin  
Kilby Prison  
Montgomery, Alabama  
Defendant-Appellant

cc: Hon. Richmond Flowers  
Attorney General of Alabama

FILED

JAN 6 65

MADE & LOCK  
CLERK  
REGISTER

1910 1/2

Items permissible via mail service; Will consist of U.S. Money orders, solid color socks, white underwear, white handkerchiefs (all must be made of cotton) and black or tan shoes.

Items not allowed brought or sent into the institution: Food or drinks of any description, electric appliances of any kind, tobacco, matches and cigarettes.

Money may be deposited for inmate with Officer in charge on visiting days.

Kilby Prison

Montgomery, Alabama

Mrs. Alice Duck, Clerk

Circuit Court of Baldwin County Re: Case No. 1910

Courthouse

Bay Minette, Alabama

Dear Madam:

I enclose herewith Notice of Appeal, Application For Appointment Of Counsel, Application For Free Transcript, and Designation Of Record.

At this time I would respectfully request that you file the Notice Of Appeal and, at the same time, call my Application For Appointment Of Counsel to the attention of the Honorable Judge Mashburn. Please hold the Application For Free Transcript and Designation Of Record in abeyance until Judge Mashburn has ruled on my request for counsel; in event of adverse ruling in re counsel please file the other mentioned papers.

Trusting and thanking you for your cooperation, I am

Very truly yours,

*Lurton Lewis Heflin*  
Lurton Lewis Heflin  
Kilby Prison

Montgomery, Alabama

January 4/5 1965.

cc: Hon. Richmond Flowers  
Attorney General

# KILBY PRISON

## MAIL RULES

(FOR PERSONS WRITING TO KILBY INMATES)

All mail is censored.

Your letter will not be delivered unless you are on the inmate's approved correspondence list.

Your letter will not be delivered unless your full name and correct address are on the outside of the envelope.

Your letter will not be delivered if it contains obscene language, false information, or code of any sort.

Send only U. S. Postal Money Orders by mail. DO NOT SEND CASH OR PERSONAL CHECKS.

DO NOT SEND STAMPS.

MAIL ROOM  
KILBY PRISON  
MARIETTA, GEORGIA 30067

1910 1/2

Items permissible via mail service; Will consist of U.S. Money orders, solid color socks, white underwear, white handkerchiefs (all must be made of cotton) and black or tan shoes.

Items not allowed brought or sent into the institution: Food or drinks of any description, electric appliances of any kind, tobacco, matches and cigarettes.

Money may be deposited for inmate with Officer in charge on visiting days.

Kilby Prison

Montgomery, Alabama

Honorable Telfair Mashburn

Circuit Judge

Re: State of Alabama

County Courthouse

Lurton Lewis Heflin

Bay Minette, Alabama

No. 1910

Dear Judge Mashburn:

With reference to the enclosed papers, I wish to advise that I waive any right I might have to be present when this matter comes on for hearing regarding my indigency status.

Upon conviction in the U.S. District Court at Birmingham, Alabama, in May, 1954, I sought to appeal in forma pauperis; Judge H.H. Grooms ordered an investigation to determine my financial status, and on the basis of the aforesaid investigation he allowed me to proceed in forma pauperis as did the U.S. Fifth Circuit Court of Appeals. In 1958 I instituted a collateral proceeding, pro se, upon the same conviction and was granted certiorari, and permission to proceed in forma pauperis by The United States Supreme Court on June 30, 1958. At the recent coram nobis hearing before Your Honor it was apparently established, as counsel for the State made no effort to prove to the contrary, that my sole income is the 50 cents the State gives me every three weeks.

# KILBY PRISON

## MAIL RULES

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DO NOT SEND STAMPS.

1910 1/2

Items permissible via mail service; Will consist of U.S. Money orders, solid color socks, white underwear, white handkerchiefs (all must be made of cotton) and black or tan shoes.

Items not allowed brought or sent into the institution: Food or drinks of any discription, electric appliances of any kind, tobacco, matches and cigarettes.

Money may be deposited for inmate with Officer in charge on visiting days.

I feel sure Your Honor can readily appreciate my position and lack of enthusiasm toward riding the transfer truck should it not be necessary, not to mention the other factors involved.

If need be, please consider this letter as a motion of waiver.

Thanking you most respectfully for any consideration, I am

Very truly yours,

*Lurton Lewis Heflin*  
Lurton Lewis Heflin  
Kilby Prison

Montgomery, Alabama

January 4, 1965.

cc: Hon. Richmond M. Flowers

# KILBY PRISON

## MAIL RULES

(FOR PERSONS WRITING TO KILBY INMATES)

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DO NOT SEND STAMPS.



191042

IN THE CIRCUIT COURT OF BALDWIN COUNTY  
TWENTY-EIGHTH JUDICIAL CIRCUIT  
OF ALABAMA

No. 1910

State of Alabama

v.

Lurton Lewis Heflin;  
alias, L.L. Heflin;  
alias, Junior Heflin

NOTICE OF APPEAL

Lurton Lewis Heflin; alias L.L. Heflin; alias Junior Heflin,  
the defendant in the above numbered cause, hereby serves Notice  
Of Appeal from the ORDER of the Honorable Telfair Mashburn of  
December 21, 1964, sustaining the Solicitor's Motion To Dismiss  
his hereinbefore filed Application For A Writ Of Error Coram  
Nobis, to the Supreme Court of Alabama.

January 4, 1965.

*Lurton Lewis Heflin*

Lurton Lewis Heflin  
Kilby Prison  
Montgomery, Alabama  
Defendant-Appellant

cc: Hon. Richmond Flowers  
Attorney General of Alabama

JAN 10 1965  
BALDWIN COUNTY

No. 1910

BALDWIN County, Circuit Court

LURTON LEWIS HEFLIN, alias L.L. HEFLIN, alias JUNIOR HEFLIN,  
Appellant

VS.

The State of Alabama,  
Appellee

The State of Alabama,  
Baldwin County, The Circuit Court of Baldwin County.

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County in and for said County and State, do hereby certify that in the above stated case, which was tried and determined in this Court on the 21st day of October 1954, and ~~December 1954~~, and the defendant convicted by a Jury of the offense of Murder second degree, and that on the 1st day of October 19<sup>54</sup>65, said defendant was sentenced to a term of Thirty years imprisonment in the State Penitentiary, which said sentence ~~was suspended~~ <sup>is</sup> ~~on Writ of error Coram Nobis, which writ was denied in the Circuit Court of Baldwin County on pending an appeal to the Supreme Court of Alabama.~~ <sup>the 21st day of December, 1964.</sup>

I further certify that on this the 6th day of January 1965, the defendant gave notice in writing of an appeal to the Supreme Court of Alabama.

Witness my hand and the seal of this Court, this the 19th day of January 1965.

Alice J. Duck  
Clerk of Circuit Court of  
Baldwin County, Alabama,

1910 1/2

1910 1/2

THE STATE OF ALABAMA

VS.

LURTON LEWIS HEFLIN, alias  
L. L. HEFLIN, alias JUNIOR  
HEFLIN,

PETITIONER

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

IN THE

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA. AT LAW.

NO. 1910 1/2

TO: LOUISE DUSENBURY,  
OFFICIAL COURT REPORTER,  
28TH JUDICIAL CIRCUIT OF ALABAMA,  
BAY MINETTE, ALABAMA.

WHEREAS, Lurton Lewis Heflin, alias L. L. Heflin, alias Junior Heflin, filed a motion for writ of error coram nobis in the Circuit Court of Baldwin County, Alabama, on the 3rd day of December, 1964, and whereupon the same was heard on the 21st day of December, 1964, and the State's Motion to strike said petition for writ of error coram nobis was granted; and

WHEREAS, the Petitioner, Lurton Lewis Heflin, alias L. L. Heflin, alias Junior Heflin, has appealed from the judgment of the Court, and has made a pauper's affidavit and motion for a transcript of the testimony therein;

THEREFORE, you are, as said Official Court Reporter, 28th Judicial Circuit of Alabama, ordered to prepare and file said transcript of said trial or hearing on the Petition for writ of error coram nobis.

Dated at Bay Minette, Alabama, this the 18<sup>th</sup> day of January, 1964.

FILED

JAN 18 1965

CLERK  
REGIST

Louise Dusebury  
Judge, 28th Judicial Circuit of Alabama.

1910 1/2

STATE OF ALABAMA,	)	IN THE
	)	
VS.	)	CIRCUIT COURT OF BALDWIN
	)	
LURTON LEWIS HEFLIN, alias	)	COUNTY, ALABAMA. AT LAW.
L. L. HEFLIN, alias JUNIOR	)	
HEFLIN,	)	NO. 1910 1/2
	)	
Petitioner.	)	December 21, 1964
	)	

D E C R E E

This cause coming on to be heard was presented on the petition for writ of error coram nobis filed by the Petitioner, and the motion to dismiss the petition on behalf of the State of Alabama, and on the testimony of witnesses taken ore tenus.

The Court, after considering the matter ascertains and finds as follows:

1. That Hon. C. LeNoir Thompson, a practicing Attorney in Baldwin County, Alabama, was appointed by the Court to represent and protect the rights of the Petitioner in this proceeding, and under said appointment he did represent the Petitioner therein;

2. That Petitioner was indicted for murder in the first degree by the Grand Jury at the Spring Session of the Circuit Court of Baldwin County, Alabama, 1954.

3. That at the fall session, 1954, of the Circuit Court of Baldwin County, Alabama, on, to-wit: October 1, 1954, the Petitioner was tried in said Court for murder in the first degree;

4. That on September 25, 1954, the Circuit Judge, Hon. Hubert M. Hall, duly appointed Hon. Harry J. Wilters, Jr. and Hon. Tolbert M. Brantley, both practicing Attorneys in Baldwin County, Alabama, to represent the petition at said time.

1910'12

5. That said Attorneys were appointed prior to the petitioner's arraignment, and that they conferred with him regarding the charge against him prior to the time he made his plea at the arraignment;

6. That prior to October 1, 1954, the date on which Petitioner was put to trial, the Hon. John Tucker, a licensed practicing Attorney from Jefferson County, Alabama, was employed by members of the Petitioner's family to represent petitioner and that he did, as a matter of fact, act as Attorney-in-chief at Petitioner's trial on October 1, 1954;

7. That on September 25, 1954, the Petitioner was arraigned in the Circuit Court of Baldwin County, Alabama, and after the reading of the indictment to him he stood mute, whereupon the Court entered a plea of not guilty, based on Defendant's refusal to plead;

8. That on the 25th day of September, 1954, a copy of the indictment, together with a copy of the venire was served upon the Petitioner, this being done prior to his arraignment;

9. That on October 1, 1954, the Petitioner was duly tried in the Circuit Court of Baldwin County, Alabama; on October 2, 1954 a jury returned a verdict as follows: "We, the jury find the defendant guilty of second degree murder and fix his sentence at 30 years in prison within the penitentiary? signed: George Stough, foreman";

10. That on October 2, 1954, the defendant was duly sentenced to imprisonment in the penitentiary for the term of 30 years - "Jury and verdict, we, the jury find the defendant guilty of second degree murder and fix his sentence at 30 years in prison within the penitentiary, George Stough, foreman." The defendant, being then present in open Court and attended by his Attorneys, was called before the Bar of the

1910 1/2

by the Court and asked if he had anything to say why the judgment of the Court and the sentence of the law should not be pronounced upon him, said nothing, whereupon the Defendant was sentenced by the Court to imprisonment in the State penitentiary for 30 years, said sentence to begin at the expiration of the sentence in the Federal Penitentiary;

11. That the Court has considered the several grounds set out in the petition for writ of error coram nobis, and finds that there is no basis for the same and that none of the grounds contained therein have been substantiated and that said petition<sup>er</sup> was duly and legally tried, convicted and sentenced to the penitentiary of the State of Alabama;

12. That it has been clearly shown to the satisfaction of the Court that the Court and all of the officials attached thereto did all within their power to see that the petitioner received and was granted a fair and impartial trial at the fall session of the Circuit Court of Baldwin County, Alabama, 1954;

13. That the Court in addition to hearing and considering the testimony of the said Petitioner, Lurton Lewis Heflin, alias L. L. Heflin, alias Junior Heflin, has also considered the testimony of all witnesses that have testified in this cause and finds that there is no ground for the granting of this petition.

The Court is, therefore, of the opinion, and does hereby find that the Petitioner, Lurton Lewis Heflin, alias L. L. Heflin, alias Junior Heflin, is not entitled to the relief sought in his petition for writ of error coram nobis, and that said writ for error coram nobis is without merit, and the motion of the State to dismiss the same is hereby granted.

1910 1/2

Dated at Bay Minette, Alabama, this the 21st day  
of December, 1964.

J. Blair J. Madaleno

Judge of the 28th Judicial  
Circuit of Alabama.

Filed.

Dec. 21, 1964

Alvin J. Clarke, Clerk.



1910 4d

IN THE CIRCUIT COURT OF BALDWIN COUNTY

BAY MINETTE, ALABAMA

State of Alabama

v.

Lurton Lewis Heflin,  
alias L.L. Heflin,  
alias Junior Heflin

No. 1910

APPLICATION FOR A WRIT OF ERROR CORAM NOBIS

Defendant alleges:

1. That his conviction was obtained in violation of the laws and constitutions of Alabama and the United States of America.

2. Defendant incorporates, by reference thereto, the files and records in this case, above numbered, and asks that they be made a part of this application.

3. That he was denied the right to counsel at the time of his arraignment; hence, he was also denied the right to make vital and indispensable pre-trial motions allowed under Alabama law. In view of this he was unable, among others, to:

- (a) Demur to his indictment as to its legal sufficiency.
- (b) Move for a change of venue.
- (c) Move for a sanity hearing.
- (d) And such other pre-trial motions that an alert and diligent lawyer would have filed to protect defendant's rights and interest.

4. That he is an innocent person and a victim of an unjust and unwarranted prosecution.

FILED

DEC 3 - 1961

ALICE J. DUCK, CLERK  
REGISTER

1910 1/2

5. That he was denied, by the Court's failure to advise him, of his right to have counsel and to have a free trial transcript to appeal his conviction to the Alabama Supreme Court.

In view of the foregoing defendant asks that a hearing be held with himself present to develop the issues of fact and law presented herein.

That upon final determination the writ of error coram nobis be sustained.

December 1, 1964.

*Lurton L. Heflin*  
Lurton L. Heflin,  
Kilby Prison,  
Montgomery, Alabama,  
Defendant.

Subscribed and sworn to before me this 1 day of December, 1964.

My commission expires 7-14-76

*E. J. ...*  
Notary Public

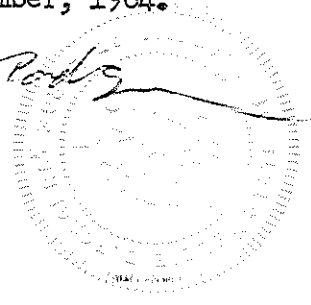
CERTIFICATE OF SERVICE

I hereby certify that I have this date placed a copy of the foregoing in the United States mail, Kilby Prison facility, postage prepaid, and properly addressed to Hon. Richmond M. Flowers, Attorney General of Alabama, Montgomery, Alabama, for proper service thereon.

*Lurton L. Heflin*  
Lurton L. Heflin,  
Kilby Prison,  
Montgomery, Alabama,  
Defendant

Subscribed and sworn to before me this 1 day of December, 1964.

My commission expires \_\_\_\_\_.

*E. J. ...*  
Notary Public.  


1910/2

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19 64-65

To the Clerk of the Circuit Court,

Baldwin County—Greeting:

Whereas, the Record and Proceedings of the Circuit Court of said county, in a certain cause lately pending in said Court between

Lurton Lewis Heflin, alias, etc., Appellant,

and

State of Alabama, Appellee,

wherein by said Court it was considered adversely to said appellant, were brought before our Supreme Court, by appeal taken, pursuant to law, on behalf of said appellant:

NOW, IT IS HEREBY CERTIFIED, That it was thereupon considered, ordered, and adjudged by our Supreme Court, on the 20th day of May, 1965, that said

judgment of said Circuit Court be in all things affirmed, and that it was further considered, ordered, and adjudged that the appellant, and Lurton Lewis Heflin, pay

the costs accruing on said appeal in this Court and in the Court below, for which costs let execution issue.

Richard W. Neal, Deputy  
Witness, ~~Richard W. Neal~~, Clerk of the Supreme  
Court of Alabama, at the Judicial Department  
Building, this the 20th day of

May, 19 65

*Richard W. Neal*  
Deputy Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

October Term, 1964-65

1 Div., No. 280

Lurton Lewis Heflin, alias, etc.

Appellant,

vs.

State of Alabama

Appellee.

From Baldwin Circuit Court.

CERTIFICATE OF  
AFFIRMANCE

The State of Alabama,

Baldwin County.

} Filed

this 24 day of May 1965

Alice J. Duck

1910 42

MAY 20 1965

THE STATE OF ALABAMA - - - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1964-65

1 Div. 280

Lurton Lewis Heflin, alias, etc.

v.

State of Alabama

Appeal from Baldwin Circuit Court

GOODWYN, JUSTICE.

Appeal from judgment of circuit court of Baldwin County denying appellant's application for writ of error coram nobis after a hearing on said application.

On March 11, 1954, appellant was indicted by a Baldwin County Grand Jury for first degree murder. At that

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time, he was a federal prisoner. He was arraigned on September 25, 1954, tried on the following October 1st and 2nd, and on October 2nd convicted of second degree murder and sentenced to 30 years imprisonment in the penitentiary, said sentence to begin at the expiration of his federal sentence. At his arraignment, he was represented by two court-appointed attorneys. There, he stood mute, as did his attorneys. Whereupon, the court, pursuant to Code 1940, Tit. 15, § 276, entered a plea of "not guilty" for him. On his trial, he was represented by the same court-appointed attorneys and also by an attorney obtained by his family. There is no indication that these attorneys were other than fully competent to represent appellant and did adequately represent him at his trial. There was no appeal to this court from said judgment; and, so far as the record discloses, there was no motion for a new trial.

The application for coram nobis was filed on December 3, 1964, and heard on December 21, 1964. The instant appeal was taken on January 6, 1965, and submission was had here on April 14, 1965.

In the coram nobis proceeding, the trial court appointed experienced counsel to represent appellant. The same counsel represents him on this appeal, not by appointment of the trial court, but at appellant's request. A free transcript of the coram nobis proceeding was furnished appellant, at his request, and is now before us on this appeal.

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3.

Appellant takes the position that, in effect, he was without counsel at his arraignment because his appointed counsel (I) did not have sufficient time, between their appointment and the arraignment, to prepare and make "pre-trial motions allowed under Alabama law" and (II) stood mute at the arraignment. Other points made by appellant are (III) "that he was denied, by the court's failure to advise him, of his right to have counsel and to have a free trial transcript to appeal his conviction to the Alabama Supreme Court," and (IV) that the trial court did not appoint counsel to represent him on the appeal now before us, as requested by him on the basis of his indigency.

I and II.

In denying the coram nobis petition, the trial court made the following pertinent findings, among others, which the evidence supports, viz:

"4. That on September 25, 1954, the Circuit Judge, Hon. Hubert M. Hall, duly appointed Hon. Harry J. Wilters, Jr. and Hon. Tolbert M. Brantley, both practicing Attorneys in Baldwin County, Alabama, to represent the petitioner at said time.

"5. That said Attorneys were appointed prior to the petitioner's arraignment, and that they conferred with him regarding the charge against him prior to the time he made his plea at the arraignment;

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4.

"6. That prior to October 1, 1954, the date on which Petitioner was put to trial, the Hon. John Tucker, a licensed practicing Attorney from Jefferson County, Alabama, was employed by members of the Petitioner's family to represent petitioner and that he did, as a matter of fact, act as Attorney-in-chief at Petitioner's trial on October 1, 1954;

"7. That on September 25, 1954, the Petitioner was arraigned in the Circuit Court of Baldwin County, Alabama, and after the reading of the indictment to him he stood mute, whereupon the Court entered a plea of not guilty, based on Defendant's refusal to plead;

"8. That on the 25th day of September, 1954, a copy of the indictment, together with a copy of the venire was served upon the Petitioner, this being done prior to his arraignment;

\* \* \* \* \*

"10. That on October 2, 1954, the defendant was duly sentenced to imprisonment in the penitentiary for the term of 30 years - 'Jury and verdict, we, the jury find the defendant guilty of second degree murder and fix his



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sentence at 30 years in prison within the penitentiary, George Stough, foreman'. The defendant being then present in open Court and attended by his Attorney, was called before the Bar of the Court and asked if he had anything to say why the judgment of the Court and the sentence of the law should not be pronounced upon him, said nothing, whereupon the Defendant was sentenced by the Court to imprisonment in the State penitentiary for 30 years, said sentence to begin at the expiration of the sentence in the Federal Penitentiary;

"11. That the Court has considered the several grounds set out in the petition for writ of error coram nobis, and finds that there is no basis for the same and that none of the grounds contained therein have (sic) been substantiated and that said petitioner was duly and legally tried, convicted and sentenced to the penitentiary of the State of Alabama;

\* \* \* \*

There was no request for additional time to confer with appellant before his arraignment, nor for a continuance, nor for an opportunity to file any other motion or pleading prior to the arraignment or trial. Indeed, there is no

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6.

indication that such inaction on the part of appellant's counsel was detrimental to appellant. There being an absence of any showing whatever that appellant's counsel did not competently and adequately represent him at his arraignment, we hold that contentions I and II are without merit. As already noted, Code 1940, Tit. 15, § 276, requires the court to enter a plea of "not guilty" for an accused when he stands mute on arraignment.

III.

There is no showing that appellant indicated he wanted to take an appeal. Under the circumstances, we see no basis for holding that the trial court should have advised appellant "of his right to have counsel and to have a free trial transcript to appeal his conviction to the Alabama Supreme Court."

IV.

Since appellant has counsel representing him on the present appeal, the failure of the trial court to appoint counsel to represent him is of no consequence.

The judgment is due to be, and is, affirmed.

Affirmed.

Livingston, C. J., Lawson and Coleman, JJ., concur.

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STATE OF ALABAMA--JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

1 Div., No. 280

Lurton Lewis Heflin, alias, etc., Appellant,

v.

State of Alabama, Appellee,

From Baldwin Circuit Court.

The State of Alabama. }  
City and County of Montgomery. }

Richard W. Neal, Deputy  
I, ~~Richard Thomas~~, Clerk of the Supreme Court of Alabama, do hereby certify that the fore-  
going pages numbered from one to six inclusive, contain a full, true, and correct  
copy of the opinion of

said Supreme Court in the above stated cause, as the same appears and remains of record and on file  
in this office.

Richard W. Neal, Deputy  
Witness, ~~Richard Thomas~~, Clerk of the Supreme

Court of Alabama, this the 20th day of

May 19 65

*Richard W. Neal*  
Deputy Clerk of the Supreme Court of Alabama

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THE SUPREME COURT OF ALABAMA

I Div., No. 280

Lurton Lewis Heflin, alias, etc.

Appellant,

v.

State of Alabama

Appellee.

From Baldwin Circuit Court.

Certified Copy of

Opinion