

THE STATE OF ALABAMA }
Baldwin County - Circuit Court }

690

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the 17th day of April
..... Monday, 19 73, in a cer-

tain cause in said Court wherein State of Alabama
..... Plaintiff, and Jimmy Houston

..... Defendant, a judgement was rendered against said
..... Jimmy Houston

to reverse which Judgment the said Jimmy Houston

applied for and obtained from this office an APPEAL, returnable to the next

..... Court of Criminal Appeals
Term of our Court of the State of Alabama, to be held at Montgomery, on the
..... day of 19 next, and the necessary bond

having been given by the said Jimmy Houston

..... with ~~sureties~~

Now, You Are Hereby Commanded, without delay, to cite the said ..State..of..Alabama.....

..... or James A. Hendrix

..... District
....., attorney, to appear at the next Term of our

..... Court of Criminal Appeals
said Court, to defend against the said Appeal, if they think proper.

Eunice B. Blackmon
Witness, ALICE L. DUCK, Clerk of the Circuit Court of said County, this 15th

..... day of May 73
..... A. D., 19.....

Attest:

Eunice B. Blackmon Clerk.

I, James A. Hendrix, District Attorney, do hereby accept service of a copy of the foregoing.

James A. Hendrix
District Attorney

CIRCUIT COURT
Baldwin County, Alabama

Vs. } Citation in Appeal

Issued _____ day of _____, 19____

CERTIFICATE OF APPEAL. (Criminal Cases.)

No. 690-A

The State of Alabama,

VS.

JIMMY HOUSTON

The State of Alabama,

Baldwin County, The Circuit Court of
Baldwin County.

I, Eunice B. Blackmon 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 17th day of April 19 73, and the
defendant Writ of Error Coram Nobis denied
~~convicted by a jury of the offense of~~

~~and that on the _____ day of _____~~
~~said defendant was sentenced to a term of _____~~

_____, which said sentence was ^{Not} suspended
pending an appeal to the Court of Criminal Appeals Court of Alabama.

I further certify that on this the ^{8th} ~~17th~~ day of ~~April~~ May
19 73, the defendant gave notice in writing of an appeal to the
Court of Criminal Appeals Court of Alabama.

Witness my hand and the seal of this Court, this the 15th
day of May 19 73.

Eunice B. Blackmon

Clerk of Circuit Court of
Baldwin County, Alabama.

In The Circuit Court of
Baldwin County
Bay Minette Alabama

JIMMY HOUSTON
VS
STATE OF ALABAMA

CASE NO. 11-10-46
CIR. NO. 690

NOTICE OF APPEAL

Come Now Jimmy Houston To The Circuit Court of Baldwin
To Give A written Notice of Appeal of The writ of Error
CORAM Nobis That Was held in your Court during The
MONTH OF APRIL 1973 THAT IS GUARANTEED by The Constitution
OF The UNITED STATES AND MAY IT be Sustain

Respectfully Submitted

Jimmy Houston

PAUPER'S OATH

Appellant hereby states under oath that he is a pauper
within The legal meaning of the word and as The court to
permit him The right to appeal as a pauper.

signed:

Jimmy Houston

~~cc/ WARDEN ALMORE PRISON~~

Swear to and subscribed before me this 8 day of May, 1973

notary public

FILED

MAY 8 1973

EUNICE B. BLACKMON
CIRCUIT CLERK

Minute entry for
Writ of Error Coram
Nobis denied

Handwritten notes and scribbles, including the word "Total" and other illegible text.

T

25.80

1.50 -

24.30 T

Phone 937-7171

P. O. Box 36

BAY MINNIE, ALABAMA

122 Hoyle Avenue

COMMERCIAL PRINTING - OFFICE SUPPLIES - LEGAL FORMS

MOORE PRINTING COMPANY

This day in open Court
Came the St of Ala
by its D.A., and the
deft in his own proper
person and with
his attorney and submitted
to the Court the Dependant's
^{Petition for writ}
~~Writ~~ of Error Coram Nobis
filed in this cause on the

Phone 937-7171

P. O. Box 36

BAY MINNETTE, ALABAMA

122 Hoyle Avenue

COMMERCIAL PRINTING - OFFICE SUPPLIES - LEGAL FORMS

MOORE PRINTING COMPANY

12th day of April 1973
and the Court having
heard argument of Counsel
on said motion and
considered & understood
the same is of the
opinion that said petition
should be ~~overruled~~ it is
therefore ordered & adjudged

Phone 937-7171

P. O. Box 36

BAY MINNETTE, ALABAMA

122 Hoyle Avenue

COMMERCIAL PRINTING - OFFICE SUPPLIES - LEGAL FORMS

MOORE PRINTING COMPANY

by the court that said
Petition be & the same
is hereby ~~denied~~ denied.

In the Court of Appeals of Alabama
Montgomery, Alabama

James Houston
vs.
State, Alabama

Case No. _____

CENSORED

Comes now Defendant James Houston,
and most respectfully requests this Honorable
Court to remove him with the indictment
which he was convicted on,
convicted at Monroe, Ala. State Prison Term,
Monroe, Alabama.
Paul Lee Cook

Defendant James Houston is an indigent person
and swears that he does not own any property under
otherwise, with which to pay the cost of his removal
request of his indictment, he believes to be in-
title to the indictment by law.

Defendant is a citizen of the United States and
resident of the state of Alabama.

A copy of this request has been forwarded to the
Baldwin County Circuit Court, Baldwin, Alabama
Pastor Fred C. G. Aug. 14 1968.

James Houston
Montgomery, Ala. Route 2,
Box 38.

AUG 7 1968

ALICE J. DUCK CLERK REGISTER

JIMMY HOUSTON
Petitioner

IN THE CIRCUIT COURT OF

VS:
STATE OF ALABAMA,
Respondent.

BALDWIN COUNTY, ALABAMA

CASE NO. 690 A

This cause was heard by the Court on the motion of the Petitioner for a Writ of Error Coram Nobis on the 17th day of April, 19 73, and said petition was Denied.

And the Court having duly investigated the petitioner's ability to pay for the cost of said proceeding and is convinced that the petitioner is an indigent defendant as defined by the laws of Alabama.

It is, therefore, Ordered, Adjudged and Decreed by the Court that the fees due the Circuit Clerk of Baldwin County, Alabama, for her services in said matter in the amount of \$15.00 to be paid to Eunice B Blackmon, Clerk of said Court as provided by law, provisions of Title 11, Section 65.

Dated this 18th day of April, 19 73

J. A. Wadkins
Circuit Judge of
Baldwin County, Alabama.

HONORABLE TELFAIR J. WASHBURN
CIRCUIT COURT JUDGE
CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN RE:

JIMMIE HOUSTON

PETITIONER

CASE NO. 690

MOTION FOR APPOINT OF COUNSEL

Comes now the petitioner in his own proper person, and respectfully moves this Honorable Court, to appoint counsel to represent petitioner in his appeal, to the Court of Criminal appeals. And as grounds for this motion, the petitioner assign the following:

I. For that petitioner is confined in prison, at Atmore prison farm, poor without any funds to obtain an Attorney, and totally ignorant in the science of jurisprudence, and is not competent enough to file a proper brief and argument in his behalf, to the Court of criminal appeals.

CONCLUSION

Therefore petitioner prays that, this Honorable Court will grant this motion, and appoint the Honorable Charles C. Partin, to represent on his appeal.

RESPECTFULLY SUBMITTED

Jimmie Houston
PAUPERS OATH

Appellant hereby states under oath that he is a pauper within the legal meaning of the word and ask this Honorable Court to grant this motion.

SIGNED

Sworn to and subscribed before me this 16 day of August 1973.

Notary Public *[Signature]*

My Commission Expires 4-2-75

IN The Judicial Circuit Court of Baldwin
County Alabama, Bayminette
Alabama

Jimmy Houston
vs. Petitioner

Case # 690 A

State of Alabama
Respondant

Petition For writ of Error Coram Nobis

Comes now the petitioner, Jimmy Houston, in his own proper person, and prays this Honorable Court to issue a writ of Coram Nobis and review the judgment and sentence of this Court entered in Case # 690 on 11-10-43. Petitioner further prays this honorable Court to declare said judgment and sentence void and null, and vacate the same under the authority of: Article VI of United States Constitution, which holds, that "In all criminal prosecution the accused shall enjoy the right to a speedy trial by an impartial jury of the State and district wherein the crime shall have been committed. The Sixth amendment also guarantees the petitioner Houston, the right to be confronted with the accuser doing his trial in Case # 690, on 11-10-43, tried in the Circuit Court of Baldwin County Alabama:

(1) Petitioner Jimmy Houston, was unconstitutionally denied his right to a trial by impartial jury in Case # 690, on 11-10-43, by the Circuit Court of Baldwin County Alabama.

(2) Petitioner Houston, was unconstitutionally denied his right to be confronted with the accuser, doing his trial in Case # 690, on 11-10-43, by Circuit Court of Baldwin County Alabama.

(3) Petitioner Houston, was unconstitutionally denied his right to preliminary hearing with a counsellor in Case # 690 and thereby deprived of his liberty without due process of law contrary to the fourteenth amendment of the United States Constitution, in Case # 690 tried on the 11-10-43, by the Circuit Court of Baldwin County Alabama.

Petitioner Houston, points out to this Honorable Court that this petition raises substantial constitutional questions which requires a hearing.

Question

Whether petitioner Houston, is being held by the State Alabama in violation of his constitutional rights pursuant to judgment and sentence entered in Case # 690, on 11-10-43?

PROPOSITION OF LAW IN SUPPORT PETITIONER'S ALLEGATIONS AND CONTENTIONS

Petitioner Houston, was and is entitled to Equal Protection and Due Process of law in Case # 690. See:

DUNCAN v. MISSOURI, 152 U.S. 377.

Williams v. ARKANSAS, 217 U.S. 79.

Petitioner is entitle to Confrontation right during trial, see: SIXTH AMENDMENT TO U.S. CONSTITUTION:

Pointer v. Texas, 380 U.S. 400, 13 L.Ed. 2d 923 858.

ct. 1065 (1965); IN INTE OLIVER, 333 U.S. 257 68 S. ct.

499, 92 L. Ed 682. Basic rights of the SYSTEM OF JURISPRUDENCE: GUARANTEES CONFRONTATION rights during trial.

SIXTH amendment entitles Petitioner Houston, to a trial by impartial JURY in Case # 690.

STATEMENTS OF FACTS

Petitioner Jimmy Houston, was tried in violation of his Constitutional rights in the Circuit Court of Baldwin County Alabama in Case # 690, on 11-10-43, and convicted for a charge of robbery, sentenced to life in prison for the State of Alabama.

CONCLUSION

Petitioner Jimmy Houston, respectfully submits that the foregoing cause should, and prayed, and that a return should be made and a hearing held, to adjudicate the merits of this petition for writ of Error Coram Nobis, and upon the finding of the facts said judgment and sentence in Case # 690, should be vacated, and a order should be issued forthwith from this Honorable Court ordering petitioner release, served on the Director of the Alabama Board of Correction, Montgomery, Alabama.

Respectfully Submitted

Jimmy Houston

Petitioner Route 2, Box 38
Atmore Prison, Atmore, Alabama

Subscribed and sworn to before me 5 day Nov 1970

Notary Public James E. Wiggins

MY Commission Expires 1st Commission Expires January 1974

AFFIDAVIT

State of Alabama }
County Escambia }

Before me James E. Wiggins a Notary Public
in and for the County and State aforesaid, personally
appeared Jimmy Houston who is known to me and
being by me first duly sworn deposes and says:
that he is a true pauper, and that he comes
within the statutory requirements of: title 15,
318 Code of Ala 1940, (Comp. 1958); and that the
statement set out in this Petition for writ of Error
is true and correct.

Jimmy Houston
AFFIDANT Route 2, Box 38
Atmore, Alabama

Subscribed and sworn to before me 5 day Nov - 1970
A.D. Notary Public James E. Wiggins
Commission Expires My Commission Expires January 7, 1974

PROOF OF SERVICE

This is to hereby certify that I
Jimmy Houston the petitioner, have placed
in the U.S. Mail at Atmore Prison, copies
of this Petition for writ of Error, postage
prepaid, properly addressed, to the Circuit
Court of Baldwin County Alabama; Hon.
Attorney General, for the State of Alabama
Montgomery, Alabama, Done 5 day Nov -
1970 A.D. before me a Notary Public
James E. Wiggins MY COMMISSION
EXPIRES My Commission Expires January 7, 1974

FILED

NOV 20 1970

ALICE J. DUCK CLERK REGISTER

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