November 16, 1965

Hon. James W. Howell

Foley, Alabama

Dear Sir:

You have been appointed by the Court to represent Louis Harris, on coram nobis Petition, November 29th at 2:00 o'clock P.M. You may read said petition in this office or in the Solicitor's office at any time, and confer with the prisoner at the Baldwin County Jail after November 23rd.

Yours very truly,

Circuit Clerk

AJD/eb

INDICTMENT

Moore Printing Co.

THE STATE OF ALABAMA,
Baldwin County } Circuit Court, APRIL 15 Term, 19 37

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

Harris Franklin and Louis Harris, whose names to the Grand Jury are otherwise unknown, feloniously took a watch of the value of forty dollars, the property of N.B. Creamer, from his person, and against his will, by violence to his person or by putting him such fear as unwillingly to part with the same;

against the peace and dignity of the State of Alabama.

RALPH L. JONES
Solicitor of the Twenty-first Judicial Circuit.

No. _____

The State of Alabama,

BALDWIN COUNTY

CIRCUIT COURT

APRIL Term, 1947

THE STATE

vs.

HARRIS FRANKLIN & LOUIS HARRIS

INDICTMENT

ROBBERY

No Prosecutor.

WITNESSES:

W.E. Creamer, Earl Joyner, M.H. Wilkins, Taylor Wilkins

Moore Printing Co., Bay Minette, Ala.

GRAND JURY NO. 29850

A TRUE BILL

J.A. PILGRIM

Foreman Grand Jury.

Filed in open Court and in the presence of the Grand Jury on the 15th day of April, 1947

R.S. 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.

R.S. Duck

Clerk.

Bail fixed $_____

_____

Judge.

We the undersigned Harris Franklin and Louis Harris guilty of Robbery as charged in the indictment and further find that at the time of the robbery he was a minor of the age of sixteen years.

C.K. Hale

Foreman

ORIGINAL — STATE SUBPOENA

Baldwin Times, Bay Minette 3 - 24 - 39 - 1M

THE STATE OF ALABAMA
Baldwin County.

CIRCUIT COURT

SUB. No._____

Case No. 751 Term, December, 1944

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon W.E. Creamer, Earl Joyner, M.H. Wilkins, Taylor Wilkins

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House thereof, in Bay Minette, on the 4th day of December, 1944, at 8:30 a.m., and from day to day of said term and from term to term thereafter until discharged, to give evidence and the truth to speak in behalf of THE STATE in a prosecution now pending in said Court, wherein the State of Alabama is Plaintiff and HARRIS FRANKLIN & LOUIS HARRIS

_____ Defendant, and have you then and there this Writ, with your endorsement thereon.

Witness my hand this 17th day of November A. D., 1944 R. S. DUCK, Clerk.

Received in office _____, 193__

Executed this 11/27, 193~~4~~4

By In full

W R Stuart

Sheriff.

ORIGINAL

For _____

No. 751 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE
Vs.

HARRIS FRANKLIN & LOUIS HARRIS

STATE SUBPOENA

Issued this 17th day of

November, 193~~3~~44

R. S. Duck

Clerk.

CAPIAS Alias. Moore Printing Co.

THE STATE OF ALABAMA,
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

Harris Franklin.

at the April. Term, 1937, of the Circuit Court of Baldwin County, for the offense of

Robbery

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

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

Dated this 1st. day of November, 1944

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 Alabama.

Witness our hands and seals this _____ day of _____, 194____

_____ (L. S.)

_____ (L. S.)

_____ (L. S.)

_____ (L. S.)

_____ (L. S.)

Taken and approved _____ day of _____ 194____

Sheriff of Baldwin County.

Alias.

751

CAPIAS

No. 29.

THE STATE

vs.

HARRIS FRANKLIN

Bail Fixed in This Case in Open Court at

$

By
Judge Presiding.

Attest:
Clerk.

Executed this 6th day of Nov. 1947

By arresting the within

named Defendant

Harris Franklin

and placing him in Jail

W. R. Stuart Sheriff.

B. F. Pinson Deputy Sheriff.

CAPIAS Alias. Moore Printing Co.

THE STATE OF ALABAMA,
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

XXXXX LOUIS HARRIS.

at the April. Term, 1947, of the Circuit Court of Baldwin County, for the offense of

XXXXXXX Robbery,

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

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

Dated this 1st. day of November. 1944

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 Alabama.

Witness our hands and seals this _____ day of _____, 194____

_____ (L. S.)

_____ (L. S.)

_____ (L. S.)

_____ (L. S.)

_____ (L. S.)

Taken and approved _____ day of _____ 194____

Sheriff of Baldwin County.

Alias.

751

CAPIAS

No. 30

THE STATE
vs.

LOUIS HARRIS.

Bail Fixed in This Case in Open Court at

$_____

By _____
Judge Presiding.

Attest: R. Hawk
Clerk.

Executed this 6th day of Nov. 1947

By arresting the within

named Defendant

Louis Harris

and placing him in jail

W. R. Stuart Sheriff.

B. F. Fucua Deputy Sheriff.

STATE COST BILL

751 **Circuit Court of Baldwin County**

STATE VS. Nathan D. Harris

CLERK'S FEES	AT	AMOUNT
Taking Affidavits	50	
Issuing Capias 2	50	1 00
Docketing	10	10
State Subpoenas 12	25	3 00
Recognizance	50	
Continuance by Defendant	25	
Et. Forfeiture vs. Defendant	50	
Trial	50	50
Judgment 2	25	50
Sentence 2	25	50
Order of Removal and Indictments	1 00	
Issuing Execution	50	
Issuing Scire Facias	50	
Transcript and Cert. Folios	15	
Final Record Folios	15	30 0
Record for Supreme Court	15	
Certifying same	25	
Rec. Indict. at 15c per 100 words		25
County Court Costs		
Total Clerk's Fees		8 85

SHERIFF'S FEES	AT	AMOUNT
Arrest 2	2.00	8 00
Bond 2	1.00	2 00
Guarding Prisoner 2	2.00	4 00
Serving Subpoenas	.50	
Summoning Jury in Capital Case		
Seizure	3.00	3 00
Mileage Miles at 10c 20		20
Fees in County Court		
Total Sheriff's Fees		17 00
RECAPITULATION		
Clerk's Fees		8 85
Sheriff's Fees		17 20
Fine		
Solicitor's Fee		75 00
County Court Tax		
Justice of Peace Fees		
Constable's Fees		
Witness Fees in Circuit Court		
Witness Fees in County Court		
Removal Bill		
Stenographer	5.00	
Board Days at		
Trial Tax	3.00	3 00
Total Costs and Fines		10. 3. 05

WITNESSES:	AMOUNT
Grand Jury Term 194	
STATE WITNESSES	
Before Court of Conviction	
Term, 194	

Prison Bill

STATE COST BILL

751 **Circuit Court of Baldwin County**

STATE VS. Rackley et al Nance

CLERK'S FEES	AT	AMOUNT	
Taking Affidavits	50		
Issuing Capias 2	50	1	00
Docketing	10		10
State Subpoenas 12	25	3	00
Recognizance	50		
Continuance by Defendant	25		
Et. Forfeiture vs. Defendant	50		
Trial	50		50
Judgment 2	25		50
Sentence 2	25		50
Order of Removal and Indictments	1 00		
Issuing Execution	50		
Issuing Scire Facias	50		
Transcript and Cert. Folios	15		
Final Record Folios	15	5	00
Record for Supreme Court	15		
Certifying same	25		
Rec. Indict. at 15c per 100 words			25
County Court Costs			
Total Clerk's Fees		8	85

SHERIFF'S FEES	AT	AMOUNT	
Arrest 2	2.00	8	00
Bond 2	1.00	2	00
Guarding Prisoner 2	2.00	4	00
Serving Subpoenas	.50		
Summoning Jury in Capital Case			
Seizure	3.00	3	00
Mileage Miles at 10c 20			20
Fees in County Court			
Total Sheriff's Fees		17	00
RECAPITULATION			
Clerk's Fees		8	85
Sheriff's Fees		17	20
Fine			
Solicitor's Fee		75	00
County Court Tax			
Justice of Peace Fees			
Constable's Fees			
Witness Fees in Circuit Court			
Witness Fees in County Court			
Removal Bill			
Stenographer	5.00		
Board Days at			
Trial Tax	3.00	3	00
Total Costs and Fines		103	05

WITNESSES:		AMOUNT
Grand Jury Term	194	
STATE WITNESSES		
Before Court of Conviction		
Term,	194	

Prayer Bill

EX PARTE	IN THE CIRCUIT COURT OF
LOUIS HARRIS	THE TWENTY-EIGHTH JUDICIAL
VS:	CIRCUIT OF ALABAMA
STATE OF ALABAMA	CASE NO. 751 A

MOTION TO DISMISS

Comes now the State ofAlabama, by and though, James A. Hendrix, Solicitor, Twenty-Eighth Judicial Circuit of Alabama, and respectfully moves this Honorable 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, uncertain, confusing, completely unintelligible and are mere naked conclusions of the petitioner.

2. For that it affirmatively appears that the allegations of said petition seeks 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 unsufficient 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 allege petitioner's innocence or show a valid defense.

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.

James A. Hendrix

JAMES A. HENDRIX, 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, Louis Harris, by handing a copy of same to him at Baldwin County Jail, on this the 16th day of December, 1963.

James A. Hendrix

JAMES A. HENDRIX, SOLICITOR,
TWENTY-EIGHTH JUDICIAL CIRCUIT
OF ALABAMA.

FILED
DEC 16 1963
ALICE I. BUCK, CLERK
REGISTER

STATE OF ALABAMA

BOARD OF CORRECTIONS

A. FRANK LEE
COMMISSIONER

MONTGOMERY, ALABAMA—36110

December 6, 1963

Mr. C. Lenoir Thompson
Attorney at Law
Bay Minette, Alabama

Dear Mr. Thompson:

This will acknowledge your letter of December 5th advising that you have been appointed to represent one Louis Harris who has filed a Writ of Error Corum Nobis in the Circuit Court of Baldwin County, and requesting information regarding this inmate.

Our records indicate that Louis Harris was sentenced February 22, 1937, in Jefferson County, in 2 cases of robbery and given a term of 15 years in each case. He escaped and was recaptured August 6, 1938. He was paroled March 29, 1945, and was returned from parole November 2, 1956; he was again paroled March 10, 1958, and was returned April 11, 1962. He escaped April 28, 1963, and was recaptured May 30, 1963. He is scheduled to be released on the Jefferson County sentences January 11, 1966, at which time he will begin serving a 10 year sentence from Baldwin County for robbery, having been sentenced in this case December 4, 1944.

If we can be of further service please advise.

Sincerely,

A. F. LEE
Commissioner

c

cc Cent file
inst file

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA. AT LAW.
LOUIS HARRIS.	)	CRIMINAL DIVISION.

ORDER ON PETITION FOR CORAM NOBIS

This cause is submitted upon the orignal petition of Louis Harris, praying a writ of error Coram Nobis, and the petition of the said Louis Harris asking for permission to withdraw the petition for writ of error coram nobis filed in said Court.

On this day, being the day regularly set for the hearing, the petitioner, Louis Harris, appeared in person and by his Attorney, Hon. C. LeNoir Thompson, duly appointed by the Court to represent the said Petitioner, Louis Harris, and the Solicitor, Hon. James A. Hendrix and the Sheriff, Hon. Taylor Wilkins, all appeared in open Court. The Court after considering the petition for writ of error coram nobis, and the petition of the said Louis Harris for permission to withdraw his petition, is of the opinion that the Petitioner has the right to withdraw his original petition for writ of error coram nobis - - It is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the petition for writ of error coram nobis on behalf of the said Louis Harris, be and the same is hereby dismissed.

This 16th day of December, 1963.

Thomas M. Stell

Judge, 28th Judicial Circuit of Alabama.

Clerk

Louis Harris
Petitioner
vs
State of Alabama
Respondent

In The Circuit Court of
Baldwin County, Bay Minette, Ala.
Case No 751

please forward to solicitor urgency hearing & opinion and record.

Application for writ of error coram nobis
motion for leave to file in forma pauperis
28 U.S.C.A. Sec. 815 Adkins vs Dupont Co.

Comes now Louis Harris Petitioner in the above cause who is now confined at Kilby prison, Montgomery, Alabama, who contends he was unlawfully sentenced unlawfully confined and there fore deprived of his constitution rights provided by the Constitution of the United States, Acted 350. 357.

Petitioner avers under oath that his conviction is unconstitution by virtue of a trial had in Baldwin County, Bay Minette, Alabama on the (4) day Dec. 1944 on a charge of Robbery, And a sentenced of (10) years. imprisonment.

1.= Petitioner Alleges that his imprisonment is unconstitution And in gross violation of his constitution rights under the (14) amendment, in that he was denied counsel at his original trial and forced to conduct his own defense on a Plea of not Guilty, on a charge of Robbery.

2.= Petitioner avers that he was denied Counsel at his Arraignment in that he was Arranged upon his Plea of (not Guilty) before the Court without counsel to advise him his rights And conduct his Plea before the Court.

3.- Petitioner avers that his rights to a fair trial was denied in that he was denied rights to counsel, during the course of his arrangment, and his orginal trial. Citing - Gideon - vs - Wainwright 372 - U.S. 335 - 83 - S. - Ct - 792 - 9L - Ed - 2nd 799 - Cantley - vs - Cochran - 336 - U.S. 958 - 368 - McNeal vs - Culver - 365 - U.S. 109 - 117.

Petitioner respectfully moves this court to issue such orders as is provided for by law, to answer this Petition in the time and manner provided for by law and the rules of this court. and all other - different relief to which Petitioner may be entitled and to which your Honor may deem meet and proper for such relief the petitioner will pray.

Certificate of Service

This is to Certify that I Louis Harris have on the date served Copies of the documents appended to on the Respondent named there in by placing same in the mail to their counsel The Honorable Richmond Flowers Attorney General for the state of Alabama at his office in Montgomery, Alabama.

Louis Harris
Petitioner

Sworn to and Subscribed to before me
this the 12 Day of May 1963

Elizabeth Parks
Notary Public

My Commission Expires 3-14-67

Oath in forma Pauperis
Adkins vs Dupont Co. U.S. 331

The Petitioner Louis Harris in this Cause shows to this Honorable Court the following, that he does not own any property either real or otherwise to exceed 50 fifty dollars and does not have sufficient funds to prepay cost of filing these documents or to retain legal representation in his behalf. Petitioner believes himself legally entitled to redress. He seeks and can show propositions of law sufficiently meritorious for this Honorable Court to allow him to prosecute this action in forma pauperis

Louis Harris
Petitioner

Sworn to and Subscribed before me
this the 12 Day of May 1973

Gladys B Reddy
Notary Public

My Commission Expires
2-14-07

STATE OF ALABAMA	X	IN THE CIRCUIT COURT OF
VS	X	BALDWIN COUNTY, ALABAMA
LOUIS HARRIS	X	NO. 751-A
Defendant	X	

Comes the defendant in the above styled cause and after due consideration, moves this Honorable Court for permission to withdraw the petition for Writ of Error Corum Nobis filed by me in said Court.

Louis Harris
Defendant

C. LeNoir Thompson
Counsel

STATE OF ALABAMA	X	IN THE CIRCUIT COURT OF
VS	X	BALDWIN COUNTY, ALABAMA
LOUIS HARRIS	X	NO. 751-A
Defendant	X	

Comes the defendant in the above styled cause and after due consideration, moves this Honorable Court for permission to withdraw the petition for Writ of Error Corum Nobis filed by me in said Court.

Louis Harris
Defendant

C. LeNoir Thompson
Counsel

RICHMOND M. FLOWERS
ATTORNEY GENERAL

DENNIS M. LASSETER
EXECUTIVE ASSISTANT

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL
MONTGOMERY 4, ALABAMA

December 2, 1963

Hon. James A. Hendrix
Circuit Solicitor
Courthouse
Bay Minette, Alabama

Dear Mr. Hendrix:

Re: Coram Nobis Petition of
Louis Harris

I am enclosing a copy of petition for writ of error coram nobis filed by Louis Harris.

It is noted from his petition that Harris alleges that he was denied counsel throughout his entire trial.

Due to the fact that these prisoners frequently go through the State Courts and then proceed through the Federal District Courts and then are given a hearing on the merits, it is respectfully suggested that, if you deem necessary, a hearing be held on this petition in your Circuit Court and that you make every effort to see that the trial judge gives an opinion showing each allegation of the petition that it was considered that the evidence was such that the petition was denied as to each allegation.

This office hopes that a hearing on the merits in the Circuit Court, plus a full and complete opinion of the trial court, will result in the Federal Court denying a similar petition when the same is presented to that Court. Also, this office is making every effort to prevent having a hearing on the merits in the Federal District Court wherein the presence of the circuit solicitor, trial judge, and others are required.

If this office can be of any assistance, please let us know.

Yours very truly,

RICHMOND M. FLOWERS
Attorney General
By - David W. Clark
DAVID W. CLARK
Assistant Attorney General

Set - 12-16-63
10:00 A.M.

DWC:kh

RICHMOND M. FLOWERS
ATTORNEY GENERAL

DENNIS M. LASSETER
EXECUTIVE ASSISTANT

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL
MONTGOMERY 4, ALABAMA

December 2, 1963

Hon. James A. Hendrix
Circuit Solicitor
Courthouse
Bay Minette, Alabama

Dear Mr. Hendrix:

Re: Coram Nobis Petition of
Louis Harris

I am enclosing a copy of petition for writ of error coram nobis filed by Louis Harris.

It is noted from his petition that Harris alleges that he was denied counsel throughout his entire trial.

Due to the fact that these prisoners frequently go through the State Courts and then proceed through the Federal District Courts and then are given a hearing on the merits, it is respectfully suggested that, if you deem necessary, a hearing be held on this petition in your Circuit Court and that you make every effort to see that the trial judge gives an opinion showing each allegation of the petition that it was considered that the evidence was such that the petition was denied as to each allegation.

This office hopes that a hearing on the merits in the Circuit Court, plus a full and complete opinion of the trial court, will result in the Federal Court denying a similar petition when the same is presented to that Court. Also, this office is making every effort to prevent having a hearing on the merits in the Federal District Court wherein the presence of the circuit solicitor, trial judge, and others are required.

If this office can be of any assistance, please let us know.

Yours very truly,

RICHMOND M. FLOWERS
Attorney General
By - David W. Clark
DAVID W. CLARK
Assistant Attorney General

Rec. 12-16-63
10:00 A.M.

DWC:kh

STATE OF ALABAMA
BOARD OF PARDONS AND PAROLES
MONTGOMERY 5, ALABAMA 36104

W. H. SWEARINGEN
CHAIRMAN
EALON M. LAMBERT
ASSOCIATE MEMBER
W. N. McKATHAN
ASSOCIATE MEMBER

L. B. STEPHENS
EXECUTIVE DIRECTOR

December 9, 1963

Mr. C. LeNoir Thompson
Attorney at Law
Bay Minette, Alabama

Re: Louie Harris #36,631

Dear Sir:

The Board asked that I acknowledge receipt of your letter of December 5, 1963.

The above-named was originally convicted in Jefferson County on February 22, 1937 of two cases of Robbery, for which he received sentences of 15 years in each case.

On December 4, 1944, he was convicted in Baldwin County for Robbery for which he received a 10 year sentence which was to be served at the expiration of the two 15 year sentences mentioned above. This is the explanation as to why the 10 year sentence has not yet expired.

We hope this will be of some value to you in handling this case.

Yours very truly,

L. B. Stephens
Executive Director

LBS:jc

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA. AT LAW.
LOUIS HARRIS.	)	CRIMINAL DIVISION.

ORDER ON PETITION FOR CORAM NOBIS

This cause is submitted upon the orignal petition of Louis Harris, praying a writ of error Coram Nobis, and the petition of the said Louis Harris asking for permission to withdraw the petition for writ of error coram nobis filed in said Court.

On this day, being the day regularly set for the hearing, the petitioner, Louis Harris, appeared in person and by his Attorney, Hon. C. LeNoir Thompson, duly appointed by the Court to represent the said Petitioner, Louis Harris, and the Solicitor, Hon. James A. Hendrix and the Sheriff, Hon. Taylor Wilkins, all appeared in open Court. The Court after considering the petition for writ of error coram nobis, and the petition of the said Louis Harris for permission to withdraw his petition, is of the opinion that the Petitioner has the right to withdraw his original petition for writ of error coram nobis - - It is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the petition for writ of error coram nobis on behalf of the said Louis Harris, be and the same is hereby dismissed.

This 16th day of December, 1963.

Hubert M Isaac

Judge, 28th Judicial Circuit of Alabama.