

THE STATE OF ALABAMA
Baldwin County

2528

Circuit Court, SPRING Session, 19 58

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

whose name is to the Grand Jury otherwise unknown, with intent to injure or defraud, did alter, forge or counterfeit a certain check,

which was in substance as follows:

Payroll BALDWIN POLE & PILING COMPANY 61-258
Check Machined and framed poles according to specifications
Bay Minette, Alabama No. 1435
Date 1 - 30 - 1958

Pay To The Eugene Smith \$ 46.44
Order Of
----- 46 DOLS 44 CTS

Baldwin Pole & Piling Co.
Payroll Account

BALDWIN COUNTY BANK
Bay Minette, Alabama

By A. T. Easley ;

or with intent to injure or defraud did utter and publish as true the said falsely altered, forged, or counterfeited check,

knowing the same to be so altered, forged or counterfeited,

against the peace and dignity of the State of Alabama.

Kenneth Cooper
KENNETH COOPER,

RECORDED

Grand Jury No. 103

A TRUE BILL—:

Ernest Bullidge
Foreman Grand Jury.

Filed in open Court on the 14 day of

Mar, 1958
in the presence of the Grand Jury.

Alce French
Clerk.

Presented to the presiding Judge in open Court by the Foreman of the Grand Jury, in the

presence of 17 other Grand Jurors,

and filed by order of Court this 14

day of Mar, 1958

Alce French
Clerk.

Bail fixed at \$ 500

this 14 day of Mar, 1958

W. A. Tolbert
Judge Presiding.

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

SPRING Session, 19 58

STATE OF ALABAMA
vs.

ERNEST LEWIS

FORGERY
INDICTMENT

No Prosecutor.

WITNESSES:

T.J. DAVIDSON

J.A. WURST

W.A. TOLBERT

AFFIDAVIT

Printed by Moore Printing Co.

State Of Alabama, }
Baldwin County.

In the Justice Court of T. C. HAND

Before me, T. C. HAND, Justice of the Peace

in and for said County, personally appeared J. D. Hore who, being
duly sworn, deposes and says on oath that he has probable cause for believing and does believe that in said County,

on or about 30 January 1958 that one Ernest Lewis

with intent to injure or defraud, did falsely make, alter or forge an instrument in

writing in words and figures as follows: by drawing a check for \$ 46.44 on Baldwin

County Bank Bay Minette, Ala., and forged the name of A. T. Easley to said check

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 12

day of February, A. D., 19 58

T. C. Hand, J. P.

WARRANT

State Of Alabama, }
Baldwin County.

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest Ernest Lewis

and bring him
before me to answer the State of Alabama on a charge

Forgery

and have you then and there this writ with your return thereon

Witness my hand this 12 day of February, 1958

T. C. Hand, J. P.

No. 2528 Page _____

The State of Alabama
BALDWIN COUNTY

Justice Court Of

T. C. HAND

A F F I D A V I T

THE STATE OF ALABAMA

vs.

Ernest Lewis

Witnesses for the State:

J. D. Horn
J. A. Wurst
Walter Trawick

JUSTICE COURT OF
BALDWIN COUNTY

Warrant Of Arrest

THE STATE OF ALABAMA

vs.

Ernest Lewis

Executed this the 12 day of July 1958

By arresting the within

named Defendant

Ernest Lewis

and placing him

in jail

Jay W. White, Sheriff
J. A. Wurst, Deputy Sheriff
O. m.

2528
Transcript of Criminal Cases from Justice Court of Baldwin County, Ala.

Attorneys	Case	Charge
	THE STATE OF ALABAMA,	
11077	Vs.	
	Ernest Lewis	Forgery

	Disposition of Case	Fees	Amount
	Affidavit made and Warrant Issued to J. D. Horn	Judge's Fees	
	Returnable Grand Jury	Warrant at 50c, Affidavit at 25c	25
	Witness—for State J. D. Horn	Bond at 50c, Sci Fa. at 50c	
	J. A. Wurst	Witnesses' Recognizances at 25c	
	Walter Trawick	Subpoenas or notice at 25c	
	A. T. Pasley	Continuance at 25c	
		Trial of Misdemeanor at \$1.00	
		Mittimus at 25c	25
		Judgment on Forfeited Bond at 25c	
		Taking Bond, etc., on Appeal at \$1.00	
		Execution of costs at 25c	
		Constable's Fees	
18 Feb. 58	Waved to Grand Jury	Subpoena or Notice at 25c	
	Bond set \$ 500.00	Carrying Defendant before Justice	
	Recommitted to jail	each mile for himself and guard at 10c	
		Arrest 50c	
		Sheriff's Fees	
		Arrest \$4.00, Bond \$1.00, Sci Fa. 50c	4.00
		Guard \$2.00, Finger Printing 10c	2.10
		Subpoenas at 50c, Mileage	0
		Witness Fees	2.00
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Days at 50c	
	Justice Court	Defendant's Costs	
		Witnesses' Recognizance at 25c	
		Subpoenas at 50c	
		Executing Subpoenas	

ERNEST LEWIS,
 Petitioner,
 VS.
 STATE OF ALABAMA.

IN THE
 CIRCUIT COURT OF BALDWIN
 COUNTY, ALABAMA.

No. 2528

ORDER

This cause coming on to be heard on the Petition of the Petitioner, Ernest Lewis, for a writ of Error Coram Nobis, alleging that he was convicted in this Court in March of 1958 on a charge of forgery and that he had no Lawyer to represent him at that time, the record showing that he was not represent by Counsel, and the Court being of the opinion, after consideration of the petition, that the Petitioner is entitled to the relief prayed for; it is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the petition of Ernest Lewis for a writ of Error Coram Nobis be and it is hereby granted. It is further

ORDERED, ADJUDGED AND DECREED that the Petitioner, Ernest Lewis, be discharged from all convictions in Baldwin County, Alabama; it is further

ORDERED, ADJUDGED AND DECREED by the Court that said Petitioner, Ernest Lewis, be returned to Atmore Prison Camp and unless there are other cases from other parts of the State against him, that he be discharged and granted his freedom.

Done this 27th day of June, 1968.

Seafair J. Madhoun
 Judge

FILED

JUN 27 1968

ALICE J. DUCK

CLERK
 REGISTER

Honorable J. Mashburn
Baldwin Court Circuit Court
Baymanette, Alabama.

CENSORED

Honorable Sir:

March 10th, 1948 I was given two (2) years each for nine (9) cases of forgery. This time was given to me without benefit of jury, indictment, trial or advice of counsel. This time was given to me by Judge H. Hall. Atty. Gen. Cooper was prosecutor at this time, but he never came before Court to try these allegations. In fact, Mr. Cooper recommended the cases be dismissed because of lack of evidence and a negative response from all victims of the bad checks.

Sir, I was told to submit a writ to the Court. This was received by the Court by Registered Mail on September 12th, 1967. The Writ was accepted by and signed for by one Alice J. Cook. There was no direct response from the Writ.

Honorable Sir, I know the expense of trials and transportation can be costly and time consuming. I'm writing to ask that you investigate this matter, weighting all facts, and giving justice in this matter.

I had no Attorney. I was not indicted. I had no trial or the right to waive same. All witnesses for the prosecution denied my being the person or persons who cashed said bad checks. There was no

one to tell me what my rights were. In spite of this the Judge and Sheriff Jaylor Wilson and the prosecutor took me into the Judge's chamber and accused me 2 years each in 9 cases of forgery.

I am asking Honorable Sir that you please dismiss these cases and allow me to resume my place in society. I am not guilty of these crimes. There has been and isn't any evidence to prove my being in any way connected with this case. Your investigation will confirm this.

I pray you can and will help me in this instant. This is my prayer and hope, that justice will prevail.

Respectfully Submitted,

Ernest Lewis

Route 2, Box 38
Atmore, Alabama 36502

" IN THE CIRCUIT COURT OF BALDWIN COUNTY
BAY MINETTE, ALABAMA Hunt

ERNEST LEWIS
PETITIONER

CASE No. 2528

VS.
STATE OF ALABAMA
RESPONDENT

VACATE SET ASIDE JUDGEMENT AND SENTENCE
PETITION FOR WRIT OF ERROR CORAM NOBIS MOTION FOR LEAVE
TO FILE IN FORMA PAUPERIS.

THIS PETITION OF ERNEST LEWIS RESPECTFULLY REPRESENTS
AND SHOWS TO THE COURT THE FOLLOWING IN ACCORDANCE WITH 316
U.S. 101, 104, 62 SUPREME COURT 946-966 SOUGHT UNDER MALEY
VS. JOHNSON.

"A CONVICTED PERSON MUST BE GIVEN AN OPPORTUNITY TO OPEN
AN INQUIRY INTO THE FAIRNESS OF THE PROCEEDING UNDER WHICH
HE NOW DESIRES TO CONTEST BY ERROR CORAM NOBIS LITIGATION."

AT PETITIONER'S TRIAL THE LEGALITY OF WHICH HE NOW DESIRES TO
CONTEST BY ERROR CORAM NOBIS LITIGATION.

PETITIONER IS BEING DEPRIVED OF HIS LIBERTY ILLEGALLY AND UN-
LAWFULLY IN VIOLATION OF HIS FUNDAMENTAL CONSTITUTIONAL RIGHTS
BY VIRTUE OF THE PROCEEDING AGAINST THE PETITIONER BEFORE AND
AT THE TRIAL.

PETITIONER WAS CONVICTED OF FORGERY ON NINE (9) COUNTS. AND
SENTENCED TO TWO (2) YEARS IN EACH CASE A TOTAL OF EIGHTEEN
(18) YEARS.

PETITIONER ALLEGES THAT HE DID NOT HAVE A LAWYER BEFORE OR AT
THE TRIAL.

"WITHOUT DOUBT THE OPINION OF THE UNITED STATES SUPREME COURT
OF MARCH 13, 1963, IN THE CASE OF MIDEON VS. WILSON WRIGHT WILL
HAVE THE GREATEST IMPACT ON THE GENERAL PETITIONERS AS
THIS CASE EXPRESSLY OVER RULES THE COURT'S OPINION OF 1962,
IN THE CASE OF BETHS VS. BARRY, HOLDING THAT IN ABSENCE
OF SPECIAL CIRCUMSTANCES, COUNSEL IN CAPITAL CASES IS NOT
REQUIRED. . . . BY MAKING THE REQUIREMENTS MORE THE
STATES THAT INDIGENT DEFENDANTS BE FURNISHED COUNSEL ON
TRIAL OF ALL SERIOUS OFFENSES. IT SHOULD BE NOTED THE MID-
EON OPINION SUPRA IS NOT LIMITED TO FELONY CASES!"

FOR CERTIORARI ARE GRANTED. THE JUDGMENT IS VACATED AND THE CASE IS REMANDED FOR FURTHER CONSIDERATION IN LIGHT OF MIDEON VS. WAIN WRIGHT 312 U.S. 335." 2528

SINCE MIDEON APPARENTLY MUST BE REGARDED AS RETRO ACTIVE IN OPERATION AND EFFECT. WHAT MUST THE RECORD SHOW IN THE CASE WHICH WERE TRIED UNDER BETTES VS. BRADLY? A PARTIAL ANSWER MAY BE FOUND IN THE CASE OF CARLEY VS. COCHRAN. PRESUMING WAIVER FROM A SILENT RECORD IS IMPERMISSIBLE. THE RECORD MUST SHOW, OR THERE MUST BE AN ALLEGATION AND EVIDENCE WHICH SHOWS, THAT AND ACCUSED WAS OFFERED COUNSEL BUT INTELLIGENTLY AND UNDERSTANDINGLY REJECTED THE OFFER AND THING LESS NOT WAIVER. SEE: MIDEON VS. WAIN WRIGHT 312 U.S. 335 (1963)

UNDER OUR CONSTITUTION FAIR TRIAL IS NOT A LUXURY BUT A NECESSITY. THE FACT THAT THE PETITIONER SPENT A NUMBER OF YEARS IN PRISON UNDER A FATAALLY VOID CONVICTION IS NO REASON TO CONTINUE TO DENY HIM HIS RIGHTS. SEE: CARLEY VS. COCHRAN 369 U.S. 506 513 (1962)

IT IS SETTLED THAT WHERE THE ASSISTANCE OF COUNSEL IS A CONSTITUTIONAL REQUISITE THE RIGHTS TO BE FURNISHED COUNSEL DOES DEPEND ON A REQUEST. INDEED AS EARLY AS 1945. THE SUPREME COURT HELD IN RICE VS. OLSON 342 U.S. 786 1945. THAT A PLEA OF GUILTY CANNOT OPERATE AS A WAIVER OF COURT APPOINTED COUNSEL AND THAT THE ABSENCE OF REQUEST THEREFORE WAS TOTALLY IRRELEVANT TO A DETERMINATION OF WHETHER COUNSEL SHOULD HAVE BEEN APPOINTED. SEE: FAY VS. NOIA 312 U.S. 391 439 (1963)

WHEREFORE, PETITIONER PRAYS THAT THE WRIT OF ERROR CORAM NOBIS BE ISSUED DIRECTED RESPONDENT COMMANDING THEM TO PRODUCE THE BODY OF THIS PETITIONER BEFORE THE HONORABLE COURT AT THE HEARING ON THIS PETITION FOR THE PURPOSE OF ARGUING HIS CASE BEFORE THE OPPOSITION IF SUCH OPPOSITION THERE BY, AND IF THERE IS NO OPPOSITION. THAT PETITIONER BE GRANTED RELIEF SUCH AS THE COURT MAY DEEM MEET AND PROPER AND IN DUTY BOUND HE WILL EVER PRAY, ETC.

RESPECTFULLY SUBMITTED
X Ernest Lewis
PETITIONER

3. 7578
WHEREFORE the Considered PREMISES PETITIONER PRAYS
this Honorable Court will hear this in TRUE JUST PRUDENCE
And order the body of PETITIONER to be delivered to this
Court with the CAUSE of his detention. That the PETITION-
ER be PRESENT at the hearing for the PURPOSE of ARGUING
his DEFENCE OF the OPPOSITION by RESPONDENT OF such oppo-
sition by RESPONDENT that the Conviction in this case be
inviolated And PETITIONER restored to his LIBERTY or such
RELIEF And REMEDY be provided PETITIONER AS MAY be
DEEMED MEET And PROPER to this Honorable Court.

PETITIONER PRAYS this Honorable Court GRANT this
Motion And not dismiss due to his IGNORANCE of the LAWS
And As he is a POOR PERSON GRANT this Motion in FORMA
PAUPERIS AS the CONSTITUTION allows.

I ERNEST LEWIS AVER I instituted this PROCEEDING
in Good Faith And that the STATEMENT And ALLEGATION I
HAVE MADE HEREIN ARE TRUE to HERE the PETITIONER REST
At the MERCY OF this Honorable Court.

X Ernest Lewis
PETITIONER

Sworn to Subscribed before me the 4 day of Sept. 1967
MY COMMISSION EXPIRE _____
Notary Public _____ Buford W. Hatfield

My Commission Expires Oct. 5, 1970

CERTIFICATE SERVICE

I ERNEST LEWIS hereby CERTIFY that on this date I
HAVE SERVED COPIES of the documents herein on the RESPOND-
ENT NAME HERE by PLACING the SAME in the UNITED STATES MAIL
Duly STAMPED And Address to their COUNSEL.

X Ernest Lewis
PETITIONER

Sworn to Subscribed before me this 4 day of Sept 1967
Notary Public _____ Buford W. Hatfield
MY COMMISSION EXPIRE _____

My Commission Expires Oct. 5, 1970

7. The Likelihood of a ... 2528
B.A. ...

Ernst Leitz
in Kehlheim

Still a little bit
K2 records it

Washed & covered with dried herbs for balls to use

in the place of the ball.

1. He is a citizen of the United States of America.

Address criticized in the Salt Lake Tribune 12/9/11 etc.
S. H. seeks the relief of political and social rights.

4.12.1226 he is admitted to the rectory & libration after
the 30th letters of the constitution of the United States
1226-1227.

where the two tails & hind legs were broken & killed. He
could be killed later to the full process with his
tail without the exception of the tail.

X Ernest Lewis
12/1/1964

Exhibit of same

2. William Lewis, 201122, will be sent to
the United States. He is related to his wife
to the following.

The following is a list of the names of the
 officers of the Marine Corps, who were
 present at the battle of the Clouds.

X Ernst Lerch
12/11/1911

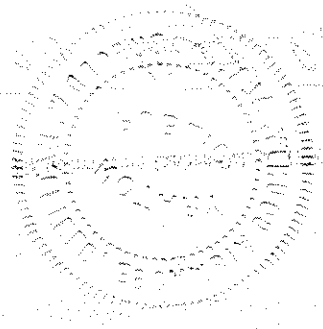
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Sworn to before me this 4th day of Sept 1864

W. COMMERCIAL STONE
W. H. H. H. H.

Byford W. Hatfield

~~My~~ Commission Expires Oct. 5 1970



Handwritten signature or name, possibly "James Brown", located in the middle right section of the page.

WARDEN COPY

ERNEST LEWIS

PETITIONER. VS.

JUDICIAL CIRCUIT COURT OF
BALWIN COUNTY OF ALABAMALEAVE TO FILE WRIT OF MANDAMUS
FORMA PAUPERIS AT BAR.

CASE NO. _____

PETITION FOR WRIT OF MANDAMUS

TO THIS HONORABLE COURT

COME NOW ERNEST LEWIS IN FORMA PAUPERIS PURSUANT
TO PETITIONER CONSTITUTION RIGHT UNDER THE SIX AND 14
AMENDMENT AND RESPECTFULLY SUBMITS THIS APPLICATION,
FOR THE WRIT OF MANDAMUS BE ISSUED DIRECTED TO THE,
JUDICIAL CIRCUIT COURT OF BALWIN COUNTY BAR.
MINETT ALABAMA AND PETITIONER CONTENTS HE WILL
SHOW THE COURT THE FOLLOWING FACTS OF WIT.

1 IN THE MONTH OF MARCH 1958 PETITIONER WAS BROUGHT
BEFORE COURT AND SENTENCE TO A TOTAL OF 18 YEARS IN
THE PENITENTIARY ALL THOUGH THERE WAS NO EVIDENCE IN
THIS CASE OR WITNESSES TO SUBSTANTIATE THE CHARGE
THAT WAS INTERDUE TO COURT

2 PETITIONER CONTENT HE WAS NOT REPRESENTED BY A
COUNSEL TO ADVISE HIM OF RIGHT

3

PETITIONER CONTENT THAT CONVICTION WAS IN VIOLATION
OF HIS CIVIL RIGHT AND THAT HE WAS UNLAWFULLY DEPRIVED
OF DUE PROCESS OF LAW AND EQUAL PROTECTION OF LAW AS
~~THE~~ GUARANTEED TO HIM BY THE US CONSTITUTION AND
THE LAW OF THE STATES OF ALABAMA

MAY 6 9 31 AM '68

OFFICE OF
ATTORNEY GENERAL

AND THAT WAS HE UNLAWFULLY INDICTED BY GRAND
JURY THAT CHOSEN IN A COUNTY WHICH PRACTICED OF
SYSTEMATIC EXCLUSION NEGROS FROM JURY ROLL.

⁴ PETITIONER CONTEND ON SEPT- 1967 PETITIONER FILED BY MAIL
WITH THE CLERK OF JUDICIAL CIRCUIT COURT OF
BALWIN COUNTY BAY MINETTE ALABAMA, A PETITION
FOR WRIT OF ERROR CORAM NOBIS PETITIONER WILL
~~SHOW~~ SHOW THE HONORABLE COURT THAT 7
MONTHS HAVE PASSED AND THE SAID COURT HAS MADE NO
ANSWER OF ANY KIND IN RESPONSE TO THE SAID PETITION
ALTHOUGH AMPLE TIME ARE HERE FOR THIS HONORABLE
COURTE TO SHOW HOWSE WHY AND WHAT REASON THIS
PETITION SHOULD NOT BE HEARD AND RECOGNIZED IN
IN THIS COURT. I AM ASKING THE HONORABLE COURT TO
NOTIFY ME WITHINE 10 DAYS, OF SAID PETITION WAS FILED
ON SEPT 12, 1967

ERNEST LEWIS

PAUPER'S OATH

PETITION SHOWS UNTO THIS HONORABLE COURT
THAT HE IS UNABLE TO PAY FOR APPENDING DOCUMENT
TO BE FILED OR GIVE SECURITY IN FURTHERING HIS CASE IN
THIS CASE AND THAT HE IS OVER THE AGE OF 21 AND A
RESIDENT OF THE STATE OF ALABAMA BY BIRTH AND OF LEGAL
AGE AND THAT IT SELF SHOWS

PETITION IS IN TITLE TO THE REDRESS THAT HE NOW SEEKING
FURTHER IN HIS PETITION AND PETITIONER PRAYS THIS HON
COURT WILL GRANT HIM LEVE TO PROCEED IN FORMA PAUPERIS
UNDER THE AUTHORITY OF ADKINS VS
DUPOINT, 20335-45331.

X Ernest Lewis

SWORN TO AND SUBSCRIBED BEFORE ME 2 DAY OF May 1968

Buford W. Hatfield

NOTARY PUBLIC EXPIRES

My Commission Expires Oct. 3, 1970

MY COMMISSION

CERTIFICATE SERVICE

I PETITIONER ERNEST LEWIS CERTIFICATE THAT I HAVE
SERVED A COPY OF THE ATTACHED PETITION ON WARDEN
N. HALE OF ATMORE PRISON - HON MC DONALD GALLION
OFFICE STATE OF ALABAMA

X Ernest Lewis

SWORN TO AND SUBSCRIBED BEFORE ME DAY 2 OF May 1968

NOTARY PUBLIC Buford W. Hatfield

MY COMMISSION EXPIRES

My Commission Expires Oct. 3, 1970

2526-2534

2528

CENSORED

I Earnest Lewis have had a Petition
in Court - Case 78896 - Serial 47257, since
9/12/67 and i think that its been in long
enought to get some kind of Consideration
I would be Grateful if you will look
into this Matter and have me call to
Court as soon as possible, And Im looking
foward to seeing you as soon as possible

Respectfully Yours
Mc Earnest Lewis

FILED

MAR 12 1968

ALICE J. BUCK CLERK
REGISTER

Mr. Ernest Lewis.
Rfd. 2. P.O. Box 38.
4/2/68.

Honorable Sir:

CENSORED

This is Ernest Lewis, on 1958 out of your country, & was sentenced for a crime that I did not commit, without a Prosecutor or an Attorney.

For this particular reason, my freedom is at stake, so I filled a writ of *corpus nobis*, and due to the fact that it has been there since [9/12/67] and I have not heard anything, I was hoping that it was an oversight, and not just sheer neglect, I am trying to save the state all of the trouble that I can, and its in your power to call me back to court, I am trying to keep from having to file a writ of *mandamus*. The Civ. Court case no. is 72945. I thank you for your Earliest consideration

Yours Truly
Ernest Lewis

P.S. Please acknowledge this letter.

The State of Alabama, }
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

An indictment having been found against

ERNEST LEWIS

at the SPRING Term, 1958 of the Circuit Court of Baldwin County, for the offense of

FORGERY

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 14 day of March, 1958

[Signature]
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. 2528

The State

vs.

Ernest Lewis

Bail fixed in this case in open Court at

\$ _____

By _____
Judge Presiding.

Attest: _____
Clerk.

Executed this 21 day of March, 1928

By arresting the within

named Defendant

and placing him in jail

Raybe Wilkins, Sheriff

W. C. Tolbert, Deputy Sheriff

omi