

(2580)

The State of Alabama,
Baldwin County

CIRCUIT COURT, SPRING SESSION, 1958

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

Grover Smith, whose name is to the Grand Jury otherwise unknown, did,
in the nighttime, with intent to steal, break into and enter an inhabited
dwelling house, which was occupied by Steve Kichler, a person lodged
therein,

against the peace and dignity of the State of Alabama.

Kenneth Cooper
Solicitor of the Twenty-Eight Judicial Circuit.

RECORDED

No. _____

The State of Alabama
Baldwin County

Circuit Court

SPRING SESSION XXXXX, 19 58

The State

vs.

GROVER SMITH

INDICTMENT

BURGLARY, 1st DEGREE

NO. Prosecutor

WITNESSES:

STEVE KICHLER 5775

J.C. COTTON

CARLISLE CHILDRESS

GRAND JURY NO. 116

A TRUE BILL,

Emmitt Gullidge
Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the 14 day of

Mar, 19 58

Arice French
Clerk.

Presented in open Court to the presiding
Judge by the Foreman of the Grand Jury, in
the presence of 7 other Grand Jurors.

Arice French
Clerk.

Bail fixed \$ *No Bail*

J. H. Hake
Judge.

2580

10, 24-25 1985
19

Grover Smith
075422
P.O. Box 37
Atmore, Alabama 36503

FILED

OCT 23 1985

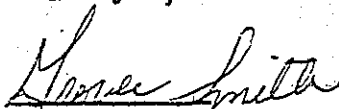
EUNICE B. BLACKMON
CIRCUIT CLERK

Dear Clerk:

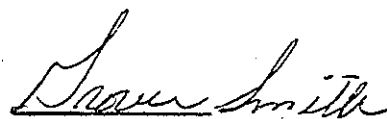
Please find enclosed an original to copies of the following; Petition For Transcript, Affidavit In Support Of Motion For Transcript, and Certificate Of Service for filing.

Once the petition has been filed please return the copies of the above pleading marked "Petitioner's File Copy."

Thank you,


Grover Smith

I certify under penalty of perjury that all statements in this cover letter to the clerk are true and correct.


Grover Smith

10/28/85 mailed copy of minute entries, docket sheets,
copies warrant + indictments (per EBB)

2580

IN THE JUDICIAL CIRCUIT COURT OF BALDWIN COUNTY
BAY MINETTE, ALABAMA 36507

GROVER SMITH
Petitioner

VS.

STATE OF ALABAMA, ET AL.
Respondents

CASE NO. CC 58002578 & CC 59002580

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FILED

OCT 23 1985

EUNICE B. BLACKMON
CIRCUIT CLERK

PETITION FOR TRANSCRIPT

PLEASE TAKE NOTICE, that upon the annexed affidavit and upon all the papers heretofore and herein, the Petitioner endeavors to move this Honorable Court for Transcript and all legal documents that were filed pertaining to it pursuant to Rule 34 (b) and (a) FRCP, and provisions of 15-12-5 Code of Alabama (1975).

An indigent defendant's Constitutional right to demand a transcript is not confined to the proceeding at which is found relating to review of his conviction without the necessity of first setting forth specific grounds for reversal of his conviction. Lane v. Brown, 372 U.S. 477, 9 L Ed 2d 892, 83 S Ct 768; Ellis v. State of Maine, 448 F 2d 1325, at 1327 (1971).

Petitioner avers that he cannot demonstrate that his rights have been infringed without a tool as valuable as his transcript and he must be given said document so that he may discover and then show that in fact such has occurred, as in Entminger v. Iowa, 386 U.S. 748, 18 L Ed 2d 501, 87 S Ct 1402: "To afford an indigent defendant an adequate appeal from his conviction, the furnishing of a transcript ... is required."

PAGE 2

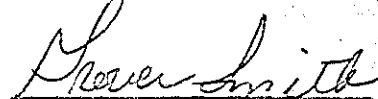
RESEARCH REFERENCES:

Griffin v. Illinois, (1956) 351 U.S. 12, 100 L Ed 891, 76 S Ct 585; 55ALR 2d 1055, reh den 351 U.S. 958, 100 L Ed 480, 76 S Ct 844; Mayer v. Chicago, (1971) 404 U.S. 189, 30 L Ed 2d 372, 92 S Ct 410 ("indigent has right to free transcript.").

ANNOTATION:

Rights under Federal Constitution of indigent in criminal case to aide of State as regards appeal or post-conviction remedy. 6 L Ed 2d 1995.

Respectfully submitted,



Grover Smith, # 075422
P.O. Box 37
Atmore, Alabama 36503

AFFIDAVIT IN SUPPORT OF MOTION FOR TRANSCRIPT

I am the Petitioner in the above styled cause and submit this Affidavit in support of my motion, to be furnished, free of charge, transcript and all legal documents pertaining to the transcript.

Due to the fact that I am presently incarcerated as a state prisoner as a result of the trial of this case, I am now without funds necessary to pay costs of these documents. The following are my assets: NONE.

I have been advised that such transcript and other related documents are vital for a proper defense and fair trial.

WHEREFORE, I respectfully request that an order be issued granting relief sought.

17th OCTOBER 1985
Robert L. Steyer

My Commission Expires October 25, 1983

Respectfully submitted,
Grover Smith
Grover Smith

CERTIFICATE OF SERVICE

I certify that I have cause to mail a true and correct copy upon the clerk of Baldwin County Circuit Court to be submitted to the Judge, addressed Circuit Court of Baldwin County, Bay Minette, Alabama 36507; by placing the same in the United States Mail, properly addressed and postage prepaid.

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 19 DAY OF 10-85 1985.
NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____
STATE OF ALABAMA AT LARGE.

Grover Smith

The State of Alabama,
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

An indictment having been found against

Grover Smith

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

Burglary, 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 14 day of Mar, 1958

Deice 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

2580

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CAPIAS

No. 116

The State

vs.

Grover Smith

Bail fixed in this case in open Court at

\$ No Bail

By Judge Presiding.

Attest: Clerk.

Executed this 24 day of Mar, 1928

By arresting the within

named Defendant

and placing him in jail

Taylor, Sheriff

John, Deputy Sheriff