

2706A

Mickey McGuire
Route 2, Box 38
Atmore, Alabama 36502

CERTIFIED

No. 738900

MAIL

(2706)

The State of Alabama,
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

An indictment having been found against

Mickey McBurnie

at the *Spring* Term, 19 *58* of the Circuit Court of Baldwin County, for the offense of

Burglary 2nd 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 *June*, 19 *58*

Adrian 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 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. 122

The State

vs.

Mickey Mc Guire

Bail fixed in this case in open Court at

\$ 5000

By H. M. Hall
Judge Presiding.

Attest: _____
Clerk.

Executed this 23 day of Sept., 1908

By arresting the within

named Defendant

and placing him In Jail

Jayla Wilkins, Sheriff

W. O. Garner, Deputy Sheriff

O. M. C.

THE STATE OF ALABAMA
Baldwin County

Circuit Court, SPRING Session, 19 58

The Grand Jury of said county charge that before the finding of this indictment, Mickey McGuire,

whose name is to the Grand Jury otherwise unknown, did, in the night time, with intent to steal,

break into and enter a shop, store, warehouse or other building,

owned by or in the possession of Inez Richardson,

in which goods, wares merchandise or other valuable things, to-wit: bread, milk and cheese

was kept for use, sale or deposit,

against the peace and dignity of the State of Alabama.


KENNETH COOPER,

RECORDED

2706

Grand Jury No. 122

A TRUE BILL—:

Amitt Bullidge
Foreman Grand Jury.

Filed in open Court on the 14 day of

Mar, 1958
in the presence of the Grand Jury.

Reese 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

Reese French
Clerk.

Bail fixed at \$ 500

this 14 day of Mar, 1958

Reese French
Judge Presiding.

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

SPRING Session, 1958

STATE OF ALABAMA
vs.

MICKEY McGUIRE

BURGLARY SECOND DEGREE
INDICTMENT

No Prosecutor.

WITNESSES:

INEZ RICHARDSON 4.25

CARLISLE CHILDRESS

J.C. COTTON

MICKEY MCGUIRE
PETITIONER

VS.

STATE OF ALABAMA
RESPONDENT

Motion for leave to
file Writ of Error

Coram Nobis in Forma
Pauperis.

PETITION FOR THE WRIT OF ERROR CORAM NOBIS:

To the Honorable Court:

Comes now Mickey McGuire, hereinafter styled petitioner who makes this his application for Writ of Error Coram Nobis and would respectfully show the Honorable Court the following to wit:

Petitioner is illegally deprived of his liberty at Atmore State Prison by virtue of an order of the Circuit Court of Baldwin County, Bay Minette, and is under custody of Mr. N. L. Hale, Warden of said prison. Petitioner is an uneducated person not versed in the ways of law and legal procedures to assist himself in furthering his cause in his efforts to obtain legal redress for grievances and therefore it is impossible for him to meet with all the legalistic requirements in the drafting of a petition of this nature. Petitioner therefore respectfully invokes in his behalf the protective Measures provided by the Supreme Court of the United States in DARR VS. BURFORD, Warden Oklahoma, 1950, 70 S. CT. 581, as follows: "The Writ of Habeas Corpus (commanding general recognition) is the essential remedy to protect a citizen imprisoned by State or Nation in violation of his rights, and to make this protection effective for unlettered persons without funds or friends, Courts will disregard legalistic requirements when examining applications for the Writ, and judge the papers by the simple Statutory Test of whether the facts alleged entitle the applicant to relief." (28 U.S. C. 2242) In Alabama this opinion would logically extend to the Writ of Coram Nobis as the State Courts have ruled that Coram Nobis and not Habeas Corpus is the proper remedy.

STATEMENT

Petitioner states that he had been taken to Baldwin County Court in 1958 to face trial for escape from "Road Gang." While awaiting trial on this charge, officers at the County Jail accused petitioner of three burglaries that had been committed at the time of petitioner's escape. Though persistent in declaring his innocence, petitioner was still charged with crimes.

Petitioner states that in March 1960, he was returned to Baldwin County Jail to face these charges. At this time, petitioner's family learned of trial date and had prepared to engage a lawyer. The date was changed, and after brutally beating inmate in trying to secure a confession, he was

STATEMENT CONT'D.

BROUGHT to trial before a Judge, without attorney and without a Jury. On 29 March, 1960 petitioner was sentenced to two(2) years on each of three (3) counts of Burglary.

ARGUMENT

The question of petitioner guilt or his innocence is not before the Court, but the petitioner states emphatically that he is indeed innocent. Petitioner argues that while he was wholly defenseless without the advice of counsel and aid or moral support of friends or relatives, he was beaten and intimidated by officers of the Baldwin County Jail in an effort to force a confession from petitioner.

The petitioner argues that a conviction, the foundation of which is found in disregard of liberties deemed fundamental by the Constitution, cannot stand, and the Courts have set aside such convictions which were based upon evidence or confessions secured by protracted questions of ignorant and untutored persons, or have been held incommunicado without advice of friends or Counsel.

The petitioner argues that the States have a duty to assign counsel as a necessary requisite of due process of law. U. S. 287 at 52, 57-58. ESCOBEDO VS. ILL. , the U. S. Supreme Court held: a suspect must be advised of his right to remain silent, his right to attorney, his full rights under the VI amendment. The right to Counsel begins the moment an enquiry begins into an unsolved crime. FOLEY VS. RAGEN, D. C. F. 52 265. ONE denied due process of law in a State Court must be discharged.

ALLEGATIONS

Petitioner alleges his present incarceration is illegal and unlawful and in gross violation of his Constitutional rights and he has been deprived of his liberty and freedom and was sentenced without due process of law, and the State and Court erred by:

1. Petitioner being unversed in the ways of the law and trial procedures was forced into a trial by the State of Alabama on a felony for which his liberty was in jeopardy, without counsel, without benefit of Jury, and was sentenced on false testimony.
2. Petitioner, submits and alleges his trial was illegal and totally defective on the grounds that the State of Alabama acting through its agents at the trial and prior to, introduced and employed coerced and false testimony to secure petitioner's tainted conviction in violation of the Constitutional doctrine

ALLEGATION CONTID

embodied in NAPUE VS. ILLINOIS, 360 U. S. 264,269 and violated petitioner's rights to due process of law.

Wherefore the considered premises, petitioner prays this Honorable Court will hear this in true jurisprudence and order the body of this petitioner be delivered to this Court, with the cause of this detention; that the petitioner be present at the hearing for the purpose of arguing his defense of the opposition by Respeondent, if such opposition there be; and if there is no opposition 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 law and as he is a poor person grant this motion in Forma Pauperis as the Constitution allows. Here the petitioner rest at the mercy of this Honorable Court.

Respectfully submitted:

Mickey McGuire
PETITIONER

STATE OF ALABAMA
COUNTY OF ESCAMBIA

AFFADAVIT IN FORMA PAUPERIS

Affiant, Mickey McGuire, deposes and says:

That he is a citizen of the United States of America by birth, of legal age, and a resident of the State of Alabama. That he is a poor person without any money or property with which to pay the cost of the appended litigation or bear the expense of having the papers filed. That he institutes this legal action in good faith believing himself intitled to the redress sought and showing the Court facts sufficently meritorious for the Court to allow him to proceed in Forma Pauperis without prepayment of fees.

Wherefore, the petitioner, affiant herein, Mickey McGuire, respectfully moves the Honorable Court for allowance to prosecut this cause of action in Forma Pauperis to a successful conclusion.

Upon this motion petitioner prays Judgement of the Court.

Respectfully submitted:

Mickey McGuire
AFFIANT

Sworn to and subscribed before me this

10 day of June, 1965

My Commission Expires Oct. 30, 1967

James H. C. [Signature]

6-16-65 Motion set down for hearing
at 9:00 A.M. on July 7, 1965.
J. J. Madlener
Judge.

2706A

CERTIFICATE OF SERVICE

I, hereby certify that I have this day served a copy of the foregoing petition for Writ of Error Coram Nobis upon the Clerk of the Circuit Court of Baldwin County, Bay Minette, Alabama, and the Honorable Richmond Flowers, Attorney General, State of Alabama, by placing said copies in the United States Mail service, Atmore State Prison Farm, postage prepaid.

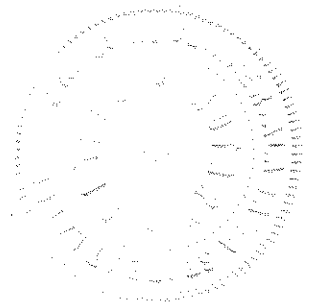
Respectfully submitted:

Mickie M. Linn
Petitioner

Sworn to and subscribed before me this 10 day of June, 1965

My commission expires My Commission Expires Oct. 30, 1967, Notary Public

James H. Climer



2706

Continued on back of page

and to give a further list of the names of the
persons who have been in contact with the
persons named in the list, and to give a list of the
persons who have been in contact with the persons
named in the list, and to give a list of the persons
who have been in contact with the persons named in the list.

Continued on back of page

[Signature]

[Signature]

Continued on back of page

[Signature]

