

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA #3286

January 11, 1965

This cause coming on to be heard was presented on the petition for writ of error coram nobis filed by the Petitioner, Willie Hazine, Jr., and on the testimony of the witnesses taken ore tenus.

1. That Hon. Wilson Ha yes, a practicing Attorney in Baldwin County, Alabama, was appointed by the Court to represent and protect the rights of the Petitioner in this proceeding, and under said appointment he did represent the petitioner therein.

3. The evidence taken in this matter, which included testimony of the petitioner, disclosed that on September 16, 1960 the said Willie Hazine, the Petitioner, while intoxicated, went to the home of Vinnie Mae Stallworth, and while the said Vinnie Mae Stallworth was preparing supper, shot her five times in the back, without any apparent cause; that he then ran out of the house, and after chase by several City Policemen, he was found hiding under a house; the Petitioner was arrested and brought to the Baldwin County jail;

The Petitioner testified he was "brutalized" during the arrest by Reuben Jackson, a negro deputy Sheriff of Baldwin County, who hit him over the head with a black-jack; he further testified that he was mistreated in no way while he was in the Baldwin County jail awaiting trial;

3. The evidence further disclosed that the said Petitioner made a statement on October 7, 1960 admitting that he got drunk and went to the home of Vinnie Mae Stallworth and shot her five times, after which he ran out of the house and that later he was arrested and brought to the Baldwin County jail, a copy of said statement was introduced as Petitioner's Exhibit 1;

4. The testimony of the Circuit Solicitor and the Sheriff of Baldwin County disclosed that the defendant was fully aware of what he was doing when he plead guilty to this offense; that he had talked to an Attorney, and that said Attorney had advised him to plead guilty, which was substantiated by the testimony of the Petitioner; both the Solicitor and the Sheriff testified that they explained to the defendant that if the Jury found him guilty of assault with intent to murder that the Court could sentence him to the penitentiary from two to 20 years; that the Petitioner informed them that if he plead guilty and was given 10 years that he would be satisfied; that he didn't want to take a chance on getting 20 years; that the Solicitor informed the Petitioner that he would recommend that the Court, on his plea of guilty, give him a sentence of 10 years and that in three years and four months he would be eligible for Parole if he behaved himself;

5. The evidence further disclosed that the Petitioner

was given every opportunity on the day of arraignment to procure or have appointed for him an Attorney to Represent him on this matter, but that he elected to plead guilty and take a sentence of 10 years and let his sentence begin to run instead of waiting until the criminal docket was called; that the matter was fully explained to the Petitioner, and no undue advantage was taken of the petitioner;

6. The evidence further disclosed that 1962 the Petitioner escaped and was not recaptured until shortly before this Petition for writ of error coram nobis was filed; that had he not escaped, and had his record been good, he would have been eligible for a parole before this petition was filed.

7. The Court after considering the grounds set out in the petition for writ of error coram nobis and finds that there is no basis for the same and that none of the grounds contained therein have been substantiated by the evidence, except the ground that he did not have an Attorney representing him at the time he plead guilty, but that he had an opportunity to have an attorney appointed for him, and that the said Petitioner, of his own volition, entered and agreed to enter a plea to assault with intent to murder and accept a sentence of 10 years in the penitentiary, in open Court;

8. That the Court, in addition to hearing and considering the testimony of said petitioner, has also considered the testimony of all witnesses that have testified in this cause and finds that there is no ground for the granting of this petition;

12. The Court is, therefore, of the opinion that the Petitioner, Willie Hazine, is not entitled to the relief sought in his petition for error coram nobis, and that said writ of error coram nobis is without merit and the same is hereby

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denied and dismissed.

Dated this 11th day of January, 1965.

DeLois J. Madleburn

Judge of the 28th Judicial Circuit
of Alabama.

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