

STATE OF ALABAMA

VS.

W. B. TAYLOR,

Defendant.

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA. NO. 3269

Petition of W. B. TAYLOR, for writ of error coram nobis being this day presented to the Court, it is

ORDERED AND DECREED by the Court that said Petition be and the same is hereby set for hearing at 1:30 P. M. on Tuesday, September 8, 1964. And it further appearing to the Court that the Petitioner is incarcerated in prison, State of Alabama, and is without funds to employ Counsel, and desires counsel to represent him at the hearing of this cause; it is, therefore,

ORDERED AND DECREED that Wilson Hayes, a practicing Attorney at the Baldwin County Bar, be and he is hereby appointed to represent the petitioner at the hearing of this petition. It is further,

ORDERED, ADJUDGED AND DECREED that a copy of this order be forthwith served on the Attorney General of the State of Alabama, the Circuit Solicitor, Baldwin County, Alabama, the defendant, W. B. Taylor, Kilby Prison, Frank Lee, Warden of Kilby Prison, and Hon. Wilson Hayes, the Attorney appointed to represent the defendant at this hearing.

Dated at Bay Minette, Alabama, this the 1st day of September, 1964.

Joseph J. Mullins
Special Judge

I hereby acknowledge receipt of a copy of the above order and accept appointment as counsel for petitioner, this 1st day of Sept, 1964

Wilson Hayes

Copy Mailed To:

- 1. Attorney General*
- 2. John Hendrix*
- 3. W. B. Taylor*
- 4. Frank Lee*

EX PARTE

W.B. TAYLOR,

VS:

STATE OF ALABAMA

IN THE CIRCUIT COURT OF

THE TWENTY-EIGHTH JUDICIAL

CIRCUIT OF ALABAMA

MOTION TO DISMISS

Comes now the State of Alabama, by and through 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 seek 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 insufficient 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.

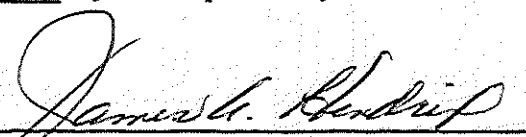
9. It affirmatively appears from the petition that the time for which petitioner was sentenced has expired; therefore a petition for coram nobis will not lie.

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.


SOLICITOR, TWENTY-EIGHTH JUDICIAL
CIRCUIT OF ALABAMA

CERTIFICATE OF SERVICE

I, James A. Hendrix, Solicitor for the twenty-eighth Judicial Circuit of Alabama, hereby certify that I have served a copy of the foregoing motion upon the petitioner, W.B. Taylor's ^{Attorney} by handing a copy of same to him at the Baldwin County ^{Court house} ~~Jail~~, on this the 10th day of September, 1964.


SOLICITOR, TWENTY-EIGHTH JUDICIAL
CIRCUIT OF ALABAMA.

FILED

SEP 10 1964

ALICE L. DUCK, CLERK
REGISTER

3269A
STATE OF ALABAMA

v.

W.B. TAYLOR,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

No. 3269

APPLICATION FOR A WRIT OF ERROR
CORAM NOBIS

Defendant Alleges:

1. He is unlawfully restrained of his liberty by virtue of an illegal conviction, in the above numbered case, upon which a three year sentence was imposed on May 18, 1961.
2. His plea of guilty and conviction was obtained in violation of the laws and constitutions of Alabama and the United States.
3. He incorporates the files and records in the above styled case and asks that they be made a part of this application.
4. He was duped, inveigled and coerced into entering a plea of guilty by authorities of Baldwin County, Alabama.
5. His plea was made without the benefit of counsel at arraignment and at trial. GIDEON v. WAINWRIGHT, 372 U.S. 335.
6. He was not competent to make an intelligent plea nor a competent and intelligent waiver of the right to counsel.
7. He is entirely innocent of the alleged offense and can establish his innocence at trial.

He asks, therefore, that a hearing be held, with himself present, to develop the issues of fact and law presented herein, and that, upon final determination, an order issue vacating the judgment hereinbefore entered, without prejudice to the State, and to take such steps as justice may warrant.

August 10, 1964.

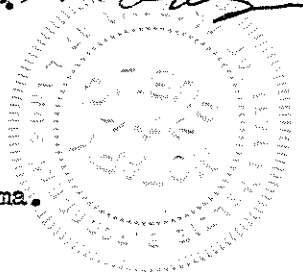
W.B. Taylor
W.B. Taylor,
Kilby Prison,
Montgomery, Alabama.

Subscribed and sworn to before me this 11 day of August, 1964.

Edgar P. Rags
Notary Public.

My commission expires 3-74-67.

cc: Hon. Richmond M. Flowers, Attorney General of Alabama.



3269A

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS.- Adkins V. Du Pont, 335 U.S. 331.-

STATE OF ALABAMA

COUNTY OF MONTGOMERY

I, W. B. TAYLOR, PETITIONER IN THE ATTACHED CAUSE, UNDER THE PENALTIES OF PERJURY DO HEREBY SWEAR THAT I AM A CITIZEN OF THE UNITED STATES BY BIRTH, AND OF LEGAL AGE. I AM A PAUPER WITHIN THE MEANING OF THE WORD AND THE LAW. I DO NOT HAVE ANY MONIES CONCEALED OR SET ASIDE FOR FUTURE USE. I OWN NO PROPERTY, WITHER REAL OR OTHERWISE. BECAUSE OF MY POVERTY I AM UNABLE TO PAY THE COST OF HEARING THE APPENDED PETITION, AND IT IS PRAYED BY PETITIONER THAT APPROPRIATE ORDERS BE ISSUED BY THE COURT FOR THE FILING OF THIS CASE IN FORMA PAUPERIS.

RESPECTFULLY SUBMITTED,

W. B. Taylor
W. B. TAYLOR, Petitioner pro se
Route #3 Box #115
Montgomery, Alabama

SWORN TO AND SUBSCRIBED BEFORE ME THIS 11 DAY OF Aug, 1964.-

MY COMMISSION EXPIRES:

7-14-67.-

Eugene B. Ricks
NOTARY PUBLIC

PROOF OF SERVICE/.-I HEREBY CERTIFY THAT I HAVE THIS DATE MAILED BY U.S. MAIL A COPY OF THE FOREGOING TO THE ATTORNEY GENERAL OF THE STATE OF ALABAMA, BY PLACING IT IN THE U.S. MAIL THIS DATE PROPERLY STAMPED AND ADDRESSED TO HIS ADDRESS AT THE ATTORNEY GENERAL'S OFFICE'S IN MONTGOMERY, ALABAMA.-

ON THIS 11 DAY OF Aug, 1964.-

W. B. Taylor
W. B. TAYLOR, Petitioner.-

FILED
AUG 18 1964
ALICE L. DICK, CLERK
REGISTER

