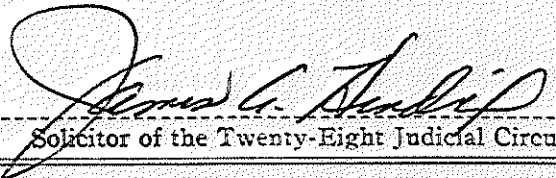


The State of Alabama, }  
Baldwin County

CIRCUIT COURT, Fall SESSION, 1961

The Grand Jury of said County charge that before finding this indictment Robert Salter, 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 S. S. Sellars, in which goods, wares or merchandise were kept for use, sale, or deposit,

against the peace and dignity of the State of Alabama.

  
Solicitor of the Twenty-Eight Judicial Circuit.

RECORDED

No. \_\_\_\_\_

The State of Alabama  
Baldwin County

Circuit Court

Fall \_\_\_\_\_ Term, 19 61

The State

vs,

Robert Salter

Burglary, 2nd

INDICTMENT

No Prosecutor

WITNESSES:

S. S. Sellars

W. O. Garner

GRAND JURY NO. 66

A TRUE BILL

*William A. Bryant Jr*  
Foreman Grand Jury.

Filed in open Court and in the presence of  
the Grand Jury on the 13 day of

*Sept*, 19 *61*  
*W. A. Bryant Jr*  
Clerk.

Presented in open Court to the presiding  
Judge by the Foreman of the Grand Jury, in  
the presence of 11 other Grand Jurors.

*W. A. Bryant Jr*  
Clerk.

Bail fixed \$ 500<sup>00</sup>

*J. M. Hester*  
Judge.

**AFFIDAVIT**

MOORE PRINTING CO., BAY MINETTE, ALA.

**State Of Alabama, }  
Baldwin County. }**

In the Justice Court of

Before me,

Justice of the Peace

in and for said County, personally appeared W O Garner 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 24 April 1961 that one Robert Salter

did in the nighttime enter a locked Building  
which contained merchandise and carry away same the  
Personal Property of Sellers Bros Inc Ala

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 21

day of

August  
G D Davis, A. D., 1961

, J. P.

W. O. Garner**WARRANT****State Of Alabama, }  
Baldwin County. }**

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest

Robert Salterand bring him

before

me

to answer the State of Alabama on a charge

Burglary

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

Witness my hand this

21

day of

August, 1961G D Davis

, J. P.

No. ....

Page 5817

# The State Of Alabama

BALDWIN COUNTY

Justice Court Of

*G. D. Davis*

## AFFIDAVIT

THE STATE OF ALABAMA

vs.

*Robert Salter*

Witnesses for the State

## DESCRIPTION

Height \_\_\_\_\_ Weight \_\_\_\_\_

Color \_\_\_\_\_ Sex \_\_\_\_\_

Age \_\_\_\_\_ Hair \_\_\_\_\_

Address \_\_\_\_\_

JUSTICE COURT OF  
BALDWIN COUNTY

## Warrant Of Arrest

THE STATE OF ALABAMA

vs.

Executed this the 4 day of July, 1961

By arresting the within named Defendant

and placing him or her in jail

*Taylor Wilkins*, Sheriff

*W. O. Sams*, Deputy Sheriff

\_\_\_\_\_, Highway Patrol

Personally appeared the under signed, who being duly sworn desposes and says: I am a Deputy Sheriff of Baldwin Co., Ala., In the above case, in the above mentioned Court in executing the warrant of arrest of the defendant. I traveled

60 miles by the most direct route to point of arrest and return, and the Sheriff is entitled to mileage at 10c per mile. Point of arrest: Mobile

Signed \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Clerk J. P. Court

The State of Alabama, }  
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

An indictment having been found against

Robert Salter

at the Fall Term, 1961 of the Circuit Court of Baldwin County, for the offense of

Burglary, 2<sup>nd</sup>

you are, therefore, commanded forthwith to arrest the said Defendant and commit

to jail, unless \_\_\_\_\_ give bail to answer said indictment, and that you return this Writ according to law.

Dated this 13 day of Sept, 1961.

Deice J. 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. 66

THE STATE

vs.

Robert Salter

Bail fixed in this case in open Court at

\$ 50000

By H. M. Hall  
Judge Presiding.

Attest: \_\_\_\_\_  
Clerk.

Executed this 14 day of Sept, 1961

By arresting the within

named Defendant

and placing him in Jail

Wayne Wilson Sheriff

\_\_\_\_\_, Deputy Sheriff

O. Miller

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

Attorneys	Case	Charge
	THE STATE OF ALABAMA,	<i>Burglary</i>
	Vs.	
	<i>Robert Hester</i>	

Disposition of Case	Fees	Amount
Affidavit made and Warrant Issued to	Judge's Fees	
Returnable <i>7/14/61</i>	Warrant at 50c, Affidavit at 25c	<i>2.00</i>
Witness—for State <i>C. Hester</i>	Bond at 50c, Sci Fa. at 50c	
<i>W.D. Barnes</i>	Witnesses' Recognizances at 25c	
	Subpoenas or notice at 25c	
	Continuance at 25c	
	Trial of Misdemeanor at \$1.00	
	Mittimus at 25c	
	Judgment on Forfeited Bond at 25c	
	Taking Bond, etc., on Appeal at \$1.00	
	Execution of costs at 25c	
	Constable's Fees	
	Subpoena or Notice at 25c	
	Carrying Defendant before Justice	
	each mile for himself and guard at 10c	
	Arrest 50c	
	Sheriff's Fees	
	Arrest \$5.00, Bond \$2.00, Sci Fa. 50c	<i>5.00</i>
	Guard \$2.00, Finger Printing <i>1.00</i>	<i>5.00</i>
	<i>2</i> Subpoenas at <i>25</i> , Mileage <i>60</i>	<i>7.50</i>
	Witness Fees	
	Days at 50c	
	Days at 50c	
	Days at 50c	
	Days at 50c	
	Days at 50c	
	Days at 50c	
	Days at 50c	
	Days at 50c	
	Defendant's Costs	
	Witnesses' Recognizance at 25c	
	Subpoenas at 50c	
	Executing Subpoenas	

3373-A

IN THE BALDWIN COUNTY CIRCUIT COURT at BAY MINETTE, ALABAMA

ROBERT SAULTER	*	MOTION TO FILE WRIT
	*	
Petitioner	*	OR ERROR CORAM NOBIS
	*	
vs.	*	AND FORMA PAUPERIS AT
	*	BAR.
	*	
STATE OF ALABAMA	*	Case No. <u>3373 thru 3380</u>
	*	
Respondent	*	Charge: <u>Burglary</u>
	*	
	*	Sentence: <u>20 Years</u>
	*	

\*\*\*\*\*

TO THE HONORABLE COURT:

Comes now, Robert Saulter, petitioner hereinafter styled cause, who makes this his application for the writ of error coram nobis and would respectfully show the Honorable Court the following to wit:

That he is illegally deprived of his liberty at Atmore Prison, Atmore, Alabama by virtue of an order of the Baldwin County Circuit Court, Bay Minette, Alabama, and is under the custody of Hon. N. L. Hale, Warden of said Prison.

That is is an uneducated person not versed in the ways of law and legal procedure to assist himself in furthering his cause in his efforts to obtain legal redress for grievances and therefore respectfully invokes in his behalf the protective measures provided by the U. S. Supreme Court in DARR v. BURFORD, 70 S. Ct. 581, as follows:

"The Writ of Habeas Corpus (commanding general recognition) is the essential remedy to protect citizens imprisoned by State or Nation in violation of their 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 facts alleged entitle the applicant to relief." 28 U. S. C. 2242.



In Alabama, this opinion would be logically extended to the writ of error coram nobis because the Courts have ruled that habeas corpus is not the proper remedy in Alabama.

#### QUESTION

Does an appraisal of the totality of facts show that the petitioner was denied his rights as guaranteed to him by the Sixth (6th) and Fourteenth (14th) Amendments of the Constitution of the United States and the laws of the State of Alabama by being denied counsel at trial?

#### STATEMENT

About September 1961, the petitioner was put to trial on charges of Burglary. The petitioner, forced to answer the charge without aid or advice of counsel, alone and frightened, was intimidated into a plea of guilty and sentenced to twenty (20) years in the Penitentiary.

#### ARGUMENT

In this case the record will show that the petitioner was without counsel at trial, and all the proceedings leading thereto. It is now well established and unqualified that the failure of the State to provide counsel for an indigent defendant entitles him to have his judgment and sentence set aside.

SEE: GIDEON v. WAINWRIGHT, 372 U. S. 335, 83 S. Ct. 792.  
HAMILTON v. ALABAMA, 372 U. S. 352.

Anytime a person enters a plea before a magistrate and that plea is accepted by the Court when he is without counsel, he is deprived of equal protection and due process of law.

SEE: WHITE v. MARYLAND, No. 600-Oct. Term 1962. U.S.C. Ct.  
and see COPPEDGE v. UNITED STATES, 315 U. S. 60, 76. in which the Court states:

"When society acts to deprive one of its members of his life, liberty or property, it takes a most awesome step. No general respect for, nor adherence to the law as a whole can well be expected without judicial recognition of the paramount need for prompt, eminently fair and sober criminal law have been aptly called the measures by which the quality of our civilization may be judged."

CONCLUSION

Petitioner respectfully submits that an appraisal of the totality of facts surrounding his trial and the events leading thereto impels the conclusion that equal protection and due process of law was denied him by the State of Alabama acting through its agents and that his judgement and sentence based thereon are null and void.

Premises considered, Robert Saulter, Petitioner, prays that this Honorable Court will issue an order directing that he be brought before this Court, and then and there to receive and do that which should be decided by law and justice concerning him and the facts.

Petitioner so prays.

Respectfully Submitted

Date 5-4-65

Petitioner

Robert Saulter  
Robert Saulter

CERTIFICATE OF SERVICE

I, Robert Saulter, hereby certify that I have served a copy of the foregoing petition for writ of error coram nobis upon the Attorney General, Richmond Flowers of the State of Alabama and a copy to the Clerk of Baldwin County Circuit Court by placing said copies in the Prison Mail postage prepaid and properly addressed.

Petitioner

Robert Saulter  
Robert Saulter

Witness:

Cecil Flummes

Witness:

Jimmy Long

Witness:

Bill Hall

STATE OF ALABAMA

COUNTY OF ESCAMBIA

AFFIDAVIT IN FORMA PAUPERIS

Affiant, Robert Saulter, deposes and says; that he is a citizen of the United States 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 costs of the appended litigation or bear the expenses of having the papers filed.

That he institutes this legal action in good faith, believing himself entitled to the redress sought and showing to the Court facts sufficiently meritorious for the Court to allow him to proceed in forma pauperis without the prepayment of fees.

Wherefore, the petitioner, affiant herein, Robert Saulter respectfully moves the Honorable Court for allowances to proceed this cause of action in forma pauperis to a successful conclusion.

Upon this motion petitioner prays judgment of the Court.

Respectfully Submitted

Petitioner

Robert Saulter  
Robert Saulter

Date: 5-4-65

Witness:

Cecil Flummer

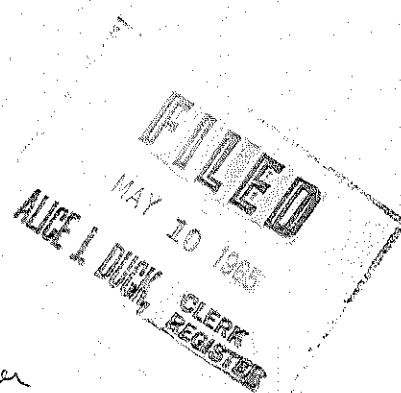
Witness:

Jimmy Long

Witness:

Robert Saulter

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



3373

STATE OF ALABAMA  
COUNTY OF ESCAMBIA

AFFIDAVIT IN FORMA PAUPERIS

Affiant, Robert Sauter, deposes and says: that he is a citizen of the United States 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 costs of the appended litigation or bear the expenses of having the papers filed.

That he institutes this legal action in good faith, believing himself entitled to the redress sought and showing to the Court facts sufficiently meritorious for the Court to allow him to proceed in forma pauperis without the prepayment of fees.

Sauter respectfully moves the Honorable Court for allowance to proceed this cause of action in forma pauperis to a successful conclusion.

Upon this motion petitioner prays judgment of the Court.

Respectfully Submitted

Robert Sauter  
Petitioner

Date: 5-1-67

Witness: [Signature]

Witness: [Signature]

Witness: [Signature]

FILED  
MAY 10 1967  
CLERK OF DISTRICT COURT  
FEDERAL BUILDING  
MONTGOMERY, ALABAMA

1-16-67 Motion for leave to  
amend complaint on file  
7/18/67  
Judge