

The State of Alabama,  
Baldwin County

3525  
CIRCUIT COURT, Spring SESSION, 19 62

The Grand Jury of said County charge that before finding this indictment Raymond Howard, did feloniously take and carry away one 1956 Chevrolet automobile of the value of nine hundred dollars (\$900.00) the personal property of O. J. Early and B. W. Early,

against the peace and dignity of the State of Alabama.

*James G. Hendrix*  
Solicitor of the Twenty-Eight Judicial Circuit.

RECORDED

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

The State of Alabama  
Baldwin County

Circuit Court

Spring Term, 1962

The State

vs.

Raymond Howard

Grand Larceny

INDICTMENT

No Prosecutor

WITNESSES:

O. J. Early

W. O. Garner

Claude Hudson 1-30-2-25

John D. Martin 1-30-2-25

GRAND JURY NO. 78

A TRUE BILL,

*E. M. Ogilvie*  
Foreman Grand Jury.

Filed in open Court and in the presence of  
the Grand Jury on the 11<sup>th</sup> day of  
March, 1962.

*Arice J. French*  
Clerk.

Presented in open Court to the presiding  
Judge by the Foreman of the Grand Jury, in  
the presence of 12 other Grand Jurors.

*Arice J. French*  
Clerk.

Bail fixed \$ 500

*L. M. [Signature]*  
Judge.



STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL  
MONTGOMERY 4, ALABAMA

January 14, 1966

RICHMOND M. FLOWERS  
ATTORNEY GENERAL

DENNIS M. LASSETER  
EXECUTIVE ASSISTANT

Honorable James Hendrix  
District Attorney  
Courthouse  
Bay Minette, Alabama

Re: Coram Nobis Petition -  
Raymond Howard

Dear Jim:

Enclosed herewith, please find the coram nobis petition  
of Raymond Howard, dated January  
1966, and filed apparently in the Circuit Court of Baldwin  
County, Alabama.

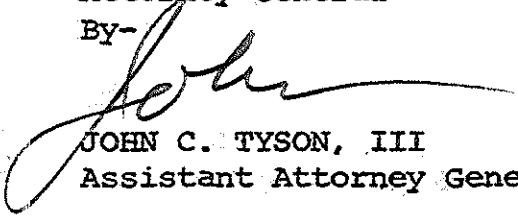
Please have counsel appointed for Howard, hold  
a full hearing squarely on the merits of his allegations and be  
sure that the trial judge makes full findings of fact, squarely  
on the merits of same in his order in the case.

With best wishes, I am

Very truly yours,

RICHMOND M. FLOWERS  
Attorney General

By-

  
JOHN C. TYSON, III  
Assistant Attorney General

JCTiii:dh

Enclosure:

IN THE CIRCUIT COURT OF BALDWIN COUNTY:  
BAY, MINETTE ALABAMA.

Tyson

RAYMOND HOWARD:  
VS.  
STATE OF ALABAMA  
RESPONDENT.

PETITIONER FOR LEAVE TO  
FILE WRIT OF ERROR CORAM NOBIS  
AND HEARING AT BAR IN FOARM,  
PAUPERIS.

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Raymond Howard petitioner in his own behalf in the cause seeking to commence this action under the agis of the 5th. 6th. & 14th. amendment to the u.s. constitution and if proper pursuant to title 13, see, 1-43. criminal procedure of the ala. code of 1940. u.s.c.a. 2242, 22544, petitioner is illegal deprived of his liberty. At atmore state prison farm in atmore, alabama. by vitle of an order by the Baldwin county circuit court, and in the custody of Mr. N. L. Hale of said prison. petitioner is a unlettered person not versed in the way of law, and legal procedure therefore the petitioner humbly prays this honorable court will generously disregard what ever error unnecessary techine alatus to or legal commiseous which may be presence in this petition., by granting the petitioner the rights to prove his contteution at a hearing on the matter pertaing to the allegation rasied heerin. see DARR VS. BUFORD warden Oklahoma 1950, 70. s.c.t. 581.

STATEMENT

I RAYMOND HOWARD was arrested in the year of 1962, the arresting officers arrested the petitioner in Hattiesboro Mississippi. and was transferred from there to Baldwin county,,and locked up later was question about the crime of grand - larceny the arresting officers told petitioner if he didn't plead guilty of the crime they were going to get him as much time as they could, so there was nothing else for me to do but confess, as I throught. the petitioner was given eight years (8). for grand -larceny after pleading guilty in open court, petitioner was also tried without a lawyer, in baldwin county court house. after then the prtitioner was carried to court and tried and given eight years (8). for a crime he didn't commit. petitioner, didn't have a jury trial.

ALLEGATION

PETITIONER contends that by not being repesented by legal counsel at the time of his trial see Geidon vs, Wainwright, a recent retrorative decission by the u.s. supreme court that his eight years sentence is illegal , and should be voided. petitioner also contends that he was sentence without due process of the law, due process impl- es the rights of the petitioner which is asked to pass judgement in the persence of tribunal which is aske to pass judgement to be heard by testimony with legal, ail, of a lawyer, and have the right of conctusinely studying every matter of facts, which bears on the question of right in the matter of involved. if any question effects of liability be conclusively persuned against him it denys him due process of law Zeiglers vs. Southern e.c.t. r. 60. 58. ala. 595. 594. Pince vs. South- rn. bell tel. 263. ala. 595. so (2) nd. 245. alabama constitution act, 1- sect. 6 US PROCESS requiries that the accusef shall be adviseed of all charges and penaltie nd have a responsible opportunity to call wittiness if desied and to give testi- ony. Hunter vs. state 251 ala. H. 37. so. 2nd) 276 ex. Parte Semore 254. ala. 689. 9. so. 83.

1-31-66 Petition for writ of error coram nobis granted, because Defendant did not have counsel at original trial; because Defendant was served nearly four (4) years of original sentence, cases were Pleaded; Prisoner ordered discharged as to these cases.  
J. J. Maslow  
Judge

CERTIFICATE OF SERVICE

II RAYMOND HOWARD DO CERTIFY THAT I HAVE SERVED A COPY OF THIS WRIT OF ERROR CORAM NOBIS ON THE WARDEN, THE ATMORE STATE PRISON FARM, OF ATMORE, ALABAMA. AND ON THE ATTORNEY GENERAL, OF ALABAMA BY PLACEING SAID COPY IN THE MAIL POSTAGE and properly addressed to him in Montgomery, Alabama.

*Raymond Howard*

*Raymond*

petitioner;

state of alabama.  
county of escambia  
Atmore, Alabama

*James H. Clinner*

State of alabama, county of Escambia, before me, A notary public, for the county, and the state aforesaid personally appealed who is known to me and being by me first duly sworn deposed and says; that he is able to pay the cost of this incident for the petitioner ~~for the petitioner~~ OR FOR THE writ of error coram nobis. are to give security for such cost from the judgement sentence which he is now confined.

: AFFAINT :  
*Raymond Howard*

Sworn to and subscribed to me on this day of *Jan* 1966

notary public *James H. Clinner*

my commissions expires My Commission Expires Oct. 30, 1967

IN THE CIRCUIT COURT OF BALDWIN COUNTY:

BAY, MINETTE ALABAMA.

RAYMOND HOWARD:  
VS.  
STATE OF ALABAMA  
RESPONDENT.

PETITIONER FOR LEAVE TO  
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Raymond Howard  
petitioner;

state of alabama.  
county of escambia  
Atmore, Alabama

State of alabama, county of Escambia, before me James H. Climer, A notary public, for the county, and the state afore said personally appealed who is known to me and being by me first duly sworn deposed and says; that he is able to pay the cost of this incident for the petitioner ~~Raymond Howard~~ OR FOR THE writ of error coram nobis. are to give security for such cost from the judgement sentence which he is now confined.

: AFFAINT :  
Raymond Howard

Sworn to and subscribed to me on this day of James H. Climer 1966

notary public James H. Climer

my commissions expires

My Commission Expires Oct. 30, 1967

1-17-66 This Petition being considered is set down for hearing at 10:00 A.M. on Monday, January 31, 1966

Deafair J. Moulbourn  
Judge

FILED

JAN 14 1966

ALBAMA CLERK  
REGISTER

The State of Alabama, }  
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

An indictment having been found against

Raymond Howard

at the Spring Term, 1962 of the Circuit Court of Baldwin County, for the offense of

Grand Larceny

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 March, 1962.

W. J. Luck  
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

3525

CAPIAS

No. 78

THE STATE

vs.

Raymond Howard

Bail fixed in this case in open Court at

\$500.00

By H. M. Hall  
Judge Presiding.

Attest: Clerk.

Executed this 15 day of Nov, 1962

By arresting the within

named Defendant

and placing him In Jail

Raymond W. Williams, Sheriff

, Deputy Sheriff

O. M.

## AFFIDAVIT

Printed by Moore Printing Co.

State Of Alabama, }  
Baldwin County. }

In the Justice Court of

~~A. K. LATNER~~ *ASD Lines*Before me, *ASD Lines* ~~A. K. LATNER~~, Justice of the Peacein and for said County, personally appeared ..... O. J. EARLY AND B. W. EARLY 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 FEBRUARY 24, 1962 that one RAYMON HOWARDDID FELONIOUS TAKE AND CARRY AWAY A ONE CHERVOLET CAR COLOR: BLACK AND WHITE  
VALUED AT \$900.00 TAG NUMBER 5-12576 THE PERSONAL PROPERTY OF OJ. EARLY  
B. W. EARLY

against the peace and dignity of the State of Alabama.

Sworn to and subscribed before me this 27day of FEBRUARY, A. D., 19 62*ASD Lines*, J. P.*OJ. Early B.W. Early*

## WARRANT

State Of Alabama, }  
Baldwin County. }

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest RAYMON HOWARDand bring HIMbefore J. P. COURT

to answer the State of Alabama on a charge

GRAND LARCENY

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

Witness my hand this 27 day of FEBRUARY, 19 62*ASD Lines*, J. P.

## The State Of Alabama

BALDWIN COUNTY

Justice Court Of

A. K. LATNER

## AFFIDAVIT

THE STATE OF ALABAMA

vs.

RAYMOND HOWARD

Witnesses for the State

CLAUD HUDSON

DAVID HUDSON

CLIDE HUDSON

JOHN D. MARTIN

RUSSELL HUDSON

LEAMON PRESTON

## DESCRIPTION

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

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

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

Address \_\_\_\_\_

JUSTICE COURT OF  
BALDWIN COUNTY

## Warrant Of Arrest

THE STATE OF ALABAMA

vs.

Executed this the 1 day of March 1962

By arresting the within named Defendant

and placing him or her

in jailJoyles Wilkins, SheriffW. O. Garner, 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

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

Signed \_\_\_\_\_

Subscribed and sworn to before me this

5 day of March 1962
J. P. Court  
Clerk J. P. Court

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

| Attorneys | Case                  | Charge        |
|-----------|-----------------------|---------------|
|           | 1119                  |               |
|           | THE STATE OF ALABAMA, | Grand Larceny |
|           | Vs.                   |               |
|           | Raymond Howard        |               |
|           |                       |               |
|           |                       |               |

| Disposition of Case                  | Fees                                    | Amount |
|--------------------------------------|-----------------------------------------|--------|
| Affidavit made and Warrant Issued to | Judge's Fees                            |        |
| Returnable                           | Warrant at 50c, Affidavit at 25c        | 75     |
| Witness—for State                    | Bond at 50c, Sci Fa. at 50c             |        |
| Claud Hudson                         | Witnesses' Recognizances at 25c         |        |
| David Hudson                         | Subpoenas or notice at 25c              |        |
| Clide Hudson                         | Continuance at 25c                      |        |
| John D. Martin                       | Trial of Misdemeanor at \$1.00          |        |
| Bussell Hudson                       | Mittimus at 25c                         | 25     |
| Samuel Preston                       | Judgment on Forfeited Bond at 25c       |        |
|                                      | Taking Bond, etc., on Appeal at \$1.00  |        |
|                                      | Execution of costs at 25c               | 25     |
|                                      | 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 | 500    |
|                                      | Guard \$2.00, Finger Printing \$1.00    | 300    |
|                                      | Subpoenas at 50c, Mileage               |        |
|                                      | Witness Fees                            |        |
|                                      | 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                     |        |

3-5-62 Defendant wanted to Grand Jury

4 D. Lines

3525

Publication of Case

ALABAMA COURT OF CIVIL JUSTICE

Alabama Court of Civil Justice