

The State of Alabama, }
Baldwin County

CIRCUIT COURT, Spring SESSION, 1962.

The Grand Jury of said County charge that before finding this indictment Calvin Williams, unlawfully, and with malice aforethought, killed Robert Ervin, by shooting him with a rifle,

against the peace and dignity of the State of Alabama.

James C. Hendrix
Solicitor of the Twenty-Eight Judicial Circuit.

RECORDED

No. _____

The State of Alabama
Baldwin County

Circuit Court

Spring Term, 1962

The State

vs.

Calvin Williams

Murder, 1st

INDICTMENT

No Prosecutor

WITNESSES:

W. O. Garner

Ester Gill 1-60- 3.75

Cora Bell Williams 1-60- 3.75

Lenzie Denish 1-70- 4.25

Nelson Grubbs

Lessie Mae Lee 1-50- 3.25

GRAND JURY NO. 55

A TRUE BILL

E. M. Aylin
Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the 14 day of
May, 1962

Reice French
Clerk.

Presented in open Court to the presiding
Judge by the Foreman of the Grand Jury, in
the presence of 17 other Grand Jurors.

Reice French
Clerk.

Bail fixed \$2000

Thompson
Judge.

We the Jury find the defendant
Calvin Williams, Guilty of Murder in the
Second Degree as charged in the indictment
& fix his punishment at 15 years in the
State Penitentiary.

Reice French
Thompson

The State of Alabama, } TO ANY SHERIFF OF THE STATE OF ALABAMA:
Baldwin County } An indictment having been found against

Calvin Williams

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

Murder 1st

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 Mar, 1962.

Rebecca J. Hensley
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

Donner

3529

CAPIAS

No. *55*

THE STATE

vs.

Calvin Williams

Bail fixed in this case in open Court at

\$ *Five Dollars*

By *H. M. Hale*
Judge Presiding.

Attest: _____ Clerk.

Received in Sheriff's Office
this _____ day of _____, 19
TAYLOR WILKINS, Sheriff

Executed this *17* day of *Nov*, 19*62*

By arresting the within

named Defendant

and placing him *on Bond*

Taylor Wilkins Sheriff

_____, Deputy Sheriff

D. M. Hale

APPEARANCE BOND

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County

We Calvin Williams, as
principal, and undersigned as sureties agree to pay THE STATE OF ALABAMA, the sum of
Two thousand and no/100 DOLLARS
unless the said Calvin Williams appears at the
Next Term, 1962 of the Circuit Court of Baldwin County, Alabama
and from term thereafter until discharged by law, to answer a criminal prosecution for the offense of

Murder

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempting personal property from levy and sale under execution or other process for the collection of debt by constitution or laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts, liabilities, exemptions and this bond to the amount of: real property of the value of \$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this the

_____ day of _____, 19____

_____ Baldwin County, Ala.

Taken and approved this the

17 day of

March 1962

Calvin Williams L. S.
J. H. Wilcox L. S.
Leon McReynolds L. S.
Ellis D. Rogers L. S.
John W. Wilkerson Sheriff
By _____, Deputy Sheriff

No. _____

State of Alabama

Baldwin County

_____ Court

Sheriff's Office

The State

vs.

Sheriff's Appearance Bond

Amount of Bond \$ _____

Filed _____, 19____

_____, Clerk

AFFIDAVIT

MOORE PRINTING CO., BAY MINETTE, ALA.

State Of Alabama, }
Baldwin County. }In the Justice Court of G. D. HINESBefore me, G. D. HINES, 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 19 NOVEMBER 1961 that one CALVIN WILLIAMS
DID KILL ROBERT ERVIN BY SHOOTING HIM WITH A 22 CALIBER RIFLE.

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 24
day of NOVEMBER, A. D., 19 61
G. D. Hines, 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 CALVIN WILLIAMSand bring HIMbefore J. P. COURT

to answer the State of Alabama on a charge

FIRST DEGREE MURDER

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

Witness my hand this 24 day of NOVEMBER, 19 61G. D. Hines

J. P.

MITTIMUS OR COMMITMENT

State Of Alabama, }
Baldwin County. }

To the Jailer of Baldwin County:

On complaint of W. O. GARNERcharging CALVIN WILLIAMSwith the offense of FIRST DEGREE MURDER

it appearing that such offense has been committed, and that there is sufficient cause to believe that

CALVIN WILLIAMS has been guilty thereof, you are
therefore commanded to receive him into your custody, and detain him until he is legally discharged.

Dated this 24 day of NOVEMBER, 19 61G. D. Hines

Justice of the Peace.

The State Of Alabama

BALDWIN COUNTY

Justice Court Of

G. D. HINES

AFFIDAVIT

THE STATE OF ALABAMA

vs.

CALVIN WILLIAMS

Witnesses for the State

W. O. GARNER

~~ESTER GILL~~

ESTER GILL

CORA BELL WILLIAMS

WILLET BYRD

Lenzie Davis

DESCRIPTION

Height _____ Weight _____

Color _____ Sex _____

Age _____ Hair _____

Address _____

JUSTICE COURT OF BALDWIN COUNTY

Warrant Of Arrest

THE STATE OF ALABAMA

vs.

Executed this the 20 day of Nov 1961

By arresting the within named Defendant

and placing him or her in jail

Jayles Williams, Sheriff

W. 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 warr-
ant of arrest of the defendant. I traveled

50
miles by the most direct route to point of
arrest and return, and the Sheriff is en-
titled to milage at 10c per mile. Point of
arrest: Belforest

Signed _____

Subscribed and sworn to before me this

_____ day of _____ 19____

Clerk J. P. Court

The State Of Alabama

Baldwin County

JUSTICE COURT OF

G. D. HINES

THE STATE OF ALABAMA

vs.

CALVIN WILLIAMS

Mittimus

The State of Alabama

Baldwin County

I, _____
a Justice of the Peace in and for said State
and County, do and hereby certify that.....

the Defendant; is required to give bail in the
sum of \$_____ for his appearance at the

19..... Term of the.....

Court of..... County, Ala.

Given under hand this the.....

day of..... 19.....

..... J. P.

LITTLE COURT ROOM

C-753 THE STATE OF ALABAMA
Baldwin County

Justice Court of G. D. HINES
Precinct No. 4, BAY MINETTE, Ala.

To Any Sheriff of the State of Alabama:

You Are Hereby Commanded to Summon W. O. GARNER, ESTER GILL, CORA BELL

WILLIAMS, WILLET BYRD, LENZIE DINISH
personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the
1 day of DECEMBER (9 AM.), 19 62, and from
day to day of said term and from term to term thereafter, until discharged, to give evidence and the truth to
speak in behalf of THE STATE, in a prosecution now pending in said Court, wherein the State of Alabama
is Plaintiff and _____

CALVIN WILLIAMS Defendant, and have you then and
there this Writ, with your endorsement thereon.

Witness my hand this 28 day of NOVEMBER, A. D. 19 61

G. D. Hines
Justice of the Peace, Precinct No. _____

Executed in full, this the

_____ day of

_____, 194____

Sheriff.

Deputy Sheriff.

APPEARANCE BOND

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County

We Calvin Williams, as
principal, and undersigned as sureties agree to pay THE STATE OF ALABAMA, the sum of
Fifteen hundred DOLLARS
unless the said Calvin Williams appears at the
Next Term, 1961 of the Grand Jury Court of Baldwin County, Alabama
and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of
Murder

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempt-
ing personal property from levy and sale under execution or other process for the collection of debt by con-
stitution or laws of the State of Alabama, and we hereby severally certify that we have property over and
above all debts, liabilities, exemptions and this bond to the amount of: real property of the value of
\$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this the

_____ day of _____, 19____

_____ Baldwin County, Ala.

Taken and approved this the 4th day of December 1961

By _____, Deputy Sheriff

X Calvin Williams L. S.

Teen McReynolds L. S.

JR Wilkin L. S.

_____ L. S.

Jay W. Wilkins Sheriff

Sheriff
WILKINS & GARNER

11/20/61

No. 89

State of Alabama

Baldwin County

----- Court

Sheriff's Office

The State

VS.

Sheriff's Appearance Bond

Amount of Bond \$-----

Filed-----, 19-----

-----, Clerk

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

[illegible]

3579

APPEARANCE BOND

MOORE PRINTING COMPANY BAY MINETTE, ALA.

The State of Alabama,

Baldwin County

We Calvin Williams, as principal, and undersigned as sureties agree to pay THE STATE OF ALABAMA, the sum of \$750.00 Seven Hundred and Fifty DOLLARS unless the said Calvin Williams appears at the next Term, 1965 of the Circuit Court of Baldwin County, Alabama and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of Murder 2nd Degree

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempting personal property from levy and sale under execution or other process for the collection of debt by constitution or laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts, liabilities, exemptions and this bond to the amount of: real property of the value of \$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this the,

_____ day of _____, 19____

Calvin Williams I. S.

J.R. Wilson I. S.

_____ I. S.

_____ Baldwin County, Ala.

_____ I. S.

Taken and approved this the 7 day of Dec 1964

Taylor Wilkins Sheriff

By W.C. Barnes Deputy Sheriff

No. 3579

THE STATE OF ALABAMA

Baldwin County

COURT

Sheriff's Office

The State

vs.

Sheriff's Appearance Bond

Amount of Bond \$ _____

Filed _____, 19____

_____, Clerk

STATE OF ALABAMA,

Plaintiff,

VS.

CALVIN WILLIAMS,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3579

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA, AT LAW:

Your petitioner, Calvin Williams, respectfully shows unto
the court and your honor as follows:

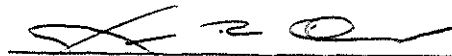
1. That he was heretofore indicted by the Grand Jury of
Baldwin County, Alabama, for the offense of murder in the first
degree and was on to-wit, September 24, 1962, convicted of murder
in the second degree by the Honorable Hubert M. Hall, Judge of the
Circuit Court of Baldwin County, Alabama, and sentenced to a term
of fifteen years in the State Penitentiary.

2. That on to-wit, September 24, 1962, the Honorable
Hubert M. Hall, who was then Judge of the Circuit Court of Baldwin
County, Alabama, appointed the Honorable Wilson Hayes, attorney at
law, to represent and defend your petitioner, although his said
attorney was not given sufficient time to prepare a defense of the
said case nor to subpoena any witnesses on behalf of your petitioner.
Your petitioner avers that he is ignorant of the laws of the State
of Alabama and of the United States; that he has had very little
education and had not sufficient knowledge of the charge against
him so as to intelligently decide whether or not to plead guilty or
not guilty at the time of his arraignment. Your petitioner avers
that he was led to believe that if he would enter a plea of guilty
at his said arraignment that he would be given a suspended sentence
and as a result of said belief he did in fact plead guilty to the
offense of murder in the second degree, although your petitioner
avers that if the case had been tried that he had a good and sufficient
defense to the said charge.

3. Your petitioner further avers that he is deprived of his liberty without due process of law as a result of the abuse of judicial processes superinduced by fraud practiced on him and that he has a right under the Constitution to seek relief in this court. Your petitioner further avers that he has not appealed his conviction to any appellate court of the State of Alabama.

4. Your petitioner avers that he did not know at the time of his arraignment that he would be sentenced to the penitentiary of the State of Alabama and if he had been so informed he would not have entered a plea of guilty to said charge.

WHEREFORE, petitioner prays this honorable court to grant unto him a writ of error coram nobis and that upon a hearing hereof that the court will set aside the said conviction and grant unto your petitioner a trial so that he may defend himself against the said charge and petitioner further prays that pending such trial that your Honor will set an amount for an appearance bond for your petitioner and will release him from the penitentiary of the State of Alabama pending such trial upon his entering into good and sufficient bond.


Attorney for Petitioner

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared Calvin Williams, who first being duly and legally sworn deposes and says:

That he is the petitioner in the above styled cause; that he has read over the foregoing petition and that the facts stated therein are true.



Sworn to and subscribed before me on
this the 24th day of November, 1964.


Notary Public, Baldwin County, Alabama

FILED

11-25-64

ALB. L. HALL, CLERK

3579 1/2

Calvin Williams



I hereby accept
return of a copy of
the within on this
25th day of Nov. 1964
James H. Hendrix
Secretary

Frank Lee

Mon. 30.

2.00

have here

that A. m

at Camp

Lexley

STATE OF ALABAMA,

Plaintiff,

VS.

CALVIN WILLIAMS,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3579

DECREE

This cause coming on to be heard on this date is submitted on the petition of Calvin Williams for a writ of error coram nobis and the court having heard the testimony in said cause is of the opinion that the writ should be granted:

It is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. That the petition for the writ of error coram nobis heretofore filed in this said court be and it is hereby granted and the conviction of the said petitioner by the Circuit Court of Baldwin County, Alabama, on September 24, 1962, for murder in the second degree is hereby set aside and the said petitioner is granted a trial at the next term of the Circuit Court.

2. An appearance bond in the amount of \$750.00 is hereby set for the said petitioner conditioned that he be and appear at the next term of the Circuit Court to stand trial for murder in the second degree.

ORDERED on this the 7th day of December, 1964.

J. J. J. J. J.
Judge

FILED

DEC 14 1964

Alice L. Duck, CLERK
RECORDED