

3647

Attorneys	Case 1644	Charge
	THE STATE OF ALABAMA,	Grand Larceny
	Vs.	
	J. D. Dalcomb	

Disposition of Case		Fees	Amount
	Affidavit made and Warrant Issued to	Judge's Fees	
	Returnable	Warrant at 50c, Affidavit at 25c	25
	Witness—for State	Bond at 50c, Sci Fa. at 50c	
	Margie Malcolm	Witnesses' Recognizances at 25c	
		Subpoenas or notice at 25c	
		Continuance at 25c	
		Trial of Misdemeanor at \$1.00	
		Mittimus at 25c	25
		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	125
		Carrying Defendant before Justice	
		each mile for himself and guard at 10c	
		Arrest 50c	
		Sheriff's Fees	
8-22-62	Defendant sent to Granbury	Arrest \$5.00, Bond \$2.00, Sci Fa. 50c	700
		Guard \$2.00, Finger Printing \$1.00	300
		Subpoenas at 50c, Mileage 50	500
		Witness Fees	
		Days at 50c	1500
		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	

LAW OFFICES
E. G. RICKARBY
P. O. BOX 71
FAIRHOPE, ALABAMA

April 12, 1963
TELEPHONE WA 18-9836

Mrs. Ann Chevalier
Probate Court
Bay Minette, Alabama

Dear Mrs. Chevalier:

Re: Riley-Stuart Supply Co., Inc., a corporation
Vs: M. I. Foreman
Case No. 4690½
Our File No. 5381

Enclosed find release of judgment in the above
styled cause. Please record, charge to my account,
return to me and oblige.

Yours very truly,

wrt
encl.
cc: (dup.) Client
cc: Mrs. Alice Duck

5/3/63

Blind--Mrs. Duck: This matter has been disposed of.
Here is check for \$37.00, costs of garnishment.

Yours very truly,

EGR/wrt
Encl.

*Recall execution
if not please*

March 18, 1963

Mr. Milford S. Dean, Chief Clerk
Records and Identification Division
Board of Corrections
Montgomery 10, Alabama

Dear Sir:

Re: J.D. Holcomb

The following is the order entered in the above named
defendant's case:

"3/5/63; Petition Dismissed."

Yours very truly,

Circuit Clerk

AJD/eb

COPY

Jan. 31, 1963-

J. D. Halcomb -

Rte #3, Box 115.

Montgomery, Ala.

Alice Duck,

Clerk of Circuit Court of,
Baldwin County, Ala.

Items permissible via mail service; Will consist of U.S. Money orders, solid color socks, white underwear, white handkerchiefs (all must be made of cotton) and black or tan shoes.

Items not allowed brought or sent into the Institution: Food or drinks of any description, electric appliances of any kind, tobacco, matches and cigarettes.

Money may be deposited for inmates with Officer in charge on visiting days.

Dear Miss Duck,

I am writing you in regard to my Court records of my case, in which I was sentenced to 5 years in prison. I have already filed a petition for the records, I am wondering if you could possibly get them up and sent to me soon, as I need them for legal purposes.

and also I am wondering if you could get me a certified copy of the records of the County case that I had prior to this case. any help that you can give me in this matter will be greatly appreciated. please give me a prompt reply concerning this matter.

Yours very sincerely
J. D. Halcomb
77

Mailed Indictment & Budget Entry

KILBY PRISON

MAIL RULES

(FOR PERSONS WRITING TO KILBY INMATES)

All mail is censored.

Your letter will not be delivered unless you are on the inmate's approved correspondence list.

Your letter will not be delivered unless your full name and correct address are on the outside of the envelope.

Your letter will not be delivered if it contains obscene language, false information, or code of any sort.

Send only U. S. Postal Money Orders by mail. DO NOT SEND CASH OR PERSONAL CHECKS.

DONOT SEND STAMPS.

The Records requested are as follows:

DESIGNATION OF RECORDS

- (1) Warrant on case No. 3647.
- (2) Indictment covering case No. 3647.
- (3) Court Docket Entries.
- (4) Judgment and Commitment.
- (5) Oral Transcript of Proceedings.
- (6) Transcript of the Minutes of Case No. 3647.
- (7) Jury List.
- (8) Copy of Experts Appraisal of the evidence.
- (9) Complaints, etc.

NOTE:

OBSTRA PRINCIPIS is invoked in this demand - as it implies a duty upon the Court to be watchful for the Constitutional Rights ~~of~~ of the citizen and against any stealthy encroachments thereupon.

*Take this
to the Clerk of
Circuit Court
Wm. Alice
Court House
Doyleville*

Dear Mother

Items permissible via mail service: Will consist of U.S. Money orders, solid color socks, white underwear, white handkerchiefs (all must be made of cotton) and black or tan shoes.

Items not allowed brought or sent into the Institution: Food or drinks of any description, electric appliances of any kind, tobacco, matches and cigarette.

Money may be deposited for inmates with Officer in charge on visiting days.

I ask you to go to the Court

House and get some thing for me. I

Wint ask you to see about me getting another trail, all I want is my record of the trail that I had, if you all will stop listening to those law down there, and do what I ask you to, I can get something done. I don't want you to try to do anything else or even talk to them about it, all I want is the record, and they are suppose to give them to you, and they will, if you won't take no for an answer. Today is Tuesday, and I need them this week or the first of next, I want you all to do what I ask you, I know what I am doing, so don't worry about that, I have been waiting two weeks to hear from you all, and don't look like any of you care enough about anything, or whether I get out or not to help me. If you don't help me and do the things that I ask you, there is no need to even write me again, because if you don't care more than that about me, there is no need to write, and I won't even answer the letters from now on, here is the record that I need, ~~without a fee, no~~ ~~stop~~ on second thought, I am enclosing a Clipping of what I need, it will be clamped to this letter, well I will close for now, so answer real soon. Love your son, J. J. Wilson

KILBY PRISON

MAIL RULES

(FOR PERSONS WRITING TO KILBY INMATES)

All mail is censored.

Your letter will not be delivered unless you are on the inmate's approved correspondence list.

Your letter will not be delivered unless your full name and correct address are on the outside of the envelope.

Your letter will not be delivered if it contains obscene language, false information, or code of any sort.

Send only U. S. Postal Money Orders by mail. **DO NOT SEND CASH OR PERSONAL CHECKS.**

DO NOT SEND STAMPS.

EX PARTE

J.D. HOLCOMB

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 seeks 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.

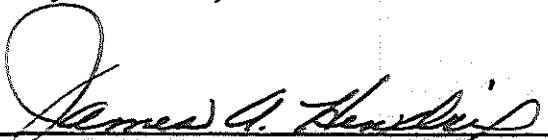
8. For that the allegations of said petition fail to allege petitioner's innocence or show a valid defense.

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 of the Twenty-Eighth Judicial Circuit of Alabama, hereby certify that I have served a copy of the foregoing motion upon the petitioner, J.D. Holcomb, by handing a copy of same to him at the Baldwin County Jail, on this the 4th day of March, 1963.


SOLICITOR OF THE TWENTY-EIGHTH
JUDICIAL CIRCUIT OF ALABAMA.

FILED

MAR 4, 1963

ALICE I. DICK, CLERK
REGISTER

IN THE CIRCUIT COURT OF ALABAMA
IN AND FOR THE COUNTY OF BALDWIN

J.D. HOLCOMB
PETITIONER - AFFIANT

STATE OF ALABAMA
RECIRIANT

Re:
CASE No. CIR. 3647

STATE OF ALABAMA
VS
J.D. HOLCOMB

AFFIDAVIT IN Support of Application For Leave To
PROCEED TOWARD SECURING OF COURT RECORDS WITHOUT
PREPAYMENT OF COSTS.

I, J.D. HOLCOMB, being first duly sworn by Law, depose
AND SAY THAT I AM THE PETITIONER IN THE ABOVE AND ATTACHED
CAUSE, AND IN SUPPORT OF MY APPLICATION FOR LEAVE TO
PROCEED (ABOVE ENTITLED) IN SAID CAUSE WITHOUT BEING
REQUIRED TO PREPAY COSTS OR FEE'S. STATE AS FOLLOWS:

1. THAT because of my poverty I am UNABLE TO PAY THE
COSTS OF SAID DOCUMENTS AND RECORDS preliminary TO
my suit and ACTION upon Error Coram Nobis and/or
Habeas Corpus.
2. THAT I AM UNABLE TO GIVE SECURITY FOR SAME.
3. THAT I believe THAT I AM entitled TO THE redress I seek,
AS ATTACHED Hereto for purpose of suit AND ACTION
upon Error Coram Nobis AND/OR Habeas Corpus.
4. THAT THE NATURE OF MY CAUSE OF ACTION IS BRIEFLY STATED
AS FOLLOWS:

PETITION FOR COURT RECORDS AND DOCUMENTS IN CASE No CIR-3647,
preliminary TO Error Coram Nobis and/or Habeas Corpus suit AND
ACTION.

Respectfully Submitted

J.D. Holcomb
PETITIONER - AFFIANT, Pro, Se
Box 115 - RT. # 3
Montgomery, Alabama.

COUNTY of Montgomery }
STATE of Alabama. } SS:

Subscribed AND SWORN TO Before me THIS 7 DAY of Jan 1963

Jane P. Johnson
NOTARY Public

MY Commission Expires Feb 5 1966

IN THE CIRCUIT COURT OF ALABAMA
IN AND FOR THE COUNTY OF BIBB

J.D. HOLCOMB
PETITIONER, Pro Se
STATE OF ALABAMA
Recipiant

CRIMINAL CASE No. CIR-3647

TO THE Honorable Judge Presiding:
Greetings:

May it please the Court:

J.D. Holcomb petitions this Honorable Court for a

MOTION TO SECURE RECORDS OF THE ABOVE ENTITLED COURT
IN THE MATTER OF - STATE OF ALABAMA VS J.D. HOLCOMB
(AUTHORITY CITED: GRIFFIN VS ILLINOIS, U.S. 76, S.C. 5. 585
S. CT.)

The petitioner, who shall hereinafter be referred to as
SUCH, AND FORMALLY KNOWN AS, J. D. HOLCOMB, inmate of the
STATE PRISON OF ALABAMA, AT MONTGOMERY, petitions this
Honorable Court for the Records pertaining to his
instant commitment in Case No. CIR-3647 from
sentence of this Court on September 24, 1962, within
the County of BALDWIN, STATE OF ALABAMA.

The Record Requested are as follows, To Wit:

1. Warrant on case No. 3647
2. Indictment covering Case No. 3647
3. Court Docket Entries
4. Judgement and Commitment
5. ORAL Transcript of Proceedings
6. Transcript of the Minutes of Case No. 3647
7. Jury List
8. Copy of Experts Appraisal of Evidence
9. Complaints

NOTE:

OBSTRA PRINCIPIIIS is involved in this demand - as it
implies a duty upon the Court to be watchful for the
CONSTITUTIONAL RIGHTS of the citizen and against any
STEALTHY encroachments thereupon.

INDICATED Purpose of Demand for Court Records, IN To To.
(See ALABAMA GENERAL STATUTES & ACT # 62, Sept. 15, 1962.

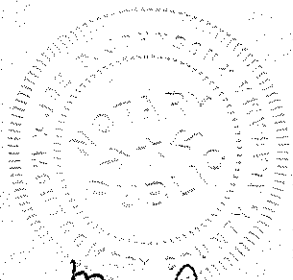
The petitioner states, deposes and says that he verily believes he has a meritable Litigation for Active Court hearing, and that the records of the Court, above and before described, are for the purpose of compiling an accurate and acceptable writ for Error Coram Nobis and/or Habeas Corpus within the Court of original jurisdiction and any denial of these documents would be deprivation of the Petitioner's Due Process of Law.

Wherefore, J.D. Holcomb, having petitioned this Honorable Court for the Records so Designated, the petitioner sums up his cause and does ever pray for such receipt of designated documents.

COUNTY of Montgomery }
STATE of Alabama } ss:

Respectfully Submitted,
J.D. Holcomb
Petitioner, Pro Se
Route 3, Box 115
Montgomery, Alabama.

Subscribed and sworn to before me this 7 DAY of Jan 1963



Joe D. Johnson
Notary Public

My Commission Expires Feb 5 1966

IN THE CIRCUIT COURT OF ALABAMA
IN AND FOR THE COUNTY OF BALDWIN

J.D. HOLCOMB
PETITIONER - AFFIANT

STATE OF ALABAMA
RECIRIANT

Re:
CASE No. CIR. 3647

STATE OF ALABAMA
VS
J.D. HOLCOMB

AFFIDAVIT IN Support of Application For Leave To
Proceed Toward Securing of Court Records Without
Prepayment of Costs.

I, J.D. HOLCOMB, being first duly sworn by Law, depose
AND SAY THAT I AM THE PETITIONER IN THE ABOVE AND ATTACHED
CAUSE, AND IN SUPPORT OF MY APPLICATION For Leave to
proceed (above entitled) IN SAID CAUSE WITHOUT BEING
REQUIRED TO prepay COSTS OR FEE'S. STATE AS FOLLOWS:

1. THAT because of my poverty I am UNABLE TO pay THE
COSTS OF SAID DOCUMENTS AND RECORDS preliminary To
my suit and ACTION upon Error Coram Nobis and/or
Habeas Corpus.
2. THAT I AM UNABLE TO GIVE SECURITY FOR SAME.
3. THAT I believe THAT I AM entitled TO THE redress I seek,
AS ATTACHED hereto for purpose of suit AND ACTION
upon Error Coram Nobis AND/OR Habeas Corpus.
4. THAT THE NATURE OF MY CAUSE OF ACTION IS BRIEFLY STATED
AS FOLLOWS:

PETITION FOR COURT RECORDS AND DOCUMENTS IN CASE No CIR 3647,
preliminary To Error Coram Nobis and/or Habeas Corpus suit AND
ACTION.

Respectfully Submitted

COUNTY of Montgomery }
STATE of Alabama. } SS:

J.D. Holcomb
PETITIONER - AFFIANT, Pro, Se
Box 115 - RT. # 2
Montgomery, Alabama.

Subscribed AND SWORN TO Before me THIS 7 DAY of Jan 1963

Lee P. Johnson
NOTARY PUBLIC

MY commission Expires Feb 5 1966

IN THE CIRCUIT COURT OF ALABAMA
IN AND FOR THE COUNTY OF BIBB

J.D. HOLCOMB
PETITIONER, Pro Se
STATE OF ALABAMA
RECIPIANT

CRIMINAL CASE No. CIR-3647

TO THE HONORABLE JUDGE PRESIDING:
Greetings:

May it please the COURT:

J.D. Holcomb petitions this Honorable Court for a

MOTION TO SECURE RECORDS OF THE ABOVE ENTITLED COURT
IN THE MATTER OF - STATE OF ALABAMA VS J.D. HOLCOMB
(AUTHORITY CITED: GRIFFIN VS ILLINOIS, U.S. 76, S.C. 5, 575
S. CT.)

The petitioner, who shall hereinafter be referred to as such, AND FORMALLY KNOWN AS, J. D. HOLCOMB, inmate of the STATE PRISON of ALABAMA, AT MONTGOMERY, petitions this Honorable Court for the Records pertaining to his instant commitment in CASE No. CIR-3647 from sentence of this Court on September 24, 1962, within the County of BALDWIN, STATE of ALABAMA.

The Record Requested are as follows, To wit:

1. Warrant on CASE No. 3647
2. Indictment covering CASE No. 3647
3. Court Docket Entries
4. Judgement and Commitment
5. ORAL Transcript of Proceedings
6. Transcript of THE Minutes of CASE No. 3647
7. Jury List
8. Copy of Experts Appraisal of Evidence
9. Complaints

NOTE:

OBSTRA PRINCIPIIIS is invoked in this demand as it implies a duty upon the Court to be watchful for the CONSTITUTIONAL RIGHTS of the citizen and against any STEALTHY encroachments thereupon.

INDICATED Purpose of Demand for Court Records, IN To To
(SEE ALABAMA GENERAL STATUTES & ACT # 62, Sept. 15, 1962.

The petitioner states, deposes and says that he verily believes he has a meritable Litigation for Active Court hearings, and that the records of the Court, above and before described, are for the purpose of compiling an accurate and acceptable writ for Error Coram Nobis and/or Habeas Corpus within the Court of original jurisdiction and any denial of these documents would be deprivation of the PETITIONER'S Due Process of Law.

Wherefore, J.D. Holcomb, having petitioned this Honorable Court for the Records so Designated, the petitioner sums up his cause and does ever pray for such receipt of designated documents.

COUNTY of Montgomery }
STATE of Alabama } ss:

Respectfully Submitted,
J.D. Holcomb
Petitioner, Pro Se
Route 3, Box 115
Montgomery, Alabama.

Subscribed and sworn to before me this 7 DAY of Jan 1963



Joe G. Johnson
Notary Public

My Commission Expires Feb 5 1966

IN THE CIRCUIT COURT OF ALABAMA
IN AND FOR THE COUNTY OF BALDWIN

J.D. HOLCOMB
PETITIONER - AFFIANT
STATE OF ALABAMA
RECIRIANT

Re:
CASE No. CIR. 3647
STATE OF ALABAMA
VS
J.D. HOLCOMB

AFFIDAVIT IN Support of Application For Leave To
Proceed Toward Securing of Court Records Without
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I, J.D. HOLCOMB, being first duly sworn by Law, depose
AND SAY THAT I AM THE PETITIONER IN THE ABOVE AND ATTACHED
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PROCEED (ABOVE ENTITLED) IN SAID CAUSE WITHOUT BEING
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Habeas Corpus.
2. THAT I AM UNABLE TO GIVE SECURITY FOR SAME.
3. THAT I believe THAT I AM entitled To THE redress I seek,
AS ATTACHED HERETO for purpose of suit AND ACTION
upon Error Coram Nobis AND/OR Habeas Corpus.
4. THAT THE NATURE OF MY CAUSE OF ACTION IS BRIEFLY STATED
AS FOLLOWS:

PETITION FOR COURT RECORDS AND DOCUMENTS IN CASE No CIR3647,
preliminary To Error Coram Nobis and/OR Habeas Corpus suit AND
ACTION.

Respectfully Submitted

COUNTY of Montgomery
STATE of ALABAMA. } SS:

J.D. Holcomb
PETITIONER - AFFIANT, Pro, SE
Box 115 - RT. # 3
Montgomery, ALABAMA.

Subscribed AND SWORN TO Before me THIS 7 DAY of Jan 1963

Joe G. Johnson
NOTARY PUBLIC

MY Commission Expires Feb 5 1966

IN THE CIRCUIT COURT OF ALABAMA
IN AND FOR THE COUNTY OF BIBB

J.D. HOLCOMB
PETITIONER, Pro Se
STATE of ALABAMA
Recipiant

CRIMINAL CASE No. CIR-3647

TO THE Honorable Judge Presiding:
Greetings:

MAY it please the COURT:

J.D. Holcomb petitions this Honorable Court for a

MOTION To Secure Records of the above ENTITLED COURT
in the matter of - STATE of ALABAMA vs J.D. HOLCOMB
(AUTHORITY CITED: Griffin vs ILLINOIS, U.S. 76, S.C. 5.585
S. CT.)

The petitioner, who shall hereinafter be referred to AS
SUCH, AND FORMALLY KNOWN AS, J. D. HOLCOMB, inmate of the
STATE PRISON of ALABAMA, AT MONTGOMERY, petitions this
Honorable Court for the Records pertaining to his
instant commitment in CASE No. CIR-3647 from
sentence of this COURT on September 24, 1962, within
the County of BALDWIN, STATE of ALABAMA.

The Record Requested are as follows, To Wit:

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6. Transcript of THE Minutes of CASE No. 3647
7. Jury List
8. Copy of Experts Appraisal of Evidence
9. Complaints

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implies a duty upon the Court To be WATCHFUL for the
CONSTITUTIONAL RIGHTS of the citizen and against any
STEALTHY encroachments thereupon.

INDICATED Purpose of Demand for Court Records, IN To To.
(See ALABAMA GENERAL STATUTES & ACT # 62, Sept. 15, 1962.

The petitioner states, deposes and says that he verily believes he has a meritable Litigation for active Court hearing, and that the records of the Court, above and before described, are for the purpose of compiling an accurate and acceptable writ for Error Coram Nobis and/or Habeas Corpus within the Court of original jurisdiction and any denial of these documents would be deprivation of the Petitioner's Due Process of Law.

Wherefore, J. D. Holcomb, having petitioned this Honorable Court for the Records so Designated, the petitioner sums up his cause and does ever pray for such receipt of designated documents.

COUNTY of Montgomery }
STATE of Alabama } ss:

Respectfully Submitted,

J. D. Holcomb
Petitioner, Pro Se
Route 3, Box 115
Montgomery, Alabama.

Subscribed and sworn to before me this 7 DAY of Jan 1963

Joe P. Johnson
Notary Public

My Commission Expires Feb 5 1966

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

J. D. HOLCOMB
PETITIONER

vs.

STATE OF ALABAMA
RESPONDENT

PETITION FOR WRIT OF ERROR
CORAM NOBIS IN RE: CASE NO. 3647
BALDWIN COUNTY CIRCUIT COURT
SEPTEMBER 1962.

Comes now petitioner, J. D. Holcomb, in the above styled cause and shows unto the Court that there are errors of record in this case prejudicial to his substantial rights and in violation of his constitutional rights, and petitions for writ of Error Coram Nobis ad testificandum and would most respectfully show the court as follows:

- (1) Petitioner was victim of entrapment
- (2) Petitioner was denied right to legal counsel
- (3) Perjury was committed in securing indictment
- (4) Evidence in the case will not support the sentence
- (5) There was no warrant of arrest in the case
- (6) The indictment is erroneous to the extent that it is void
- (7) Petitioner was denied the right to summons witnesses in his behalf
- (8) That the sentence is void for want of jurisdiction by the Court
- (9) That false testimony was knowingly used against the petitioner
- (10) That the records of the Court are not sufficient to support the sentence of the Court.

STATEMENT OF FACTS

On the 24th day of September 1962, petitioner was sentenced to a term of five (5) years in the Penitentiary of the State of Alabama by the Circuit Court of Baldwin County, Alabama, for Grand Larceny. Petitioner was committed to Kilby Prison, Montgomery Alabama and is now therein confined. On January 7, 1963 petitioner duly petitioned the Circuit Court of Baldwin County for the following records:

- (1) Warrant on Case No. 3647
- (2) Indictment covering Case No. 3647
- (3) Court Docket Entries
- (4) Judgment and Commitment
- (5) Oral Transcript of Proceedings
- (6) Transcript of the Minutes of Case No. 3647
- (7) Jury List
- (8) Copy of Experts Appraisal of Evidence
- (9) Complaints, Etc.

The records received from that Court are as follows: 1. Certified copy of the indictment; attached hereto and marked "Exhibit A." 2. Certified copy of the Judgment Entry; attached hereto and marked "Exhibit B." Petitioner also petitioned the Records and Identification Clerk at Kilby Prison for a copy of the Transcript of Minutes in Case No. 5647 and received same which is attached hereto and marked "Exhibit C."

STATEMENT OF THE CASE

In order to apprise the Court of the true nature of this case it is necessary to review the events leading up to the sentence imposed by the Court. In the early part of 1958 petitioner married on Margie Partridge as the result of a conspiracy entered into by herself, her two daughters and a Kitty Johnson. Petitioner and Margie Partridge had been living openly together without benefit of marriage. The afore-mentioned parties told petitioner that the welfare Department had taken Margie Partridge's four younger children away from her because of their living together in such manner and that the only way she could get them back was for petitioner to marry her. The Welfare Department denies having taken the children and state that they know nothing of the occurrence. After the marriage petitioner's wife began going out with every man that would date her and practiced prostitution more or less openly. It wasn't long before things started happening to petitioner as a result of his wife's actions and false charges and the petitioner ended up in the penitentiary in Tennessee. As soon as he was confined the wife applied for financial aid in that State and began living openly with her former husband, Raymond Partridge. After Petitioner's release from Tennessee he returned home and it wasn't long before a plan was under way to have him confined again. After a family argument the wife had petitioner arrested for assault and Battery and during the trial, under oath, she told the Court that she and petitioner had never lived together as man and wife. This was perjury, pure and simple, and can be proven. Nevertheless, petitioner was given a county sentence of six months and while serving this sentence he became emotionally upset and cut himself with a razor blade; whereupon the sheriff told him that he was entirely too much trouble and that he was going to have him sent on to prison. After petitioners return from Tennessee he asked his wife for a divorce on several occasions as she was living in open adultery with her former husband, Raymond Partridge. Partridge and Petitioner's wife would then call petitioner and ask him to come over as they wanted to talk with him about returning to his wife. Upon arrival Raymond Partridge would tell him that he would move out and let petitioner move in and that all he wanted was fifteen (15) dollars a month for the house. Petitioner would move in and after

a few days Partridge would try and have petitioner arrested on one pretext or another. This can be proven by local police authorities as they would not arrest petitioner on his charges. This kind of thing continued until finally petitioner approached his wife in the house one night and asked her to give him his things. The wife became angry and threw everything out of a window, including the rings petitioner is alleged to have stolen. This then prompted the charge of Grand Larceny by the sheriff after petitioner became emotionally upset and cut himself. Shortly after petitioner's marriage he met a man in a Bus Station who had a set of wedding rings he wanted to sell; in fact he had a pocket full of rings. The petitioner gave him one (1) dollar for the set of rings that are valued in the indictment at the total of forty five (45) dollars. These are the same rings that petitioner gave his wife and the same rings that were thrown out to him by her. After she had thrown them to him, petitioner went to a bar or tavern and pawned the rings to the bartender for two cans of beer and a package of cigarettes. The bartender's name is John Lazzeri and his name appears on the indictment as a witness. When he swore to the value of the rings to the Grand Jury he knew he was lying and petitioner's wife knew that they were both lying. These are the only two witnesses against the petitioner. The entire community is familiar with the licentious and adulterous conduct of petitioner's wife and it is a matter of common knowledge.

While petitioner was in jail awaiting to be tried on the Grand Larceny charge he gave the jailor a list of names he wanted called as witnesses and the jailor promised him that they would be summonsed. This can be verified by witness whom petitioner will ask to be summonsed in this hearing. On Sept. 24, 1962 petitioner appeared before the Court without counsel and without being advised as to his rights entered a plea of "Not Guilty". At this time petitioner again asked that his witnesses be called and he was told that they would be notified in time for his trial which would be in about two weeks. On the 24th Day of Sept. petitioner was brought into the Court Room for trial. The first thing he noticed was a man sitting on the jury that had been having sexual relations with petitioners wife. Then he found out that none of his witnesses were present. He then asked for a lawyer and was told that he did not need one as he was guilty. Petitioner said all right then what can I do. Whereupon the Court sentenced him to five (5) years in the penitentiary.

ARGUMENT

Petitioner contends that he was illegally sentenced in that he was a victim of illegal entrapment in that the Sherriff conspired with petitioner's wife and others to bring sufficient charges against petitioner to insure that he would be sent to the State Penitentiary. Petitioner can and will substantiate this allegation upon hearing in this cause by reliable witnesses.

Petitioner contends that he was denied his rights as are guaranteed to him by the Constitution of the United States in that he was denied right to counsel. This is a matter of record and is verified by Circuit Court Clerk Alice Duck's certified copy of the Judgment Entry which is marked "Exhibit B" and is attached hereto. In this document it plainly stated that petitioner appeared in his own person and does not mention "and by his counsel". In this instance petitioner certainly needed someone to advise him as he was not advised of his rights by the Court. He did not even know the difference between petit larceny and grand larceny. The right to have counsel is so fundamental and absolute to allow courts to indulge in nice calculations as to the amount of prejudice arising from its denial. A defendant requires the guiding hand of counsel at every step of the proceedings against him, without it, though he is not guilty he faces the danger of conviction because he does not know how to establish his innocence; If this be true of men of intelligence how much more true is it of the men of ignorance. See: McNeal vs. Culver, 365 U.S. 109-114-116. Uveges vs. Pennsylvania, 335 U.S. 457-441; Chandler vs. Fretag 348 U.S. 3-9; Edwards vs. California, 314 U.S. 106.

Petitioner contends that the sentence is void in that perjury was knowingly used in securing the indictment in that the witnesses whose names appear on the copy of the indictment, Margie Holcomb and John Lazzeri together with the Sheriff had full knowledge that the value of the rings was only a few cents and yet they swore to the Grand Jury that the value was a total of forty five (45) dollars. The witness, John Lazzeri is the bartender to whom petitioner pawned the rings for two cans of beer and a package of cigarettes, and at the time complained to the petitioner that he would never get his money out of them.

Petitioner contends that the evidence in the case does not support the sentence in that, there was no expert appraisal of the property allegedly stolen and that the witnesses against him could have been impeached upon proper trial and their testimony stricken.

Petitioner contends that the sentence in the case is void in that there is no warrant of arrest on record. If there was it should have been produced and read to the petitioner before trial and a copy of it should have been sent to him by virtue of his request for same in his petition to the Court for all the records. If there is one the petitioner has again been denied his constitutional rights of due process of law. He formally requested a copy of the warrant and this now stands as a bar to the state presenting one.

Petitioner contends that the indictment is erroneous to the extent that it is void in that it does not state that the incident charged happened within the twelve months prior to trial; It does not properly describe the property allegedly stolen; It does not describe Margie Holcomb properly or as the wife of the accused; It does state where the allegedly offense occurred or by what means. This is all a matter of record and a copy of the indictment is attached hereto and marked "Exhibit A."

Petitioner contends that he was denied the right to summons his witnesses and stands ready to prove this upon hearing in this cause.

Petitioner contends that the sentence is void for want of jurisdiction by the trial court in that the offense alleged was one of petit nature and in the jurisdiction of a lower court.

Petitioner contends that false testimony was used against him and resulted in his imprisonment illegally. That for this reason the sentence is void.

Petitioner contends finally that the records of the Court in no way support the judgment and that if there are other records they are now barred and petitioner has again been denied his rights under the due process of law clause in the Constitution of the United States.

PRAYER

Wherefore Petitioner prays this Honorable Court to issue the Writ of Error Coram Nobis ad testificandum together with its order directing the respondent to produce the body of the said petitioner before this Court on a day ascertained by said Court, to show cause why the said Writ of Error, Coram Nobis should not be granted. Petitioner now seeks to secure remedy in this deserving cause in which State Courts have jurisdiction, and if remedy is refused by the State Courts, he wishes to have his Federal claims adjudicated and passed on by the State as a prerequisite to seeking relief and remedy in the Federal Courts.

Petitioner further prays that this Honorable Court will afford him such other relief that may be due him and will find the sentence void and order petitioner's release from confinement according to law.

Petitioner avers that the allegations and statements made herein are true to the best of his knowledge and belief.

Respectfully submitted,

J. D. Holcomb (L.S.)
J. D. Holcomb - Petitioner

John Shinness (L.S.)
WITNESS:

Wilson Thompson (L.S.)
WITNESS:

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

J. D. HOLCOMB

vs.

STATE OF ALABAMA

IN THE MATTER OF WRIT OF HABEAS
CORAM NOBIS IN FORMA PAUPERIS:

CASE NO. _____

Comes now J.D. Holcomb, Petitioner in the above styled cause, with a motion to the Court for subpoena of the following named witnesses, under authority of Title 15, Section 15, Code of Alabama, 1940, at the proper time and place designated by the court for such proceedings.

Subpoena duces tecum: Official Court Reporter for the Circuit Court of Baldwin County, Alabama, and for said Court Reporter to appear and produce all records of the arraignment and transcript of the trial in the above numbered case; and for Alice J. Duck, Circuit Court Clerk for the Circuit Court of Baldwin County, Alabama, and for said Circuit Clerk to appear and produce all records of the Court pertaining to the above numbered case.

Subpoena ad testificandum:

Mr. Hollinsworth	Jailor at Bay Minnett, Alabama
Officer McNeil	City Patrolman, Loxley, Alabama
Dewey Gouston	Loxley, Alabama
Billy Joe Holcomb	Loxley, Alabama
Jean Holcomb	Loxley, Alabama
Elige Holcomb	Loxley, Alabama
Pearl Holcomb	Loxley, Alabama
James Kennedy	Trusty Barracks, Kilby Prison, Montgomery, Alabama
Wilson Thompson	Kilby Prison, Montgomery, Alabama
Margie Holcomb	Rt 1, Loxley, Alabama
John Lazzeri	Loxley, Alabama
Walter Stanford	Loxley, Alabama
Taylor Wilkins, Sheriff	Loxley, Alabama
Wilson Hayes	Loxley, Alabama
Clyde Thomas	Loxley, Alabama
Robert Duck	Loxley, Alabama
Cleve Harris	Loxley, Alabama

John Shinn (L.S.)
WITNESS:

Wilson Thompson (L.S.)
WITNESS:

J. D. Holcomb (L.S.)
J. D. HOLCOMB - PETITIONER

STATE OF ALABAMA

BALDWIN COUNTY

Title 28, U. S. Code, Section 1915; also sought under,
ADKINS vs. DUPONT, Sec. 1915.

I, J. D. Holcomb, 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 am 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 either real or otherwise in excess of fifty (50) dollars. 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,

J. D. Holcomb (L. S.)
J. D. HOLCOMB, Pro Se.

John Shinnors (L.S.)
WITNESS:

Wilson Thompson (L.S.)
WITNESS:

PROOF OF SERVICE

I hereby certify that I have this date mailed a copy of the foregoing petition to the State Solicitor for the Circuit Court of Baldwin County, Alabama, by placing it in the United States mail properly stamped and addressed.

J. D. Holcomb (L. S.)
J. D. HOLCOMB-PETITIONER

February 18, 1963

John Shinnors (L.S.)
WITNESS:

Wilson Thompson (L.S.)
WITNESS:

INDICTMENT

Moore Ptg. Co.
Printed by MooreTHE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT FALL SESSION, 1962

The Grand Jury of Said County charge that before finding this indictment J.D. Holcomb did feloniously take and carry away one Gold Wedding ring, of the value of \$25.00, and one gold lady's ring of the value of \$20.00, the personal property of Margie Holcomb.

against the peace and dignity of the State of Alabama.

/s/ James A. Hendrix
Solicitor of the Twenty-Eight Judicial
Circuit.

No. _____

THE STATE OF ALABAMA
Baldwin County

Circuit Court

Fall Term, 1962

The State
vs.

J.D. Holcomb

Grand Larceny

INDICTMENT

No Prosecutor

WITNESSES:

Margie Holcomb
John Lazzeri

GRAND JURY NO. 57

A TRUE BILL

GEORGE P. WOOLF
Foreman Grand Jury.

Filed in open Court and in the
presence of the Grand Jury on the
12 day of Sept. 1962.

Alice J. Duck
Clerk.

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

Alice J. Duck
Clerk.

Bail fixed \$ 500.00

H.M. Hall

Judge

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the INDICTMENT in the case of THE STATE vs: J.D. Holcomb, and the same is on file in my office.

WITNESS my hand and seal this 5th day of Feb. , 1963.

/s/ Alice J. Duck
Circuit Clerk.

Exhibit A

STATE OF ALABAMA

IN THE CIRCUIT COURT OF
BLADWIN COUNTY, ALABAMA

vs:

CASE NO. 3647

J.D. Holcomb

GRAND LARCENY

"9/24/62; Comes the State of Alabama by its solicitor, comes the defendant also in his own proper person and pleades guilty to the offense of Grand Larceny, and the defendant being asked if he had anything to say as to why the sentence of the law should not be passed on him, says nothing, It is therefore considered and adjudged by the Court that the defendant be and he is hereby sentenced to Five Years in Penitentiary."

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the Judgment Entry in the above styled cause, as same appears in Minute Book 11, page 146.

WITNESS my hand and seal this 5th day of February, 1963.

/S/ Alice J. Duck
Circuit Clerk

"EXHIBIT B"

TRANSCRIPT OF MINUTES

Moore Printing Co.

The State Of Alabama)
Baldwin County)

The circuit Court Of Baldwin County

No. 3647

THE STATE vs.

INDICTMENT FOR

J.D. Holcomb

Grand Larceny

This the 14 day of Sept., 19 62 came Hon. James A. Hendrix

Solicitor, who prosecutes for the State of Alabama, and also came the defendant in his own proper person and by HIS attorney, and the said defendant being duly arraigned upon said indictment, for plea thereto, says that (he) is not guilty of GRAND LARCENY

as charged

in the said indictment.

And on this the 24 day of Sept., 1962, the said defendant being now in open Court and being asked by the Court if he had anything to say why the judgment of the Court and the sentence of the law should not now be pronounced upon him says nothing. It is therefore considered by the Court and it is the judgment of the court that the defendant is guilty as charged in the

said indictment and it is the sentence of the law that the said defendant, the said J.D. Holcomb be imprisoned in the PENITENTIARY of the State of Alabama for a term of FIVE (5) years.

Exhibit C

J. D. HOLCOMBE,	)	
	)	
Petitioner,	)	IN THE
	)	
VS.	)	CIRCUIT COURT OF BALDWIN COUNTY,
	)	
STATE OF ALABAMA	)	ALABAMA. NO. 3647A
	)	
	)	April 5, 1963
	)	
	)	

The Petitioner, J. D. Holcombe, filed his petition in the Circuit Court of Baldwin County, Alabama, asking for a Writ of Coram Nobis and praying that he be discharged.

The State, acting by and through its Solicitor, filed a motion to dismiss the said petition.

The Court appointed Hon. James R. Owen, a practicing Attorney of Baldwin County, Alabama, to represent and protect the interest of the petitioner on the hearing of said petition.

The State of Alabama, bearing out the conviction of the Petitioner, introduced in evidence the following papers:

1. Affidavit and warrant of arrest;
2. Indictment.
3. The Records of the Court showing the verdict of the Jury and the sentencing of the Defendant.

The Defendant, or Petitioner, being duly arraigned, pleaded not guilty, and when the case was called for trial, changed his plea of not guilty to a plea of guilty and was thereupon sentenced by the Court, he having nothing to say as to why the sentence of law should not be imposed.

The Defendant offered evidence highly inconclusive that the petitioner did not and was not given a fair and impartial trial and duly and legally convicted and sentenced to the penitentiary.

The Court, after considering all of the pleadings and the testimony, is of the opinion that the Petitioner has not established the allegations of his petition and that the said petition should, therefore, be dismissed; it is, therefore

ORDERED, ADJUDGED AND DECREED by the Court that the petition on behalf of the petitioner for Writ of Coram Nobis be and it is hereby dismissed and denied.

This the 5th day of April, 1963.


Judge

3647

The Court is considering all of the foregoing

and the testimony, is of the opinion that the petitioner has

not established the allegations of his petition and that

his petition should be dismissed with costs.

Wherefore

prayed, that the Court will

the petition on behalf of the petitioner for writ of habeas

corpus be and is hereby dismissed and denied.

This the 21st day of April, 1961.

M

