

JAN 14 1988

FILED IN OFFICE THIS _____ DAY

OF _____, 19____

Kyle Ransford

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA
Shelby County, Alabama

STATE OF ALABAMA,
Plaintiff,

vs.

RONALD PATRICK SWINEY,
Defendant.

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CV-88-021

CASE NO. CC-88-

APPLICATION FOR WRIT OF HABEAS CORPUS

TO THE HONORABLE JOHN R. ROCHESTER, CIRCUIT JUDGE IN THE EIGHTEENTH JUDICIAL CIRCUIT OF ALABAMA OR IN HIS ABSENCE ANY OTHER CIRCUIT JUDGE OF THE EIGHTEENTH JUDICIAL CIRCUIT OF ALABAMA OR ANY OTHER JUDGE OF THE STATE OF ALABAMA:

(1) The Defendant, Ronald Patrick Swiney, is presently incarcerated in the Shelby County Jail in Columbiana, Alabama after being arrested on December 10, 1987 on the charge of capital murder as more specifically specified in Section 13A-5-40, Code of Alabama, 1975.

(2) The Defendant states that he is currently being detained in the Shelby County Jail in Columbiana, Alabama, under the supervision of Sheriff Buddy Glasgow, by order of the District Court of Shelby County, Alabama and that incarceration is illegal in that the Defendant is incarcerated on a bond of One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) which is excessive. The Defendant's rights as embodied in the Eighth Amendment to the Constitution of the United States of America have been violated by the District Court's failure to set a reasonable sum for bond for the Defendant. Further, that the Defendant's rights as

afforded by Section 16 of the Constitution of the State of Alabama of 1901 have been abridged and denied the Defendant.

(3) The Defendant states that he has been a lifelong resident of Shelby County, Alabama, has substantial family ties to Shelby County, Alabama and that if the bond were set in a reasonable sum that he would be able to be free pending trial of this cause.

(4) Further, the Defendant has no prior felony criminal record of any kind and that bond is excessive in this case as set by the District Court of Shelby County, Alabama.

WHEREFORE, PREMISES CONSIDERED, the Defendant, Ronald Patrick Swiney, prays for the following relief, separately and severally:

(a) That this Honorable Court will grant the Writ of Habeas Corpus;

(b) That the Sheriff of Shelby County, Alabama be required to produce the body of the Defendant, Ronald Patrick Swiney, before this Court on a date and time certain to be set by this Court for the purpose of conducting a hearing on an Order to reduce the amount of the bond in this particular cause by allowing the Defendant to obtain his release pending trial;

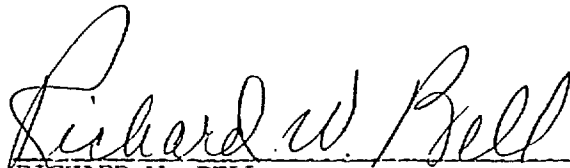
(c) That this Honorable Court, after hearing all the evidence and argument of counsel in this cause, will set a bond which is reasonable and not excessive and within the guidelines dictated by the Constitution of the United States of America, the Constitution of the State of Alabama, and the

rules of judicial administration;

(d) The Defendant, Ronald Patrick Swiney, prays for such other, further and different relief as may be just and proper under the circumstances.

Respectfully submitted,

BELL, MAPLES & ASSOCIATES, P. C.




RICHARD W. BELL
Attorney for the Defendant
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Pelham, Alabama 35124
(205) 663-9000

ACKNOWLEDGMENT

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, Marsha A. Graham, a Notary Public in and for said State at Large, having first duly sworn Richard W. Bell, he states that he is the attorney of record for the Defendant, Ronald Patrick Swiney, and that he has personal knowledge of the facts stated within the contents of this Application for Writ of Habeas Corpus and that the facts are true and correct.

Sworn and subscribed before me this the 14th day of January, 1988.



NOTARY PUBLIC
My Commission Expires: 04/11/88

