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September 15, 1994

Mr. Ronald Patrick Swiney
Holman 3700/ 154406
Atmore, Alabama 36503

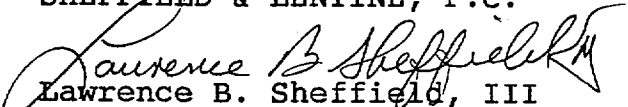
Dear Patrick:

Please find enclosed a copy of the Court of Criminal Appeals denial of your Application for Rehearing and Rule 39(k) motion dated September 9, 1994. We have filed a Petition for a Writ of Certiorari with the Alabama Supreme Court today and I expect it will take approximately 12 weeks for them to respond.

I have reviewed our representation agreement and spoke with your mother (who has a copy) about the agreement in the event the Supreme Court denies your petition or affirms the Court of Criminal Appeals decision. The agreement calls for the firm to advise you and your mother as to whether in our opinion a Petition for a Federal Writ of Habeas Corpus might benefit you if the Rule 32 petition is ultimately denied on the state level. At this time there is no way for us to advise you or your mother in this respect until the Alabama Supreme Court gives us a final ruling. However, I just wanted to keep you apprised of the situation up to this point and possible future ramifications.

Yours truly,

SHEFFIELD, SHEFFIELD,
SHEFFIELD & LENTINE, P.C.


Lawrence B. Sheffield, III
For The Firm

LBSIII/gm
Enclosure
cc: Odell N. Swiney

SEPTEMBER 15, 1994
(41855)

COURT OF CRIMINAL APPEALS
STATE OF ALABAMA
JUDICIAL BUILDING, 300 DEXTER AVENUE
P. O. BOX 301555
MONTGOMERY, AL 36130-1555

WILLIAM M. BOWEN, JR.
Presiding Judge
SAM TAYLOR
JOHN PATTERSON
H. WARD McMILLAN
MARK G. MONTIEL
Judges

Office of the Clerk
(205) 242-4590

Court of Criminal Appeals No. 92-0724
(Shelby Circuit Court No. CC-88-077)

Ronald Patrick Swiney
Appellant

vs.

State of Alabama
Appellee

Dear Sir or Madam:

You are hereby notified that on **September 9, 1994**, the following indicated action was taken in the above-styled cause by the Court of Criminal Appeals of Alabama:

Application for rehearing **overruled**. Rule 39(k) motion **denied**.

LANE MANN
CLERK
COURT OF CRIMINAL APPEALS

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