

copy to
Swiney

MARCH 28, 1997
(6895)

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

RONALD PATRICK SWINEY,
petitioner,

vs.

CIVIL ACTION NO. 96-P-2823-S

CHARLES E. JONES, et al.,
Respondents.

PETITIONER'S REPLY TO RESPONDENTS'
ANSWER OR MOTION FOR SUMMARY JUDGMENT

comes now the petitioner in the above-styled cause and respectfully files with this Honorable Court his reply to the Respondents' answer to his petition for writ of Habeas Corpus :

The petitioner recognizes that the duty of the writer for the Respondents is to defend a conviction once the conviction has been affirmed by the courts of appeals. However, the petitioner believes that it is unfair and against our jurisprudence to defend a conviction for a capital murder where the record affirmatively shows that his conviction is the direct result of ^{lacked of} adequate legal representation. For example; NO motion for discovery was filed. NO motion for the suppression of statements made and evidence to be used at trial, was ever filed. How can a man receive a fair trial under the above and other circumstances?

petitioner further believes that an objective reader (after reviewing the evidence used to convict him) would have no other alternative but to conclude that petitioner's trial counsel was patently unprepared to represent his client.

to establish that trial counsel was ineffective, a defendant must show that it fell below an objective standard of reasonableness, and there is a reasonable