

That even as the Petitioner writes these words, State Prison Officials knowingly and willfully impose on Petitioner mental, emotional and physical abuses, strictly in Retaliation for the Petitioner's quest for truth and justice. Thus, Petitioner claims blatant "bad faith" on behalf of the State of Alabama on all of these, as well as other proceedings.

I ask this Honorable Court to please note that all Page Transcript References (numbers) are from the original trial transcripts, as State Prison Officials compelled Petitioner to mail out transcripts produced by the State Attorney General's office.

Having clarified to this Honorable Court as well as the Honorable Attorney General for the State of Alabama, Petitioner continues to attempt to comply with the pending order of this Court - as best he can.

1. Statements in closing arguments that were prejudicial to Petitioner and should have been objected to:

MR. CAMPBELL: "Not about whether or not Dr. Embry took vaginal swabs or samples." [R974] "There was no reason to take vaginal swabs. It didn't make any difference." [R975].

COMMENTS: The Petitioner was a police officer for about 13 years, dealing daily in such matters. It is totally insane if not criminal not to search out and preserve physical evidence to a crime or crime scene. This is not just misleading the Jury, it is out and out lies to the Jury. Adultery claimed from the very beginning of all proceedings, and the physical evidence to prove or disprove was absolutely vital. Why would the State not search for truth?

The petitioner submits to this Honorable Court that this was nothing less than a criminal act on the part of the State officials. The knowing failure to perform normal autopsy procedures, i.e., vaginal swabs, throat cultures, etc., is clearly the overt act necessary to constitute conspiracy - a conspiracy to deprive the Petitioner an opportunity to defend himself among State officials, i.e., of capital murder. The District

Attorney, the Coroner, the Medical Examiner, clearly established the other required element that constitutes conspiracy - conspiracy to knowingly and willing destroy exculpatory evidence forever. An obvious conspiracy to obstruct justice. Had these normal autopsy procedures been followed, the outcome would have been different.

This is not the conclusion of the petitioner, but also the conclusion of many, including but not limited to: The National Police Defense Foundation, Independent Investigators, and their Chief Investigator, Dr. Boris deKorczak. These are blatant criminal acts of the ugliest nature.

2. It is common knowledge in the area where this tragedy took place that the District Attorney and my wife, Betty Snow Swiney, had an unusually - and extremely close relationship for years and years. Exactly just "how" close is now in question. Could it be that the District Attorney had a great fear about personally being implicated with my wife through D.N.A. testing, should these Normal Autopsy Procedures have been performed? I submit that the "real" question exists - and that Chief Investigator Dr. Boris deKorczak with the National Police Defense Foundation is in full agreement.

MR. CAMPBELL: "He shot Ronnie Pate through the brain, he answered the telephone." [R986]. "He came there to take their lives." [R989]. "The Defendant went on a hunt that night." [R976]. "Defendant hunted Ronnie Pate." [R977]

COMMENTS: Not one shred of evidence supports such lies. This was an evil and calculated way to poison the Jury with absolute lies.

MR. CAMPBELL: "It's going to make you feel good on your way home to your spouse and your child." [R990].

COMMENTS: Feel good to convict an innocent man of murder? Maybe it would make Mr. Campbell feel good to get all possible suspicion of evil doings off him. Very few things that are certain or absolute in this universe, but one thing that is "absolute" and "certain:" the Petitioner is totally and completely innocent of murder! Period!

MR. CAMPBELL: "No doubt, no doubt, that this defendant is guilty of killing Ronnie Pate and he is guilty of killing Betty Snow. That is absolute fact." [R969]

COMMENTS: Fact is, no evidence whatsoever supports such outrageous claims, and to put them before an innocent and entrusting Jury as: absolute fact, is a total disgrace to his profession, a disgrace to the Court and nothing less than throwing the United States Constitution into a septic tank, to cover his very own evil ways.

MR. OWEN: "The defendant said if he ever comes back I will kill him." [R934]. "She's a Pate woman." [R934]. "Nell said that he said to her if Pate ever comes back in this yard I will kill him." [R934].

COMMENTS: All hearsay testimony - lies! Most everyone knows that it is absolutely impossible to defend oneself against hearsay testimony. Absolutely impossible! The entire proceeding was full of hearsay testimony. Had all the hearsay testimony and lies been objected to and disallowed, the outcome would have been different.

IN CONCLUSION

If form, procedure or wording in this response is considered in any way improper, it is from sheer ignorance on the part of this pro-se Petitioner. I pray that this pro-se Petitioner is in complete compliance with all of the Order set forth by this Honorable Court.

RESPECTFULLY SUBMITTED



Ronald Patrick Swiney

Dated: February 16, 1998

CERTIFICATE OF SERVICE

This will certify service of this the foregoing on all parties below by placing in the U.S.
Mail, properly addressed. Postage pre-paid

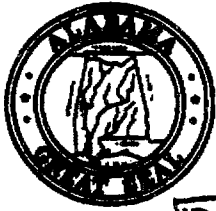
This 17th day of February 1998

Clerk
United States District Court
Northern District of Alabama
HUGO L. Black United States Courthouse
1729 - 5th Avenue North
Birmingham, Alabama 35203

Office of the Attorney General
State of Alabama
11 South Union Street
Montgomery, Alabama 36130



Ronald Patrick Swiney



ALABAMA DEPARTMENT OF
FORENSIC SCIENCES

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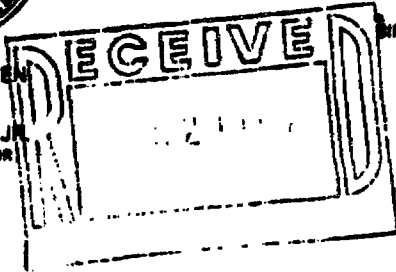
Joseph H. Embry, M.D.
State Medical Examiner

Lawden H. Yates, Jr.
Laboratory Director

SERVICES

- Forensic Drug Chemistry
- Forensic Pathology
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- Forensic Toxicology
- Trace Evidence Examination
- Firearms/Toolmarks Examination
- Documents Examination
- Crime Scene Investigation

CARLOS L. RABRE
DIRECTOR
VANN V. PRUITT, JR.
ASSISTANT DIRECTOR



December 17, 1987

Honorable J. Michael Campbell
District Attorney
Courthouse
Columbiana, Alabama 35051

Re: Case 01(A)-88-25863
Betty S. Swiney, subject
Ronald P. Swiney, suspect

Dear Sir:

Enclosed is the Primer Residue Analyses report citing this Department's findings on analyses conducted at your request regarding the above styled case. Further laboratory analyses are being conducted and additional memoranda will be sent to you when they are completed.

If we may be of further assistance, please do not hesitate to contact us.

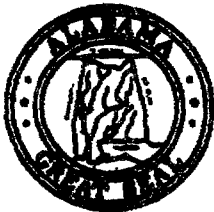
Sincerely yours,

Joseph H. Embry
Joseph H. Embry, M.D., J.D.
State Medical Examiner

JHE/dm

Enclosure

cc: Coroner Billy Thompson
Investigator M. R. Smitherman, Shelby County Sheriff's Office
Sergeant Jim Walters, Shelby County Sheriff's Office
Sergeant Tom Smitherman, Shelby County Sheriff's Office



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CARLOS L. RABREN DIRECTOR

VANN V. FRUITT, JR. ASSISTANT DIRECTOR

PRIMER RESIDUE ANALYSES

CASE NUMBER 88-25863 (with handwritten 25862 above)

DATE RECEIVED 12-11-87

DATE REPORTED 12-13-87

The results of requested primer residue analyses on swabs identified as from the hands of Ronald P. Swiney were as follows:

Laboratory analyses of the submitted swabs, from the above-named person, revealed that the presence of residue and the amount of residue is consistent with that found when a firearm has been discharged, a fired weapon has been handled, or the hands of the subject were in close proximity to a firearm when it was discharged.

THIS RESIDUE WAS DETECTED ON SWABS FROM:

- Back of right hand; Right palm; Back of left hand; Left palm; Other

Laboratory analyses failed to reveal conclusive evidence that the above-named person fired a weapon, handled a fired weapon, or whether the hands were in close proximity to a firearm when it was discharged.

It should be noted that certain brands of .22 caliber rim fire ammunition do not contain the elements necessary to make this determination.

Signature of David L. Higgins, Laboratory Analyst III, Birmingham Laboratory