FILED
98 JUN 23 PM 12:43
U.S. DISTRICT COURT
N.D. OF ALABAMA

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

RONALD PATRICK SWINEY,	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL ACTION NO. 96-P-2823-S
	)	
CHARLIE JONES, Warden;	)	
ATTORNEY GENERAL FOR	)	
THE STATE OF ALABAMA	)	
	)	
Respondents.	)	

ENTERED
JUN 23 1998

MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATION

Ronald Patrick Swiney, hereafter referred to as the petitioner, filed this *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On June 12, 1989 petitioner was convicted in the Circuit Court of Shelby County, Alabama of capital murder and was sentenced to life imprisonment without parole.

On direct appeal petitioner raised the following issues:

I. Did the trial court err to reversal by failing to include the [petitioner's] waiver of a jury trial for the determination of his punishment in the minute entry for the instant case?

II. Did the trial court err to reversal in denying the [petitioner's] motion for judgment of acquittal at the close of the state's evidence against the [petitioner]?

III. Did the trial court err to reversal in denying the [petitioner's] motion for mistrial after the mother of the deceased, Betty Swiney, testified that the [petitioner] murdered her daughter?

(Respondents' Exhibit B).

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