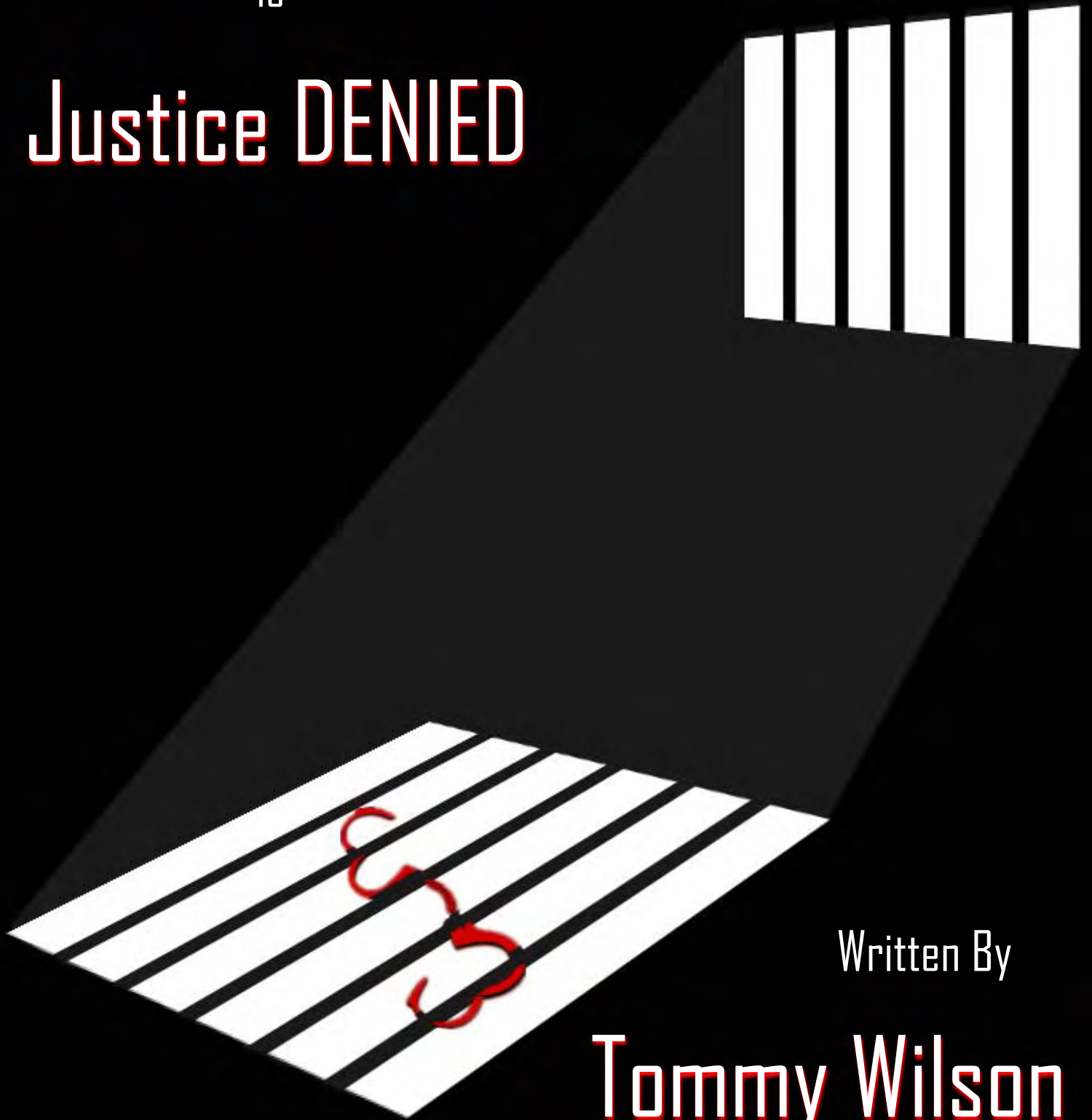


Justice Delayed

is

Justice DENIED



Written By

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This is a true story. The names and places have been changed to protect the innocent.

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SYNOPSIS

This is a story about myself and my experience with the judicial systems in three states.

As reflected in chapters one thru three, I was tried without an attorney at the age of eighteen, convicted of crimes I had not committed and sent to prison. Having no knowledge of the law or how to petition the courts for relief (in 1960 inmates were not allowed to possess any law material), all I could think of was how I was going to escape and prove my innocence. The escapes became a reality, although costly, but proving my innocence was always just beyond my grasp.

After two escapes and successfully evading the law in 1963, I wound up in California where I was arrested and convicted of another crime, simply because I was in the wrong company and a fugitive at the time. The law I established in that state wasn't really a new law, but I made it applicable to me when it really wasn't originally designed for that purpose. California law required that any time a defendant was convicted in that state and had an outstanding sentence in another jurisdiction of which the sentencing judge was aware and failed to stipulate whether the new sentence was to run concurrently or consecutively, the new sentence was to run concurrently with any and all outstanding sentences. The California judge was well aware of my status as a fugitive from another state, but apparently did not think this law applied to me and failed to mention how the California sentence was to run.

I learned of this law from extensive reading during my assignment as law library clerk at Soledad Prison. I argued in my petitions that it should apply to me even if the other sentence was in another state. This was one of several constitutional issues I presented to the California

Supreme Court, but the one they ruled favorably on. In their ruling it was ordered that I be returned to Georgia in order for the two sentences to run concurrently.

I was returned to Georgia, after an extradition hearing, in 1967 in order to continue serving my Georgia sentence as well as the California sentence concurrently.

With the knowledge I had gained from the access I had to law books in California, I came back to Georgia with the necessary knowledge of law to return to court and have my original convictions reversed.

When I returned to Georgia, I was placed in a maximum security unit and word soon got out that there was a super writ writer there. By then you could possess law material and the Supreme Court had also ruled that one inmate could assist another in the preparation and filing of habeas corpus petitions. Needless to say, when I came back I had brought boxes and boxes of law material with me.

Once my original conviction was reversed, I began working on the various escape convictions I had received during my initial incarceration and the charges levied against me in the escapes and while on escape. Once my petitions were filed, and awaiting their outcome, I quickly became busy filing petitions for other inmates. At any given time, I would have inmates returning to courts in numerous counties for hearings and reversals on constitutional grounds. The neat part was that most of them were being released or having to be retried for age-old convictions. District Attorneys throughout the state, as well as the Attorney General, became aware it was one man sending all of these men back to court for reversals and came up with the idea to have me paroled back to the state of California. When told I was being paroled, I stated to the officials that I did not want parole, that I was serving my California time there and didn't want to be paroled three thousand miles from my home. I was never given an extradition hearing, never waived extradition, was placed in shackles, turned over to an extradition officer from California, kidnapped and returned to California.

Upon my return to California, I was reassigned to Soledad and the law library. Immediately upon my return, I started back petitioning the courts on the original constitutional issues I had presented previously. Before I was kidnapped from Georgia, I had gained reversals on all of my original convictions and was paroled on the sentences I had received for my escapes. Yep, even though I had proven I was unjustly incarcerated when I escaped, the sentences for the escapes were still considered lawful and I as paroled from the sentences I had received for the escapes.

After exhausting all of my state remedies in California, I petitioned the United States District Court for the Northern District of California, arguing the same issues I had argued in the state courts. One of the issues was similar to the Miranda case even though Miranda had not been ruled upon by the United States Supreme Court at the time. Right, the District Court agreed with me and the record reflected that I had requested an attorney during questioning and been denied, and then some of my answers had been twisted to make it sound to my California jury that I might be guilty, even if no one could place me at the crime scene. The District Federal Court reversed the conviction and gave the State thirty days to retry or release me. On the last day I was released with forty bucks in my pocket. I returned to Georgia after about three weeks of my own free will and without any assistance from either state and was immediately informed I was still on parole in that state. Within two months my parole was violated and I was sent back to prison.

In 1970 I was released on parole again and this time I had a great guy for a parole officer. He gave me few restrictions and after four months allowed me to take a job travelling three states. The company I worked for paid extremely well and I soon began driving new convertible Jaguars and Lincolns. I became known as the sharpest dresser of all the sales reps covering thirty-three states and dating most any female I met and wanted to date. I loved to party, became somewhat of a womanizer and determined to make up for all my lost time in the sex department. I had a live-in girlfriend sixteen years my junior, was involved with a doctor's widow and dating as many as five or six different women a week. My job required I be away from home at least four nights a week and, as a result, my girlfriend became involved with a deputy sheriff in my hometown. Whose idea it was I guess I will never know, but I was again the target of the local

District Attorney, set up and returned to prison. Upon my arrest, I immediately made bail and continued working with the same company. I hired an attorney and together, we entered into an agreement with the District Attorney that I would take a polygraph test, and if it showed me guilty I would go to court and plead guilty. If not, all charges would be dropped against me. We even agreed to let the District Attorney set up the polygraph test. Again the judicial system failed me. A trial date had been set before they set up the polygraph test and when the date arrived I asked my attorney if I had to be there since he was sure the court would allow a continuance for the test to be given. My attorney's response was that perhaps I should be there because, for some reason, the District Attorney seemed to have a personal vendetta against me and if I wasn't there he might ask for my bail to be revoked. It just so happened he was the same District Attorney who had railroaded me in '60 and I had gotten his convictions reversed. When the case was called, my attorney explained to the judge about the agreement we had with District Attorney regarding the polygraph test, consequently he had made no preparations for a trial and asked for a continuance. After my attorney made his request to the judge, the District Attorney didn't deny such an agreement had been made but argued that I should be tried immediately because I was a flight risk. Hell, I had been on bail for several months, travelling three states, but all of a sudden became a flight risk.

My trial was ordered held that day with no continuance being granted. My attorney had made no preparations for the trial and the whole thing was a total farce. The State failed to present enough evidence on one of the charges to even get past the trial judge who ordered it dismissed, but the second charge went to the jury who found me guilty.

I was allowed bail pending an appeal and spent thousands of dollars appealing the case all the way to the United States Supreme Court who simply refused to hear the case. After my final appeal was denied, returned to court and was ordered sent to prison again.

Immediately upon entering prison, I was reassigned to the law library, where I began researching my case. I had attorneys who represented me in all of my appeals and had failed to present an issue I thought should have been presented. This meant I had to start all over,

petitioning the court I had been tried in, getting denied, appealing to the next level only to be denied, and then petitioning the State Supreme Court.

By the time I had exhausted all of my state remedies (a requirement before petitioning the federal courts), I had almost served the entire sentence imposed. However, when I petitioned the Federal Court, it agreed with me and the sentence was vacated.

As a result of the unconstitutional incarcerations I suffered, the sentences I had imposed as a result of escapes from these sentences, I served the equivalent of twenty-five years in prison. More prison time than most murderers have to serve. I have never been compensated for these years, and this is why I have titled my book *Justice Delayed is Justice Denied*.