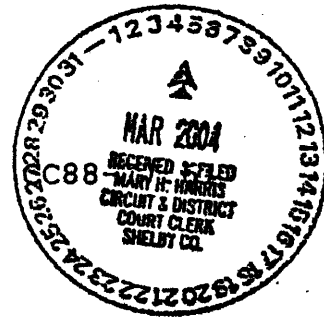


ADDENDUM A

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

RONALD PATRICK SWINEY,)
)
 Petitioner,)
)
 v.)
)
 STATE OF ALABAMA,)
)
 Respondent.)

Case No.



ORDER GRANTING STATE OF ALABAMA'S
 MOTION TO DISMISS SWINEY'S SUCCESSIVE
 RULE 32 PETITION

This is an action for relief under Rule 32 of the Alabama Rules of Criminal Procedure by a prisoner under a sentence of life without parole. With the assistance of counsel, Ronald Patrick Swiney ("Swiney") filed his Rule 32 petition on August 13, 2003, wherein he challenges his conviction for capital murder based on claims of newly discovered evidence of factual innocence.

Before recounting the allegations in Swiney's Rule 32 petition, the Court sets out the procedural history that demonstrates Swiney has appealed his capital murder conviction through the state and federal courts. Swiney was indicted, tried and convicted in the Shelby County Circuit Court of the crime of capital murder for

intentionally causing the deaths of Betty Snow Swiney and Ronnie Lynn Pate by one act or pursuant to one scheme or course of conduct, a violation of Ala. Code § 13A-5-40(a)(10). The verdict was returned and Swiney was adjudged guilty on June 12, 1989. Swiney's capital murder conviction was affirmed on appeal. Swiney v. State, 555 So. 2d 1207 (Table) (Ala. Crim. App. 1989).

Swiney concedes that he previously challenged his conviction by filing a Rule 32 petition in 1993. See Swiney's Rule 32 petition at p. ii. Swiney's initial Rule 32 petition was denied after he received an evidentiary hearing. *Id.* The denial of Swiney's Rule 32 petition was affirmed by the state appellate courts. Swiney v. State, 662 So. 2d 305 (Table) (Ala. Crim. App. 1994), cert. denied, Ex parte Swiney, 668 So. 2d 579 (Table) (Ala. 1995).

Swiney also attacked his conviction by filing a petition for writ of habeas corpus in the United States District Court for the Northern District of Alabama. Swiney's Rule 32 petition at p. 4. That court denied Swiney's habeas petition on June 23, 1998. *Id.* The Eleventh Circuit Court of Appeals denied Swiney's