

**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA
EIGHTEENTH JUDICIAL CIRCUIT**

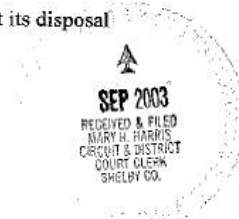
RONALD PATRICK SWINEY,)	
)	
PETITIONER,)	
)	
V.)	CASE NO.: 88-077.60
)	
STATE OF ALABAMA,)	
)	
RESPONDENT.)	

PLAINTIFF'S MOTION FOR DECLARATORY JUDGMENT

The Plaintiff is in receipt of STATE'S MOTION FOR ENLARGEMENT OF TIME wherein the State requests an additional sixty (60) days to file an answer in the above styled case. We object to the State's motion and request that it be denied on grounds that:

- 1.) Sixty (60) days is excessive and serves to impose judicial delay.
- 2.) ARE 201(d) is mandatory "if requested by a party and supplied with the necessary information." We have met this requirement. A response from the State is not required at this time.

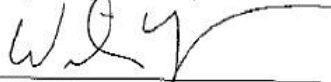
In paragraph 1 of the State's Motion, the Respondent declares that the Rule 32 petition "raises numerous claims" when, in fact, the petition raises a single claim. The Respondent further argues that they need additional time to determine the procedural defaults. There are no procedural defaults applicable to this petition. While Exhibit 1 is certainly lengthy, the petition itself is quite brief. The state cites four (4) court deadlines as justification for the excessive enlargement of time. Petitioner's counsel is currently handling fifty (50) death penalty cases. Sixty days is excessive given the resources the Attorney General's Office has at its disposal



especially when compared to resources at the disposal of Plaintiff's counsel. For the above stated reasons, this request for enlargement of time is frivolous.

Plaintiff respectfully requests a Declaratory Judgment by this Honorable Court as to the intent of Rule 201(d) and the position in which that Rule places the Respondent. Plaintiff also requests a denial of the State's motion for Enlargement of Time for the aforementioned reasons.

Respectfully submitted,



Wilson Myers (mye006)
Attorney for Petitioner
Ronald Patrick Swiney

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of this PLAINTIFF'S MOTION FOR DECLARATORY JUDGMENT upon the Shelby County District Attorney by Hand Delivery and to Clay Crenshaw, Attorney General's Office, Alabama State House, 11 South Union Street, Montgomery, Alabama 36130, by placing a copy of the same in the United States Mail, first class, postage prepaid on this the 2nd day of Sept, 2003.



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