

September 16, 2003

Mary H. Harris
Circuit Court Clerk
P.O. Box 1810
Columbiana, AL 35051

RE: Ronald Patrick Swiney v. State of Alabama
CC 88-077.60

Dear Ms. Harris;

Enclosed please find, for the purpose of filing with the Court, Plaintiff's Motion for Summary Judgment.

Thank you for your attention to this matter.

Sincerely,

Wilson Myers, Attorney for Petitioner
Ronald Patrick Swiney

cc: Clay Crenshaw

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.)	

MOTION FOR SUMMARY JUDGMENT BY PLAINTIFF

Plaintiff moves the Court to enter, pursuant to Rule 56 of the Alabama Rules of Civil Procedure, a summary judgment in Plaintiff’s favor for the relief demanded in his complaint and for grounds of his motion, says that there is no genuine issue as to any material fact and that the Plaintiff is entitled to a judgment as a matter of law.

This motion is based upon the PETITION PURSUANT TO RULE 32 OF THE ALABAMA RULES OF CRIMINAL PROCEDURE FOR RELIEF FROM JUDGMENT as filed in this Court on August 13, 2003. Evidence of indisputable actual innocence exists, as shown by the Alabama Department of Forensic Sciences laboratory findings. The further indisputable exculpatory nature of those findings is revealed by new forensic techniques in GSR detection through IR Spectroscopy by Dr. Jon Nordby, Ph.D., D-ABMDI. Dr. Nordby is so well-respected in the forensic community that an interview with him is the feature article in the September 8, 2003 issue of “People Magazine.”

There is no sufficient legal reason to delay adjudication of this case. Respondent, as a matter of procedure, requested a sixty day enlargement of time to respond to Plaintiff's petition. No response is required by the State, as we have previously shown in our PLAINTIFF'S MOTION FOR DECLARATORY JUDGMENT filed on September 2, 2003.

IMMEDIATE HEARING REQUESTED

Respectfully submitted,

Wilson Myers, 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 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 _____ day of _____, 2003.

Wilson Myers, Attorney for Petitioner

OF COUNSEL:

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