

**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.)	

NOTICE OF ASSERTION OF RIGHT TO BE PRESENT

Ronald Patrick Swiney respectfully notifies this Court, pursuant to Rule 9.1(a) of the Alabama Rules of Criminal Procedure; the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution: Sections 1, 5, 6, 7.8, 9, 11, 13, 15 & 16 of Article I of the Alabama Constitution: and applicable state law of his assertion of his right to be present at any and all proceedings at every, stage of his Rule 32 Petition. Mr. Swiney's assertion of the right to be present extends to all aspects of this case, including but not limited to:

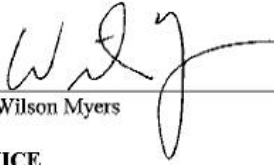
- all pre-hearings, conferences or any other matters (save only telephone scheduling of proposed hearings or the like):
- all other hearings and judicial proceedings of any kind that may influence the outcome of his petition.

WHEREFORE, Mr. Swiney respectfully requests that this Court:

- (a) enter an order, similar to the attached proposed order, directing that he be present at every, stage of the proceedings against the State of Alabama and grant any other relief that is just and proper under the circumstances of this motion.



Respectfully submitted this September 2, 2003,


Wilson Myers

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing matter on the Office of the District Attorney, Shelby County, by hand delivery and by US Mail to the Office of the Attorney General, State of Alabama.

Done this the 2nd Day of Sept, 2000.


Wilson Myers

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STATE OF ALABAMA,)	
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RESPONDENT.)	

ORDER

Upon consideration of Defendant's Notice of Assertion of Right to be Present, it is hereby ORDERED that the Defendant shall be present for every aspect and at every, stage of his Rule 32 proceedings against the State of Alabama

Done and ordered this _____ day of _____, 2003.

CIRCUIT JUDGE