

4170

TITLE OF CASE

ATTORNEYS

WILLIAM JOE JOHNSON

CLOSED

v.

STATE OF TENNESSEE / HARRY S. AVERY, COMMISSIONER DEPARTMENT OF CORRECTION, and C. MURRAY HENDERSON, WARDEN TENNESSEE STATE PENITENTIARY NASHVILLE, TENNESSEE

For plaintiff:

Pierce Winningham, III (Appointed American Trust Building Nashville, Tennessee (Relieved - See Order entered 3-23-

BASIS OF ACTION: Fourteenth Amendment, U.S. Constitution; 1964 Civil Rights Act. Motion for Lawbooks and a Typewriter.

For defendant:

Henry C. Foutch Assistant Attorney General of Tennessee Supreme Court Building Nashville, Tennessee

STATISTICAL RECORD

COSTS

DATE

NAME OR RECEIPT NO.

REC.

DISB.

J.S. 5 mailed 7-22-65

Clerk

7-22-65 Forma Pauperis

J.S. 6 mailed 3-23-66

Marshal

Basis of Action:

Docket fee

Witness fees

Action arose at:

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-22-65	Order entered: Clerk directed to file "Motion for Lawbooks & A Typewriter" in forma pauperis; Hearing set at 9:30 A.M. on September 10, 1965; Pierce Winningham III requested to represent petitioner.	
7-22-65	Motion for Lawbooks & A Typewriter, filed.	
7-22-65	Attested copy of Court Order delivered to U. S. Marshal with photocopy of Motion for service on Respondent; Copy of Order and Motion mailed to Pierce Winningham, III; copy of Order to Petitioner.	
7-30-65	Court Order(7-22-65) executed as to Respondent filed. MEF \$3.24	
9-2-65	Answer of Respondents filed, certificate of service attached.	
9-16-65	Order entered pursuant to hearing 9-10-65, that this matter be held in abeyance pending submission of briefs and further Orders of the Court. (Attested copy to attys. of record and to petitioner)	
10-1-65	Brief on Behalf of Petitioner William Joe Johnson, filed, certificate of service attached.	
10-19-65	OCR's Transcript of Remarks of the Court made at the conclusion of hearing Sep. 10, 1965, filed.	
10-21-65	Memorandum Brief on Behalf of Respondents, filed, Certificate of service attached.	
1-21-66	Memorandum of the Court entered. Attested copy to attorneys of record and to William Joe Johnson, Petitioner, and Harry S. Avery, Commissioner.	
1-31-66	Motion for Relief filed on Behalf of Respondents, Certificate of Service attached.	
3-23-66	Order of Judgment entered. Copy to Attorneys of record and copy to Petitioner. (Petition granted- petitioner to be released from maximum security confinement).	
3-28-66	OCR's Transcripts (Clerk's Copy) of proceedings on September 10, 1965 filed.	
3-28-66	OCR's Transcript (Clerk's Copy) of proceedings on March 7, 1966 filed.	
4-6-66	Notice of Appeal on Behalf of Respondents, Harry S. Avery, Commissioner, Department of Correction, and C. Murray Henderson, Warden, Tennessee State Penitentiary, with Certificate of Service filed.	
5-13-66	Order entered extending time to file record on appeal to and including June 16, 1966. Copy to Gen. Foutch, Attorney Winningham, and Petitioner, William Joe Johnson.	
6-3-66	OCR's Transcript of Proceedings Sept. 10, 1965 filed by Respondent. (Original Copy)	
6-3-66	OCR's Transcript of Proceedings March 7, 1966 filed by Respondent. (Original Copy)	
6-13-66	Record on Appeal mailed to 6th C. C. A. with \$25.00 check submitted by Respondent-Appellant; copy of Clerk's Certificate & Index and copy of Docket Entries mailed to petitioner, William Joe Johnson and to Hon. Henry C. Foutch, Asst. Atty. General.	
6-17-66	Receipt of Record on Appeal acknowledged by 6TH C. C. A., their Docket No. 17292.	

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-24-69	ENTERED: SUPREME COURT OPINION and MANDATE (No.40,Oct.Term 1968) Judgment of the United States Court of Appeals reversed with costs, cause remanded to the Dist. Court for further proceedings in conformity with opinion of Supreme Court - Costs totaling \$984.59. Receipt acknowledged.	
4-7-69	ENTERED: OPINION and MANDATE (6th C. C. A. No.17,292): Judgment of the District Court reversed, no costs awarded(<u>filed in the 6th CCA August 31, 1968</u>)	
6-11-69	Certified Record received from 6th C.C.A., acknowledged & filed. <i>(Further Proceedings Not required - 3/24/69)</i> By <i>SWC</i> <i>SWC</i>	