

| DIST. | OFF. | DOCKET | | FILING DATE | | | J | N/S | O | D | R | \$ DEMAND | JUDGE/ MAG. NO. | COUNTY | JURY DEM. | DOCKET YR. NUMBER | |
|-------|------|--------|--------|-------------|-----|------|---|-----|---|---|---|-----------------|--------------------|--------|--------------|----------------------|------|
| | | YR. | NUMBER | MO | DAY | YEAR | | | | | | | | | | | PTF |
| 650 | 03 | 83 | 0766 | 10 | 3 | 83 | 3 | 530 | 1 | | | Nearest \$1,000 | J 4905 M | 47037 | 03 | 83 | 0766 |

PLAINTIFFS

DEFENDANTS

CLARK, STANLEY BARHAM

JIMMY C. ROSE, WARDEN, TN STATE PRISON

CAUSE

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

Petition under 28 U.S.C., section 2254 for writ of Habeas Corpus by a person in state custody.

Plaintiff:

ATTORNEYS

Defendant:

Stanley Barham Clark
Tennessee State Prison
Station A West
Nashville, TN 37203

Kymberly Lynn Anne Hattaway
Assistant Attorney General
450 James Robertson Parkway
Nashville, TN 37219-5025
615/741-2216

Scott Daniel
P. O. Box 960
401 W. Main St.
Murfreesboro, TN 37130
(615) 893-8300

*NDA sent this date to GCCA 8-7-84
Record sent to GCCA 8-28-84
Record from GCCA 7/20/87*

CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS

| FILING FEES PAID | | |
|------------------|----------------|-------------|
| DATE | RECEIPT NUMBER | C.D. NUMBER |
| | | |
| | | |
| | | |

| STATISTICAL CARDS | |
|-------------------|-------------|
| CARD | DATE MAILED |
| JS-5 | 10-3-83 |
| JS-6 | 7-16-84 |

- 10-3-83 1 PETITION under 28 U.S.C., section 2254 for Writ of Habeas Corpus by a prisoner in state custody. bv
- 10-3-83 2 APPLICATION to Proceed IFP, Supporting Documentation & Order. bv
- 10-3-83 3 MEMORANDUM OPINION and ORDERS: It is ORDERED (1) that the respondent warden file an answer or other pleading within 43 days herefrom id, the noticed slow-movement of the mail providing good cause for additional time, 28 U.S.C., section 2243; Rule 81(a)(2), F.R. Civ.P; (2) that the clerk of this Court serve forthwith by certified mail on the respondent-warden (or his successor) and the attorney general and reporter of TN a copy of the petition herein and of this order, Rule 4, supra. Case Notice No. 1 bv
- 2-16-84 4 LETTER from attny of pltf concerning the non-activity since summons was issued.bsw
- 2-22-84 Talked with Ms. Hattaway, attny general's office who is now assigned to the case. She has no copy of the Memorandum and Order entered 10-3-83. I made her a copy and a runner received it today. I also called Mr. Daniel and talked with his secretary and told her the situation and that there should be some activity soon.bsw
- 3-2-84 5 MOTION FOR LATE FILING OF ANSWER from attny general's office.C/S.bsw
- 3-2-84 6 ANSWER from attny general's office.C/S.bsw
- 3-2-84 7 NOTICE OF FILING OF DOCUMENTS from attny gneral's office.C/S.
exhibit 1--trial transcript of trial proceedings in State v. Stanley Barham Clark
exhibit 2--petitioner's brief in the Court of Criminal Appeals on his direct appeal in State v. Stanley Barham Clark
exhibit 3--petitioner's reply brief in the Court of Criminal Appeals
exhibit 4--opinion of the court of criminal appeals
exhibit 5--petitioner's petition to rehear in the court of criminal appeals
exhibit 6--petitioner's rebuttal to State's reply to petition for rehearing
exhibit 7--opinion of the court of criminal appeals denying petitioner's petition to rehear
exhibit 8--petitioner's application for permission to appeal to the TN Supreme Court
exhibit 9--per curiam order of the TN Supreme Court denying petitioner's application for permission to appeal.
bsw
- 3-16-84 8 ORDERS."the motion of the respondent to file his answer out-of-time hereby is GRANTED.it hereby is ORDERED that counsel for the petitione file within 20 days herefrom a brief addressing the issue:whether the jury instructions of the trial judge regarding the presumption of malice,were constitutitionally deficient,and,if so,whether such error was harmless."footnote 2=the respondent will be allowed 15 days after such brief is filed in which to submit any responsive brief.Case Notice No. 2.bsw
- 4-3-84 9 ORDER AUTHORIZING WITHDRAWAL OF TRIAL TRANSCRIPT.petitioner and for good cause shown it is hereby ordered that petitioner's counsel, Scott Daniel is authorized to withdraw the trial transcript and record in this cause from the office of the Clerk,...counsel shall likewise be required to return these records on or before he file his brief..Case Notice No. 3.bsw

CIVIL DOCKET CONTINUATION SHEET

| | | |
|------------------------------------|------------------------------------|---|
| PLAINTIFF CLARK, STANLEY BARHAM | DEFENDANT JIMMY C. ROSE, WARDEN | DOCKET NO. 3:83-0766 PAGE 2 OF 2 PAGES |
|------------------------------------|------------------------------------|---|

| DATE | NR. | PROCEEDINGS |
|------|-----|-------------|
|------|-----|-------------|

| | | |
|---------|----|---|
| 4-3-84 | 10 | REQUEST FOR ADDITIONAL TIME TO FILE PETITIONER'S BRIEF.C/S.bsw |
| 4-3-84 | 11 | AFFIDAVIT IN SUPPORT of Motion for Additional Time.C/S.bsw |
| 4-4-84 | 12 | REQUEST FOR ADDITIONAL TIME to File Petitioner's Brief...Court grant him an additional 30 days in which to file his brief." <u>Case Notice No. 4.</u> bsw |
| 6-5-84 | | COURT FILE was returned this date by Mr. Daniel.bsw |
| 6-4-84 | 13 | PETITIONER'S Brief in Support of Habeas Corpus Petition.C/S.bsw |
| 7-16-84 | 14 | ORDER.for the reasons assigned in the accompanying memorandum opinion and order of this date,the writ of habeas corpus hereby is GRANTED,& the respondent-warden,or his successor(s) in office hereby is ORDERED to release the petitioner Mr. Stanley B.Clark from custody under his convictions of July 20,1979 in the Circuit Court of Rutherford Cty,TN forthwith unless the state of TN has begun a retrial of him within 90 days herefrom. <u>Case Notice No.5.</u> bsw |
| 7-16-84 | 15 | MEMORANDUM OPINION AND ORDER.the petitioner,thus,is entitled to relief.the writ of habeas corpus will issue,directing the respondent-warden or his successor(s) to release the petitioner Mr. Stanley B. Clark from custody under the aforementioned convictions forthwith unless the state of TN has begun a retrial of him within 90 days herefrom.the Court does not consider redundantly any of the other grounds urged by Mr. Clark in his petition. <u>Case Notice No. 5.</u> bsw |
| 8-6-84 | 16 | NOTICE OF APPEAL.C/S.bsw |
| 8-6-84 | 17 | Cost and Supersedeas Bond on Appeal.St of TN is surety for costs on the appeal in this cause not to exceed \$250.C/S.bsw |
| 8-6-84 | 18 | MOTION for Stay Pending Appeal.C/S.bsw |
| 8-6-84 | 19 | MEMORANDUM in Support of Motion for Stay.C/S.bsw |
| 8-7-84 | | COPY of NOA sent to Mr. Daniel this date.bsw |
| 8-7-84 | | TRANSMITTAL sent to 6CCA this date.bsw |
| 8-10-84 | 20 | ORDER AND STAY.the application of the respondent for a stay hereby is GRANTED,and the order herein of 7-16-84 hereby is STAYED pending completion of the appeal. <u>Case Notice No.6.</u> bsw |
| 8-23-84 | | 6CCA no. assigned is 84-5744.bsw |
| 8-28-84 | | CERTIFIED record sent to 6CCA this date.bsw (3 vols. of pleadings) |
| 8-28-84 | | CERTIFIED copys of transmittal and dkt sheet sent to parties of record this date bsw |

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70M-4398

| PLAINTIFF | | DEFENDANT | DOCKET NO. _____ |
|-----------|-----|--|-------------------------|
| | | | PAGE ____ OF ____ PAGES |
| DATE | NR. | PROCEEDINGS | |
| 4-3-85 | | PER CURIAM from 6CCA.we must AFFIRM district court and direct the issuance of writ of habeas corpus unless State of TN elects to re-try petitioner within 90 days from issuance of this Per Curiam.bsw | |
| 6-26-85 | | ORDER of 6CCA.state of TN has petitioned for a writ of certiorari to the U.S. Supreme Court and this Court has stayed the mandate pending the outcome of petition for certiorari.Court has considered application is presently of the view that the application for bail should be denied during pendency of petition for certiorari.bsw | |
| 10-24-85 | | SUPREME COURT of U.S.Order allowing certiorari.filed 10-7-85.petition herein for writ of certiorari to the U.S.Court of appeals for 6th Circuit is GRANTED.limited to question 2 presented by the petition.bsw | |
| 6/26/87 | | INOFRMATION COPY of published decision filed 6/24/87: Decision of the District Court REVERSED and Clark's petition for habeas corpus relief DENIED . mag | |
| 7/20/87 | | RECEIVED RECORD from 6CCA this date. mag | |
| 7/20/87 | | 6CCA JUDGMENT: ORDERED and adjudged by this court that the judgment of the district court in this case be and the same is hereby REVERSED . No costs taxed. Issued as mandate 7/16/87. mag | |
| 7/20/87 | | PUBLISHED opinion filed 6/24/87. mag | |
| 8/5/87 | 21 | ORDER: Pursuant to the mandate of July 16, 1987 of the U.S. Court of Appeals for the Sixth Circuit in Stanley Barham Clark v Jimmy C. Rose, no. 84-5744, the judgment entered herin on July 16, 1984 hereby is VACATED . The petitioner is DENIED all relief. mag | |
| 8/5/87 | 22 | JUDGMENT IN A CIVIL CASE: Pursuant to the mandate of July 16, 1987 of the U.S. Court of Appeals for the 6th Cir. in Stanley Barham Clark v Jimmy C. Rose, no. 84-5744, the judgment entered herein on July 16, 1984 hereby is VACATED . T he petitioner is DENIED all relief. mag. | |