

5-617  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

RECEIVED

OCT 14 1965

CLERK, U. S. DISTRICT COURT  
SAN FRANCISCO

PETITION FOR WRIT OF HABEAS CORPUS

PERSONS IN STATE CUSTODY

FILED

JAMES A. WELSE, Clerk

2/3

Robert Charles Jordan Jr. #1-46664 )  
Full name and prison number )  
(if any) of Petitioner, )

vs. )

C. J. Fitzharris, Warden, et al. )  
Name of Respondent )

CASE NO. \_\_\_\_\_

(To be supplied by the  
Clerk of the District Court)

INSTRUCTIONS - READ CAREFULLY

In order for this petition to receive consideration by the District Court, it shall be in writing (legibly handwritten or typewritten), signed by the petitioner and verified (notarized), and it shall set forth in concise form the answers to each answer to a particular question on the reverse side of the page or on an additional blank page. Petitioner shall make it clear to which question any such continued answer refers.

Since every petition for habeas corpus must be sworn to serve as the basis of prosecution and conviction for perjury. Petitioners should therefore exercise care to assure that all answers are true and correct.

If the petition is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that petitioner will be unable to pay the fees and costs of the habeas corpus proceedings. When the petition is completed, the original and one copy shall be mailed to the Clerk of the District Court for the Northern District of California, San Francisco, California.

1.

Copy to P. G.  
10-27-65  
etc

1. Place of detention Salinas State Prison, Salinas, Calif.
2. Name and location of court which imposed sentence Los Angeles County Superior Court, Santa Monica, California
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
  - (a) Case No 197961 - Viol. of Sec. 245 P.C.
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
4. The date upon which sentence was imposed and the terms of the sentence:
  - (a) arr. or about April 16, 1958 (Gone to 10 year term)
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
5. Check whether a finding of guilty was made
  - (a) after a plea of guilty \_\_\_\_\_ X \_\_\_\_\_
  - (b) after a plea of not guilty \_\_\_\_\_
  - (c) after a plea of nolo contendere \_\_\_\_\_
6. If you were found guilty after a plea of not guilty, check whether that finding was made by
  - (a) a jury \_\_\_\_\_
  - (b) a judge without a jury \_\_\_\_\_
7. Did you appeal from the judgment of conviction or the imposition of sentence? \_\_\_\_\_ No \_\_\_\_\_
8. If you answered "yes" to (7), list
  - (a) the name of each court to which you appealed:

I. \_\_\_\_\_

II. \_\_\_\_\_

III. \_\_\_\_\_

(b) the result in each such court to which you appealed:

I. \_\_\_\_\_

II. \_\_\_\_\_

III. \_\_\_\_\_

(c) the date of each such result:

I. \_\_\_\_\_

II. \_\_\_\_\_

III. \_\_\_\_\_

(d) if known, citations of any written opinion or orders entered pursuant to such results:

I. \_\_\_\_\_

II. \_\_\_\_\_

III. \_\_\_\_\_

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) *No knowledge of laws or of grounds*

(b)

(c)

10. State concisely the grounds on which you base your allegations that you are being held in custody unlawfully:

(a) *Cruel and unusual punishment and treatment*

(b) *Suspension of habeas corpus and legal process*

(c)

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) *See attached Statement of Case and Facts*  
(OVER)

(b)

(c)

12. Prior to this petition have you filed with respect to this conviction

- (a) any petition in a State court for relief from this conviction? yes
- (b) any petitions in State or Federal Courts for habeas corpus yes
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? no
- (d) any other petitions, motions or applications in this or any other court? no

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application

(a) the specific nature thereof:

- I. Habeas Corpus Petition # 43983
- II. Habeas Corpus Petition # 9371
- III. Habeas Corpus Petition # 42946
- IV. \_\_\_\_\_

(b) the name and location of the court in which each was filed:

- I. U.S. District Court, San Francisco, Calif.
- II. Calif. State Supreme Court, San Francisco, Calif.
- III. U.S. District Court, San Francisco, Calif.
- IV. \_\_\_\_\_

(c) the disposition thereof:

- I. denied
- II. denied
- III. denied
- IV. \_\_\_\_\_

(d) the date of each such disposition:

- I. August 11, 1965
- II. October 7, 1965
- III. October 30, 1964
- IV. \_\_\_\_\_

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

I. \_\_\_\_\_

II. \_\_\_\_\_

III. \_\_\_\_\_

IV. \_\_\_\_\_

14. Has any ground set forth in (10) been previously presented to this or any other court, state or federal, in any petition, motion or application which you have filed? yes

15. If you answered "yes" to (14), identify

(a) which grounds have been previously presented:

I. all grounds

II. \_\_\_\_\_

III. \_\_\_\_\_

(b) the proceedings in which each ground was raised:

I. Habeas Corpus # 43983 (U.S. D. Ct.)

II. Habeas Corpus # 9371 (Calif. S. Ct.)

III. \_\_\_\_\_

16. If any ground set forth in (10) has not previously been presented to any court, state or federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a)

(b)

(c)

17. Were you represented by an attorney at any time during the course of

(a) your arraignment and plea? Yes

(b) your trial, if any? Yes

(c) your sentencing? Yes

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? \_\_\_\_\_

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? no

18. If you answered "yes" to one or more parts of (17), list

(a) the name and address of each attorney who represented you:

I. Los Angeles County Public Defenders  
office, Santa Monica, California

II. \_\_\_\_\_

III. \_\_\_\_\_

(b) the proceedings at which each such attorney represented you:

I. all proceedings

II. \_\_\_\_\_

III. \_\_\_\_\_



19. If you are seeking leave to proceed in forma pauperis, have you completed the sworn affidavit setting forth the required information (see instructions, page 1 of this form)? yes

See attached affidavit and motion

Robert C. Jordan Jr.  
Signature of Petitioner

State of California  
County of Monterey

ss: affidavit of Certification

Robert Jordan, being first sworn under oath, presents that he has subscribed to the foregoing petition and does state that the information therein is true and correct to the best of his knowledge and belief.

Robert C. Jordan Jr.  
Signature of Affiant

SUBSCRIBED and SWORN to  
before me this \_\_\_\_\_ day of  
\_\_\_\_\_, (month) \_\_\_\_\_ (year)

\_\_\_\_\_  
Notary Public

My commission expires

\_\_\_\_\_  
Month, day, year

Forma Pauperis Affidavit

(See instructions, page 1 of this form)

See attached affidavit

Robert C. Jordan Jr.  
Signature of Petitioner

State of California  
County of Monterey } ss: Affidavit In Forma Pauperis

Robert C. Jordan Jr., being first sworn under oath, presents that he has subscribed to the above and does state that the information therein is true and correct to the best of his knowledge and belief.

Robert C. Jordan Jr.  
Signature of Affiant

SUBSCRIBED and SWORN to  
before me this \_\_\_\_\_ day of

(month) \_\_\_\_\_, (year)

\_\_\_\_\_  
Notary Public

My commission expires

\_\_\_\_\_  
(month, day, year)