

# HOLDS HABEAS, CORPUS RECORD

## O'Dunne Has Released 103 Prisoners Since 1941

Records compiled in City Court yesterday disclosed that a larger percentage of applicants for release through *habeas corpus* proceedings since June, 1941, have been successful before Judge Eugene O'Dunne than before any other judge in the Courthouse.

The records, compiled by John O. Rutherford, clerk of the City Court, where all such applications since June, 1941, have been filed, showed that out of 192 petitions for *habeas corpus* filed before Judge O'Dunne, 103 of the applicants were ordered released.

Former Judge Eli Frank released fewer prisoners on *habeas corpus* proceedings than any other judge, the records disclosed. Only 9 out of 197 applicants before Judge Frank were successful.

### 1,063 Filed In Three Years

Mr. Rutherford's compilation showed that since June, 1941, 1,063 applications for writs have been filed in the Courthouse and that 362 of the applicants have been ordered released. Of the total, 506 applicants were remanded, and 194 were refused a hearing.

Mr. Rutherford said he decided to find out how many applications for writs had been filed in the court after an address recently by Federal Judge W. Calvin Chesnut in which the judge proposed a plan to obviate the current practice of having prisoners apply for writs repeatedly despite continued denials by State and Federal judges.

### Wells Backs Plan

Under Judge Chesnut's plan, a prisoner would be entitled to an appeal from a judge's refusal to issue the writ, and the appeal would decide the question once and for all. J. Bernard Wells, State's Attorney, also has advocated this procedure.

Although Judge O'Dunne released applicants on a better than two-to-one ratio, he was not far ahead in this respect of Judge Edwin T. Dickerson, who released 103 out of 213 applicants. Judge J. Abner Saylor, who received only 57 applications, released 27 persons.

### Illegal Trials Alleged

Nearly half of the applications have come from prisoners in the House of Correction, the compilation revealed. Mr. Rutherford said many of these applicants alleged they had been tried or committed illegally by county magistrates.

Out of 169 minors committed to juvenile institutions who sought relief through *habeas corpus* proceedings, 120 were released. The clerk said a large number of these were committed by the old Juvenile Court and they alleged they were confined on charges that that court had no authority to try or confined improperly on a charge of being a minor without proper care.

Only one person has been released from the Penitentiary on *habeas corpus* proceedings since 1941, Mr. Rutherford said.