

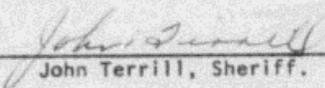
**CARBON COUNTY DISTRICT COURT**

**CIVIL CASE FILES**

7239

SHERIFF'S RETURN

I, John Terrill, the duly elected, qualified and acting sheriff of Carbon County, Wyoming, do hereby return and certify that I received the Writ of Habeas Corpus on the reverse side hereof at 10:30 A. M. on the 16th day of September, 1959, and served the same by delivering a full, true and correct copy thereof to VICTOR DONALD WILDE, Petitioner, and to IVAN R. DAUGHERTY, Warden of the Wyoming State Penitentiary on the 16<sup>th</sup> day of September, 1959.

  
\_\_\_\_\_  
John Terrill, Sheriff.

STATE OF WYOMING)  
: ss.  
County of Carbon)

IN THE DISTRICT COURT  
SECOND JUDICIAL DISTRICT

VICTOR DONALD WILDE,  
Petitioner-Plaintiff,

Civ. Doc. No. 7239

-vs-

THE STATE OF WYOMING and IVAN R.  
DAUGHERTY, Warden of the Wyoming  
State Penitentiary,  
Respondents-Defendants.

STATE OF WYOMING )  
COUNTY OF CARBON )

FILED

SEP 23 1959

CHARLOTTE ROMICK,  
CLERK OF DISTRICT COURT.

By [Signature] DEPUTY

ORDER DENYING WRIT

The petition and Writ of Habeas Corpus for the release of Victor Donald Wilde, plaintiff, and the return to the petition and writ filed here by the State of Wyoming and Ivan R. Daugherty, Warden, Wyoming State Penitentiary, defendants, having come on to be heard before me in open Court on the 22nd day of September, 1959, and came the respondents by their attorney, Dudley D. Miles, County and Prosecuting Attorney of Carbon County, Wyoming, and the petitioner being represented pro se.

And petitioner having been produced in Court by respondents, in whose custody he was found to be; and the Court having considered the pleadings, the evidence and the arguments of counsel, it appearing on the return of the Habeas Corpus allowed by me, that Victor Donald Wilde is legally detained in custody, by virtue of an execution issued upon a final judgment rendered in the District Court, Third Judicial District, Lincoln County, the Honorable H. R. Christmas presiding, in favor of the State of Wyoming as plaintiff, against the said Victor Donald Wilde, as defendant,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Writ of Habeas Corpus be, and the same is hereby, dismissed and that said Victor Donald Wilde be, and he is hereby, remanded to his former imprisonment under the execution aforesaid.

DONE in open Court this 23 day of September, 1959.

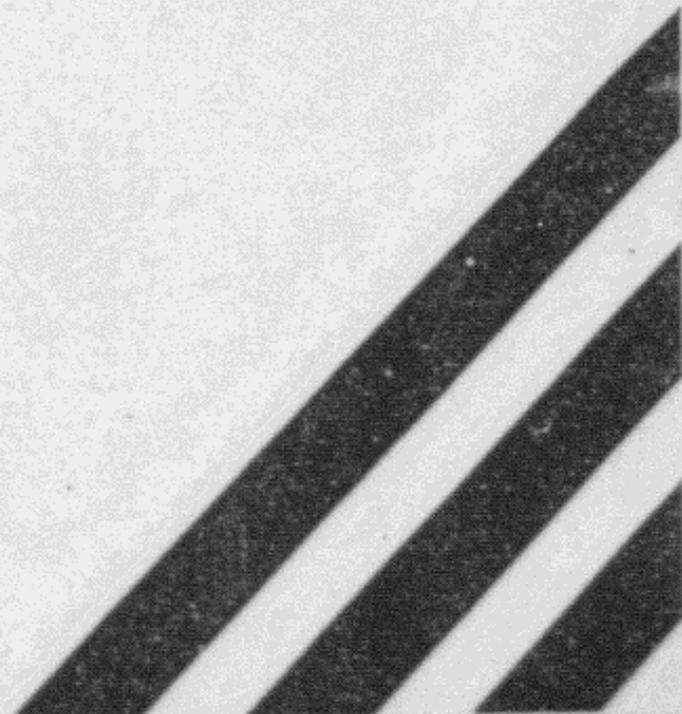
[Signature]  
JUDGE



# SUB-STANDARD

DATAPLEX  
CORPORATION

*THE FOLLOWING ORIGINAL(S) PHOTOGRAPHED  
ON THIS MICROFILM WAS NOT COMPLETELY  
LEGIBLE. THEREFORE THE QUALITY OF THE  
MICRO IMAGE IS BELOW STANDARDS.*



MITTIMUS

THE STATE OF WYOMING, }  
County of Lincoln } ss.

IN THE DISTRICT COURT

THE STATE OF WYOMING, Plaintiff.

JUDGMENT AND SENTENCE

Victor Donald Willis }  
Defendant.

Now, on a regular day of the Nov. 1945 term of this court, to-wit, on this  
day of December, 1945 comes the above named defendant

Victor Donald Willis appearing  
for judgment and sentence, said defendant having heretofore at this term of court been convicted of  
the crime of murder in the second degree  
and is duly informed of the Court of the nature of the charge contained in the information and of the

plea of guilty and is asked by the Court if he has any legal cause  
to show why the judgment of the Court should not be pronounced against him; and no cause being  
shown, the judgment and sentence of the Court is pronounced as follows:

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED BY THE COURT that you  
be remanded to the custody of the Sheriff of Lincoln County, State of Wyoming and be maintained by  
him at the county jail of said County at the expense of the State of Wyoming until removed to the State  
Penitentiary; and that you be so kept and maintained by said Sheriff and by him delivered to the War-  
den of the State Penitentiary or to an officer duly delegated by said Warden to receive you, who shall  
appear at the county jail of Lincoln County, Wyoming, to receive you from said Sheriff; and that you be  
taken by said Warden or other delegated officer to the Wyoming State Penitentiary at or near Rawlins,  
in Carbon County, State of Wyoming, and that you be therein imprisoned and confined according to the

rules and regulations of said prison for a term of remainder of life  
at hard labor; and that you pay the costs of this case, taxed at \$

Done in open court this 10th day of December, 1945.

Judge.

THE STATE OF WYOMING, }  
County of Lincoln, } ss.

I hereby certify that I received  
the within Mittimus on the  
day of December, A. D. 1945,  
at 10 o'clock, M.  
and served the same by delivering  
the body of the within named

to the Warden or other duly dele-  
gated officer of the within named  
Penitentiary, on the

day of December, A. D. 1945

Sheriff of Lincoln County, Wyo.

THE STATE OF WYOMING

vs.

MITTIMUS

195

Filed

Clerk.

Deputy.





THE CARBON COUNTY DISTRICT COURT

RAWLINS, WYOMING.

VICTOR DONALD WILDE, PETITIONER/ APPELLANT )

VS. )

STATE OF WYOMING AND THE HONORABLE )

IVAN H. DAUGHERTY, WARDEN OF THE )

STATE PENITENTIARY, RESPONDENTS )

AFFIDAVIT IN SUPPORT

OF A PETITION FOR A

WRIT OF HABEAS CORPUS

CASE No. Cr-70-802

COUNTY OF CARBON )

{SS. )

STATE OF WYOMING )

STATE OF WYOMING )  
COUNTY OF CARBON, )

**FILED**

SEP. 16 1959

**CHARLOTTE ROMICK,**  
CLERK OF DISTRICT COURT

By *[Signature]* DEPUTY

I, VICTOR DONALD WILDE, THE PETITIONER/APPELLANT IN THE ABOVE MENTIONED ACTION, BEING DULY SWORN, DEPOSED AND SAYS THAT:

HE IS AT PRESENT INCARCERATED IN THE WYOMING STATE PENITENTIARY AT RAWLINS, WYOMING.

HE IS SERVING A SENTENCE OF FORTY (40) TO FIFTY (50) YEARS.

HE IS SERVING SAID SENTENCE AS A COMMITMENT ISSUED BY THE HONORABLE DISTRICT COURT JUDGE CHRISMAS IN THE DISTRICT COURT OF LINCOLN COUNTY, KEMMERER, WYOMING.

SAID SENTENCE WAS PRONOUNCED AS "NATURAL LIFE" ON THE THIRTEEN<sup>TH</sup> (13<sup>TH</sup>) DAY OF DECEMBER, 1945.

SAID SENTENCE EMANATED FROM A PLEA OF GUILTY TO MURDER IN THE SECOND DEGREE.

SAID ORIGINAL CHARGE BEING THAT OF MURDER IN THE FIRST (1<sup>ST</sup>) DEGREE, LATER REDUCED BY MUTUAL AGREEMENT OF THE COUNTY COURT JUDGE.

THAT THIS PETITIONER/ APPELLANT NEVER HAD AN ARRAIGNMENT IN A LOWER COURT OF THE STATE OF WYOMING AS PROSCRIBED BY STATUTORY LAW OF THE AFOREMENTIONED STATE AND FEDERAL CONSTITUTIONAL LAW.

THAT THIS PETITIONER/ APPELLANT WAS NEVER INDICTED BY A GRAND JURY, BUT WAS INSTEAD BROUGHT TO THE BAR BY A CRIMINAL INFORMATION SIGNED BY THE COUNTY ATTORNEY AND PROSECUTOR OF THE AFORESAID LINCOLN COUNTY IN AND FOR THE STATE OF WYOMING.

THIS PETITIONER WAS NOT PERMITTED TO ATTEND THE CORONER'S INQUEST RESULTING IN A VERDICT OF, "THAT HENRY EDWARD WALLACE

IN RES VICTOR DONALD WILDE, XMB THE STATE OF WYOMING, AND IVAM R. DAUGHERTY, (CON'T)

WITH ME AND I WAS HELD UP INDEFINITELY. I WAS APPROACHED BY A HENRY WALLACE; A COMPLETE AND TOTAL STRANGER, IN THE BUS STATION AT THE AFOREMENTIONED TOWN, MADISON, NEBRASKA. HE, MR WALLACE, HAD A CAR, WAS GOING TO CALIFORNIA AND WAS LOOKING FOR PAYING PASSENGERS TO ACCOMPANY HIM. BEING DESPERATE TO GET TO CALIFORNIA AND MY MOTHER, I EAGERLY ACCEPTED HIS OFFER. THE DEAL WAS THAT I WAS TO PAY HALF THE EXPENCES AND HELP DRIVE. HE AND I STARTED OUT ALONE; BY THIS I MEAN THAT THERE WAS NO ONE ELSE IN THE CAR BUT WE TWO. AROUND FIVE P.M. OF THE SAME EVENNING WE PICKED UP TWO (2) YOUNG HITCHHIKERS, BOTH BOYS IN THEIR LATE TEENS. ABOUT MIDNIGHT WE HAD BECOME SO TIRED WE DECIDED TO STOP AT A MOTEL IN EASTERN WYOMING. TO SAVE MONEY WE ALL CHECKED IN THE SAME ROOM, ACTUALLY A DOUBLE ROOM WITH TWO (2) BEDS. THE HITCHHIKERS SLEPT IN ONE BED WHILE WALLACE AND I SLEPT IN THE OTHER. IN THE MIDDLE OF THE NIGHT THIS PETITIONER WAS AWAKENED BY WALLACE WHO WAS MAKING INDECENT ADVANCES IN A HOMOSEXUAL MANNER. THIS PETITIONER JUMPED FROM BED, TURNED ON THE LIGHT AND WAS THEN AND THERE PREPARED TO LEAVE, BUT HAD NO MEANS OF DOING SO. THIS PETITIONER AND WALLACE HAD SOME WORDS, BUT WHEN WALLACE APOLOGIZED THIS PETITIONER AGREED TO LET BY-GONES BE BY-GONES FOR THE PRESENT, AT LEAST UNTIL THIS PETITIONER COULD GET TO A PLACE WHERE HE COULD ARRANGE OTHER MEANS OF TRANSPORTATION. THIS PETITIONER SAT UP THE REST OF THE NIGHT. IN THE MORNING AFTER BREAKFAST, WALLACE BOUGHT A PINT OF WHISKEY AND PRECEDED TO DRINK IT WHILE DRIVING. ONCE WHILE WE STOPED FOR GAS, UNKNOWNST TO THIS PETITIONER WALLACE MANAGED TO BUY TW (2) ADDITIONAL PINTS OF WHISKEY AND TO DRINK MOST OF THEM. THE HITCHHIKERS TOLD THIS PETITIONER ABOUT WALLACE HAVING BOUGHT THE ADDITIONAL PINTS WHILE WE WERE RIDING. AS WALLACE PRORESSED IN HIS DRINKING, HIS TEMPER AND DISPOSITION BECAME MEANER. HE KEPT HARPING ON THE INCIDENT OF THE PREVIOUS NIGHT. GETTING MEANER AND MEANER, UNTILL THIS PETITIONER BECOMING DISGUSTED, AND ASKED WALLACE TO STOP THE CAR AND LET HIM OUT. HE DROVE ALONG FOR ANOTHER FIFTEEN OR TWENTY MINUTES MUTTERING UNDER HIS BREATH, IMPRECATIONS OBVIOUSLY DIRECTED AT YOUR PETITIONER. ALL OF A SUDDEN HE JAMMED ON THE BRAKES AND PULLED THE CAR OVER TO THE SIDE OF THE ROAD. THIS ACTION CAUGHT YOUR PETITIONER SO UNAWARES THAT HE, THE PETITIONER WAS DROVE UP ON THE SEAT. BEFORE YOUR PETITIONER COULD REGATHER HIS

IN RES VICTOR DONALD WILDE, VS. THE STATE OF WYOMING AND IVAN R. DAUGHERTY (CON'T)

WITS, MR. WALLACE, THE DECEASED WAS OUT OF THE CAR. HE CAME AROUND THE CAR AND OPENED THE DOOR ON THE SIDE THIS PETITIONER WAS SITTING ON, ALMOST DUMPING HIM ON THE GROUND. THIS PETITIONER ACTUALLY FELL OUT OF THE CAR AND BEFORE HE COULD RIGHT HIMSELF MR. WALLACE LAUNCHED AN ATTACK THAT WAS MEANT, TO DO THIS PETITIONER THE MOST HARM. THE HITCHHIKERS WERE IN THE CAR IN THE BACK SEAT AND SEEN EVERYTHING THAT TRANSPIRED. THIS PETITIONER AND MR. WALLACE FOUGHT FOR A SEEMINGLY LONG TIME AND THIS PETITIONER WAS DEFINITELY GETTING THE BEST OF IT. HE, THE PETITIONER, HAD KNOCKED MR. WALLACE DOWN FOUR OR FIVE TIMES. THE LAST TIME THINKING THAT MR. WALLACE HAD HAD ENOUGH BY HIS ACTIONS, YOUR PETITIONER TURNED AROUND TO LOOK FOR A RESTING PLACE. MR. WALLACE HAD STUMBLER FOR THE FRONT SEAT OF THE CAR AND YOUR PETITIONER WAS SURE THAT THE FIGHT WAS OVER. THIS PETITIONER'S BACK WAS TURNED TO THE CAR WHEN HE HEARD A WARNING SHOUT FROM THE CAR. IT WAS FROM THE HITCHHIKERS AND IT WAS, "LOOK OUT DON, HE HAS A GUN". YOUR PETITIONER TURNED IMMEDIATELY AND WAS FACING A WILDLY INFURIATED WALLACE WHO DEFINITELY HAD THE LOOK OF MURDER ABOUT HIM. YOUR PETITIONER CARRIED A GUN ON HIS PERSON AND INSTINCTIVELY DREW AND FIRED WITHOUT THINKING. IT WAS AN ACT OF SELF PRESERVATION AND THIS PETITIONER HAD NO CONSCIOUS AWARENESS OF THE AMOUNT OF SHOTS HE ACTUALLY FIRED. HE KNEW THAT HE HAD HIT WALLACE, FOR HE SAW WALLACE DROP. THIS PETITIONER WAS SO STUNNED THAT IT TOOK HIM A FULL FIVE MINUTES TO REGAIN HIS FACULTIES, AND THEN AND ONLY THEN, WAS HE, THE PETITIONER, FULLY AWARE OF WHAT HAD ACCURED, DOES THIS SEEM LIKE THE ACTIONS OF A MAN INTENT ON FIRST DEGREE MURDER. THE BOYS, ( HITCHHIKERS ), HAD REMAINED IN THE CAR DURING THE ENTIRE INCIDENT AND ONLY CAME OUT WHEN THIS PETITIONER REQUESTED THEY DO SO. THE BACK OF THE CAR WAS FILLED WITH LUGGAGE SO WE, THIS PETITIONER AND THE BOYS, LOADED THE BODY INTO THE BAGGAGE COMPARTMENT, BUT ONLY AFTER DETERMINING THAT WALLACE WAS DEAD. THE CAR WAS ALMOST OUT OF GAS SO WE WERE FORCED TO STOP FOR FUEL. DOES THIS SEEM LIKE THE ACTIONS OF A MAN WHO WAS FLEEING FROM THE LAW AFTER COMMITTING, AS CHARGED BY THE ORIGINAL INFORMATION, FIRST DEGREE MURDER, THIS PETITIONER PAID NO MORE THAN USUAL ATTENTION TO THE ACTIONS OF

IN RES VICTOR DONALD WILDE, VS. THE STATE OF WYOMING AND IVAN N. DAUGHERTY (CON'T)

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IN RE: VICTOR DONALD WILDE, VS. THE STATE OF WYOMING AND IVAN R. DAUGHERTY, (CON'T)

BOYS, SO LITTLE IN FACT THAT THESE BOYS WERE ABLE TO WALK AWAY FROM THE GAS STATION WHILE THIS PETITIONER WAS TAKING CARE OF THE NEEDS OF THE CAR. DESPITE A STORY TOLD BY THE COUNTY ATTORNEY'S OFFICE AT THE CORONER'S HEARING, THIS PETITIONER NEVER WENT IN SEARCH OF THE BOYS IN QUESTION, WHEN HE HAD ASCERTAINED THAT THE BOYS HAD RUN OFF HE GOT INTO THE DEAD MAN'S CAR AND STARTED FOR THE SHERIFF'S OFFICE. AT COKEVILLE, WYOMING. THE CAR WENT OFF THE ICY HIGHWAY AND THIS IS WHERE THE SHERIFF'S POSSE ARRESTED YOUR PETITIONER. THERE WERE AT LEAST FIFTEEN OR TWENTY MEN IN THIS POSSE AND TO THIS DAY THIS PETITIONER DOES NOT KNOW FOR SURE WHO THEY WERE OR IF THEY WERE DULY AUTHORIZED OR DEPUTIZED OFFICERS OF THE LAW. THIS PETITIONER QUESTIONS THAT THEY WERE BY THESE ACTIONS. AFTER THEY HAD SURROUNDED THE DEAD MAN'S CAR THEY APPROACHED THIS PETITIONER FROM ALL ANGLES. THE NEXT THING THIS PETITIONER KNEW WAS WHEN HE REGAINED CONSCIOUSNESS LAYING ON THE GROUND WITH HIS HANDS TIED BEHIND HIS BACK WITH BAILING WIRE. IN THE HAZINESS THIS PETITIONER COULD HEAR SEVERAL REFERENCES TO HIS BEING LYNCHED BY THIS SO CALLED PEACE POSSE. THIS PETITIONER WAS MADE TO STAND UP IN THE BACK OF A PICK-UP TRUCK, IN BELOW ZERO WEATHER, WHILE BEING TAKEN TO THE COKEVILLE CITY JAIL. THEN EARLY THE NEXT MORNING THE SHERIFF CAME FROM KEMMERER, WYOMING. AND TOOK POSSESSION OF THIS PRISONER. A CORONER'S INQUEST WAS EVIDENTLY HELD, BUT THIS PETITIONER WAS NOT PERMITTED TO ATTEND. FOUR DAYS AFTER ARRIVING AT THE KEMMERER, WYOMING. JAIL HE, THE PETITIONER, WAS PRESENTED WITH A WARRANT CHARGING THIS PETITIONER WITH PREMEDITATED MURDER AND HIGHWAY ROBBERY. THREE DAYS LATER THIS PETITIONER WAS HANDED A PAPER STATING THAT THE CHARGE HAD BEEN CHANGED TO FIRST DEGREE MURDER. THIS PETITIONER WAS HELD FOR THREE WEEKS BEFORE HE WAS BROUGHT BEFORE AN ARRaignING MAGISTRATE, AND THIS ARRaignING MAGISTRATE WAS A DISTRICT COURT JUDGE. THIS ARRaignMENT TOOK PLACE IN THE JUDGE'S CHAMBERS AND NO ACTUAL MINUTES WERE KEPT OF THE PROCEEDINGS. THIS PETITIONER FLEADED NOT GUILTY AND ASKED FOR A JURY TRIAL. NOW THE POINT THIS PETITIONER WISHES THE COURT TO TAKE COGNIZANCE IS THIS: THIS PETITIONER WAS ARRaigned, HAD A CRIMINAL INFORMATION FILED AGAINST HIM CHARGING FIRST DEGREE MURDER AND HIGHWAY ROBBERY ON THE UNSUBSTANTIATED TESTIMONY OF TWO UNDER AGED ITINERANT YOUNGSTERS WHO HAD BEEN FRIGHTENED INTO FALSELY TESTIFYING AGAINST

IN RES VICTOR DONALD WILDE, VS. THE STATE OF WYOMING, AND IVAN R. DAUGHERTY, (CON'T)

THIS PETITIONER AT THE PROMISE OF IMMUNITY FOR THEMSELVES. THIS PETITIONER HAS SINCE LEARNED THAT THE BOYS WERE TOLD THAT UNLESS THEY COOPERATED AS TOLD, THEY WOULD BE HELD IN JAIL AS MATERIAL WITNESSES UNTIL THE TIME OF THE TRIAL AND THAT WOULD PROBABLY BE A PERIOD OF EIGHT MONTHS TO A YEAR. THIS PETITIONER WAS NEVER EVEN NOTIFIED OF THE CORONER'S JURY VERDICT. SHORTLY AFTER THE CORONER'S JURY MET, TWO LAWYERS CAME TO THE JAIL AND TOLD THIS PETITIONER THAT THEY HAD BEEN APPOINTED BY THE COURT TO REPRESENT ME. THEY ASKED ME MY VERSION OF WHAT HAPPENED. I THINK ONE OF THESE LAWYERS NAME WAS IVAN R. JONES. AFTER LISTENING TO MY STORY, THEY TOLD ME FROM WHAT I HAD TOLD THEM AND FROM WHAT THEY KNEW FROM THE BOYS STORY AS TOLD TO THE SHERIFF AND THE COUNTY ATTORNEY, I HAD NOTHING TO WORRY ABOUT, THEY SAID IT WAS A CLEAR CASE OF SELF DEFENCE. I WAS LEFT TO MYSELF IN THE COUNTY JAIL FROM THEN ON FOR A PERIOD OF TWENTY (20) DAYS, UNTIL ONE DAY THE SHERIFF CAME AND ASKED ME IF I WOULD PLEAD GUILTY TO A SECOND DEGREE MURDER CHARGE. HE MADE IT KNOWN TO ME IN NO UNCERTAIN TERMS THAT IT WAS EITHER THAT OR GO TO TRIAL FOR FIRST DEGREE MURDER AND WHEN I WAS FOUND GUILTY, WHICH, IN HIS WORDS, WAS A SURETY, I WOULD BE GIVEN THE DEATH PENALTY. I ASKED TO SEE MY LAWYERS, BUT WAS TOLD THAT I COULD NOT UNLESS I WENT TO COURT. HEARTSICK WITH FRIGHT AND WORRY I AGREED AND WAS THEN AND THERE TAKEN BEFORE THE DISTRICT COURT JUDGE. BEFORE ACTUALLY GOING INTO THE JUDGE'S CHAMBERS I DID SEE MY LAWYER. HE TOLD ME FOR SOME VAGUE AND SEEMINGLY REASON HE COULD NOT AND WOULD NOT DEFEND ME IN COURT. UNLESS I GAVE HIM \$1500.00. IN RETURN, I WOULD NOT DO A DAYS TIME AT THE PENITENTIARY, WHEN I REFUSED, HE SIMPLY ADVISED ME TO SAY NOTHING BUT "I'LL PLEAD GUILTY TO SECOND DEGREE MURDER". THIS I DID IN THE JUDGE'S CHAMBERS WITHOUT MY LAWYER BEING PRESENT. FINALLY AFTER I HAD REPEATED THAT, "I'LL PLEAD GUILTY TO SECOND DEGREE MURDER" FOR THE THIRD TIME, THE COURT CLERK TURNED TO THE COUNTY ATTORNEY AND ASKED IF THAT WAS, "O.K. BY YOU". THE JUDGE THEN AND THERE ASKED IF THERE WAS ANY REASON WHY I SHOULDN'T BE SENTENCED AT THIS TIME AND WHEN NO ONE ANSWERED, IMMEDIATELY SENTENCED ME TO "REMAINDER OF LIFE". IN THE JUDGE'S CHAMBERS AT THIS TIME WERE THE COUNTY ATTORNEY OR HIS ASSISTANT, THE JUDGE, THE COURT CLERK, AND THE SHERIFF AND YOUR PETITIONER. I ASK THE COURT TO TAKE PARTICULAR OF THE FACT THAT NO COURT RECORDER WAS IN

IN RES VICTOR DONALD WILDE, VS. THE STATE OF WYOMING AND IVAN R. DAUGHENTY, (CONT)

THE JUDGE'S CHAMBERS AT ANY TIME DURING THE PROCEEDINGS AND THAT NO EXACT MINUTES WERE EVER KEPT BY THE COURT AND IT'S OFFICIALS. THIS PETITIONER WAS SENTENCED ON DECEMBER 13'TH, 1945. THIS PETITIONER WAS THEN AND THERE TAKEN TO THE WYOMING STATE PENITENTIARY AT RAWLINS, WYOMING. WHERE HE HAS BEEN, AND IS NOW, INCARCERATED.

CONTENTIONS AND ALLEGATIONS.

1. THE ARRESTING AND PROSECUTING AUTHORITIES HELD THIS PETITIONER EIGHT (8) DAYS BEFORE TAKING HIM BEFORE A MAGISTRATE FOR A HEARING. THIS IS CONTRARY TO BOTH WYOMING STATE STATUTE LAW AND FEDERAL CONSTITUTION LAW AND THERE ARE MANY PRECEDENTS TO PROVE THIS CONTENTION. ( MCNABB VS. US., UPSHAW VS. US.) THE WYOMING STATE STATUTE DEFINITELY STATES THAT AN ACCUSED INDIVIDUAL MUST BE PROMPTLY TAKEN BEFORE A MAGISTRATE AND/OR SOME COMPETENT OFFICIAL. DOES EIGHT DAYS AFTER AN ARREST, ESPECIALLY IN A CAPITAL CASE, SEEM LIKE A PROMPT ARRAIGNMENT ? YOUR PETITIONER HUMBLY SUBMITS IT IS UNDER ANY CIRCUMSTANCE NOT A PROMPT ARRAIGNMENT.

2. IS IT LEGAL, ETHICAL OR PROPER FOR ANY CORONER'S JURY, A QUASI-JUDICIAL BODY, TO TAKE THE UNSUBSTANTIATED, AND PROSECUTION DIRECTED, TESTIMONY OF TWO FRIGHTENED AND INTIMIDATED WITNESSES WITHOUT THE PARTY BEING ACCUSED, BEING PRESENT TO REFUTE THEIR TESTIMONY..... ESPECIALLY WHEN THE TWO WITNESSES IN QUESTION WERE AGE SCHOOL BOYST THIS HAPPEND AND THIS PETITIONER HAS THE CERTIFIED RECORDS AND MINUTES OF THESE PROCEEDINGS TO SUBSTANTIATE HIS ALLEGATIONS ON THIS POINT.

3. HAS THE PROSECUTION THE RIGHT TO CONSTANTLY CHANGE THE OFFICIAL CHARGES AGAINST ANY INDIVIDUAL IN A CAPITAL CASE, WITHOUT A GRAND JURY'S RECOMMENDATIONS AND IN A STATE THAT SAYS A GRAND JURY'S INDICEMENT IS NECESSARY IN A CAPITAL CASE WHERE A MAN'S LIFE IS INVOLVED AND AT STAKE? THIS, IF SO, OPENS UP THE POSSIBILITY OF ANY COUNTY PROSECUTOR BRINGING TO TRIAL ANY INDIVIDUAL HE WISHES TO FILE ON AND WITH ANY CHARGE HE WISHES TO NAME AND WITHOUT THE INDIVIDUAL HAVING ANY RECOURSE TO REFUTE SAID CHARGES BEFORE GOING TO TRIAL..... A TRIAL THAT MAY RESULT IN THE ACCUSED BEING KEPT IN JAIL FOR MONTHS, AND IN SOME CASES, EVEN A YEAR, BEFORE HE THE ACCUSED HAS A CHANCE

IN RES VICTOR DONALD WILDE, VS. THE STATE OF WYOMING AND IVAN R. DAUGHERTY, CON'T)

TO DEFEND HIMSELF. THIS IS NOT LEGAL, MORAL OR ETHICAL IN ANY SENCE, UNDER OUR AMERICAN STANDARDS OF EQUAL JUSTICE FOR ALL, AND IS DIRECTLY CONTRARY TO THE CONSTITUTIONAL GUARANTEED RIGHTS THAT SUPPOSEDLY SAFEGUARDS, THE PERSONS, PROPERTY AND VERY LIVES OF CITIZENS OF THESE UNITED STATES. AS PROOF OF THESE CONTENTIONS THIS PETITIONER CITES THE FIRST TEN(10) AMENDMENTS TO THE FEDERAL CONSTITUTION, ( THE BILL OF RIGHTS ), OF OUR UNITED STATES.

4. HOW CAN ANY COURT IN THE LAND ACCEPT A PLEA OF GUILTY TO A CAPITAL CRIME WITHOUT A DEFENCE ATTORNEY BEING PRESENT AND IMMEDIATELY THEN AND THERE SENTENCE A MAN TO THE PENITENTIARY FOR THE REST OF HIS NATURAL LIFE, WITHOUT HAVING FIRST ASCERTAINED EVERYTHING ABOUT THE CASE, THE DECEASED PARTY, THE PARTY THAT STANDS ACCUSED, AND THE WITNESSES WHO HAVE ACCUSED THE ACCUSED WITHOUT THE DEFENDANT HAVING HAD A CHANCE TO FACE HIS ACCUSERS IN OPEN COURT TO REFUTE THEIR CHARGES? THE COUNTY ATTORNEY AND THE SHERIFF'S OFFICE FIRST, AND FORMALLY, CHARGED THIS PETITIONER WITH PREMEDITATED MURDER AND STRONG ARM ROBBERY..... THEN LATER CHANGED IT TO FIRST DEGREE MURDER, AFTER THEY LEARNED THAT THE MONEY THIS PETITIONER HAD ON HIS PERSON, IN THE SUM OF \$336.00, WAS THIS PETITIONERS AND NOT THE DECEASED. THE AFORESAID MONEY HAD BEEN HONESTLY EARNED IN LABOR BY THIS PETITIONER AND THIS THE SHERIFF'S OFFICE ASCERTAINED..... THE MONEY WAS NEVER RETURNED TO THIS PETITIONER EITHER. BACK TO THE MATTER OF CHARGES, THE COUNTY ATTORNEY, IN ORDER TO SAVE THE COUNTY MONEY, AGREED TO ACCEPT THE LESSER PLEA OF GUILTY TO SECOND DEGREE MURDER, AND THIS WAS THE CHARGE THIS PETITIONER PLED TO, AND WAS SENTENCED ON. THIS PETITIONER BEGS LEAVE TO POINT OUT THIS VERY SIGNIFICANT FACT. IF AS WAS FIRST CHARGED, THIS DEFENDANT WAS GUILTY OF FIRST DEGREE MURDER, WHY WAS HE PERMITTED TO PLEAD TO SECOND DEGREE MURDER ? COULD IT HAVE BEEN THAT THE COUNTY ATTORNEY REALIZED THIS PETITIONER WAS ACTUALLY GUILTY OF NO MURDER, BUT AT MOST, MANSLAUGHTER, VOLUNTARY OR UNVOLUNTARY. IN THE TESTIMONY OF THE TWO MITCHRIKERS AT THE CORONER'S INQUEST, IT WAS BROUGHT OUT THAT THIS PETITIONER WAS CARRYING A LOADED REVOLVER WHEN HE WAS FIRST PICKED UP BY THE DECEASED, AND THE FIRST IMPLICATION WAS THAT THE PETITIONER MUST HAVE MEANT ROBBERY. WHEN THE POLICE INVESTIGATION LEARNED THAT THIS PETITIONER WAS A TRUCK DRIVER BY TRADE, AND CARRIED SAID WEAPON

IN RES VICTOR DONALD WILDE, VS. THE STATE OF WYOMING, AND IVAN R. DAUGHERTY (CON'T)

FOR HIS OWN PROTECTION THEY, THE POLICE IN CONJUNCTION WITH THE COUNTY ATTORNEY'S OFFICE WITHOUT ANY PRESSURE FROM THIS PETITIONER OR ATTORNEYS, VOLUNTARILY DROPPED THE CHARGE TO A LESSER DEGREE. COULD IT HAVE BEEN THAT THEY, THE POLICE LEARNED THAT THE DECEASED WAS A CHARACTER OF ILL REPUTE WHO WAS AT THE TIME OF INCIDENT FLEEING FROM THE POLICE IN THE STATE OF IDAHO, AND THE F.B.I. OF LOS ANGELES, CALIFORNIA. AND WHO COULD HAVE MORE REASON FOR ROBBERY AND SLAYING THIS PETITIONER, THAN THE PETITIONER HAD FOR DOING SAME TO THE DECEASED?, THIS PETITIONER HAD NO POLICE RECORD AND HAD NEVER MET THE DECEASED UNTIL A FEW DAYS PRIOR TO THE FATAL ACCIDENT. AND DID THE COUNTY ATTORNEY AND THE COURT EVER TAKE INTO CONSIDERATION THE VERY PERTINENT FACT, THAT BY THE PROSECUTIONS OWN WITNESSES, THIS PETITIONER WAS ALWAYS IN POSSESSION OF THE DEATH WEAPON AND IF HIS INTENTIONS WERE ROBBERY AND MURDER, CERTAINLY WOULD HAVE PICKED A MORE PRECIPITOUS TIME AND PLACE AND WITHOUT TWO WITNESSES BEING PRESENT. WOULD HE THE PETITIONER, AGAIN AS A MATTER OF OFFICIAL RECORD SWORN TO BY THE POLICE AND THE STATE TWO WITNESSES, PULL INTO A GAS STATION TO GAS THE CAR WITH THE DECEASED BODY IN THE CART. WOULD HE HAVE ALLOWED THE WITNESSES TO WALK AWAY FROM HIM AND THE CAR?. IF HIS INTENTIONS WERE WHAT THE COUNTY ATTORNEY CHARGED?, WOULD HE, EVEN AFTER THE TWO BOYS LEFT HIM AND THE CAR, RETAINED CUSTODY OF THE CAR AND THE BODY OF THE DECEASED?, IF HE WERE OF WHAT THE COUNTY ATTORNEY CHARGED?. THIS PETITIONER CONTENDS THAT COMMON SENCE MUST DICTATE A NEGATIVE ANSWER?. WAS IT NOT THE SWORN DUTY OF THE TRIAL JUDGE, TO ASCERTAIN THE ANSWER TO THESE QUESTIONS BEFORE ACCEPTING A PLEA AND SENTENCING?. WHY DID NOT THE JUDGE ASK FOR A COPY OF THE MINUTES OF THE CORONER'S INQUEST HEARING?. WHY DID HE NOT EVEN HAVE THE CORONER'S JURY FINDINGS READ INTO THE DISTRICT COURT RECORDS?. ACTUALLY THERE IS NO OFFICIAL RECORDS AND CORROBORATION THAT THE DECEASED WAS LEGALLY DEAD ACCORDING TO LAW. LESS MUCH MURDERED IN ANY MANNER BY THIS PETITIONER. WHY DID THE ATTORNEY'S, WHO WERE SUPPOSEDLY APPOINTED BY THE COURT TO DEFEND THIS PETITIONER, REFUSE TO EVEN ENTER THE JUDGE'S CHAMBERS WHEN THIS PETITIONER WENT INTO PLEA AND BE SENTENCED? DOES THIS NOT REEK OF A CUP AND DRIED PROCEEDINGS WHICH WAS, AND STILL IS A TRAVESTY OF JUSTICE AND COURT PROCEEDINGS? AND FINALLY WHY DID THE COURT NOT TAKE ACTUAL MINUTES

STATE OF WYOMING)  
: ss.  
County of Carbon)

IN THE DISTRICT COURT  
SECOND JUDICIAL DISTRICT

VICTOR DONALD WILDE, )  
 )  
Petitioner, )  
 )  
-vs- )  
 )  
THE STATE OF WYOMING and IVAN R. )  
DAUGHERTY, Warden of the Wyoming )  
State Penitentiary, )  
 )  
Respondents. )  
----- )

Civ. Doc. No. 1239

STATE OF WYOMING )  
COUNTY OF CARBON )  
 )  
FILED )  
SEP 16 1959 )  
CHARLOTTE RUMICK, )  
CLERK OF DISTRICT COURT )  
By M. B. Bentley )  
DEPUTY )

WRIT OF HABEAS CORPUS

THE STATE OF WYOMING: To the State of Wyoming, and Ivan R. Daugherty,  
Warden of the Wyoming State Penitentiary at  
Rawlins, Carbon County, Wyoming.

YOU ARE HEREBY COMMANDED to have the body of Victor Donald  
Wilde, by you unlawfully detained as is alleged, before the Court, or  
before me, at 1:30 o'clock P. M., on the 22nd day of September,  
1959, to be dealt with according to law, and have you there and then  
this Writ with a return thereon of your doings in the premises.

YOU ARE FURTHER COMMANDED to present to this Court copies  
of the original commitment papers by which said Victor Donald Wilde  
was so committed to the Wyoming State Penitentiary.

ALLOWED and dated this 16th day of September, 1959.

M. B. Bentley  
JUDGE

IN-RES VICTOR DONALD WILDE, VS. THE STATE OF WYOMING, AND IVAN R. DAUGHERTY, (CON'T)

OF THE PROCEEDINGS?. AND WHY DID NOT THE COURT QUESTION THE LACK OF A CONFESSION AND FAIL TO ASK FOR CORROBORATING WITNESSES BEFORE ACCEPTING THIS PETITIONER'S PLEA?.

5. THE STATE OF WYOMING STATUTES, THEN AND NOW, READS THAT THE PENALTY FOR SECOND DEGREE MURDER IS, "FROM TWENTY (20) YAERS TO LIFE". WHY THEN WAS THIS PETITIONER SENTENCED TO "NATURAL LIFE". " NATURAL LIFE" IS ONE OF THE TWO MANDATORY PUNISHMENTS UNDER WYOMING STATE STATUTE LAW FOR MURDER IN THE FIRST DEGREE. THIS PETITIONER PLEADED GUILTY TO SECOND DEGREE MURDER, HAS PROOF THAT HE DID, BUT WAS SENTENCED BY THE COURT TO A FIRST DEGREE MURDER SENTENCE. DOES NOT THIS INDICATE AT LEAST A NOTABLE LACK OF INTEREST ON THE SENTENCING COURT'S PART, WHEN IT CAN AND DID MAKE SUCH A GLARING ERROR ON SO IMPORTANT A POINT..... UNLESS OF COURSE THE COURT BELIEVES THAT TWENTY (20) YEARS TO LIFE IS THE SAME AS " NATURAL LIFE". IF THIS IS THE CASE THEN THIS PETITIONER RESPECTFULLY ASKS THIS HONORABLE COURT TO TELL HIM WHY THE WYOMING STATE LEGISLATORS LEGISLATED TWO (2) VERY DISTINCTIVE LAWS REGARDING THE PUNISHMENT FOR THE DIFFERENT DEGREES OF HOMICIDE?. IN CONCLUSION THEREFORE THIS PETITIONER HUMBLY BESEECHS THIS HONORABLE COURT TO:

- 1- GRANT HIM THE HEARING HEREIN HE SEEKS
- 2- GRANT THE WRIT OF HEABEAS CORPUS HE PRAYERFULLY PETITIONS FOR.
- 3- GRANT HIM ANY AND ALL FURTHER RELIEF THIS HONORABLE COURT MAY DEEM, JUST AND PROPER.

RESPECTFULLY SUBMITTED.

*Victor Donald Wilde*  
VICTOR DONALD WILDE, ATTORNEY PRO SE.

SWORN AND SUBSCRIBED TO ME THIS 10<sup>th</sup> DAY OF Sept, 1959

MY COMMISSION EXPIRES May 15 1962

*[Signature]*  
NOTARY PUBLIC.

STATE OF WYOMING )  
COUNTY OF CARBON ) SS

IN THE DISTRICT COURT  
SEVENTH JUDICIAL DISTRICT

VICTOR DONALD WILDE,  
Petitioner,

Civ. Doc. No. 2287

vs.

THE STATE OF WYOMING and  
IVAN R. DAUGHERTY, Warden  
of the Wyoming State  
Penitentiary,

Respondents.

STATE OF WYOMING )  
COUNTY OF CARBON ) SS

FILED

SEP 16 1959

CHARLOTTE ROMICK,

by *Melba M. Johnson*  
DEPUTY

RETURN AND ANSWER TO WRIT FOR HABEAS CORPUS

TO THE HONORABLE VERNON BENTLEY, JUDGE OF THE SECOND JUDICIAL  
DISTRICT, CARBON COUNTY, STATE OF WYOMING:

The Defendants in the above-entitled matter, the State of Wyoming and Ivan R. Daugherty, Warden of the Wyoming State Penitentiary, for Return and Answer to the Writ of Habeas Corpus hereto answered, state that before the coming of said Writ to the Respondents, the said Victor Donald Wilde, Petitioner was placed in the custody of said Ivan R. Daugherty in the Wyoming State Penitentiary in accordance with a Commitment received by a predecessor of said Warden from the District Court of Lincoln County, Wyoming, a copy of which said Commitment is attached hereto and made a part hereof in compliance with the Statutory Law of the State of Wyoming on Habeas Corpus.

That said Petitioner was sentenced by the District Court of Lincoln County upon a plea of guilty on information charging him with murder in the second-degree, that he was

properly represented by counsel, that in all instances he had the benefit of due process of law, and none of his constitutional rights were invaded or denied, and that said Victor Donald Wilde is presently legally in the custody of the Defendant Ivan R. Daugherty, Warden of the State Penitentiary of the State of Wyoming, and that in obedience to the Writ of Habeas Corpus issued by this Court the body of said Victor Donald Wilde will be produced before this Court at 1:30 P.M. on the 22nd day of September, 1959 to be dealt with according to law as by said Writ commanded.

Dated this 17th day of September, A.D., 1959.

THE STATE OF WYOMING, RESPONDENT:

For the *Rudley & Miles*  
Assistant Attorney General

THE STATE OF WYOMING, }  
County of Lincoln, } ss.

I, Annie Pendleton, Clerk of the District Court, within and for said County, in the State aforesaid, do hereby certify the foregoing to be a true and correct transcript of the judgment entered in the journal of said Court in the above entitled action.

WITNESS my hand and the Seal of said Court this 13th day of December A. D. 1945

/s/ Annie Pendleton  
Clerk of the District Court.

**The People of the State of Wyoming:**

To the Sheriff of Lincoln County, and the Warden and Officers in Charge of the Penitentiary at or near Rawlins, in the State of Wyoming, GREETING:

WHEREAS, Victor Donald Wilde has been duly convicted in the District Court of said County and State, of the crime of murder in the second degree and judgment has been pronounced against him that he be punished by imprisonment in the Wyoming State Penitentiary at or near Rawlins, Wyoming, for a term of remainder of life

all of which appears of record as is shown by the certified transcript of the judgment endorsed hereon and made part hereof:

Now This is to Command You, the said Sheriff of Lincoln County, to take and keep and safely deliver the said Victor Donald Wilde into the custody of the said Warden or other Officer in charge of said prison, who shall appear at the county jail of said county to receive said prisoner from you.

And This is to Command You, the said Warden and other Officers in charge of said prison, to receive of and from said Sheriff the said Victor Donald Wilde

convicted and sentenced as aforesaid, and him the said Victor Donald Wilde

to deliver, to keep and imprison in the said prison for a term of remainder of life

And these presents shall be your authority for the same.

Herein fail not.

Witness, Hon. H. R. Christmas, Judge, of said District Court, this 13th day of December A. D. 1945

Attest my hand and the seal of said Court, the day and year last above written.

/s/ Annie Pendleton  
Clerk District Court for Said County.

THE STATE OF WYOMING, }

County of Lincoln

} ss.

I, Martha Morrow, Clerk of the Third Judicial District Court within and for said County, and in the State aforesaid, do hereby certify the foregoing to be a full, true and complete copy of Judgment & Sentence in Criminal Action No. 802; State of Wyoming vs. Victor Donald Wilde.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand and affixed the official seal of the said Court, at my office at Kemmerer, Wyoming, this 18 day of September, A. D. 1959.

*Martha Morrow*  
Clerk of the Third Judicial District Court.

THE STATE OF WYOMING,  
County of Lincoln,

I, Amelia Handleton, Clerk of the District Court, within and for said County, in the State aforesaid, do hereby certify the foregoing to be a true and correct transcript of the judgment entered in the journal of said Court in the above entitled action.

WITNESS my hand and the Seal of said Court this 13th day of Dec. A. D. 1945.

.....  
Clerk of the District Court.

The People of the State of Wyoming;

To the Sheriff of Lincoln County, and the Warden and Officers in Charge of the Penitentiary at or near Rawlins, in the State of Wyoming, GREETING:

WHEREAS, Victor Donald Wilde has been duly convicted in the District Court of said County and State, of the crime of murder in the second degree and judgment has been pronounced against him that he be punished by imprisonment in the Wyoming State Penitentiary at or near Rawlins, Wyoming, for a term of remainder of life

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And This is to Command You, the said Warden and other Officers in charge of said prison, to receive of and from said Sheriff the said Victor Donald Wilde

..... convicted and sentenced as aforesaid, and him the said Victor Donald Wilde

..... to deliver, to keep and imprison in the said prison for a term of remainder of life

And these commands shall be your authority for the same.

Herein fail not.

Witness, Hon. H. R. Christmas, Judge, of said District Court, this 13th day of December A. D. 1945

Attest my hand and the seal of said Court, the day and year last above written.

.....  
Clerk District Court for Said County.