

# WRIT MAY FREE TOM FLEMING

## Ex-Councilman's Hope for Freedom Looms in Court Plea

Seeks Freedom



**THOMAS FLEMING**  
Former Cleveland, Ohio, councilman, in whose behalf a petition of habeas corpus has been filed to gain his freedom from the Ohio penitentiary. Fleming was convicted on a graft charge.

CLEVELAND, Ohio, Aug. 12.—Attorney Alexander H. Martin, counsel for former Councilman Thomas W. Fleming, who is serving a 33 months sentence in the Ohio penitentiary at Columbus on a bribery charge, sprung a surprise on his political enemies Tuesday by filing a petition of habeas corpus in Franklin county common pleas court to force Fleming's release on the grounds that he is being imprisoned without legal authority.

The hearing on the motion was set for Aug. 20, when Fleming is expected to appear with counsel.

Attorney Martin was asked last night if the petition was based on the contention that Fleming had served more than the minimum term under the new Ohio code, which provides a sentence of one to ten years for accepting a bribe, and should have been paroled before this for good behavior.

### Comments on Case

"I think he has served more than the minimum set by the new code," Martin replied. "Possibly the petition was based on that ground and there may be several reasons why the imprisonment is without legal authority. We are not going to state what our argument will be until the hearing comes up." It is thought that Attorney Martin has in mind one of his strategic moves, according to his friends. He has the reputation of being one of the best legal authorities in the city and is noted for his technical pleadings.

Fleming was convicted Feb. 8, 1929, of accepting a bribe from the late Patrolman Walter Oehme (white). Under the old penal code, which imposed on the trial judge the duty of sentencing a defendant to a specific term, within limits, Fleming was sentenced to two years and nine months. The new code, enacted by the last legislature of Ohio, supercedes the old code and provides for a term of one to ten years for the offense committed by Fleming. Since he has served nearly two years he is eligible for parole for some months, but the parole is subject to the jurisdiction of the state board of pardons and paroles.

### Maintains Innocence

Following his conviction Fleming's counsel carried the case to the various courts, even to the United States supreme court, and each court sustained the finding of the lower court. Again and again Fleming has asserted that his fight would not end until his release is given, maintaining that his friends will always remain loyal to him and continue their fight in his behalf. Ever since placed under arrest Fleming has maintained his innocence of accepting a bribe. Whatever money he got from Oehme, who was crippled in a fight with a criminal he was attempting to arrest, was for legal services, Fleming always maintained. The state contended that Oehme paid Fleming \$200 for Fleming's promise to use his influence in the city council to get Oehme a pension.