1601

INDICTMENT

Baldwin Times - 300-11-49

THE STATE OF ALABAMA, Baldwin County. } Circuit Court, Spring Session, 1953

The Grand Jury of said County charge that before finding this indictment JESSE TILREY HINES, whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, killed Leslie Gee, by shooting him with a rifle, against the peace and dignity of the State of Alabama.

2. The Grand Jury of said County further charge that before the finding of this indictment JESSE TILREY HINES, whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, killed Leslie Gee, by cutting him with a knife, against the peace and dignity of the State of Alabama.

3. The Grand Jury of said County further charge that before the finding of this indictment JESSE TILREY HINES, whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, killed Leslie Gee, by some means to the Grand Jury unknown,

against the peace and dignity of the State of Alabama.

William R. Fanton

Solicitor of the Twenty-Eighth Judicial Circuit.

No. .....

THE STATE OF ALABAMA,

BALDWIN COUNTY

Circuit Court

Spring Term, 1953

THE STATE

Vs.

JESSE TILREY HINES

INDICTMENT

Murder, first degree

Prosecutor.

WITNESSES:

Taylor Wilkins

J. B. Mitchell

Nelson Grubbs

THE BALDWIN TIMES

GRAND JURY NO. 44

A TRUE BILL

Robert E. Stapleton

Foreman Grand Jury.

Filed in open Court and in the presence of the Grand Jury on the 12th day of March, 1953.

Alice J. Duck, Clerk.

Presented in open Court to the presiding Judge by the Foreman of the Grand Jury, in the presence of 17 other Grand Jurors.

Alice J. Duck

Clerk.

Bail fixed $ .....

Judge.

1601

INDICTMENT

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, Spring Session, 1953

The Grand Jury of said County charge that before the finding of this indictment JESSE TILREY HINES, whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, killed Leslie Gee, by shooting him with a rifle, against the peace and dignity of the State of Alabama.

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against the peace and dignity of the State of Alabama.

WILLIAM R. LAUTEN
Solicitor of the Twenty-Eighth Judicial Circuit.

RECORDED

No. .....

THE STATE OF ALABAMA,

BALDWIN COUNTY

Circuit Court

Spring Session, 19 53

THE STATE

Vs.

JESSE TILREY HINES

INDICTMENT

Murder, first degree

No Prosecutor.

WITNESSES:

Taylor Wilkins
J. B. Mitchell
Nelson Grubbs

GRAND JURY NO. 44

A TRUE BILL

Robert E. Stapleton

Foreman Grand Jury.

Filed in open Court and in the presence of the Grand Jury on the 12th day of March, 1953.

Aris Fenick, Clerk

Presented in open Court to the presiding Judge by the Foreman of the Grand Jury, in the presence of 17 other Grand Jurors.

Aris Fenick

Clerk.

Bail fixed $.....

.....

Judge.

Printed by The Baldwin Times, Bay Minette.

We the jury find the defendant guilty of murder in the second degree and fix the penalty at ~~[illegible]~~ twenty-four years in the penitentiary.

George Brown
Foreman.

IN THE CIRCUIT COURT OF BALDWIN COUNTY

EX PARTE JESSE TILREY HINES | CASE NO. 1601

MOTION FOR ADJUDICATION OF MOTION FOR ADJUSTMENT OF SENTENCE

MOVANT, JESSE TILREY HINES, HEREBY MOVES THIS HONORABLE COURT TO RENDER A FINAL ADJUDICATION UPON HIS MOTION ENTITLED MOTION FOR ADJUSTMENT OF SENTECE WHICH WAS FILED IN THIS COURT ON OR ABOUT MARCH 15, 1968.

IN THE SAID MOTION, MOVANT SOUGHT TO BE CREDITED UPON HIS SENTENCE WITH 12 MONTHS JAIL TIME HE SERVED IN THE COUNTY JAIL OF BALDWIN COUNTY FROM MARCH 27, 1953 UNTIL MARCH 27, 1954 DURING WHICH TIME MOVANT'S CASE WAS ON APPEAL TO THE SUPREME COURT OF ALABAMA AND DURING WHICH TIME NO BOND WAS SET FOR MOVANT.

MOVANT CONTENDS THAT HE IS DUE TO BE GIVEN CREDIT FOR THIS TWELVE MONTHS IN VIEW THAT NO BOND WAS EVER SET PENDING APPEAL.

MOVANT WOULD LIKE TO BRING TO THE COURT'S ATTENTION THAT SINCE HE FILED HIS PREVIOUS MOTION A TUMOR HAS BEEN DISCOVERED ON MOVANT'S RIGHT LUNG WHICH WILL REQUIRE MAJOR SURGERY.

IF THIS COURT WILL GIVE MOVANT CREDIT FOR THE TWELVE MONTHS MOVANT WILL BE ABLE TO ENTER

A PRIVAT HOSPITAL AND HAVE THE SURGERY DONE AT HIS OWN EXPENSE, OTHERWISE THE STATE WILL HAVE TO PAY A LARGE HOSPITAL BILL FOR THE SURGERY SINCE IT WILL BE NECESSARY FOR THE STATE TO ENTER MOVANT INTO A PRIVATE HOSPITAL IN MONTGOMERY FOR THE SURGERY AS THE FACILITIES OF KILBY HOSPITAL WILL NOT PERMIT SUCH SURGERY.

WHEREFORE, MOVANT PRAYS THIS HONORABLE COURT TO MAKE FINAL ADJUDICATION OF HIS PREVIOUS MOTION AND TO GIVE HIM CREDIT FOR THE SAID TWELVE MONTHS.

SIGNED:

Jesse Tilrey Hines
JESSE TILREY HINES

SWORN TO AND SUBSCRIBED BEFORE ME THIS 21 DAY OF JUNE, 1968.

John D Robinson
NOTARY PUBLIC

MY COMISSION EXPIRES 7-19, 1971.

FILED

JUN 26 1968

ALICE J. DUCK CLERK REGISTER

1601

EX PARTE JESSE TILREY HINES Petitioner,	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALA. NO. 1601

O R D E R

This matter coming on to be heard is submitted on the motion of the Petitioner, Jesse Tilrey Hines, tha t this Court amend his sentence heretofore imposed on him in 1953, to reduce said sentence, and the Court having considered the motion and being of the opinion that the matter is strictly for the Pardon and Parole Board of the State of Alabama, and that this Court has no authority or jurisdiction to grant said motion. It is, therefore,

ORDERED, ADJUDGED AND DECREED that the motion be, and it is hereby denied.

Dated this 27th day of June, 1968.

_____

EX PARTE JESSE TILREY HINES Petitioner,	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALA. NO. 1601

O R D E R

This matter coming on to be heard is submitted on the motion of the Petitioner, Jesse Tilrey Hines, tha t this Court amend his sentence heretofore imposed on him in 1953, to reduce said sentence, and the Court having considered the motion and being of the opinion that the matter is strictly for the Pardon and Parole Board of the State of Alabama, and that this Court has no authority or jurisdiction to grant said motion. It is, therefore,

ORDERED, ADJUDGED AND DECREED that the motion be, and it is hereby denied.

Dated this 27th day of June, 1968.

_____

Mooneyham

IN THE CIRCUIT COURT OF BALDWIN COUNTY

EX PARTE JESSE TILREY HINES | CASE NO. 1601

MOTION FOR ADJUDICATION OF MOTION FOR ADJUSTMENT OF SENTENCE

MOVANT, JESSE TILREY HINES, HEREBY MOVES THIS HONORABLE COURT TO RENDER A FINAL ADJUDICATION UPON HIS MOTION ENTITLED MOTION FOR ADJUSTMENT OF SENTECE WHICH WAS FILED IN THIS COURT ON OR ABOUT MARCH 15, 1968.

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MOVANT CONTENDS THAT HE IS DUE TO BE GIVEN CREDIT FOR THIS TWELVE MONTHS IN VIEW THAT NO BOND WAS EVER SET PENDING APPEAL.

MOVANT WOULD LIKE TO BRING TO THE COURT'S ATTENTION THAT SINCE HE FILED HIS PREVIOUS MOTION A TUMOR HAS BEEN DISCOVERED ON MOVANT'S RIGHT LUNG WHICH WILL REQUIRE MAJOR SURGERY.

IF THIS COURT WILL GIVE MOVANT CREDIT FOR THE TWELVE MONTHS MOVANT WILL BE ABLE TO ENTER

A PRIVAT HOSPITAL AND HAVE THE SURGERY DONE AT HIS OWN EXPENSE, OTHERWISE THE STATE WILL HAVE TO PAY A LARGE HOSPITAL BILL FOR THE SURGERY SINCE IT WILL BE NECESSARY FOR THE STATE TO ENTER MOVANT INTO A PRIVATE HOSPITAL IN MONTGOMERY FOR THE SURGERY AS THE FACILITIES OF KILBY HOSPITAL WILL NOT PERMIT SUCH SURGERY.

WHEREFORE, MOVANT PRAYS THIS HONORABLE COURT TO MAKE FINAL ADJUDICATION OF HIS PREVIOUS MOTION AND TO GIVE HIM CREDIT FOR THE SAID TWELVE MONTHS.

SIGNED:

Jesse Tilrey Hines
JESSE TILREY HINES

SWORN TO AND SUBSCRIBED BEFORE ME THIS 21 DAY OF JUNE, 1968.

John D Robinson
NOTARY PUBLIC

MY COMISSION EXPIRES 2-19, 1971.

AFFIDAVIT

Printed by Moore Printing Co.

State Of Alabama,
Baldwin County.

In the Justice Court of T. C. HAND

Before me, T. C. HAND, Justice of the Peace

in and for said County, personally appeared Taylor Wilkins who, being duly sworn, deposes and says on oath that he has probable cause for believing and does believe that in said County,

on or about 7 September 57 that one Jesse Lines unlawfully and with malice aforethought did kill Leslie Peel, by shooting him with a rifle.

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 17 day of Oct, A. D., 195 7

T. C. Hand, J. P.

Taylor Wilkins

WARRANT

State Of Alabama,
Baldwin County.

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest Jesse Lines and bring him before me to answer the State of Alabama on a charge

murder

and have you then and there this writ with your return thereon

Witness my hand this 17 day of Oct, 195 7

T. C. Hand, J. P.

No._____ Page_____

The State of Alabama,
Baldwin County

Justice Court of

T. C. HAND

AFFIDAVIT

THE STATE OF ALABAMA,
VS.

Jesse Hines

Witnesses for the State:

Taylor Wilkins. ✓
H. F. Hall.
Bete Sellers.
Dr. Nelson Gunter. ✓
Annie Catrette.
J. B. Catrette (Mitchell)
Bill Miller.
Bud Eddy.
Johnnie Lucas.
W. D. Taylor.
Mrs Jesse Hines.

Annie Catrette
J. B. Mitchell. ✓

Printed by Moore Printing Co.

Justice Court of

Baldwin County

WARRANT OF ARREST

THE STATE OF ALABAMA,
VS.

Jesse Hines

Executed this 17 day of Oct 1952

By arresting the within

named Defendant

and placing him

in Jail.

Taylor Wilkins, Sheriff

_____, Deputy Sheriff

List of Jurors and Copy of Indictment. Moore Ptg. Co.

THE STATE
vs.
JESSIE HINES

In the Circuit Court of Baldwin County,

Spring Session, 19 53

Venire of the jurors in the above stated cause, names herein stated from No. 1 to No. 15 both inclusive, being the special jurors drawn in open Court by the presiding Judge, in said cause, and the other names, from No. 16 to No. 75, both inclusive, being the regular jurors drawn and summoned for the second week of the Spring Term of said Court, the said cause having been set for trial on the 25th day of March 1953, which is a day of said second week of the Spring Term of said Court, to-wit:

No.	NAME	Occupation	Residence Address	Business Address
1	John R. Ambrose	Merchant	Robertsdale	
2	B. F. Reiben	Brookleyfield	Cross Roads	
3	Julian Stuckdy	Saw Mill	Bay Minette	
4	Isaac Daughtry	Farmer	Bon Secour	
5	G. A. Page	Salesman	Bay Minette	
6	John Golson(colored)	R.R.Laborer	Foley	
7	William Ruffles Sr.	Plumbing	Fairhope	
8	Charlie Thomas	Farmer	Silverhill	
9	Howard Brooks	Barber	Robertsdale	
10	Charlie Wakeford	Fish marker	Bon Secour	
11	A. Kihn	Carpenter	Foley	
12	Banks Lane	Clerk	Foley	
13	Aaron E. Gill	Oiltruck driver	Foley	
14	Arthur Holk	Contractor	Mag. Springs	
15	Arthur Hartshorn	Farmer	Fairhope	
16	Luther V. Street	Farmer	Point Clear	
17	William Collins	Fisherman	Foley	
18	C. J. Long	Mechanic	Foley	
19	O. E. Middleton	Truckdriver	Loxley	
20	K. E. Welford	P.M.A.	Bay Minette	
21	Elias G. McKenzie	Defense	Foley	
22	Carl Lenz	Mechanic	Elberta	
23	Lawrence Nelson	Fisherman	Bon Secour	
24	Calvin Childress	Farmer	Summerdale	
25	B. J. Simmis	Hardware	Belforest	
26	Donald Cain	Jeweler	Bay Minette	
27	C. F. Echols	Teacher	Bay Minette	
28	Julius Lee Bryant	Butcher	Stockton	
29	Neilson Burley	Farmer	Foley	
30	Alton B. Hankins	Farmer	Rosinton	
31	Clarence Eiland	Saw Mill	Bay Minette	
32	Ben E. Sims	Merchant	Daphne	
33	Dennis B. Howell	Clerk	Bay Minette	
34	Herbert Baskin	Flagmaster	Perdido	
35	Leslie Bye	Brookleyfield	Robertsdale	
36	Dana Davis	Merchant	Daphne	
37	Clyde Waters	Farmer	Bay Minette	
38	D. J. Giacomelli	Flowergrower	Foley	
39	Hershal Guthrie	Farmer	Bon Secour	
40	Percy Cox	Paperwood	Stockton	
41	Sherman R. Hinote	Butcher	Robertsdale	
42	Windell Hardy	Insurance	Bay Minette	
43	Joseph Wesley	Clerk	Silverhill	
44	Angie F. Bertolla	Farmer	Belforest	
45	Albert M. Redd	Mgr. P.E.A.	Foley	
46	W. M. Gulledge	Farmer	Robertsdale	
47	Perry Prescott	Sea Food Insp;	Bay Minette	
48	Wallace L. Green	Forman N.Portth	Bay Minette	
49	Edward Carver	Farmer	Bon Secour	
50	Martin C. Crosby	Retired Druggist	Foley	
51	J. Dougal Crosby	T Turpentine	Bay Minette	
52	Donald E. Hastings	Farmer	Rosinton	

No.	NAME	Occupation	Residence Address	Business Address
53	William Simmons	Merchant	Fairhope	
54	Lawrence E. Callaway	Fisherman	Bon Secour	
55	A. J. Engel	Farmer	Summerdale	
56	A. R. Bonton	Mechanic	Fairhope	
57	Frederick Pierce	Farmer	Fairhope	
58	W. A. Goer	Mechanic	Fairhope	
59	Frank Dusek Sr.	Mechanic	DSllian	
60	Jess Gann	Fisherman	Bon Secour	
61	D. C. Melhon	Merchant	Fairhope	
62	Nolan Neal	Labor	Fairhope	
63	Lamar McBride	Mechanic	Fairhope	
64	Elmer Lindell	Filling Sta.	Silverhill	
65	Autrey Steadham	Carpenter	Foley	
66	George Brown	Ppper carrier	Foley	
67	Noah Resmondo	Farmer	Summerdale	
68	George E. Fuller	Theater Opr.	Fairhope	
69	Perry Head	Farmer	Stapleton	
70	Henry McAllister	Farmer	Rosinton	
71	Wilbur Richerson	Postal Clerk	Bay Minette	
72	Sidney Cameron	Rest. Clerk	Foley	
73	Albert Faulk	Merchant	Foley	
74	H. B. Corbett	Grocery	Bay Minette	
75	R. N. Stanton	Farmer	Robertsdale	
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82				

I hereby certify that the foregoing is a correct list of the venire in the case of the State vs. Jesse Tilrey Hines charged with Murder First Degree; that the names of jurors from No. 1 to 15, both inclusive, are the special jurors drawn by the presiding Judge, in open Court, and that the names of jurors from No. 16 to No. 75, both inclusive, is a correct list of the regular jurors drawn and summoned for the Second week of the Spring Term, 19 53, of the Circuit Court of Baldwin County, Alabama. I further certify that the foregoing copy of the indictment is a true and correct copy of the indictment in this case.

Witness my hand this 17th day of March 19 53

Taylor Walker
Sheriff Baldwin County, Ala.

Executed by serving a copy of the indictment and a correct list of the jurors in this case, on this the 18th day of March, 1953, upon Jesse Tilrey Hines the Defendant

Taylor Walker Sheriff.

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

List of Jurors and Copy of Indictment

STATE
vs.

Jessie M.

JURY LIST

Second Week — Spring Session

NO.	NAME	OCCUPATION	ADDRESS
1.	LUTHER V. STREET	Farmer	Point Clear
2.	~~WILLIAM COLLINS~~	~~Fisherman~~	~~Foley~~
3.	~~K. E. WELFORD~~	~~P.M.A.~~	~~Bay Minette~~
4.	~~ELMAS G. McKENZIE~~	~~Defense~~	~~Foley~~
5.	~~LAWRENCE NELSON~~	~~Fisherman~~	~~Bon Secour~~
6.	DONALD CAIN	Jeweler	Bay Minette
7.	~~C. F. ECHOLS~~	~~Teacher~~	~~Bay Minette~~
8.	~~JULIUS LEE BRYANT~~	~~Butcher~~	~~Stockton~~
9.	~~NELSON HURLEY~~	~~Farmer~~	~~Foley~~
10.	~~BEN E. SIMS~~	~~Merchant~~	~~Daphne~~
11.	~~DENNIS B. HOWELL~~	~~Clerk~~	~~Bay Minette~~
12.	~~HERBERT BASKIN~~	~~Flagmaster~~	~~Perdido~~
13.	~~LESLIE BYE~~	~~Brockley Field~~	~~Robertsdale~~
14.	DANA DAVIS	Merchant	Daphne
15.	~~CLYDE WATERS~~	~~Farmer~~	~~Bay Minette~~
16.	~~HERSHEL GUTHRIE~~	~~Farmer~~	~~Bon Secour~~
17.	~~PERCY COX~~	~~Paper Wood~~	~~Stockton~~
18.	~~WINDELL HARDY~~	~~Insurance~~	~~Bay Minette~~
19.	JOSEPH WESLEY	Clerk	Silverhill
20.	~~ALBERT M. REDD~~	~~Manager REA~~	~~Foley~~
21.	W. M. GULLEDGE	Farmer	Robertsdale Rt.
22.	~~PERRY PRESCOTT~~	~~Sea Food Ins.~~	~~Bay Minette~~
23.	~~WALLACE L. GREEN~~	~~Forman Newport~~	~~Bay Minette~~
24.	~~EDWARD CARVER~~	~~Farmer~~	~~Bon Secour~~
25.	~~MARTIN C. CROSBY~~	~~Retired Druggist~~	~~Foley~~
26.	DONALD E. HASTINGS	Farmer	Rosinton
27.	~~WILLIAM SIMMONS~~	~~Merchant~~	~~Fairhope~~
28.	LAWRENCE E. CALLAWAY	Fisherman	Bon Secour
29.	~~W. A. GOER~~	~~Mechanic~~	~~Fairhope~~
30.	~~JESS GANN~~	~~Fisherman~~	~~Bon Secour~~
31.	~~D. C. MELHON~~	~~Merchant~~	~~Fairhope~~
32.	~~NOLAN NEAL~~	~~Labor~~	~~Fairhope~~
33.	~~LAMAR McBRIDE~~	~~Mechanic~~	~~Foley~~
34.	ELMER LINDELL	Filling Station	Silverhill
35.	GEORGE BROWN	Paper Carrier	Foley
36.	~~NOAH RESMONDO~~	~~Farmer~~	~~Summerdale~~
37.	~~GEORGE E. FULLER~~	~~Theatre Operator~~	~~Fairhope~~
38.	~~PERRY HEAD~~	~~Farmer~~	~~Stapleton~~
39.	HENRY McALLISTER	Farmer	Rosinton
40.	WILBUR RICHERSON	Postal Clerk	Bay Minette
41.	~~SIDNEY CAMERON~~	~~Restaurant Clerk~~	~~Foley~~
42.	~~ALBERT FAULK~~	~~Merchant~~	~~Foley~~
43.	~~H. B. CORBETT~~	~~Grocery~~	~~Bay Minette~~
44.	~~R. N. STANTON~~	~~Farmer~~	~~Robertsdale~~
45.	~~SHERMAN R. HINOKE~~	~~Butcher~~	~~Robertsdale~~
46.	~~J. DOUGLAS CROSBY~~	~~Carpentine~~	~~Bay Minette~~
47.	~~[illegible]~~	~~Carpenter~~	~~Foley~~
48.	~~CHARLIE [illegible]~~	~~Bay Minette~~	~~Bon Secour~~
49.	~~[illegible] LAMB~~	~~Clerk~~	~~Foley~~
50.	~~[illegible]~~	~~Oil Truck Driver~~	~~Foley~~
51.	~~HOWARD BROOKS~~	~~Barber~~	~~Robertsdale~~
52.	~~CHARLIE BUCHAN~~	~~Farmer~~	~~Silverhill~~
53.	~~[illegible]~~	~~Plumbing~~	~~Fairhope~~
54.	~~JOHN GOESS~~	~~R. R. Laborer~~	~~Foley~~
55.	~~C. A. PRIM~~	~~Salesman~~	~~Bay Minette~~
56.	~~[illegible]~~	~~Farmer~~	~~Bon Secour~~
57.	JULIAN STUCKEY	Saw Mill	Bay Minette
58.	~~R. F. [illegible]~~	~~Brockley Field~~	~~Cross Roads~~
59.	~~JOHN R. AMBROSE~~	~~Merchant~~	~~Robertsdale~~
60.	~~ARTHUR HOLK~~	~~Contractor~~	~~Magnolia Springs~~
61.	~~[illegible]~~	~~Farmer~~	~~Fairhope~~

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1091

1601

STATE OF ALABAMA	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
JESSE TILREY HINES	)	AT LAW NO. 1601
STATE OF ALABAMA	)	
BALDWIN COUNTY	)	

SECURITY FOR COST

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, James R. Owen, is held and firmly bound unto the State of Alabama in the sum of $_____ upon the following conditions, namely, on the 25th day of March, 1953, the said Jesse Tilrey Hines was convicted in the Circuit Court of Baldwin County, Alabama for the offense of Second Degree Murder, and upon such conviction, said Defendant was, on the 27th day of March, 1953, sentenced to the Penitentiary of the State of Alabama for the period of Twenty-five years for the said offense.

That from said conviction the Defendant prayed and obtained an Appeal to the Supreme Court of Alabama,

NOW, THEREFORE, if the said Defendant shall appear at the next term of the said Circuit Court and from term to term thereafter to abide such judgment as may be rendered on the said appeal and shall pay the cost of said proceeding in the Circuit Court of Baldwin County, Alabama, then this obligation to be null and void, otherwise of full force and effect.

And I hereby waive all right or claim of exemption as to personal property I now have, or may hereafter have, under the Constitution and Laws of the State of Alabama; and I hereby certify that I have property free from all encumbrance to the full amount of the above bond.

WITNESS my hand and seal this the 17th day of April, 1953.

James R. Owen (SEAL)

Taken and approved this the _____
day of April, 1953.

_____

Clerk.

SECURITY FOR COST

STATE OF ALABAMA

VS.

JESSE TILREY HINES

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 1601

FILED

4-17-73

ALICE L. BUCK, Clerk

1601

STATE OF ALABAMA)
)
BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared C. W. Gaston, who first being duly and legally sworn, deposes and says:

That he is over twenty-one years of age and a resident of Baldwin County, Alabama.

That he is a medical doctor, liscensed to practice medicine in the State of Alabama, and is now engaged in the general practice of medicine in Baldwin County, Alabama.

That as such practitioner he has examined, diagnosed and treated Jesse Tilrey Hines, a prisoner in the County Jail of Baldwin County, Alabama.

That he is of the opinion, after his examination, diagnosis and treatment that the said Jesse Tilrey Hines is suffering from peptic ulcer with gastric retention and a cough of undetermined etiology.

That he is of the further opinion that the life and health of the said prisoner will be seriously endangered by longer confinement in jail, and that the prisoner should be removed to some suitable place, or hospital, as near as may be to the jail, until his health is sufficiently restored to authorize his recommitment to jail.

C W Gaston M.D.

Sworn to and subscribed before me on
this the 21st day of April, 1953.

Jesse R. Cam

Notary Public, Baldwin County, Alabama

Filed 4-21-53
Alice Henck
Clerk

1601

J. C. McLEOD, M.D.
BAY MINETTE, ALA.

4/29/53

To whom Concerned:

A person with an ulcer of stomach needs a suitable diet & appropriate medical treatment but does not have to be hospitalized in the absence of hemorrhage, perforation or other serious complications. These complications could happen anywhere - in prison or out of prison.

J. C. McLeod, M.D.

Sworn to and subscribed before
me this 29th day of April, 1953

Alice L. Miller
Notary Public, Baldwin County, Ala.

FILED
4-28-53
ALICE J. DUCK, Clerk

1601

STATE OF ALABAMA	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
JESSE TILREY HINES	)	AT LAW

MOTION

Comes the defendant, by his attorney, and shows unto the Court as follows:

1. That the defendant, Jesse Tilrey Hines, is now confined, under process of this Court, to the County Jail of Baldwin County, Alabama.

2. That the life or health of the defendant is seriously endangered and will be more seriously endangered by longer confinement in jail.

WHEREFORE, the defendant moves the Court to make an order in writing, directing the sheriff of Baldwin County, Alabama, to remove the defendant to some suitable place, or hospital as near as may be to the jail, and there safely keep him until his health is sufficiently restored to authorize his recommitment to jail.

James R. Owen

Attorney for Defendant.

MOTION

STATE OF ALABAMA

VS.

JESSE TILREY HINES

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Filed 4-21-53
Alice Lenck
Clerk

1001

STATE OF ALABAMA,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
JESSE TILREY HINES,	)	CRIMINAL DIVISION
Defendant.	)	

SECURITY FOR COSTS

I, the undersigned, hereby acknowledged myself security for all costs of appeal to the Supreme Court of Alabama from the verdict and judgment rendered in the above entitled cause on the 25th day of March, 1953, and hereby agree to pay all costs; and for payment of this bond, I hereby waive my right of exemption to personal property under the Constitution and Laws of the State of Alabama.

WITNESS my hand and seal this the 27th day of March, 1953.

James R. Owen

James R. Owen

Taken and approved, this
27th day of March, 1953.

Alice J. Duck

Alice J. Duck, Clerk.

1601

SECURITY FOR COSTS

STATE OF ALABAMA,

Plaintiff,

VS.

JESSE TILREY HINES,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
CRIMINAL DIVISION

1601

CITATION OF APPEAL — Baldwin Times - 100-5-47

THE STATE OF ALABAMA
Baldwin County - Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the 4th Monday Monday in March, 1953, in a certain cause in said Court wherein STATE OF ALABAMA Plaintiff, and JESSE TILREY HINES Defendant, a judgment was rendered against said JESSE TILREY HINES to reverse which Judgment, the said JESSE TILREY HINES applied for and obtained from this office an APPEAL, returnable to the next Term of our Supreme Court Court of the State of Alabama, to be held at Montgomery, on the ..... day of ....., 194..... next, and the necessary bond having been given by the said ..... with ....., sureties,

Now, You Are Hereby Commanded, without delay, to cite the said STATE OF ALABAMA or William R. lauten, attorney, to appear at the Next Term of our said Supreme Court, to defend against the said Appeal, if he thinks proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 18th day of April, A. D., 1953.

Attest:

Alice J. Duck, Clerk.

CIRCUIT COURT
Baldwin County, Alabama

STATE OF ALABAMA

Vs. } Citation in Appeal

JESSE TILREY HINES

Issued 18th day of April, 1953.

I hereby accept service this
18th day of April 1953.

William R. Lantum
Solicitor

1601

STATE OF ALABAMA	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
JESSE TILREY HINES	)	AT LAW NO. 1601

NOTICE OF APPEAL

Comes the Defendant, Jesse Tilrey Hines, and Gives notice of appeal from the verdict and sentence heretofore rendered in said cause.

Dated this the 17th day of April, 1953.

Jesse R. Ow

Attorney for Defendant

NOTICE OF APPEAL

STATE OF ALABAMA

VS.

JESSE TILREY HINES

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 1601

FILED

4-17-53

ALICE L. BUCK, Clerk

1601

CAPIAS

Moore Printing Co.

THE STATE OF ALABAMA,
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

JESSE TILREY HINES

at the SPRING Term, 19 53, of the Circuit Court of Baldwin County, for the offense of

Murder, first degree

you are, therefore, commanded forthwith to arrest the said Defendant and commit him to jail, unless he give bail to answer said indictment, and that you return this Writ according to law.

Dated this 12th day of March, 19 53

Clerk Circuit Court of Baldwin County.

THE STATE OF ALABAMA
Baldwin County

We, _____, as principal and the other undersigned as sureties, agree to pay the State of Alabama _____ Dollars, unless the said _____ appears at the _____ Term of the Circuit Court of Baldwin County, and from Term to Term thereafter until discharged by law, to answer a criminal prosecution for the offense of _____

In signing the above bond we and each of us hereby waive all legal rights of exemptions allowed us by the Constitution and Laws of the State of Alabama.

Witness our hands and seals this _____ day of _____, 19_____

_____ (L. S.)

_____ (L. S.)

_____ (L. S.)

_____ (L. S.)

Taken and approved _____ day of _____, 19_____

Sheriff of Baldwin County.

RECORDED

CAPIAS

No. 44

THE STATE

vs.

JESSE TILREY HINES

Bail Fixed in This Case in Open Court at

$ ——

By HUBERT M. HALL
Judge Presiding.

Attest: _____
Clerk.

Executed this 13 day of March, 1953

By arresting the within

named Defendant

and placing him in Jail

Taylor Wilkins, Sheriff

W F Hall, Deputy Sheriff

0 miles

1601

MAR 25 1954

THE STATE OF ALABAMA - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM 1953-54

1 Div. 556

Jesse Tilrey Hines

v.

State of Alabama

Appeal from Baldwin Circuit Court

SIMPSON, JUSTICE:

The appeal is from a conviction of murder in the second degree and the imposition of twenty-five years imprisonment in the State penitentiary.

The defendant was charged with the murder of one Lesley Gee, who was last seen on the night of September 5, 1952. What were identified as his decomposed remains were found October 17, 1952, in a wooded area at the rear of defendant's premises about 461 feet from the back

door of his house. The skull was in a cleared space (apparently made by vultures and hogs) some distance from the trunk, which was still in its clothing and was suspended on briars and gallberry bushes. Witnesses testified that the clothing containing the trunk of the skeleton was the apparel deceased was wearing on the night of his disappearance. This clothing and other articles of personal property of Gee, such as shoes, a flashlight and hat found at the scene, aided in identifying the remains as those of Lesley Gee.

The Assistant State Toxicologist, Mr. Grubbs, took three photographs the day the body was discovered and these were introduced as State's Exhibits 1, 2 and 2. Exhibit 1 depicted the area where the remains were found, Exhibit 2 showed the skull as located in the clearing when found, and Exhibit 3 showed the assembled skeleton and the shoes and clothing. It is seriously argued that reversible error was committed in allowing the introduction of these photographs.

When the discovery was made the defendant was arrested and later admitted to various witnesses that Gee had visited his home the night of his disappearance (September 5th); that after an argument between Gee and the defendant's wife deceased attacked defendant with a knife and he then shot the deceased with a .22 rifle; that deceased "slumped down" and then ran out the back door and that he had not seen him since. He and his wife

testified that they did not know of his body being in the vicinity of their home and had not noticed any disagreeable odor or the flight of any buzzards over the area. Defendant also admitted to witnesses that he went to Pensacola the following day and disposed of the rifle. Bloodstains which the toxicologist testified were human blood were found on the floor of the kitchen where defendant admitted he had shot Gee.

Of course, in every criminal prosecution the State must show beyond a reasonable doubt that a crime has been committed. - Winslow v. State, 76 Ala. 42.

And before it will consider who perpetrated the crime, the court must first be convinced, at least prima facie, that an offense has been committed. - Desilvey v. State, 245 Ala. 163, 16 So. 2d 183.

Also the corpus delicti must be established before evidence of any confession of the defendant is admissible. - Johnson v. State, 142 Ala. 1, 37 So. 937.

These governing rules were complied with in the present case. As has been previously pointed out by this court in many cases, the corpus delicti is a fact, proof of which may be established by circumstantial evidence, and if there is a reasonable inference to prove its existence the court should submit to the jury for consideration the question of the sufficiency and the weight of the evidence tending to support that inference. On the night of the deceased's fatal disappearance, he was seen in close proximity to and going in the direction of the defendant's

home by a neighbor who lived about 200 yards away. Defendant's wife testified that the deceased came to their house on the night of his disappearance and of an argument which ensued between the two men when deceased drew his knife on the defendant, at which juncture she ran out of the house. The toxicologist testified that the bloodstains on the floor of the defendant's kitchen, the room in which the difficulty took place, were of the same type blood as that on Gee's shirt which was found with his remains at the scene of the discovery. This evidence, together with the mysterious disappearance of Gee and the finding of what were identified as his remains in the vicinity of the defendant's home afforded at least an inference that he had met with foul play of some kind which caused his death and sufficiently proved the corpus delicti. - Desilvey v. State, supra. The confession of the defendant, therefore, was admitted without error.

We are unwilling to pronounce error in the admission in evidence of the photographs. The pertinent rule was thus stated by the court, speaking through the late Mr. Justice Brown, in McKee v. State, 253 Ala. 235, 237-238, 44 So. 2d 781:

> " . . . the art of photography is generally relied on for depicting the resemblance of persons, objects, things and places and when verified by evidence, extrinsic of the photographs, going to show that they correctly depict the thing or object at the time they were taken, photographs are admissible in evidence in a criminal prosecution, if they tend to shed light on, strengthen or illustrate the truth of other testimony offered by the prosecution. . .
>
> * * * * *
>
> "Courts and juries cannot be too squeamish about looking at unpleasant things, objects or circumstances in proceedings to enforce the law and especially if truth is on trial. The mere fact that an item of evidence is gruesome or revolting, if it sheds light on, strengthens or gives character to other evidence sustaining the issues in the case, should not exclude it. . ."

It seems clear to us that the allowance of the photographs comes well within the rule of the McKee Case and others hereafter cited. Exhibit 1 was merely a picture of the area and Exhibit 2 a depiction of the clearing where the skull was found. The scene of the discovery had been described by witnesses and these two exhibits were but an accurate portrayal thereof and rendered them admissible. Exhibit 3 was of some relevancy in establishing the corpus delicti and on the question of identification. It was, of course, important that the State establish that an entire human skeleton had been found and that it was the remains of Lesley Gee. Witnesses in their testimony estimated the height and weight of Gee and the toxicologist testified that by certain measurements and scientific formulae it had been possible for him to ascertain from this assembled

human skeleton that its height and weight in life was about the same as that of Gee. Exhibit 3 therefore had some probative relevancy in establishing the corpus delicti as well as on the matter of identification. Such evidence manifestly assisted the jury in determining these matters and "the sole question is whether physical evidence will assist and not mislead the jury in understanding the matter before them." - 2nd Wharton, Criminal Evidence, p. 1232, § 252. The following cases, among others which could be cited, sustain our conclusion: Desilvey v. State, supra; Reedy v. State, 246 Ala. 363, 20 So. 2d 528; Green v. State, 252 Ala. 513, 41 So. 2d 566; Potts v. People (Colo.), 158 P. 2d 739, 159 A.L.R. 1410; State v. Edwards, 194 S. C. 410, 10 S.E. 2d 587; State v. Fine, 110 N.J.L. 67, 164 Atl. 433; State v. Myers, 7 N.J. 465, 81 A. 2d 710, 25 A.L.R. 2d 1171; West v. State (Miss.), 67 So.2d 366.

Similar rationale disposes of the objection to the introduction in evidence of the articles of clothing (shirt, overalls and shoes) and personal effects taken from the clothing and the flashlight and hat, all identified as belonging to Lesley Gee and in his possession or worn by him when last seen on the night of September 5th. All these articles were found at the scene and were shown to have been in the same condition when offered as when found. They were therefore admissible. - Shamberger v. State, 221 Ala. 538, 130 So. 70; Dennison v. State (Ala.), 66 So. 2d 552.

There was likewise no error in admitting in evidence the oral and written admissions or confessions of the defendant. It is, of course, true as argued by learned counsel, that confessions or extra-judicial admissions against interest are prima facie involuntary and inadmissible and it is the duty of the trial court in the first instance to determine their voluntary character and unless it so appears they should not be admitted. Here, however, the State established by the several witnesses on voir dire that the inculpatory statements of the defendant were voluntary and it then became the duty of the court to admit them. The objection interposed to the introduction of this evidence was that the proper predicate had not been laid and that the court should exclude the jury. However, the proper predicate was laid and it was within the sound discretion of the trial court to determine whether or not the jury should be excluded and we can perceive no abuse of discretion here by his refusal to exclude the jury.

The appellant argues that he was not permitted to cross-examine the witnesses testifying relative to these inculpatory statements nor was he permitted to examine his own witnesses to discredit the voluntary nature of the statements, citing as predicate for error the rule enunciated in Cook v. State, 16 Ala. App. 390, 78 So. 306; Stone v. State, 208 Ala. 50, 93 So. 706. But the defendant made no such offer and merely made the objection

noticed above. This right contended for by the defendant must be asserted on voir dire examination of the State's proffered witness and where, as here, the proper predicate was laid for introduction, the statements were properly admitted and such evidence as the defendant might have thereafter introduced to impugn their voluntary character would merely go to the jury on its probative effect. - Lockett v. State, 218 Ala. 40(8), 117 So. 457.

The court, consistent with its duty, has carefully considered the entire record and finds no error to reverse.

Affirmed.

Livingston, C. J., Goodwyn and Merrill, JJ., concur.

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

1st *Div., No.* 556,

Jesse Tilrey Hines, *Appellant,*

vs.

State of Alabama, *Appellee,*

From Baldwin *Circuit Court.*

The State of Alabama,
City and County of Montgomery,

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages, numbered from one to eight *inclusive, contain a full, true and correct copy of the opinion of said Supreme Court in the above stated cause, as the same appears and remains of record and on file in this office.*

Witness, J. Render Thomas, Clerk of the Supreme Court of Alabama, this the 25th *day of* March, 19 54

J. Render Thomas

Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

October Term, 19 53-54

1st *Div., No.* 556

Jesse Tilrey Hines

Appellant,

vs.

State of Alabama

Appellee.

From Baldwin Circuit Court.

COPY OF OPINION

BROWN PRINTING CO., MONTGOMERY 1951

_____Div. No._____ CERTIFICATE OF APPEAL. (Criminal Cases.)

No. 1601

Baldwin County, Circuit Court

JESSE TILREY HINES, Appellant

VS.

The State of Alabama, Appellee

The State of Alabama,

Baldwin County, The Circuit Court of Baldwin County.

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County in and for said County and State, do hereby certify that in the above stated case, which was tried and determined in this Court on the 25th day of March 19 53, and the defendant convicted by a Jury of the offense of Murder, First Degree, and that on the 27th day of March 19 53, said defendant was sentenced to a term of Twenty-five years, which said sentence was suspended pending an appeal to the Supreme Court Court of Alabama.

I further certify that on this the 17th day of April 19 53, the defendant gave notice in writing of an appeal to the Supreme Court Court of Alabama.

Witness my hand and the seal of this Court, this the 18th day of April 19 53.

Clerk of Circuit Court of

Baldwin County, Alabama,

(BOX 474)

47360 MARSHALL & BRUCE CO NASHVILLE

1601

STATE OF ALABAMA	)	
	)	IN THE CIRCUIT COURT OF
VS.	)	
	)	BALDWIN COUNTY, ALABAMA
JESSE TILREY HINES,	)	
	)	AT LAW
Defendant.	)	

MOTION FOR A NEW TRIAL

Now comes the defendant in the above entitled cause and moves the Court to set aside the verdict of the jury and the judgment rendered thereon on March 27, 1953, and grant to the defendant a new trial; and as grounds of said motion the defendant sets down and assigns, separately and severally, the following:

1. The verdict of the jury is contrary to the evidence in the case.

2. The verdict of the jury is contrary to the law in the case.

3. The verdict of the jury is contrary to the evidence and the law in the case.

4. The verdict of the jury was contrary to the great preponderance of the evidence in the case.

5. The verdict of the jury is contrary to the weight of the evidence in the case.

6. The Court erred in admitting in evidence the State's Exhibit 1.

7. The Court erred in admitting in evidence the State's Exhibit 2.

8. The Court erred in admitting in evidence the State's Exhibit 3.

9. The Court erred in admitting in evidence the State's Exhibit 4.

10. The Court erred in admitting in evidence the State's Exhibit 5.

11. The Court erred in admitting in evidence the State's Exhibit 6.

12. The Court erred in admitting in evidence the State's Exhibit 7.

13. The Court erred in admitting in evidence the State's Exhibit 8.

14. The Court erred in admitting in evidence the State's Exhibit 9.

15. The Court erred in admitting in evidence the State's Exhibit 10.

16. The Court erred in admitting in evidence the alleged written confession of the defendant which was offered by the State.

17. For that the alleged written confession of the defendant allowed in evidence by the Court was obtained by force, physical torture, beating, mental torture, constraint, threats or promise of reward or benefit.

18. The Court erred in admitting in evidence the alleged written confession of the defendant which was offered by the State without allowing the defendant to first show that the said alleged written confession was not voluntarily made.

19. For that the Court erred in refusing to allow the defendant's motion that the jury be excluded and that he be allowed to prove that the alleged written confession which had been offered in evidence by the State was not freely and voluntarily made, before the alleged written confession was admitted.

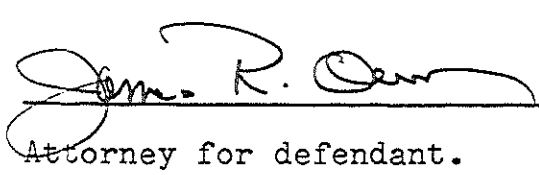
20. The Court erred in refusing to rule on the admissibility of the alleged written confession of the defendant, which had been offered in evidence by the State, before allowing the said confession to go to the jury.

21. The Court erred in refusing to give the following written charge requested in writing by the defendant before the jury retired: "The Court charges the jury that if you believe the evidence in this case, you must find the defendant not guilty. Defendant's requested charge No. 1."

22. The Court erred in refusing to give the affirmative charge at the request of the defendant.

23. The verdict of the jury was contrary to the law as declared by the Court in its oral charge.

24. The verdict of the jury was contrary to the law as declared by the Court in its instructions given at the written request of the defendant.



Attorney for defendant.

MOTION FOR A NEW TRIAL

STATE OF ALABAMA

VS.

JESSE TILREY HINES,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

FILED

3-27-53

ALICE J. GUCK, Clerk

JAMES R. OWEN

ATTORNEY-AT-LAW

BAY MINETTE, ALABAMA

3-27-53 Motion for New Trial presented this day and set for hearing April 17, 1953 — Defendant — present — Member Judge

4-17-53 Motion for New Trial — denied

1601

No. 1601 - 25 Years

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19 53-54

To the Clerk *of the* Circuit *Court,*

Baldwin *County—Greeting:*

Whereas, the Record and Proceedings of the Circuit *Court of said county, in a certain cause lately pending in said Court between*

Jesse Tilrey Hines, *Appellant,*

and

THE STATE OF ALABAMA, *Appellee,*

wherein by said Court it was considered adversely to said appellant -, were brought before our Supreme Court, by appeal taken, pursuant to law, on behalf of said appellant -:

NOW, IT IS HEREBY CERTIFIED, That it was thereupon considered, ordered, and adjudged by our Supreme Court, on the 25th *day of* March, 1954, *that said* Judgment of Conviction and Sentence - - - - *of said* Circuit *Court be in all things affirmed, and that it was further considered, ordered, and adjudged that the appellant -,* ~~xxx~~ Jesse Tilrey Hines, pay -

the costs accruing on said appeal in this Court and in the Court below, for which costs let execution issue.

Witness, J. Render Thomas, Clerk of the Supreme Court of Alabama, at the Judicial Department Building, this the 25th *day of* March, 19 54

J. Render Thomas

Clerk of the Supreme Court of Alabama.

3749 16501

THE STATE OF ALABAMA,
Baldwin County

Justice Court of T. C. HAND
Precinct 4, Bay Minette, Ala.

To Any Sheriff of the State of Alabama:
You are hereby Commanded to Summon Taylor Wilkins, H. F. Hall, Bud Eddy, Warren Taylor, Nelson Webber, Annie Gee, J. D. Mitchell
personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the 4 day of Dec 2 P.M., 1952, and from day to day of said term, and from term to term thereafter, until discharged, to give evidence and the truth to speak in behalf of THE STATE, in a prosecution now pending in said Court, wherein the State of Alabama is plaintiff and Jessie Jones, Defendant, and have you then and there this Writ, with your endorsement thereon.

Witness my hand this 1 day of Dec, A. D., 1952.

T. C. Hand
Justice of the Peace, Precinct 4

Executed in full, this the

3 day of

Dec, 1952

Tom C. Wilkins

Sheriff.

W F Hall

Deputy Sheriff.

Jesse Tilney Hines
Rt. 3 Box 115
Montgomery Ala 36110

MONTGOMERY, ALA
AG 13 PM
1968

U.S. POSTAGE 6c FRANKLIN D. ROOSEVELT

CERTIFIED MAIL
No. 872369

CLERK OF THE CIRCUIT COURT
OF BALDWIN COUNTY
BAY MINETTE
ALABAMA 36507

1601

D MAIL
RECEIPT REQUESTED

BAY MINETTE, A.
AUG 14 1968
USPO

FILED

AUG 14 1968

ALICE J. DUCK CLERK REGISTER

1601

EX PARTE JESSE TILREY HINES Petitioner,	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALA. NO. 1601

ORDER

This matter coming on to be heard is submitted on the motion of the Petitioner, Jesse Tilrey Hines, tha t this Court amend his sentence heretofore imposed on him in 1953, to reduce said sentence, and the Court having considered the motion and being of the opinion that the matter is strictly for the Pardon and Parole Board of the State of Alabama, and that this Court has no authority or jurisdiction to grant said motion. It is, therefore,

ORDERED, ADJUDGED AND DECREED that the motion be, and it is hereby denied.

Dated this 27th day of June, 1968.

Jefferson J. Mashburn
Judge

FILED
JUN 27 1968
ALICE J. DUCK CLERK REGISTER

1601

1601

IN THE CIRCUIT COURT OF BALDWIN COUNTY

EX PARTE JESSE TILREY HINES,
APPELLANT | CASE NO. 1601

NOTICE OF APPEAL

APPELLANT, JESSE TILREY HINES, HEREBY APPEALS TO THE SUPREME COURT OF ALABAMA THE JUDGMENT AND DECREE OF THIS COURT WHEREIN ON JUNE 27, 1968 THE COURT DENIED APPELLANT'S MOTION TO AMEND SENTENCE.

SIGNED:
Jesse Tilrey Hines
JESSE TILREY HINES

IN WITNESS WHEREOF THIS 9 DAY OF AUGUST, 1968
John D. Johnson
NOTARY PUBLIC

MY COMISSION EXPIRES 2-19, 1971.

FILED
AUG 14 1968
ALICE J. BUCK CLERK REGISTER

IN THE CIRCUIT COURT OF BALDWIN COUNTY

EX PARTE JESSE TILREY HINES, APPELLANT | CASE NO. 1601

DESIGNATION OF RECORDS

THE CLERK OF THE COURT WILL PLEASE PREPARE A COMPLETE RECORD OF THE PROCEEDING ENTITLED EX PARTE JESSE TILREY HINES, MOTION TO AMEND SENTENCE, WHEREIN THIS COURT DENIED SAID MOTION ON JUNE 27, 1968, AND TRANSMIT ONE COPY TO THE SUPREME COURT OF ALABAMA FOR APPELLATE REVIEW AND ONE COPY TO APPELLANT IN ORDER THAT HE MIGHT PREPARE AN APPEAL BRIEF.

SIGNED:
Jesse Tilrey Hines
JESSE TILREY HINES

IN WITNESS WHEREOF THIS 9 DAY OF AUGUST, 1968.
John D Robinson
NOTARY PUBLIC

MY COMMISSION EXPIRES 2-19, 1971.

FILED
AUG 14 1968
ALICE J. BUCK CLERK REGISTER

CERTIFICATE OF APPEAL. (Criminal Cases.)

No. 1601

The State of Alabama,

VS.

JESSE TILREY HINES.

The State of Alabama,

BALDWIN County, The CIRCUIT Court of

BALDWIN County.

I, ALICE J. DUCK Clerk of the CIRCUIT Court

of BALDWIN County in and for said County and State, do

hereby certify that in the above stated case, which was ~~tried and~~ heard

~~determined~~ in this Court on the 27th day of June 1968, and the

defendant was Denied his Motion to Amend Sentence

~~convicted by a jury of the offense of~~

~~and that on the day of 19~~,

~~said defendant was sentenced to a term of~~

~~, which said sentence was suspended~~

~~pending an appeal to the Court of Alabama.~~

I further certify that on this the 14th day of August

1968, the defendant gave notice in writing of an appeal to the

Supreme Court of Alabama.

Witness my hand and the seal of this Court, this the 14th

day of August 1968.

Alice J. Duck

Clerk of Circuit Court of

Baldwin County, Alabama.

FORM 2046-1

1601

appeal
supreme
court

1601

CITATION OF APPEAL

Baldwin Times - 200-3-62

THE STATE OF ALABAMA
Baldwin County - Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the 27th day of June, 1968 ~~Monday xxx~~ ....., 196x, in a certain cause in said Court wherein State of Alabama ..... Plaintiff, and Jesse Tilrey Hines ..... Defendant, a judgement was rendered against said Jesse Tilrey Hines, ... to reverse which Judgment, the said Jesse Tilrey Hines ..... applied for and obtained from this office an APPEAL, returnable to the next Term of our Supreme Court of the State of Alabama, to be held at Montgomery, on the ..... day of ....., 196 ..... next, and ~~the necessary~~ no bond having been given by the said Jesse Tilrey Hines ..... ~~with~~ ....., ~~xsuretiesx~~ .....

Now, You Are Hereby Commanded, without delay, to cite the said State of Alabama ..... or James A. Hendrix, District Attorney, ..., ~~attorneyx~~ to appear at the next Term of our said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 14th day of August, A. D., 1968.

Attest:

Alice J. Duck, Clerk.

I, James A. Hendrix, District Attorney, do hereby accept service of a copy of the foregoing this 14th day of August, 1968.

James A. Hendrix
District Attorney

1601

CIRCUIT COURT
Baldwin County, Alabama

Hines

Vs. } Citation in Appeal

Issued..... .....day of ....., 196....,

Released

1601

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

Special
~~October~~ Term 19 69

1 Div. No. 542

Jesse Tilrey Hines

Appellant

v.

State of Alabama

Appellee

On appeal from Baldwin Circuit Court

To the Clerk ~~Register~~ of the foregoing stated Court, Greeting:

Whereas, the record and proceedings of the Court below, in the above cause, were brought before the Supreme Court by appeal taken pursuant to law,

Now, it is hereby certified that upon consideration thereof the Supreme Court of Alabama, on the 29th day of September, 19 69, dismissed said appeal for want of prosecution

and ordered that appellant , Jesse Tilrey Hines,

~~and~~

~~sureties for the costs of appeal~~, pay the costs of appeal in this Court and in the Court below, for which costs let execution issue.

~~And it appearing that said parties have waived their rights of exemption under the laws of Alabama, it was ordered that execution issue accordingly.~~

Witness, J. O. Sentell, Clerk of the Supreme Court of Alabama, at the Judicial Department Building, this the 29th day of September 19 69.

J. O. Sentell

Clerk of the Supreme Court of Alabama

THE SUPREME COURT OF ALABAMA

Special
~~October~~ Term, 1969

1 Div., No. 542

Jesse Tilrey Hines

Appellant,

v.

State of Alabama

Appellee.

From Baldwin Circuit Court.

No. 1601

CERTIFICATE OF DISMISSAL

The State of Alabama,
_____ County. } Filed

this _____ day of _____, 19____

BROWN PRINTING CO., MONTGOMERY 1958

Transcript of Criminal Cases from Justice Court of Baldwin County, Ala.

Attorneys	Case	Charge
	THE STATE OF ALABAMA,	
No. 3749	Vs.	
	Jesse Lines	Murder

	Disposition of Case	Fees	Amount
	Affidavit made and Warrant Issued to Fayles wilkins	Judge's Fees	
	Returnable Grand Jury.	Warrant at 50c, Affidavit at 25c	75
	Witness—for State Fayles wilkins H. Finch	Bond at 50c, Sci Fa at 50c	
	Pete Sellers, Nelson Gibbs	Witnesses' Recognizances at 25c	
	Annie Catrette, J. D. Catrette, Bill Miller	13 Subpoena or notice at 25c	3.25
	Bud Eddy, Johnnie Lee	Continuance at 25c	
	W. D. Fayles, Mrs Jesse Lines	Trial of Misdemeanor at $1.00	
	Annie Lee, J. B. Mitchell.	Mittimus at 25c	25
		Judgment on Forfeited Bond at 25c	
		Taking Bond, etc, on Appeal at $1.00	
		Execution of costs at 25c	
		Constable's Fees	
		Subpoena or Notice at 25c	
		Carrying Defendant before Justice each mile for himself and guard at 10c	
4 Day 5	After hearing evidence in case defendant was ordered bound over to Grand Jury with Arts Bond	Arrest 50c	
		Sheriff's Fees	
		Arrest $2.00 Bond, $1.00, Sci Fa 50c	4.00
		Committing $2.00, Releasing $1.00	2.10
	Defendant was ordered committed to jail.	13 Subpoenas at 25c Day's Board at 30c	6.50
		Witness Fees	
		Days at 50c	
		" 50c	
		" 50c	
		" 50c	50
		" 50c	
		" 50c	
		" 50c	
		" 50c	
	T. J. Reid	DEFENDANT'S COSTS	
	Justice of Peace	Witnesses' Recognizance at 25c	
		Subpoenas at 25c	
		Executing - Subpoenas	