

STATE,

-vs-

MAYNARD COGHLAN.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

Now comes the Defendant and moves the Court for a new trial in the aforesaid cause, and assigns the following grounds therefor:-

1st. That the verdict of the jury was contrary to the law in the case.

2nd. That the verdict of the jury was contrary to the charge of the Court.

3rd. That the verdict of the jury was contrary to the facts in the case.

Dated this 20th day of September, 1933:

Hyatt, Heard & Hason
Attorneys for Defendant.

*Service accepted
Sept. 20th 1933
J. M. Campbell
Solicitor*

*The above & foregoing motion
is overruled & denied. This
20th day of Sept 1933
J. W. Hare
Judge*

[illegible]

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RECORDED

State

VS

Maynard
Coghlan

Motion for new
trial

1997-1998

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[illegible]

STATE OF ALABAMA

VS.

MAYNARD COGHLAN

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

ON APPEAL FROM JUSTICE COURT.

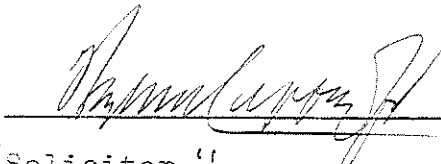
ASSAULT AND BATTERY.

Comes the State of Alabama, by its Solicitor, and respectfully shows unto the Court that on entering upon the trial of the above cause it was agreed in open Court by the Solicitor prosecuting for the State of Alabama and the Attorneys representing the Defendant therein that the trial should be had upon the original affidavit filed in the Justice of the Peace Court from which said appeal was taken and the filing of a complaint by the Solicitor was waived; that such agreement was noted by the official court reporter who took down the evidence and proceedings in the case but was not noted by the trial Judge in his bench notes.

It is further shown to the Court that although the Jury trying said cause did on the 18th day of September, 1933, return a verdict of guilty therein and assessed a fine against the Defendant and this was at the time noted by the trial Judge in his bench notes, no judgment in said cause has been entered or written up on the minutes of the Court.

THE PREMISES CONSIDERED, Petitioner prays: (1) that the bench notes made by the trial Judge in the aforesaid cause of the State of Alabama vs. Maynard Coghlan be amended nunc pro tunc so as to show that upon entering on the trial of said cause on the 18th day of September, 1933, it was agreed in open Court by the Solicitor for the State of Alabama and the Attorneys representing the Defendant that the filing of a complaint by the Solicitor was waived and that said cause should be tried on the original affidavit in the Justice Court from which the appeal was taken. (2) That the Clerk of the Circuit Court of Baldwin County, Alabama, be instructed to enter forthwith on the minutes of the Court a judgment in said cause in accordance with the bench notes as so amended.

Respectfully submitted,


Solicitor."

M. R. FARISH, who being first duly and legally sworn, testified as follows:

DIRECT EXAMINATION, by Mr. Caffey:

Q., Mr. Farish, you are the official court reporter of the 21st. Judicial Circuit of Alabama ?

A. Yes, sir.

Q. Embracing Baldwin County among others ?

A. Yes, sir.

Q. Were you such during the trial of Maynard Coghlan, who was tried in the Circuit Court of Baldwin County on the 18th. day of September, 1933 ?

A. Yes, sir.

Q. As such did you transcribe the testimony ?

A. Yes, sir.

Q. Mr. Farish, upon entering on the trial of that case what do your ^{stenographic} / notes show ?

A. They show that there was an agreement between the solicitor and counsel for the defendant that the trial of the case might be had on the original affidavit filed in County Court, and the filing of a solicitor's complaint waived.

Q. Shows as agreement between the solicitor and the attorneys for the defendant to that effect ?

A. Yes, sir.

Q. And the Court instructed you to note that in your records ?

A. I dont recall whether the Court instructed me to do that or not.

Q. You dont remember about that ?

A. No, sir.

Q. You have made a transcript of the testimony showing this agreement, have you not ?

A. Yes, sir.

MR. CAFFEY: I now offer in evidence the certified transcript which I will get for your Honor.

Q. You duly certified to that, did you ?

A. Yes, sir.

Q. And it is the one you delivered to me ?

A. Yes, sir.

State
PR

Maynard Coghlan

Testimony on
Motion to Amend

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

ATTORNEYS	CASE	CHARGE
<i>H M Hall</i> No. <i>Sept 20</i>	THE STATE OF ALABAMA vs. <i>maynard Coghlan</i>	<i>Assault & Battery</i>

	DISPOSITION OF CASE	FEES	AMOUNT
	Affidavit made and Warrant Issued to <i>W R Stuart</i>	JUDGE'S FEES	
	Returnable <i>justice</i>	Warrant at 50c, Affidavit at 25c	<i>75</i>
	Witness—for State <i>John Payne</i>	Bond at 50c, Sci Fa. at 50c	<i>1.50</i>
	<i>Jail. Bright, Aquew. Byrll</i>	Witnesses' Recognizances at 25c	
	<i>German. Bedford. George McLeod</i>	<i>6</i> Subpoena or notice at 25c	<i>25</i>
	<i>Lambert. and W R Stuart</i>	Continuance at 25c	<i>1.00</i>
	<i>Case set for December 31st 1932</i>	Trial of Misdemeanor at \$1.00	
	<i>Continued to Jan 6th 1933 account</i>	Mittimus at 25c	
	<i>Plaintiff Physically unable to</i>	Judgment on Forfeited Bond at 50c	
	<i>attend Court. Cause the defendant</i>	Taking Bond, etc., on Appeal at \$1.00	<i>1.00</i>
	<i>pleads Not guilty. Trial had fined</i>	Execution for Costs at 25c	
	<i>\$10.00 and Cost of Court. Notice</i>	CONSTABLE'S FEES	
	<i>of appeal given. bond fixed</i>	Subpoena or Notice at 25c	<i>1.50</i>
	<i>at \$200.00</i>	Carrying defendat before Justice, each	
		mile for himself and guard, at 10c ..	
		Arrest, 50c	
		SHERIFF'S FEES	
		Arrest, \$2.00; Bond, \$1 00; Sci Fa ,50c	<i>3.00</i>
		Committing, \$1.00; Releasing, \$1.00 ..	<i>3.00</i>
		<i>6</i> Subpoenas at 50c, Days' Board at 30c	
		WITNESSES' FEES	<i>6.00</i>
		Days at 50c ..	
		Days at 50c ..	
		Days at 50c ..	
		Days at 50c ..	
		Days at 50c ..	
		Days at 50c ..	
		Days at 50c ..	
		DEFENDANT'S COSTS	
		Witnesses' Recognizance at 25c	
		Subpoenas at 25c	
		Executing	
		Subpoenas	

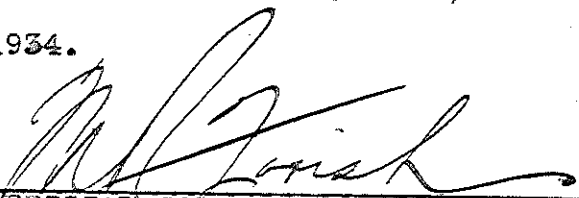
J. M. Franklin
noted - J.P.

STATE OF ALABAMA,)
COUNTY OF MONROE,)

I, M. R. Farish, Official Court Reporter for the Twenty-first Judicial Circuit of Alabama, do hereby certify that the following agreement, as shown by my stenographic notes, was made and entered into by and between Hon. H. M. Caffey, Jr., Solicitor of said Circuit, and Messrs. Hybart, Heard & Chason, attorneys for the defendant, in the case of The State vs. Maynard Coghlan, which said case was tried at the Regular Fall Term, 1933, of the Circuit Court of Baldwin County, at Bay Minette, Alabama:

"It is hereby agreed by and between the Solicitor for the State of Alabama, Hon. H. M. Caffey, Jr., and counsel for the defendant, Messrs. Hybart, Heard & Chason, that the trial may be had on the original affidavit, the filing of a solicitor's complaint being hereby waived. "

In Witness Whereof, I have hereunto set my hand, this the 15th. day of February, 1934.


OFFICIAL COURT REPORTER, 21ST.
JUDICIAL CIRCUIT OF ALABAMA.

RECORDED

State of Ala

vs

Magnum & Coyle

Evidence on
Motion to Amend

[Handwritten signature]

THE STATE OF ALABAMA

VS.

MAYNARD COGHLAN

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

SEPTEMBER 17, 1934.

Comes the State of Alabama by its Solicitor and comes the Defendant in his own proper person and by Attorney and the Defendant, for answer to the Original Affidavit ^{waived by agreement} in said cause, pleads and says that he is not guilty in the manner and form charged therein.

Thereupon came a jury of good and lawful men, to-wit: Knud Jensen and eleven others, who having been empaneled and duly sworn according to law on their oaths say: We, the Jury find the Defendant guilty of assault and battery and fix a fine of One Dollar (\$1.00), all of which said trial and proceedings were had on the 18th day of September, 1933. The Defendant thereupon gave notice of appeal to the Court of Appeals and confessed judgment for fine and costs with A. W. Slaughter and Mrs. B.M. Coghlan. Appeal bond was fixed by the Court at Three Hundred Dollars (\$300.00) and execution was suspended pending appeal.

No judgment having been written up in said cause the State of Alabama, by its Solicitor, did on September 17th, 1934, move the Court to amend the Judge's bench notes so as to show the agreement between the Solicitor and the Defendant upon entering the trial that the trial be had upon the Original Affidavit in Justice Court, that the filing of a complaint by the Solicitor was waived and that the Clerk be directed to write up the judgment of the Court rendered on September 18, 1933, according to the bench notes as so amended. Defendant waived notice of the filing of said motion and agreed that a hearing on same be had at once and upon proof establishing the said motion it was thereupon granted by the Court and the bench notes were amended nunc pro tunc so as to show that it was agreed in open court by the Solicitor and the Defendant that the trial of the said cause be on the original affidavit and the Court further ordered that the judgment of the Court of September 18, 1933 as so amended nunc pro tunc be written up on the minutes of the Court.

State vs. Maynard Coghlan
A012

Jury List Second Week, September 18, 1933.

NO.	NAME	OCCUPATION	ADDRESS
1	Lloyd Lawrence	Carpenter	Fairhope 82
2	William S. Bradley	Clerk	Foley 82
3	Walter H. Benton	Oysterman	Bon Secour
4	Ray Younce	Farmer	Foley
5	George Martin	Bookkeeper	Fairhope 815
6	Alvin Van Iderstine	Mechanic	Daphne 816
7	Calvin C. Callaway	Fisherman	Bon Secour 810
8	Holly Rains	Farmer	Daphne 51
9	Thomas E. McGowan	Farmer	Latham
10	Erdie S. Perterson	Truck Driver	Robertsdale
11	Fred C. Griffin	Garage	Loxley 87
12	Preston Snowden	Electrician	Bay Minette 814
13	Knud Jensen	Contractor	Miflin
14	Carol F. Carson	Farmer	Foley
15	Daniel Hall	Farmer	Tensaw 52
16	Sidney Leak	Merchant	Bay Minette 57
17	Russell Willis	Laborer	Foley 38 813
18	William A. Miller	Barber	Bay Minette
19	Ray Parks	Fisherman	Bon Secour
20	Ernest D. Swift	Clerk	Fairhope 88
21	Johannie H. Killcrease	Farmer	Bay Minette 83
22	William Koehle	Capitalist	Foley
23	Hiram C. Taylor	Farmer	Bay Minette
24	Harold Wittberg	Farmer	Robertsdale
25	Seaborn S. Baggett	Naval Stores	Bay Minette 87
26	Clarence E. Garrette	Farmer	Bay Minette 84
27	Roy A. Epperson	Filling Station	Loxley
28	Joe Fulford	Oysterman	Bon Secour
29	Julius Lee Bryant	Merchant	Stockton 53
30	Arthur John Rich	Farmer	Foley 88
31	Thomas J. Hadley	Farmer	Foley 86
32	Edwin A. Sheldon	Contractor	Fairhope 811
33	Ernest Rabon	Naval Stores	Rabon 84
34	Alex Lazzari	Farmer	Belforest 85
35	Hayden Lewis	Laborer	Fairhope
36	Eldridge Mancie	Farmer	Daphne 86

58/TH 111
816/TH 111 111 111

WARRANT AND AFFIDAVIT

THE STATE OF ALABAMA,
Baldwin County.

Before me, J.M. Franklin, N.P. Ex-O.J.P.

in and for said county personally appeared W.R. Stuart

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 December 23rd 1932 that one

Maynard Coshlan, Did assault and beat John Payne

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this

23rd day of December A. D., 1932

J.M. Franklin N.P. Ex-O. J. P.

The State of Alabama, {
Baldwin County.

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETING:

You are hereby commanded to arrest Maynard Coshlan

and bring Him before Me to answer

the State of Alabama on a charge Assault and Battery

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

Witness my hand this 23rd day of December 1932

J.M. Franklin
N.P. EX-O. J. P.

No.

Page

THE STATE OF ALABAMA
BALDWIN COUNTY

JUSTICE COURT OF

J.M. Franklin

THE STATE
vs.

Maynard Coghlan

WARRANT and AFFIDAVIT

WITNESSES FOR STATE

John Payne, Joel Bright, Agnew

Byrne, Corman, Bedford, ~~_____~~

~~_____~~, Geo. M. Lambert and

W.R. Stuart

Moore Printing Co.

Executed this 23rd day of Dec 1932

By arresting the within

named Defendant

Maynard Coghlan
and releasing him
and placing him on bond

W.R. Stuart
Sheriff

D. S.

*We the jury find the defendant
guilty and assess a fine of One
Dollar*

*Grand Jurors
Foreman*

The State of Alabama, Baldwin County

~~COUNTY~~ COURT, January Term, 1933

KNOW ALL MEN BY THESE PRESENTS, That we, Maynard Coghlan
and the undersigned.

, are held and firmly bound unto the State
of Alabama, in the sum of Two hundred and No/100 Dollars
for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and
administrators, jointly and severally, firmly by these presents.

Witness our hands and seals, this the 6th day of January 1933

The Condition of the above obligation is such, That, whereas, the above bounden

Maynard Coghlan was, on the 6th day of January 1933
convicted in the County, of the offense Assault and Battery

and by the judgment of said Court sentenced to Pay fine of Ten dollars and cost
of court.

And, whereas, the said Maynard Coghlan
has this day prayed an appeal from said judgment to the Circuit Court of said County:

Now, if the said Maynard Coghlan shall appear at
the next term of the Circuit Court, and from term to term thereafter until discharged, and abide by
and perform whatever sentence may be adjudged in said Court against him, then the above obliga-
tion to be void; otherwise to remain in full force and effect.

Maynard Coghlan (L. S.)
M. Coghlan (L. S.)
G. H. Nelson (L. S.)

Approved

J. M. Franklin
W.P. Ex-O.J.P. County Court Judge

(L. S.)

The State of Alabama
County

Justice
~~COUNTY~~ COURT

THE STATE
vs.

Maynard Coghlan

APPEAL BOND

M. Coghlan

G. H. Nelson

SURETIES

Filed in the office of the Clerk of the Circuit

Court _____ day of

_____, 193____

Clerk

The State of Alabama, Baldwin County

Circuit
~~COUNTY~~ COURT, Face Term, 1933

KNOW ALL MEN BY THESE PRESENTS, That we, Maynard Coghlan
as Principal and The undersigned
as Sureties

_____, are held and firmly bound unto the State
of Alabama, in the sum of Three Hundred (300⁰⁰) Dollars
for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and
administrators, jointly and severally, firmly by these presents.

Witness our hands and seals, this the 20th day of Sept 1933

The Condition of the above obligation is such, That, whereas, the above bounden
Maynard Coghlan was, on the 18th day of Sept. 1933
convicted in the County, of the offense Assault and Battery

and by the judgment of said Court sentenced to One Dollar Fine
and Costs of Court

And, whereas, the said Maynard Coghlan
has this day prayed an appeal from said judgment to the Court of Appeals, State of Ala.

Now, if the said Maynard Coghlan shall appear at
the next term of the Circuit Court, and from term to term thereafter until discharged, and abide by
and perform whatever sentence may be adjudged in said Court against him, then the above obliga-
tion to be void; otherwise to remain in full force and effect.

Maynard Coghlan (L. S.)

Mrs B. N. Coghlan (L. S.)

A. W. Slaughter (L. S.)

____ (L. S.)

Approved

W. A. Stone

County Court Judge
Clerk Circuit Court.
of Baldwin County,
Ala.

The State of Alabama
County
COUNTY COURT

THE STATE
vs.

APPEAL BOND

SURETIES

Filed in the office of the Clerk of the Circuit

Court 20 day of

Sept. 1932

Wm. A. Stone Clerk