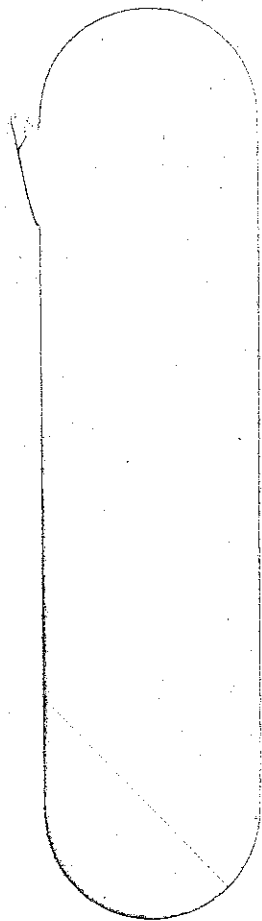


State of Ala.
vs.

Calla Mai Tanner

Graver Charges

Deft.



Given.
Jeffrey J. Mashburn, Jr., Judge.

The court charges the jury that unless each of you is convinced beyond a reasonable doubt of the guilt of the defendant, from, all of the evidence, or from any part thereof, in this case, then you should not convict her.

The court charges the jury that each jurymen must be separately satisfied, beyond a reasonable doubt and to a moral certainty, that the defendant is guilty of the crime as charged, or you cannot convict her. ~~There,~~

Jefair J. Mathews Jr., Judge.

The court charges the jury that if after looking at all of the evidence in this case and considering it fully, your minds are left in such a state of uncertainty that you cannot say beyond a reasonable doubt that the defendant is guilty of the offense charged, then this such a doubt as would entitle the defendant to an acquittal and you should so find. Given,

Julius J. Maskebury Jr.
Judge

The court charges the jury that if the evidence for the state consists of testimony as to the truth of which the jury have a reasonable doubt, the jury must not convict the defendant, although they may not believe the testimony of the defendant's witnesses.

Surrey,
Telfair J. Marshall, Jr., Judge.

The court charges the jury that a probability of defendant's innocence is a just foundation for a reasonable doubt, and, therefore for her acquittal. *Given*

Jeffrey J. Maschbauer, Jr., Judge

Sir,
Jefferson J. Masheuer, Jr.
Judge.

The court charges the jury that the burden is upon the state, and it is the duty of the state to show beyond a reasonable doubt and to the exclusion of every other reasonable hypothesis every circumstance necessary to show that the defendant is guilty; and unless the state has done that in this case, it is your duty, gentlemen of the jury, to render a verdict of not guilty.

The court charges the jury that the innocence of defendant is presumed until her guilt is established by the evidence in all the material aspects of the case beyond a reasonable doubt, to a moral certainty, and it may also be said that the evidence of guilt must be strong and cogent, and, unless it is so strong and cogent as to show that defendant is guilty to a moral certainty, then the defendant should be acquitted. Given,

Jefair J. Masliburn, Judge

The court charges the jury that the test of sufficiency of circumstantial evidence in a criminal case is whether the circumstances as proven are capable of explanation upon any reasonable hypothesis consistent with the defendant's innocence, and, if they are capable of any such explanation, then the defendant should be acquitted. *Given,*

Jeffrey J. Maduburn, Jr., Judge.

76.

The court charges the jury that if from all the evidence, you or any one of you believe that the defendant purchased the property, which the state alleges belongs to Mrs. Jefferies, in good faith then you should acquit the defendant.

Sweeney
Seafair J. Marshall, Jr., Judge.

The court charges the jury that the evidence against the defendant in this case is partly circumstantial, and her innocence should be presumed by the jury until her guilt is established by competent evidence in all the material aspects of the case, beyond a reasonable doubt, and to a moral certainty.

Given,
Jefair J. Masliburn, Jr.
Judge.

The court charges the jury that the unexplained possession of personal property recently stolen does not, as a matter of law, raise a presumption of guilt. *Green,*
Jeffair P. Mashburn, Jr., Judge.

The court charges you, gentlemen of the jury, if upon considering all the evidence you have a reasonable doubt of the Defendant's guilt aroused out of any part of the evidence, then it is your duty to find her not guilty.

Given

Jelfair J. Mathisburg, Jr.
Judge

The Court charges you that, if you believe from the evidence that the articles named in the indictment were embezzled by any person in the employ of Mrs. Jefferies then you cannot find the defendant guilty.

~~Refused~~ *Sworn*

Jeffery J. Masliburn Jr.
Judge.

The court charges the jury that if, from the testimony, there is a probability of defendant's innocence, that is a just ground for a reasonable doubt; and if such probability exists in this case, you cannot convict the defendant.

Given,
Jesse J. Mashburn Jr.
Judge.

Refused Charges

State
vs

Callie Mai Turner

left

ALICE J. DUCK, Circuit Clerk

Baldwin County

BAY MINETTE, ALA.

2.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one rose colored bed spread of the value of \$3.00. *Refused,*

Jeffrey G. Madelbure, Jr., Judge

3.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one blue and white quilt of the value of \$15.00. *Refused,*

Jefferson G. Masleburn, Jr., Judge

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one oil lamp of the value of \$15.00. *Refused,*

Walter J. Mathews, Jr., Judge.

5.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one oil lamp on metal stand of the value of \$15.00. *Refused,*

Jefferson G. Washburn, Jr., Judge

6.

Refused
Telfair J. Marbleberry Jr., Judge.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the articles described in the indictment as one clear water pitcher of the value of \$8.00.

7.

Refused,

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one Chine water pitcher with Holland designs of the value of \$2.00.

Jefair J. Marshall, Jr., Judge

8.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one small circular flower tray of the value of \$1.50. *Refused,*

Julian J. Maslowski, Jr. Judge

9.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one dipper of the value of \$10.00. *Refused,*

Jefferson J. Maskeberry Jr. Judge.

10.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one armadillo basket of the value of \$5.00. *Refused,*

Jefferson J. Maslbury, Jr., Judge

11.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the articles described in the indictment as one base of the value of \$1.00.

Refused,
Jefair J. Massabury, Jr., Judge.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one blue glass of the value of \$5.00. *Refused,*

Jeffair J. Washburne, Jr., Judge,

13.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one minature dinner bell of the value of \$2.00.

Refused
Jeffrey J. Masliburn, Jr., Judge

14.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one silver nut bowl of the value of \$25.00. *Refused,*

Jeffery G. Masliburn, Jr., Judge.

15.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one cat-shaped foot scraper of the value of \$8.00. *Refused,*

Joseph J. Mashburn, Jr., Judge

16.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one toby jug of the value of 75¢. *Refused*

Felton J. Masheburn, Jr., Judge.

17.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one miniature lamp of the value of \$2.50. *Refused*

Jessie J. Maschbauer, Jr., Judge.

18.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one antique clock of the value of \$25.00.

Refused,

Jeffrey G. Marshall, Jr., Judge.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one large table with two short benches and two long benches to match of the value of \$250.00. *Refused*

Jeffrey G. Maskebary Jr., Judge.

20.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one smoking stand of the value of \$10.00. *Refused,*

Jefferson J. Massaburn, Jr., Judge.

21.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as blue chair of the value of \$12.00.

*Refused,
Jelfair J. Mathis Jr.
Judge.*

*Refused,
Jefair H. Mashburn, Jr., Judge.*

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one one lamp of the value of \$15.00.

23.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as three rocking chairs of the value of \$18.00.

*Refused,
Jesse J. Masliburn, Jr.
Judge.*

24.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one cushion of the value of \$1.00.

Refused

Deafar J. Mashburn Jr., Judge

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one basket of the value of \$2.00.

Refused,
Jeffrey J. Masliburn, Jr.
Judge

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one brown marble slab of the value of \$25.00. *Refused,*

Jeffair J. Mashbury Jr.,
Judge.

27.

Refused
DeLoach J. Madeline Jr., Judge.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one red split hickory chair of the value of \$12.00.

Refused
Jeffair G. Mashburn, Jr., Judge

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one round umbrella table of the value of \$10.00.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one blue urn of the value of \$10.00.

Refused
Jelfair J. Mashburn, Jr.
Judge.

Refused
Jelfair J. Masliburn, Jr.,
Judge.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one bouy flower pet of the value of \$5.00.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as one iron table with marble and glass top of the value of \$35.00.

Refused
Jeffair J. Mashburn, Jr., Judge.

~~Was~~ Refused

Telfair J. Masheburn, Jr.
Judge.

The Court charges you that, if you believe the evidence, you cannot find the defendant guilty as to the article described in the indictment as two wicker rocker chairs of the value of \$15.00.

The court charges the jury that unless you are reasonably satisfied from all the evidence that there was a felonious taking and carrying away; of all the property as charged in the state's indictment, with an intent to deprive Mrs. Jefferies of said property, then you cannot find the defendant guilty of receiving stolen property. *Refused,*

Jeffery P. Washburn Jr., Judge.

Refused
Jeffery J. Marshall, Jr.
Judge

42.

The court charges the jury that before you can find the defendant guilty, you must believe from all the evidence beyond all reasonable doubt that there was a felonious taking and carrying away of all the property as alleged in the state's indictment, with an intent to deprive Mrs. Jefferies of all of said property as charged, and that the defendant bought or concealed said property with knowledge that the same was stolen property and that she had no intention of returning it to Mrs. Jefferies.

44.

The court charges the jury that if any one of you believe from all the evidence that some of the property listed in the indictment and found in the possession of the defendant was not stolen from Mrs. Jefferies then you, gentlemen of the jury, must acquit the defendant.

Refused
Jeffrey J. Washburn, Jr., Judge.

The court charges the jury that before you can find the defendant guilty as charged in the indictment you must believe beyond a reasonable doubt that she did buy, receive or conceal all of the property, as listed in the indictment, with a guilty knowledge that the same had been stolen. *Refused,*

Jeffrey J. MacLennan Jr., Judge.

47.

The court charges the jury, that if you or any one of you are not satisfied beyond all reasonable doubt that the state has proven that all of the property as contained in the indictment was stolen from Mrs. Jefferies then you cannot convict the defendant of receiving, buying or concealing stolen property. *Refused*

Jeffrey H. Mablebury Jr.
Judge.

S2.

The court charges the jury that if any of the articles found in the possession of the defendant and listed in the indictment are not proven by the state to have been stolen from Mrs. Jefferies, then you must acquit the defendant.

Refused
Jefair J. Mathews, Jr., Judge

67.

The court charges the jury that if you believe that any of the property found in the possession of the defendant was not stolen then you, gentlemen of the jury, must acquit the defendant.

Refused,
Telford J. Masliburn, Jr., Judge.

The court charges the jury that, before you can convict the defendant under the indictment, you must not only believe beyond a reasonable doubt that the defendant did buy or receive or conceal or aid in concealing the property of Mrs. Jefferies, but you must further believe beyond a reasonable doubt that she did so actually knowing that it had been stolen. ~~He was~~ Refused,

Jefair J. Masliburn, Jr., Judge.

The court charges the jury that, before you can convict the defendant under the indictment, you must not only believe beyond a reasonable doubt that the defendant did buy or receive the stolen articles of furniture, but you must further believe beyond a reasonable doubt that she bought or received them actually knowing that they had been stolen, and having such knowledge had no intention of returning them to the rightful owner.

~~James~~ ^{Refused}
Jefair J. Maschery, Jr., Judge.

The court charges the jury that in order to convict the defendant, you must believe beyond a reasonable doubt that the goods were stolen, that the defendant bought or received them, with knowledge that they were stolen, or concealed or aided in concealing them, and without the intent of restoring them to the rightful owner.

~~Given~~ Refused
Jelfair J. Maslibury, Jr.
Judge.

The court charges the jury that if, upon a consideration of all the evidence, the minds of the jury or any member of the jury is left in a state of reasonable doubt and uncertainty, by the evidence or any part of the evidence, then you cannot convict the defendant.

Refused,
Telfair G. Mashburn, Jr., Judge.

57.

The court charges the jury that unless you believe the evidence beyond all reasonable doubt and to a moral certainty that all the property set forth in the indictment was stolen from Mrs. Jefferies, then you cannot find the defendant guilty.

Refused
Telford P. Marshall, Jr. Judge.

86.

The court charges the jury that if you do not believe from the evidence beyond all reasonable doubt and to a moral certainty that all the property alleged in the indictment was stolen from Mrs. Jefferies then you cannot find the defendant guilty.

Refused
Seifair J. Marshall, Jr., Judge.

68.

The court charges the jury that unless you believe from all the evidence beyond all reasonable doubt and to a moral certainty that the defendant did buy, receive, conceal or aided in concealing all the property set forth in the indictment, knowing that all of such property had been stolen and did not have any intention to restore such property to its rightful owner, then you cannot find the defendant guilty.

Refused
Jelfair J. Maslibury Jr., Judge.

The court charges the jury that, in order to convict the defendant you must believe beyond a reasonable doubt that the goods were stolen, that the defendant bought or received all of them with actual knowledge that they were stolen and that she concealed or aided in concealing them without any intention of restoring them to the rightful owner.

Refused
Julian J. Washburn, Jr., Judge.

The court charges the jury that, unless you believe from the evidence beyond all reasonable doubt and to a moral certainty that all the property set forth in the indictment was stolen from Mrs. Jefferies, then you cannot find the defendant guilty.

Refused
Jelfair J. Mashburn, Jr.
Judge.

61.

The Court charges you, gentlemen of the jury, that if you believe the evidence, then you must find the Defendant not guilty.

Refused
Jefair J. Marshall, Jr., Judge

63.

The Court charges you, gentlemen of the jury, that you must
find the Defendant not guilty.

Refused
Jelfair J. Maslowsky, Jr.
Judge.