

Plaintiff's Requested Charge Number 1

The Court Charges the Jury that if you believe
the evidence you must find for the Plaintiff.

*Refused,
Jeffrey G. MacLennan
Judge*

Plaintiff's Requested Charge Number 2

The Court charges the Jury that if you believe
the evidence you cannot find for the Defendants.

Refused
Jeffery M. Maliburn
Judge.

Plaintiff's Requested Charge Number 3

The Court charges the Jury that Plaintiff may recover for Attorney's fees paid to defend against the criminal charges brought by Defendant.

Refused
Defendant's motion
judge

Plaintiff's Requested Charge Number 4

The Court charges the Jury that reasonable Attorney's fees incurred by Plaintiff in defending the prosecution brought about by Defendant is an element of damage in a suit for malicious prosecution.

*Given,
J. J. J. Mableburn
Judge*

Plaintiff's Requested Charge Number 5

The Court charges the Jury that expenses incurred in defending the prosecution brought about by the Defendant is an element of damage in a suit for malicious prosecution.

Given,
DeFair J. Madlener
Judge.

Plaintiff's Requested Charge Number 6

The Court charges the Jury that in an action for malicious prosecution, "malicious" implies the intentional doing of a wrongful act to the injury of another.

Given,
Deputy J. Marshall
Judge

Plaintiff's Requested Charge Number 7

The Court charges the Jury that the malice required
for the recovery of punitive damages need not amount to
ill will or hatred.

*Given
Defendant, made
Judge*

Plaintiff's Requested Charge Number 8

The Court charges the Jury that Defendant may
not be excused from malice by acting on the advice of the
Justice of the Peace.

Refused;
Jeffrey A. Marshall
Judge

Plaintiff's Requested Charge Number 9

The Court charges the Jury that if Plaintiff gave Defendant a post-dated check and informed Defendant of this post-dating, Defendant did not have probable cause to prosecute Plaintiff.

*Signed,
J. Edgar Madison
Judge*

Plaintiff's Requested Charge Number 10

The Court charges the Jury that punitive
damages may be awarded for malicious prosecution.

~~Refused~~
Sagun Madhew
Judge

Plaintiff's Requested Charge Number 11

The Court charges the Jury that if you believe Defendant did not have probable cause for swearing Plaintiff issued a worthless check, then you may award exemplary damages.

Signed
J. J. Wadsworth
Judge

Plaintiff's Requested Charge Number 12

The Court charges the Jury that malice may be
inferred from lack of probable cause.

Given
Jeffrey J. Wadsworth
Judge

D-1

The Court charges the jury that if you believe
the evidence in this case, you must find for the Defendants.

Refused
Jeffery Macleburn
judge.

The Court charges the jury that if you believe the evidence in this case you can not find in favor of the Plaintiff and against the Defendants.

Refused
Jesse J. Madala
Judge

The Court charges the jury that unless you believe from the evidence in this case that the Defendant, E. B. Gwin, Jr., the agent, servant or employee of the Defendant, Bedsole Trading Company, Inc., acted with malice toward the Plaintiff then you can not find in favor of the Plaintiff and against the Defendants.

*Refused,
J. Fair J. Marshall
Judge*

The Court charges the jury that you can not find in favor of the Plaintiff in this case and against the Defendants unless you are reasonably satisfied from the evidence that the Defendant, E. B. Gwin, Jr., acted maliciously toward the Plaintiff.

Gwin
Jeffrey J. Marshall
Judge

D-5

The Court charges the jury that if you believe from the evidence in this case that the Defendant, E. B. Gwin, Jr., relied upon the advice of Arrie S. Godwin, a Justice of the Peace in Fairhope, Alabama, in instituting criminal proceedings against the Plaintiff, then your verdict should be for the Defendants.

Refused
J. J. Madgeburn
Judge

D-6

The Court charges the jury that if you believe from the evidence in this case that the Plaintiff, Shirley Ann Hall was actually guilty of the act charged against her in the criminal proceedings instituted against her in the Justice of the Peace Court of Arrie S. Godwin, even though the proceedings terminated in her favor, then your verdict should be for the Defendants.

Refused
Seymour J. Masliber
Judge

The Court charges the jury that if you believe from the evidence in this case that at the time the Plaintiff, Shirley Ann Hall, gave to the Defendant, Bedsole Trading Company, Inc., the check which has been introduced into evidence, there were not sufficient funds in the Bank on which the check was drawn to cover said check upon due presentment; and if you further believe from the evidence that the Plaintiff, Shirley Ann Hall, knew or had reason to believe that such was the case, then your verdict should be for the Defendant.

Refused
Jeffrey J. Maslowski
judge

The Court charges the jury that in order for the Plaintiff to recover from the Defendants, or either of them, in this case that you must be reasonably satisfied from the evidence that the action or prosecution instituted by the Defendant, E. B. Gwin, Jr., against the Plaintiff, was maliciously instituted; and unless you are so reasonably satisfied, then your verdict should be for the Defendants.

Seppin
Seppin J. Maslibum
Judge

The Court charges the jury that in an action for malicious prosecution before the Plaintiff is entitled to recover, it must be shown to the reasonable satisfaction of the jury that the Defendants acted with malice. In this regard, the Court charges the jury that the malice requisite to justify a recovery in an action for malicious prosecution is defined as the existence of an evil or sinister purpose, a depraved, wicked or mischievous intention or motive, or a wilful, wanton, reckless and oppressive disregard of the rights of the Plaintiff.

Refused
Jeffrey J. Manselhorn
Judge

D-10

The Court charges the jury that the malice essential to the maintenance of an action for malicious prosecution is what is called actual malice, or malice in fact, by which is meant that such act of malice is dependent upon the existence of an evil, wrongful or improper motive.

Given
Jesse J. Marshall
Judge.

D-11

The Court charges the jury that the conviction of the Plaintiff in the Justice court of Arrie S. Godwin of the charge of worthless check is ~~prima~~ facie evidence that the Defendants had probable cause to believe that the Plaintiff was guilty as charged.

Given
Deputy J. Madison
Judge

D-12

The Court charges the jury that the burden of proving the lack of probable cause for the prosecution of the Plaintiff is on the Plaintiff. If you are reasonably satisfied from the evidence that the Plaintiff has not fulfilled the burden, then you must return a verdict for the Defendants.

*Given,
Jeffrey J. Mathis
Judge*