# THE STATE vs.

GIARRICE MORRIS

In the Circuit Court of Baldwin County,

	 ~	Term,	193	
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Venire of the jurors in the above stated cause, names herein stated from No. 72 to No. 72 both inclusive, being the special jurors drawn in open Court by the presiding Judge, in said cause, and the other names, from No. 1 to No. 71 both inclusive, being the regular jurors drawn and summoned for the Second week of the Fall Term of said Court, the said cause having been set for trial on the 7th day of December 193 48, which is a day of said 2nd week of the Fall Term of said Court, to-wit:

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).	NAME	Occupation	Residence Address	Business Address
	CARL LENZ	MECHANIC	ELBERTA	
	BROOKS BUSH SR.	SCHOOL BUS DRIVER	CROSSROADS	
	ARCHIE MCMILLAN	LOGING	STOCKTON	· ·
	HENDON HUXFORD EURLEY	MECH ANT C	DAPHNE	. ·
	GROVER WOODARD	PATTROAD	BAY MINETTE	in the second of
	HAROID STHART	PRESSER	BAY MINETTE	
	R. HAROID AGUE	MERCHANT	FOLEY	
	GEORGE A. LYRENE	FARVER	STIVERHILL	
	J. C. WYWN	FARMER	SUMÆRDALE	
	GUST RIEMER	FARMER	BLBERTA	
		CIERK	ROBERTSDALE	-
	GEORGE K. PAGE			
-	R. N. STANTON	FARMER	ROBERTSDALE	
	BARNETT B. LARRIMORE	MERCHANT	ROBERTSDALE	
_	NORMAN MCENNIS	SUPT. MILL CO.	STOCKTON	
i	WILTON A. RACTNE	CLERK	ROBERTSDAIF	
	JACK JONES	MERCHANT	BAY MINETTE	
	JAMES T. BRADIEY	VERCHANY	BAY MINETTE	
_	JOHN SCHENK	FARMER	ELBERTA	
	JOE WHITE	PARMER	TOXLEY	
	JULIUS P. UIRICH	TAPORER	ELBERTA	
	JOHN E. IJNDBERW	FARMER	SIDMERDALE	<u></u>
-	JAMES WELSH HAROID BOONE	LABORER SALESMAN	FOLEY	
_	ADOIPH WIGSTROM	PARMER \	STLVERHILL	
	ROBERT GREEN	SHIPYARD	FAIRHOPE	-
	JAMES C. GRAHAM	RETTRED	MAGNOLIA SPRINGS	
	AXEL BUNDONIST	INSURANCE SATESMAN	SIIVERHIII.	
	ARTHUR SIRMON	FADINER	BEIFOREST	
	MALVERN IRWIN	FARMER	GATESWOOD.	
	GILBERT COOPER	FARMER	ROSINTON	
	TED W. COOPER	FARWER	ROSINTON	
-	JOSEPH R. KROB.	FARMER	STIMERHILL.	
-	CHARLES J. EBERT	REAT. ESTATE	FOLEY	
	ALTON B. HANKINS	F'ARMER	ROSINTON	
	HERBERT H. MCLAIN	ELECTRICIAN	ROBERTSDALE	
	FLOYD BOONE	FARVER	GATESWOOD	
	J. C. MORRIS	FARMER	GATESWOOD	· · · · · · · · · · · · · · · · · · ·
	LEONARD E. CROVER	FARWER	DAPHNE	
	Henry e. yenne	FARMER	PT. CLEAR	
	RAIPH GANTT	FARMER	LITTLE RIVER	<u></u>
	Y. A. COX JR.	STORE WORK	STACKTON	
	EDWARD HADLEY	SCHOOL BUS	ELBERTA RT.	
	HOHN BLOCHT	FARMER	ELBERTA	
_	BRUCE WILLIS	FORESTER	MFLIN	
	E. H. GOODEN	POSTAL CLERK	FATRHOPE	<u></u>
_	MARVIN BERGIIN	CREAMERY EXPERIMENT FARM OP	FATRHOPE	
	OTTO BROWN		FAIRHOPE	
	HANNIS HEAD LESLIE DEAN	SHIP YARD SHIP YARD	STAPLETON STAPLETON	
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_	JACK ROBERTSON	FARMER	BAY MINETTE	· · · · · · · · · · · · · · · · · · ·
	J. ARTHUR BRYARS GRADY FATROLOTH	FARMER	STOCKTON	· · · · · · · · · · · · · · · · · · ·

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THE STATE VS.

Neil McDuffie

### In the Circuit Court of Baldwin County,

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THE STATE VS.

## In the Circuit Court of Baldwin County,

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	to No, both inclusive, being the regular jurors drawn as	
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week of the Jall Second Term of said Courf, the said cause

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	NAMI	E	Occupation	Residence Address	Business Address
53	VIRGIL V. RHODES		FARMER	BAY MINETIE	
	WARREN WILCOX		FARMER	ROSINTON	
	J. R. WILSON	&	FARM IMPLEMENTOO CHEVEOLET CO	BAY MINETTE	
,	BIAINE DICKMAN	7	FARMER	BAY MINETTE	
57	JACK PAGE		CLERK	BAY MINETTE	
58	JAMES LINDSEY	Trees of the state	REAL ESTATE	BAY MINETTE	
59	ARTHUR HARTSHORN		FARMER	FAIRHOPE	
60	CHESTER A. STAPLETO	M	MERCHANT	BAY MINETTE	
61	HOWARD CONVERSE		POTTER	fairho <u>è</u> e	
62	WIIJ.TAM A MILJER		BARBER	BAY MINETTE	, , , , , , , , , , , , , , , , , , , ,
63	PIERCE HOLWES	<del></del>	ELECTRICIAN	STOCKTON	
64	ORRIE COGHLAN		STOCKTON	TENSAW	
65	DOCK GANEY		FARMER	TENSAW	
66	FRANCIS B. SMITH		MERCHANT	TENSAW	
	E. K. MILES		BUS DRIVER	LITTLE RIVER	
/	DWARD MILES		PAPER MILL	LITTLE RIVER	
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Witness my hand this-

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No. 1365 Page	JUSTICE COURT OF
THE STATE OF ALABAMA	BALDWIN COUNTY
BALDWIN COUNTY	WARRANT OF ARREST
JUSTICE COURT OF	THE CTATE OF ALABARA
FRANK P. PROPST	THE STATE OF ALABAMA
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THE STATE OF ALABAMA	
neal M. Duffie	Executed this 2/ day of 10t, 1948
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WITNESSES FOR THE STATE:	named Defendant
	and placing him in Jail
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# State of Alabama, County. SHERIFF'S ACCOUNT FOR Removal of Prisoner

Moore Printing Co. :::: Bay Minette, Ala.

# THE STATE OF ALABAMA, Baldwin County

Circuit Court, Fall Session Texas, 194 8

The Grand Jury of said County charge that before the finding of this indictment

Neil McDuffie, whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, killed Edith McDuffie, by shooting her with a gun,

against the peace and dignity of the State of Alabama.

Solicitor of the Twenty-first Judicial Circuit.

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	Fall Session	<b>本語</b> 194-
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<u>ii</u>	Neil McDuffie	
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GRAND JURY NO. 66	
A TRUE BILL  MUNICA	
Foreman Gra	nd Jury.
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	Clerk.
Bail fixed \$	
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THE STATE OF ALABAMA,		
Baldwin County		
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principal, and undersigned as sureties, agree to	pay THE STATE OF A	LADAMA, the still of
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90.14 JL9 Chi	Court of Ba	ldwin County, Alabama,
and from term to term thereafter until discharged by	law, to answer a criminal pro	secution for the offense of
and from term to term thereare.	, · ·	•
Myrden		
We hereby waive as to all amounts that may bee personal property from levy and sale under execution or laws of the State of Alabama, and we hereby all debts, liabilities, exemptions and this bond to the and personal property of the value of \$1,000.00.  Sworn to and subscribed before me this theday of	of other process for the have	e property over and above
, Baldwin County, Ala.		(26at)
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· · · · · · · · · · · · · · · · · · ·		Deputy Sheriff
By		, Deputy Sherm

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	THE STATE OF ALABAI BALDWIN COUNTY	MA,
		COURT
	SHERIFF'S OFFI	
	The State	
	Sheriff's Appearance I	Bond
	Amount of Bond, \$	
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		., Clerk
:	Moore Printing Co.	

Sheriff of Baldwin County.

THE STATE OF ALABAMA,	TO ANY SHERIF	F of the state of alabama:
Baldwin County	An in	dictment having been found against
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at theTerm, 194_&	of the Circuit Court of	Baldwin County, for the offense of
murden,	Jirst De	giel
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you are, therefore, commanded forthwith	n to arrest the said Def	endant and commit kenn
to jail, unless he give bail to answ	er said indictment, and	that you return this Writ accord-
ing to law-		
The second	2	🗸
Dated this Holday of	1	, 194_ <u>Q</u> .
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	Clerk Cii	cont Court of Baldwin County.
THE STATE OF ALABAMA,		en e
Baldwin County		
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44		, I I I I I I I I I I I I I I I I
Term thereafter until discharged by law	, to answer a criminal p	prosecution for the offense of
In signing the above bond we and	each of us hereby waive	e all legal rights of exemptions al-
lowed us by the Constitution and Law		
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No. 68	By arresting the within
THE STATE  vs.	named Defendant
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Bail Fixed in This Case in Open Court at	and placing him two gave
	· V
By Judge Presiding.	Taylor Wickins, Sheriff
Attest:Clerk,	Julie B. Juffin Deputy Sheriff

# State of Alabama, County. SHERIFF'S ACCOUNT FOR Removal of Prisoner

Moore Printing Co. :::: Bay Minette, Ala.

STATE OF ALABAMA
VS.
NEIL McDUFFIE,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

AT LAW.

### MOTION.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Now comes the Defendant, by his Attorney, and respect-fully represents unto the Court as follows:

- 1. This Defendant was indicted by the Circuit Court of Baldwin County, Alabama at the Fall Term, 1948 for murder in the first degree as will appear from a copy of the indictment which is hereto attached and by reference made a part hereof as though fully incorporated herein.
- 2. It is suggested and made known to the Court that the Defendant was insane at the time of the commission of the crime with which he is charged and for which he has been indicted, because of which the question of the sanity of the Defendant should be settled before further proceedings are had in this case.

WHEREFORE, the Defendant moves the Court to appoint a commission of experts known as a Lunacy Commission as provided by Title 15, Section 425 of the 1940 Code of Alabama as provided by the said statute.

The Defendant further moves the Court that he be ordered delivered by the Sheriff of Baldwin County, Alabama to the acting Superintendent of the Alabama State Hospitals for examination and observation as provided by law.

Respectfully submitted,

73. Blackbur

Attorney for Defendant.

against the peace and dignity of the State of Alabama

Solicitor of the Twenty-First Judicial Circuit.

Elaidede Simes Fribt

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THE STATE OF	'ALA	BAN	ΛA,	
BALDWIN	COUNT	Y .	<b>X</b>	
Circuit (	Court			
Fall Session	<b>T</b>	erm,	194.	8
THE ST	ATE	-( -()		
Vs. Neil McDuffie		13 14 14		
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INDICT	MEN	T		
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WITNES Florida McDuffie George 'ambert Mrs. Gibson Dr. J. M. Reid Roseland Reid	No P	rosec	utor.	

Baldwin Times Print

GRAND JURY NO68
A TRUE BILL
V. O. McMillan Foreman Grand Jury.
Filed in open Court and in the presence of
he Grand Jury on the Lth day of
Nov., 194 8.
ALICE J. DUCK , Clerk.
Presented in open Court to the presiding Judge by the Foreman of the Grand Jury, in
he presence of17 other Grand Jurors.
ALICE J. DUCK Clerk.
Bail fixed \$
Judge.
•

# MOTION FOR APPOINTMENT OF LUNACY COMMISSION

STATE OF ALABAMA,

VS.

NEIL McDUFFIE,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW.

Filed 12-6-48 Alie Leuch Olinh

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

STATE OF ALABAMA

NEIL McDUFFIE,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
AT LAW.

WHEREAS, it has been made known to me, F. W. Hare, the presiding Judge of the Circuit Court of Baldwin County, Alabama, in which Court an indictment has been returned against Neil Mc-Duffie for murder in the first degree, a capital offense; that there is reasonable ground to believe that the said Defendant, Neil McDuffie, was insane at the time of the commission of the said offense and is presently insane and the Court being of the opinion that all questions as to the sanity of the said Defendant, should be settled before further proceedings are had in this cause, it is therefore ordered by the Court as follows:

- 1. Taylor D. Wilkins, as Sheriff of Baldwin County, Alabama is hereby ordered to deliver the said Defendant, Neil Mc-Duffie to the acting Superintendent of the Alabama State Hospitals for the Insane for the purpose of observation and examination as provided by Title 15, Section 425 of the 1940 Code of Alabama.
- 2. The acting Superintendent of the Alabama State Hospitals and two members of his medical staff, to be named by him, shall be and they are hereby constituted a commission on lunacy to observe and examine the said Neil McDuffie with the view of determining his mental condition and the existence of any mental disease or defect which would effect his present criminal responsibility or his criminal responsibility at the time of the commission of the crime with which he has been charged and for which he has been indicted.
- 3. The said Defendant, Neil McDuffie, shall remain in the custody of the acting Superintendent of the Alabama State Hospitals and subject to the observation of and examination by the Lunacy Commission for such length of time as may be in the judgment

of the Lunacy Commission necessary to determine his mental condition so far as it effects his criminal responsibility.

- 4. The said Lunacy Commission shall, after reaching a conclusion as to the mental condition of the Defendant, Neil Mc-Duffie, make a full written report thereof to the Clerk of the Circuit Court of Baldwin County, Alabama, which report shall be placed on file and accessible to the Court, to the Solicitor and to the Attorney for the Defendant.
- 5. The expense of maintaining the Defendant while so confined shall be paid in the same manner as provided by law in the case of persons adjudged to be of unsound mind in accordance with the provisions of Title 15, Section 429 of the 1940 Code of Done on this the \_\_\_\_\_ day of December, 1948. Alabama.

ORDER COMMMITTING DEFENDANT TO INSANE HOSPITAL AND AP-POINTING LUNACY COMMISSION.

STATE OF ALABAMA,

VS.

NEIL McDUFFIE,

Defendant.

IN THE CIRCUIT © URT OF BALDWIN COUNTY, ALABAMA.

AT LAW.

Tiled Deice which clink.

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

Office of the Superintendent W. D. PARTLOW, M. D.

THE ALABAMA STATE HOSPITALS

THE PARTLOW STATE SCHOOL

TUSCALOOSA, ALA.

April 8, 1949

Miss Alice J. Duck Clerk, Circuit Court Baldwin County Bay Minette, Alabama

Re: Lunacy Commission Report
Neil McDuffie

Dear Miss Duck:

I am inclosing report of the Lunacy Commission in the case of the above named man who was committed to The Bryce Hospital December 1, 1948 by Hon. F. W. Hare, Judge of the Circuit Court, Baldwin County, Alabama, and admitted in The Bryce Hospital December 14, 1948.

Yours very truly,

J. S. Tarwater, M. D. Acting Superintendent

JST/rc

STATE OF ALABAMA TUSCALOOSA COUNTY

TO: MISS ALICE J. DUCK, CLERK CIRCUIT COURT OF BALDWIN COUNTY BAY MINETTE, ALABAMA

Under the provisions of an Act of the Legislature of Alabama approved April 17, 1933, (Title 15, Section 425, Code of Alabama of 1940), one Neil McDuffie, indicted for murder, first degree, was admitted to The Bryce Hospital on December 14, 1948 under Order of Hon. F. W. Hare, Judge, Circuit Court of Baldwin County, Bay Minette, Alabama, for observation and report as provided in the Act referred to above.

In compliance with the provisions of the Act, The Acting Superintendent of the hospital appointed Dr. Toombs Lawrence, Acting Assistant Superintendent, and Dr. M. D. Paine, Assistant Physician, who associated with the Acting Superintendent constitute the undersigned commission. After having the said Neil McDuffie under our study and observation continually since the above date of admission, we desire to submit the following report:

It is the opinion of each of us, and our opinion jointly and collectively, that the said Neil McDuffie at the time of his admission to The Bryce Hospital on December 14, 1948 was sane and competent. After a long period of study and observation it is our further opinion that he has remained sane and competent and is at present sane and competent.

After lengthy study of his case, it is our further opinion that for a period of time prior to and at the time of the commission of the crime for which he is charged, he was insane and incompetent.

Under the provisions of the Act referred to above, we understand that with the rendering of this report our obligation and that of The Bryce Hospital has been discharged and that therefore if it is the wish of the Court that the said Neil McDuffie be detained longer in this institution as a patient, it would be necessary for this Court or some Court of Jurisdiction to issue a commitment or an Order for the further detention of the said Neil McDuffie in The Bryce Hospital.

Awaiting your further Order or that of the Court or the Sheriff of Baldwin County.

Respectfully submitted,

Signed and executed this the 8th day of April, 1949 at The Bryce Hospital, Tuscaloosa, Alabama.

7. S. TARWATER, M. D. ACTING SUPERINTENDENT

2 1 D

TOOMBS LAWRENCE, M. D.

ACTING ASST. SUPERINTENDENT

M. D. PAINE, M. D. ASSISTANT PHYSICIAN STATE OF ALABAMA TUSCALOOSA COUNTY

TO: MISS ALICE J. DUCK, CLERK CIRCUIT COURT OF BALDWIN COUNTY BAY MINETTE, ALABAMA

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Awaiting your further Order or that of the Court or the Sheriff of Baldwin County.

Respectfully submitted,

Signed and executed this the 8th day of April, 1949 at The Bryce Hospital, Tuscaloosa, Alabama.

> . S. TARWATER, M. D. ACTING SUPERINTENDENT

TOOMBS LAWRENCE, M. D.

ACTING ASSI. SUPERINTENDENT

M. D. PAINE, M. 77/2 ASSISTANT PHYSICIAN

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

ATTORNEYS		CASE		CHARGE	
	,	THE STATE OF ALABAMA			
Vo.		Vs.		Munden	
	nes )	2 ms, Duffie			
			:		
		DISPOSITION OF CASE		FEES	AMOUN
	Affidavit made and	Warrant Issued to Jaylon	Velkeris	JUDGE'S FEES Warrant at 50c, Affidavit at 25c	7
	Return		(Profit)	Bond at 50e, Sei. Fa. at 50e	
	Witness—For State	30.6 (I)	1/3	Witnesses' Recognizances at 25c	
		- 1 A A	the a	Subpoena or Notice at 25c  Continuance at 25c	
	SOO GE		C. Lete	Trial of Misdemeanor at \$1.00	
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	Taylor Well			Judgment on Forfeited Bond at 25c Taking Bond, etc., on Appeal at \$1.00	
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·:	- frelenna	havy hearing.	and	CONSTABLE'S FEES Subpoena or Notice at 25c_	
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				ExecutingSubpoenas	

