

1101

GRAND JURY SUBPOENA—ORIGINAL

THE STATE OF ALABAMA }
BALDWIN COUNTY.

No. 35

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

You are hereby commanded to summon *Heribel Burkett, Ellen Bohannon, Sallie Bohannon, Sidney Weatherford, Vera Boone, Janice Boone, Dr. Carter*

to be and appear on the _____ day of _____, 193____, before the Grand Jury of said County, at the Court House hereof, then and there to testify and give evidence on behalf of the State of Alabama. Herein fail not, and make due return of this writ with your endorsement thereon.

Witness my hand this the _____ day of _____, 193____.

[Signature]
Solicitor.

[Vertical handwritten notes]

[Vertical handwritten notes]

Monroeville

ORIGINAL

No. 35

GRAND JURY SUBPOENA

I have executed this Subpoena by serving a copy thereof on the following persons, to-wit:

all
Except *Orlutt*
Wells in contact
Co

Dr. Carter also served
by this office
W. Davis, Sheriff
Concord Co

this 21 day of Oct 1948

E. E. Vickers, Sheriff

AFFIDAVIT

IN THE JUSTICE COURT OF

FRANK P. PROPST

STATE OF ALABAMA,
BALDWIN COUNTY

FRANK P. PROPST, Justice of the Peace

Before me,

in and for said County, personally appeared H. J. Hall 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 May 20 - 1948 that one Charles Lassiter - Rodger
and William Carnice Lassiter and Andrew J. Bohannon unlawfully
and with malice - aforesaid killed Leonard
Howard Jordan by stabbing him with a knife
or other sharp instrument

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 20

day of May A. D. 1948

Frank P. Propst, J. P.

H. J. Hall

WARRANT

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETINGS:

You are hereby commaded to arrest Charles Lassiter

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 20 day of May 1948
Frank P. Propst, J. P.

No. 1011

Page _____

THE STATE OF ALABAMA

BALDWIN COUNTY

JUSTICE COURT OF
FRANK P. PROPST

AFFIDAVIT

THE STATE OF ALABAMA
vs.

Charles Lassiter

WITNESSES FOR THE STATE:

- H. J. Hall - W. L. Allen
- Carris Lassiter - Rodger Hadley
- Andrew Bohannon
- Jamie Boone - Vera Boone
- Jidney Weatherford
- Sally Bohannon
- Eliel Bohannon
- Bobby Lassiter
- Hershal Burkett
- Rep Hadley
- Jessie Cardway
- Dr. Carter
- Shaw Turner
- Clayton Johnson
- Wilford Lassiter

JUSTICE COURT OF
BALDWIN COUNTY

WARRANT OF ARREST

THE STATE OF ALABAMA

vs.

Charles Lassiter

Executed this 20 day of May, 1948

By arresting the within

named Defendant

and placing him in jail

Taylor Watkins, Sheriff

W. F. Hall, Deputy Sheriff

Lottie 50 mi

Fitts

ORIGINAL

Brewster

No. *34*

GRAND JURY SUBPOENA

I have executed this Subpoena by serving a copy thereof on the following persons, to-wit:

Swain in full

this *25* day of *Oct* 19*18*

J. J. Fountain
J. J. Fountain Sheriff

THE STATE OF ALABAMA,
BALDWIN COUNTY

Justice Court of FRANK P. PROPST, Notary
Public, Ex-Officio Justice of the Peace. Precinct 4,
Bay Minette, Alabama

To Any Sheriff of the State of Alabama
You Are Hereby Commanded to Summon

Jessie Boone - Sidney Weatherford - Vera Boone

Sally Borkman - Dorothy Lassiter - Andrew Borkman - Ellen Borkman
personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the

2 day of *June*, 19*48*, 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 *Charles Lassiter*

Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this *29* day of *May*, A.D. 19*48*

*Walter Jordan Jr
James Jordan*

Frank P Propst
Justice of the Peace, Precinct No. 4

Sally Borkman - Dorothy Lassiter - Andrew Borkman - Ellen Borkman

Jessie Boone - Sidney Weatherford - Vera Boone

Executed in full, this the

31 day of

May, 1948

Jayln Wilkins
Sheriff.

H F Hall
Deputy Sheriff.

THE STATE OF ALABAMA }
Baldwin County

We, Charles Lassiter, as

principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of _____

One Thousand DOLLARS

unless the said Charles Lassiter appear at the

Face Term, 1948 of the Circuit Court of Baldwin County, Alabama,
and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of

Murder

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempting personal property from levy and sale under execution or other process for the collection of debt, by constitution or laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts, liabilities, exemptions and this bond to the amount of: real property of the value of \$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this the

_____ day of _____, 19_____

_____, Baldwin County, Ala.

Charles Lassiter (Seal)

R. H. Morgan (Seal)

J. J. [unclear] (Seal)

J. H. [unclear] (Seal)

Taken and approved this the

3rd day of June, 1948

W. E. [unclear] Sheriff
Jay Lovell

I hereby Certify that
the within Bond is
a Good and Sufficient
Bond and would
be approved by me
if presented to me
in Beaufort County
Alabama.

No. _____

THE STATE OF ALABAMA
BALDWIN COUNTY

_____ COURT
SHERIFF'S OFFICE

THE STATE
VS.

~~F. F. Fountain~~

W. E. ...
Beaufort, Ala.

Sheriff's Appearance Bond

Amount of Bond, \$ _____

Filed _____, 19____

_____, Clerk

THE STATE OF ALABAMA
Baldwin County

We, Charles Lassiter, as
principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of Twenty five hundred DOLLARS
unless the said Charles Lassiter appear at the
next Term, 1948 of the Circuit Court of Baldwin County, Alabama,
and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of
Murder in the 1st degree

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempting personal property from levy and sale under execution or other process for the collection of debt, by constitution or laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts, liabilities, exemptions and this bond to the amount of: real property of the value of \$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this the Charles Lassiter (Seal)
W. E. Ward (Seal)
J. W. Neal (Seal)
_____, Baldwin County, Ala. _____ (Seal)

Taken and approved this the 5 day of November 1948
Jayles Wilkerson, Sheriff
By _____, Deputy Sheriff

I hereby certify that the within Bond is a
good and sufficient Bond and would
be approved by me if presented
to me in Baldwin County Ala
Wlaid this 5 day of November 1948

~~F. F. [Signature]~~
W. Sheriff, Baldwin
County, Ala.

No. _____

The State of Alabama,
BALDWIN COUNTY

_____ COURT

SHERIFF'S OFFICE

The State

VS.

Sheriff's Appearance Bond

Amount of Bond, \$ _____

Filed _____, 19 _____

_____, Clerk

SHERIFF'S APPEARANCE BOND

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA }
Baldwin County }

We, Charles Lassiter, as
principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of 1,000
one thousand DOLLARS
unless the said Charles Lassiter appear at the
May 28 Term, 1944 of the Justice Court of Baldwin County, Alabama,
and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of

Murder

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempting personal property from levy and sale under execution or other process for the collection of debt, by constitution or laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts, liabilities, exemptions and this bond to the amount of; real property of the value of \$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this the _____ day of _____, 19_____
_____, Baldwin County, Ala.

Charles Lassiter (Seal)
Christie Lassiter (Seal)
Lucile Lassiter (Seal)
R. J. Lassiter (Seal)

Taken and approved this the 22 day of May, 1944
Gayle Wilkins, Sheriff
By W. F. Hall, Deputy Sheriff

No. _____

THE STATE OF ALABAMA
BALDWIN COUNTY

_____ COURT

SHERIFF'S OFFICE

THE STATE

VS.

Sheriff's Appearance Bond

Amount of Bond, \$ _____

Filed _____, 19 _____

_____, Clerk

STATE OF ALABAMA }
BALDWIN COUNTY }

No. 479

Case No. 1011
The State of Alabama

IN THE J. P. COURT OF
BALDWIN COUNTY, ALABAMA

vs.

Charles Jassiter

Before me,

J. P. Probst

Clerk of the Circuit Court of

Baldwin County, Alabama, personally appeared
who being duly sworn deposes and says:

Jaylon Wilkum

I am the Sheriff of Baldwin County, Alabama. In the case of the State of Alabama vs.

Charles Jassiter

in the above mentioned court, in executing the warrant

of arrest or in arresting the said defendant, I or one of my duly authorized deputies, traveled 50 miles by the most direct route to the point of arrest and return, and I am entitled to mileage at ten cents per mile to be taxed as costs in the case.

Point of Arrest

to the

Jaylon Wilkum

Sheriff

Subscribed and sworn to before me this

20

day of

May

1948

Disposition of Case

Warrant returned, hearing
Bond over to Grand Jury under \$1,000.00
bond

Frank P. Probst

Clerk Circuit Court

After considering the above affidavit made by the sheriff of Baldwin County, Alabama, I, as the trial Judge of said court, do hereby approve the claim for mileage in the sum of \$ 5.00 incurred in the making of the arrest or executing the warrant of arrest in the above styled cause and I hereby order the clerk of the court to tax the said sum as part of the costs in said case.

This the 28 day of June, 1948.

Frank P. Probst

Judge of the above named court

THE STATE OF ALABAMA, }
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:
An indictment having been found against

CHARLES LASSITER

at the NOV. Term, 1948, 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 4th day of Nov., 1948

Alice J. Duck

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 Alabama.

Witness our hands and seals this _____ day of _____, 194_____

(L. S.)

(L. S.)

(L. S.)

(L. S.)

(L. S.)

Taken and approved _____ day of _____, 194_____

Sheriff of Baldwin County.

CAPIAS

No. 32

THE STATE

vs.

CHARLES LASSITER

Bail Fixed in This Case in Open Court at

\$ 250000

By F. W. Hall
Judge Presiding.

Attest: Alice J. Leach
Clerk.

Executed this 5 day of Nov, 1948

By arresting the within

named Defendant

and placing him in jail

Taylor Wilkins, Sheriff
Zoeie B. Griffin, Deputy Sheriff

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

ATTORNEYS	CASE	CHARGE
Chas. P. Hilbard	THE STATE OF ALABAMA	
No.	vs. Charles Lassiter	Murder

DISPOSITION OF CASE	FEE	AMOUNT
Affidavit made and Warrant Issued to H. F. Hall	JUDGE'S FEES Warrant at 50c, Affidavit at 25c	75
Returnable J. P. Court	Bond at 50c, Sci. Fa. at 50c	
Witness—For State H. F. Hall - W. I. Allen - Janice Boone - Sidney Weatherford - Vera Boone - Sidney Buchanan - Archibald Buchanan - Carrie Lassiter - Bobby Lassiter - Ellen Buchanan - Marshal Burnett - Rep Hadley - Roger Hadley - Jessie Carr - Way - Milford Lassiter - Clayton Johnson - Dr. Carter - Shaw Turner	Witnesses' Recognizances at 25c Subpoena or Notice at 25c Continuance at 25c	4.50
Defendant waived preliminary and by agreement of Circuit Solicitor and defendant's attorneys a bond was set at \$1000 ⁰⁰ and approved by J. P. to appear before Grand Jury Fall Term of Circuit Court	Trial of Misdemeanor at \$1.00 Mittimus at 25c	1.00 25
Frank P. Probst Justice of the Peace Precinct 4 Baldwin Co	Judgment on Forfeited Bond at 25c Taking Bond, etc., on Appeal at \$1.00 Execution of costs at 25c	6.50
	CONSTABLE'S FEES Subpoena or Notice at 25c Carrying Defendant before Justice, each mile for himself and guard at 10c Arrest, 50c	
	SHERIFF'S FEES Arrest, \$2.00; Bonds \$1.00; Sci. Fa., 50c Committing, \$1.00; Releasing, \$1.00 Subpoenas at 25c Day's Board at 30c	4.00 2.00 1.00 9.00
	WITNESS FEES Days at 50c " 50c " 50c " 50c " 50c " 50c " 50c	5.00
	DEFENDANT'S COSTS Witnesses' Recognizance at 25c Subpoenas at 25c Executing Subpoenas	

THE STATE
VS.

In the Circuit Court of Baldwin County,

Spring Term, 1949

Carnis Lassiter

Venire of the jurors in the above stated cause, names herein stated from No. 1 to No. 12 both inclusive, being the special jurors drawn in open Court by the presiding Judge, in said cause, and the other names, from No. 13 to No. 72, both inclusive, being the regular jurors drawn and summoned for the 2nd week of the Spring Term of said Court, the said cause having been set for trial on the 6th day of April 1949, which is a day of said 2nd week of the Spring Term of said Court, to-wit:

No.	NAME	Occupation	Residence Address	Business Address
1	Alva Langhan	farmer	Robertsdale	same
2	Ray Klein	garage	Fairhope	same
3	Ellis Steadham	Navy Yard	Foley	same
4	W. T. Canann	Merchant	Loxley	same
5	Francis Harrel	farmer	Robertsdale	same
6	Percy J. Poss	carpenter	Fairhope	same
7	Arthur Robertson	farmer	Bay Minette	same
8	Frank Osborne	Machine oper.	Foley	same
9	J. Carlisle Childress	merchant	Foley	same
10	Norvin Dubrock	Ship Yard	Fairhope	
11	B. W. Anderson <i>out of state</i>	farmer	Silverhill	
12	Lamer Irwin	produce buyer	Foley	
13	W. H. Fletcher	postal clerk	Bay Minette	
14	Edmond Cley McGowin	farmer	Latham	
15	J. D. Little	farmer	Lattie	
16	W. J. McKenzie	farmer	Magnolia Springs	
17	Turpin Bankester	railroad emp.	Robertsdale	
18	Riley Weeks	carpenter	Foley	
19	Hamilton Bryant	Reserve Fleet	Stockton	
20	Wallace Parker	mill	Stockton	
21	Charles Coghlan	logging	Latham	
22	Frank E. Sanders	banker	Foley	
23	Louis Lysek	carpenter	Magnolia Springs	
24	Ernest M. Howell	Utilities	Foley	
25	John P. Bertolla	farmer	Loxley	
26	Thomas Hawkins	bookkeeper	Bay Minette	
27	Hurley Ard	farmer	Robertsdale	
28	Silas D. Powers	farmer	Bon Secour	
29	Mose Armstrong	farmer	Latham	
30	Paul Childress	farmer	Loxley	
31	Claude Ruple	farmer	Bay Minette	
32	Brad Neivier	merchant	Fairhope	
33	Andrew Kreiger	farmer	Lillian	
34	Eugene Koehle	car dealer	Foley	
35	J. Douglas Waters	farmer	Gatesweed	
36	John Keifer	merchant	Elberta	
37	Holly Rains	farmer	Daphne	
38	William J. Russell	merchanic	Daphne	
39	James S. Minchew	laborer	Robertsdale	
40	Flc	farmer	Robertsdale	
41	Chs.	F.C.A.	Robertsdale	
42	Howa. books	barber	Robertsdale	
43	John Murphy McMillan	mill man	Stockton	
44	Preston Snowden	contractor	Bay Minette	
45	Harry Still	dealer	Bay Minette	
46	Peter Malbis	farmer	Daphne	
47	Louis B. Underwood	farmer	Summerdale	
48	Mike Kaiser, Sr.	farmer	Elberta	
49	Joe B. Smith	engineer	Tensaw	
50	Walter Krueger	Butane Dist.	Boley	
51	Gary Nickelson	Fleet	Bay Minette	
52	Jim Henderson	carpenter	Fairhope	

No.	NAME	Occupation	Residence Address	Business Address
53	Will McKee	laborer	Bay Minette	
54	John Gottler	Farmer	Elberta	
55	M. C. Cooper	carpenter	Robertsdale Lodge	
56	William Gullledge	farmer	Robertsdale	
57	Sam Faircloth, Jr.	turpentine	Lillian	
58	Henry Miller	farmer	Bay Minette	
59	William B. Burmeister	farmer	Foley	
60	John Norris, Jr.	farmer	Foley	
61	Bernard Dylrena	XXXX	Magnolia Springs	
62	Clarence Hand	farmer	Foley	
63	Alois Hanak	farmer	Silverhill	
64	Lewis Cooper	retired	Foley	
65	Bertram Rhodes	dairyman	Bay Minette	
66	Adrian Talbot	filling station	Bay Minette	
67	Dougal Taylor	laborer	Bay Minette	
68	W. Darrington Hastie	timberman	Stockton	
69	Edd Hall	saw mill	Rabon	
70	Sherman R. Hinote	butcher	Robertsdale	
71	Phil Cooper	farmer	Rosinton	
72	Frank Dusek	Defense	Lillian	
73				
74				
75				
76				
77				
78				
79				
80				
81				
82				

I hereby certify that the foregoing is a correct list of the venire in the case of the State vs. _____ charged with _____; that the names of jurors from No. _____ to No. _____, both inclusive, are the special jurors drawn by the presiding Judge, in open Court, and that the names of jurors from No. _____ to No. _____, both inclusive, is a correct list of the regular jurors drawn and summoned for the _____ week of the _____ Term, 193____, 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 the indictment in this case.

Witness my hand this _____ day of _____ 193____

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 28 day of March, 1939, upon Cornie Lassiter

the Defendant _____ Sheriff. Lloyd Wilkins

The State of Alabama
Baldwin County

CIRCUIT COURT

LIST of JURORS and COPY of INDICTMENT

STATE
vs.

Cornie Lassiter

**THE STATE OF ALABAMA,
Baldwin County**

} Circuit Court, Fall Session, 194 8

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

Roger Hadley, Carnis Lassiter, Andrew Behannon and Charles Lassiter, whose
Names are to the Grand Jury otherwise unknown, unlawfully, and with malice
aforethought, killed Leonard Jordan, by cutting him with a knife,

against the peace and dignity of the State of Alabama.

A. H. ELLIOTT
Solicitor of the Twenty-eighth Judicial Circuit.

No. _____

RECORDED

**THE STATE OF ALABAMA,
Baldwin County**

Circuit Court

Fall

Session, 194 8

THE STATE

Vs.

Roger Hadley, Carnis Lassiter, Andrew
Bohannon and Charles Lassiter

INDICTMENT

Murder, First Degree

No _____ Prosecutor.

WITNESSES:

W. L. Allen

H. F. Hall

Bernard Gaston

James Jordan

Jimmy Cox

Ed Johnson

Taylor Wilkins

GRAND JURY NO. 32

A TRUE BILL

V. O. McMillan

Foreman Grand Jury.

Filed in open Court and in the presence of

the Grand Jury on the 4th 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
the presence of 17 other Grand Jurors.

ALICE J. DUCK
Clerk.

Bail fixed \$ 2500.00 each
by consent

F. W. HARE
Judge.

THE STATE OF ALABAMA }
Baldwin County

We, Carnie Lassiter _____, as

principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of _____

Twenty-five hundred _____ DOLLARS

unless the said Carnie Lassiter _____ appear at the

next Term, 1949 of the Circuit Court of Baldwin County, Alabama,

and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of

Murder in the 1st Degree -

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempting personal property from levy and sale under execution or other process for the collection of debt, by constitution or laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts, liabilities, exemptions and this bond to the amount of: real property of the value of \$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this the

_____ day of _____, 19____

_____, Baldwin County, Ala.

Carnie Lassiter (Seal)

[Signature] (Seal)

[Signature] (Seal)

W. G. Bracy (Seal)

Taken and approved this the 5 day of Nov 1948

Taylor Wilkins, Sheriff

By Gale B. Griffin, Deputy Sheriff

I hereby certify that the within Bond is a
Good and Sufficient Bond and would be
Approved by me if Presented to me
in Escambia County, Ala.
Waled this 5 day of Nov. 1948

F. F. Fountain
As Sheriff of Escambia
County, Ala.

RECORDED

No.

The State of Alabama,
BALDWIN COUNTY

COURT

SHERIFF'S OFFICE

The State

VS.

Sheriff's Appearance Bond

Amount of Bond, \$

Filed, 19

....., Clerk

THE STATE OF ALABAMA
BALDWIN COUNTY

JUSTICE COURT OF
FRANK P. PROPST

AFFIDAVIT

THE STATE OF ALABAMA
vs.

Carrie Lassiter

WITNESSES FOR THE STATE:

- H. J. Hall Charles Lassiter
- W. I. Allen Andrew Bohannon
- Janice Boone - Vera Boone
- Sidney Weatherford
- Sally Bohannon
- Parbay Lassiter - Rex Hadley
- Ellen Bohannon - Roger Hadley
- Marshal Burkett
- Jessie Caraway
- Milford Lassiter
- Clayton Johnson
- Dr. Carter
- Shaw Turner

RECORDED

JUSTICE COURT OF
BALDWIN COUNTY
WARRANT OF ARREST
THE STATE OF ALABAMA

vs.

Carrie Lassiter

Executed this 20 day of May 1948

By arresting the within

named Defendant

and placing him in jail

Taylor Wilkins Sheriff

H. J. Hall Deputy Sheriff

~~Bohannon~~
Little River - 70 mi

STATE OF ALABAMA,
BALDWIN COUNTY

IN THE JUSTICE COURT OF
FRANK P. PROPST

HADLEY

Before me, FRANK P. PROPST, Justice of the Peace

in and for said County, personally appeared H. J. Hall 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 May 20-1948 that one Carnis Lassiter-Rodger

Charles Lassiter and Andrew G. Bohannon unlawfully
and with malice aforethought killed Leonard
Howard Jordan by stabbing him with a
knife or other sharp instrument

_____ against the peace and dignity of the State of Alabama _____

Sworn to and subscribed before me this 20

day of May A. D. 1948

Frank P. Propst, J. P.

H. J. Hall

WARRANT

STATE OF ALABAMA }
BALDWIN COUNTY }

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETINGS:

You are hereby commaded to arrest Carnis Lassiter

_____ 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 20 day of May, 1948

Frank P. Propst, J. P.

THE STATE OF ALABAMA }
BALDWIN COUNTY.

No. 33

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

You are hereby commanded to summon *W. L. Allen, W. F. Hall, Jessie Carraway, Milford Lassiter, Mr. Carter, Shaw Turner, Charles Lassiter, Carrus Lassiter, Andrew Bohannan, Janice Boone, Vera Boone, Sidney Weatherford, Sally Bohannan, Bobbie Lassiter, Ellen Bohannan, Marshal Burkett, Rex Widley, Clayton Johnson*

to be and appear on the *2nd* day of *Nov*, 193*5*, before the Grand Jury of said County, at the Court House thereof, then and there to testify and give evidence on behalf of the State of Alabama. Herein fail not, and make due return of this writ with your endorsement thereon.

Witness my hand this the *5th* day of *Oct*, 19*35*

Alice J. Welch Solicitor
clerk

Wm. B. Benton
Subpoena

ORIGINAL

No. *32*

GRAND JURY SUBPOENA

I have executed this Subpoena by serving a copy thereof on the following persons, to-wit:

Springer
full

this *25* day of *Oct* 19*48*

J. J. Fountain, Sheriff
W. J. Jones

THE STATE OF ALABAMA, }
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:
An indictment having been found against

GARNIS LASSITER

at the NOV. Term, 1948, 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 4th day of Nov., 1948.

Alice J. Duck

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 Alabama.

Witness our hands and seals this _____ day of _____, 194_____.

_____ (L. S.)

_____ (L. S.)

_____ (L. S.)

_____ (L. S.)

_____ (L. S.)

Taken and approved _____ day of _____, 194_____.

Sheriff of Baldwin County.

CAPIAS

No. 32

THE STATE

vs.

CARNIS LASSITER

Bail Fixed in This Case in Open Court at
\$ 250000

By F. W. Hare
Judge Presiding.

Attest: Alvin J. Leuch
Clerk.

Executed this 5 day of Nov, 1948

By arresting the within

named Defendant

and placing him in jail

Taylor Wilkins, Sheriff

Zollie B. Giff Deputy Sheriff

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term, 1909.

To the Clerk of the Circuit Court
of Baldwin County—Greeting:

Whereas, in the matter of Cornis Lassiter Appellant,

vs.

Heate, Appellee,

recently pending in the Court of Appeals of Alabama, on appeal from the said

Court of _____ County,

our Court of Appeals did on the 25 day of April, 1909

render a judgment of ~~affirmance~~ reversal

in said cause; and,

Whereas, a certificate of such action of the Court of Appeals was duly issued to you, and
thereafter an application for a rehearing of said cause was filed in this Court on the 10

day of May, 1909;

Now, it is hereby certified, that our Court of Appeals, or one of the Justices thereof, did,
on the 10 day of May, 1909, order that the said certificate be recalled.

And you will accordingly return the same to this office at once, together with copy of the opinion
in said cause issued to you.

Witness, Charles Bricken, Jr., Clerk of the Court

of Appeals of Alabama, at the Capitol, this the

10 day of May, 1909

Charles Bricken, Jr.
Clerk of the Court of Appeals of Alabama.

THE COURT OF APPEALS OF ALABAMA

October Term, 19 09

1st Div., No. 596

Cornis Lassiter
Appellant.....

Shelton
Appellee.....

From Baldwin Circuit Court.

CERTIFICATE OF RECALL
On Application for Rehearing.

THE STATE OF ALABAMA, }

County. }

Filed this 12th day of

May 19 50

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term 19⁰⁹

To the Clerk of the Circuit Court

of Barbour County—Greeting:

Whereas, in the matter of

Cornis Lassiter, Appellant

vs.

State, Appellee

Recently pending in the Court of Appeals of Alabama, on appeal from the said

Court of _____ County,

our Court of Appeals did on the 25 day of April, 19⁰⁰

render a judgment of ~~affirmance~~ reversal

in said cause; and,

Whereas, a certificate of such action of the Court of Appeals was duly issued to you, and thereafter an application for a rehearing of said cause was filed in this Court on the 20

day of May, 19⁰⁰; and overruled,
supreme

Now, it is hereby certified, that our Court of ~~Appeals~~, or one of the Justices thereof, did, on the 25 day of May, 19⁰⁰, order that the said certificate be recalled.

And you will accordingly return the same to this office at once, together with copy of the opinion in said cause issued to you.

Witness, Charles Bricken, Jr., Clerk of the Court of Appeals of Alabama, at the Capitol, this the

25 day of May, 19⁰⁰

Charles Bricken, Jr.
Clerk of the Court of Appeals of Alabama.

THE COURT OF APPEALS OF ALABAMA

October Term, 19. 09.

1st Div., No. 596

Carris Luciter
Appellant.....

The State
Appellee.....

From Baldwin Circuit Court.

CERTIFICATE OF RECALL

On Application for Rehearing.

Carris Luciter

THE STATE OF ALABAMA, }

County. }

Filed this 26th day of

May 19. 07

Alice J. Church
Clerk

STATE OF ALABAMA

vs.

CARNIS LASSITER.

¶

¶

¶

¶

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

Comes the Defendant, Carnis Lassiter, in his own proper person and for plea says: He ought not to be required to answer this indictment insofar as it charges him with murder in the first degree and murder in the second degree and that the State ought not to prosecute the same against him, because at the April 1949 session of the Circuit Court of Baldwin County, Alabama, on to-wit, the 6th day of April, 1949, he was charged and put upon trial under an indictment charging him with murder in the first degree and that after trial, hearing and consideration as to said offense and as to the offense of murder in the second degree the Defendant was acquitted and discharged. And the Defendant says that he is now charged in this indictment of these offenses, which is based upon the same matter and transaction as that for which he was tried and acquitted as aforesaid in the first indictment, all of which the Defendant is ready to verify and prays that he be discharged in the present indictment of murder in the first degree and murder in the second degree.

Carnis Lassiter
Defendant.

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

1st Div., No. 596

Carrie Lassiter Appellant

v.

Estate Appellee

From Baldwin Circuit Court
The State of Alabama,
City and County of Montgomery. }

I, Charles Bricken, Jr., Clerk of the Court of Appeals of Alabama, do hereby certify that the foregoing pages numbered from one to six inclusive, contain a full, true and correct copy of the opinion of said Court of Appeals in the above stated cause, as the same appears and remains of record and on file in this office.

Witness, Charles Bricken, Jr., Clerk of the Court
of Appeals of Alabama, at the Capitol, this the

25 day of April, 1950

Charles Bricken, Jr.
Clerk of the Court of Appeals of Alabama.

THE COURT OF APPEALS OF ALABAMA

1st Div., No. 596

Coruis Lassiter
Appellant

vs.

The State
Appellee

From *Beaumont Circuit* Court.

COPY OF OPINION

APR 25 1950

THE STATE OF ALABAMA --- JUDICIAL DEPARTMENT

THE ALABAMA COURT OF APPEALS

OCTOBER TERM, 1949-50

1 Div. 596

Carnis Lassiter

v.

State

Appeal from Baldwin Circuit Court

CARR, JUDGE

Roger Hadley, Carnis Lassiter, Andrew Bohannon and Charles Lassiter were jointly indicted for murder in the first degree. After a severance was ordered Carnis Lassiter was tried and convicted of manslaughter in the first degree.

2.

Without dispute in the evidence Carnis Lassiter, the appellant, killed Leonard Jordan by cutting him with a knife. Justification for the homicide is claimed on the doctrine of self defense.

The prime questions which are presented for our review do not necessitate a delineation of the tendencies of the evidence.

Herschel Burkett and James Jordan were introduced as witnesses for the State. On cross examination of the former he answered that he was a first cousin of the deceased. On direct examination of the latter the witness stated that he was a brother of the deceased. This relationship was also brought out on the cross examination of Jordan. There was no effort made by the appellant to assail the character of either of these witnesses for truth and veracity.

In this state of the record and in rebuttal, the State was allowed, over timely objections, to introduce two witnesses each of whom testified that the general reputation of Burkett and Jordan was good and that their reputation for truth and veracity was also good.

In the case of Morgan v. State, 88 Ala. 223, 6 So. 761, the Supreme Court held:

"It is familiar law, that a party can not offer testimony of the character for truth and veracity of his own witness, until and unless an effort has been made by the adversary to impeach the witness' character in that regard."

See also, Baugh v. State, 218 Ala. 87, 117 So. 426; Hays v. State, 110 Ala. 60, 20 So. 322; Taylor v. Taylor, 251 Ala. 374, 37 So. 2d 645; McCullars v. Jacksonville Oil Mill Co., 169 Ala. 582, 53 So. 1025; Earle v. State, 1 Ala. App. 183, 56 So. 32; Henderson v. State, 19 Ala. App. 80, 95 So. 57.

By a long line of authorities it has been consistently held that a mere contradiction of a witness by another as to any facts testified to does not authorize the introduction of sus-

3.
taining evidence of good character for truth and veracity as to either of such witnesses. Turner v. State, 124 Ala. 59, 27 So. 272; Hodges v. Davis, 199 Ala. 685, 75 So. 300; George v. State, 27 Ala. App. 196, 169 So. 325.

The Assistant Attorney General urges that proof of the indicated kinship to the deceased was one way of impeaching the witnesses, and the evidence in question was admissible on this account.

Much emphasis is placed on a statement by Justice Foster in the opinion in the case of Phillips v. Ashworth, 220 Ala. 237, 124 So. 519. The justice stated: "There must be evidence which is impeaching in nature to permit a party to sustain his character." So it is argued that proof of kinship to the deceased of itself created interest and bias on the part of the witnesses and had the effect of being "impeaching in nature."

We do not think that the Supreme Court intended by the quoted statement to make the rule apply to the situation about which we are concerned in the instant case.

The doctrine is expressed more specifically in the case of Funderberg v. State, 100 Ala. 36, 14 So. 877:

"In the present case, the defendant became a witness in his own behalf, and, to bolster up his testimony, undertook to prove by witnesses that he was a man of good character for truth and veracity. This was not allowable. He had not been, or attempted to be, impeached as a witness by the State, either by the introduction of evidence of bad character on his part, or of statements made by him out of court, contradictory of his testimony on the trial; without which he would not be permitted to sustain himself as a witness, by proof of his good character for truth and veracity."

In the case of Dickson v. Dinsmore, 219 Ala. 353, 122 So. 437, the Supreme Court reviewed the doctrine in a civil

4.
procedure. Justice Foster again writing for the court:

"Counsel have the option to call the attention of the party as a witness to the subject-matter (lay the predicate) or to prove the declaration by his own witness without such predicate. In one instance he is treated as a witness as well as a party, and in the other as a party merely. If the former practice is observed, it is impeaching testimony, and the same rule applies as though he were not a party; if the latter, it is substantive evidence and not impeaching. After the former proof of general good character of the witness, though a party, is admissible; after the latter, no such proof is admissible."

In the case of Bell v. State, 124 Ala. 94, 27 So. 414, the prosecutrix denied that she had sexual intercourse with certain named parties. These named parties were subsequently introduced as witnesses by the appellant and each testified that he had had intercourse with the prosecutrix. Thereafter the State was allowed to introduce evidence of good character of the prosecutrix for truth and veracity. The Supreme Court held that this was insufficient to authorize the introduction of the sustaining evidence as to the character of the prosecutrix for truth and veracity.

In our view the situation there disclosed is much more favorable to the insistence of the State than is presented by the proof in the case at bar.

The court in his oral charge instructed the jury as follows:

"The court charges the jury that when the defendant sets up self-defense in justification or excuse for a killing, the burden of proof is on him to show the jury by the evidence that there was a present impending danger, real or apparent, to life or limb, or of grievous bodily harm from which there was no probable means of escape, unless the evidence which proves

5.
homicide proves also its excuse or justification."

Exceptions were reserved in this statement:

"We would like further to except to that part of Your Honor's charge in which you charged the jury that when the defendant sets up self-defense in justification or extenuation, the burden of proof is on him to show the jury beyond all reasonable doubt that there was a real or apparent danger from which there was no escape."

The Assistant Attorney General insists in brief that the exceptions do not sufficiently point out the excerpt to which complaint is made. The rule to which reference is made should be applied with fairness to the objector and considered in the light of its purposeful intent. If what the trial judge said is recited in the exceptions with substantial accuracy, a review should not be denied. Kelley v. State, 226 Ala. 80, 145 So. 816.

We hold that there has not been a violation of the rule in the case at bar.

It is now settled by the authorities in this jurisdiction that the burden of proof is never cast on the defendant to establish his innocence when he relies on self defense as a justification for his act. In this event, he is only required to offer such evidence as will, when considered with all the evidence in the case, generate in the minds of the jury a reasonable doubt of his guilt.

More specifically the doctrine is stated in Roberson v. State, 183 Ala. 43, 62 So. 637: "If the jury have a reasonable doubt, generated by all the evidence in the cause, as to whether the defendant acted in self-defense or not, then they should acquit."

A reasonable interpretation of the excerpt from the court's oral charge leads to the inevitable conclusion that the

6.

burden was too heavily laid on the accused.

We will not laden this opinion with a further discussion of the inquiry. The following authorities are decisive of the matter. Perry v. State, 211 Ala. 458, 100 So. 842; McGhee v. State, 178 Ala. 4, 59 So. 573; Hubbert v. State, 32 Ala. App. 477, 27 So. 2d 228; Clemons v. State, 167 Ala. 20, 52 So. 467; Baker v. State, 19 Ala. App. 432, 98 So. 213; Barbaree v. State, 24 Ala. App. 127, 130 So. 903; Lee v. State, 24 Ala. App. 168, 132 So. 61.

We have responded to the only questions which merit discussion.

For indicated errors it is ordered that the judgment at nisi prius be reversed and the cause remanded.

REVERSED AND REMANDED.

**THE STATE OF ALABAMA }
Baldwin County**

We, Carnis Lassiter, as

principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of _____

Three Thousand DOLLARS

unless the said Carnis Lassiter appear at the

Face Term, 1948 of the Circuit Court of Baldwin County, Alabama, and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of

Murder

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempting personal property from levy and sale under execution or other process for the collection of debt, by constitution or laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts, liabilities, exemptions and this bond to the amount of; real property of the value of \$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this the

_____ day of _____, 19_____

_____, Baldwin County, Ala.

Carnis Lassiter (Seal)

W. H. Neal (Seal)

Joe B. Hasty (Seal)

Robt. Strachan (Seal)

M. C. Lassiter

Taken and approved this the

3rd day of _____, 19_____

J. J. Givens - Taylor Wilkins Sheriff

By _____, Deputy Sheriff

I hereby certify that
the within Bond is
a Good and Sufficient
Bond and would
be approved by
me if presented to
me in Columbia
County, Alabama.

No. 1010

THE STATE OF ALABAMA
BALDWIN COUNTY

..... COURT
SHERIFF'S OFFICE

~~F. F. Fountain~~

As Sheriff of Columbia
County, Ala

THE STATE

VS.

Sheriff's Appearance Bond

Amount of Bond, \$

Filed, 19

....., Clerk

THE STATE OF ALABAMA,
BALDWIN COUNTY

Justice Court of FRANK P. PROPST, Notary
Public, Ex-Officio Justice of the Peace, Precinct 4,
Bay Minette, Alabama

To Any Sheriff of the State of Alabama:
You Are Hereby Commanded to Summon

Bobby Lester Rex Hadley
Jessie Caraway Wilford Lassiter
personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the
2 day of June 10 A.M., 1948, 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 Carnis Lassiter

_____ Defendant, and have you then and
there this Writ, with your endorsement thereon.

Witness my hand this 29 day of May, A.D. 1948
Frank P. Propst
Justice of the Peace, Precinct No. 4

Executed in full, this the

1st day of

June, 1948

J. J. Fauntleroy

Sheriff.

J. J. Mills

Deputy Sheriff.

Monroeville

ORIGINAL

No.

34

GRAND JURY SUBPOENA

I have executed this Subpoena by serving a copy thereof on ~~the~~ ^{all} following persons, to-wit:

Except Dr
Carter relatives
in connection

Dr Carter also
served by his
office
W. H. Swift
Cincinnati Co

this 21 day of Oct 1948

E. E. Nichols, Sheriff

STATE OF ALABAMA }
BALDWIN COUNTY

N^o 478

Case No. 10/D
The State of Alabama

IN THE J. P. COURT OF
BALDWIN COUNTY, ALABAMA

vs.

Cornis Smith

Before me, J. P. Probst Clerk of the Circuit Court of
Baldwin County, Alabama, personally appeared Jay Wilkins,
who being duly sworn deposes and says:

I am the Sheriff of Baldwin County, Alabama. In the case of the State of Alabama vs. Cornis Smith
in the above mentioned court, in executing the warrant
of arrest or in arresting the said defendant, I or one of my duly authorized deputies, traveled 70 miles
by the most direct route to the point of arrest and return, and I am entitled to mileage at ten cents per mile
to be taxed as costs in the case.

Point of Arrest

Little River

Jay Wilkins
Sheriff

Subscribed and sworn to before me this 20 day of May 19 48

Disposition of Case

Amount over to Grand Jury
under \$2,000 bond

Frank P. Probst, Jr.
Clerk Circuit Court

After considering the above affidavit made by the sheriff of Baldwin County, Alabama, I, as the trial
Judge of said court, do hereby approve the claim for mileage in the sum of \$ 7.00 incurred in the
making of the arrest or executing the warrant of arrest in the above styled cause and I hereby order the clerk
of the court to tax the said sum as part of the costs in said case.

This the 2 day of June, 19 48.

Frank P. Probst
Judge of the above named court

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term, 19 49

To the Clerk of the Circuit Court of 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

Carnis Lassiter, Appellant,

and

The State, Appellee,

wherein by said Court, at the Term, 19, it was considered adversely to said appellant, were brought before our Court of Appeals, by appeal taken, pursuant to law, on behalf of said appellant.

Now, it is hereby certified, That it was thereupon considered by our Court of Appeals on the 25th day of April 19 50, that said judgment of said Circuit Court be reversed and annulled, and the cause remanded to said Court for further proceedings therein;

~~the costs accruing on said appeal in this Court and in the Court below~~

Witness Charles Bricken, Jr., Clerk of the Court of Appeals of Alabama, at the Capitol, this the 25th day of April 1950

Charles Bricken, Jr. Clerk of the Court of Appeals of Alabama.

MAY 16 1950 APPLICATION FOR REHEARING OVERRULED

JUN 22 1950 Certificate Clerk Supreme Court Petition Denied.

The Court of Appeals of Alabama

October Term, 19...49

1st Div. No. 596

Carnis Lassiter

Appellant.....

v.

The State

Appellee.....

From Baldwin Circuit Court

CERTIFICATE OF REVERSAL

The State of Alabama, } Filed
Baldwin County. }
this 24th day of June 1950

Vertical stamp on the left margin: MAY 13 1950

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

ATTORNEYS	CASE	CHARGE
Chas. F. Hibbard	THE STATE OF ALABAMA	
No.	Vs.	Murder -
	Carris Lassiter	

DISPOSITION OF CASE	FEES	AMOUNT
Affidavit made and Warrant Issued to <i>H. F. Hall</i>	JUDGE'S FEES Warrant at 50c, Affidavit at 25c	75
Returnable <i>J. P. Court</i>	Bond at 50c, Sci. Fa. at 50c	
Witness—For State <i>H. F. Hall - W. L. Allen - Charles Lassiter - Andrew Bohannon - Janice Beone - Sidney Weatherford - Vera Beone - Sally Bohannon - Bobby Lassiter - Ellen Bohannon - Marshal Beubelt - Rex Hadley - Roger Hadley - Jessie Caraway - Milford Lassiter - Clayton Johnson - Dr. Carter - Shaw Luther</i>	Witnesses' Recognizances at 25c	
	Subpoena or Notice at 25c	450
	Continuance at 25c	
	Trial of Misdemeanor at \$1.00	100
	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	650
	Arrest, 50c	
	SHERIFF'S FEES Arrest, \$2.00; Bond \$1.00; Sci. Fa., 50c	400
	Committing, \$1.00; Releasing, \$1.00	100
	Subpoenas at 25c Day's Board at 30c	900
	WITNESS FEES mileage Days at 50c	700
 " 50c	
 " 50c	
 " 50c	
 " 50c	
 " 50c	
 " 50c	
 " 50c	
	DEFENDANT'S COSTS Witnesses' Recognizance at 25c	
	Subpoenas at 25c	
	Executing Subpoenas	
Defendant waived his preliminary Bond set by agreement of Circuit Solicitor and defense attorney and approved by J. P. Bond set at \$3000 ⁰⁰ to appear before Grand Jury - Fall Term of Circuit Court. <i>Frank P. Proctor Justice of the Peace Precinct 4 Baldwin Co</i>		

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