

1340

Affidavit

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STATE OF ALABAMA, {  
Baldwin County.

In the Justice Court of T. C. H A N D

Before me, T. C. H A N D, Justice of the Peace

in and for said County, personally appeared Taylor Wilkins 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 2 May 1951 that one W. I. Fail  
did operate a motor vehicle on the highway  
of Alabama while under the influence of  
alcohol, liquor, or drug.

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this

day of May A. D., 1951  
T. C. Hand, J. P.

Taylor Wilkins

Warrant

STATE OF ALABAMA, {  
BALDWIN COUNTY

To Any Lawful Officer of Said County, Greetings :

You are hereby commanded to arrest W. I. Fail

and bring him  
before me to answer the State of Alabama on a charge  
of W. I. Fail

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

Witness my hand this 2 day of May, 1951  
T. C. Hand, J. P.

The State of Alabama,  
Baldwin County

JUSTICE COURT OF  
T. C. HAND

AFFIDAVIT

THE STATE OF ALABAMA,  
vs.

*W. H. Fail*

Witnesses for the State :

*Jaylar Welkins*  
*W. D. Foyler*  
*George Bentley*

Justice Court Of  
Baldwin County

WARRANT of ARREST

The State of Alabama,  
vs.

*W. H. Fail*

Executed this 2 day of May 1951

By arresting the within

named Defendant

*W. H. Fail*

and placing him

*In Jail*

*Jaylar Welkins*

Sheriff

Deputy Sheriff

*O. M. I.*

STATE OF ALABAMA  
COUNTY OF BALDWIN

STATE OF ALABAMA  
V.  
W. H. FAIL

TO THE SHERIFF OF SAID COUNTY OR ANY PROBATION OFFICER:

You are hereby commanded to arrest the above named defendant, W. H. Fail, and bring him before the Court on June 12, 1951 at 10:00 o'clock A. M., for a hearing to determine whether the order of Probation heretofore made in this cause shall be revoked.

Witness my hand this the 1<sup>st</sup> day of June, 1951.

Jelmer J. Marbleberry, Jr.  
Circuit Judge

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W. W. Fair

warrant

Executed 6-8-51  
by arresting W. W. Fair  
and placing  
him in jail

Taylor Wilkins Sheriff  
147 Hall P. S.

1802

THE STATE OF ALABAMA,  
Baldwin County

JUSTICE COURT OF T. C. HAND  
Precinct 4, Bay Minette, Ala.

To Any Sheriff of the State of Alabama:

You are Hereby Commanded to Summon

*Jaylen Welborn, W.D.*

*Fayler, George, Taylor*

personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the

*3* day of *May*, 195*1*, 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 *W. H. Fair*

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

Witness my hand this *2* day of *May*, A.D., 195*1*

*J. L. Luce*  
Justice of the Peace, Precinct No. 4

Executed in full, this the

2 day of

May, 1951

Jaylor Wilburn  
Sheriff

W F Hall  
Deputy Sheriff

STATE OF ALABAMA  
PROBATION OFFICER'S REPORT  
ON  
DELINQUENT PROBATIONERS

\*\*\*\*\*

May 31, 1951

Date

TO JUDGE: Telfair J. Mashburn  
IN RE: William H. Fail 1340 Baldwin  
Name Court No. County  
OFFENSE: D.W.I. SENTENCE: 6 months Hard Labor  
RACE: White SEX & AGE: Male--54  
DATE OF PROBATION: 5-14-51 PROBATION PERIOD 2 years  
DATE OF DELINQUENCY: 5-24-51

DELINQUENCY CHARGES

1. Going to Montgomery without permission
2. Arrested by the Montgomery City Police and charged with D.W.I. and Collision. Fined \$100. and costs in the D.W.I. case and \$25. and costs in the Collision case.
- 3.

REMARKS: The subject on May 24th left Baldwin County in his car and went to Montgomery County without first securing permission from this officer. On May 14th the day he was placed on probation he was given specific instructions that he was not to leave the county without first securing officer's permission. He failed to live up to this condition of probation.

SUPERVISION SUMMARY: While in Montgomery on May 24th he had several drinks and was arrested for Driving While Intoxicated and colliding into the rear ends of two cars, one car belonging to Horace Nelson a Negro, whose home address is 415 Underwood Street, Montgomery and the other car belonged to Major Growder who lives on Hall Street, Montgomery. The subject appeared in City Court on May 25th and was charged with Driving While Intoxicated and Collision. He was fined \$100. and costs in the D.W.I. case and \$25. and costs in the Collision case.

This subject at the time he was placed on probation was specifically told that the main source of his trouble was his drinking. At this time the subject was ordered to abstain from the use of any intoxicating beverages. He promised that he would not touch the stuff. However, as can be seen he has failed to live up to his promise. Furthermore he has violated an important condition of his probation.

**SUPERVISION SUMMARY:**

William H. Fail was placed on probation on May 14, 1951 charged with D.W.I. He received a sentence of 6 months Hard Labor suspended and placed on probation for a period of two years. On the same date officer explained to him the conditions of probation with greatest emphasis being placed on his one great weakness, drinking. At this time he promised that he would never drink again. Officer went to the subject's home and spoke with his wife in an effort to help the subject to conquer his drinking. The subject on the day he was placed on probation was given his Order of Probation and monthly report blanks. This officer during the first interview anticipated problems due to the fact that he is a known alcoholic. As stated above the subject has not lived up to the conditions of his probation by leaving Bay Minette and going to Montgomery County without permission and while in Montgomery County the subject had several drinks which resulted in his being arrested for Driving While Intoxicated and Collision.

It is the recommendation of this officer that the subject's probation be revoked and subject be made to serve his 6 months at Hard Labor. The subject can be located at his home in Bay Minette.

*Joseph N. Bivona*  
\_\_\_\_\_  
Joseph N. Bivona  
Probation Officer

JNB:hbt



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

ATTORNEYS	CASE	CHARGE
	THE STATE OF ALABAMA	
No. <i>1803.</i>	Vs. <i>W. H. Fail</i>	<i>Driving while Intoxicated</i>

DISPOSITION OF CASE	FEES	AMOUNT
Affidavit made and Warrant Issued to <i>Jaylow wilkins</i>	<b>JUDGE'S FEES</b> Warrant at 50c, Affidavit at 25c	<i>75</i>
Returnable <i>Circuit Court</i>	Bond at 50c, Sci. Fa. at 50c	
Witness—For State <i>Jaylow wilkins</i>	Witnesses' Recognizances at 25c	
<i>W. D. Taylor</i>	<b>3</b> Subpoena or Notice at 25c	<i>75</i>
<i>George i. [unclear]</i>	Continuance at 25c	
	Trial of Misdemeanor at \$1.00	<i>1.00</i>
	Mittimus at 25c	<i>25</i>
	Judgment on Forfeited Bond at 25c	
<i>3 May 57</i>	Taking Bond, etc., on Appeal at \$1.00	
<i>def. was brought before me and</i>	Execution of costs at 25c	<i>275</i>
<i>after hearing the evidence. in</i>	<b>CONSTABLE'S FEES</b>	
<i>case the def. was found guilty</i>	Subpoena or Notice at 25c	
<i>and fined \$100.00 plus cost and</i>	Carrying Defendant before Justice,	
<i>6 months in jail.</i>	each mile for himself and guard at 10c	
<i>def. requested that an appeal be</i>	Arrest, 50c	
<i>given to Circuit Court which</i>	<b>SHERIFF'S FEES</b>	
<i>was granted and bond was set</i>	Arrest, \$2.00; Bond \$1.00; Sci. Fa., 50c	<i>2.00</i>
<i>at \$750.00.</i>	Committing, \$1.00; Releasing, \$1.00	<i>2.10</i>
<i>def being unable to make bond</i>	<b>2</b> Subpoenas at 50c	<i>1.00</i>
<i>was advised committed to jail</i>	<b>WITNESS FEES</b>	
	Days at 50c	<i>50</i>
	" 50c	<i>50</i>
	" 50c	<i>50</i>
	" 50c	<i>50</i>
	" 50c	<i>50</i>
	" 50c	<i>50</i>
	" 50c	<i>50</i>
	<b>DEFENDANT'S COSTS</b>	
	Witnesses' Recognizance at 25c	
	Subpoenas at 25c	
	Executing Subpoenas	

*W. H. Fail*  
*Justice of Peace*

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