ORDER

STATE OF ALABAMA	X	IN THE CIRCUIT COURT OF
VS.	X	BALDWIN COUNTY, ALABAMA.
THEODORE SIMPSON,	X	CRIMINAL DIVISION
Defendant.	X	CASE NO. 1383.

In open court this day came Theodore Simpson by his attorney, Tolbert M. Brantley, and William R. Lauten, Circuit Solicitor of Baldwin County, Alabama, and presented to the Court "an agreed Statement of facts" relating to an accident between Theodore Simpson and Sambo Bullard. This accident resulted in the death of Sambo Bullard, for whose death Theodore Simpson was indicted for manslaughter. The agreed statement of facts show that Theodore Simpson was tried for manslaughter for the killing of Theo O. Etheridge, who was killed at the same time and as a result of the same accident that killed Sambo Bullard. These facts further show that Theodore Simpson was duly tried and found not guilty under an indictment charging him with the wrongful killing of Theo O. Etheridge. Theodore Simpson, by his attorney, Tolbert M. Brantley, this day entered a plea of Autrefois Acquit. Upon due consideration of the agreed statement of facts and the Alabama Law as applicable to the agreed statement of facts I find that Theodore Simpson is entitled to have his plea sustained.

It is therefore, ORDERED, ADJUDGED and DECREED that the Defendant's plea of Autrefois Acquit be sustained. It is further ORDERED, ADJUDGED and DECREED that the State desist in the further prosecution of this cause and that the Clerk of this Court notify the authorities withholding the liberty of Theodore Simpson of this acquittal, ordering them to forthwith discharge the said Theodore Simpson if he be otherwise entitled to have his liberty.

Witness my hand and seal this 24th day of September, 1952.

Jefferson A. Mobley Jr.
Judge of the Circuit Court

STATEMENT OF FACTS

STATE OF ALABAMA	X	IN THE CIRCUIT COURT OF
VS.	X	BALDWIN COUNTY, ALABAMA.
THEODORE SIMPSON,	X	CRIMINAL DIVISION
Defendant.	X	CASE NO. 1383.

Theodore Simpson was driving a truck along U. S. Highway 31 in a Southerly direction. At a point on said Highway, about four miles south of Bay Minette, Alabama, the truck Theodore Simpson was driving collided with a truck which was traveling in a northerly direction and being driven by Sambo Bullard. As a result of this collision Sambo Bullard was killed. The course Sambo Bullard's truck took after it was hit, was such that it collided with a car that was behind Theodore Simpson's truck and moving in a southerly direction. This car was being driven by Theo O. Etheridge . As a result of this wreck Theo O. Etheridge was killed.

The Grand Jury of Baldwin County, Alabama, investigated this accident, and as a result of their investigation they indicted Theodore Simpson under two separate indictments; one for the wrongful killing of Theo O. Etheridge and one for the wrongful killing of Sambo Bullard.

Theodore Simpson was tried in the Spring Term of the Circuit Court of Baldwin County, Alabama, under the first mentioned indictment. Theodore Simpson entered a "not guilty" plea. The evidence of the case was heard by a duly impanelled Petit Jury, who on consideration of the evidence, found Theodore Simpson not guilty and returned a verdict of not guilty.

We, the undersigned William R. Lauten, Circuit Solicitor, and Tolbert M. Brantley, Attorney for Defendant, submit this agreed statement of facts to the Court to give it a background and basis on which to determine whether the Defendant's plea of Autrefois Acquit should be sustained or denied.

William R. Lauten

William R. Lauten, Circuit Solicitor, Baldwin County, Alabama.

Tolbert M. Brantley

Tolbert M. Brantley, Attorney for Defendant.

PLEA

STATE OF ALABAMA	X	IN THE CIRCUIT COURT OF
VS.	X	BALDWIN COUNTY, ALABAMA.
THEODORE SIMPSON,	X	CRIMINAL DIVISION
Defendant.	X	CASE NO. 1383

Comes the Defendant by his attorney, Tolbert M. Brantley, and for plea says: he ought not be required to answer this indictment and that the State ought not prosecute the same against him, because at the Spring Session of the Circuit Court of Baldwin County in 1952, he was charged and put upon trial under an indictment charging "The Grand Jury of said County charg that before the finding of this indictment Theodore Simpson, whose name is to the Grand Jury otherwise unknown than as stated, unlawfully and intentionally, but without malice, killed Theo O. Etheridge, by running a motor truck into another motor truck and proximately causing the latter motor truck to run over the said Theo O. Etheridge, against the peace and dignity of the State of Alabama.

2. The Grand Jury of said County further charge that before the finding of this indictment Theodore Simpson, whose name is to the Grand Jury otherwise unknown than as stated, unlawfully and intentionally, but without malice, killed Theo O. Etheridge, by striking him with a motor truck, against the peace and dignity of the State of Alabama.

3. The Grand Jury of said County further charge that before the finding of this indictment Theodore Simpson, whose name is to the Grand Jury otherwise unknown then as stated, unlawfully and intentionally, but withoutmalice, killed Theo O. Ethridge, by driving a motor truck in a southerly direction into or upon another motor truck proceeding in a northerly direction, causing the latter motor truck to strike a Mercury automobile proceeding in a southerly direction in which the said Theo O. Ethridge was riding, in such a manner as to wreck the said Mercury automobile and thereby caused the death of said Theo O. Etheridge, against the peace and dignity of the State of Alabama.", and that after trial, hearing and consideration of said offense, the Defendant was acquitted and discharged and the Defendant says that he is now charged in this indictment of this offense, 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.

Gilbert M Brantley
Attorney for Defendant

PLEA

STATE OF ALABAMA

VS.

THEODORE SIMPSON,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

CRIMINAL DIVISION

CASE NO. 1383

FILED September 18, 1952.

Telfair J. Mobberley Jr.
Judge.
CLERK

Affidavit

Printed by Moore Ptg.Co.

STATE OF ALABAMA,
Baldwin County.

In the Justice Court of T. C. HAND

Before me, T. C. HAND, 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 17 September 1951 that one Theodore Simpson unlawfully and intentionally but without malice killed Sambo Bullard by negligently operating a truck and as result of such negligence Sambo Bullard was killed

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 17

day of September A. D., 195 1

, J. P.

Taylor Wilkins

Warrant

STATE OF ALABAMA,
BALDWIN COUNTY

To Any Lawful Officer of Said County, Greetings :

You are hereby commanded to arrest THEODORE SIMPSON and bring him before me to answer the State of Alabama on a charge Manslaughter

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

Witness my hand this 17 day of September, 195 1

, J. P.

No. 2242 Page

The State of Alabama,

Baldwin County

JUSTICE COURT OF

T. C. HAND

AFFIDAVIT

THE STATE OF ALABAMA,

vs.

THEODORE SIMPSON

Witnesses for the State:

TAYLOR WILKINS

J. D. HORN

Moore Printing Co.
Moore

Justice Court Of

Baldwin County

WARRANT of ARREST

The State of Alabama,

vs.

THEODORE SIMPSON

Executed this 17 day of Sept. 1951

By arresting the within

named Defendant

Theodore Simpson

and placing him

in Jail

Taylor Wilkins Sheriff

, Deputy Sheriff

4 mi So of B. M.
8 mi

CAPIAS

Moore Printing Co.

THE STATE OF ALABAMA,
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

THEODORE SIMPSON

at the FALL Term, 1951, of the Circuit Court of Baldwin County, for the offense of

MANSLAUGHTER, 1st 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 19th day of October 1951

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.

Jun 13

CAPIAS

No. 44

THE STATE
vs.

THEODORE STMPSON

Bail Fixed in This Case in Open Court at

$500.00

By Wilfrid J. Marshburn
Judge Presiding.

Attest :
Clerk.

Executed this 7 day of Nov. 1957

By arresting the within

named Defendant

and placing him in Jail

Taylor Wilkins Sheriff.

W. T. Hall Deputy Sheriff.

0 miles

INDICTMENT

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, Fall Session, 195 1

The Grand Jury of said County charge that before the finding of this indictment Theodore Simpson, whose name is to the Grand Jury otherwise unknown than as stated, unlawfully and intentionally, but without malice, killed Sambo Bullard, by running over him with a motor truck, against the peace and dignity of the State of Alabama.

2. The Grand Jury of said County further charge that before the finding of this indictment Theodore Simpson, whose name is to the Grand Jury otherwise unknown than as stated, unlawfully and intentionally, but without malice, killed Sambo Bullard, by striking him with a motor truck, against the peace and dignity of the State of Alabama.

3. The Grand Jury of said County further charge that before the finding of this indictment Theodore Simpson, whose name is to the Grand Jury otherwise unknown than as stated, unlawfully and intentionally, but without malice, killed Sambo Bullard, by driving a motor truck into and upon a motor truck in which the said Sambo Bullard was riding, in such a manner as to wreck the said motor truck in which said Sambo Bullard was riding and thereby caused the death of said Sambo Bullard,

against the peace and dignity of the State of Alabama.

WILLIAM R. LAUTEN
Solicitor of the Twenty-Eighth Judicial Circuit.

No. RECORDED

THE STATE OF ALABAMA,

BALDWIN COUNTY

Circuit Court

Fall Session, 19 51

THE STATE

Vs.

THEODORE SIMPSON

INDICTMENT

Manslaughter, 1st Degree

No. Prosecutor.

WITNESSES:

Taylor Wilkins
J. D. Horn
Douglas Plowman
Charles M. McGowan
Roy Emmons
C. B. Joiner
Harvey Smith
George White
Arthur Harville, Jr.
J. F. Hammond
Dr. James B. Thomas

GRAND JURY NO. 44

A TRUE BILL

W. K. Hammond
Foreman Grand Jury.

Filed in open Court and in the presence of the Grand Jury on the 19th day of Oct, 1951.

Rice Frenche Clerk

Presented in open Court to the presiding Judge by the Foreman of the Grand Jury, in the presence of 17 other Grand Jurors.

Rice Frenche
Clerk.

Bail fixed $500.00

Telfair J. Mashburn Jr.
Judge.

Printed by The Baldwin Times, Bay Minette.

2242.

THE STATE OF ALABAMA,
Baldwin County

Justice Court of T. C. HAND

Precinct No. 4, Bay Minette, Ala.

To Any Sheriff of the State of Alabama:
You are Hereby Commanded to Summon J. F. Hammond, Curtis (Jr.) Haville, Taylor Williams, J. D. Ham, Langford Lanman, Charles M. McGowin, Ray Emmons, C. B. Joiner, Harvey Smith, George White personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the 25 day of Sept., 1951, 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 Theodore Simpson Defendant, and have you then and there this Writ, with your endorsement thereon.

Witness my hand this 20 day of Sept., A.D. 1951

T. C. Hand
Justice of the Peace, Precinct No. 4

Executed in full, this the

21 day of

Sept, 195(

Sheriff

Deputy Sheriff

Printed by Moore Pig.Co.

STATE OF ALABAMA
BALDWIN COUNTY

Nº 2769

Case No. 2212

IN THE Quarterly **COURT OF**
BALDWIN COUNTY, ALABAMA

The State of Alabama
vs.
Theodore Bonyung

Before me, J. C. Jones, Clerk of the Circuit Court of Baldwin County, Alabama, personally appeared Taylor 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. Theodore Bonyung 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 8 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 Fort Morgan Beach

Taylor Wilkins
Sheriff

Subscribed and sworn to before me this 19 day of April 195 1.

Disposition of Case Waived to Grand Jury

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 $ .80 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 25 day of July, 195 1.

C. S. Vandiver
Judge of the above named court

15609 ROBERTS & SON, BIRMINGHAM

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

ATTORNEYS	CASE	CHARGE
No. 2241	THE STATE OF ALABAMA Vs. Theodore Simpson	Manslaughter

DISPOSITION OF CASE

Affidavit made and Warrant Issued to Taylor Wilkins

Returnable Grand Jury.

Witness—For State Taylor Wilkins, J. D. Hamp, Douglas Plummer, Charles M. McGavin, Dan Fonvielle, C. B. Jones, Henry Smith, George White, Curtis (Negro) Hawkins, J. F. Hammond

25 Sept. 51 Def. requested that hearing be waived to Grand Jury. Bond was set at $800.00. Def. being unable to make bond was ordered committed to jail.

J. T. Faust
Justice of Peace.

FEES	AMOUNT
JUDGE'S FEES	
Warrant at 50c, Affidavit at 25c	50
Bond at 50c, Sci. Fa. at 50c	
Witnesses' Recognizances at 25c	
10 Subpoena or Notice at 25c	2.50
Continuance at 25c	
Trial of Misdemeanor at $1.00	
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	
Arrest, 50c	
SHERIFF'S FEES	
Arrest, $2.00; Bond $1.00; Sci. Fa., 50c	2.00
Committing, $1.00; Releasing, $1.00	2.00
9 Subpoenas at 25c 2 Day's Board at 30c	4.50
mileage fare	.80
WITNESS FEES	
Days at 50c	50
" 50c	50
" 50c	50
" 50c	50
" 50c	50
" 50c	50
" 50c	50
" 50c	50
DEFENDANT'S COSTS	
Witnesses' Recognizance at 25c	50
Subpoenas at 25c	50
Executing Subpoenas	

1383