

1475

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The State of Alabama,
Baldwin County.

CIRCUIT COURT

Fall Session XXXX Term, 19 52
On Appeal from County Court.

THE STATE vs. DENNY ROY ARD

The State of Alabama, by its Solicitor, complains of Denny Roy Ard, whose name is to
your informant otherwise unknown, that
in said county and within twelve months before the commencement of this prosecution he did
unlawfully take or decoy away Mary Alice Beutner, a child, with intent to detain
or conceal the said Mary Alice Beutner from her parents,

contrary to law and against the peace and dignity of the State of Alabama.

William R. Fenton
Solicitor.

Use the jury find
the defendant Not
Guilty as charged.

Ernest A. Clark
Foreman

No. 1475

STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT

THE STATE
vs.

DENNY ROY ARD

CHARGE:

Decoying away child

COMPLAINT

Filed 11-4 1952

Annie K. ...
Clerk

Henry Ard

Filed 9-9-52
Henry Ard
Clerk

1475

DEFENDANT'S REQUESTED CHARGE
NUMBER 3

Given
Julian J. Madlebun, Jr.

THE COURT CHARGES THE JURY THAT THE BURDEN IS UPON THE STATE, AND IS THE DUTY OF THE STATE, TO SHOW, BEYOND ALL REASONABLE DOUBT, AND TO THE EXCLUSION OF EVERY REASONABLE HYPOTHESIS, EVERY CIRCUMSTANCE NECESSARY TO SHOW THAT THE DEFENDANT IS GUILTY; AND, UNLESS THE STATE HAS DONE THAT IN THIS CASE, IT IS YOUR DUTY, TO RENDER A VERDICT OF "NOT GUILTY."

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DEFENDANT'S REQUESTED CHARGE
NUMBER 4.

Given
Jeffrey J. Maschewitz Jr.

THE COURT CHARGES THE JURY THAT THE LEGAL PRESUMPTION OF INNOCENCE IS TO BE REGARDED BY THE JURY IN EVERY CASE AS A MATTER OF EVIDENCE, TO THE BENEFIT OF WHICH THE ACCUSED IS ENTITLED; AND, AS A MATTER OF EVIDENCE, IT ATTENDS THE ACCUSED UNTIL HIS GUILT IS, BY THE EVIDENCE, PLACED BEYOND A REASONABLE DOUBT.

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Seftin J. Madbury, Jr.
Judge.

DEFENDANT'S REQUESTED CHARGE
NUMBER 5

THE COURT CHARGES THE JURY THAT THE INNOCENCE OF THE
DEFENDANT IS PRESUMED UNTIL HIS GUILT IS ESTABLISHED BY THE
EVIDENCE IN ALL THE MATERIAL ASPECTS OF THE CASE BEYOND A
REASONABLE DOUBT, TO A MORAL CERTAINTY, AND IT MAY ALSO BE
SAID THAT EVIDENCE OF GUILT MUST BE STRONG AND COGENT, AND,
UNLESS IT IS SO STRONG AND COGENT AS TO SHOW THAT DEFENDANT
IS GUILTY TO A MORAL CERTAINTY, DEFENDANT SHOULD BE ACQUITTED.

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Refused
Telfair J. Madley, Jr.

DEFENDANT'S REQUESTED CHARGE
NUMBER: 6

THE COURT CHARGES THE JURY THAT IF YOU BELIEVE THE
EVIDENCE IN THIS CASE IT IS YOUR DUTY TO ACQUIT THE
DEFENDANT.

1475
DEFENDANT'S REQUESTED CHARGE
NUMBER: 7

Siven
DeForest J. Maddebury, Jr.

THE COURT CHARGES THE JURY THAT IF THERE IS ONE
SINGLE FACT PROVED TO THE SATISFACTION OF THE JURY WHICH IS
INCONSISTENT WITH THE DEFENDANT'S GUILT, THIS IS SUFFICIENT
TO RAISE A REASONABLE DOUBT, AND THE JURY SHOULD ACQUIT HIM.

1475
DEFENDANT'S REQUESTED CHARGE
NUMBER: 8

Given
Jelfair J. Marshall, Jr.
Judge

THE COURT CHARGES THE JURY THAT BEFORE THEY SHOULD
CONVICT THE DEFENDANT THE HYPOTHESIS OF HIS GUILT SHOULD FLOW
NATURALLY FROM THE FACTS PROVED, AND BE CONSISTENT WITH THEM
ALL.

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DEFENDANT'S REQUESTED CHARGE
NUMBER: 9

*Given
J. J. Madley, Jr.*

THE COURT CHARGES THE JURY THAT IN WEIGHING THE EVIDENCE EACH PIECE AND ALL OF THE EVIDENCE SHOULD BE WEIGHED WITH ALL THE OTHER EVIDENCE; AND YOU SHOULD MAKE UP YOUR VERDICT FROM DUE CONSIDERATION OF THE WHOLE EVIDENCE. IF THE JURY, AFTER CONSIDERING THE EVIDENCE, HAVE A REASONABLE DOUBT OF THE DEFENDANT'S GUILT ARISING OUT OF ANY PART OF THE EVIDENCE THEY SHOULD FIND HIM NOT GUILTY.

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DEFENDANT'S REQUESTED CHARGE
NUMBER 10

THE COURT CHARGES THE JURY THAT THE DEFENDANT ENTERS
INTO THIS TRIAL WITH A PRESUMPTION OF INNOCENCE, AND THIS
IS A FACT IN THE CASE WHICH MUST BE CONSIDERED WITH ALL THE
EVIDENCE, AND SHOULD NOT BE DISREGARDED.

Given
Telfair J. Marbleberry, Jr.

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DEFENDANT'S REQUESTED CHARGE
NUMBER 11.

Siven
Jelaine Y. Madhuburn, Jr.

THE COURT CHARGES THE JURY THAT BEFORE A CONVICTION
CAN BE HAD UPON A CHARGE OF THIS CHARACTER, IT MUST
AFFIRMATIVELY APPEAR FROM THE EVIDENCE -- THAT IS TO SAY,
IT MUST BE SHOWN BY THE EVIDENCE BEYOND A REASONABLE DOUBT
AND TO A MORAL CERTAINTY - THAT THIS DEFENDANT HAD THE
INTENT TO UNLAWFULLY TAKE OR DECOY AWAY MARY ALICE BUETNER
WITH INTENT TO DETAIN OR CONCEAL THE SAID CHILD FROM ITS
PARENTS.

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DEFENDANT'S
REQUESTED CHARGE -
NUMBER 1

THE COURT CHARGES THE JURY THAT IF THE DEFENDANT BELIEVED THE GIRL
MARY ALICIE BUEHNER WAS DRIVEN OR IMPELLED TO LEAVE HOME
ON ACCOUNT OF THE BEATINGS GIVEN HER BY HER PARENTS, THEN THIS DEFENDANT
WOULD NOT BE GUILTY UNDER THIS STATUTE.

Refused ~~to~~ ~~sign~~
Salfair J. Madhuberry, Jr.

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DEFENDANT'S REQUESTED CHARGE
NUMBER 2.

~~Refused~~ ~~Hinson~~
Jelmer J. Washburn, Jr.

THE COURT CHARGES THE JURY THAT IF THE GIRL, MARY
ALICE BUETNER, WAS DRIVEN OR IMPELLED TO LEAVE HOME ON
ACCOUNT OF THE BEATINGS GIVEN HER BY HER PARENTS, THEN
THIS DEFENDANT WOULD NOT BE GUILTY UNDER THIS STATUTE.

Charge no. X4

The court charges the jury
that if you find that the
treatment received by the witness
Mary Alice Buetner was such
that she was justified in
leaving her home when the
defendant had the right
to help her get away.

Refused
J. J. Maschke, Jr.
Judge

Jury List

Criminal Session

November 10, 1952

Still
vs
Remington

No.	Name	Occupation	Address
1	CHARLES C. HAND, JR.	Real Estate	Bay Minette 103
2	ROY GRIMES	Newport	Bay Minette
3	PAUL W. FACKLER	Mechanic	Loxley
4	FRANK PROCTOR	Electrician	Bay Minette
5	ELIX D. RIGBY	Scout Master	Daphne
6	FRANK BEZEK	Farmer	Silverhill
7	THOMAS EARLE	Farmer	Blacksher
8	CHARLES GILL	Farmer	Bahon 541
9	ELMER V. NORTHCUTT	Farmer	Robertsdale 52
10	PERCY J. POSE	Carpenter	Fairhope 31
11	DANIEL L. JUEL	Farmer	Robertsdale
12	REINHOLD GEIGER	Farmer	Elberta
13	FRANK CARVER	Farmer	Bon Secour
14	VAN COOPER	Merchant	Bon Secour 152
15	DAN CAMP	Health Inspector	Bay Minette 103
16	CHARLES J. CHIBBS	Retired Navy	Foley 104
17	ART VERNON	Retired	Magnolia Springs 104
18	R. G. CULLEY	Timberman	Elberta
19	ROBIN NATH	Farmer	Fairhope
20	RAY REED	Laborer	Bay Minette
21	ARTHUR BOLLER	Oil Dist.	Foley 101
22	GUY PRESLEY	Farmer	Lottie 56
23	D. B. WIGGINS	Reserve Fleet	Stapleton
24	RAYMOND ANDERSON	Farmer	Summerdale
25	REID MATTHEWS	Furniture	Robertsdale 35
26	REINHARDT RIEMER	Farmer	Elberta
27	CHARLES WENZEL	Clerk	Bon Secour
28	ARTHUR G. WEAVER	Merchant	Bay Minette
29	THOMAS L. FLOWERS	Farmer	Foley
30	JIM TONI ANDERSON	Farmer	Bon Secour 107
31	DALE BATCLIFFE	Merchant	Fairhope
32	ROBERT GILL	Cafe	Robertsdale 32
33	EVAN S. HIGBEE	Farmer	Belforest
34	KENNETH CAIN	Merchant	Fairhope
35	HERBERT C. ENGLAND	Millman	Robertsdale
36	GUY CHIDRESS	Farmer	Robertsdale
37	JOSEPH B. KROB	Farmer	Silverhill
38	A. K. LATNER	Carpenter	Loxley
39	DWIGHT STEELE	Bridge Tender	Gulf Shores
40	HOLLY RAINS	Farmer	Daphne
41	FRANK C. GRIFIN	Garage Owner	Loxley
42	JOE RYDAR	Farmer	Silverhill
43	ERNEST ALVIN CLARK	Instructor	Robertsdale
44	M. J. DEEDY	Postal Clerk	Bay Minette
45	FRANK FUBANKS	Carpenter	Bay Minette 102
46	LOUIS W. MANNICH	Farmer	Summerdale
47	OAKLEY JEE	Farmer	Summerdale
48	V. C. CHRISTENSEN	Electrician	Foley
49	BRADY POWELL	Newport	Bay Minette 101
50	ORRUVILLE WENZEL	Farmer	Bon Secour 102

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- ~~26. REINHARDT RIEMER, Farmer, Elberta~~
- 27. CHARLES WENZEL, Clerk, Bon Secour
- ~~28. ARNOLD G. WEAVER, Merchant, Bay Minette~~
- ~~29. HOMER L. FLOWERS, Farmer, Foley~~
- ~~30. JIM TONI ANDERSON, Farmer, Bon Secour~~ 497
- ~~31. DALE RATCLIFF, Merchant, Pacific~~
- ~~32. ROBERT GILL, Cafe, Robertsdale~~ 52
- 33. EVAN S. HIGBEE, Farmer, Belforest
- 34. KENNETH CAIN, Merchant, Fairhope
- ~~35. HERBERT C. ENGLAND, Millman, Robertsdale~~
- ~~36. GUY CHILDRERS, Farmer, Robertsdale~~
- ~~37. JOSEPH B. JEROD, Farmer, Silverhill~~
- 38. A. K. LATNER, Carpenter, Loxley
- ~~39. DWIGHT STEELE, Bridge Tender, Gulf Shores~~
- ~~40. HOBBS BURNS, Farmer, Daphne~~
- ~~41. FRED C. GRIFFIN, Garage Owner, Loxley~~
- ~~42. JOE RYDAR, Farmer, Silverhill~~
- 43. ERNEST ALVIN CLARK, Instructor, Robertsdale
- ~~44. M. L. BERRY, Postal Clerk, Bay Minette~~
- ~~45. FRANK EUBANKS, Carpenter, Bay Minette~~ 102
- 46. LOUIS W. MANNICH, Farmer Summerdale
- ~~47. OAKLEY TEE, Farmer, Summerdale~~
- ~~48. V. C. CHRISTENSEN, Florist, Foley~~
- ~~49. BRADY POWELL, Newport, Bay Minette~~ 101
- ~~50. ORRUVILLE WENZEL, Farmer, Bon Secour~~ 102

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Stalls
vs

Aluminum Head