2916. (1531)

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 Alfred Joseph Thompson
Helen Sharp, Mrs Johnson, R.J. Granger, H.E. Hall
personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the 26 day of Apr, 19[illegible], 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 Frank Clarie Brown

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

Witness my hand this 25 day of Apr. A. D. 19[illegible].

T. C. Hand
Justice of the Peace, Precinct 4

Executed in full, this the

25 day of

April, 1952

Taylor Wilkins

Sheriff.

H F Hall

Deputy Sheriff.

Moore Printing Co.

1531

INDICTMENT

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, Fall Session, 195 2

The Grand Jury of said County charge that before the finding of this indictment FRANK CLAIRE BROWN, whose name is to the Grand Jury otherwise unknown, unlawfully and intentionally, but without malice, killed Myra Fay Williams by striking her with a motor vehicle, 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 FRANK CLAIRE BROWN, whose name is to the Grand Jury otherwise unknown, unlawfully and intentionally, but without malice, killed Myra Fay Williams by running over her with a motor vehicle,

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 52

THE STATE

Vs.

FRANK CLAIRE BROWN

INDICTMENT

Manslaughter, First Degree

No Prosecutor.

WITNESSES:

R. J. Granger

George Hartley

Thelma Williams

GRAND JURY NO. 25

A TRUE BILL

John W. Evans

Foreman Grand Jury.

Filed in open Court and in the presence of the Grand Jury on the 16th day of Oct, 1952.

Eric Fehrenbach, Clerk

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

Eric Fehrenbach

Clerk.

Bail fixed $1000.00

J. A. Mashburn, Jr.

Judge.

We, the jury, find the defendant guilty of manslaughter in the second degree & assess the penalty at 12 mths hard labor & $500.00 fine.

E. H. Conner, Foreman

Printed by The Baldwin Times, Bay Minette.

1531

Appearance Bond

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA,
BALDWIN COUNTY

We, Frank C. Browne, as principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of One Thousand DOLLARS unless the said Frank C. Browne appears at the next Term, 1952 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 Manslaughter in The First 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 of Alabama, and we hereby severally certify that we have property over and above all debts, liabitilies, 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 _____ 195____

_____ Baldwin County, Ala.

Frank C. Browne L. S.
C. V. Broadus L. S.
S. W. Pierce L. S.
By C. V. Broadus (attorney in fact) L. S.

Taken and approved this the 23 day of May 1952

Taylor Wilkins, Sheriff

By T. W. D. Taylor, 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
Mobile County, Ala.
Dated this 23 day of
May 1952

W H HOLCOMBE
as Sheriff of Mobile
County, Ala.
H C HALL CHIEF DEPUTY

No.

The State of Alabama,
Baldwin County

Court

Sheriff's Office

THE STATE
VS.

Frank C Brown

Sheriff's Appearance Bond

Amount of Bond, $ 1,000.00

Filed , 195

, Clerk

1531

STATE OF ALABAMA
Baldwin County

Case No. 2916

No. 3384

The State of Alabama
vs.
Frank Billy Brown
J. C. Ford

In the Justice Court of Baldwin County, Alabama

Before me, J. C. Ford, Clerk of the Justice 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 above case, 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 44 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 Spanish Fort

Taylor Wilkins Sheriff

Subscribed and sworn to before me this 28 day of April 195 2

Disposition Waived to Grand Jury

T. J. Lard Clerk Circuit Court J.P.

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 $4.40 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 April 195 2

T. J. Lard
Judge of the above named court

State vs. Frugent Claude Brown

JURY LIST

Fall Term, September 28th, 1953

NO.	NAME	OCCUPATION	ADDRESS
1	Otto Moore	farmer	Fairhope
2	J. P. Morgan	farmer	Robertsdale
3	Chas. O. Bill	Standard Oil Co.	Robertsdale
4	Willie Amos	clerk	Robertsdale
5	Richard Doering	automobile dealer	Foley
6	C. C. Cook	Clerk of Cir. C.	Foley
7	J. M. Ponder	merchant	Fairhope
8	Fred Ingersoll	dairy	Fairhope
9	Jerry Volorucky	farmer	Robertsdale
10	Virgil V. Rhodes, Jr.	dairyman	Bay Minette
11	Jesse Owen Stempson, Jr.	carpenter	Fairhope
12	A. C. Bryant	electrician	Bay Minette
13	Herron Steadham	merchant	Foley
14	Claude Cooper	farmer	Rosinton
15	John Crawford	inn keeper	Gulf Shores
16	Alex Trione	dry cleaner	Daphne
17	M. C. Cooper	carpenter	Robertsdale
18	A. Dewey Jackson	farmer	Lottie
19	Roy Mikkelson	farmer	Summerdale
20	Walter Jesnik	quick freeze	Foley
21	Ernest H. Holmes	parts man	Bay Minette
22	Melton Moss	auto dealer	Foley
23	John L. Herron	auto sales	Bay Minette
24	Ellis Steadham	navy yard	Foley
25	James A. Thomas	railroad	Foley
26	Joe Pittman	defense	Gateswood
27	Ross Bemis	fisherman	Bon Secour
28	Miley Thames	farmer	Robertsdale
29	John Young	radio	Bay Minette
30	Harold Stuart	presser	Bay Minette
31	George Doprilippi	farmer	Daphne
32	C. W. Moses	salesman	Robertsdale
33	Ralph Gantt	farmer	Little River
34	Henry Crawford	merchant	Fairhope
35	Robert Thompson	clerk	Foley
36	Joe Heidelberg, Jr.	farmer	Silverhill
37	Ed Overton	Colonial Inn	Fairhope
38	Joe Allegri	hardware	Belforest
39	Leo A. Kuffski	fisherman	Bon Secour
40	William Nall	farmer	Bon Secour
41	Travis Bonner	farmer	Elsanor
42	Stanley Langer	machinist	Robertsdale
43	Melvin M. Woodard	mechanic	Foley
44	Duncan J. Beech	farmer	Foley
45	G. E. Lipscomb	farmer	Foley
46	James Campbell	farmer	Rosinton
47	Albert Flowers	farmer	Bon Secour
48	Marvin Stanton	farmer	Rosinton
49	R. F. Long	farmer	Foley
50	John Norris, Jr.	farmer	Foley
51	Deval Laurent	laborer	Foley
52	Alvin A. Irwin	farmer	Gateswood
53	Clarence Moore	farmer	Fairhope
54	Percy Pollard	salesman	Robertsdale
55	Joseph Dusek, Jr.	defense	Lillian
56	James S. Minchew	laborer	Robertsdale

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D HHHHH HHHHH

1531

Jury List

Criminal Session

November 10, 1952

No.	Name	Occupation	Address
1.	~~CHARLES C. HAND, Jr., Real Estate, Bay Minette~~		
2.	~~ROY GRIMES, Newport, Bay Minette~~		
3.	~~PAUL W. BACKLER, Mechanic, Loxley~~		
4.	SAM PRUETT, Clerk, Bay Minette		
5.	~~FELIX D. RIGBY, Scout Master, Daphne~~		
6.	~~JERRY REZEK, Farmer, Silverhill~~		
7.	~~THOMAS EARLE, Farmer, Blackshear~~		
8.	~~CHARLES GILL, Farmer, Rabon~~		
9.	ELMER V. NORTHCUTT, Farmer, Robertsdale		
10.	~~PERCY J. POSE, Carpenter, Fairhope~~		
11.	~~DANIEL L. TEEL, Farmer, Robertsdale~~		
X 12.	~~REINHOLD GEIGER, Farmer, Elberta~~		
13.	~~ARTHHUR CARVER, Farmer, Bon Secour~~		
X 14.	~~VAN COOPER, Merchant, Bon Secour.~~		
15.	~~DAN CAMP, Health Inspector, Bay Minette~~		
16.	~~CHARLES J. GIBBS, Retired Navy, Foley~~		
17.	~~ART VERNON, Retired, Magnolia Springs~~		
18.	~~R. G. GILLEY, Timmberman, Elberta~~		
19.	REUBIN NALTE, Farmer, Fairhope		
20.	~~RAY REED, Laborer, Bay Minette~~		
21.	~~ARTHUR BOLLER, Oil Dist., Foley~~		
X 22.	~~GUY PRESLEY, Farmer, Lottie~~		
23.	~~Dr. B. WIGGINS, Reserve Fleet, Stapleton~~		
24.	RAYMOND ANDERSON, Farmer, Summerdale		
X 25.	~~REES MATHEWS, Furniture, Robertsdale~~		
X 26.	~~REINHARDT REEMER, Farmer, Elberta~~		
27.	~~CHARLES WENZEL, Clerk, Bon Secour~~		
X 28.	~~AARON G. WEAVER, Merchant, Bay Minette~~		
X 29.	~~HOMER T. FLOWERS, Farmer, Foley~~		
30.	~~JIM TONI ANDERSON, Farmer, Bon Secour~~		
31.	~~DALE RATCLIFF, Merchant, Fairhope~~		
32.	ROBERT GILL, Cafe, Robertsdale		
33.	~~EVAN S. HIGBEE, Farmer, Belforest~~		
34.	~~KENNETH CAIN, Merchant, Fairhope~~		
35.	~~HERBERT C. ENGLAND, Millman, Robertsdale~~		
36.	~~GUY CHILDRESS, Farmer, Robertsdale~~		
37.	JOSEPH R. KROB, Farmer, Silverhill		
38.	~~A. K. LATNER, Carpenter, Loxley~~		
X 39.	~~DWIGHT STEELE, Bridge Tender, Gulf Shores~~		
40.	HOLLY RAINS, Farmer, Daphne		
41.	~~FRED C. GRIFFIN, Garage Owner, Loxley~~		
42.	JOE RYBAR, Farmer, Silverhill		
X 43.	~~ERNEST ALVIN CLARK, Instructor, Robertsdale~~		
44.	M. J. REEDY, Postal Clerk, Bay Minette		
45.	~~FRANK EUBANKS, Carpenter, Bay Minette~~		
46.	LOUIS W. MANNICH, Farmer Summerdale		
47.	OAKLEY LEE, Farmer, Summerdale		
48.	~~V. C. CHRISTENSEN, Florist, Foley~~		
49.	~~BRADY POWELL, Newport, Bay Minette~~		
50.	~~ORRUVILE WENZEL, Farmer, Bon Secour~~		

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State ++++ +++

D ++++++ ++++++

State

vs.

Frank Claire Brown

1531

1531

CAPIAS

BT-300-4-48

THE STATE OF ALABAMA,
Baldwin County

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

Frank Clarie Brown

at the Fall Term, 1952, of the Circuit Court of Baldwin County, for the offense of

Manslaughter, 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 16th day of Oct, 1952.

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.

m01531

CAPIAS

No. 25

THE STATE

vs.

Frank Clair Brown

Bail Fixed in This Case in Open Court at

$1000.00

By T. J. Mahoney Jr.
Judge Presiding.

Attest: Lucy Jones
Clerk.

Executed this 22 day of Oct., 1952

By arresting the within

named Defendant

and placing him On Bond

Taylor Wilkes, Sheriff

_____, Deputy Sheriff

Omi

1531

MAY 11 1954

THE STATE OF ALABAMA --- JUDICIAL DEPARTMENT

THE ALABAMA COURT OF APPEALS

OCTOBER TERM, 1953-54

1 Div. 682

Frank Claire Brown

v.

State

Appeal from Baldwin Circuit Court

CARR, PRESIDING JUDGE

The accused was indicted for the offense of manslaughter in the first degree and convicted of the lesser offense of manslaughter in the second degree.

According to the State's evidence the appellant was driving his automobile while in an intoxicated condition. His car left the highway and ran into a yard near a dwelling where a mother was sweeping and two of her little children were playing. The car overturned and beneath its weight crushed one of the children to death. The child was six years of age. This occurred at about the hour of 4 P. M.

The defendant denied that he was intoxicated at the time, although he admitted that he drank three bottles of beer between the hours of 11 A. M. and 2 P. M. on the day in question. He testified that as he was attempting to pass another car the vehicle pulled out into his lane of travel and he was required to apply his brakes. This caused appellant's automobile to leave the highway and turn over in the yard near by.

In brief appellant's attorney pressed three matters upon which insistence is urged for reversible error. It appears from the record that these include all questions which merit any discussion in this opinion.

The defendant made a statement to a highway patrolman about an hour and a half after the injury to the child. During this time he was in the custody of the officers and had been since immediately following the collision.

The solicitor asked the patrolman this: "What was his condition at the time, Mr. Granger?"

The objections were: "Your Honor, we object; it is far removed from the scene of the crime; he has testified that it was some two hours afterwards."

The objections were overruled and the witness replied:

"At the time I got there he was up-stairs and they had him brought down and he couldn't talk co-herently and he kept rubbing his neck and looking at the ceiling. I asked him what happened

and the first statement he started to make was that he was trying to pass a pick-up truck and he changed that and said that a truck came out of the Malbis road and then he later on said he met a car and had to leave the highway. His speech was not coherent at all."

Appellant's attorney argues that it was error to admit evidence of the drunken condition of the accused some time after the alleged crime without requiring the State to establish first that he had not had access to intoxicating liquors during the time intervening. Cases are cited to sustain this position.

An analysis of the inquiry will illustrate our view that these authorities are without application.

The question to which objections were interposed did not relate necessarily to intoxication. The grounds posed to the objection did not call the court's attention to the complained omission in the proof. Jones v. State, 29 Ala. App. 126, 193 So. 179; Millhouse v. State, 235 Ala. 85, 177 So. 556.

The answer does not contain any specific statement that the defendant was intoxicated. For aught appearing the described physical and mental condition may have been caused by fear, shock, or injury. In fact, the appellant testified that his neck was injured in the collision.

On direct examination the patrolman never did testify that the defendant was drunk or intoxicated at the time of the indicated conversation.

Following the above quoted reply, the officer stated that he detected the odor of alcohol on defendant's breath. However, there were no objections interposed to the question which invited the answer.

A witness for the State testified that she saw the defendant a short time before the injury to the child at a vantage

point of about 125 yards and observed that he went behind a little house and "relieved himself." She stated that he was not obstructed from her view.

Apparently the solicitor gave some emphasis to this incident to aid the State's contention that defendant was intoxicated.

Subsequently in the trial proceedings the defendant described to the court and jury the location of various sheds and outhouses which were in the yard at the place about which we are immediately concerned.

Following this discription he was asked: "Did you have any reason to go back of these sheds to relieve yourself instead of going to the bath room?"

The court sustained the solicitor's objections to this question.

The insistence is made that the answer should have been allowed in order to give the appellant an opportunity to explain circumstances which were brought out by the State and which may have had detrimental effects upon him. Among the authorities cited to sustain the position is our case - Cummings v. State, 34 Ala. App. 650, 43 So. 2d 326.

Upon factual foundation quite dissimilar to that in the case at bar, we announced the general rule which provides that if one party inquires into a matter the other party should be allowed to go into the entire transaction and give evidence, if he can, which would tend to explain the detrimental effects of the initial proof. The justice of this doctrine cannot be denied.

Assuming but not deciding that the form of the question of concern invoked the application of this rule, we are clearly convinced that in the instant case the accused was not injured by

a disallowance of the answer. He described the location of these outbuildings somewhat in detail. The evidence discloses that there was considerable privacy around the premises where he was seen. The State's witness who observed him was one hundred and twenty-five yards away.

We entertain serious doubt that the jury concluded that it was any indication of intoxication for the defendant to go out behind a shed in a rural or semi-rural section and answer a call of nature.

We think that Supreme Court Rule 45 should be applied.

To fairly and accurately present the next question we will copy from the record:

"Q. Mrs. Williams, has Mr. Brown come to you and offered you $1,000 dollars?

"MR. WILTERS: I object; he is attempting to prejudice the jury and it's not in rebuttal --

"THE COURT: Sustain the objection.

"Witness: Yes --

"THE COURT: Suppose Mr. Brown didn't offer that?

"WITNESS: Yes, sir, yes --

"MR. WILTERS: That's the second time she has said that. We object --

"THE COURT: Sustain the objection.

"MR. WILTERS: We make a motion for a mistrial?

"THE COURT: Overrule the motion.

"MR. WILTERS: We except.

"MR. BRANTLEY: We move to exclude that -

"THE COURT: Deny the motion.

"MR. BRANTLEY: We except."

The insistence is made that this was an offer of compromise and the affirmative answer of the witness should have been

excluded. It is urged also that the detriment to the defendant was so great that a mistrial should have been ordered.

It is to be noted that the court sustained the objection to the question. This was the proper ruling if the matter of compromise was involved. It is not certain that this is true. If the indicated offer was to induce suppression of evidence or false testimony, the objections could have been overruled without error. Register v. State, 19 Ala. App. 11, 94 So. 778.

The motion to exclude is very general. It does not specifically point out the matter sought to be excluded.

The motion is not supported by any grounds. If we should read into the motion an intent to exclude Mrs. Brown's affirmative answer, we are faced with the rule that a general objection was not sufficient. The reply was not patently inadmissible as we have illustrated above. Under these circumstances special grounds should have been stated. Hendrix v. State, 8 Div. 392, Ala. App. Ms.; Barfield v. State, 19 Ala. App. 374, 97 So. 378; Slaughter v. Green, 205 Ala. 250, 87 So. 358.

Obviously there was no error in the action of the court in denying the motion for a mistrial.

It is ordered that the judgment below be affirmed.

AFFIRMED.

1531

PETITION FOR PROBATION

STATE OF ALABAMA	)	
PLAINTIFF	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA,
VS	)	AT LAW
FRANK CLAIRE BROWN	)	
DEFENDANT	)	CRIMINAL SIDE

Comes now, Frank Claire Brown, Defendant in the above styled cause and shows unto the Court that he was convicted of Manslaughter in the second degree on the 29th day of September, 1953, and on the 3rd day of October, 1953, was sentenced to a 12 month term of hard labor for the County and a $300.00 fine and cost. The Defendant moves the Court to suspend the execution of this sentence and grant him the benefit of probation.

Respectfully Submitted,

Wilters & Brantley

BY: Frank J. Wilters Jr.

Attorneys for the Defendant

STATE OF ALABAMA

PLAINTIFF

VS

FRANK CLAIRE BROWN

DEFENDANT

PETITION FOR PROBATION

Filed 9-18-54
Ann French
Clerk

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

1 ser Div., No. 682

Frank Claire Brown Appellant,

v.

Lessate 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 11 day of May, 1954

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

1531

THE COURT OF APPEALS OF ALABAMA

1st Div., No. 682

Frank Claire Brown,
Appellant

vs.

Estate
Appellee

From Baldwin Circuit Court.

COPY OF OPINION

BROWN PRINTING CO., MONTGOMERY 1951

1531

AFFIDAVIT

Myra Fay Williams age 6.

Printed by Moore Ptg. Co.

The 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 H. F. 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 25 april 1952 that one Frank Claire Brown unlawfully, but without malice, or the intention to kill, killed Myra Fay williams by negligently hitting her with the motor vehicle he was operating.

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 25 day of April A. D., 1952

T. C. Hand, J. P.

H F Hall

WARRANT

THE STATE OF ALABAMA,
Baldwin County

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest Frank Claire Brown 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 25 day of April, 1952

T. C. Hand, J. P.

No. 2916 Page

State of Alabama,
Baldwin County

Justice Court of

T. C. HAND

AFFIDAVIT

The State of Alabama,
vs.

Frank Claire Brown

Witnesses for the State:

Alfes Joseph Thompson
Wayne
Helen Sharp.
Mrs Johnson.
R. J. Grange.
H. F. Hall.

Printed by Moore Ptg. Co.

Justice Court of
BALDWIN COUNTY

Warrant of Arrest

THE STATE OF ALABAMA,
vs.

Frank claire Brown

Executed this 25 day of April 195 2

By arresting the within

named Defendant

and placing him in Jail

Taylor Walker, Sheriff

Hartley + Hall, Deputy Sheriff

Spanishfort

1531

Appearance Bond

Printed by Moore Ptg. Co.

THE STATE OF ALABAMA,
Baldwin County

We, Frank Clarice Browne, as principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of One Thousand DOLLARS unless the said Frank Clarice Browne appears at the next Term, 195 2 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 Manslaughter

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 _____, 195____ _____ Baldwin County, Ala.

F. C. Browne L. S.
L. W. Rivers L. S.
C. V. Bragache L. S.
B. & L. W. Rivers agt. Ypt L. S.

Taken and approved this the 22 day of Oct 195 2

Taylor Wilkins, Sheriff

By _____, Deputy Sheriff

No._____

The State of Alabama,
Baldwin County.

_____ Court

Sheriff's Office

THE STATE
VS.

_____

_____

_____

Sheriff's Appearance Bond

Amount of Bond, $_____

Filed_____, 195____

_____, Clerk

_____Div. No._____ CERTIFICATE OF APPEAL. (Criminal Cases.)

No. 1531

Baldwin County, Circuit Court

FRANK CLAIRE BROWN, Appellant

VS.

The State of Alabama, Appellee

The State of Alabama,

Baldwin County, The Circuit Court of Baldwin County.

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County in and for said County and State, do hereby certify that in the above stated case, which was tried and determined in this Court on the 29th day of September 19 53, and the defendant convicted by a Jury of the offense of Manslaughter, 2nd Deg, and that on the 3rd day of October 19 53, said defendant was sentenced to a term of 12 months hard labor for the Cour and $300.00 fine and cost, which said sentence was suspended pending an appeal to the Court of Appeals Court of Alabama.

I further certify that on this the 3rd day of October 19 53, the defendant gave notice in writing of an appeal to the Court of Appeals Court of Alabama.

Witness my hand and the seal of this Court, this the 1st day of December 19 53.

Clerk of Circuit Court of

Baldwin County, Alabama,

(BOX 474)

47385 MARSHALL & BRUCE CO NASHVILLE

1531

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term 1953

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

Whereas, in the matter of Frank Claire Brown, Appellant, vs. The 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 11 day of May, 1954, render a judgment of affirmance 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 24 day of May, 1954; and overruled.

Now, it is hereby certified, that our Court of Appeals, or one of the Justices thereof, did, on the 15 day of June, 1954, 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 15 day of June, 1954

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

1531

1513

THE COURT OF APPEALS OF ALABAMA

October Term, 19 53

1 st *Div.*, *No.* 682

Frank Claire Brown

Appellant,

Lillie Cole

Appellee,

From Baldwin Circuit *Court.*

CERTIFICATE OF RECALL

On Application for Rehearing.

Certiorari

THE STATE OF ALABAMA,

County.

Filed this day of

19

BROWN PRINTING CO., MONTGOMERY, ALA., 1924

1551

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term 19 53.

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*

Frank Claire Brown, *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* 11th *day of* May 19 54, *that said judgment of said* Circuit *Court be in all things affirmed, and that it was further considered that the appellant* ~~xxxx~~

pay the cost 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 11th *day of* May, 19 54

Charles Bricken Jr.

Clerk, Court of Appeals of Alabama.

JUN 1 1954 APPLICATION FOR REHEARING JUN 1 1954 ~~OVERRULED~~

AUG 30 1954 Certiorari to Supreme Court. Petition Denied

THE COURT OF APPEALS OF ALABAMA

October Term, 19 53

1st *Div., No.* 682

Frank Claire Brown
Appellant,

vs.

The State
Appellee.

From Baldwin Circuit *Court.*

CERTIFICATE OF AFFIRMANCE.

THE STATE OF ALABAMA,
Baldwin County.

Filed this 12th day of
May 19 54.
Alice J. Leach
Clerk

LITHO-SKINNER

1531

CITATION OF APPEAL — Baldwin Times - 100-5-47

THE STATE OF ALABAMA
Baldwin County - Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the ..... Monday in ....., 194....., in a certain cause in said Court wherein STATE OF ALABAMA Plaintiff, and FRANK CLAIRE BROWN Defendant, a judgment was rendered against said FRANK CLAIRE BROWN to reverse which Judgment, the said FRANK CLAIRE BROWN applied for and obtained from this office an APPEAL, returnable to the next Term of our Court of Appeals Court of the State of Alabama, to be held at Montgomery, on the ..... day of ....., 194..... next, and the necessary bond having been given by the said FRANK CLAIRE BROWN with C. H. Matthews and W. C. Hoffman, sureties,

Now, You Are Hereby Commanded, without delay, to cite the said ..... or Hon. Kenneth Cooper, attorney, to appear at the next Term of our Court of Appeals said ~~Supreme Court~~, to defend against the said Appeal, if ..... think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 1st day of December, A. D., 1953.

Attest:

....., Clerk.

I hereby accept service this 2nd day of December 1953,

Kenneth Cooper
Solicitor

CIRCUIT COURT
Baldwin County, Alabama

STATE OF ALABAMA

Vs. } Citation in Appeal

FRANK CLAIRE BROWN

Issued ..... day of ....., 194.....

1531

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term 1953.

To the Clerk of the Circuit *Court*

of Baldwin *County—Greeting:*

Whereas, in the matter of

Frank Claire Braun *Appellant*,

vs.

Lestate, *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 11 *day of* May, 1954,

render a judgment of affirmance

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 24 *day of* May, 1954,

Now, it is hereby certified, that our Court of Appeals, or one of the Justices thereof, did, on the 24 *day of* May, 1954, *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 24 *day of* May, 1954

Charles Bricken Jr.

Clerk of the Court of Appeals of Alabama.

1531

THE COURT OF APPEALS OF ALABAMA

October Term, 1953

1st *Div.*, *No.* 682

Frank Claire Braun,

Appellant,

vs.

Shirley C.

Appellee,

From Baldwin Circuit *Court.*

CERTIFICATE OF RECALL

On Application for Rehearing.

THE STATE OF ALABAMA,

County.

Filed this day of

19

BROWN PRINTING CO., MONTGOMERY, ALA., 1924

1531

STATE OF ALABAMA	)	
		IN THE CIRCUIT COURT OF
VS	)	
		BALDWIN COUNTY, ALABAMA,
FRANK CLAIRE BROWN	)	
		AT LAW
DEFENDANT	)	

NOTICE OF APPEAL

Comes now the Defendant, Frank Claire Brown, by Wilters & Brantley, his attorneys of record and appeals to the Court of Appeals of the State of Alabama from:

1. The verdict of the court adjudging the Defendant, Frank Claire Brown, guilty entered on the 3rd day of October, 1953.

Dated this the 3rd day of October, 1953.

WILTERS & BRANTLEY

BY: Albert M Brantley
Attorney for Defendant

Notice of Appeal

Appeal

Frank Clare
Brown

1531

STATE OF ALABAMA)
BALDWIN COUNTY) IN THE CIRCUIT COURT

We, Frank Claire Brown, C. H. Matthews and W C Hoffman agree to pay to the State of Alabama the sum of ONE THOUSAND ($1000.00) DOLLARS, unless the said Frank Claire Brown appears at the next 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 Manslaughter, Second Degree.

And we, andeach of us, hereby waive all exemption we may have to any personal property under the Constitution and Laws of the State of Alabama as to the collection of the penalty of this bond.

Witness our hands and seals this 3rd day of October, 1953.

The condition of the above obligation is such that, whereas the above bound Frank Claire Brown was duly convicted in the Circuit Court of Baldwin County on the 29th day of September, 1953, of the above stated offense, and has duly applied for and obtained an appeal from said conviction, and sentence to the Court of Appeals for the State of Alabama, and the amount of his appeal bond has been duly and legally fixed at said above stated sum:

Now, therefore, if the said Frank Claire Brown shall appear at the next term of the Circuit Court of Baldwin County, and from term to term thereafter until discharged by law, and abide the judgment of the said Court of Appeals for the State of Alabama, then this obligation to be void and of no effect; otherwise to remain in ~~full force and~~ effect.

F. C. Brown (SEAL)
C. H. Matthews (SEAL)
W C Hoffman (SEAL)

Approved this 3rd day of Oct, 1953.

Clerk

1531

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

Attorneys	Case	Charge
No. 2916	THE STATE OF ALABAMA, Vs. Frank Claire Brown	Manslaughter.

Disposition of Case

Affidavit made and Warrant Issued to H. F. Hall.

Returnable Grand Jury.

Witness—for State alfes Joseph Thompson
Helen Shaw, Mrs. Johnson
R. J. Granger, H. F. Hall.

Hearing
Defendant was brought before me and
acquitted holding he would be
Grand Jury.
Bond was set at $2,000
Defendant being unable to make bond was
ordered committed to jail.

T. J. Lacy
Justice of Peace.

Fees	Amount
Judge's Fees	
Warrant at 50c, Affidavit at 25c	75
Bond at 50c, Sci Fa at 50c	
Witnesses' Recognizances at 25c	
Subpoena or notice at 25c	1.25
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	25
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	4.00
Committing $1.00, Releasing $1.00	2.00
Subpoenas at 25c Day's Board at 30c	2.10
Witness Fees	4.20
Days at 50c	2.00
" 50c	
" 50c	
" 50c	.50
" 50c	.50
" 50c	.50
" 50c	.50
" 50c	.50
DEFENDANT'S COSTS	
Witnesses' Recognizance at 25c	7.50
Subpoenas at 25c	1.25
Executing - Subpoenas	2.50
	35.00

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