

The State of Alabama,
Baldwin County.

Circuit Court, OCTOBER, SPECIAL Session, 1954

The Grand Jury of said County charge that before finding this indictment
Rufus Howard Harden, whose name is to the Grand Jury otherwise unknown,
unlawfully, and with malice aforethought, killed Leroy Miller, by
shooting him with a pistol,

against the peace and dignity of the State of Alabama.

Kenneth Cooper
Solicitor of the Twenty-Eighth Judicial Circuit.

No. _____

The State of Alabama
Baldwin County.

Circuit Court

OCTOBER SPECIAL SESSION ~~1953~~ 1954

The State
vs.

RUFUS HOWARD HARDEN

INDICTMENT

MURDER, 1st DEGREE

No. Prosecutor

WITNESSES:

GEORGE CRAWFORD

NELSON GRUBBS

MRS GRACE KINGERY

PATSY RUTH HORNBECK

TAYLOR WILKINS

NELSON HAMILTON

Printed by Moore Printing Co.

GRAND JURY NO. 1

A TRUE BILL,

W.H. Swift

Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the 2nd day of

Oct, 1954

Alice J. Seneke
Clerk.

Presented in open Court to the presiding
Judge by the Foreman of the Grand Jury, in the

presence of 17 other Grand Jurors.

George J. Seneke
Clerk.

Bail fixed \$ No

Hubert M Wall
Judge.

We, the jury, find
the ~~defendant~~ defendant
not guilty. ~~in~~

J. Bradley, Foreman

The State of Alabama,
Baldwin County

CIRCUIT COURT, October Special SESSION, 19 54

The Grand Jury of said County charge that before finding this indictment
Rufus Howard ~~Warden~~, whose name is to the Grand Jury otherwise unknown,
unlawfully, and with malice aforethought, killed Leroy Miller, by shooting
him with a pistol,

against the peace and dignity of the State of Alabama.

Kenneth Cooper
Solicitor of the Twenty-Eight Judicial Circuit.

No.

The State of Alabama
Baldwin County

Circuit Court

October Special Term, 1954

The State
vs.

RUFUS HOWARD HARDEN

INDICTMENT

Murder, 1st Degree
no. Prosecutor

WITNESSES:

George Crawford

Nelson Grubbs

Mrs. Grace Kingery

Pansy Ruth Hornbeck

Taylor Wilkins

Nelson Hamilton

GRAND JURY NO. 4

A TRUE BILL,

W. H. Swift

Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the 5th day of
Oct, 1954

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 \$ No

Hubert M. Hall

Judge.

RECEIVED BY THE CLERK OF THE COURT

THE STATE

vs.

In the Circuit Court of Baldwin County,

*Howard Harder**Spring* Session, 19*55*

Venire of the jurors in the above stated cause, names herein stated from No. *61* to No. *85* both inclusive, being the special jurors drawn in open Court by the presiding Judge, in said cause, and the other names, from No. *1* to No. *60*, both inclusive, being the regular jurors drawn and summoned for the *29th* week of the *March* Term of said Court, the said cause having been set for trial on the *29th* day of *March*, 19*55*, 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	Red B. Bryars	Carpenter	Perdido	Perdido
2	Luther Arant	Postal Clerk	Foley	Foley
3	Frank Kriss	Farmer	Silverhill	Silverhill
4	Walter P. Kichler	Farmer	Elberta	Elberta
5	Gus Bertagnolli	Filling Station	Daphne	Daphne
6	Edmond Clay Mc Gowin	Farmer	Latham	Latham
7	Ralph C. Brown		Foley	Foley
8	Jack W Floyd	Service Station	Stapleton	Stapleton
9	Winn Martin	Clerk	Foley	Foley
10	Price Foster	Printer	Foley	Foley
11	Randolph Mc Gowin Jr.	Sales	Bay Minette	Bay Minette
12	L. L. Bars	Brookley	Fairhope	
13	George Stewart	Farmer	Foley	Foley
14	Adrian Quinley	Mechanic	Bay Minette	Bay Minette
15	R. C. Keene	Real Estate	Fairhope	Fairhope
16	J. Rufus Sirmon	Farmer	Daphne	Daphne
17	Andrew Calloway	Fisherman	Bon Secour	Bon Secour
18	William Roberson	Laborer	Robertsdale	Robertsdale
19	J. C. Grimes	Produce	Loxley	Loxley
20	Hollis Leavins	Meat Dist.	Fairhope	Fairhope
21	Ted Mc Gowin	Mechanic	Bay Minette	Bay Minette
22	Louis E. Childress	Farmer	Fairhope	Fairhope
23	Charlie Pucky	Farmer	Robertsdale	Robertsdale
24	Wm. Brown	Mechanic	Fairhope	Fairhope
25	Fohn Robinson	Manager	Foley	Foley
26	John Flowers	Farmer	Foley	Foley
27	Ralph Green	Farmer	Loxley	Loxley
28	Clarence Hand	Farmer	Foley	Foley
29	Sam Parker	Auditor	Magnolia Springs	Magnolia Springs
30	Thomas Coleman	Farmer	Perdido	Perdido
31	Edward Hadley	School Bus	Elberta Rt.	Elberta
32	Dallas Taylor	Merchant	Lottie	Lottie
33	Paul Geger	electrician	Fairhope	Fairhope
34	Aaron Bishop	Farmer	RFD Fairhope	Fairhope
35	Riley Weeks	Carpenter	Foley	Foley
36	Norvel Cabiness	Filling Sta.	Bay Minette	Bay Minette
37	Ira N. Underwood	Farmer	Summerdale	Summerdale
38	Frank Stewart	Mechanic	Bon Secour	Bon Secour
39	Jack Powers	Farmer	Summerdale	Summerdale
40	Woodrow Bryant	Farmer	Stockton	Stockton
41	Alfred H. Holman	Farmer	Fairhope	Fairhope
42	Ted Fraser	Plumber	Bay Minette	Bay Minette
43	J. C. Wynn	Farmer	Summerdale	Summerdale
44	R. H. O. Collins	Retired Navy	Robertsdale	Robertsdale
45	Tillman Allen	Farmer	Gateswood	Gateswood
46	George Walker	Barber	Robertsdale	Robertsdale
47	Axel Rundquist	Salesman	Silverhill	Silverhill
48	Edward P. Moravec	Brookley Field	Robertsdale	Robertsdale
49	Lilbert Wilson	Bookkeeper	Stapleton	Stapleton
50	Robert S. Duck Jr.	Nurseryman	Loxley	Loxley
51	Albert Bruhn	Farmer	Elberta	Elberta
52	Vernon R. Sahlin	Storekeeper	Foley	Foley

No.	NAME	Occupation	Residence Address	Business Address
53				
54	Bauer			
55				
56				
57				
58				
59				
60	John W. Hastie	Merchant	Stockton, Ala.	Stockton, Ala.
61	Henry Schlichting	Farmer	Summerdale	Same
62	William Dryer	Contractor	Daphne	Daphne
63	Clyde Burt	Lavborer	Bay Minette	Bay Minette
64	Roy G. Steadham	Shipyard	Robertsdale	Robertsdale
65	Paul Kaiser Jr.	Farmer	Foley	Foley
66	Harry Nelson	Farmer	Magnolia Springs	Magnolia Springs
67	James T. Bradley	Merchant	Bay Minette, Ala.	Bay Minette
68	Oscar Skoagland	Merchant	Robertsdale	Robertsdale
69	Maxwell Jewell	Merchant	Foley	Foley
70	E. H. Gooden	Postal Clerk	Fairhope	Same
71	W. H. Fletcher	Postal Clerk	Bay Minette	Same
72	Charlie Ellison	Farmer	Rosinton	Same
73	E. C. Gates	Farm Foreman	Foley	
74	Wilton A. Racine	clerk	Robertsdale	Same
75	Joe Chesnick	Farmer	Robertsdale	Same
76	Lawrence Batchford	Florist	Fairhope	
77	Charles A. Boddan	Mgr. Ala. Power	Bay Minette	Same
78	W. M. Richerson	Contractor	Bay Minette	Same
79	Donol Pearson	Farmer	Robertsdale	Same
80	Willard Parker	Farmer	BonSecour	

I hereby certify that the foregoing is a correct list of the venire in the case of the State vs. _____

Rufus Howard Harden charged with
Murder 1st Degree; that the names of jurors from

No. 61 to 85, both inclusive, are the special jurors drawn by the presiding Judge, in open Court, and that the names of jurors from No. 1 to No. 60, both inclusive, is a correct list

of the regular jurors drawn and summoned for the Second week of the Spring Term, 1955, 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 indictment in this case.

Witness my hand this 21st day of March, 1955
Laylor Wilkins
 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 21st day of March, 1955, upon Rufus Howard Harden the Defendant.

Laylor Wilkins Sheriff.

THE STATE OF ALABAMA,
 Baldwin County.

CIRCUIT COURT

List of Jurors and Copy of Indictment

STATE

vs.

Rufus Howard Harden

THE STATE OF ALABAMA, }

Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

Rufus Howard Gardner

at the Special Fall Term, 1954, of the Circuit Court of Baldwin County, for the offense of

Murder, 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 5th day of October, 1954

Clarence J. ...
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 the State of Alabama.

Witness our hands and seals this _____ day of _____, 19_____.

(L. S.)

(L. S.)

(L. S.)

(L. S.)

Taken and approved _____ day of _____, 19_____.

Sheriff of Baldwin County.

1943

~~5778~~

Page ~~41~~ 43

7110

CAPIAS

No. 1

The State

vs.

Rufus Howard Harden Rufus Howard Harden

Bail fixed in this Case in Open Court at

\$ no

By Hubert M. Hall
Judge Presiding

Attest: Alice J. Welch
Clerk.

Executed this 16 day of Dec., 1941

By arresting the within

named Defendant

and placing him in jail

Taylor Wilkins, Sheriff

Geo. Crawford, Deputy Sheriff

Wm. Bickley
Charles C. Holdness

139
R. O.

1743
STATE OF ALABAMA | IN THE CIRCUIT COURT OF BALDWIN COUNTY,
BALDWIN COUNTY | ALABAMA. CRIMINAL DIVISION. NO. _____

STATE OF ALABAMA,

PLAINTIFF,

VS.

HOWARD HARDEN,

DEFENDANT.

SUBPOENA DUCES TECUM

TO ALICE J. DUCK, CLERK, CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA:

Now comes Howard Harden, defendant in the above styled cause and makes application for the issuance of a subpoena duces tecum to be issued to and served upon the Honorable Taylor Wilkins, individually and as Sheriff of Baldwin County, Alabama, directed to him requiring him to appear as a witness at the trial of the above captioned cause and then and there bring with him writings and documents, separately and severally described as follows, to-wit:

1. Each and every cancelled voucher or check drawn by him upon any bank or other depository payable to the order of any person, firm or corporation issued by him in consideration of any investigatory service rendered by such person or in consideration of the attendance of such person upon the Courts or in consideration of the performance of any duty, legal or otherwise, in connection with investigation, assembling of evidence or prosecution of the defendant in the above captioned cause.

2. Each and every deposit ticket indicating deposits made by him in any bank or other despository of checks, / monies money orders or drafts delivered to him by persons as contributions to him for the purpose of raising funds with which to pay attorneys for prosecuting any person charged with the felonious homicide of Leroy Miller, deceased, or for the investigation of


1943

facts and circumstances connected with such felonious homicide or for expenses of procuring attendance of witnesses, or of travel in and about the investigation of such homicide by him, the said witness, or by other persons together with the names of persons making such contributions.

3. Each and every original letter received by him from any agent of the Federal Bureau of Investigation, Police Departments of the City of Savannah, Ga., or of any other City, and copies of his replies thereto, together with the enclosures contained therein of any written documents or writings purporting to have been a written recital on the part of any person interviewed by such Government officer or Government agent whether signed by such person so interviewed or not so signed by such person so interviewed whether relating directly to the alleged felonious homicide of Leroy Miller, or whether relating to the purchase, sale or possession of fire arms offered in evidence, or to be offered in evidence at the trial of the aforesaid cause.

4. Full and complete list of each and every contribution made by each and every person contributing to any fund, solicited by or raised by or collected by the said witness Taylor Wilkins, to be used for employment of counsel or attorneys to prosecute any person charged with the felonious homicide of the said Leroy Miller, full and complete carbon copy of or other copy of each and every letter written by said Taylor Wilkins to any person, firm or corporation or to any officer or agent of any Federal, State, or Municipal Government or any private investigating agency with regard to any fact or circumstance or any witness connected with or involved in the investigation of the felonious homicide of the said Leroy Miller.

5. Full and complete copy of each and every check drawn by said witness on any bank or other depository payable to the order of any attorney at law engaged as special prosecutor of any person charged with the felonious homicide of Leroy Miller, deceased.


BEDDOW & JONES, ATTORNEYS FOR
HOWARD HARDEN, DEFENDANT IN THE
ABOVE STYLED CAUSE.

NO. _____

CIRCUIT COURT OF BALDWIN
COUNTY - CRIMINAL DIV.

STATE OF ALABAMA,
PLAINTIFF,

VS.

HOWARD HARDEN,
DEFENDANT.

SUBPOENA DUCES TECUM

BEDDOW & JONES,
ATTORNEYS FOR DEFENDANT

*Executed this
25th day of March
1965 by delivering
a copy of the within
subpoena to
Jaylor Wilkins Sherriff*

*Disc. French
Clerk.*

[Faint stamp and text, possibly a signature or official seal]

1943

PRINTING • LITHOGRAPHING • OFFICE SUPPLIES

M Marshall & Bruce Co.

401 12TH AVENUE, SOUTH
NASHVILLE, TENN.

PHONE: 6-3661

File -
3-25-55

Like served on
Sheriff.

1943

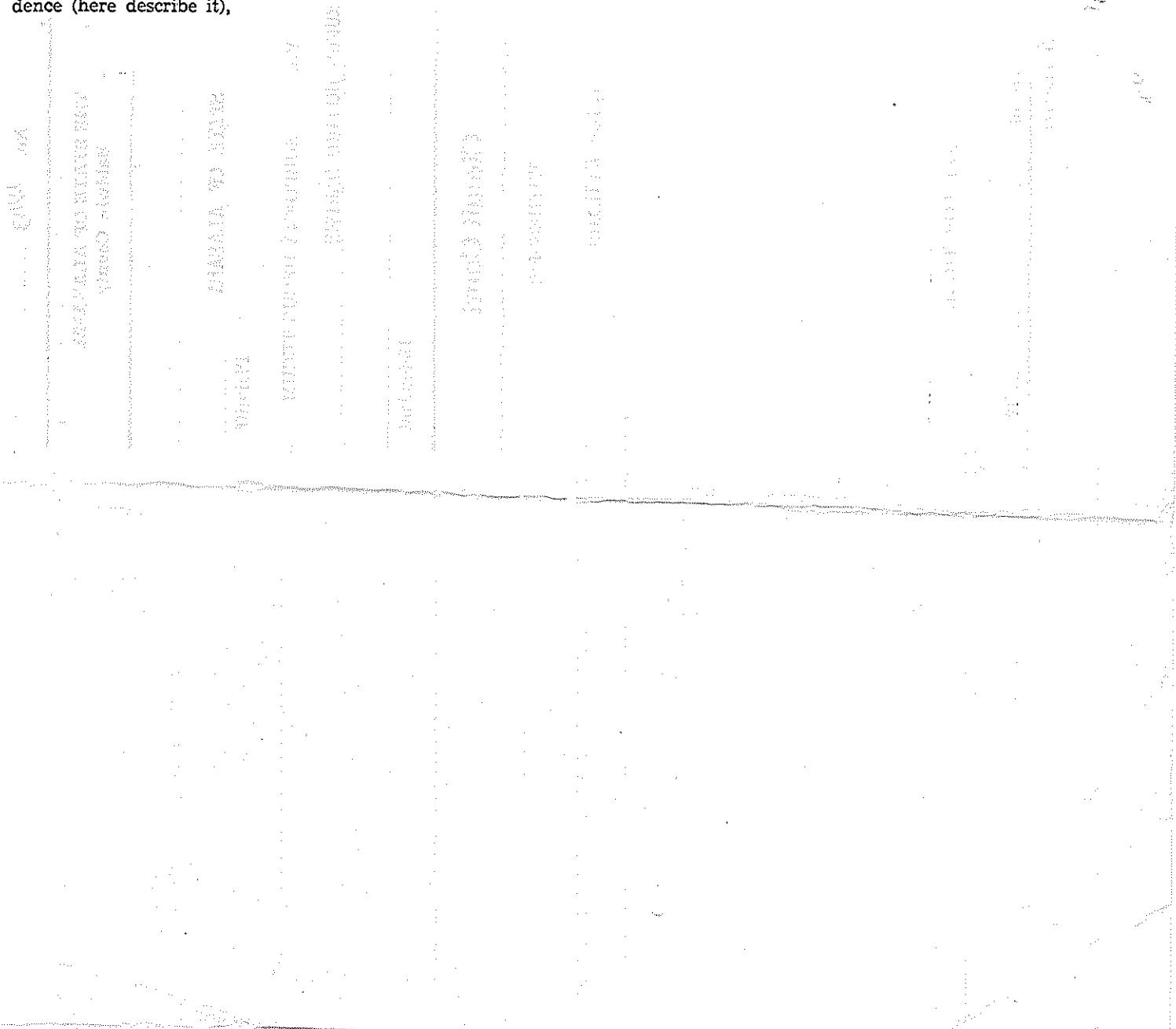
The State of Alabama
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON.....

Taylor Wilkins.....

at the instance of the Defendant, If he should be found in your County, personally to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court House in Bay Minette, Alabama to wit: on 29th, the day of March, 1955 at 9:00, and to bring with him and produce at the time and place aforesaid, to be used as evidence (here describe it),



and then and there testify and the truth to speak concerning all and singular those things of which he may have knowledge, or the said instrument of writing doth import of, and concerning a certain suit now pending and undetermined in said Court, wherein STATE OF ALABAMA

Plaintiff, and Rufus Howard Harden Defendant.

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this 25th day of March 1955.

Rufus Howard Harden
Clerk.

No. 1943

THE STATE OF ALABAMA
Baldwin County

STATE OF ALABAMA

Plaintiff

VS. SUBPOENA DECUS TECUM

RUFUS HOWARD HARDEN

Defendant

Circuit Court

WITNESSES:

Taylor Wilkins

SET FOR TRIAL

..... day of 19.....

TIMES, BAY MINETTE

1943

STATE OF ALABAMA | IN THE CIRCUIT COURT OF BALDWIN COUNTY,
BALDWIN COUNTY | ALABAMA. CRIMINAL DIVISION. NO. _____

STATE OF ALABAMA,

PLAINTIFF,

VS.

HOWARD HARDEN,

DEFENDANT.

Now comes Howard Harden, defendant in the above styled cause and makes known to the Court that he is informed and believes and upon such information and belief states the fact to be that the Honorable Kenneth Cooper has in his possession and under his control, written documents or writings which contain evidence pertinent to issues to be tried in the above captioned cause which said documents or writings are described more particularly hereinafter; and which said documents or writings contain evidence pertinent to the impeachment of witnesses in said cause as well as containing evidence pertinent to the material issues in said cause, namely:--

1. Statements of fact in writing purporting to have been given to agents of the Federal Bureau of Investigation or to other persons unknown by Patsy Ruth Hornbeck relating to circumstances with regard to which Patsy Ruth Hornbeck testified before the Grand Jury and is expected to testify at the trial of this case which said statements in writing are of an impeaching nature in that they are contradictory of or inconsistent with testimony expected to be given by said Patsy Ruth Hornbeck at the trial of this cause and which statements are according to the information and belief of your Movant contradictory of or inconsistent with, each other.

2. Statements of fact in writing purporting to have been given to agents of the Federal Bureau of Investigation or to other persons unknown by Louis Goldberg relating to circumstances with regard to which Louis Gold~~berg~~^{man}

testified before the Grand Jury and is expected to testify at the trial of this case which said statements in writing are of an impeaching nature in that they are contradictory of or inconsistent with testimony expected to be given by said Louis Goldberg at the trial of this cause and which statements are according to the information and belief of your Movant, contradictory of or inconsistent with, each other, or relating to the possession, sale or other disposition of any firearm claimed by the State of Alabama to have been involved in the felonious homicide of Leroy Miller to Federal Bureau of Investigation agent by the name of Hogan, or any other Federal Bureau of Investigation agent.

3. Statements of fact in writing purporting to have been given to agents of the Federal Bureau of Investigation or to other persons unknown by Grace Kingery relating to circumstances with regard to which Grace Kingery testified before the Grand Jury and is expected to testify at the trial of this case which said statements in writing are of an impeaching nature in that they are contradictory of or inconsistent with testimony expected to be given by said Grace Kingery at the trial of this cause and which statements are according to the information and belief of your Movant contradictory of or inconsistent with, each other.

WHEREFORE PREMISES CONSIDERED, your Movant respectfully moves the Court for an order of the Court requiring the said Kenneth Cooper, Solicitor for the State of Alabama, to produce the documents or writings hereinbefore described for inspection and use by this defendant at the trial of said cause and your Movant says that he is informed and believes and upon such information and belief states the fact to be that the writings and documents hereinbefore described are not the work product of said Solicitor but are original evidential writings and documents, possession of which was given to said Kenneth Cooper, by agents of the Federal Bureau of Investigation,

whose names are to your Movant, unknown.

Francis Beddow

BEDDOW & JONES,
ATTORNEYS FOR DEFENDANT,
HOWARD HARDEN.

STATE OF ALABAMA |
:
BALDWIN COUNTY |

Personally appeared before me, the undersigned authority in and for said County in said State, Howard Harden, who being duly sworn, deposes and says that he has read the above and foregoing Motion to Produce and that the matters and things therein stated are true as therein recited to the best of his knowledge, information and belief.

Howard Harden
Howard Harden.

Subscribed and sworn to
before me this the 25th day
of March, 1955.



Francis G. Malloy
NOTARY PUBLIC.

TO THE HONORABLE KENNETH COOPER; TAKE NOTICE

That the above and foregoing Motion has been filed in the Circuit Court of Baldwin County, Alabama and will be brought to the attention of his Honor Hubert Hall, as Judge of the Circuit Court of Baldwin County, Alabama, for hearing and ruling thereupon at 9:00 A.M., Monday, March 28th, 1955, at which time you may appear and take such action as you see fit. This the 25th day of March, 1955.

Francis Beddow
Attorney for Howard Harden.

I, the undersigned attorney of record for Howard Harden, do hereby certify that I have served a copy of the above and foregoing Motion to Produce upon the Honorable Kenneth Cooper by ~~mailing a copy thereof to him at his office in the CourtHouse at Bay M¹nette, Alabama, by ~~registered mail~~~~ *delivering same to him in person* ~~postage prepaid by stamps affixed thereon.~~ This the 25th day of March, 1955.

Francis Beddow
Attorney for Howard Harden

STATE OF ALABAMA,)
Plaintiff,)
vs.)
RUFUS HOWARD HARDEN,)
Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

CRIMINAL DIVISION

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT:

Comes now the State of Alabama, Plaintiff, on the relation of Kenneth Cooper, Solicitor of the Twenty-Eighth Judicial Circuit, State of Alabama, and represents unto Your Honor as follows:

1. That at the 1954 Spring Session of this Honorable Court Albert Sidney Denton was convicted of the crime of murder, first degree, and sentenced to life imprisonment, and is now serving said sentence;

2. That an appeal to the Supreme Court of Alabama is now pending in said case from this Court;

3. That in the trial of the said Albert Sidney Denton certain exhibits were introduced as evidence in said case, and are now being held in the records of said case against the said Albert Sidney Denton;

4. That the State exhibits introduced as evidence in the trial of the said Albert Sidney Denton are now indispensable for use in the trial of the case of State of Alabama vs. Rufus Howard Harden, Defendant, AND ARE THEREFORE NEEDED IN SAID TRIAL.

The PREMISES CONSIDERED, it is requested that Your Honor issue the necessary order permitting the State Exhibits introduced into evidence in the case of State of Alabama vs. Albert Sidney Denton be withdrawn and used in the case of State of Alabama vs. Rufus Howard Harden, and upon completion of the trial in which Rufus Howard Harden is Defendant appropriate substitutions be made in the records to provide the necessary records in appeal of said cases.

Done this 29th day of March, 1955.

Kenneth Cooper
Circuit Solicitor

28th Judicial Circuit

1743

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
CRIMINAL DIVISION

Upon consideration of the foregoing request for use of all State Exhibits introduced as evidence in the trial of the case of State of Alabama vs. Albert Sidney Denton,

IT IS ORDERED, ADJUDGED AND DECREED that all exhibits used by the State in the case of State of Alabama, vs. Albert Sidney Denton be withdrawn and turned over to Kenneth Cooper, Solicitor of the 28th Judicial Circuit, for appropriate use in the trial of the case of State of Alabama vs. Rufus Howard Harden, who is charged with the offense of first degree murder; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon completion of said trial of the said Rufus Howard Harden the Court Reporter and/or the Clerk of this Court take appropriate action to provide for inclusion of the exhibits in both the case of State of Alabama vs. Albert Sidney Denton and the State of Alabama vs. Rufus Howard Harden as the law prescribes.

Done this 29 day of March, 1955.

Hubert M. Hise

Circuit Judge

28th Judicial Circuit

1140
Notice: THIS BOND MUST BE SIGNED with INK and will not be approved if signatures are made with Pencil

APPEARANCE BOND

Form No. 13-2-45-6M

The State of Alabama,

JEFFERSON COUNTY.
BALDWIN

We Rufus Howard Harden Principal,

and M. M. Beddow and N. I. Jones

as sureties, agree to pay to the State of Alabama

--Fifteen Thousand and no/100---- Dollars,

unless the said Rufus Howard Harden

appear at the present Baldwin term of the Circuit Court of Baldwin County, and from term to term and thereafter until discharged by law, to answer a criminal prosecution for the

offense of Murder

and we hereby waive the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts and liabilities to the amount of the above bond.

APPROVED THIS THE	PRISONER SIGN TOP LINE	NAME	ADDRESS
4 th day of	<i>Rufus Howard Harden</i>	<i>Rufus Howard Harden</i>	
January 19 <u>55</u>	<i>M. M. Beddow</i>	<i>M. M. Beddow</i> (S.)	<i>204 + 12</i>
<i>Saylor W. Perkins</i> Sheriff.	<i>N. I. Jones</i>	<i>N. I. Jones</i> (L. S.)	<i>W. M. Beddow</i>
By _____ Deputy Sheriff.		(L. S.)	<i>B'hard</i>

The State of Alabama,
JEFFERSON COUNTY,
BALDWIN

CIRCUIT COURT

APPEARANCE BOND

THE STATE
vs.

RUFUS HOWARD HARDEN

Jefferson County, Alabama

I hereby certify that the sureties on this bond are good and sufficient and if presented to me in my County for approval, I would approve the same.

HOLI A. McDOWELL, Sheriff

Date 1-3-11 By H. A. McDowell Secy
-Chief

1943

STATE OF ALABAMA,)
Plaintiff,)
Vs.)
RUFUS HOWARD HARDEN,)
Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

CRIMINAL DIVISION

PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM

Comes the Plaintiff, State of Alabama, on the relation of Kenneth Cooper, Circuit Solicitor, 28th Judicial Circuit, and as grounds for the order and relief hereinafter sought and prayed for, respectfully represents unto the Court as follows:

1. The defendant, Rufus Howard Harden, is on bail and is awaiting trial upon an indictment returned by the Grand Jury of Baldwin County, Alabama, at the Special Session of the Fall Session, 1954, wherein he is charged with the offense of murder in the first degree, a capital felony, for the alleged homicide of one Leroy Miller, which said indictment is presently pending on the docket of this Honorable Court, and which cause has been set and now stands for trial in this said Court on the 29th day of March, 1955, at 9:00 A.M.;

2. One Patsy Ruth Hornbeck, presently in confinement as a prisoner in the United States Federal Reformatory, Alderson, West Virginia, is an essential, necessary and indispensable witness for the State of Alabama, Plaintiff, upon the trial of this cause;

3. The State of Alabama, by Kenneth Cooper, Circuit Solicitor for this Court, on the basis of the aforesaid statement expects to show by the testimony of the said Patsy Ruth Hornbeck that the Defendant, Rufus Howard Harden, did participate in the said alleged homicide and is guilty of the offense as charged in the indictment.

4. For as much as the said Patsy Ruth Hornbeck is in custody and confined as aforesaid, it become necessary that the Plaintiff, in order to proceed with the trial of said defendant, apply through appropriate means to procure her

1943

attendance as witness upon said trial, the said Patsy Ruth Hornbeck not being amenable to the ordinary process of subpoena by reason of her confinement.

WHEREFORE, THE PREMISES CONSIDERED, the Plaintiff prays that Your Honor will cause to be forthwith issued the writ of habeas corpus ad testificandum, to be executed and served upon the person or persons having custody of said Patsy Ruth Hornbeck, commanding and requiring that they produce the body and person of said Patsy Ruth Hornbeck before this Honorable Court not later than 9:00 A.M., on March 29th, 1955, and from time to time and day to day thereafter, in order that she may be available for the trial of this case.

And the PLAINTIFF PRAYS for such other, further, different and general and incidental orders, writs, and process as will secure to him the necessary compulsory attendance of the said PATSY RUTH HORNBECK.

Done this 18 th day of March, 1955.


Kenneth Cooper
Circuit Solicitor

1943

STATE OF ALABAMA)
BALDWIN COUNTY (

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
CRIMINAL DIVISION

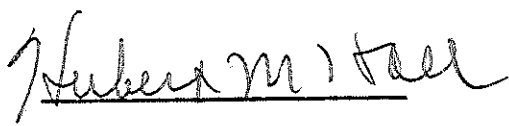
ORDER FOR ISSUANCE OF WRIT OF HABEAS CORPUS AD

TESTIFICANDUM

The petition of Kenneth Cooper, Circuit Solicitor, 28th Judicial Circuit, coming on to be heard by the Court, and it appearing that PATSY RUTH HORNBECK is now confined in the UNITED STATES FEDERAL REFORMATORY, at Alderson, West Virginia, and in custody of the warden of said institution by order of a Federal Court as a result of conviction for a federal offense, and that it is desired by the Circuit Solicitor, Kenneth Cooper, that said individual should be removed to Bay Minette, Alabama, for use as a witness at 9:00 A.M., March 29th, 1955, to give testimony concerning the alleged unlawful killing of Leroy Miller,

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED by the Court that a writ of habeas corpus ad testificandum be issued from this Court to William H. McGinnis, United States Marshal for the Southern District of West Virginia, Charleston, West Virginia, and to the Warden, United States Reformatory, Nina Kinsella, at Alderson, West Virginia, requiring the said marshal to take the body of PATSY RUTH HORNBECK from the custody of the Warden of said institution, and bring her to Bay Minette, Alabama, and detain her in the custody of said Marshal at Mobile, Alabama, until she has given testimony before this Court in the case of State of Alabama vs. Rufus Howard ^Harden,

Done at Bay Minette, Alabama, this 18th day of March, 1955.



Circuit Judge

1943

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
CRIMINAL DIVISION

TO THE WARDEN OF
UNITED STATES FEDERAL REFORMATORY,
NINA KINSELLA, ALDERSON WEST VIRGINIA,

AND

WILLIAM H. MCGINNIS, UNITED STATES
MARSHAL, SOUTHERN DISTRICT OF WEST
VIRGINIA, CHARLESTON, WEST VIRGINIA.

GREETINGS:

WE COMMAND YOU, the Warden of United States Federal Reformatory, Nina Kinsella, at Alderson, West Virginia, to deliver and surrender the body of PATSY RUTH HORNBECK, now detained in said institution and in your custody or under your control, as it is said, to William H. McGinnis, United States Marshal for the Southern District of West Virginia, Charleston, West Virginia, for his todo as herein commanded; and

The said William H. McGinnis, United States Marshal for said District, is hereby commanded, upon receiving the body of the said PATSY RUTH HORNBECK, from the custody of said Warden, to bring the body of said PATSY RUTH HORNBECK, under safe and secure conduct, to Mobile, Alabama, and to then retain her in the custody of said Marshal or other lawful authority until such time as the said PATSY RUTH HORNBECK maybe brought before the Circuit Court of Baldwin County, at Bay Minette, Alabama, to give testimony in a case now pending in this Court, to-wit: State of Alabama, Plaintiff, vs. Rufus Howard Harden, Defendant, and have you then and there this writ, and return the said PATSY RUTH HORNBECK to the United States Federal Reformatory, at Alderson, West Virginia, when she shall have testified in this Court.

Done thisd 18th day of March, 1955.

ATTEST:

Bevise Lauck
Clerk, Circuit Court

Hubert M. Hall
Circuit Judge
28th Judicial Circuit

State of Ala
15
Rufus Howard Harlow

JURY LIST

Spring Term, March 28, 1955

72
29
43
312
1123
2000

NO.	NAME	OCCUPATION	ADDRESS
1	Red B. Bryars	carpenter	Perdido
2	Luther Arant	postal clerk	Foley
3	Frank Kriss	farmer	Silverhill
4	Walter P. Kiehler	farmer	Elberta
5	Gus Bertagnolli	filling station	Daphne
6	Edmond Clay McGowin	farmer	Latham
7	Ralph C. Brown	Foley	S 10
8	Wm. Martin	clerk	Foley
9	Randolph McGowin, Jr.	sales	Bay Minette
10	George Stewart	farmer	Foley
11	Adrien Quinley	mechanic	Bay Minette
12	J. Rufus Simon	farmer	Daphne
13	Andrew Calloway	fisherman	Bon Secour
14	William Roberson	laborer	Robertsdale
15	J. C. Grimes	produce man	Loxley
16	Hollis Leavins	meat distributor	Fairhope
17	Ted McGowan	mechanic	Bay Minette
18	Louis E. Childress	farmer	Fairhope
19	Charlie Pucky	farmer	Robertsdale
20	John Robinson	manager	Foley
21	Ralph Green	farmer	Loxley
22	Clarence Hand	farmer	Foley
23	Sam Parker	auditor	Magnolia Springs
24	Thomas Coleman	farmer	Perdido
25	Dallar Taylor	merchant	Lottie
26	Paul Geger	electrician	Fairhope
27	Aaron Bishop	farmer	R. F. D. Fairhope
28	Riley Weeks	carpenter	Foley
29	Norvele Cabiness	filling sta.	Bay Minette
30	Ira N. Underwood	farmer	Summerdale
31	Frank Stewart	mechanic	Bon Secour
32	Jack Powers	farmer	Summerdale
33	Woodrow Bryant	farmer	Stockton
34	Alfred H. Holman	farmer	Fairhope
35	Ted Fraser	plumber	Bay Minette
36	J. C. Wynn	farmer	Summerdale
37	R. O. Collins	retired navy	Robertsdale
38	Tillman Allen	farmer	Gateswood
39	Axel Rundquist	insurance salesman	Silverhill
40	Edward P. Moravec	Brookley Field	Robertsdale
41	Lilbert Wilson	bookkeeper	Stapleton
42	Robert S. Duck, Jr.	nurseryman	Loxley
43	John Bauer	farmer	Summerdale
44	Hubert Mannich	laborer	Fairhope
45	Forrest W. Lowery	farmer	Robertsdale
46	William A. Bryant, Jr.	reserve fleet	Stockton
47	Hurley Ard	farmer	Robertsdale
48	JOHN HASTEL	MERCHANT	STOCKTON
49	HENRY SCHLICHTING	FARMER	SUMMERDALE
50	WILLIAM DRYER	CONTRACTOR	DAPHNE
51	GLEBE BURT	LABORER	BAY MINETTE, ALA.
52	RAY G. STEADHAM	SHIPYARD	ROBERTSDALE
53	PAGE KAISER, JR.	FARMER	FOLEY
54	HARRY NELSON	FARMER	MAGNOLIA SPRINGS
55	JAMES T. BRADLEY	MERCHANT	BAY MINETTE
56	OSCAR SKOAGLAND	MERCHANT	ROBERTSDALE
57	MAXWELL JEWELL	MERCHANT	FOLEY
58	E. H. GOODIN	POSTAL CLERK	FAIRHOPE
59	W. H. FLETCHER	POSTAL CLERK	BAY MINETTE
60	CHARLIE ELLISON	FARMER	ROSINTON
61	D. C. CANES	FARM FOREMAN	FOLEY
62	WILTON A. PACINE	CLERK	ROBERTSDALE
63	JOE CHESNICK	FARMER	ROBERTSDALE
64	LAWRENCE BARNHARDT	FLORIST	FAIRHOPE
65	CHARLES A. BODDEN	MGR. ALA. PO.	BAY MINETTE
66	W. M. RICHSON	CONTRACTOR	BAY MINETTE
67	DONOL PERASON	FARMER	ROBERTSDALE
68	WILLARD PARKER	FARMER	BONSECOUR
69	JOHN HOFFMAN	MERCHANT	FAIRHOPE
70	FRED C. GILBERT	CARAGE OWNER	LOXLEY
71	H. H. ROWE	REAL ESTATE	FAIRHOPE
72	ROBERT P. DEMPSON	SPECIALIST	DAPHNE

S 11111 11111
10. H H H H H H H H H H

1943

THE STATE OF ALABAMA,

VS.

Rufus Howard
Harden

No. 1943

On this the _____ day of _____, 194____, the Defendant, being in open Court in person, and it being made known to the court that the Defendant in this case is indicted for a capital offense and that he is unable to employ counsel, it is ordered by the Court that _____, who _____ a regularly licensed attorney practicing in this Court, be, and _____ hereby appointed counsel for the Defendant in this case.

On this the 21 day of March, 1945, the Defendant being in open Court in person, and attended by his counsel, is duly and legally arraigned upon the indictment, and for his plea thereto says that he is not guilty

On this 21 day of March, 1945, in the cause of the State of Alabama against Rufus Howard Harden wherein the Defendant is charged with the offense of Murder 1st Degree the Defendant in person being then and there in open Court and attended by his counsel, the following proceedings were had and orders made in open Court in the presence of the Defendant and his counsel:

It is ordered and adjudged by the Court that the 29 day of March, 1945, it being Tuesday of the Second Week of this Term of the Court, be and the same is hereby fixed for the date of the trial of this cause, and that the Sheriff of this Court summons 25 persons in this cause, including those persons drawn on the regular juries for the second week of this term of this Court

It is ascertained and adjudged by the Court that 60 persons have been drawn on the regular juries for the said Second Week of this Term of this Court. And the Court ordered that the legal jury box of this County be brought into open Court, and the Court ascertained and adjudged that said order had been obeyed, and that said box was, in open Court, well shaken. The Court then and there in open Court, publicly drew from the said jury box the names of 25 persons, the same being the number of persons required, with the regular juries drawn for the Second Week of this Term of this Court, to make the number of persons the Sheriff was commanded to summons in this cause by order of the Court herein-before set forth. The Clerk of the Court, in the presence of the Court, immediately made a list of the names drawn by the Court from the jury box in this cause. And it is ordered and adjudged by the Court that the said Clerk forthwith issue a mandate to the Sheriff of this County, commanding him to summons said persons whose names the Court drew from the jury box in this cause and the regular jurors drawn for the Second Week of this Term of this Court to appear in this Court as jurors in this cause at the Court House of this county at 9

o'clock on Tuesday morning of the Second Week of this Term of this Court, the same being the 29 day of March, 1945

It is ordered and adjudged by the Court that the Sheriff of this County forthwith serve on the Defendant a list of the names drawn in this cause by the Court from the jury box, and a list of the names of all the jurors drawn for the Second Week of this Term of this Court, together with a copy of the indictment in this cause.

1943

Produce Warehouse

1943

The Defendant being

in the County of ...

is hereby ordered by the Court that

the Defendant

shall be committed to the

County Jail for the

term of ...

months ...

and the costs of

the Court shall be

paid by the

Defendant.

Given under the

hand of the Court

this ... day of ...

1943.

Attest my hand and

the seal of the Court

this ... day of ...

1943.

Witness my hand and

the seal of the Court

this ... day of ...

1943.

Attest my hand and

the seal of the Court

this ... day of ...

1943.

Attest my hand and

the seal of the Court

this ... day of ...

1943.