2111

INDICTMENT

PRINTED BY MOORE PTG. CO.

The State of Alabama,
Baldwin County

CIRCUIT COURT, SPRING SESSION, 19 56

The Grand Jury of said County charge that before finding this indictment

J.D. AMERSON, WHOSE NAME IS TO THE GRAND JURY OTHERWISE UNKNOWN, UNLAWFULLY, AND WITH MALICE AFORETHOUGHT, KILLED ALMA AMERSON BY SHOOTING HER WITH A RIFLE,

against the peace and dignity of the State of Alabama.

Kenneth Cooper
Solicitor of the Twenty-Eight Judicial Circuit.

No. _____ RECORDED

The State of Alabama
Baldwin County

Circuit Court

SPRING SESSION ~~TERM~~ 19 56

The State

vs.

J.D. AMERSON

INDICTMENT

MURDER, 1st DEGREE.

No. Prosecutor

WITNESSES:

BILL CAMPBELL
EDLEIGH STEADHAM
TAYLOR WILKINS
EDLEIGH STEADHAM
H.B. AMERSON

GRAND JURY NO. 104

A TRUE BILL

[signature]
Foreman Grand Jury.

Filed in open Court and in the presence of the Grand Jury on the 16 day of March, 1956

[signature]
Clerk.

Presented in open Court to the presiding Judge by the Foreman of the Grand Jury, in the presence of 16 other Grand Jurors.

[signature]
Clerk.

Bail fixed $ No bail

[signature]
Judge.

2111

INDICTMENT

Printed by Moore Printing Co.

The State of Alabama, Baldwin County. } Circuit Court, SPRING Session, 19 56

The Grand Jury of said County charge that before finding this indictment

J. D. AMERSON, WHOSE NAME IS TO THE GRAND JURY OTHERWIS E UNKNOWN, UNLAWFULLY, AND WITH MALICE AFORETHOUGHT KILLED ALMA AMERSON BY SHOOTING HER WITH A RIFLE.

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

SPRING SESSION ~~Term~~ XXX, 19 56

The State
vs.
J. D. AMERSON

INDICTMENT

MURDER, 1st DEGREE

No Prosecutor

WITNESSES:

BILL CAMPBELL
EDLEIGH STEADHAM
TAYLOR WILKINS
EDLEIGH STEADHAM
H. B, AMERSON

Printed by Moore Printing Co.

GRAND JURY NO. 104

A TRUE BILL

F. N. Snowden
Foreman Grand Jury.

Filed in open Court and in the presence of the Grand Jury on the 16 day of March, 19 56

Alice J. Duck
Clerk.

Presented in open Court to the presiding Judge by the Foreman of the Grand Jury, in the presence of 16 other Grand Jurors.

Alice J. Duck
Clerk.

Bail fixed $ No Bail

H. M. Hall
Judge.

2111

CLAUDE L. BROWN, M. D.
458 GOVERNMENT STREET
MOBILE, ALABAMA

March 24, 1956

This is to certify that I, Claude L. Brown, M. D. a resident of Mobile, Alabama, graduated from the Tulane University School of Medicine in New Orleans, Louisiana, on August 14, 1945. After interning at City Hospital, Mobile, I served in the Navy 2 years, and then spent 3 years in psychiatric residency training in the Winter Veterans Administration Hospital and Menninger Clinic in Topeka, Kansas. I was certified as a specialist in psychiatry by the American Board of Psychiatry & Neurology in June 1951. I am a member of the Mobile County and Alabama State Medical Associations, of the Southern Medical Association, the American Medical Association, the Southern Psychiatric Association and the American Psychiatric Association. I have practiced psychiatry in Mobile since July 1951.

I certify further that on March 22, 1956 I examined Mr. John D. Amason in the jail in Bay Minette, Alabama after having been asked to do so by Mr. Harry Witler, Attorney. Mr. Amason in my opinion is insane and incompetent, is unable to distinguish right from wrong, is unable to comprehend the nature and extent of his actions, is unable to be of help to his attorney in any kind of defense for the crime that he committed. I believe that he was definitely insane and incompetent at the time of his crime. I believe his judgment is grossly inpaired, that he has no appreciation of his own role in his actions and in the responses and attitudes of others towards him. I consider his diagnois to be: Schizophrenic reaction, undifferentiated type, chronic, severe. In my respectful opinion, he should be instutionalized indefinitely.

Signed: Claude L. Brown

Subscribed and sworn before me on 23 of March 1956
(date) (year)

Gary J. Walters Jr.
Notary Public, State of Ala. at Large

2111

STATE OF ALABAMA	)	IN THE CIRCUIT COURT OF
VS	)	BALDWIN COUNTY, ALABAMA,
J. D. AMERSON	)	AT LAW
DEFENDANT	)	

MOTION

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Now comes the defendant, by his Attorney, and respectfully represents unto the Court as follows:

1. This Defendant was indicted by the Circuit Court of Baldwin County, Alabama, at the Spring Term, 1956, for murder in the first degree as will appear from a copy of the indictment which is hereto attached and by reference made a part hereof as though fully incorporated herein.

2. It is suggested and made known to the Court that the Defendant was insane at the time of the commission of the crime with which he is charged and for which he has been indicted, because of which the question of the sanity of the Defendant should be settled before further proceedings are had in this case.

3. Attached hereto is the affidavit of Dr. Claude L. Brown M. D., and a Psychiatrist, relative to his findings that your Defendant is insane. There is also attached hereto the affidavit of Dr. A. J. Roberts M. D., and Psychiatrist, relative to his findings that your Defendant is insane.

WHEREFORE, the Defendant moves the Court to appoint a commission of experts known as a Lunacy Commission as provided by Title 15, Section 425 of the 1940 Code of Alabama as provided by the said Statute.

The Defendant further moves the Court that he be ordered delivered by the Sheriff of Baldwin County, Alabama, to the acting Superintendent of the Alabama State Hospitals for examination and observation as provided by law.

Respectfully submitted.

Wilters & Brantley

BY: Harry J. Wilters Jr.
Attorneys for the Defendant

Filed
3-26-56
Alice Frenck
Clerk

2111

STATE OF ALABAMA	)	IN THE CIRCUIT COURT OF
VS	)	BALDWIN COUNTY, ALABAMA,
J. D. AMERSON	)	AT LAW
DEFENDANT	)	

WHEREAS, it has been made known to me, Hubert M. Hall, the presiding Judge of the Circuit Court of Baldwin County, Alabama, in which Court an indictment has been returned against J. D. Amerson for murder in the first degree, a capital offense; that there is reasonable ground to believe that the said Defendant, J. D. Amerson, was insane at the time of the commission of the said offense and is presently insane and the Court being of the opinion that all questions as to the sanity of the said Defendant, should be settled before further proceedings are had in this cause, it is therefore ordered by the Court as follows:

1. Taylor D. Wilkins, as Sheriff of Baldwin County, Alabama, is hereby ordered to deliver the said Defendant, J. D. Amerson, to the acting superintendent of the Alabama State Hospitals for the Insane for the purpose of observation and examination as provided by Title 15, Section 428 of the 1940 Code of Alabama.

2. The acting Superintendent of the Alabama State Hospitals and two members of his mdeical staff, to be named by him, shall be and they are hereby constituted a commission on lunacy to observe and examine the said J. D. Amerson with the view of determining his mental condition and the existence of any mental disease or defect which would effect his present criminal responsibility or his criminal responsibility at the time of the commission of the crime with which he has been charged and for which he has been indicted.

3. The said Defendant, J. D. Amerson, shall remain in the custody of the acting Superintendent of the Alabama State Hospitals and subject to the observation of and examination by the Lunacy Commission for such length of time as may be in the judgment of the Lunacy Commission necessary to determine his mental condition so far as it effects his criminal responsibility.

2111

4. The said Lunacy Commission shall, after reaching a conclusion as to the mental condition of the Defendant, J. D.Amerson, make a full written report thereof to the Clerk of the Circuit Court of Baldwin County, Alabama, which report shall be placed on file and accessible to the Court, to the Solicitor and to the Attorney for the Defendant.

5. The expense of maintaining the Defendant while so confined shall be paid in the same manner as provided by law in the case of persons adjudged to be of unsound mind in accordance with the provisions of Title 15, Section 429 of the 1940 Code of Alabama.

Done on this the 27 day of March, 1956.

Hobart M Stace
JUDGE

For
Amerson file

Executed by carrying
J. D. Amerson to the
Bryce's Hospital in
Tuscaloosa, Alabama
April 6, 1956.

Taylor Wilkins
Sheriff

2111

RICHARD A. THOMPSON
ATTORNEY AT LAW

PHONE 758-4586
AREA CODE 205

811 FIRST NATIONAL BANK BUILDING
TUSCALOOSA, ALABAMA 35401

March 20, 1968

Mrs. Alice J. Duck
Clerk, Circuit Court Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama

Re: State vs. John D. Amason

Dear Mrs. Duck,

This afternoon, March 20, Mrs. Ford, the secretary to the Assistant Superintendent of Bryce Hospital, advised me that it is quite probable that the hospital would not honor the Subpoena Duces Tecum that you issued to Bryce Hospital because, "It was directed to a person and not to the custodian of the record".

Enclosed is another original and one of the Subpoena Duces Tecum to be served on the custodian of the records of John D. Amason at Bryce Hospital. I would appreciate it if you would send this Subpoena Duces Tecum out upon receipt so that it would get to Court in time for trial.

Very truly yours,

Richard A. Thompson

Richard A. Thompson

Copy to: Mr. James Hendrix
Bay Minette, Alabama

Attorney Wilson Hayes
Bay Minette, Alabama

RAT/lmc

2111

VETERANS ADMINISTRATION

[redacted]

CENTER
GULFPORT DIVISION
BILOXI, MISSISSIPPI

March 24, 1956

YOUR FILE REFERENCE:

IN REPLY REFER TO: 6010-

C E R T I F I C A T E

I, A. J. Roberts, M. D., do hereby certify that I graduated from University of Bellvue Hospital, Medical College, New York City in 1931 and have a license to practice medicine in the State of New York. I have taken graduate courses in Psychiatry and Neurology at Columbia University, Presbyterian Hospital and Montefiore Hospital, all of New York City in the years of 1947 and 1948, and I became a Diplomate of American Board of Psychiatry and Neurology and Psychiatry in the year 1949, and I am a Fellow of the American Psychiatric Association. At present I am practicing psychiatry at the Veterans Administration Center, Gulfport Division, Biloxi, Miss, my position being Chief, Acute Intensive Treatment Service.

I further certify that in the course of my duties I have observed and treated John D. Amason, Sr. for a mental disorder. He was first admitted to the Veterans Administration Hospital, Gulfport, Miss. on February 16, 1955, as a voluntary patient. He was born in Alabama on April 2, 1914, received a highschool education and was married in 1941. The dates of his military service are July 30, 1943 to September 25, 1943, being discharged from the Navy as "Unsuitable for Naval Service", this discharge being changed to "Under Honorable Conditions" in 1948. In 1948 the veteran was hospitalized in the Veterans Administration Hospital, Montgomery, Alabama for a period of 23 days for a mental disorder. At the time of his admission to this hospital the veteran expressed paranoid delusions, ideas of persecution and ideas of reference, thinking that various people were against him and meant to do him harm. His affect was quite inappropriate and his reasoning and judgment were markedly impaired by his psychotic thinking. The patient was seen by the psychiatric staff and diagnosed schizophrenic reaction, chronic, undifferentiated type, which was manifested by paranoid delusions, sexual preoccupation, inappropriateness of affect and hallucinations. Insulin coma therapy was recommended for him and this treatment was started but during the course of the treatment, the veteran had a severe complication resulting in physical injury, which necessitated the discontinuance of insulin treatment and his transfer to another hospital for treatment of the physical injury. He was discharged from this hospital on August 8, 1955, but was rehospitalized on September 12, 1955, and transferred to this hospital on September 16, 1955, at which time his mental condition was similar to that described above, the patient being agitated, apprehensive and paranoid. He was again diagnosed schizophrenic reaction, undifferentiated type, chronic, severe and it was the opinion of the staff that the patient was mentally incompetent. He received treatment with serpasil and thorazine, as well as psychotherapy and showed some superficial improvement so that by January 20, 1956, he was approved for a 72-hour pass in his wife's custody at her request.

Again, at the wife's request after she indicated that nothing was amiss on the previous pass, the veteran was granted another pass on January 27, 1956, in the custody of his wife. At the time he left the hospital, the staff still considered him to mentally incompetent. On January 29, 1956, information was received that the veteran had shot and killed his wife shortly after midnight on January 29, 1956 and the veteran was in jail in Bay Minette, Alabama.

From my observation and examination, it is my considered opinion that John D. Amason, Sr. was suffering from a severe mental disorder of long standing diagnosed schizophrenic reaction, undifferentiated type, chronic, severe, which rendered him incompetent to distinguish right from wrong and unable to realize the consequences of his acts. It is my opinion that when the veteran killed his wife on January 29, 1956, he could not distinguish right from wrong and did not realize what he was doing or that it was wrong. Although I have not seen or examined the veteran since he left the hospital, it is my opinion, based on the chronicity and severity of his mental disorder, that there is no likelihood of this veteran recovering from his mental illness in the near future and he will require hospitalization and treatment for this mental disorder for a long period of time and in my opinion he should be committed to an appropriate hospital with facilities for treatment of this type of mental disorder.

A J Roberts MD

Sworn to and subscribed before me this the 27 March of March, 1956.

Mary J. Wilters Jr

2111

APPEARANCE BOND MOORE PRINTING COMPANY, BAY MINETTE, ALA.

The State of Alabama,

Baldwin County

We John D. Amason and D. Cunningham and Curtis Cunningham as principal, and undersigned as sureties agree to pay THE STATE OF ALABAMA, the sum of FIVE-THOUSAND and NO/100 ($5,000.00) DOLLARS unless the said John D. Amason appears at the next Term, 1968 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 First Degree Murder

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 _____, 19____

_____ Baldwin County, Ala.

John D. Amason, Sr, L. S.

D. Cunningham L. S.

D. Cunningham

_____ L. S.

Curtis Cunningham, L. S.

Taken and approved this the _____ day of _____ 19____

_____, Sheriff

By_____, Deputy Sheriff

Mortgaged to Ellis Bank

2111

No._____

THE STATE OF ALABAMA

Baldwin County

_____ COURT

Sheriff's Office

The State -

VS.

_____

_____

_____

_____

Sheriff's Appearance Bond

Amount of Bond $_____

Filed _____, 19____

_____, Clerk

STATE OF ALABAMA
TUSCALOOSA COUNTY
This is to certify that this is a good and sufficient bond and if presented to me in this County, I would approve same.

Nathan Chism, Sheriff
Tuscaloosa Co. Ala.

By [illegible] D.S.

2111

STATE OF ALABAMA, VS. J. D. AMERSON, Defendant.	)))))))))	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. NO. 2111

TO THE SHERIFF OF BALDWIN COUNTY, ALABAMA:

You are hereby authorized and empowered to proceed to Bryce Hospital, at Tuscaloosa, Alabama, and there to pick up J. D. Amerson and return him to this Court for such further action of the Court as may be necessary and proper in the premises.

Done and ordered this 5th day of October, 1966.

+ Julian H. Mardisson
Judge of the 28th Judicial Circuit
of Alabama.

FILED

OCT 5 1966

ALICE I. BUCK, CLERK
REGISTER

Executed by taking
in Country & placing
him in County Jail
October 6, 1966
Taylor Wilkins, Sheriff
by W.O. Garner, Chief Deputy

2111

STATE OF ALABAMA,	)	
	)	IN THE
VS.	)	
	)	CIRCUIT COURT OF BALDWIN COUNTY,
J. D. AMERSON,	)	
	)	ALABAMA.
Defendant.	)	
	)	NO. 2111

TO THE SHERIFF OF BALDWIN COUNTY, ALABAMA:

You are hereby authorized and empowered to proceed to Bryce Hospital, at Tuscaloosa, Alabama, and there to pick up J. D. Amerson and return him to this Court for such further action of the Court as may be necessary and proper in the premises.

Done and ordered this 5th day of October, 1966.

+ Telfair J. Mashburn
Judge of the 28th Judicial Circuit
of Alabama.

2111

STATE OF ALABAMA	X	
BALDWIN COUNTY	X	
THE STATE OF ALABAMA	X	IN THE CIRCUIT COURT
	X	OF BALDWIN COUNTY
VS.	X	ALABAMA
	X	
JOHN D. AMASON	X	CRIMINAL CASE NO. _____

MOTION TO ABATE AND DISMISS THE INDICTMENT

To the Honorable Telfair J. Mashburn, Judge, Circuit Court of Baldwin County Alabama:

Now comes the defendant, John D. Amason in the above-styled cause and through his Court appointed counsel, Richard A. Thompson of Tuscaloosa, Alabama, and respectfully represents and shows unto this Honorable Court the following facts as a basis for the relief hereinafter prayed.

That your petitioner served during World War II in the Navy and was discharged Honorably with a 10% service connected disability by reason of his mental condition.

In 1950 your petitioner spent twenty-six days in the Veteran's Administration Hospital in Montgomery for his psychotic condition. On February 15, 1955 your petitioner was admitted to the Veteran's Administration Mental Hospital in Gulfport, Mississippi because of his psychotic condition. On April 14, 1955 your petitioner was under going deep insulin treatment at the VA Hospital in Gulfport and was inproperly secured to the table and during a convulsion upperpart of his body left the table which caused fractures in his arms and the upper part of his body and bones were broken and some of which protruded through his body necessitating bone graft from the leg to the upper part of the body. These injuries further deteriorated his mental condition.

That on January 9, 1956 your petitioner was still a patient at the VA Mental Institution in Biloxi and on that date while on a three day pass his wife was killed by gun shot and your petitioner subsequently was indicted for first degree murder in Baldwin County.

Your petitioner further avers that on April 6, 1956 he was comitted to the State Mental Institution, Bryce Hospital at Tuscaloosa, Alabama. A lunacy commission convened pursuant to the Baldwin County comittment order and the lunacy commission in May 1956 made the finding that he was insane at the time of the commission of the alleged offense and that his diagnosis at the time of the offense and at the time of the meeting of the lunacy commission was that he was a schizophrenic reaction, paranoid type. And the Commission found that he was incompetent to stand trial and he remained at Bryce Hospital until October 6, 1966 at which time the lunacy commission found that he was sufficiently competent to return to Baldwin County to face trial and he thereupon

2111

was returned to Baldwin County on October 6, 1966.

Your petitioner further avers that on March 9, 1964 your petitioner, pro se, petitioned the Honorable Charles W. Allgood, Judge, United States District Court with the Northern District of Alabama, for Writ of Habeas Corpus for his release from Bryce Hospital and to stand trial for the indictment, and that said Judge notified your petitioner on May 25, 1964 that the Federal Court was without jurisdiction in the matter. That your petitioner again on May 9, 1964 petitioned, pro se, the Honorable Frank M. Johnson, Jr., Judge, Middle District of the State of Alabama, Federal Districit Court for a Writ of Habeas Corpus for his release from Bryce Hospital to be returned to Baldwin County to stand trial and that the said Honorable Johnson notified the defendant, by letter, dated May 29, 1964 that he had no jurisdiction over the defendant's case and that the defendant should address Request for Assistance to the State and/or Federal Authorities having jurisdiction over the matter.

Your petitioner further avers that on August 3, 1964 he petitioned, pro se, the Circuit Court of Tuscaloosa County Alabama for a Writ of Habeas Corpus for his release from Bryce Hospital in order to stand trial. No action was taken by the Court on this petition and it was dismissed by Judge Fred W. Nicol on June 30, 1965 for lack of prosecution.

Your petitioner further shows to this Honorable Court that on October 6, 1966 the Bryce Hospital staff evaluated your petitioner as being sufficiently competent to stand trial and on that date he was returned to the County Jail in Baldwin County to stand trial on the aforesaid indictment. The trial was scheduled to take place in March 1967. On March 6, 1967, just shortly prior to the trial, your petitioner was re-comitted by the Court to Bryce Hospital where he remained until March 3, 1967 at which time he was found sufficiently competent to stand trial and was returned to Baldwin County to stand trial on the indictment. Your petitioner would further show unto this Honorable Court he had no access to his Court appointed attorney subsequent to his comittment to Bryce Hospital in 1956. And further that he was without funds to secure individual counsel.

Your petitioner would also show unto this Honorable Court that he is not guilty and not guilty be reason of insanity for the offense in which he was indicted. And that many of the lay witnesses and expert witnesses who could testify as to his mental condition in January 1956 are no longer available and that the lapse of twelve years between the date of the commission of the offense and the date of this trial, precludes him from being able to adequately satisfy a jury that he was insane at the time of the commission of the alleged offense. And your petitioner further shows that he had been denied his rights to a speedy trial in this criminal prosecution as provided by Amendment 6, United States Constitution and Article I, Section VI and Section XIII of the Alabama Constitution of 1901.

2111

And your petitioner further avers that if he were put to trial he would be denied the due process of law as guaranteed to him by the 14th Amendment of the Constitution of the United States.

The foregoing premises considered, your petitioner avers that he has been denied his constitutional rights to a speedy trial and in effect has been denied his right to present witnesses in his behalf as provided by our Constitution who would testify to his insanity at the time of the commission of the offense and that therefore the Court is without jurisdiction to try your petitioner and your petitioner moves this Honorable Court to Abate and Dismiss the indictment and to discharge your petitioner from custody. And your petitioner further moves this Honorable Court to set this matter down for Evidentiary hearing in order to prove the foregoing allegations of fact.

RICHARD A. THOMPSON, Attorney for Defendant

STATE OF ALABAMA)
TUSCALOOSA COUNTY)

Before me, ~~Carolyn Adams,~~ Ralph R. Williams Notary Public in and for the State of Alabama at Large, personally appeared Richard A. Thompson, Attorney, known to me and who by me being first duly sworn on oath says: That he is the appointed counsel for the defendant, John D. Amason and that the foregoing statements and allegations are true to the best of his knowledge, information and belief.

RICHARD A. THOMPSON, Attorney for Defendant

Subscribed and sworn to me this the 15th day of March, 1968.

NOTARY PUBLIC Ala. State at Large

NOTICE TO DISTRICT ATTORNEY OF MOTION
TO ABATE AND DISMISS THE INDICTMENT

To Honorable James Hendrix as District Attorney of the 28th Judicial Circuit of Alabama:

Please take notice to the filing of the above and foregoing motion to abate and dismiss the indictment on behalf of J. D. Amason, and that the same will be presented to the Honorable Telfair Mashburn, a Judge of the Circuit Court of Baldwin County, Alabama, and that the said Judge has set this motion down to be heard at 10:30 a.m. on the 22nd day of March, 1968 according to the information supplied to me by you.

RICHARD A. THOMPSON,
Attorney for Defendant

2111

CERTIFICATE OF SERVICE

I certify that I have served a copy of the above motion upon the Honorable James Hendrix by depositing the same in the United States Mail in a properly addressed envelope with adequate postage thereon.

This the 16th day of March, 1968

Richard A. Thompson

Attorney for Defendant

Filed this the — day of March 1968.

FILED

MAR 21 1968

ALICE J. DUCK CLERK REGISTER

2111

Sheriff's Account for Removal of Prisoner

STATE OF ALABAMA **Dr.**

To Taylor Wilkins

Sheriff of Baldwin County, For removal of J. D. Amerson

Charge: Murder from Tuscaloosa County to jail in Baldwin County

Date or dates of removal, October 6th, 19 66

		$	
To Taylor Wilkins Sheriff, 1 days, at $8.00 per day,		8	00
To W. O. Garner Guard, 1 days, at $8.00 per day,		8	00
Date	ITEMIZATION OF EXPENSES		
10-6-66	Traveling from Bay Minette to Tuscaloosa		
	and return 420 miles @.10 per mile	42	00
		58	00

STATE OF ALABAMA
Baldwin County

I, Alice J. Duck Clerk of the Circuit Court in and for said County, do hereby certify that the case against J. D. Amerson was pending in and triable before said Circuit Court at the time he was arrested for the offense charged, and that the fees have been reported to and docketed by me this 6th. day of October 19 66

Alice J. Duck Clerk

STATE OF ALABAMA
Baldwin County

Personally appeared before me, Taylor Wilkins, Sheriff of Baldwin County, who, being duly sworn, says the above account for the sum of 58.00 Dollars is correct; that he has never received the same or any part thereof; that he had 1 guard employed; that said account embraces, aside from per diem for self or deputy and guard, only actual necessary traveling expenses, and that without any unnecessary delay the nearest route usually traveled was followed from Baldwin County to the jail in Tuscaloosa County.

Taylor Wilkins Sheriff.

Sworn to and subscribed before me this 6th. day of October 1966

Harry D. Lee Judge of Probate.

Mr. _____ of _____ is hereby authorized to receipt for the Auditor's Warrant in payment of this account, and collect the same from the State Treasurer.

_____ Sheriff.

AUDITOR'S OFFICE, Montgomery, Ala., _____ 19____

Received the Auditor's Warrant on the State Treasurer in full payment of the above account.

_____

2111

STATE OF ALABAMA,	)	IN THE
VS.	)	CIRCUIT COURT OF BALDWIN COUNTY,
J. D. AMERSON,	)	ALABAMA, CRIMINAL DIVISION
Defendant.	)	NO. 2111

O R D E R

It appearing to the Court that J. D. Amerson is confined to the Baldwin County jail, under an indictment charging him with murder in the first degree, and that the same defendant is at present insane.

In conformity with the provisions of the Code of Alabama, of 1958, Title 15 paragraph 428, the undersigned Judge, has instituted a careful investigation, has called a respectable Physician, to-wit: Doctor Claude L. Brown, a practicing Psychiatrist of Mobile, Mobile County, Alabama, and other credible witnesses, including the mother and the sister of said defendant, and, not deeming a jury necessary, has heard the case without a jury. Upon consideration of the evidence, the undersigned Judge is reasonably satisfied that the said J. D. Amerson is insane and that he should be discharged from the custody of the Sheriff of Baldwin County, Alabama, and ordered into the custody of the Alabama State Hospitals, there to remain until restored to his right mind. It is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the said J. D. Amerson is insane. Further

IT IS ORDERED AND ADJUDGED by the Court that the said J. D. Amerson be discharged from imprisonment by the Sheriff of Baldwin County, Alabama, and be removed by the Sheriff to the Alabama State Hospitals for the insane at Tuscaloosa, Alabama.

It is further

ORDERED, AND ADJUDGED that the Superintendent of said Hospitals shall inform the Circuit Judge of Baldwin County, Alabama and the Sheriff of Baldwin County, Alabama, if the said J. D. Amerson should be restored to his right mind, thereupon the said J. D. Amerson is to be remanded to the custody of the Sheriff of Baldwin County, Alabama, and the criminal proceedings started against him resumed.

IT IS FURTHER ORDERED that a copy of this order be given to the Sheriff of Baldwin County, Alabama, and a copy be given to the Superintendent of the Alabama State Hospitals for the insane at Tuscaloosa, Alabama.

Dated at Bay Minette, Baldwin County, Alabama, this the 2d day of March, 1967.

Delaine H. Maddox
CIRCUIT JUDGE

Executed by taking
J. D. Anderson to Bryce
Hospital on March 3, 1917

Taylor Wilkins, Sheriff
W. O. Garner, Chief Deputy

IT is further

ORDERED, AND ADJUDGED that the Circuit Judge of Baldwin County, Alabama and the Sheriff of Baldwin County, Alabama, be requested to file right mind, characters J. D. Anderson should be restored to the right mind, characters the said J. D. Anderson is to be remanded to the criminal proceedings Sheriff of Baldwin County, Alabama, and the criminal proceedings against Thomas Bulmer pin resumed.

IT IS FURTHER ORDERED that a copy of this order be given to the Sheriff of Baldwin County, Alabama, and a copy be given to the Superintendent of the Alabama State Hospitals for the insane at Tuscaloosa, Alabama.

Dated on this day, Baldwin County, Alabama, this the 5th day of March, 1917.

CIRCUIT JUDGE

2111

State of Alabama

DEPARTMENT OF MENTAL HEALTH

BRYCE HOSPITAL

Tuscaloosa, Alabama 35401

DONALD SMITH, M. D.
ASSISTANT SUPERINTENDENT

October 3, 1966

The Honorable Telfair J. Mashburn
Twenty-Eighth Judicial Circuit of Alabama
Baldwin County, Alabama
Bay Minette, Alabama

Amerson, J. D.
Our file 00 31 98

Dear Judge Mashburn:

J. D. Amerson (Amason) was admitted to Bryce Hospital April 6, 1956, on the commitment of The Honorable Hubert M. Hall, Judge of the Twenty-Eighth Judicial Circuit of Alabama, Bay Minette, Alabama, and is presently a patient in Bryce Hospital.

Shortly after his admission, a Lunacy Commission reported to the court that it was their feeling the said J. D. Amerson was insane and incompetent, and it was their further opinion that he was insane and incompetent at the time of the commission of the crime for which he was charged. We have continued to hold Mr. Amerson for treatment on the basis of a commitment furnished by The Honorable W. R. Stuart, then Probate Judge of Baldwin County, dated June 8, 1956. It is now the consensus of the medical staff that Mr. Amerson has reached the point where he is able to return to court to face whatever charges may still be pending.

We are ready to release him and will hold him awaiting the arrival of the sheriff, or any duly appointed officer, to take him into custody.

Sincerely yours,

THE BRYCE HOSPITAL

Donald Smith, M. D.
Assistant Superintendent

DS/ba

2111

STATE OF ALABAMA
Baldwin County

Case No. 7962 No. 6897

The State of Alabama
vs.
J.D. Pearson

In the Justice Court of
Baldwin County, Alabama

Before me, [illegible], 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 50 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 [illegible] Sheriff

Subscribed and sworn to before me this [illegible] day of [illegible], 195[illegible]

Disposition Grand Jury [illegible] 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 $ 5.00 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 10 day of Feb, 195[illegible]

[illegible]
Judge of the above named court

211

RICHARD A. THOMPSON
ATTORNEY AT LAW

PHONE 758-4586
AREA CODE 205

811 FIRST NATIONAL BANK BUILDING
TUSCALOOSA, ALABAMA 35401

March 15, 1968

Honorable Telfair J. Mashburn
Judge, Circuit Court
Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama

Re: State vs. Amason

Dear Judge Mashburn,

Enclosed herewith is my motion to Abate and Dismiss the Indictment in the above-styled cause.

Mr. James Hendrix stated to me yesterday, 14 March 1968, that the motion would be set down for hearing on Friday, 22 March at 10:30. I trust that that setting meets with your approval.

Very truly yours,

Richard A. Thompson

RAT/lmc

2111

Sheriff's Account for Removal of Prisoner

STATE OF ALABAMA

Dr.

To Taylor Wilkins

Sheriff of Baldwin County, For removal of J. D. Amerson

Charge: Murder from Tuscaloosa County to jail in Baldwin County

Date or dates of removal, February 28th. 1968

				$	
To Taylor Wilkins	Sheriff,	1	days, at $8.00 per day,	8	00
To W. O. Garner	Guard,	1	days, at $8.00 per day,	8	00

Date	ITEMIZATION OF EXPENSES		
2-28-68	Traveling from Bay Mine tte to Tuscaloosa		
	and return 414 miles @.10 per mile	41	40
		57	40

STATE OF ALABAMA
Baldwin County

I, Alice J. Duck Clerk of the Circuit Court in and for said County, do hereby certify that the case against J. D. Amerson was pending and triable before said Circuit Court at the time he was arrested for the offense charged, and that the fees have been reported to and docketed by me this 28th. day of Feb. 1968

Alice J. Duck Clerk

STATE OF ALABAMA
Baldwin County

Personally appeared before me, Taylor Wilkins, Sheriff of Baldwin County, who, being duly sworn, says the above account for the sum of 57.40 Dollars is correct; that he has never received the same or any part thereof; that he had 1 guard employed; that said account embraces, aside from per diem for self or deputy and guard, only actual necessary traveling expenses, and that without any unnecessary delay the nearest route usually traveled was followed from Baldwin County to the jail in Tuscaloosa County

Taylor Wilkins Sheriff.

Sworn to and subscribed before me this 28th. day of Feb. 1968

Fanny W. Cline Judge of Probate.

Mr. _____ of _____ is hereby authorized to receipt for the Auditor's Warrant in payment of this account, and collect the same from the State Treasurer.

_____ Sheriff.

AUDITOR'S OFFICE, Montgomery, Ala., _____ 19____

Received the Auditor's Warrant on the State Treasurer in full payment of the above account.

_____

2111

CAPIAS

Printed by Moore Printing Co.

THE STATE OF ALABAMA,
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

J. D. Amerson

at the Spring Term, 1956, 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 16 day of March, 1956

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.

CAPIAS

No. 104

The State

vs.

J. D. Amerson

Bail fixed in this Case in Open Court at

$ No Bail

By W. M. Hale
Judge Presiding

Attest: _____
Clerk.

Executed this 24 day of March 19[illegible]

By arresting the within

named Defendant

and placing him In Jail

Jay Jo Wilkins Sheriff

_____, Deputy Sheriff

Omit

AFFIDAVIT 2111

Printed by Moore Printing 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 R. J. Granger, 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 28 January 1956 that one J. D. Amerson unlawfully, and with malice aforethought, killed Mrs J. D. Amerson., by shooting her with a rifle.

against the peace and dignity of the State of Alabama.

Sworn to and subscribed before me this 29 day of January, A. D., 19 56

T. C. Hand, J. P.

Taylor Wilkins

WARRANT

State Of Alabama,
Baldwin County.

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest J. D. Amerson and bring him before me to answer the State of Alabama on a charge Murder

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

Witness my hand this 29 day of January, 19 56.

T. C. Hand, J. P.

No._____ Page_____

The State of Alabama,
Baldwin County

JUSTICE COURT OF

T. C. HAND

AFFIDAVIT

The State of Alabama,
vs.

J. D. Amerson

Witnesses for the State:

R. J. Granger
Bill Campbell
Ed Leigh Steadham
Carlile Childress
H. B. Amerson
1413 Creel St.,
Midfield Park.
Bay Minette, Ala.

Moore Printing Co., Bay Minette, Ala.

Justice Court of
Baldwin County

Warrant of Arrest

The State of Alabama,
Vs.

J. D. Amerson

Executed this 28 day of Jan 1956

By arresting the within

named Defendant

J. D. Amerson

and placing him

in jail

Taylor Wilkinson, Sheriff

_____, Deputy Sheriff

Rdak 50 mi

2111

STATE OF ALABAMA	)	IN THE CIRCUIT COURT
VS.	)	OF BALDWIN COUNTY, ALABAMA.
JOHN D. AMASON,	)	March 22, 1968
Defendant	)	

S T I P U L A T I O N

THE COURT: Let the record show that the District Attorney and the Attorneys appointed by the Court to defend the Defendant have agreed and stipulated in open Court that all of the motion to abate the indictment and to dismiss the indictment are to be admitted into evidence as evidence on behalf of the Defendant, and as a statement of fact agreed upon by and between the State of Alabama and the Defendant, except the last two paragraphs contained in said motion, which are conclusions of the pleader.

FILED

MAR 22 1968

ALICE J. DUCK CLERK REGISTER

214

STATE OF ALABAMA	)	IN THE CIRCUIT COURT OF
	)	
	)	BALDWIN COUNTY, ALABAMA
	)	
VS	)	CRIMINAL DIVISION
	)	
JOHN D. AMASON	)	
	)	
DEFENDANT	)	

Comes now John D. Amason by his Attorneys and moves the Court to continue this cause until the September Jury term, 1968 and for grounds therefor says:

1.

Defendant's Attorneys need time to complete preparation in the cause for that the passage of time has made the location of witnesses difficult.

2.

One of the Attorneys, Wilson Hayes, now acting for Defendant, expects to be beyond the jurisdiction of this Court during the greater part of the month of June, 1968.

Respectfully requested,

RICHARD A. THOMSPON and
WILSON HAYES
Attorneys for Defendant

By: Wilson Hayes
Wilson Hayes

FILED

MAY 23 1968

ALICE J. DUCK CLERK
ALICE J. DUCK REGISTER

Chris Amason

2111

March 27 57

STATE OF ALABAMA,	)	IN THE
VS.	)	CIRCUIT COURT OF BALDWIN COUNTY,
J. D. AMERSON,	)	ALABAMA, CRIMINAL DIVISION
Defendant.	)	NO. 2111

O R D E R

It appearing to the Court that J. D. Amerson is confined to the Baldwin County jail, under an indictment charging him with murder in the first degree, and that the same defendant is at present insane.

In conformity with the provisions of the Code of Alabama, of 1958, Title 15 paragraph 428, the undersigned Judge, has instituted a careful investigation, has called a respectable Physician, to-wit: Doctor Claude L. Brown, a practicing Psychiatrist of Mobile, Mobile County, Alabama, and other credible witnesses, including the mother and the sister of said defendant, and, not deeming a jury necessary, has heard the case without a jury. Upon consideration of the evidence, the undersigned Judge is reasonably satisfied that the said J. D. Amerson is insane and that he should be discharged from the custody of the Sheriff of Baldwin County, Alabama, and ordered into the custody of the Alabama State Hospitals, there to remain until restored to his right mind. It is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the said J. D. Amerson is insane. Further

IT IS ORDERED AND ADJUDGED by the Court that the said J. D. Amerson be discharged from imprisonment by the Sheriff of Baldwin County, Alabama, and be removed by the Sheriff to the Alabama State Hospitals for the insane at Tuscaloosa, Alabama.

2111

It is further

ORDERED, AND ADJUDGED that the Superintendent of said Hospitals shall inform the Circuit Judge of Baldwin County, Alabama and the Sheriff of Baldwin County, Alabama, if the said J. D. Amerson should be restored to his right mind, thereupon the said J. D. Amerson is to be remanded to the custody of the Sheriff of Baldwin County, Alabama, and the criminal proceedings started against him resumed.

IT IS FURTHER ORDERED that a copy of this order be given to the Sheriff of Baldwin County, Alabama, and a copy be given to the Superintendent of the Alabama State Hospitals for the insane at Tuscaloosa, Alabama.

Dated at Bay Minette, Baldwin County, Alabama, this the _____day of March, 1967.

_____
CIRCUIT JUDGE

210

STATE OF ALABAMA,	)	
	)	IN THE
VS.	)	
	)	CIRCUIT COURT OF BALDWIN COUNTY,
J. D. AMERSON,	)	
	)	ALABAMA, CRIMINAL DIVISION
Defendant.	)	
	)	NO. 2111

O R D E R

It appearing to the Court that J. D. Amerson is confined to the Baldwin County jail, under an indictment charging him with murder in the first degree, and that the same defendant is at present insane.

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211

It is further

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IT IS FURTHER ORDERED that a copy of this order be given to the Sheriff of Baldwin County, Alabama, and a copy be given to the Superintendent of the Alabama State Hospitals for the insane at Tuscaloosa, Alabama.

Dated at Bay Minette, Baldwin County, Alabama, this the 2nd day of March, 1967.

Jefair S. Mashburn
CIRCUIT JUDGE

2111

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

Attorneys	Case	Charge
No. 7967	THE STATE OF ALABAMA, Vs. J. D. Emerson	Murder

	Disposition of Case	Fees	Amount
	Affidavit made and Warrant Issued to R. J. Granger	Judge's Fees	
	Returnable Grand Jury	Warrant at 50c, Affidavit at 25c	75
	Witness—for State R. J. Granger	Bond at 50c, Sci Fa. at 50c	
	Bill Campbell, H. B. Emerson,	Witnesses' Recognizances at 25c	
	Ellington Stedham	Subpoenas or notice at 25c	
	Carlile Childers	Continuance at 25c	
10 Jan. 56	Sent to Grand Jury.	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	4.00
		Guard $2.00, Finger Printing 10c	2.10
		Subpoenas at 50c, Mileage 50	5.00
		Witness Fees	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Defendant's Costs	
		Witnesses' Recognizance at 25c	
		Subpoenas at 50c	
		Executing Subpoenas	

O. L. Faust
Justice Court

2111