

STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT.

STATE OF ALABAMA,  
VS.

WILMER COOPER.

Comes the Defendant in his own proper person and files this Plea to the Honorable Court for permission to withdraw notice of appeal heretofore given in this case.

Wilmer Cooper.

Defendant.

WITNESSES:

Blair Mace  
J M Welch

3250

Field May 11 1939  
Resident.  
Beauf

The State of Alabama, }  
Baldwin County

Circuit Court, April Term, 19 37

(1)

The Grand Jury of said County charge that before the finding of this indictment Wilmer Cooper, whose name to the Grand Jury is otherwise unknown, unlawfully and with malice aforethought, killed John Hische, by driving an automobile against him, or over him, but without premeditation or deliberation;

(2)

The Grand Jury of said County further charge that before the finding of this indictment Wilmer Cooper, whose name to the Grand Jury is otherwise unknown, unlawfully and with malice aforethought, killed John Hische by driving an automobile against him, but without premeditation or deliberation,

against the peace and dignity of the State of Alabama.

*Ralph L. Jones*

Solicitor of the Twenty-first Judicial Circuit.

*Such*  
RECORDED

No. *Ind. 263*

THE STATE OF ALABAMA,  
BALDWIN COUNTY.

CIRCUIT COURT

April Term, 1937

The State  
VS.

Wilmer Cooper

INDICTMENT

Murder in Second Degree

NO PROSECUTOR.

WITNESSES:

Billie Graham Trice

Amelia Dolive

Leslie Brewton

Taylor Wilkins

Clarence Nall

J. L. Barrow

R. D. Purvis

John Sandberg

John Pimperl

*La 70-212100*

GRAND JURY NO. *6*

A TRUE BILL.

*J. A. Quinn*  
FOREMAN GRAND JURY.

Filed in open court and in the presence of the

Grand Jury on the *15* day of

*April* 1937  
*R. S. 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.

*R. S. Duck* Clerk.

*Case filed at \$1000.00*  
*J. N. Hare*  
*Judge*

*78*

*We the jury find the defendant guilty of murder  
in the second degree, as charged in the indictment,  
with a penalty of 15 years in prison*  
*Signed*  
*Willie Whitley, Foreman*

THE STATE OF ALABAMA }  
BALDWIN COUNTY

In the Justice Court of  
J.M. Franklin

Before me, J.M. Franklin, N.P. Ex-O J.P.

in and for said county personally appeared Taylor Wilkins

who being duly sworn, deposes and says on oath that he has probable cause for believing and does believe

that in said county, on or about October 18th 1936 that one

Wilmer Cooper unlawfully and with malice aforethought killed John. Hische by driving an auto mobile against him or over him.

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this  
19th day of October

A. D. 1936  
J.M. Franklin N.P. Ex-O J.P.

Taylor Wilkins

The State of Alabama, }  
Baldwin County

TO ANY LAWFUL OFFICER OF SAID COUNTY, Greeting :

You are hereby commanded to arrest Wilmer Cooper

and bring Him before Me to answer

the State of Alabama on a charge Of Murder second degree

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

Witness my hand this 19th day of October 1936

J.M. Franklin  
N.P. EX-O--J. P.

No. \_\_\_\_\_ Page \_\_\_\_\_

Executed this 18 day of Oct. 1936

**THE STATE OF ALABAMA,**  
BALDWIN COUNTY

By arresting the within  
named Defendant

Wilmer Cooper

JUSTICE COURT OF  
J.M. Franklin

and placing him in jail

**THE STATE**  
VS.  
Wilmer Cooper

M. H. Wilkins  
Sheriff

C. N. Anderson  
D. S.

**WARRANT AND AFFIDAVIT**

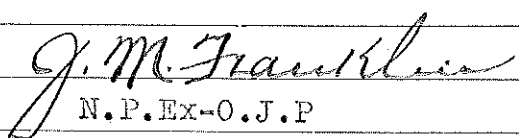
WITNESSES FOR THE STATE  
Jice  
Billy Graham, Armelia Dolive  
Leslie Brewton, M.H. Wilkins  
Taylor Wilkins and Clarence  
Nall

*[Faint handwritten notes on the right margin]*

# Transcript of Criminal Cases from Justices Court of Baldwin County, Ala.

ATTORNEYS	CASE	CHARGE
	THE STATE OF ALABAMA	
No.	Vs.	
	Wilmer Cooper	Second Degree Murder
J.G. Bennett Atty for defendant		

DISPOSITION OF CASE	FEES	AMOUNT
Affidavit made and Warrant Issued to Taylor Wilkins	<b>JUDGE'S FEES</b>	
Returnable To Justice Court	Warrant at 50c, Affidavit at 25c	75
October 27th 1936 Witness--- for State Billy Graham Trice, Mrs Armelia Dolive and Leslie Brewton,	Bond at 50c, Sci Fa at 50c	
	Witnesses' Recognizances at 25c	
	3 Subpoena or notice at 25c	75
	Continuance at 25c	
	Trial of Misdemeanor at \$1.00	1.00
	Mittimus at 25c	25
	Judgment on Forfeited Bond at 50c	
	Taking Bond, etc , on Appeal at \$1.00	
	Execution for costs at 25c	\$2.75
	<b>CONSTABLE'S FEES</b>	
	Subpoena or Notice at 25c	
	Carrying Defendant before Justice, each mile for himself and guard at 10c	
	Arrest 50c	
	<b>SHERIFF'S FEES</b>	
	Arrest \$2.00, Bond \$1.00, Sci Fa 50c	\$4.00
	Committing \$1.00, Releasing \$1.00	\$2.00
	3 Subpoenas at 50c	1.50
	<b>WITNESSES FEES</b>	
	Days at 50c	\$7.50
	" " 50c	
	" " 50c	
	" " 50c	
	" " 50c	
	" " 50c	
	" " 50c	
	" " 50c	
	<b>DEPONDANT'S COSTS</b>	
	Witnesses' Recognizance at 25c	
	Subpoenas at 25c	
	Executing Subpoenas	

  
 N.P. Ex-O.J.P

THE STATE OF ALABAMA, }  
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

An indictment having been found against

Wilmer Cooper

at the April Term, 1937, of the Circuit Court of Baldwin County, for the offense of

Murder, Second 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 ac-  
cording to law.

Dated this 15th day of April 1937

*[Signature]*

Clerk of the 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 \_\_\_\_\_ 193\_\_\_\_\_

..... (L. S.)

..... (L. S.)

..... (L. S.)

..... (L. S.)

..... (L. S.)

Taken and approved \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_\_

\_\_\_\_\_  
Sheriff of Baldwin County.



**CAPIAS**

No. \_\_\_\_\_

THE STATE  
vs.

**WILMER COOPER**

Bail Fixed in this Case in Open Court at

\$ 1000.00

By F. W. HARE  
Judge Presiding.

Attest : R. DeLoach  
Clerk.

MOORE PRINTING CO., BAY MINETTE, ALA.

Executed this 16<sup>th</sup> day of April 1937

By arresting the within

named Defendant

Wilmer Cooper

and placing him in jail

M. Williams  
Sheriff

D. B.  
D. B.

SHERIFF'S APPEARANCE BOND.

The State of Alabama, {  
Baldwin County

We, Wilmer Cooper as principal and

The undersigned

as sureties, agree to pay the State of Alabama the sum of One thousand Dollars,

unless the said Wilmer Cooper appears at the

Spring Term, 1937 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 Murder 2nd Degree

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 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.

Wilmer Cooper (Seal)

Hardy Janner (Seal)

W. S. Cooper (Seal)

Alfred W. Washington (Seal)

John M. Williams (Seal)

Taken and approved this the 5th day of November 1936

M. S. Wilkin Sheriff

By \_\_\_\_\_ Deputy Sheriff

I charge you, Gentlemen of the Jury, that  
if you believe the evidence in this case you cannot find  
the defendant guilty of murder in the second degree.

*Refused  
J.W. Hare  
Judge*

I charge you, Gentlemen of the Jury, if defendant, while intoxicated, drove an automobile along a public highway and ran against deceased and caused death, defendant was guilty of manslaughter in second degree

Respectfully  
W. W. Hare  
Judge

The Court charges the jury that the defendant is authorized under the statute to testify in his own behalf and the jury have a right to give full credit to his statements.

Refused (signed)  
D. W. Hare  
Judge

The court charges the Jury that as fair-minded and honest men, the law enjoins upon you, Gentlemen, the imperative duty of giving the defendant the benefit of every reasonable doubt arising from the evidence before you can find him guilty.

Refused  
J. W. Hare  
Judge

I charge you, Gentlemen of the Jury, that  
if the defendant did not intend to kill the deceased you  
cannot convict him of murder in the second degree.

Refused  
J. W. Ware  
Judge

I charge you, Gentlemen of the Jury, that the law presumes the defendant to be innocent until his guilt is made morally certain beyond a reasonable doubt growing out of the existence in this case.

*Refused*  
*J. W. Hare*  
*Judge*



The Court charges the Jury that if they have a reasonable doubt as to whether the killing was done with malice, the defendant cannot be convicted of murder at all.

*Review*  
*JW Hare*  
*Judge*

The Court charges the Jury that no Juror can within his oath as a Juror join in a verdict of guilty for the offense charged in this case as long as he personally has a reasonable doubt of the defendant's guilt, no matter what the other jurors may believe upon the subject.

Reverend  
J. M. Hare  
Judge

Charge No 1

The Court charges the jury that a person charged with a felony should not be convicted, unless the evidence excludes to a moral certainty every reasonable hypothesis but that of his guilt; no matter how strong the circumstances are, they do not come up to the full measure of proof, which the law requires, if they can be reasonably & reconciled with the theory that the defendant is innocent.

CLERK'S FEES	at	AMOUNT	SHERIFF'S FEES	at	AMOUNT
Taking Affidavit.....	.50		Arrest.....	2.00	400
Issuing..... Capias.....	.50		Bond.....	1.00	100
.....			Guarding Prisoner.....	2.00	300
Docketing.....	.10	10	Serving..... Subpoenas.....	.50	900
Issuing <u>20</u> Subpoenas.....	.25	500	Serving..... Notices.....	.50	
.....			Executing Search Warrant, Day.....	1.00	
.....			Executing Search Warrant, Night.....	2.00	
..... Continuance by Defendant.....	.25		.....		
Order of Removal and Incidents.....	1.00		Summoning Jury in Capital Case or Special Criminal Court.....	5.00	
.....			Fees in County Court.....		
.....			Seizure.....	3.00	
Taking..... Recognizances.....	.50		..... Miles @ 10c.....		
Discharge of Bail.....	.50				
Entry of..... Forfeiture vs. De- fendant.....	.50		RECAPITULATION.		1600
Final Judgment of Forfeiture vs. Defendant.....	.50		Fine.....		1030
Entry of..... Forfeiture vs. Witness and Jurors.....	.25		Clerk's Fees.....		1600
Trial.....	.50	50	Sheriff's Fees.....		7570
Judgment.....	.25	25	Solicitor's Fees.....		75
Final Judgment of Sentence.....	.25	25	Justice's Fees.....		
Issuing..... Execution.....	.50	50	Constable's Fees.....		
Issuing..... Sci. Fas and Copies.....	.70	48	Witness Fees in Circuit Court.....		1570
Transcrip and Certificate..... Folios.....	.15	45	Witness Fees in County Court.....		
Final Record..... Folios.....	.15	300	County Court Judge's Fees.....		
Record of Supreme Court..... Folios.....	.15		Removal Bill.....		
Certifying Same.....	.25		Stenographer.....	5.00	500
Recording Indictment.....	.25	25	Trial Tax.....	3.00	300
Clerk's Fees in County Court.....			Board..... Days at.....		
.....			.....		
.....			.....		
.....			.....		
Total Clerk's Fees.....		1030	Total Fees and Fines.....		12575

STATE OF ALABAMA, BALDWIN COUNTY.

To Any Sheriff of the State of Alabama—GREETING:

You are hereby commanded that of the goods and chattels, lands and tenements of.....

*William Cooper*

you cause to be made the sum of.....

Dollars and..... Cents, which the State of Alabama, for the use of  
Baldwin County, hath recovered against.....

..... on the 29 day of  
April 1928, by the judgment of our Circuit Court, held for the County  
of Baldwin, besides 12575

cost of prosecution; and have the same to render to the said State for the use aforesaid; and make return of this writ,  
and the execution thereof, according to law.

Witness my hand, this 15 day of....., 1928

*Augustus*  
*Cooper*

....., Clerk.

Fl. FA. No. 231

Case No. 231

THE STATE OF ALABAMA,  
Baldwin County.

Circuit COURT

THE STATE  
Vs.

William Cooper

Issued 8/15, 1938

Fee Book CD Page

Execution Docket Page

Fl. FA. STATE

Defendant's Attorney.

Filed in Office of Clerk Circuit Court

Aug 15, 1938  
R. D. Dyer, Clerk.

Received in Office. (11)

August 16, 1938  
W. N. Hopkins, Sheriff.

The State of Alabama,  
Baldwin County. }

By virtue of the within Execution, I have levied

Returned 10-13-38

Mr Property Bonds

Mr. W. Wilkins  
Shirley

D. S. Dyer  
D. S.