

(697)

THE STATE OF ALABAMA, }
Baldwin County }

Circuit Court, Spring Term, 1944

The Grand Jury of said County charge that before the finding of this indictment Thomas Roberson did carnally know, or abuse in the attempt to carnally know, Martha Roberson, alias Ellen Roberson, a girl over twelve and under sixteen years of age;

against the peace and dignity of the State of Alabama.

Ralph L. Jones

Solicitor of the Twenty-first Judicial Circuit.

No. _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT

Spring Term, 1944

THE STATE
vs.

Thomas Roberson

INDICTMENT

Carnal Knowledge of Girl
over 12 and under 16 years of age
No. _____ Prosecutor.

WITNESSES:

Ellen Roberson

Emily Roberson

Mattie Roberson

Dr. J. C. McLeod

GRAND JURY NO. 30

A TRUE BILL

Rudolph Willia
Foreman Grand Jury.

Filed in open Court and in the presence of the

Grand Jury on the 12th day of

April, 1944

Rodeck Clerk

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

Rodeck
Clerk.

Bail fixed \$ 1000⁰⁰

F. M. Karl
Judge.

*we the Jury find
the Defendant not guilty
as charged
Joseph Paul
Foreman*

1.

The court charges the Jury that good character itself may, in connection with all the evidence, generate a reasonable doubt and entitle the defendant to an acquittal even though without such proof of good character you would convict.

Given
J. W. Hare
Judge

2.

The court charges the Jury that proof of good character if proved to your reasonable satisfaction, may be such to authorize you to acquit defendant, when taken in connection with all the other testimony.

Given
J. W. Hare
Judge

4. The court charges the Jury that the testimony of the witness for the prosecution, who is shown to be not worthy of credit, is not sufficient to justify conviction, without corroborating evidence; and such corroborating evidence, to avail anything, must be a fact tending to show the guilt of the defendant.

~~Given~~ Refused
J. W. Harl
Judge

THE STATE OF ALABAMA

CIRCUIT COURT

Baldwin County.

SUB. No. _____

Case No. 697

Term. April, 1934

#2 Matt Place

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon

Jessie Stewart
Max Kuller A J Green and
E. L. Junstall
Mattie Robinson

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House thereof, in Bay Minette, on the 24th day of April, 1934 at 8:30 a.m., and from day to day of said term and from term to term thereafter until discharged, to give evidence and the truth to speak in behalf of THE STATE in a prosecution now pending in said Court, wherein the

State of Alabama is Plaintiff and

Thomas Robinson

Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this 22 day of April A. D., 1934.

R. S. Duck
R. S. DUCK, Clerk.

Received in office _____, 193

Executed this _____, 193

By _____

In full

[Handwritten signature]

[Handwritten signature]

Sheriff.

~~ORIGINAL~~

For _____

No. *697* Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE

Vs.

Thomas Reherson

STATE SUBPOENA

Issued this *22* day of

April, 193*4*

[Handwritten signature]

Clerk.

THE STATE OF ALABAMA
Baldwin County.

CIRCUIT COURT

SUB. No. _____

Case No. 697. Term, April., 1944

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon Ellen Roberson Emily Roberson.

~~XXXXXX McLeod~~ Dr J C McLeod.

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House thereof, in Bay Minette, on the 24th day of April., 1944, at 8:30 a.m., and from day to day of said term and from term to term thereafter until discharged, to give evidence and the truth to speak in behalf of THE STATE in a prosecution now pending in said Court, wherein the State of Alabama is Plaintiff and Thomas Roberson.

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

Witness my hand this 14th day of April. A. D., 1944.

R. S. DUCK, Clerk.

Received in office 4/14, 1944

Executed this _____, 193_____

By _____

On file

[Signature]

Sheriff.

ORIGINAL

For _____

No. 697. Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE

Vs.

THOMAS ROBERSON.

STATE SUBPOENA

Issued this 14th day of

April., 1944.

R S Duck.

Clerk.

THE STATE OF ALABAMA }
Baldwin County. }

CIRCUIT COURT

SUB. No. _____

Case No. 697 Term, April, 1944

TO ANY SHERIFF OF THE STATE OF ALABAMA:

4-20-44

You are Hereby Commanded to Summon ~~J C Barron, Dr J F Bryars, W H Rail,~~
~~L D Owen, Mrs Jane Moorer, Walter Jones, Brady Powell, R E Cooley,~~
~~Grover Weekley, Riley Williamson, Marshall Pollard, Clyde Little, S F Holmes,~~
~~J H Stacey, J R Wilson, J E Young, S L Leak, Lige Gideons, W E Moore,~~
~~and Lamar Eubanks.~~

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House thereof, in Bay Minette, on the 24th day of April, 1944, at 8:30 a.m., and from day to day of said term and from term to term thereafter until discharged, to give evidence and the truth to speak in behalf of THE DEFENDANT in a prosecution now pending in said Court, wherein the State of Alabama is Plaintiff and Thomas Roberson,

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

Witness my hand this 20th day of April, A. D., 1944.

R. S. DUCK, Clerk.

Received in office _____, 193

Executed this _____, 193

By _____

J. J. Full

W. R. Bussell

Sheriff.

ORIGINAL

For _____

No. 697 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE
Vs.

Thomas Roberson.

STATE SUBPOENA

Issued this 20th day of

April, 1934

R. S. Duck.

Clerk.

THE STATE OF ALABAMA,
Baldwin County

We, Thomas Roberson, as
principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of
ONE THOUSAND DOLLARS

unless the said Thomas Roberson appear at the
Spring Term, 1944 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 Carnal Knowledge

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 Roberson (Seal)
Thomas Roberson (Seal)
W. R. Stewart (Seal)

Taken and approved this the 17th day of April, 1944.
W. R. Stewart, Sheriff

By _____, Deputy Sheriff

No. 697

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

_____ Court

SHERIFF'S OFFICE

THE STATE

VS.

T. Roberson

Sheriff's Appearance Bond

Amount of Bond, \$ 1,000.00

Filed _____, 19____

_____, Clerk.

11.

The court charges the Jury that if they find from the evidence that any witness has made contradictory statements as to material facts in this case or any of such facts, the Jury may look to these contradictory statements in order to determine what credence they will give to the testimony of such witnesses.

Given
J. W. Stare
Judge

12.

The court charges the Jury that proof of contradictory statements or declarations on a material point made by any witness may be such to raise a reasonable doubt in the minds of the Jury as to the truth of the testimony of such witness.

Given
J. W. Stare
Judge

5.

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.

Given
J. W. Hare
Judge

6.

The court charges the Jury that the burden is upon the State and it is the duty of the State to show beyond a reasonable doubt and to the exclusion of every other reasonable hypothesis every circumstance to show that the defendant is guilty; and unless the State has done that in this case it is your duty, Gentlemen of the Jury, to render a verdict of not guilty.

Given
J. W. Hare
Judge

3. The court charges the Jury that good character itself is part of the evidence in this case and if the Jury upon a consideration of all the evidence have a reasonable doubt growing out of any part of the evidence, the Jury will give the defendant the benefit of such doubt and acquit him.

Given
F. W. Harl
Judge

7.

The court charges the Jury that the burden is on the State to convince you of defendant's guilt to the exclusion of every reasonable doubt and by evidence that overcomes the presumption of fact that the law surrounds the defendant with, that he is innocent of crime.

Given
J. W. Hare
Judge

8.

The court charges the Jury that the legal presumption of innocence is to be regarded by the Jury in every case as a matter of evidence, to the benefit of which the accused is entitled; and, as a matter of evidence it attends the accused until his guilt is by the evidence placed beyond a reasonable doubt.

Given
J. W. Hare
Judge

9.

The court charges the Jury that the innocence of the defendant is presumed until his guilt is established by the evidence in all the material aspects of the case beyond a reasonable doubt, to a moral certainty, and it may also be said that evidence of guilt must be strong and cogent, and, unless it is so strong and cogent as to show that defendant, is guilty to a moral certainty, defendant should be acquitted.

Given
J. W. Hare
Judge

10.

The court charges the Jury that if they believe from the evidence in this case that any witness has willfully and corruptly sworn falsely as to any material fact in this case you may in your discretion disregard the testimony of such witness entirely.

Given
J. W. Hare
Judge

THE STATE OF ALABAMA,
Baldwin County }

No. 30

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon Martha Ellen Roberson
Mrs Emily Roberson, Dr J. C. McLeod

to be and appear on the 10 day of April, 1944, before the Grand Jury of said County, at the Court House thereof, then and there to testify and give evidence on behalf of the State of Alabama. Herein fail not, and make due return of this writ with your endorsement thereon.

Witness my hand this 5 day of April A. D., 1944

R B Cook Clerk.

ORIGINAL

No. 20

GRAND JURY SUBPOENA

I have executed this Subpoena by serving a copy thereof on the following persons, to-wit:

W. C. Street

this 6th day of April, 1944

W. C. Street, Sheriff

THE STATE OF ALABAMA, }
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

Thomas Roberson

at the April Term, 1944, of the Circuit Court of Baldwin County, for the offense of

Carnal Knowledge of a Girl over 12 and under 16 years of age

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 12th day of April 1944

R.S. Luck

Clerk Circuit Court of Baldwin County.

THE STATE OF ALABAMA, }
Baldwin County.

We, _____, as principal and

the other undersigned as sureties, agree to pay the State of Alabama _____

Dollars, unless the said _____ appears

at the _____ Term of the Circuit Court of Baldwin County, and from Term to Term

thereafter until discharged by law, to answer a criminal prosecution for the offense of _____

In signing the above bond we and each of us hereby waive all legal rights of exemptions allowed us by the Constitution and Laws of Alabama.

Witness our hands and seals this _____ day of _____, 1944

(L. S.)

(L. S.)

(L. S.)

(L. S.)

(L. S.)

Taken and approved _____ day of _____ 1944

Sheriff of Baldwin County.

CAPIAS

No. 697

THE STATE vs.

Thomas Roberson

Bail Fixed in This Case in Open Court at

\$ 1000⁰⁰

By A. W. Hare Judge Presiding.

Attest: P. S. Muck Clerk.

Executed this 12th day of April 1944

By arresting the within

named Defendant

Thomas Roberson

and placing him in Jail

W. R. Stuart Sheriff.

B. J. Hascua Deputy Sheriff.