

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

Naomi Lowman Meek, alias Naomi Meek, unlawfully, but without malice of the intention to kill, killed Agnes Pavlista, by negligently driving an automobile into, upon or against the automobile in which the said Agnes Pavlista was riding;

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, 194 4

THE STATE
vs.

Naomi Lowman Meek

INDICTMENT

Manslaughter, second Degree

No _____ Prosecutor.

WITNESSES:

James Pavlista

Richard Pavlista

Dr. C. M. Gillchrist

G. C. Phillips

V. C. Christionsen

Dr. R. A. Hail

Ross Freeman

GRAND JURY NO. 26

A TRUE BILL,

Rudolph Willis

Foreman Grand Jury.

Filed in open Court and in the presence of the

Grand Jury on the 12th day of

April, 1944

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.

Bail fixed \$ 500.00

F. W. Hare
Judge.

No. _____

The State of Alabama,
BALDWIN COUNTY
CIRCUIT COURT

Spring Term, 194 4

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Ralph L. Jones
Solicitor of the Twenty-first Judicial Circuit.

ORIGINAL — DEFENDANT SUBPOENA

CIRCUIT COURT

THE STATE OF ALABAMA }
Baldwin County. }

SUB. No. _____
Case No. 705 Term, April., 19344

TO ANY SHERIFF OF THE STATE OF ALABAMA:

Franklin Smart.

You are Hereby Commanded to Summon Fred K Gass, C E Gay, Dr C M Gilchrist
Robertsdale. and Kirby Wharton, Jim Gaston, J E Gooden, R C Keeney,
C C Baldwin, G E Perkins, Fairhope.

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 25th day of April., 19344, 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, where-
in the State of Alabama is Plaintiff and Naomi L Meek.

Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this 20th. day of April. A. D., 19344

R. S. DUCK, Clerk.

Received in office _____, 193

Executed this 4-20, 1934

By W. R. Stewart

Sheriff

ORIGINAL

For _____

No. 705 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE
Vs.

Naomi L Meek

STATE SUBPOENA

Issued this 20th day of

April, 1934.

R S Duck

Clerk.

W. R. Stewart

B. J. [Signature]

Sheriff.

THE STATE OF ALABAMA }
Baldwin County.

CIRCUIT COURT

SUB. No. _____

Case No. 705.

Term. April., 19344

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon James Pavlista, Richard Pavlista
Dr G M Gilchrist, V C Christensen, Dr R A Hail,
Ross Freeman, G C Phillips, Babe Owensel

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 25th day of April., 19344, 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 Naomi Lowman Meek.

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

Witness my hand this 14th day of April. A. D., 19344

R. S. DUCK, Clerk.

Received in office 4/14/44, 1934

Executed this Apr 21, 1934

By Stewart

in full

W.R. Stewart
B. J. Green Sheriff.

ORIGINAL

For _____

No. 705.

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE

Vs.

NAOMI LOWMAN MEEK.

STATE SUBPOENA

Issued this 14th day of

April, 1934

R. S. Duck.

Clerk.

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3/27
State
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State -
9 Sept -

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JURY LIST, SECOND WEEK,

FALL TERM, DEC. 4, 1944.

No.	Name	Occupation	Address.
1	Arthur H. Hale,	Merchant	Stapleton
2	Walter M. Richardson	Merchant	Stockton
3	William F. Black	Farmer	Bon Secour
4	Thomas J. Hadley	Farmer	Foley
5	Aaron G. Weaver	Merchant	Bay Minette
6	John W. Pittman	Farmer	Gateswood
7	Allen H. Foster	Salesman	Fairhope
8	Waldo C. Teem	Farmer	Foley
9	Charles A. Dean,	Farmer,	Stapleton
10	John D. Thompson	Ice Mgr.	Foley
11	Norman Catrett	Farmer	Stockton
12	James A. Walters	Farmer	Bon Secour
13	Irby E. Heaton	Newport	Bay Minette
14	Emanuel Davidson	Salesman	Bay Minette
15	Grover C. Corley,	Hauling Con.	Bay Minette
16	Ford H. Cook	Publisher	Bay Minette
17	James Erwin	Farmer	Foley
18	Michael A. Kaiser,	Farmer	Elberta
19	Alex Bertolotti	Farmer	Lexley
20	J. Harold Green	Filling Sta.	Bay Minette
21	Albert Haupt	Farmer	Elberta
22	Joseph L. Lucassen	Auto Dealer	Foley
23	J. Marvin Fillingim	Farmer	Gateswood
24	Peter Morris	Farmer	Gateswood
25	Fomer L. Flowers	Farmer	Bon Secour
26	John A. Rhodes	Farmer	Foley
27	Sim Parker,	Risherman	Bon Secour
28	Edward D. Noonan	Wood Supt	Bay Minette
29	Julio Conte	Farmer	Belforest
30	Murry Bryant	Farmer	Stockton
31	Ernest C. Weekley	Clerk	Perdido
32	James T. Bradley	Merchant	Bay Minette
33	David Garr	Merchant	Foley
34	Frank Mullett, Sr.	Farmer	Elberta
35	Ambrose Hamburg	Laborer	Foley
36	Harold Agee	Clerk	Foley
37	William M. Ruple	Farmer	Bay Minette
38	Murphy M. McMillan	Timberman	Stockton

Muller Paul

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THE STATE OF ALABAMA,
Baldwin County }


No. 30 Apr Term.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon Paul Kaiser Sr. George Holk.
Frank W Walker.

to be and appear on the 2nd day of November, 1943, 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 25th day of Oct, A. D., 1943

 Clerk.

ORIGINAL

Foley

No. *35* 2nd Term

GRAND JURY SUBPOENA

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

George Holb
Frank W Walker
Paul Harris

this *28th* day of *Oct*, 194*3*

W R Stewart, Sheriff

Moore Printing Co., Bay Minette, Ala.

By Mandy Hall D.L.

*Agnes
Pavlista
Judge*

6. The Court charges the jury that if you believe from the evidence that the death of Agnes Pavlista was the result of an unavoidable accident, then you should find the Defendant not guilty.

*Richard
W. H. H. H.
Judge*

10. I charge you, gentlemen of the jury, that if each of you are reasonably satisfied from the evidence that the Defendant stopped her automobile before driving it on the paved highway, then she did not engage in the commission of an unlawful act by driving on the paved highway, even though the death of Agnes Pavlista accidentally occurred as a proximate consequence thereof.

*Richard
W. H. H. H.
Judge*

9. I charge you, gentlemen of the jury, that before you can convict the Defendant of Manslaughter in the second degree, as charged in the indictment, each of you must believe from the evidence beyond a reasonable doubt and to a moral certainty that the death of Agnes Pavlista was the proximate result of the commission of an unlawful act by the Defendant.

7. The Court charges the jury that if you believe from the evidence that Agnes Pavlista was accidentally and unintentionally killed by the Defendant and that her death was not proximately caused by the commission of an unlawful act, then you should find the Defendant not guilty.

Refused
F. W. Stare
Judge

*Revised
W. M. H. H. H.
Judge*

5. The Court charges the jury that if you believe from the evidence that the death of Agnes Pavlista was the result of an accident, then you should find the Defendant not guilty.

*Revised
W. M. H. H. H.
Judge*

4. I charge you, gentlemen of the jury, that before you can convict the Defendant of Manslaughter in the second degree, as charged in the indictment, each of you must be convinced from the evidence beyond all reasonable doubt and to a moral certainty that the Defendant was engaged in the commission of an unlawful act at the time Agnes Pavlista was killed and that the death of Agnes Pavlista was proximately caused by the Defendant, while committing such unlawful act.

*Revised
W. M. H. H. H.
Judge*

3. The Court charges the jury that before you can convict the Defendant of Manslaughter in the second degree, as charged in the indictment, you must first believe from the evidence beyond a reasonable doubt and to a moral certainty that the death of Agnes Pavlista was proximately caused by the Defendant, while engaged in the commission of an unlawful act.

Revised
St. H. Stone
Judge

1. The Court charges the jury that if you believe the evidence in this case, you should acquit the Defendant.

*Referenced
to the
Grand Jury*

8. The Court charges the jury that before you can convict the Defendant of Manslaughter in the second degree, as charged in the indictment, you must first believe from the evidence beyond a reasonable doubt and to a moral certainty that the Defendant was engaged in the commission of an unlawful act at the time Agnes Pavlista was killed and, second, that the death of Agnes Pavlista was proximately caused by the Defendant, while engaged in the commission of an unlawful act.

STATE OF ALABAMA

VS.

NAOMI LOWMAN MEEK,

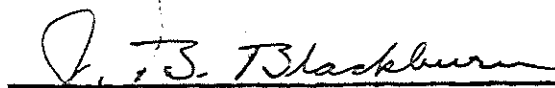
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

DEMURRER

Now comes the Defendant and demurs to the Indictment filed in this cause and as grounds of such Demurrer sets down and assigns separately and severally the following:

1. It states no offense known to the law.
2. It does not allege that the Defendant was engaged in the commission of an unlawful act at the time the deceased was killed.
3. No facts are alleged to show that the Defendant was engaged in the commission of an unlawful act at the time Agnes Pavlista was killed and that the death of Agnes Pavlista was proximately caused by the commission of such unlawful act.
4. No facts are alleged to show that the death of Agnes Pavlista was proximately caused by the commission of an unlawful act by the Defendant.
5. The words "by negligently driving an automobile into, upon or against the automobile in which said Agnes Pavlista was riding" do not show that the Defendant was engaged in the commission of an unlawful act at the time the deceased was killed.
6. No facts are alleged to show how the deceased was killed.
7. The Indictment does not inform the Defendant how the deceased was killed.
8. The allegations of the Indictment do not show whether the deceased was killed by being struck by Defendant's automobile or by being thrown from the automobile in which she was riding.


Attorney for Defendant.

706-

DEMURRER

STATE OF ALABAMA

VS.

NAOMI LOWMAN MERK,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Filed April 25-1944
R. H. [Signature]
Clark

CLERK OF COURT
BALDWIN COUNTY, ALABAMA

THE STATE OF ALABAMA

Baldwin County.

CIRCUIT COURT

SUB. No. _____

Case No. 705.Term. Dec., 1944

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Comanded to Summon James Pavlista, Richard Pavlista,
Dr G M Gilchrist, G C Phillips, V C Christensen Dr R A Hall,
Ross Freeman Bob Owens,

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 4th day of Dec., 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 ~~XXXX~~ Naomi Meek.

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

Witness my hand this 17th day of Dec. A. D., 19344

R. S. DUCK, Clerk.

Received in office _____, 193

Executed this 11-29, 193⁴⁴

By Serving in full

ORIGINAL

For _____

No. 705. Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE
Vs.

NAOMI MEEK.

Rehearsal

STATE SUBPOENA

Issued this 17th. day of

Nov, _____, 193⁴⁴

W B Stuart

Sheriff.

By Tracy Hall

R.S. Wink

Clerk.

H. C. JORDAN, M. D.

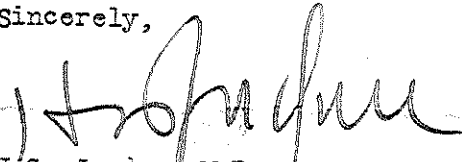
FAIRHOPE, ALABAMA

April 24, 1944.

TO WHOM IT MAY CONCERN:

This is to certify that I have, this day, examined Mrs. J. L. Meeks and, in my opinion, she is unable to attend court.

Sincerely,



H.C. Jordan, M.D.

HJ/jb

THE STATE OF ALABAMA,
Baldwin County }

No. 26

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon George C. Phillips, R. Helms
W. C. M. Gillespie, James Parlista, Richard
Parlista, Ross Freeman, Chas. Palmer
U. C. Christerson

to be and appear on the 11 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 28 day of March A. D., 1944

R. B. Neak Clerk.

Musk

ORIGINAL

No. *26*

GRAND JURY SUBPOENA

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

In full

705

this *1* day of *April*, 194*4*

W.R. Swain Sheriff