

868

THE STATE OF ALABAMA,

Baldwin County.

Circuit Court, FALL

Term, 1949<sup>3</sup>

(1)

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

Harford Penn, Jr., alias Hartford Penn, Jr., whose name to the Grand Jury is otherwise unknown, feloniously took one twenty-dollar bill, six ten-dollars bills, three five-dollar bills, and seven one-dollar bills, of the lawful currency of the United States of America, of the value of one hundred and two dollars, the property of E. N. Nick, alias E. N. Nicks, from his person, and against his will, by violence to his person, or by putting him in such fear as unwillingly to part with the same;

(2)

The Grand Jury of said County further charge that before the finding of this Indictment, Harford Penn, Jr., alias Hartford Penn, Jr., whose name to the Grand Jury is otherwise unknown, feloniously took one hundred dollars in lawful currency of the United States of America, consisting of bills, the number and denomination and a more particular description of which is to the Grand Jury unknown, of the value of one hundred dollars, the property of E. N. Nick, alias E. N. Nicks, from his person, and against his will, by violence to his person, or by ~~putting~~ putting him in such fear as unwillingly to part with the same;

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**

Fall Term, 194~~2~~ 3.

THE STATE  
Vs.

HARFORD PENN, JR. alias

HARTFORD PENN, JR.

**INDICTMENT**

ROBBERY  
NO Prosecutor.

WITNESSES:

E. N. NICK

W. R. STUART

A. P. PRUITT

M. H. WILKINS

PERCY VAN IDERSTINE

JIM PAPPAS

GRAND JURY NO. 5

A TRUE BILL

FRED C. GRIFFIN

Foreman Grand Jury.

Filed in open Court and in the presence of  
the Grand Jury on the 3<sup>rd</sup> day of  
Nov., 194 3.

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 \$ .....

Judge.

THE STATE  
vs.

In the Circuit Court of Baldwin County,

HARTFORD PENN JR.

APRING

Term, 1938

Venire of the jurors in the above stated cause, names herein stated from No. 1 to No. 1 both inclusive, being the special jurors drawn in open Court by the presiding Judge, in said cause, and the other names, from No. 2 to No. 71, both inclusive, being the regular jurors drawn and summoned for the 2nd week of the Spring April Term of said Court, the said cause having been set for trial on the 26th day of April 1938, 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	MARTIN KICKLER	FARMER	ELBERTA	ELBERTA
2	KENNETH JOHNSON	LAUNDRY	FAIRHOPE	SAME
3	G. F. OLSON	PAINTER	ROBERTSDALE	SAME
4	ADAM KOEHLER	FARMER	ELBERTA	SAME
5	FRED DUCK	SHIPYARD	CROSSROADS	SAME
6	RUDOLPH KRUPINSKI	FARMER	FOLEY	SAME
7	JOHN E. LANGHAM	FARMER	ROBERTSDALE	SAME
8	JOHN ELBERT	LABORER	FOLEY	SAME
9	D. ARKIE BEECH	FARMER	FOLEY	SAME
10	JEROME SEAY,	CLERK	LOXLEY	SAME
11	JOHN LAZZARI	FARMER	BELFOREST	SAME
12	WILL MCKEE (NEGRO)	LABORER	BAY MINETTE	SAME
13	GROVER C. ARANT	INSURANCE	BAY MINETTE	SAME
14	LEATH I. WINDBIGLER	NURSEYMAN	FOLEY	SAME
15	QUINCEY WATERS	LABORER	GATESWOOD	SAME
16	JIM BAGGETT	FARMER	HOLEMAN	SAME
17	JESSIE MIDDLETON	FARMER	HOLEMAN	SAME
18	EINER MIKKELSON	FARMER	SUMMERDALE	SAME
19	FRANK J. LEUTNER	CLERK	SUMMERDALE	SAME
20	CHAS V. MOORE	SHIPBUILDER	MAG. SPGS.	SAME
21	DEAN E. BUSHNELL	NEWPORT	BAY MINETTE	
22	PAUL HAUPT SR.	FARMER	ELBERTA	
23	ALOIS HANAK	FARMER	SILVERHILL	
24	MARION WILKINS	ENGINEER	BAY MINETTE	
25	CECIL TRAWICK	FARMER	STAPLETON	
26	CLIFFORD JONES	SHIP YARD	STAPLETON	
27	AYRES LITTLES	BOOKEEPER	BAY MINETTE	
28	A. R. CROMARTIE,	CLERK	BAY MINETTE	
29	GROVER WOODARD	RAILROAD	BAY MINETTE	
30	HERBERT C. ENGLAND	MILLMAN	ROBERTSDALE	
31	HARRY C. PETERSON	REAL ESTATE	ROBERTSDALE	
32	PAUL R. TETER	ABTRACTOR	BAY MINETTE	
33	CLYDE LITTLE	MECHANIC	BAY MINETTE	
34	C. S. DUBOSE	FARMER	ROBERTSDALE	
35	GUS BERTAGNOLLI	FILLING STA.	DAPHNE	
36	JOHN G. PATE	CLERK	FOLEY	
37	Gov PRESLEY	FARMER	LOTTIE	
38	SEABORN S. BAGGETT	NEWPORT	BAY MINETTE	
39	G. E. GOODEN	REAL ESTATE	FAIRHOPE	
40	JAMES C. JCKENZIE	DEFENSE	BAY MINETTE	
41	R. C. KEENEY,	REAL ESTATE	FAIRHOPE	
42	LITTLE D. OWEN JR.	MERCHANT	BAY MINETTE	
43	HAROLD SAYE	FARMER	LOXLEY	
44	JULIUS LEE BRYAND	BUTCHER	STOCKTON	
45	J. J. BLACKWELL	FARMER	FOLEY	
46	FRANK HARJST	FARMER	SILVERHILL	
47	LARENCE V. DRYER	POTTERY	DAPHNE	
48	RAWLEIGH MCKENZIE	FARMER	MAG. SPGS.	
49	LEONARD WASHINGTON FOLEY	FARMER	ROBERTSDALE	
50	HENRY E. PETERSON	DEFENSE	GATESWOOD	
51	NOAH W. DEAN	FARMER	LITTLE RIVER	
52	J. W. CLARK JR.	MERCHANT	ROBERTSDALE	

No.	NAME	Occupation	Residence Address	Business Address
53	JOE MCPHILLIPS	MERCHANT	FAIRHOPE	
54	ROLAND KILLCREAS,	LABORER	STOCKTON	
55	MARSHALL N. WHITE	ELECTRICIAN	BAY MINETTE	
56	H. LOWELL	DRY CLEANER	FAIRHOPE	
57	IVAN HAVEL	FARMER	SILVERHILL	
58	BRAXTON PALMER	FARMER	ROBERTSDALE	
59	STEVE KICKLER	MERCHANT	ELBERTA	
60	ED OVERTON	COLONIAL INN	FAIRHOPE	
61	THOMAS L. ALLEN	FARMER	GATESWOOD	
62	JOE LITTLETAYLOR	FARMER	FAIRHOPE	
63	FRANK KNOWLES	ELECTRICIAN	BAY MINETTE	
64	HENRY BRYARS	FARMER	STOCKTON	
65	LAVELIE FERGUSON	FARMER	LATHAM	
66	OLLIE F. KING, PET DEALER	PET DEALER	FOLEY	
67	LUTHER ARANT	POSTAL CLERK	FOLEY	
68	GEORGE EDWARD BRYANT	FARMER	STOCKTON	
69	HERMAN P. KRUEGER	FARMER	FOLEY	
70	HERMAN L. TAYLOR	MECHANIC	BAY MINETTE	
71	ELBERT M. RHODES	FARMER	SUMMERDALE	
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I hereby certify that the foregoing is a correct list of the venire in the case of the State vs. Harford Penn, Jr. alias Harford Penn Jr charged with Robbery; that the names of jurors from No. 1 to No. 1, both inclusive, are the special jurors drawn by the presiding Judge, in open Court, and that the names of jurors from No. 2 to No. 71, both inclusive, is a correct list of the regular jurors drawn and summoned for the second week of the Spring Term, 1948, 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 the indictment in this case.

Witness my hand this 17 day of April 1948. Jaylor 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 17 day of April, 1948 upon Harford Penn, Jr. alias Harford Penn Jr the Defendant Jaylor Wilkins Sheriff.

*SC*

**The State of Alabama**  
 Baldwin County

**CIRCUIT COURT**

LIST of JURORS and COPY of INDICTMENT

**STATE**  
 vs.

THE STATE OF ALABAMA  
Plaintiff

C R I M I N A L

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

vs

HARTFORD PENN, JR.,  
Defendant

WHEREAS, it has been made known to me, FRANCIS HARE, the presiding Judge of the Court, by which an indictment has been returned against HARTFORD PENN, JR., for robbery, a Capital Offense, by a written report of HARRY S. ROWE, M.D., Assistant Superintendent of the Searcy Hospital, at Mt. Vernon, Alabama; that there is reasonable grounds to believe that HARTFORD PENN JR., is presently insane; and it also appears from the papers on file in this case that the said HARTFORD PENN, JR., is now in the charge of the Superintendent of the Alabama State Hospitals, in the Searcy Hospital at Mt. Vernon, Alabama.

NOW therefor, it is ordered that the Superintendent of the Alabama State Hospitals, have the said HARTFORD PENN, JR., placed under observation and examination of himself and two members of his Medical Staff, named by him, constituting a commission on lunacy with the view of determining the mental condition of said Defendant and the existence of any mental disease or defect which would affect his present criminal responsibility or his criminal responsibility at the time of commission of the crime, which was prior to November 3rd, 1943.


Such Defendant, shall remain in the custody of the superintendent of the Alabama State Hospitals and subject to the observation of and examination by such commission of lunacy for such length of time as may be in the judgment of the commission of lunacy be necessary to determine his mental condition so far as it affects his criminal responsibility.

As soon as such commission of lunacy has reached a conclusion, within the time and in the respect as hereinabove set forth as to the mental condition of said Defendant, it shall make a full written report thereof to the Clerk of the Circuit Court in Baldwin County,

Alabama, which report shall be placed on file and accessible to the Court, to the solicitor and to the counsel for Defendant.

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 Section 425 of Title 15 of the 1940 Code of Alabama.

Done this the 9<sup>th</sup> day of December, Nineteen Hundred and Forty-Six.

  
\_\_\_\_\_  
Francis W. Hare, Judge



THE STATE OF ALABAMA  
PLAINTIFF

CRIMINAL  
IN THE CIRCUIT COURT OF

VS.

BALDWIN COUNTY, ALABAMA

HARTFORD PENN, JR.,  
DEFENDANT

WHEREAS, it has been made known to me, FRANCIS HARE, the presiding Judge of the Court, by which an indictment has been returned against HARTFORD PENN, JR., for robbery, a Capital Offense, by a written report of HARRY S. ROWE, M. D., Assistant Superintendent of the Searcy Hospital, at Mt. Vernon, Alabama; that there is reasonable grounds to believe that HARTFORD PENN JR., is presently insane; and it also appears from the papers on file in this case that the said HARTFORD PENN, JR., is now in the charge of the Superintendent of the Alabama State Hospitals, in the Searcy Hospital at Mt. Vernon, Alabama.

NOW therefor, it is ordered that the Superintendent of the Alabama State Hospitals, have the said HARTFORD PENN, JR., placed under observation and examination of himself and two members of his Medical Staff, named by him, constituting a commission on lunacy with the view of determining the mental condition of said Defendant and the existence of any mental disease or defect which would affect his present criminal responsibility or his criminal responsibility at the time of commission of the crime, which was prior to November 3rd, 1943.

Such Defendant, shall remain in the custody of the superintendent of the Alabama State Hospitals and subject to the observation of and examination by such commission of lunacy for such length of time as may be in the judgment of the commission of lunacy be necessary to determine his mental condition so far as it affects his criminal responsibility.

As soon as such commission of lunacy has reached a conclusion, within the time and in the respect as hereinabove set forth as to the mental condition of said Defendant, it shall make a full written report thereof to the Clerk of the Circuit Court in Baldwin County, Alabama, which report shall be placed on file and accessible to the Court, to the solicitor and to the counsel for Defendant.

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 Section 425 of Title 15 of the 1940 Code of Alabama.

Done this the 9th day of December, Nineteen Hundred and Forty-Six.

F. W. Hare  
Francis W. Hare, Judge

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this the 3rd day of February, 1947

Alice J. Duck  
Clerk of Circuit Court



THE STATE OF ALABAMA, }  
 Baldwin County } Circuit Court, FALL Term, 1943

The Grand Jury of said County charge that before the finding of this indictment  
 (1)

Hartford Penn, Jr., alias Hartford Penn, Jr., whose name to the Grand Jury is otherwise unknown, feloniously took one twenty-dollar bill, six ten-dollar bills, three five-dollar bills, and seven one-dollar bills, of the lawful currency of the United States of America, of the value of one hundred and two dollars, the property of E. N. Nick, alias E. N. Nicks, from his person, and against his will, by violence to his person, or by putting him in such fear as unwillingly to part with the same;

(2)

The Grand Jury of said County further charge that before the finding of this Indictment, Hartford Penn, Jr., alias Hartford Penn, Jr., whose name to the Grand Jury is otherwise unknown, feloniously took one hundred dollars in lawful currency of the United States of America, consisting of bills, the number and denomination and a more particular description of which is to the Grand Jury unknown, of the value of one hundred dollars, the property of E. N. Nick, alias E. N. Nicks, from his person, and against his will, by violence to his person, or by putting him in such fear as unwilling to part with the same;

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**

FALL Term, 194 6

THE STATE  
Vs.

HARTFORD PENN, JR., alias \_\_\_\_\_

HARTFORD PENN. JR.

**INDICTMENT**

ROBBERY  
NO. \_\_\_\_\_ Prosecutor.

**WITNESSES:**

E. N. NICK \_\_\_\_\_

W. R. STUART \_\_\_\_\_

A. P. FRUITT \_\_\_\_\_

M. H. WILKINS \_\_\_\_\_

PERCY VAN IDERSTINE \_\_\_\_\_

JIM PAPPAS \_\_\_\_\_

GRAND JURY NO. 5

A TRUE BILL

Fred C. Griffin \_\_\_\_\_

Foreman Grand Jury.

Filed in open Court and in the presence of

the Grand Jury on the 3rd day of

Nov., 194 3

R. S. Duck, Clerk.

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

\_\_\_\_\_  
Clerk.

Bail fixed \$ \_\_\_\_\_

\_\_\_\_\_  
Judge.

*Quas*

CAPIAS

Moore Printing Co.

THE STATE OF ALABAMA,  
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

*Hartford Penn Jr*

at the *Spring* Term, 194 *3*, of the Circuit Court of Baldwin County, for the offense of

*Robbery*

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 *29* day of *January* 194 *5*

*Henry J. Smith*  
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 \_\_\_\_\_, 194 \_\_\_\_\_

- \_\_\_\_\_ (L. S.)
- \_\_\_\_\_ (L. S.)
- \_\_\_\_\_ (L. S.)
- \_\_\_\_\_ (L. S.)
- \_\_\_\_\_ (L. S.)

Taken and approved \_\_\_\_\_ day of \_\_\_\_\_ 194 \_\_\_\_\_

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

*Alias*

**CAPIAS**

No. *865*

THE STATE

vs.

*Hartford Penn Pa*

Bail Fixed in This Case in Open Court at

\$ \_\_\_\_\_

By \_\_\_\_\_ Judge Presiding.

Attest \_\_\_\_\_ Clerk.

Executed this *14* day of *Feb* 194*8*

By arresting the within

named Defendant

and placing him *in jail*

*Taylor Wilkins* Sheriff.

*Zoeie B. Guffin* Deputy Sheriff.

THE STATE OF ALABAMA, {  
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

Harford Penn Jr. alias Hartford Penn Jr

at the Fall Term, 1943, of the Circuit Court of Baldwin County, for the offense of

Robbery

you are, therefore, commanded forthwith to arrest the said Defendant and commit him

to jail, unless \_\_\_\_\_ give bail to answer said indictment, and that you return this Writ according to law.

Dated this 23rd day of July 1946

*R. 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 \_\_\_\_\_, 194\_\_\_\_\_

\_\_\_\_\_  
(L. S.)

\_\_\_\_\_  
(L. S.)

\_\_\_\_\_  
(L. S.)

\_\_\_\_\_  
(L. S.)

\_\_\_\_\_  
(L. S.)

Taken and approved \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_\_

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

75 Good  
412 Main St  
Alias.

**CAPIAS**

No. -----

THE STATE  
vs.

Harford Penn Jr.  
Alias Hartford Penn Jr.

Bail Fixed in This Case in Open Court at

\$ -----

By -----  
Judge Presiding.

Attest : -----  
Clerk.

39052  
Hall No. 100

Executed this 4 day of Nov 1946

By arresting the within

named Defendant

Harford Penn Jr

and placing him in Jail

C. E. Garrett Sheriff.

H. A. Hall Deputy Sheriff.

This Dog has been in public court  
several times in the past year  
worse for 7 C.I. in Alon.

THE STATE OF ALABAMA, }  
Baldwin County } Circuit Court, FALL Term, 1943.

(1)

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

Harford Penn, Jr., alias Hartford Penn, Jr., whose name to the Grand Jury is otherwise unknown, feloniously took one twenty-dollar bill, six ten-dollar bills, three five-dollar bills, and seven one-dollar bills, of the lawful currency of the United States of America, of the value of one hundred and two dollars, the property of E.N. Nick, alias E.N. Nicks, from his person, and against his will, by violence to his person, or by putting him in such fear as unwillingly to part with the same;

(2)

The Grand Jury of said County further charge that before the finding of this Indictment, Harford Penn, Jr., alias Hartford Penn, Jr., whose name to the Grand Jury is otherwise unknown, feloniously took one hundred dollars in lawful currency of the United States of America, consisting of bills, the number and denomination and a more particular description of which is to the Grand Jury unknown, of the value of one hundred dollars, the property of E.N. Nick, alias E.N. Nicks, from his person, and against his will, by violence to his person, or by putting him in such fear as unwillingly to part with the same;

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**

Fall Term, 1943.

THE STATE  
vs.  
Harford Penn, Jr., alias  
Hartford Penn, Jr.

**INDICTMENT**

Robbery  
No Prosecutor.

WITNESSES:

E.N. Nick  
W.R. Stuart  
A.P. Pruitt  
M.H. Wilkins  
Percy Van Iderstine  
Jim Pappas

GRAND JURY NO. 5

A TRUE BILL,

*Fred Puffin*  
Foreman Grand Jury.

Filed in open Court and in the presence of the

Grand Jury on the 3rd day of  
Jan, 1943

*R. Duck* Clerk

Presented in open Court to the presiding  
Judge by the Foreman of the Grand Jury, in  
the presence of 7 other Grand Jurors.

*R. Wilkins*  
Clerk.

Bail fixed \$ \_\_\_\_\_

Judge.



THE STATE OF ALABAMA, {  
Baldwin County }

To Any Sheriff of the State of Alabama:

An indictment having been found against

HARFORD PENN. JR. Alias Hartford Penn Jr.

at the Fall Term, 1943, of the Circuit Court of Baldwin County, for the offense of

ROBBERY.

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 3rd day of November, 1943

*R. L. Duck*

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 \_\_\_\_\_, 194\_\_\_\_\_

\_\_\_\_\_ (L. S.)

\_\_\_\_\_ (L. S.)

\_\_\_\_\_ (L. S.)

\_\_\_\_\_ (L. S.)

\_\_\_\_\_ (L. S.)

Taken and approved \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_\_

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

Filed in Sheriff's Office  
this 7 day of Nov, 1943  
W. R. STUART, Sheriff

**CAPIAS**

G J 5.

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

THE STATE  
vs.

Hartford Penn Jr.

Alias Hartford Penn. jr

Bail Fixed in This Case in Open Court at

\$ 00

By \_\_\_\_\_  
Judge Presiding.

Attest : R. S. Duck  
Clerk.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 194 \_\_\_\_\_

By arresting the within

named Defendant

and placing him \_\_\_\_\_

\_\_\_\_\_  
Sheriff.

\_\_\_\_\_  
Deputy Sheriff.

STATE OF ALABAMA, }  
BALDWIN COUNTY }

In the Justice Court of

Ross Land

Before me, \_\_\_\_\_

Ross Land Justice of the Peace

in and for said County, personally appeared R.P. Smith 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 April 27<sup>th</sup> 1943 that one Hartford Benson Jr

deliberately took a sum containing more than five hundred  
dollars in U.S. currency, the property of C.W. Hicks from  
his person and against his will, by putting him in  
such fear as unwillingly to part with the same

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 2

day of March A. D., 1943

Ross Land, J. P.

R.P. Smith

WARRANT

STATE OF ALABAMA, }  
BALDWIN COUNTY }

TO ANY LAWFUL OFFICER OF SAID COUNTY, Greetings:

You are hereby commanded to arrest

Hartford Benson Jr

and bring him

before me to answer the State of Alabama on a charge

Highway Robbery

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

Witness my hand this 2 day of May 1943

Ross Land, J. P.

No. 926

Page le marday

THE STATE OF ALABAMA,  
BALDWIN COUNTY

JUSTICE COURT OF

Cross Land

AFFIDAVIT

The State of Alabama,  
VS.

Hartford Penn Jr,

WITNESSES FOR THE STATE

E N Nick  
W R Stuart  
A B Smith  
Percy Tom Idurstone  
M H Walker

JUSTICE COURT OF  
BALDWIN COUNTY

WARRANT OF ARREST

State of Alabama

vs.

Hartford Penn Jr

Executed this 6 day of May 1943

By arresting the within

named Defendant

Hartford Penn Jr

and placing him

in jail

W R Stuart

Sheriff.

Lady Hall

Deputy Sheriff.

THE STATE OF ALABAMA,

CIRCUIT COURT

BALDWIN COUNTY

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

Case No. 868

Term Dec., 1946

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon E. N. Meek, W. P. Stuart,

A. P. Pruitt, M. H. Wilkins, Percy Van Iderstine

Jim Pappas

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 9th day of Dec., 1946, 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 Hartford Penn Jr.

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

Witness my hand this 25th day of Nov. A. D. 1946 Mrs. R. S. DUCK, Clerk.

Received in office ..... , 194

Executed this ..... , 194

By .....

*Ret. 12-10-46*  
*Hartford in not ven-*  
*unable to come to trial*

*C. E. Barrett*  
Sheriff

*not served*

ORIGINAL

For .....

No. *868* Page .....

The State of Alabama,  
Baldwin County,

CIRCUIT COURT

THE STATE  
Vs.

*Hartford Penn Jr.*

STATE SUBPOENA

Issued this *25th* day of

*Nov.*, 194 *6*

*Alice J. Wink*  
Clerk.

THE STATE OF ALABAMA,

CIRCUIT COURT

BALDWIN COUNTY

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

Case No. 868

Term Dec., 1946

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon

Jim Pappas

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 9th day of Dec., 1946, 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

Hartford Penn Jr.

Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this 25th day of

Nov.

A. D. 1946 Mrs R. S. DUCK, Clerk.

THE STATE OF ALABAMA,

CIRCUIT COURT

BALDWIN COUNTY

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

Case No. 868 Term Dec., 1946

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon A. P. Pruitt

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 9th day of Dec., 1946, 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 Hartford Penn Jr.

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

Witness my hand this 25th day of Nov. A. D. 1946 Mr. R. S. DUCK, Clerk.



THE STATE OF ALABAMA,

CIRCUIT COURT

BALDWIN COUNTY

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

Case No. 868 Term Dec., 1946

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon E. N. Nick

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 9th day of Dec., 1946, 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 Hartford Penn Jr.

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

Witness my hand this 25th day of Nov. A. D. 1946 R. S. DUCK, Clerk.



The State of Alabama

vs

Hartford Penna

Filed

12-12-46

Alice J. Duck  
Clerk

IN RE:

HARTFORD PENN, JR.

CIRCUIT COURT, BALDWIN COUNTY,  
ALABAMA.

It being made to appear to me, as Judge of said Court, that a Commission of Lunacy called by Doctor W. D. Partlow, Superintendent of the Alabama State Hospital, has reported to the Court that said Hartford Penn, Jr., at the time of said report, on July 17, 1947, was probably mentally abnormal on said date, and probably at the time and date of the commission of the crime with which he is charged, and in the opinion of said Lunacy Commission his mental condition is such that he should continue to be detained in an institution for the insane;

And it appearing that said Hartford Penn, Jr., while confined to the said Insane Hospital, escaped therefrom on December 28, 1947, and has been recently arrested and is now detained by Taylor Wilkins, as Sheriff of Baldwin County, Alabama;

IT IS THEREFORE, ordered by F. W. Hare, as Judge of said Court that said Hartford Penn, Jr., be committed to the custody of the Alabama State Insane Hospital at Mt. Vernon, Alabama, permanently and that the said Sheriff, Taylor Wilkins, be and he is hereby ordered and directed to convey said Hartford Penn, Jr. forthwith to said Insane Hospital, together with a certified copy of this order.

The Clerk of said Court is ordered and directed to record this order on the minutes of the Court and to issue and deliver to the Sheriff a certified copy thereof.

Dated this 21st day of April, 1948.

*F. W. Hare*  
JUDGE

*Handwritten notes:*  
copy  
to  
file  
in  
the  
court  
records



STATE OF ALABAMA |

MOBILE COUNTY |

TO MRS. ALICE J. DUCK, CLERK OF THE CIRCUIT COURT OF BALDWIN COUNTY, BAY MINETTE, ALABAMA:

Under the provisions of Section 425, Title 15, Code of Alabama 1940, Honorable F. W. Hare, Judge of the Circuit Court of Baldwin County, Alabama, on December 9, 1946 issued an order directing that one (1) Harford Penn, colored, be detained at the Searcy Hospital for Insane, Mt. Vernon, Alabama, for the purpose of observation, study and report of a commission on lunacy, as provided in the section referred to.

There was appointed by me, Doctor Harry S. Rowe, Assistant Superintendent and Doctor A. M. Richards, Assistant Physician to serve with me, thus constituting the commission on lunacy as provided by law for study and report in this case.

This commission desires to submit the following report:

It is our opinion separately and individually and jointly that the said, Harford Penn, was mentally abnormal, mentally irresponsible and abnormal mentally to the extent of being irresponsible at the time of his admission to the Searcy Hospital. Under treatment there has been some improvement but it is our opinion yet that he is suffering of a mental illness known as Dementia Praecox and that he continues mentally irresponsible.

Knowing the history of the development of such conditions, it is highly probable in our opinion that he was mentally abnormal prior to commitment to the Searcy Hospital and probably at the time and date of the crime for which he is charged.


It is our opinion that his mental condition is such that he should continue to be detained in an institution for the insane.

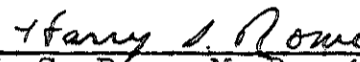
As we render this report we understand that the institution has served the purpose of the committing order of the Court and that the patient is now subject to further order of the Court or the Sheriff of Baldwin County Alabama, as provided in the Act of Legislature referred to.

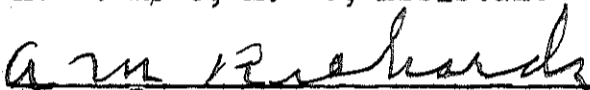
If it is the wish of the Court that this Defendant be held or detained longer in the Searcy Hospital, it will be necessary for the Court to issue an order for further detention following the date of this report.

Signed and executed in the office of the Searcy Hospital, this the seventeenth day of July 1947.

Respectfully submitted,

  
W. D. Partlow, M. D., Superintendent

  
H. S. Rowe, M. D., Assistant Superintendent

  
A. M. Richards, M. D., Assistant Physician

468

THE UNITED STATES OF AMERICA  
 DISTRICT COURT OF THE DISTRICT OF COLUMBIA  
 In re: *James Earl Ray*  
 Defendant

I, *James Earl Ray*, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Federal Bureau of Investigation, Washington, D.C.

Executed on this *19th* day of *July*, 1947.

*James Earl Ray*  
 Defendant

Filed  
 7-19-47  
 Alice J. Welch  
 Clerk



THE STATE OF ALABAMA  
Plaintiff

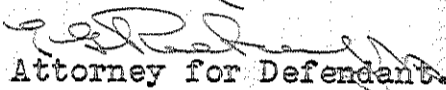
vs

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY ALABAMA.

HARTFORD PENN, JR.  
Defendant

Comes the Defendant by his attorney and for pleas says:

1. Not Guilty
2. Not Guilty by reason of insanity.

  
Attorney for Defendant.

STATE OF ALABAMA  
Plaintiff

VS

HARTFORD PENN, JR.,  
Defendant

PLEAS

FILED  
NOV 16 1946  
R. S. DUCK, CLERK

E.G. Rickarby, Jr.  
Attorney for Defendant

RECEIVED  
NOV 16 1946  
CLERK'S OFFICE  
STATE OF ALABAMA  
MONTGOMERY

THE STATE OF ALABAMA }  
Baldwin County. }

CIRCUIT COURT

SUB. No. \_\_\_\_\_  
Case No. 868 Term. Dec., 1946

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon Mr. Bruce Nelson,

Ben Kucera, Hartford Penn Jr.

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 9th day of Dec., 1946, 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 Hartford Penn Jr.

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

Witness my hand this 5th day of Dec. A. D., 1946 Mrs. R. S. DUCK, Clerk.

FILED IN THE CLERK'S OFFICE BALDWIN COUNTY ALABAMA

ORIGINAL

RECEIVED  
CLERK'S OFFICE

Received in office \_\_\_\_\_, 193

Executed this \_\_\_\_\_, 193

By \_\_\_\_\_

*Ret. 12-10-36*

*Jim Mt Vernon*

\_\_\_\_\_

\_\_\_\_\_

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*P. E. Harrell*

Sheriff.

\_\_\_\_\_

ORIGINAL

For \_\_\_\_\_

No. *868* Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court

THE STATE

Vs.

*Hartford Penn Jr.*

STATE SUBPOENA

Issued this *5th* day of

*Dec.*, 193*6*.

*Alicia J. Duck*

Clerk.

THE STATE OF ALABAMA  
BALDWIN COUNTY

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

CIRCUIT COURT

Case No. 868

Dec.

Term, 1946

To Any Sheriff of the State of Alabama — Greeting:

You are hereby commanded to summon Hartford Penn Sr., Daphne, Ala. to appear at next term of the Circuit Court, on the 9th day of Dec., 1946, at 9:00 o'clock a. m., and to continue from day to day and from term to term thereafter, until legally discharged, to give evidence in behalf of the DEFENDANT in a cause now pending in said court, where'n the State of Alabama is Plaintiff and \_\_\_\_\_

Hartford Penn Sr. Defendant \_\_\_\_\_, and this he shall in no wise omit under the penalty prescribed by law.

Witness this 5th day of Dec., 1946 Alice J. Duck Clerk.

Printed by The Baldwin Times, Bay Minette.

THE STATE OF ALABAMA  
BALDWIN COUNTY

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

CIRCUIT COURT

Case No. 869

Dec. Term, 1946

To Any Sheriff of the State of Alabama — Greeting:

You are hereby commanded to summon Ben Kucera, Silverhill, Ala. to appear at next term of the Circuit Court, on the 9th day of Dec., 1946, at 9:00 o'clock a. m., and to continue from day to day and from term to term thereafter, until legally discharged, to give evidence in behalf of the DEFENDANT in a cause now pending in said court, where'n the State of Alabama is Plaintiff and Hartford Penn Jr. Defendant, and this he shall in no wise omit under the penalty prescribed by law.

Witness this 5th day of Dec., 1946 Alice J. Duck Clerk.

Printed by The Baldwin Times, Bay Minette

THE STATE OF ALABAMA  
BALDWIN COUNTY

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

CIRCUIT COURT

Case No. 868

Dec.

Term, 1946

To Any Sheriff of the State of Alabama -- Greeting:

You are hereby commanded to summon Dr. Bruce Nelson Bay Minette, Ala to appear at next term of the Circuit Court, on the 9th day of Dec., 1946, at 9:00 o'clock a. m., and to continue from day to day and from term to term thereafter, until legally discharged, to give evidence in behalf of the DEFENDANT in a cause now pending in said court, where'n the State of Alabama is Plaintiff and \_\_\_\_\_

Hartford Penn Jr. Defendant, and this he shall in no wise omit under the penalty prescribed by law.

Witness this 5th day of Dec., 1946 Alice J. Duck Clerk.

THE STATE OF ALABAMA }  
Baldwin County.

CIRCUIT COURT

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

Case No. 868 Term, Spring, 1948

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon E. N. NICK, W. R. STUART, A. P. PRUITT,

M. H. WILKINS, PERCY VAN IDERSTINE, JIM PAPPAS

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 26<sup>th</sup> day of April, 19348, 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 HARTFORD PENN JR.

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

Witness my hand this 20 day of April A. D., 19348

ALICE J.  
EXS. DUCK, Clerk.



Received in office 4-20, 19348

Executed this 4-22, 19348

By Serving in full

ORIGINAL

For \_\_\_\_\_

No. 868 Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court

THE STATE

Vs.

HARTFORD PENN JR.

STATE SUBPOENA

Issued this 20th day of

April, 19348

Taylor Wilkins

Sheriff.

147 Hall

D. S.

Alice J. Luck

Clerk.

THE STATE OF ALABAMA

CIRCUIT COURT

Baldwin County.

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

Case No. 868

Term. Spring, 1948

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon

Mr. Bruce Nelson,

Ben Kucera

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 26 day of Apr, 1948 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

Hartford Penning

Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this 20 day of

Apr A. D., 1948

W. S. DUCK, Clerk.

Received in office \_\_\_\_\_, 193

Executed this Apr 22, 1934

By W. J. Wall

ORIGINAL

For \_\_\_\_\_

No. 868 Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court

THE STATE  
Vs.

STATE SUBPOENA

Issued this 20th day of

April, 1934

W. J. Wall Clerk.

Taylor Wilkins  
W. J. Wall Sheriff.

THE STATE OF ALABAMA,  
Baldwin County }

No. 5

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon E. J. Nicks, W. R. Stuart, A. F. Fryitt,  
Percy Van Inderstine, M. H. Wilkins

to be and appear on the 1st day of Nov., 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 10th day of Oct. A. D., 1943

Clerk.

*S. Hill*

ORIGINAL

No. 5

# GRAND JURY SUBPOENA

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

*In full*

this 21 day of oct, 1943

*W R Smith*

, Sheriff

THE STATE  
vs.

In the Circuit Court of Baldwin County,

HARTFORD BRANN JR.

FALL

Term, 1934

Venire of the jurors in the above stated cause, names herein stated from No. 64 to No. 66 both inclusive, being the special jurors drawn in open Court by the presiding Judge, in said cause, and the other names, from No. 41 to No. 63, both inclusive, being the regular jurors drawn and summoned for the Second week of the December Term of said Court, the said cause having been set for trial on the 9th day of December 1934, which is a day of said Criminal week of the December Term of said Court, to-wit:

No.	NAME	Occupation	Residence Address	Business Address
1	Melvin Woodard	Mechanic	Foley	Foley
2	Walter H Benton	Fisherman	Foley	Foley
3	George Hertel	Farmer	Elberta	Elberta
4	Peter Malbis	Farmer	Daphne	Daphne
5	A. Dewey Jackson	Farmer	Lottie	Lottie
6	Lawrence Chifady	Clerk	Robertsdale	Robertsdale
7	Harry C Bill, Jr.	Farmer	Loxley	Loxley
8	William B Cooper	Farmer	Rosinton	Rosinton
9	Fred Ingersoll	Dairy	Fairhope	Fairhope
10	Young C Hall	Farmer	Bay Minette	Bay Minette
11	J Green Jordan	MGR Store	Bay Minette	Bay Minette
12	William C Davison	Farmer	Bay Minette	Bay Minette
13	Roy W Thompson	Carpenter	Bay Minette	Bay Minette
14	Newton Beasley	Carpenter	Bay Minette	Bay Minette
15	Calvin T Peterson	Bay Salesman	Bay Minette	Bay Minette
16	Fletcher F Little	Farmer	Lottie	Lottie
17	Arthur T McGill	Merchant	Perdido	Perdido
18	Harold McGill	Merchant	Perdido	Perdido
19	Martin C Crosby	Druggist	Foley	Foley
20	John A Rhodes	Farmer	Foley	Foley
21	John Beck	Defense	Foley	Foley
22	John Hesse	Seafood Dealer	Foley	Foley
23	Edward Carver	Defense	Foley	Foley
24	Elbert B Biggs	Merchant	Stapleton	Stapleton
25	Arthur W Saxe	Farmer	Loxley	Loxley
26	Elroy McKenzie	Farmer	R.F.D. Fairhope	R.F.D. Fairhope
27	Shula McDaniel	Farmer	Robertsdale	Robertsdale
28	William Schneider	Mechanic	Foley	Foley
29	Y Charles Earle	Farmer	Blacksher	Blacksher
30	Vaden McNeil	Farmer	Clear Springs	Clear Springs
31	Charles Head Jr.	Farmer	Stapleton	Stapleton
32	John T. Hadley	Laborer	Foley	Foley
33	Herron Steadham	Merchant	Foley	Foley
34	Henry C Schlichting	Farmer	Foley	Foley
35	Thomas L Steele	Defense	Foley	Foley
36	John A Sute	Farmer	Foley	Foley
37	John A Elbert	Clerk	Foley	Foley
38	Robert F Helton	Carpenter	Foley	Foley
39	Jack J Heilmeier	Mechanic	Foley	Foley
40	R. L. Kirkland Jr.	Timber	Foley	Foley
41	William R Marsason	Peace Officer	Foley	Foley
42	Lloyd Sheppard	Farmer	Foley	Foley
43	Anders Andersburg	Farmer	Rosinton	Rosinton
44	Adolph Wigstron	Farmer	Silverhill	Silverhill
45	Herbert H McJain	Electrician	Robertsdale	Robertsdale
46	Arnold Chandler	Defense	Silverhill	Silverhill
47	Coleman Armstrong	Salesman	Robertsdale	Robertsdale
48	George Heidelberg	Farmer	Silverhill	Silverhill
49	James R Stapleton	Farmer	Daphne	Daphne
50	Albert Vitous	Farmer	Silverhill	Silverhill
51	Eddie L Hiles	Mechanic	Loxley	Loxley
52	Alton B Hankins	Farmer	Rosinton	Rosinton

8653

No.	NAME	Occupation	Residence Address	Business Address
53	James C Stapleton	Farmer	Belfroest	Belforest
54	Oscar Shoagland	Merchant	Robertsdale	Robertsdale
55	James J Palmer	Salesman	Robertsdale	Robertsdale
56	Henry Kammerer	Fisherman	Wiflin	Wiflin
57	William L Wingo	Merchant	Robertsdale	Robertsdale
58	Emory J Johnson	Millman	Silverhill	Silverhill
59	Alfred M Neumann	Banker	Elberta	Elberta
60	Richard V Peavey	Defense	Foley	Foley
61	Lee Calaway	Seafood	Foley	Foley
62	Elias G McKenzie	Defense	Foley	Foley
63	Bruce Grimes	Farmer	Belforest	Belfroest
64	Angie F Bertolla	Farmer	Belforest	Belforest
65	Jesse H Slaughter	Logging	Tensaw	Tensaw
66	Claude G Cook	C of C Sec'y	Foley	Foley
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I hereby certify that the foregoing is a correct list of the venire in the case of the State vs.

Hartford Penn, Jr.  
Rabbery

charged with

No. 64 to No. 66, 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. 63, both inclusive, is a correct list of the regular jurors drawn and summoned for the

week of the Term, 193 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 the indictment in this case.

Witness my hand this 8 day of November 1946

L. B. Barrett  
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 8 day of

November, 1946, upon Hartford Penn, Jr.

the Defendant

L. B. Barrett Sheriff.

The State of Alabama  
Baldwin County

CIRCUIT COURT

LIST of JURORS and COPY of INDICTMENT

STATE  
vs.

Hartford Penn, Jr.