

THE STATE
VS.

In the Circuit Court of Baldwin County,

Alvin M. Boone

Spring Session

Term, 193 47

Venire of the jurors in the above stated cause, names herein stated from No. 53 to No. 62 both inclusive, being the special jurors drawn in open Court by the presiding Judge, in said cause, and the other names, from No. 1 to No. 52, both inclusive, being the regular jurors drawn and summoned for the Second week of the Spring Term of said Court, the said cause having been set for trial on the 28 day of April 193 47 which is a day of said Criminal week of the Spring Term of said Court, to-wit:

No.	NAME	Occupation	Residence Address	Business Address
1	R. A. Hale, Jr.	Plumber	Robertsdale	same
2	James W. Cyphers	Postal Clerk	Foley	same
3	W. J. Hastings	Laborer	Summerdale	same
4	Ben J. Griffin	Farmer	Summerdale	same
5	Charles E. Gantt	Millman	Little River	same
6	M. Ivan Jensen	Farmer	Summerdale	same
7	Roy Holmes	Teacher	Bay Minette	same
8	A.D. Stapleton	Farmer	Loxley	same
9	Everett M. Gidmunson	Farmer	Silverhill	same
10	Quinton J. Cooper	Farmer	Robertsdale	same
11	W. R. Cooper	Farmer	Robertsdale	same
12	J. C. Grimes	Produce Man	Loxley	same
13	William Lenz	Defense	Elberta	same
14	J. Nick Sawyer	Salesman	Magnolia Springs	same
15	George K. Page	Clerk	Robertsdale	same
16	Albert Boone	Mechanic	Foley	same
17	Rudolph Doering	Tire Vulcanizing	Foley	same
18	Joe Durant	Newport	Bay Minette	same
19	Hugh S. Metcalf, Sr.	Farmer	Foley	same
20	Joe Krauss	Farmer	Elberta	same
21	Julio Corte	Farmer	Belforest	same
22	Aaron E. Gill	Oil Truck Driver	Foley	same
23	E. C. Callaway	Fisherman	Bon Secour	same
24	Edward Carver	Farmer	Bon Secour	same
25	John A. Callaway	Fishing	Foley	same
26	George O. Gill	Clerk	Foley	same
27	August H. Mueller	Contractor	Foley	same
28	Harry Still	Merchant	Bay Minette	same
29	Brady Powell	Newport	Bay Minette	same
30	Woodrow Bryant	Farmer	Stockton	same
31	Charlie Barnett	Farmer	Belforest	same
32	Thomas Hadley	Stock Grower	Foley	same
33	Lewis Cooper	Retired	Foley	same
34	B. W. Anderson	Farmer	Silverhill	same
35	H. T. Childress	Merchant	Loxley	same
36	Ted McGowan	Mechanic	Bay Minette	same
37	C. S. Childress	Farmer	Robertsdale	same
38	Edward P. Moravec	Brookley Field	Robertsdale	same
39	James S. Minchew	Laborer	Robertsdale	same
40	Chas H. Matthews	Farmer	Robertsdale	same
41	Jack D. Taylor	Merchant	Bon Secour	same
42	Dougal Taylor	Laborer	Bay Minette	same
43	Alma Vines	Mechanic	Bay Minette	same
44	Ben Sowell	Mechanic	Bay Minette	same
45	Derrile Stuart	Cement Mfg.	Bay Minette	same
46	Bill Stuart	Laborer	Bay Minette	same
47	Ted Fraser	Plumber	Bay Minette	same
48	Lloyd A. Ballard	Radio Repair	Bay Minette	same
49	Raymond McMillan	Farmer	Stockton	same
50	John R. Montgomery	Merchant	Foley	same
51	Roland Killcreas	Laborer	Stockton	same
52	Bill Stewart	Printer	Bay Minette	same

No.	NAME	Occupation	Residence Address	Business Address
53	William E. Boykie	Laborer	Robertsdale	same
54	Ned Noonan	Sign Painter	Bay Minette	same
55	Luther B. Bates	Farmer	Robertsdale	same
56	Charles Long	Farmer	Foley	same
57	Colin Dukes	Restaurant	Foley	same
58	Herbert W. Byrne	Farmer	Robertsdale	same
59	Roy Mahathy	Defense	Stapleton	same
60	Thomas V. Abercrombie, Jr.	Dry Cleaner	Robertsdale	same
61	Elbert E. Survant	Utilities	Foley	same
62	Albert Faulk	Merchant	Foley	same
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I hereby certify that the foregoing is a correct list of the venire in the case of the State vs.

ALVIN M. BOONE

charged with

ROBBERY

; that the names of jurors from

No. 53

to No. 62

, 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. 52

, both inclusive, is a correct list of the regular jurors drawn and summoned for the SECOND

week of the SPRING

Term, 1947, 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 19th day of APRIL, 1947

Taylor 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 19th day of

April, 1947, upon Alvin M. Boone

the Defendant

Taylor Wilkins Sheriff.

The State of Alabama
Baldwin County

CIRCUIT COURT

LIST of JURORS and COPY of INDICTMENT

STATE
vs.

Washington Co.

ORIGINAL—STATE SUBPOENA

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA,

CIRCUIT COURT

BALDWIN COUNTY

Sub No. _____

Case No. 899

Term Spring, 1947

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon

Horace Lane

sunflower aka. near Robt. Boykins.

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 28 day of April, 1947, 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

Alvin M. Boone

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

Witness my hand this 21 day of April A. D. 1947

Alvin
R. S. DUCK, Clerk.

Received in office 4/21/1947

Executed this 4/22/1947

By [Signature]

[Signature]
[Signature]

[Signature]
Sheriff

Washington County
Alabama

ORIGINAL

For _____

No. 897 Page _____

The State of Alabama,
Baldwin County,

CIRCUIT COURT

THE STATE
Vs.

Alvin M. Boone

STATE SUBPOENA

Issued this 4-21 day of

_____, 1947.

[Signature]
Clerk.

THE STATE OF ALABAMA }
Baldwin County.

CIRCUIT COURT

SUB. No. _____

Case No. 897

Term. April, 1947

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Comanded to Summon Boyd Eubanks (Eubanks's
Killing Station at Pine Grove out of Crichton, Ala)
+ Morris Riles (Garage business, Wilmer, Ala)

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 28th day of April, 1947, 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 Alvin M. Boone

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

Witness my hand this 21 day of April A. D., 1947

R. S. DUCK, Clerk.

853.

APR 24 1947

377

ORIGINAL

Received in office 4-21, 1947

Executed this 4/26/47, 1937

By _____

Bryd Cubanto
Mam Riles

For _____

No. 897 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE
Vs.

Alvin M. Boone

W. H. Jones
J. B. Sauer, Jr.

STATE SUBPOENA

Issued this 20th day of

April, 1947.

Alice J. Luck
Clerk.

Sheriff.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

Sub No. _____

Case No. 897

Term Spring, 194 7

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon ~~Ernest Lane, O.F. Coley, J. A. Parker, Ora Godwin~~

~~Doc Allen, Harold Parker, Joe Longoria, W. C. Harrison~~

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 28th day of April, 194 7, 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 ALVIN M. BOONE

Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this 18th day of April A. D. 194 7 Mrs. R. S. DUCK, Clerk.

E53

378 APR 24 1947

Received in office 4-21, 1947

Executed this 4-25, 1947

By _____

D. F. Colby
J. H. Parker
Or. Griffin
Harold Parker
Joe Longoria
Joe Harrison

W. H. Combs
H. B. Gaudin
Sheriff

ORIGINAL

For _____

No. 897 Page _____

The State of Alabama,
Baldwin County.

CIRCUIT COURT

THE STATE
Vs.

ALVIN M. BOONE

STATE SUBPOENA

Issued this 18th day of

April, 1947

Clerk.

TWENTY-FIRST JUDICIAL CIRCUIT
OF ALABAMA
F. W. HARE, JUDGE
A. H. ELLIOTT, CIRCUIT SOLICITOR
LOUISE J. DUSENBURY, COURT REPORTER
MONROEVILLE, ALABAMA

June 19, 1947.

Mrs. Alice J. Duck,
Bay Minette, Alabama.

Dear Mrs. Duck:-

I understand that during the Boone trial, the injured party, Mr. Horace T. Lane, of Sun Flower, Alabama, introduced in evidence some money and a watch as evidence.

He is entitled to have this property returned to him and you may file this letter in the Court file as your authority for so doing.

Yours very truly,

F. W. Hare

F. W. HARE

6-20-47 Watch and money
mailed H. T. Lane
Return acct Requested

*Alice J. Duck
clerk*

Handwritten notes, possibly a date or reference number.

Handwritten notes, possibly a date or reference number.

Handwritten notes.

Handwritten notes.

Handwritten notes.

Vertical handwritten notes.

Vertical handwritten notes.

*Filed
6-20-47*

Vertical handwritten notes.

Vertical handwritten notes.

Vertical handwritten notes.

Vertical handwritten notes.

Vertical handwritten notes.

Charge # 1 requested by the defendant.

I charge you, that the three essential elements of the offense of robbery are, (1), felonious intent, (2), force or putting in fear as a means of effectuating the intent, (3), and by that means a taking and carrying away of the property of another from his person or in his presence.

In the nature of things all these elements must concur in point of time else the act done is not rounded out to the full measure of the capital felony. If force is relied on in proof of the charge it must be the force by which another is deprived of, and the offender gains, the possession. If putting in fear is relied on it must be the fear, under duress of which the possession is parted with. The taking, as it has been expressed, must be the result of the force or fear; and force or fear which is a consequence, and not the means, of the taking, will not suffice. The fear of physical ill must come before the relinquishment of the property and not after." Thomas v State, 9 So. 81.

Benjamin H. Hare
Judge

Charge # 2 requested by defendant.

I charge youⁿ that the presumption in this case is that the Defendant is innocent until the State has proven beyond all reasonable doubt that he is guilty; and if the jury have a reasonable doubt, growing out of the evidence, as to whether he was sufficiently sober to form the specific intent to rob then the jury cannot find the defendant guilty of robbery or larceny. Whitten vs State, 22 So. 483.

Simon Hare
J. H. Hare
Judge

Charge # 9 requested by the defendant.

The Court charges the jury that the good character of the defendant when taken along with all the other evidence in the case may generate a reasonable doubt in the minds of the jury, when without such evidence of good character the jury would entertain no such doubt. Bogle v State. 169 So. 332.

Wm. Hare
Judge

Charge # 3 requested by defendant.

I charge you that you must believe beyond a reasonable doubt from all the evidence in this case that, 'any violence and putting in fear', involved in this case must flow from a felonious intent, either express or implied from his acts, on the part of the defendant to rob Harace Lane before you can convict for robbery.

Wm. Hare
Judge

Charge # 4 requested by the defendant.

I charge you that if there be an unlawful taking of another's property with felonious intent but no violence or putting in fear as a means of the taking there is a larceny but no robbery. Thomas v State, 9 So.81.

Given
J. W. Hare
Judge

Charge# 5 requested for the defendant.

I charge you that any violence or putting in fear in this case arising from any cause other than to carry out a felonious intention to rob is not such a violence or a putting in fear as to constitute one of the essential elements of robbery.

Given
J. M. Hare
Judge

Charge # 6 requested by the defendant.

I charge you that under the law the lesser offenses of larceny, assault with intent to rob, assault and battery and assault are included in the charge of robbery and if you are not convinced beyond a reasonable doubt from the evidence in this case that robbery has been committed by the defendant but you are convinced beyond a reasonable doubt ~~XXXX~~ from the evidence in this case that one of these lesser offenses has been committed you may bring in a verdict for any one of said lesser offenses so thought to have been committed.

Benjamin
J. W. Hare
Judge

Charge # 7 requested by the defendant.

I charge you that the presumption in this case is that the Defendant is innocent until the State has proven beyond all reasonable doubt that he is guilty; and if the jury have a reasonable doubt, growing out of the evidence, as to whether he was, at the time of the offense charged, capable of forming the specific intent to rob then the jury cannot find the defendant guilty of robbery or larceny. Whitten v State, 22 So. 483.

Given
J. W. Hare
Judge

THE STATE OF ALABAMA, {
Baldwin County }

To Any Sheriff of the State of Alabama:

An indictment having been found against

Alvin M. Boone

at the Spring Term, 1947, 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 16th day of April 1947

Alice J. ...
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.

CAPIAS

No. 19

THE STATE

vs.

Alvin M. Boone

Bail Fixed in This Case in Open Court at

\$ _____

By _____
Judge Presiding.

Attest : _____
Clerk.

Executed this 16th day of April 1947

By arresting the within

named Defendant

Alvin M. Boone

and placing him in jail

Saylor Wilkins Sheriff.

Deputy Sheriff.

THE STATE OF ALABAMA,
Baldwin County

Circuit Court, Spring Session ~~Term~~ 1947

The Grand Jury of said County charge that before the finding of this indictment Alvin M. Boone, whose name is to the Grand Jury otherwise unknown, feloniously took one watch of the value of Thirty Five Dollars and Sixty Six Dollars of the lawful currency of the United States of America, the exact denomination of which is unknown to the Grand Jury, of the value of Sixty Six Dollars, the property of Horace Lane, 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.

A. H. Elliott
Solicitor of the Twenty-first Judicial Circuit.

THE STATE OF ALABAMA,
Baldwin County

Circuit Court

Spring Session TERM 194 7

THE STATE

Vs.

Alvin M. Boone

INDICTMENT

Robbery

No Prosecutor.

WITNESSES:

Horace Lane

O. F. Coley

J. A. Parker

Ora Godwin

Doo Allen

Harold Parker

W. C. Harrison

Joe Longoria

GRAND JURY NO. 19

A TRUE BILL

E. D. Norman

Foreman Grand Jury.

Filed in open Court and in the presence of

the Grand Jury on the 11 day of

April, 1947

Chief Clerk
Clerk.

Presented in open Court to the presiding Judge by the Foreman of the Grand Jury, in the presence of 12 other Grand Jurors.

Chief Clerk
Clerk.

Bail fixed \$ _____

Judge.

~~We the jury find this man
defendant guilty as charged in
this indictment, and fix the
penalty at ten years.~~

~~Walker D. Taylor~~

We, the jury, find the defendant
guilty of robbery as charged
in the indictment & fix his
punishment at imprisonment for 10
years.

Walker D. Taylor
Foreman

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

Attorneys	Case	Charge
No. <i>948</i>	THE STATE OF ALABAMA, Vs. <i>Alvin M. Boone</i>	<i>Robbery</i>

Disposition of Case	Fees	Amount
Affidavit made and Warrant Issued to	Judge's Fees	
Returnable	Warrant at 50c, Affidavit at 25c	75
Witness—for State <i>Harace Lane, P. F. Colley,</i>	Bond at 50c, Sci Fa at 50c	
<i>J. A. Parker, Ora Godwin, D. C.</i>	Witnesses' Recognizances at 25c	2.00
<i>Allen, Harold Parker, W. C. Harrison</i>	Subpoena or notice at 25c	
<i>Joe Longoria</i>	Continuance at 25c	
<i>comes now the defendant</i>	Trial of Misdemeanor at \$1.00	1.00
<i>and waives the action to the</i>	Mittimus at 25c	.25
<i>grand jury.</i>	Judgment on Forfeited Bond at 25c	
<i>C. W. Hamilton</i>	Taking Bond, etc, on Appeal at \$1.00	
	Execution of costs at 25c	
	Constable's Fees	4.00
	Subpoena or Notice at 25c	
	Carrying Defendant before Justice	
	each mile for himself and guard at 10c	
	Arrest 50c	
	Sheriff's Fees	
	Arrest \$4.00 Bond, \$1.00, Sci Fa 50c	
	Committing \$1.00, Releasing \$1.00	
	Subpoenas at 25c Day's Board at 30c	
	Witness Fees	1.00
	Days at 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	DEFENDANT'S COSTS	
	Witnesses' Recognizance at 25c	4.00
	Subpoenas at 25c	
	Executing Subpoenas	17.00

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