#### SPRING TERM. APRIL 28, 1947

No.	NAME	OCCUPATION	ADDRESS
	LR R HALP JA	Plumber	Robertsdale
2.		Postal Glerk	
	FAMES W. CYPHERS,		Foley
<del>3</del>	BEW J. GRIFFIA	Parmer 3 6	Summerdale
A management	-Charles-D. Campur-	Willman 75	Little River
7.	M. IVAN JEWSEM	Tourse Co	Summerdale
6	-BY-DREPT-M: GIDMONS-ON	Parmet 2 2	Silverhill
Toronto Contraction of the State of the Stat	LAGENTON J. COOPER		Robertsdale
£	Hamilton Resident Cooperation Commencer Cooperation Co	TOTMOS DIVERSION	Robertsdale
9.	The state of the s	Produce-man-	Loxley
10.	-WILLIAM LENZ	-Defense.	Elberts
A. J. Tomas	THE CENTRAL PROPERTY OF THE PARTY OF THE PAR	-Salesman, 27	Magnolia Springs
32	ALBERT-BOONE	Mechania S	Foley
19	RUDOLPH DOERING	Tire vulcanizing	Foley
	JOE DURANT	Newport	Bay Minette
	HUGH S. METCALF, SR.		Foley
(15)			
	AARON E. GILL	Oil truck driver	Foley
The second secon	EDVARD CARVER	- Fermon	Bon Secour
18	AUGUST H. MUELLER	-Contractor /	Foley
19.	BRADY POWELL	-Memport - 2	Bay Minetto
~~29~~~~	-WOODROW BRYANT	Paris	Stodkton
21:300:000	CHARLIE PARNERY	Barnes 78-29	Belforest
<b>722.</b>	THOMAS HADLEY	Stock grower ?	Foley
S Production of the second	Software Commence	erchamb_ &	Loxley
<b>B</b> .	TED MCGOWAN	Mechanic	Bay Minette
(25).	C. S. CHILDRESS	Farmer@	Robertsdale
~26 garrigan marin	EDWARD FOR ALECTION	Brookley-Field	Robertsdale
2 Francisco Historia	JAMBS S. MINCHEW	Laborer	Robertsdale
-28	CHAS. H. MATTHEWS	Parmer S ? ?	Robertsdale
	JACK D. TYLLOR	-Mereirant	Bon Secour
30.	DOUGAL TAYLOR	Laborer	Bay Minette
No. Total Angular Communication	ALBIA VIIVES	Mechanic	Bay Minette
7-0	BEN SOWELL	Mechanic S	Bay Minette
(53)	DERRILE STUART	Cement mfg.	
21.		and the second of the second o	Bay Minette
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	Town to the state of the state		Bay Minette
<u>36</u> 1	LLOYD A. BALLARD	"adio repair	Bay Minette
Sale-same	RATHOND MERLILLEN		Stockton
The same of the sa	BIII DOMESTIANAR BOMONOMONING		Bay Minette
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₹39€	ALBERT FAULK	Merchant	Foley, Ala.
(40,4)	Thomas V. Abercrombi	le Mr. Dry Cleaner	Robertsdale, A.a
	Roy Hebbebly	Dofonse Mark	Staplenton
-42	Herbert W. Byrno	Estate S C L	Robertsdale
	Wed Noonan	Sign Painter	Bay Minette
	William E. Boykin	Laborer	Robertsdale
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Bay Minette Robertsdale

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## THE STATE

### In the Circuit Court of Baldwin County.

			<b>}</b> ====================================		*			
Alvin M. Boone	:	<u> </u>	*	. : : : :	the first of a second control of	Spring	Session	
							DODDIOM.	
Award Area								

\_\_\_\_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. \_\_\_\_\_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: Residence Address Occupation Business Address No. R. A. Halo, Jr. 1 Robertscale Plumber same James W. Cyphers 2 Postal Clerk Foley same W. J. Hastings 3 Laborer\_\_\_ Summerdale Ben J. Griffin Farmer 4 Summerdale Little Riter Charles E. Gantt Millman 5 M. Ivan Jensen Farmer Summerdale 6 same Roy Holmes Teacher Bay Minette same Farmer A.D. Stapleton Loxley 8 same Everett M. Gidmunson 9 Farmer Silverhill Quinton J. Cooper Farmer Robertsdale same .10 Robertsdale W. R. Cooper Farmer 11. same J. C. Grimes Produce Man Loxley same 12 Defense William Lenz Elberta same 13 J. Nick Sawyer Salesman Magnolia Springs 14 Same Clerk Robertsdele George K. Page 15 same Mechanic Foley Albert Boone 16 same Tire Vulcanizing Rudolph Doering Foley 17 some Newport Joe Durant Bay M.nette 18 Hugh S. Metclf , Sr. Foley Farmer 19 same Farmer 20 Je Krauss Elberta Julio Corte Farmer Belforest 21 same Oil Truck D iver Aaron E. Gill Foley 22 same E. C. Callaway Fisherman Bon Secour 23 Bon Secour Edward Carver Farmer 24 same John A. C llaway Fishing Foley 25 same George O. Gill Clerk Foley 26 same Contractor Foley August H. Mueller s me 27 Harry Still Bay Minette Merchant same 28 Brady Powell Newport Bay Minette 29 samo Woodrow Bryant Farmer Stockton 30 same Charlie Barnett Farmer Belforest same 31 Thomas Hadley Foley S+ock Grower same 32 Lewis Cooper Foley Retired same Silverhill ... B. W. Anderson Farmer same H. T. Childress Merchant Loxley Mechanic Bay Minette 36 Ted McGowan same C. S. Childress Robertsdale 37 Farmer same Edward P. Moravec Brookley Field 38 Robertsdale samo James S. Minchew Laborer Robertsdale same 39 Chas H. Matthews Robertsdale Farmer 40 same Jack D. Taylor Morchant Bon Secour 41 Dougal Taylor Laborer Bay Minette 42 same Alma Vines Mechanic Bay Minette 43 <u>samo</u> Mechanic Bay Minette Ben Sowell 44 Samo Derrile Stuart Cement Mfg. Bay Minette 45 Same

Laborer

Plumber

Farmer

Merchant

Laborer

Printer

<u>Radio Repair</u>

Bay Minette

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Same

Bill Stuart

Lloyd A. B llard

Raymond McMillan

Roland Killcreas

<sup>B</sup>ill Stewart

John R. Montgomery

Ted Fraser

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49 50

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52

		Occupation	Residence Address	Business Address
	William E. Boykie	Laborer	Robertsdale	same
	Ned Noonan	Sign Painter	Bay Minette	same .
_	Luther B. Bates	Farmer	Robertsdale	same
	Charles Long	Farmer	Foley	some
	Colin Dukes	Restaurant	Foley	Same
	Herbert W. Byrne	Farmer	Robertsdale	same
	Roy Mahathy	Defense	Stapleton	same
	Thomas V. Abercrombie, Jr.	Dry Cleaner	Robertsdale	same
1 14 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Elbert E. Survant	Utilities	Foley	same
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	hereby certify that the foregoing is a corn  ALVIN M. BOONE  ROBBERY  53 to No. 62	ect list of the venire	in the case of the State vs.	charged w that the names of jurors frames by the presiding Judge.
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ORIGINAL-STATE SUBPOENA

Moore Printing Co., Bay Minette, Ala.

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BALDWIN	V COUNTY	8	4.5		Phil	1	34
		CaseNo.	7.7	Term=	777		,194 <i>-/</i>
To Any Sheriff of	the State of Alabar	na:	200	200	No.	₩	
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personally to be and	l appear before the Circ	cuit Court, to	be holden f	or Baldwin	County, at t	he Cour	t House
thereof, in Bay Min	ette, on the 2-8	day of	puil	7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	, 194 <u>/</u> , at	8:30 a.	m., and
from day to day of s	said term, and from ter	m to term thei	eafter unt	il discharge	d, to give e	vidence	and the
truth to speak in be	half of THE STATE	in a prosecution	on now pen	iding in sai	a Court, wi	ierein ti	ie State
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By Bullet And Andrews Commencer Comm	No. 27 Page
	The State of Alabama, Baldwin County.
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	STATE SUBPOENA
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# THE STATE OF ALABAMA Baldwin County.

#### CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon Boyd Enbanks (Enbunks)

2 Willing Station at Pine Bove out of Crichton, also

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 \_\_\_\_\_\_day of \_\_\_\_\_\_, 1934\_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 DEFENDANT in a prosecution now pending in said Court, where-

in the State of Alabama is Plaintiff and Alvin M. Burne

Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this 2/ day of Open A. D., 1984.7. R.

R. S. DUCK, Clerk.

	853. APR 24 1947
Received in office $\frac{4-21}{2}$ , 19347	ORIGINAL
Executed this Africal 193—	For
By	No. \$97 Page
Mann Relan	THE STATE OF ALABAMA BALDWIN COUNTY
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	THE STATE Vs.
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	STATE SUBPOENA
	Issued this 200 day of April , 1934.7
Sheriff.	Alrèe J. Much Clerk.
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#### CIRCUIT COURT

BALDWIN COUNTY

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon Horace Lane, O.F. Coley, J. A. Parker ora Godwi

Doc Aller 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 25th 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.

ORIGINAL \_\_4\_2/,194.7\_ Received in office ..... For. 897 The State of Alabama, Baldwin County. CIRCUIT COURT THE STATE ۷s, ALVIN M. BOONE STATE SUBPOENA Issued this?. Clerk. Sheriff

### TWENTY-FIRST JUDICIAL CIRCUIT

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,

J. W Have

F. W. HARE

& 20-47 Watch and money Mirled W. J. Lane I Return Reit-Regusted

alice J. elech

Filecl 6-20-47 I charge you, that the three essential elements of the offense of robbery are, (I), 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.

person or in his presence.
In the nature of things all these elements must consur 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 if 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.8I.

Bright gulge

Charge # / requested by 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 sufficiently so ber 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.

In Hare Judge

Charge # 7 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.

Giner 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.

In Dare

Charge # 4 requested by the defendant.

I charge you that if there be an unlawful taking of anothers 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.8I.

two Stare

#### 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.

Sinen Fritzere 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 \*\*KKK\*\*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.

Bright Harl 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.

Sim Hare Juston

Taken and approved-

Sheriff of Baldwin County.

THE		F ALABAN County	/A, \ T				of Alabama:
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	Age by a light	<u>A</u>	lvin M. I	Oome			
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						And the second of the second o	1
you are	, therefore, com	manded forthwith	to arrest t	he said Defe	ndant and	commit	him
to jail,	unless	give bai	l to answer	said indict	nent, and t	hat you retur	n this Writ accord
ing to l	aw.		ie ji				
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THE	STATE	F ALABAN	/ A )				
M H M H A	Baldwin	County.	,				
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We,	Physics of the state of the sta		······································			***************************************	_, as principal an
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Dollars,	, unless the said	1					appea
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at Luc-							
thereaft	er until dischar	ged by law, to ans	wer a crim	inal prosecu	tion for the	e offense of-	
	•						
5							
I	in signing the a	bove bond we and	each of us	hereby wai	ve all legal	rights of ex	emptions allowe
us by th	he Constitution	and Laws of Alab	ama.				
						,	
	Witness our han	ids and seals this		day of		, 194_	BA MOTORY
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## CAPIAS

Executed this 16 Hay of april 1947 No. \_\_\_\_\_19 By arresting the within THE STATE vs. named Defendant Alvin M. Boone Bail Fixed in This Case in Open Court at and placing him is fast.... By ..... Judge Presiding. \_\_Deputy Sheriff. Clerk.

# THE STATE OF ALABAMA, Baldwin County

Circuit Court, Spring Session Town, 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 donomination 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.

Solicitor of the Twenty-first Judicial Circuit.

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

Attorneys		Case	Charge				
		THE STATE OF ALABAMA,		Onargo ::			
No. 948		Vs.	Pohl	len			
		alvin m Bane					
		Disposition of Case		Fees Amoun			
	Affida	vit made and Warrant Issued to		Judge's Fees Amoun			
		Returnable		Warrant at 50c, Affidavit at 25c  Bond at 50c, Sci Fa at 50c			
	Witne	ss-for State Harace Lane (1);	7 1 1.	Witnesses' Recognizances at 25c			
	Q.a	Parker Ora Godine		Subpoena or notice at 25c			
	Vo DD	en. Harald Parker. The	UP Thisian	Trial of Misdemeanor at \$1.00			
		Se constante,	Soci, Anne	Judgment on Forfeited Bond at 25c			
		Longaria		Taking Bond, etc, on Appeal at \$1.00 Execution of costs at 25c			
		Comesmow the del	and and	Constable's Fees 44.0			
	an	I wained the action	tothe	Carrying Defendant before Justice			
	gna	ud iuris.		each mile for himself and guard at 10c Arrest 50c			
	_			Sheriff's Fees Arrest \$4.00 Bond, \$1.00, Sci Fa 50c			
:		Civilano	affe 1				
				Subpoenas at 25c Day's Board at 30c Witness Fees  Days at 50c Days at 50c			
				DEFENDANT'S COSTS Witnesses' Recognizance at 25c # Q			
				Subpoenas at 25c			
	F 13714			Executing - Subpoenas #170			

