STATE OF ALABAMA )
MONTGOMERY COUNTY )

We, the Warden of Kilby Prison, and other public officers and persons whose names are hereunto signed, do hereby certify that on this 19th day of March 1948, we witnessed the execution of Noel J. Grant, who was sentenced to death by electrocution in the Circuit Court of Baldwin County, Alabama, that the said execution was conducted and performed in conformity to the provisions of the Law in this State concerning capital punishment, and of the sentence in this cause, by causing a current of electricity of sufficient intensity to cause death to pass through the body of the said Noel J. Grant until he was dead, before sunrise within the walls of Kilby Prison, Alabama.

In witness whereof, we have at the said Kilby Prison, subscribed our names hereto, this the 19th day of March 1948.

Thomas Dennis Warden of Kilby Prison

E P Gross Deputy Warden

W A Hunter M.D.

W. H. Swearingen Chaplain

L Marsden Egremont Major

H Whelan M.D.

H W Lovell

THE STATE OF ALABAMA - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1947-48

| | | |
|---|---|---|
| 1 Div 295 | ) | |
| Noel J. Grant | ) | B A L D W I N C I R C U I T |
| v. | ) | C O U R T |
| State of Alabama | ) | No. 898 |

Come the parties by attorneys, and the record and matters therein assigned for errors, being submitted on briefs and duly examined and understood by the Court, it is considered that in the record and proceedings of the Circuit Court there is no error.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the judgment of the Circuit Court be in all things affirmed.

The time fixed by the judgment and sentence of the Circuit Court for the execution of the prisoner, Noel J. Grant, having expired pending this appeal, it is now ordered that Friday, March 19, 1948, be and the same is hereby fixed as the date for the execution of the defendant, Noel J. Grant. It is, therefore, ordered, that the Sheriff of Baldwin County, Alabama, deliver the defendant, Noel J. Grant, to the Warden of Kilby Prison, at Montgomery, in Montgomery County, Alabama, and that the said Warden of Kilby Prison, in Montgomery County, Alabama, execute the judgment and sentence of the law on Friday, March 19, 1948, before the hour of sunrise on said day in said prison, by causing a current of electricity of sufficient intensity to cause death to pass through the body of the said Noel J. Grant, until he is dead, and in so doing he will follow the rules prescribed by the statutes.

It is also considered, ordered and adjudged that the appellant, Noel J. Grant, pay the costs of appeal of this Court and of the Circuit Court, for which let execution issue.

# THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

## THE SUPREME COURT OF ALABAMA

1 *Div., No.* 295

Noel J. Grant, *Appellant*,

*v.*

State of Alabama, *Appellee*,

*From* Baldwin Circuit *Court.*

*The State of Alabama,*
*City and County of Montgomery.*

*I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages numbered* ~~from~~ *one* ~~to~~ ~~inclusive~~*, contain a full, true, and correct copy of the* Judgment of Affirmance and Order resetting the date of execution, rendered on January 22, 1948, by *said Supreme Court in the above stated cause, as the same appears and remains of record and on file in this office.*

*Witness, J. Render Thomas, Clerk of the Supreme Court of Alabama, this the* 22nd *day of* January 19 48

J. Render Thomas

J. Render Thomas,
*Clerk of the Supreme Court of Alabama.*

THE SUPREME COURT OF ALABAMA

1 Div., No. 295

Noel J. Grant

*Appellant,*

*v.*

State of Alabama

*Appellee.*

*From* Baldwin Circuit *Court.*

*Certified Copy of*

Judgment of affirmance and order resetting date of execution

Brown Printing Co., Montgomery, Ala., 1944

Filed
1-24-48
Alice J. Welch
clerk

# THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

## THE SUPREME COURT OF ALABAMA

1 *Div., No.* 295,

Noel J. Grant, *Appellant,*

*vs.*

State of Alabama, *Appellee,*

*From* Baldwin *Circuit Court.*
#898

*The State of Alabama,*
*City and County of Montgomery.*

*I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages, numbered from one to* 11 *inclusive, contain a full, true and correct copy of the opinion of said Supreme Court in the above stated cause, as the same appears and remains of record and on file in this office.*

*Witness, J. Render Thomas, Clerk of the Supreme Court of Alabama, this the* 22nd *day of* January, 1948.

J. Render Thomas
*Clerk of the Supreme Court of Alabama.*

THE SUPREME COURT OF ALABAMA

October Term, 1947-48

1 Div., No. 295

Noel J. Grant
*Appellant,*

*vs.*

State of Alabama
*Appellee.*

From Baldwin Circuit Court.

# COPY OF OPINION

BROWN PRINTING CO., MONTGOMERY, ALA. 1943

Filed
1-24-48
Alice J. Veck
Clerk

JAN 22 1948

THE STATE OF ALABAMA - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1947-48

1 Div. 295 Noel J. Grant,

v.

State of Alabama,

Appeal from Baldwin Circuit Court.

STAKELY, JUSTICE

The appellant, Noel J. Grant, was indicted, tried and convicted of murder in the first degree. His punishment was fixed at death by electrocution. The appeal comes to this court under the automatic appeal act. --General Acts 1943, p. 217 et seq.

On March 9, 1947, state witness Ora Barton Ewing while driving back from Fort Morgan in Baldwin County discovered a human hand sticking out of the sand a short distance from the side of the road. He reported the matter to the authorities with the result that the body of a woman was dug up from a shallow grave in the sand. She had been shot three times. One wound was in the abdomen. One wound was in the leg. And one wound was in the breast at the clavicle.

Doctor Nelson E. Grubb, State Toxicologist, testified that the three wounds had been inflicted in the foregoing order in point of time and that the last wound had proved to be the fatal wound, the first two wounds being superficial.

The body was identified as Gertha Grant, the wife of Noel J. Grant, the appellant. They resided at Pensacola, Florida. He was arrested in Pensacola, Florida, and subsequently turned over to the sheriff of Baldwin County, Alabama.

Noel J. Grant made a confession to the authorities at the jail in Bay Minette, which was reduced to writing and signed by him. The confession was introduced in evidence. He testified as a witness in his own behalf and in substance on the witness stand corroborated the statements contained in the written confession. The evidence showed that Noel J. Grant killed Gertha Grant in substantially the following manner.

On the morning of March 8, 1947, appellant and his wife, together with Richard, her seven year old son by a former marriage, left Pensacola in his car for a ride. They crossed into Alabama and passed through several Alabama towns, eating lunch in Fairhope, Alabama, and then having a sandwich in Brewton, Alabama. From Brewton they proceeded back to Florida. Shortly after seven o'clock in the evening he stopped the car on the side of the road and when he got back in the car got his wife to turn her head to see if the door on her side of the car was closed. He then hit her twice upon the head with his pistol which he drew from his belt. His wife screamed and jumped from the car. He caught her, threw her to the ground and fired one shot intoher body. He then placed her in the trunk of the car, reentered the car and drove away. After driving a short distance, he stopped the car, raised the trunk lid, found that she was conscious. She asked him to let her out. Instead he fired another shot into her body and closed the trunk lid. He drove back into Alabama and disposed of the boy by luring him out of the automobile at a bridge over a stream. He then struck the boy in the head and pushed him off the bridge into the stream. Driving on he reached a filling station and stopped for gas, but hearing his wife moving in the trunk drove on. He again stopped, raised the trunk lid and after his wife spoke to him, he addressed certain remarks to her and fired a third shot into her body. She then fell over and made no more noise. The third shot was fired in Baldwin County, Alabama. He then obtained gasoline at the next filling station and from there drove to the point where he buried the body, scooping out the shallow grave with his hands. First, however, he removed her rings and watch. Then he drove back to Pensacola, stopping on the way to wash out the trunk of the car. The pistol with which the deceased was slain, together with her rings and watch, were found in the defendant's possession at the time of his arrest.

Appellant testifying, as stated, in his own behalf, admitted he killed his wife and buried her body where it was found. According to him, he did so because she had been guilty of "running around" with other men. The pleas of the defendant were not guilty and not guilty by reason of insanity.

We shall now proceed to discuss the various matters on which appellant bases his right to reversal, but none of which we deem sufficient to produce that result.

1. The voluntary confession made by appellant included a statement that he knew he was going to have to get rid of Richard and since the boy asked him when he reached the bridge to let his mother out of the trunk because she was getting cold, he stopped the car and told Richard to get out of the car so that he could show him his mother was not cold, that he then got out his gun, hit Richard on the head and shoved him off the bridge into the water. It is insisted that on a prosecution for a particular crime, evidence which in any manner shows or tends to show that the accused has committed another crime independent of that for which he is on trial, is irrelevant and inadmissible. Clearly, however, the acts of appellant with reference to the boy were a part of the res gestae. It was part of the series of events leading up to the final fatal shot. The fact that under the circumstances the acts of appellant may tend to show another crime is immaterial. The evidence was competent. —Kennedy v. State, 182 Ala. 10, 62 So. 49; Oakley v. State, 135 Ala. 15, 33 So. 23; Allison v. State, 1 Ala. App. 206, 55 So. 453; Sexton v. State, 239 Ala. 287, 196 So. 744; Barnes v. State, 31 Ala. App. 187, 12 So. 2d 242, cert. den. 244 Ala. 597, 14 So. 2d 246. The state sought to show that when the defendant

was arrested in Pensacola after the commission of the crime he was asked by the deputy sheriff, Owens, when referring to a little book satchel on the wall, "Do you reckon this kid will ever need this any more," to which the defendant replied, "No, he will never need it any more, because he had killed them both." The court expressly instructed the jury not to regard anything that the defendant said about killing the boy, and not to consider any injury to the child. Without considering whether this evidence was competent, we mention it to show that the court was careful to keep from the jury any testimony regarding the assault on the boy, except as it was a part of the series of events making up the res gestae.

2. There was no error in allowing the boy Richard, aged 7, to testify for the state. He was first examined by the court and adjudged competent as a witness. His testimony was used solely to show that the dead woman was his mother, that she was the wife of the defendant and that he went on the ride in question with the defendant. The record is silent as to how he survived after being pushed off the bridge.

3. The state introduced photographs showing the three wounds on the body of the deceased. It is claimed that this evidence showing a body in its condition after death was prejudicial and unnecessary. We have examined the photographs and think them competent. —McKee v. State, 31 So. 2d 656. The photographs show the three bullet wounds and tend to corroborate the testimony of the toxicologist that three shots were fired into the body of Gertha Grant. —DeSilvey v. State, 245 Ala. 163, 16 So. 2d 183; Grissett v. State, 241 Ala. 343, 2 So. 2d 399.

4. The oral charge of the court did not include a charge on manslaughter. It is claimed that this constitutes error on the theory that there was evidence tending to show that the defendant killed the deceased in the heat of passion. While testifying in his own behalf, the defendant in describing the events connected with the fatal ride stated, "She tried to get her hands on the gun twice that day. The second time was when this tragedy taken place and I had been all unnerved." On cross-examination the defendant was asked, "How long was it before you shot her that she tried to get the gun——10, 15 minutes or 1 hour or 2 hours?" In answer to this question he replied, "A good little time. I didn't time it, but it was a good little while."

Omitting the consideration of testimony tending to discredit the foregoing testimony of the defendant and allowing for its lack of detail, we do not think that it tends to show that he killed in the heat of passion. According to his own testimony, she reached for the gun a "good while" prior to the slaying. This shows that a "cooling time" had intervened and precludes the contention that the defendant slew in the heat of passion. —Whitehead v. State, 206 Ala. 288, 90 So. 352; Ragland v. State, 125 Ala. 12, 27 So. 983; Brunson v. State, 212 Ala. 571, 103 So. 664. It should be kept in mind that in the case at bar, the defendant fired a bullet into his wife on three, separate occasions well spaced in point of time. There can be no possible room for contention that the second and third, which was the fatal shot, were fired under the heat of passion engendered by any act of deceased in reaching for a gun. Whatever

might be said of the first shot, the evidence warranted the jury in finding that the latter shots were brutal, cold-blooded and premeditated.

Nor can it be said that he slew in the heat of passion because he suspected that his wife had had illicit relations with other men. In the case of Sheppard v. State, 243 Ala. 498, 10 So. 2d 822, in speaking of passion engendered in a man by his wife's unfaithfulness, this court said:

> " * * * If he does not strike and kill until after there has been time for his passion to cool and for reason to reassert itself, or if he strike and kill immediately, but is not moved thereto by the heat of passion, but by prior malice, hatred, desire to avenge the wrong done him or by any other motive, or upon any design whatever except as is presently engendered by the paroxysm or rage into which he is thrown by this extreme provocation he is guilty of murder."

In this case it was held that

> "Under the facts here disclosed the law says the injured husband must reflect, must not brood over his hurt, then slay the wife or paramour. If he does he is guilty of murder. There was no error in declining to charge on manslaughter in the case."

In considering the exception to the oral charge, the evidence in the case on the issue of insanity may be divided into two parts, (1) testimony relating to the condition of the defendant prior to the ride and (2) testimony, including defendant's confession, as to the events occurring on the ride.

Five employees of the Florida Pulp and Paper Company, where the defendant was employed as a bus driver, sought to testify in his behalf. L. L. Gibson testified that defendant's work was satisfactory and there was nothing to indicate he didn't have a sound mind. Julius Norred testified that on about three occasions defendant had brought up the subject of his trouble with his wife, but there was nothing to lead him to believe that he was mentally unbalanced. J. D. Jones testified that defendant said he was having some trouble with his wife, but that he "would be afraid to say that he had noticed any peculiarities about him;" that he drove the bus all right so far as he knew. Frank Savage testified that as far back as September or October defendant told him that he suspected his wife of running around with other men, that at times he seemed to be in deep study and he wouldn't hear you, that he seemed agitated and worried, that he got more nervous and jumpy, that his mind would kinder wander at times and at other times he would be all right, but in his opinion he was not a man of sound mind all the time. On cross-examination Frank Savage first testified that he thought that defendant's action in not noticing stop signs when driving the bus indicated an unsound mind, then stated that his mind wasn't on his business; that he had never been with him when he didn't know the difference between right and wrong; that when he was present defendant and his wife got along all right. W. E. Coleson testified that defendant talked with him about his family

troubles, but no names were called; that defendant seemed to grow more "nervous jittery" and absent-minded; that at times he had the impression he didn't know right from wrong because on one occasion he drove through a stop sign without stopping; that he was not familiar with crazy men and did not know about mental diseases. W. D. Moore testified that he had worked at the plant about two years previously and saw defendant frequently, but when he came back to work at the plant the second time, defendant did not know him; that there was a change in his mental condition, that defendant did not talk to him about his wife but he seemed worried all the time and just looked like he didn't have his mind, that sometimes he would talk continuously and sometimes he would not say a word, seeming to be in a daze, that in his opinion defendant was mentally unsound when he (witness) came back to work the second time. On cross-examination he testified that he drove the bus to and from the plant of the company and Pensacola about six times each day, the distance between these points being about 16 miles and that he could drive all right and he knew of no complaint about his work.

In addition to the above the defendant testified as to various incidents in his wife's relations with other men all of which took place prior to the ride. In all of this there was no proof of any actual wrongdoing. At best this testimony only tended to show ground for suspicion. The events on the ride have hereinabove been substantially set forth.

When insanity, which is the result of disease of the brain, is present at the time of the commission of the act and is the producing cause of the act, it is a good defense. It is not required, however, that such insanity shall have existed for any definite period, but only that it existed when the act occurred. — 22 C. J. S. p. 121, § 57. In referring to temporary insanity the court did not depart from the foregoing rule. Temporary insanity has a meaning which differentiates it from a condition caused by disease of the brain and confines it to a condition due to causes other than disease, usually intoxication. —Gunter v. State, 83 Ala. 96 (108-109), 3 So. 600. See also 44 C. J. S. p. 18. In the present case, however, there was no proof of intoxication and if for that reason it is claimed that the charge was misleading to the point of injury, it is sufficient to say that when these parts of the charge are considered in the light of the entire charge and in connection with the evidence, there is nothing prejudicial. — Supreme Court Rule 45; Bristow v. State, 24 Ala. App. 439, 136 So. 837, cert. den. 223 Ala. 390, 136 So. 838.

Examination of such authorities as Wingard v. State, 247 Ala. 488, 25 So. 2d 170, and Parsons v. State, 81 Ala. 577, 2 So. 854, 60 Am. Rep. 193, will show that the court correctly stated the well known rules to sustain the defense of insanity. The charge also correctly showed that the law of this state does not sanction emotional or moral insanity as an excuse for crime. —Wingard v. State, supra; Coffey v. State, 244 Ala. 514, 14 So. 2d 122; Reedy v. State, 246 Ala. 363, 20 So. 2d 528. Furthermore mere temporary mania not the result of a disease of the mind does not constitute insanity. — Braham v. State, 143 Ala. 28, 38 So. 919; Parrish v. State, 139 Ala. 16, 36 So. 1012.

We think that the evidence, if any, on which insanity as a defense must be rested is the testimony relative to defendant's condition prior to the ride. The evidence as to what occurred on the ride standing alone would not make out the defense. The charge shows that the testimony as to insanity before the ride to be available as a defense must be based on the fact of a diseased mind of a chronic or permanent nature because only insanity of that type would be presumed to exist when the ride was taken as distinguished from emotional or temporary insanity. —Ford v. State, 71 Ala. 385; Parsons v. State, supra.

We have carefully examined the entire record and find no error.

Affirmed.

All the Justices concur.

CITATION OF APPEAL

TO A. H. ELLIOTT, SOLICITOR TWENTY*FIRST JUDICIAL CIRCUIT OF ALABAMA:

WHEREAS, NOEL J. GRANT, has on 29 the day of April, 1947, obtained an appeal to the Supreme Court of Alabama from a judgment rendered against him in the Circuit Court of Baldwin County, Alabama to that certain cause in said Circuit Court, in which the State of Alabama is Plaintiff and NOEL J. GRANT is defendant which said judgment was rendered on to-wit: April, 29, 1947.

NOW THEREFORE, this is to notify you to appear at the next term of the said Supreme Court to defend against said appeal if you shall think proper to do so.

WITNESS my hand this the 29th day of April, 1947.

Alice J. Duck
ALICE J. DUCK
CLERK, CIRCUIT COURT
BALDWIN COUNTY, ALABAMA

I hereby accept service of a copy of the above citation of Appeal, and waive any further, other or additional notice of the same.

This 29th day of April, 1947.

A. H. Elliott
Solicitor 21st Judicial Circuit of Alabama.

# JURY LIST, SECOND WEEK

## Spring Term, April 28, 1947

State vs Paul Grant
April 29, 1947

| No. | Name | Occupation | Address | |
|---|---|---|---|---|
| 1 | R. A. Hale, Jr., | Plumber, | Robertsdale | D 1 |
| 2 | James W. Cyphers, | Postal Clerk, | Foley | D 5 |
| 3 | Ben J. Griffin, | Farmer, | Summerdale | S 1 |
| 4 | Charles E. Garrett, | Millman, | Little River | D 11 |
| 5 | M. Ivan Jensen, | Farmer, | Summerdale | S 9 |
| 6 | Everett M. Gidmunson, | Farmer, | Silverhill | D 5 |
| 7 | Quinton J. Cooper, | Farmer, | Robertsdale | D |
| 8 | W. R. Cooper, | Farmer | Robertsdale | D 4 |
| 9 | J. C. Grimes, | Produce Man, | Loxley | D ? |
| 10 | William Lenz, | Defense, | Elberta | |
| 11 | J. Nick Sawyer, | Salesman, | Magnolia Springs | D 1 |
| 12 | Albert Boone, | Mechanic, | Foley | |
| 13 | Rudolph Doering, | Tire Vulcanizing, | Foley | |
| 14 | Joe Durant, | Newport, | Bay Minette | D 12 |
| 15 | Hugh S. Metcalf Sr., | Farmer, | Foley | |
| 16 | Aaron E. Gill, | Oil Truck Driver, | Foley | |
| 17 | Edward Carver, | Farmer, | Bon Secour | |
| 18 | August H. Mueller, | Contractor, | Foley | D 2 |
| 19 | Brady Powell, | Newport, | Bay Minette | S 7 |
| 20 | Woodrow Bryant, | Farmer, | Stockton | D 2 |
| 21 | Charlie Barnett, | farmer, | Belforest | D 13 |
| 22 | Thomas Hadley, | Stock Grower, | Foley | S 8 |
| 23 | H. T. Childress, | Merchant, | Loxley | D ? |
| 24 | Ted McGowan, | Mechanic, | Bay Minette | S 13 |
| 25 | C. S. Childress, | farmer, | Robertsdale | S 2 |
| 26 | Edward P. Moravec, | Brookley Field, | Robertsdale | |
| 27 | James S. Minchew, | laborer, | Robertsdale | |
| 28 | Charles H. Matthews, | farmer, | Robertsdale | S 5 |
| 29 | Jack D. Taylor, | merchant, | Bon Secour | |
| 30 | Dougal Taylor, | laborer, | Bay Minette | S 10 |
| 31 | Alma Vines, | mechanic, | Bay Minette | S 12 |
| 32 | Ben Sowell, | mechanic, | Bay Minette | S 6 |
| 33 | Derrile Stuart, | cement mfg., | Bay Minette | D 6 |
| 34 | Bill Stuart, | laborer, | Bay Minette | D 6 |
| 35 | Ted Fraser, | plumber, | Bay Minette | S 11 |
| 36 | Lloyd A. Ballard, | radio repair, | Bay Minette | |
| 37 | Raymond McMillan, | farmer, | Stockton | D 12 |
| 38 | Bill Stewart, | printer, | Bay Minette | D 9 |
| 39. | Julio Corte | | | D 8 |
| 40. | Joseph Surrey, | Elberta | | |
| 41. | Randolph McGown, | Bay Minette | | D 10 |
| 42. | Joseph Lynd, | Bay Minette | | D 13 |
| 43. | Jhon Broughton, | Bay Minette | | D 10 |
| 44. | Young A. Cox, | Stockton | | D 8 |
| 45. | Elwood G. Poos, | Robertsdale | | S 3 |
| 46. | Dorris Dukes, | Foley | | |
| 47. | George Holk, | Foley | | D 4 |
| 48. | Lawrence F. Boeschen, | Bay Minette | | D 9 |
| 49. | M. C. Cooper, | Robertsdale | | D 3 |
| 50 | Mack Baggett, | Daphine | | |
| 51. | W. D. White, | Bay Minette | | D 3 |
| 52. | Leslie H. Taylor, | Robertsdale | | D 11 |
| 53. | Daniel L. Teal, | Robertsdale | | S 4 |

S - ++++++++++++

D - ++++++++++++++++

List of Jurors and Copy of Indictment.

Moore Ptg. Co.

**THE STATE**
vs.
Noel J. Grant

**In the Circuit Court of Baldwin County,**

Spring Session ~~Term~~, 1947

Venire of the jurors in the above stated cause, names herein stated from No. 53 to No. 67 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 29th day of April 1947, 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 Barnette | 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 | Joseph Surrey | Defense | Elberta | same |
| 54 | Randolph McGowin | Manager AB.C. Store | Bay Minette | same |
| 55 | Joseph Lynd | Clerk | Bay Minette | same |
| 56 | John Broughton | Barber | Bay Minette | same |
| 57 | Young A. Cox | Merchant | Stockton | same |
| 58 | Elwood G. Poos | Oil Agent | Robertsdale | same |
| 59 | Dorris Dukes | Resturant | Foley | same |
| 60 | George Holk | Insurance | Foley | same |
| 61 | Lawrence F. Boeschen | Farmer | Bay Minette | same |
| 62 | G. O. Votova | Farmer | Robertsdale | same |
| 63 | M. C. Cooper | Carpenter | Robertsdale | same |
| 64 | Mack Baggett | Merchant | Daphne | same |
| 65 | W. D. White | Merchant | Bay Minette | same |
| 66 | Leslie H. Taylor | Retired | Robertsdale | same |
| 67 | Daniel L. Teel | Farmer | Robertsdale | 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. NOEL J. GRANT charged with MURDER, FIRST DEGREE; that the names of jurors from No 53 to No. 67, 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 Wilson
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 Noel J. Grant the Defendant

Taylor Wilson Sheriff.

The State of Alabama
Baldwin County

CIRCUIT COURT

LIST of JURORS and COPY of INDICTMENT

STATE
vs.

AFFIDAVIT

STATE OF ALABAMA, BALDWIN COUNTY } In the Justice Court of C. W. HAMILTON

Before me, C. W. HAMILTON, Justice of the Peace

in and for said County, personally appeared H. F. Hall 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 March 8, 1947 that one Noel J. Grant unlawfully killed his wife in the sudden recounter by the use of the deadly weapon concealed before the commencement of the fight the said Noel J. Grant, being the aggressor and assaulting having no deadly weapon drawn against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 8th day of March A. D. 1947

C. W. Hamilton J. P.

H F Hall

---

WARRANT

THE STATE OF ALABAMA, BALDWIN COUNTY }

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETINGS:

You are hereby commanded to arrest Noel J. Grant and bring him before me to answer the State of Alabama on a charge Murder

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

Witness my hand this 8th day of March, 1947

C. W. Hamilton, J. P.

No. 915 Page

# THE STATE OF ALABAMA
BALDWIN COUNTY

JUSTICE COURT OF
C. W. Hamilton

## AFFIDAVIT

THE STATE OF ALABAMA
vs.
Noel J. Grant

WITNESSES FOR THE STATE:

Moore Printing Co., Bay Minette, Ala.

JUSTICE COURT OF
# BALDWIN COUNTY

## WARRANT OF ARREST

## The State of Alabama
vs.
Noel J. Grant

Executed this 10 day of March, 1947

By arresting the within

named Defendant

and placing him in Jail

Taylor Wilkins, Sheriff
H T Hall, Deputy Sheriff

ORIGINAL—STATE SUBPOENA

Moore Printing Co., Bay Minette, Ala.

# THE STATE OF ALABAMA,

BALDWIN COUNTY

## CIRCUIT COURT

Sub No. _____

Case No. 898 Term Spring, 1947

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon

Orah Braxton Ewing (Jaque) Mrs. Geneva Minge Bay Minette
John Edward Lorenzo " " William S. Desjardes " "
Charles Hollis Nelson " " Walter Dudley Bass Perdido
Curtis Lee Calloway Foley

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 29 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 Noel J. Grunt

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

Witness my hand this 22 day of April A. D. 1947 ~~R. S.~~ Geo. J. DUCK, Clerk.

Received in office ..... ,194....

Executed this 4/25 ,1947

By serving copy on

Ora Brayton Ewing

Curtis Lee Calloway

Mrs. Geneva Wright

William J. Alexander

Walter Dudley Bass

Taylor Wilkins

Not Hall D.S. Sheriff

Baldwin

ORIGINAL

For .....

No. 898 Page .....

**The State of Alabama,**
Baldwin County.

# CIRCUIT COURT

THE STATE
Vs.

Noel J. Grant

## STATE SUBPOENA

Issued this 22 day of

April ,1947

Alice J. Leach
Clerk.

ORIGINAL—STATE SUBPOENA

Moore Printing Co., Bay Minette, Ala.

# THE STATE OF ALABAMA,

BALDWIN COUNTY

## CIRCUIT COURT

Sub No. _____

Case No. 898 Term Spring, 1947

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon W. R. Duckworth, Tylor Wilkins, H. F. Hall Zollie Griffin, Richard Alvin Gooden, Dr. Nelson E. Grubbs, J. M. Crease O. L. Murphy, Jack Patrick, N. C. Stanley, W. T. Mitchell

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 29th 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 NOEL J. GRANT _____ Defendant, and have you then and there this Writ, with your endorsement thereon.

Witness my hand this 18 day of April A. D. 1947 Mrs. R. S. DUCK, Clerk.

Received in office 4-21, 1947

Executed this 4/26, 1947

By Service in full

Taylor Wilkins
Sheriff

ORIGINAL

For

No. 898 Page

**The State of Alabama,**
Baldwin County.

# CIRCUIT COURT

THE STATE
Vs.

NOEL J. GRANT

## STATE SUBPOENA

Issued this 18th day of

April, 1947

Clerk.

CAPIAS

Moore Printing Co.

**THE STATE OF ALABAMA,**
**Baldwin County**

To Any Sheriff of the State of Alabama:
An indictment having been found against

Noel J. Grant

at the Spring Term, 1947, of the Circuit Court of Baldwin County, for the offense of

Murder, First Degree

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. Wenck
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. 20

THE STATE

vs.

Noel J. Grant

Bail Fixed in This Case in Open Court at

$

By
Judge Presiding.

Attest :
Clerk.

Executed this 16 day of April 1947

By arresting the within

named Defendant

Noel J. Grant

and placing him in jail

Taylor Wilkins Sheriff.

Deputy Sheriff.

# In the Name and by the Authority
# of
# The State of Alabama

## I, JAMES E. FOLSOM

*Governor of the State of Alabama*

To all Sheriffs, Keepers of Prisons, Civil Magistrates and others

to whom these Presents shall come—GREETINGS:

WHEREAS, at the April Term, 1947 of the Court held for the County of Baldwin Noel J. Grant was convicted of the crime of Murder - 1st Degree and sentenced to Death - March 19, 1948

And Whereas, for divers good and sufficient reasons it appears to me that the said Noel J. Grant is not a fit subject for Executive Clemency;

Now, Therefore, I, JAMES E. FOLSOM, Governor of the State of Alabama, by virtue of the power and authority in me vested by the Constitution and laws of the State of Alabama, do by these presents, order that the sentence of the Court be executed according to law.

Witness my hand, and the Great Seal of the State at Office, in the City of Montgomery, this 18th day of March, 19 48.

James E. Folsom
Governor of Alabama.

BY THE GOVERNOR:

Sibyl Pool
Secretary of State.

GRAND JURY SUBPOENA—ORIGINAL

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA,
Baldwin County

No. 20

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon Taylor Wilkins, H. F. Hall, Willie Griffin, Mr. Nelson & Barber, J. M. O'Brien, A. L. Murphy, Jack Patrick, N. C. Stanley, J. W. J. Mitchell, W. R. Weatherworth.

to be and appear on the 15 day of April, 1947, 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 1st day of April A. D., 1947

Alice J. Duck Clerk.

ORIGINAL

No. 20

# GRAND JURY SUBPOENA

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

Taylor Wilkins
W. T. Hall
Zollie Griffin
Dr. Nelson Grubbs
J. M. Kreis
C. S. Murphy
Clarke Patrick
N. C. Stanley
W. T. Mitchell
W. R. Duckworth

this 12 day of April, 1947

Taylor Wilkins, Sheriff

Moore Printing Co., Bay Minette, Ala.

W. T. Hall

(E) M

| | | |
|---|---|---|
| STATE OF ALABAMA, | ( | IN THE CIRCUIT COUR OF |
| VS. | ) | BALDWIN COUNTY, ALABAMA. |
| NOEL J. GRANT | ( | SPRING TERM. CASE NO.____ |

The Defendant in the above styled cause having been convicted of murder in the first decree and sentenced to electrocution, and an appeal having been taken as provided by law, he is hereby permitted, if he shall so elect, to file with the Clerk of the Circuit Court in which the said cause was tried, a statement verified by his oath that he is an indigent appellant, as defined in the act of the legislature, approved June 24th, 1943, Acts 1943, page 218.

Done this the _____day of _____, 194___.

_____
Trial Judge

Mr.
Beebe

Mississippi

ORIGINAL—STATE SUBPOENA

Moore Printing Co., Bay Minette, Ala.

# THE STATE OF ALABAMA,

BALDWIN COUNTY

## CIRCUIT COURT

Sub No. _____

Case No. 898 Term Spring, 1947

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon Dewitt L Jones, Box 133, Pulaville, Miss

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 29 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 Noel J. Grant

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

Witness my hand this 22 day of April A. D. 1947 Aris J. ~~R. S.~~ DUCK, Clerk.

Received in office ..... ,194....

Executed this 4/26 ,1947

By Service in full

Taylor Wilkins
Sheriff

Mrs.

ORIGINAL

For .....

No. 898 Page .....

**The State of Alabama,**
Baldwin County.

# CIRCUIT COURT

THE STATE
Vs.

Noel J. Hewitt

## STATE SUBPOENA

Issued this ..... day of

..... ,194....

..... Clerk.

ORIGINAL—STATE SUBPOENA

Moore Printing Co., Bay Minette, Ala.

**THE STATE OF ALABAMA,**

BALDWIN COUNTY

CIRCUIT COURT

Sub No. _____

Case No. 898 Term Spring, 1947

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon James David Stephens

603 N. 5th Ave, Pensacola, Fla

C. I. Wilson, J. N. Owens (D.S.) Pensacola

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 29 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 Noel J. Grant

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

Witness my hand this 22 day of April A. D. 1947 Alice J. DUCK, Clerk.

Received in office ..... ,194....

Executed this 4/26 ,194 7

By Service in full

Taylor Wilkins
Sheriff

Pensacola

ORIGINAL

For .....

No. 898 Page .....

**The State of Alabama,**
Baldwin County.

# CIRCUIT COURT

THE STATE
Vs.

Noel J. Grant

## STATE SUBPOENA

Issued this 22 day of

April ..... ,194 2

Alex J. Jerick
Clerk.

Escambia

ORIGINAL—STATE SUBPOENA

Moore Printing Co., Bay Minette, Ala.

**THE STATE OF ALABAMA,**

BALDWIN COUNTY

CIRCUIT COURT

Sub No. _____

Case No. 893 Term Spring, 1947

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon Chief Brown

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 29 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 Noel J. Grunsto Defendant, and have you then and there this Writ, with your endorsement thereon.

Witness my hand this 22 day of April A. D. 1947 R. S. DUCK, Clerk.

Elmore

Received in office ..... 194....

Executed this 4/26 ..... 1947

By serving in full

Saylor Wilkins
Sheriff

ORIGINAL

For .....

No. 895 Page .....

**The State of Alabama,**
Baldwin County.

# CIRCUIT COURT

THE STATE
Vs.

Noel J. Grant

## STATE SUBPOENA

Issued this 22 day of

April, 1947

Alice J. Leach
Clerk.

Montgomery

ORIGINAL—STATE SUBPOENA

Moore Printing Co., Bay Minette, Ala.

**THE STATE OF ALABAMA,**

BALDWIN COUNTY

CIRCUIT COURT

Sub No.

Case No. 898 Term Spring, 1947

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon O. J. McDuff

Montgomery, 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 29 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 Noel J. Grunt

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

Witness my hand this 22 day of April A. D. 1947 R. S. DUCK, Clerk.

Received in office ..... ,194....

Executed this 4/26 ,1947

By service in full

Taylor Wilkins
Sheriff

Montgomery

ORIGINAL

For .....

No. 895 Page .....

**The State of Alabama,**
Baldwin County.

# CIRCUIT COURT

THE STATE
Vs.

Noel J. Grant

## STATE SUBPOENA

Issued this 22 day of

April ,1947

Alice J. Hewitt
Clerk.

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

| Attorneys | Case | Charge |
|---|---|---|
| No. 915 | THE STATE OF ALABAMA. Vs. Noel J. Grant | Murder |

| | Disposition of Case |
|---|---|
| | Affidavit made and Warrant Issued to |
| | Returnable |
| | Witness—for State |
| Jake Kreiss | |
| O. T. McDuffy | |
| O. L. Murphy | |
| Jack Patrick | Now comes the defendant and waives |
| H. J. Hall | his action to the grand jury. |
| Zollie B. Griffin | |
| Chas H. Nelson | C W Hamilton |
| John E. Lorenzo | |
| W. J. Mitchell | |
| N. C. Stanley | |

| Fees | Amount |
|---|---|
| **Judge's Fees** | |
| Warrant at 50c, Affidavit at 25c | .75 |
| Bond at 50c, Sci Fa at 50c | |
| Witnesses' Recognizances at 25c 10 | 2.50 |
| Subpoena or notice at 25c | |
| Continuance at 25c | |
| Trial of Misdemeanor at $1.00 1 | 0.25 |
| Mittimus at 25c | .25 |
| Judgment on Forfeited Bond at 25c | |
| Taking Bond, etc, on Appeal at $1.00 | |
| Execution of costs at 25c | |
| **Constable's Fees** | |
| Subpoena or Notice at 25c | |
| Carrying Defendant before Justice each mile for himself and guard at 10c | |
| Arrest 50c | |
| **Sheriff's Fees** | |
| Arrest $2.00 Bond, $1.00, Sci Fa 50c | 4.00 |
| Committing $1.00, Releasing $1.00 | 2.00 |
| 10 Subpoenas at 50¢ Day's Board at 30c | 5.00 |
| **Witness Fees** | |
| Days at 50c | 11.00 |
| " 50c | |
| " 50c | |
| " 50c | |
| " 50c | |
| " 50c | |
| " 50c | |
| **DEFENDANT'S COSTS** | |
| Witnesses' Recognizance at 25c | |
| Subpoenas at 25c | |
| Executing Subpoenas | |

Total 16.50

GRAND JURY SUBPOENA — ORIGINAL

Printed by The Baldwin Times, Bay Minette

**THE STATE OF ALABAMA,**
**Baldwin County.**

No. 20

**TO Any Sheriff of the State of Alabama — Greetings:**

You are hereby commanded to summon Richard Alvin Gowder
(c/o Robert Jones, R.R. Box 331, Ocean Springs, Miss.)

to be and appear on the 15 day of April 1947 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 7th day of April A. D., 1947

Alice J. Hueck Clerk.

Jackson, Miss.

ORIGINAL

No. 20

# GRAND JURY SUBPOENA

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

Mailed - 4-9-47

this _____ day of _____ 194____

_____, Sheriff

See 345 Title 15 Code of Ala

NOEL J. GRANT.

| | | |
|---|---|---|
| STATE OF ALABAMA | ) | IN THE CIRCUIT COURT OF BALDWIN COUNTY, |
| BALDWIN COUNTY. | ) | ALABAMA. CAUSE NO. 898 |

TO THE SHERIFF OF BALDWIN COUNTY, ALABAMA:-

You are hereby commanded to deliver forthwith to the warden of Kilby Prison, Montgomery, Alabama, for safe keeping, Noel J. Grant, who was tried and convicted of murder in the first degree in the Circuit Court of Baldwin County, Alabama, and given the death penalty under date of April 29, 1947, and you will take the receipt of the warden of Kilby Prison for said prisoner as provided for by law in such cases.

And the warden of Kilby Prison is hereby ordered to receive and hold said prisoner awaiting further orders pending his appeal to the Supreme Court as provided by law. The execution of the sentence imposed against the defendant in this case has been suspended pending his appeal.

Done in term time this the 3rd day of December, 1947.

_____

Judge Presiding.

(2)

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, the undersigned authority in and for said State and County, this day personally appeared Noel J. Grant, who being by me duly sworn, deposes and says that on the 29th day of April, 1947, he was convicted of first decree murder and sentenced to electrocution in the Circuit Court of Baldwin County, Alabama; that, as provided by the laws of the State of Alabama, an appeal from said conviction has been taken and that he is without sufficient funds and has no reasonable way of procuring the same, to pay the Court Reporter his lawful fees for transcribing the testimony and other proceedings had in the trial of the said cause, and that he is without sufficient funds and has no reasonable way of procuring the same to employ competent legal counsel to prosecute said appeal.

_____

Sworn to and subscribed before me this the _____day of _____, 194___.

_____

Baldwin County, Alabama.

4 R

| | | |
|---|---|---|
| STATE OF ALABAMA, | ( | IN THE CIRCUIT COURT OF |
| | ) | |
| VS | ( | BALDWIN COUNTY, ALABAMA. |
| | ) | |
| NOEL J. GRANT | ( | SPRING TERM. CASE NO.___ |

TO THE HONORABLE FOREST A. CHRISTIAN AND W. C. BEEBE,
ATTORNEYS AT LAW:

You are hereby notified that on the _____day of _____, 1947, the Honorable F. W. Hare, the trial judge in the aforesaid cause, did appoint you and each of you as legal counsel to prepare and prosecute the appeal of the Defendant from the judgment of conviction.

Witness my hand this the _____day of _____, 1947.

_____
Clerk of the Circuit Court of
Baldwin County, Alabama.

3 M

| | | |
|---|---|---|
| STATE OF ALABAMA, | ( | IN THE CIRCUIT COURT OF |
| VS. | ) ( | BALDWIN COUNTY, ALABAMA. |
| NOEL J. GRANT | ) ( | SPRING TERM. CASE NO.____ |

Permission having been given heretofore in writing by the undersigned Judge who tried the aforesaid cause, the Defendant has filed in the aforesaid cause a statement under oath that he is an indigent appellant, as defined by law, and an investigation having been made by the Welfare Agency of the facts stated in the Defendant's affidavit, and the undersigned trial Judge being reasonably satisfied that said statement is substantially true, _____ and _____ are hereby appointed as legal counsel for the said Defendant to prepare and prosecute the appeal of the said indigent appellant;

It is further ordered that the Court Reporter transcribe the testimony and all other proceedings had at the trial of the said cause.

Done this the _____day of _____, 194___.

_____
Trial Judge.

_____Div. No._____ CERTIFICATE OF APPEAL. (Criminal Cases.)

No. 898

BALDWIN County, Circuit Court

NOEL J. GRANT, Appellant

VS.

The State of Alabama, Appellee

The State of Alabama,

BALDWIN County, The Circuit Court of BALDWIN County.

I, ALICE J. DUCK, Clerk of the Circuit Court of BALDWIN County in and for said County and State, do hereby certify that in the above stated case, which was tried and determined in this Court on the 29 day of April 1947, and the defendant convicted by a Jury of the offense of Murder first degree, and that on the 29 day of Appil 1947, said defendant was sentenced to a term of Death by electrocution, which said sentence was suspended pending an appeal to the SUPREME Court of Alabama.

I further certify that on this the 29 day of April 1947, the defendant gave notice in writing of an appeal to the SUPREME Court of Alabama.

Witness my hand and the seal of this Court, this the 29 day of April 1947.

Clerk of Circuit Court of

BALDWIN County, Alabama,



47380 MARSHALL & BRUCE CO NASHVILLE

Mobile

ORIGINAL—STATE SUBPOENA

Moore Printing Co., Bay Minette, Ala.

**THE STATE OF ALABAMA,**

BALDWIN COUNTY

**CIRCUIT COURT**

Sub No. _____

Case No. 898 Term _____, 194__

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon George Raymond Floyd
1954 Clinton Ave. Mobile, Ala. James Oliver Wicker
300 Holly Drive, Hartville Place, Mobile, 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 29 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 Noah J. Grant

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

Witness my hand this 22 day of April A. D. 1947 R. S. DUCK, Clerk.

E 53. APR 24 1947 378

Received in office 4/24/47, 194

Executed this 4/25/47, 194

By Lorring Crosby

for

James Oliver Nickles

serving personally

George Raymond Floyd

W. H. Loomis

H. B. Salter Sheriff

Mobile

ORIGINAL

For

No. 898 Page

**The State of Alabama,**

Baldwin County.

# CIRCUIT COURT

THE STATE

Vs.

Noel J. Grant

## STATE SUBPOENA

Issued this 22 day of

April, 194 7

Alice J. Leach

Clerk.

**THE STATE OF ALABAMA,**
**Baldwin County**

Circuit Court, Spring Session ~~Term~~, 194 7

The Grand Jury of said County charge that before the finding of this indictment Noel J. Grant, whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, killed Gertha Grant, whose name is to the Grand Jury otherwise unknown, by shooting her with a pistol,

against the peace and dignity of the State of Alabama.

A. W. Elliott Jr.
Solicitor of the Twenty-first Judicial Circuit.

No. RECORDED

# THE STATE OF ALABAMA,
## Baldwin County

## Circuit Court

Spring Session ~~April~~ 1947

THE STATE

Vs.

Noel J. Grant

## INDICTMENT

Murder, First Degree

No Prosecutor.

WITNESSES:

W. R. Duckworth

Taylor Wilkins

H. F. Hall

Zollie Griffin

Richard Alvin Goodin

Dr. Nelson Grubbs

J. M. Crease

O. L. Murphy

Jack Patrick

W. T. Mitchell

W. C. Stanley

The Baldwin Times, Bay Minette, Ala.

GRAND JURY NO. 20

A TRUE BILL

E W Norman

Foreman Grand Jury.

Filed in open Court and in the presence of the Grand Jury on the 16 day of April, 1947

Alice J. Lynch, Clerk.

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

Alice J. Lynch

Clerk.

Bail fixed $

Judge.

888

We the jury find the defendant guilty of murder in the first degree as charged in the indictment and fix the penalty at death by electrocution

Jesse D. May Jr