

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

Sub No. _____
Case No. 800. Term December, 1945

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon C.E. Garrett W.R. Stuart, Ada Belle Benjamin
Ed Jones Jr., W.D Taylor, Annie Johnson, Aaron Williams.
Dr J.H. Feist.

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House
thereof, in Bay Minette, on the 4th day of December, 1945, 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 Lee Johnson.

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

Witness my hand this 19th day of November. A. D. 1945 R. S. DUCK, Clerk.

THE STATE OF ALABAMA

CIRCUIT COURT

Baldwin County.

SUB. No. _____

Case No. 800. Term. December, 1945

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Comanded to Summon Willie Benjamin, Elvie Wyatt, ^{Hattie} Hannah Wyatt, Ephriam Williams, Patty Tunstall, J.B, Smith, J.R. Till, Dr J.H, Feist, Tensaw W. R. Stuart (Capt. Murphy McMillan, Archie McMillan, Norman McInnis, ~~Benx~~ Benx, Ben Hastie, P.A. Bryant, Henry Bryars. Stockton,) Jewel Smith, R.A. Smith, Maynard Coghlan (Latham,) Thomas Earle, Charles Earle, & Ulmer Brdley,

^{Blacksher} personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House thereof, in Bay Minette, on the 4th day of December, 1945, 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 Lee Johnson

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

Witness my hand this 19th day of Novenber A. D., 1945 R. S. DUCK, Clerk.

Received in office 11-19, 1935

Executed this Nov. 24, 1935

By Swainy Subona

on each of the following
names include
except Hannah Wyatt
should be state Wyatt
but she is some place
in Mobile address
unknown

C. E. Gerrell
M. D. [unclear] D.S. Sheriff.

✓ ORIGINAL

For Baldwin County

No. 800. Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE
Vs.

LEE JOHNSON.

STATE SUBPOENA

Issued this 19th day of
November, 1935

R.S. Duck.

Clerk.

THE STATE OF ALABAMA
BALDWIN COUNTY

Sub. No. _____

CIRCUIT COURT

Case No. 800

Dec

Term, 1945

To Any Sheriff of the State of Alabama — Greeting: Hattie

You are hereby commanded to summon Hannah Wyatt

to appear

at next term of the Circuit Court, on the 4th day of Dec, 1945, 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, wherein the State of Alabama is Plaintiff and

Lee Johnson

Defendant

and this he shall in no wise omit

under the penalty prescribed by law.

Witness this

19

day of

Nov

1945

R. D. Duck

Clerk

THE STATE OF ALABAMA,
Baldwin County

Circuit Court, ~~Fall Session~~ Term 1945

The Grand Jury of said County charge that before the finding of this indictment Lee Johnson, whose name to the Grand Jury is otherwise unknown, unlawfully and with malice aforethought, killed Henry Benjamin, alias Pop Benjamin, by shooting him with a gun.

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

Fall Session, Term, 194 5

THE STATE
vs.

Lee Johnson.

INDICTMENT

Murder, First Degree

Prosecutor.

WITNESSES:

C.E. Garrett

W.R. Stuart

Ada Belle Benjamin

~~Ed Johnson~~

Ed Jones Jr

W.D. Taylor

Annie Johnson

Aaron Williams

Dr J. H. Feist

GRAND JURY NO. 20

A TRUE BILL

Wm. Dryer

Foreman Grand Jury.

Filed in open Court and in the presence of the

Grand Jury on the 7th day of

November, 194 5

~~R.S.~~ 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.

LEE JOHNSON.

In the Circuit Court of Baldwin County,

Fall Session, Term, 1945.

Venire of the jurors in the above stated cause, names herein stated from No. 1 to No. 5 both inclusive, being the special jurors drawn in open Court by the presiding Judge, in said cause, and the other names, from No. 6 to No. 65, both inclusive, being the regular jurors drawn and summoned for the Second week of the Fall Session of said Court, the said cause having been set for trial on the 4th day of December, 1945, which is a day of said second week of the Fall Session of said Court, to-wit:


No.	NAME	Occupation	Residence Address	Business Address
1	Roy E. Walker	Fisherman	Orange Beach	Orange Beach
2	Willie Parrish	Restaurant	Fairhope	Fairhope
3	Ed J. Havel	Farmer	Silverhill	Silverhill
4	J. Arthur Corte	Farmer	Belforest	Belforest
5	Phil. G. Armstrong	Real Estate	Silverhill	Silverhill.
6	Mack Moore	Merchant	Magnolia Spgs	Magnolia Spgs.
7	Owen Eubanks	Mechanic	Bay Minette	Bay Minette
8	Willie R. Cooper	Farmer	Rosinton	Rosinton
9	Ort H. Ertzinger	Real Estate	Bay Minette	Bay Minette
10	Allen Denham	Defense	Robertsdale	Robertsdale
11	Thomas J. Davidson	Merchant	Bay Minette	Bay Minette
12	Virgil O. McMillan	Farmer	Bay Minette	Bay Minette
13	Charles E. Gantt	Millman	Little River	Little River
14	Blaine Dickman	Salesman	Bay Minette	Bay Minette
15	Herman L. Taylor	Mechanic	Bay Minette	Bay Minette
16	Cecil L. Gebhart	Defense	Foley	Foley
17	Eugene E. Calloway	Seafood	Foley	Foley
18	Jerrey Rezek	Farmer	Silverhill	Silverhill
19	William C. Orstorne	laborer	Foley	Foley
20	Hans Lindöerfor	Defense	Elberta	Elberta
21	Morris Taylor	Butcher	Bay Minette	Bay Minette
22	Joe Krauss	Farmer	Elberta	Elberta
23	Henry S. Skipper	Farmer	Loxley	Loxley
24	Charles S. Mathews	F. S. Admin.	Robertsdale	Robertsdale
25	Norman A. Racine	Laborer	Robertsdale	Robertsdale
26	John R. Montgomery	Merchant	Foley	Foley
27	Ernie Beverly	Defense	Robertsdale	Robertsdale
28	Pete Sellers	Naval Stores	Bay Minette	Bay Minette
29	Pat White	Clerk	Robertsdale	Robertsdale
30	Elmer V. Lovell	Salesman	Silverhill	Silverhill
31	Fred Cousins	Fisherman	Foley	Foley
32	Herman Dooge	Farmer	Elberta	Elberta
33	George H. Carr	Farmer	Foley	Foley
34	John H. Fiddler	Farmer	Silverhill	Silverhill
35	Morgan A. Lovell	Dairyman	Loxley	Loxley
36	John Gottler	Farmer	Elberta	Elberta
37	Williamsden Lenz	Defense	Elberta	Elberta
38	Dennis B. Howell	Barber	Bay Minette	Bay Minette
39	Robert Linden	Salesman	Silverhill	Silverhill
40	William H. Burmeister	Livestock	Fairhope	Fairhope
41	George Stewart	Farmer	Foley	Foley
42	Leonard J. Hooper	Accountant	Bay Minette	Bay Minette
43	Arthur Stenzil	Furniture	Fairhope	Fairhope
44	Day C. Hays	Farmer	Foley	Foley
45	Preston Fulford	Seafood	Bon Secour	Bon Secour
46	Vaden McNeil	Farmer	Clear Spgs.	Clear Spgs.
47	J. Douglas Waters	Farmer	Gateswood	Gateswood
48	Morris Dye	Farmer	Robertsdale	Robertsdale
49	Wiley Bishop	Farmer	Fairhope, R.F.D.	Fairhope, R.F.D.
50	Young A. Cox	Merchant	Stockton	Stockton
51	Elwood G. Poos	Oil Agent	Robertsdale	Robertsdale
52	George H. Baldwin	Produce Dealer	Robertsdale	Robertsdale

No.	NAME	Occupation	Residence Address	Business Address
53	Americo G. Allegri, Jr.	Bookkeeper	Loxley	Loxley
54	Thomas V. Abercrombie	Farmer	Robertsdale	Robertsdale
55	Hurley Ard	Farmer	Robertsdale	Robertsdale
56	George Folk	Insurance	Foley	Foley
57	Leland Eiland	Millman	Bay Minette	Bay Minette
58	Roy Davis	Barber	Bay Minette	Bay Minette
59	Edward Tyrene	Farmer	Silverhill	Silverhill
60	Mack Aylin	Forester	Bay Minette	Bay Minette
61	Sim Stevens	Salesman	Bay Minette	Bay Minette
62	Harry Nelson	Merchant	Magnolia Spgs.	Magnolia Spgs.
63	Kenneth Johnson	Laundry	Fairhope	Fairhope
64	Ray Survant	Linesman	Foley	Foley
65	Thomas E. Mitchell	Mgr. Loan Agency	Bay Minette	Bay Minette
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I hereby certify that the foregoing is a correct list of the venire in the case of the State vs. _____

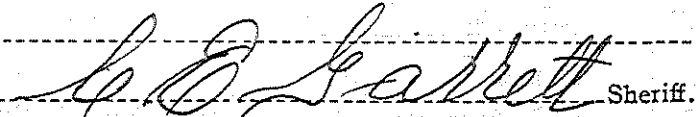
_____ Lee Johnson _____ charged with
 _____ Murder, First Degree _____; that the names of jurors from
 No. _____ 0 _____ to No. _____ 5 _____, both inclusive, are the special jurors drawn by the presiding Judge, in
 open Court, and that the names of jurors from No. _____ 6 _____ to No. _____ 65 _____, both inclusive, is a correct list
 of the regular jurors drawn and summoned for the _____ 2nd _____ week of the _____ Fall Session, 1945, 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 _____ 14 _____ day of _____ Nov. 1945


 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 _____ 14 _____ day of

_____ Nov. _____, 1945, upon _____ Lee Johnson _____
 the Defendant _____

 Sheriff.

The State of Alabama
 Baldwin County

CIRCUIT COURT

LIST of JURORS and COPY of INDICTMENT

STATE
 vs.

LEE JOHNSON

AFFIDAVIT

Moore Printing Co., Bay Minette, Ala.

STATE OF ALABAMA }
BALDWIN COUNTY }

IN THE JUSTICE COURT OF
CHAS. C. HAND

CHAS. C. HAND, Justice of the Peace

Before me, _____
in and for said County, personally appeared Fred Walters 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 14, 1945 that one Lee Johnson

was armed, and with malice aforethought killed "Pop" Benjamin
for shooting him with shot gun (Will) Papa

_____ against the peace and dignity of the State of Alabama _____

Sworn to and subscribed before me this 16
day of April A. D. 1945
Chas. C. Hand, J. P.

Fred Walters

WARRANT

STATE OF ALABAMA }
BALDWIN COUNTY }

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETINGS:

You are hereby commanded to arrest Lee Johnson 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 16 day of April, 1945
Chas. C. Hand, J. P.

THE STATE OF ALABAMA
BALDWIN COUNTY

Justice Court of

Chas. K. ...

AFFIDAVIT

The State of Alabama
vs.

Lee Johnson

WITNESSES FOR THE STATE:

- W.P. Stearns
- C.E. Garrett
- Adm. Paul Benjamin
- Ed Jones Jr.
- Miss Johnson
- W.H. Taylor
- Leon Williams

JUSTICE COURT OF
BALDWIN COUNTY
Warrant of Arrest

The State of Alabama
vs.

Lee Johnson

Executed this 14th day of April 1945

By arresting the within
named Defendant

and placing him in jail

C.E. Garrett, Sheriff

Fred Walters, Deputy Sheriff

AFFIDAVIT

Moore Printing Co., Bay Minette, Ala.

STATE OF ALABAMA }
BALDWIN COUNTY }

IN THE JUSTICE COURT OF
CHAS. C. HAND

Before me, CHAS. C. HAND, Justice of the Peace

in and for said County, personally appeared Fred Walters 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 12 1945 that one Lee Johnson

was killed, and that the murder was brought killed "Pop" Benjamin
by shooting him with shot gun (Will) Papa

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 16

day of April A. D. 1945
Chas. C. Hand, J. P.

Fred Walters

WARRANT

STATE OF ALABAMA }
BALDWIN COUNTY }

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETINGS:

You are hereby commanded to arrest Lee Johnson

before me and bring them
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 16 day of April, 1945

Chas. C. Hand

J. P.

THE STATE OF ALABAMA
BALDWIN COUNTY

Justice Court of

Proctor

AFFIDAVIT

The State of Alabama
vs.

Lee Johnson

WITNESSES FOR THE STATE:

- W.R. Street
- C.E. Garrett
- Adm. Paul Benjamin
- Ed Jones Jr.
- Miss Johnson
- W.W. Taylor
- Brown Williams

JUSTICE COURT OF
BALDWIN COUNTY
Warrant of Arrest

The State of Alabama
vs.

Lee Johnson

Executed this 14th day of April 1945

By arresting the within
named Defendant

and placing him in jail

C.E. Garrett, Sheriff
Fred Walter, Deputy Sheriff

THE STATE OF ALABAMA,
Baldwin County

We, Lee Johnson, as
principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of
Twenty Five Hundred DOLLARS
unless the said Lee Johnson appear at the
Fall Term, 1945 of the 1st Circuit Court of Baldwin County, Alabama,
and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of

Murder

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempting personal property from levy and sale under execution or other process for the collection of debt, by constitution or laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts, liabilities, exemptions and this bond to the amount of: real property of the value of \$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this
the _____ day of _____, 194____

_____, Baldwin County, Ala.

Lee Johnson (SEAL)
Jewel Smith (SEAL)
Ben J. Hastie (SEAL)
L. R. Felt (SEAL)
Lon Oglethorpe

Taken and approved this the 18 day of April, 1946

C. D. Garrett, Sheriff

By _____, Deputy Sheriff

No. 3298

The State of Alabama,
BALDWIN COUNTY

_____ COURT

SHERIFF'S OFFICE

THE STATE

VS.

Lee Johnson

Sheriff's Appearance Bond

Amount of Bond, \$ _____

Filed _____, 194_____

_____, Clerk.

THE STATE OF ALABAMA,
Baldwin County }

No. 20

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon C. E. Garrett. W.R. Stuart,
Ada Bell Benjamin, Ed Jones Jr, W D Taylor Annie Johnson,
& Aaron Williams

to be and appear on the 10th day of November, 1945, 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 19th day of Oct., A. D., 1945

R. S. Duck

Clerk.

Jackson

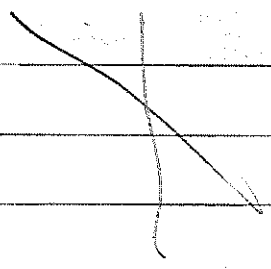
ORIGINAL

No. 20

GRAND JURY SUBPOENA

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

*Executed by serving
the within*



this 31 day of Oct, 1945

H. C. Garrett, Sheriff

3278

THE STATE OF ALABAMA,
Baldwin County

JUSTICE COURT OF CHAS. C. HAND
PRECINCT 4, BAY MINETTE, ALA.

To Any Sheriff of the State of Alabama

You Are Hereby Commanded to Summon

C. E. Garrett - W. R. Stewart - Adm. Bell Benjamin
Ed. Jones Jr. - W. D. Taylor - Annie Johnson - Aaron Williams

personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the

18 day of *April* *10* - *am*, 194*4*, 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

Lee Johnson

Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this *17* day of *April*

A. D. 194*4*

Chas. C. Hand

Justice of the Peace, Precinct 4.

THE STATE OF ALABAMA, {
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

Lee Johnson.

at the Fall Term, 1945, 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 7th day of November, 1945

R. Decker

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.

800

CAPIAS

No. 20

THE STATE vs.

LEE JOHNSON.

Bail Fixed in This Case in Open Court at

\$

By Judge Presiding.

Attest: R.S. Duck Clerk.

Executed this 8 day of Nov 1945

By arresting the within

named Defendant

Lee Johnson

and placing him in Jail

C E Gurnea Sheriff.

W D Taylor Deputy Sheriff.

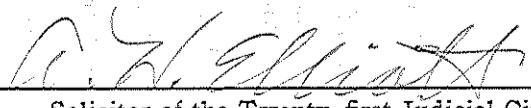
THE STATE OF ALABAMA, {
Baldwin County }

Circuit Court, Fall Session Term, 1945

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

Lee Johnson, whose name to the Grand Jury is otherwise unknown, unlawfully and with malice aforethought, killed Henry Benjamin, alias Pop Benjamin, by shooting him with a gun,

against the peace and dignity of the State of Alabama.



Solicitor of the Twenty-first Judicial Circuit.

No. 20

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT

Fall session Term, 1945

THE STATE
vs.

Lee Johnson

INDICTMENT

Murder, First Degree
No. _____ Prosecutor.

WITNESSES:

C. E. Garrett

W. R. Stuart

Ada Belle Benjamin

Ed Jones, Jr.

W. D. Taylor

Annie Johnson

Aaron Williams

Dr. J. H. Felst

GRAND JURY NO. 20

A TRUE BILL

W. R. Stuart
Foreman Grand Jury.

Filed in open Court and in the presence of the

Grand Jury on the 7th day of

September, 1945

R. R. Weeks
Clerk

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

R. R. Weeks
Clerk.

Bail fixed \$ _____

Judge.

We the jury find the defendant
guilty of manslaughter in the
first degree and fix his
punishment at imprisonment
in the penitentiary for ten years

Peter Sellers
Foreman.

RECORDED

Rob. C. Standiford

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

Attorneys	Case	Charge
	THE STATE OF ALABAMA,	
No. 3798	Vs.	<i>Murder</i>
	<i>Lee Johnson</i>	

Disposition of Case	Fees	Amount
Affidavit made and Warrant Issued to <i>F. Walters</i>	Judge's Fees Warrant at 50c, Affidavit at 25c	<i>75</i>
Returnable	Bond at 50c, Sci Fa at 50c	
Witness—for State	Witnesses' Recognizances at 25c	<i>7</i>
<i>C. E. Garnett</i>	Subpoena or notice at 25c	
<i>W. R. Stewart</i>	Continuance at 25c	<i>100</i>
<i>Wm. Hill Benjamin</i>	Trial of Misdemeanor at \$1.00	
<i>Ed. Jones Jr.</i>	Mittimus at 25c	<i>25</i>
<i>W. D. Taylor</i>	Judgment on Forfeited Bond at 25c	
<i>Amie Johnson</i>	Taking Bond, etc, on Appeal at \$1.00	<i>375</i>
<i>Robert Williams</i>	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	<i>80</i>
	Committing \$1.00, Releasing \$1.00	
	Subpoenas at 25c Day's Board at 30c	
	Witness Fees	
	Days at 50c	
	" " 50c	
	" " 50c	
	" " 50c	
	" " 50c	
	" " 50c	
	" " 50c	
	DEFENDANT'S COSTS	
	Witnesses' Recognizance at 25c	
	Subpoenas at 25c	
	Executing Subpoenas	

Def. bound over to Grand Jury on preliminary mag. bond of \$1000.00. Next term Baldwin Co Grand Jury