

922

THE STATE OF ALABAMA {  
Baldwin County

JUSTICE COURT OF C. W. HAMILTON  
Precinct 4, Bay Minette, Ala.

To Any Sheriff of the State of Alabama:  
You Are Hereby Commanded to Summon H.F. Hall, Gollie B Sniffen  
Bete Sellers W.R. Shumaker

personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the  
\_\_\_\_\_ day of August, 1947, 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 Sam Flowers or Fowler

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

Witness my hand this 25 day of August, A. D. 1947.  
Frank P. Proffitt  
Justice of the Peace, Precinct No. 4

Executed in full, this the

26 day of

Aug, 1947

Taylor W. Jenkins  
Sheriff.

Jellie B. Hoff  
Deputy Sheriff.

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

ATTORNEYS	CASE	CHARGE
	THE STATE OF ALABAMA	Assault to Murder
No.	Vs.	
	Sam Flowers or Fowler	

DISPOSITION OF CASE	FEES	AMOUNT
Affidavit made and Warrant Issued to <u>H. F. Hall</u>	<b>JUDGE'S FEES</b>	
Returnable <u>Aug 23 1949</u>	Warrant at 50c, Affidavit at 25c	75
Witness—For State <u>H. F. Hall, Jollie B. Laffin</u>	Bond at 50c, Sci. Fa. at 50c	
<u>Pete Sellers, Joe Bailey,</u>	Witnesses' Recognizances at 25c	125
<u>Frank Smith, Noah Sanders</u>	Subpoena or Notice at 25c	
On the examination of Sam Flowers or Fowler	Continuance at 25c	
Charged with the offense of assault to murder	Trial of Misdemeanor at \$1.00	100
It appearing that such offense has been	Mittimus at 25c	25
committed and that there is sufficient	Judgment on Forfeited Bond at 25c	
cause to believe that Sam Flowers or Fowler	Taking Bond, etc., on Appeal at \$1.00	50
is guilty. I have placed him under	Execution of costs at 25c	25
ball of \$3000 <sup>00</sup> to appear before the	<b>CONSTABLE'S FEES</b>	
Grand Jury of Fall Term of 1949 Circuit	Subpoena or Notice at 25c	325
Court of Baldwin County Ala.	Carrying Defendant before Justice,	
	each mile for himself and guard at 10c	
	Arrest, 50c	
	<b>SHERIFF'S FEES</b>	
	Arrest, \$2.00; Bond \$1.00; Sci. Fa., 50c	400
	Committing, \$1.00; Releasing, \$1.00	200
	Subpoenas at 25c Day's Board at 30c	300
	<b>WITNESS FEES</b>	
	Days at 50c	900
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	" 50c	
	<b>DEFENDANT'S COSTS</b>	
	Witnesses' Recognizance at 25c	
	Subpoenas at 25c	
	Executing Subpoenas	

Frank P. Probst Justice of  
the Peace Precinct 4  
Baldwin Co

1.

The Court charges the jury that the test of sufficiency of circumstantial evidence in a criminal case is whether the circumstances as proven are capable of explanation upon any reasonable hypothesis consistent with the defendant's innocence and, if they are capable of any such explanation, then the defendant should be acquitted.

The Court charges the jury that the test of sufficiency  
of circumstantial evidence in a criminal case is whether the  
circumstances as proven are capable of explanation upon any  
reasonable hypothesis consistent with the defendant's innocence  
and, if they are capable of any such explanation, then the  
defendant should be acquitted.

Werner  
E. H. H. H. H.  
Judge

2.

The Court charges the jury that no matter how strong ~~the~~ be the facts, if they can be reconciled with the theory that some other person may have done the act, then the guilt of the defendant is not shown by the full measure of proof, which the law requires.



3.

The Court charges the jury that the probability that some other person may have done the shooting is sufficient to create a reasonable doubt of the guilt of the defendant, and therefore for his acquittal.

The Court considers it a very high probability that  
some other person may have come the shooting is sufficient to  
create a reasonable doubt in the guilt of the defendant, and  
therefore for his acquittal.

W. H. Hall  
Judge

4.

The Court charges the jury that the burden is upon the State, and it is the duty of the State, to show, beyond all reasonable doubt, and to the exclusion of every other reasonable hypothesis, every circumstance necessary to show that the defendant is guilty; and, unless the State has done that in this case, it is your duty, Gentlemen of the Jury, to render a verdict of not guilty.

Winer  
E. J. H. H. H.  
Judge

The Court charges the jury that the burden is upon the  
State, and it is the duty of the State, to show, beyond all  
reasonable doubt, and to the exclusion of every other reason-  
able hypothesis, every circumstance necessary to show that the  
defendant is guilty; and, unless the State has done that in  
this case, it is your duty, upon your oath, to render  
a verdict of not guilty.

5.

The Court charges the jury that a person charged with a felony should not be convicted unless the evidence excludes, to a moral certainty, every reasonable conclusion but that of his guilt; no matter how strong the circumstances are they do not come up to the full measure of proof which the law requires, if they can be reasonably reconciled with the theory that the defendant is innocent.

Wier  
E. M. Black  
Judge

6.

The Court charges the jury that the evidence against the defendant in this case is partly circumstantial, and his innocence should be presumed by the jury until his guilt is established by evidence, in all the material aspects of the case, beyond a reasonable doubt, and to a moral certainty.

Wm  
E. D. Hubbard  
Judge

Perhaps exclusive and some part, the negative value and  
 in the ,intermediate parts, at some time in the history and  
 of thing and time part, and of business, and almost exclusively  
 and to state, as indicated and the ,exclusive of the business  
 ,exclusive of the ,exclusive of the ,exclusive of the ,exclusive of the

7.  
The Court charges the jury that the burden is on the State to convince you of Defendant's guilt to the exclusion of every reasonable doubt, and by evidence that overcomes the presumption of fact, that the law surrounds the defendant with, that he is innocent of crime.

no at no time did the defendant ever  
and of telling a falsehood to the jury and  
and sensitive to the fact of the evidence that  
abandonment was not the result of the law  
entire to account of the fact that the defendant

Winer  
E. D. H. Black  
Judge

8.

The Court charges the jury that the humane provisions of the law is that every one charged with crime is presumed to be innocent, and this presumption goes with him as a shield for his protection throughout the entire trial, until the State removes it by satisfying evidence of such character as to establish his guilt to a moral certainty.

Minor  
E. J. H. H. H.  
G. H. H.

The court charged the jury that the humane provisions  
of the law is that every one charged with crime is presumed  
to be innocent, and this presumption goes with him as a  
shield for his protection throughout the entire trial, until  
the state removes it by satisfying evidence of such character  
as to establish his guilt beyond a reasonable doubt.

9.

The Court charges the Jury that the burden is upon the State, and it is the duty of the State to show, beyond a reasonable doubt and to the exclusion of every other reasonable hypothesis every circumstances necessary to show the defendant is guilty; and, unless the State has done that in this case, it is your duty, Gentlemen of the Jury, to render a verdict of Not Guilty.

Winn  
E. D. Hubbard  
Judge

The Court charges the jury that the burden is upon the  
State, and it is the duty of the State to show, beyond a  
reasonable doubt and to the satisfaction of every other reasonable  
mind, every circumstance necessary to show the defendant  
is guilty; and, unless the State has done this in this case,  
it is your duty, gentlemen of the jury, to render a verdict  
of Not Guilty.

10.

The Court charges the jury that if the jury believes that the defendant could not have outrun the officers of the law, or eluded all three of them, as presented by the evidence in this case, then Gentlemen of the Jury, there can be no conviction.

Refused  
E. J. Hall  
Judge

The Court charges the jury that it is their duty to believe  
that the defendant could not have obtained the officers of the  
law, or elicited all those of them, as presented by the evidence  
in this case, when gentlemen of the jury, there can be no

convicted on.

THE STATE OF ALABAMA,

CIRCUIT COURT

BALDWIN COUNTY

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

Case No. 922Term Fall, 1947

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon

H. F. Hall, Jollie  
Griffin, Pete Sellers, W. R. Wackworth,  
Frank Smith, Noah Sanders

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 2nd day of Dec, 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

Sam Flowers  
Defendant, and have you then and there this Writ, with your endorsement thereon.Witness my hand this 13 day of Nov A. D. 1947R. S. DUCK, Clerk.

Received in office 11-14, 1947

Executed this 11-28, 1947

By James H. Gault

ORIGINAL

For

No. 922

Page

The State of Alabama,  
Baldwin County.

CIRCUIT COURT

THE STATE  
Vs.

Sam Flowers

STATE SUBPOENA

Issued this

13

day of

Nov

, 1947

Alice J. Duck  
Clerk.

Taylor Wilkins  
H. F. Wall Sheriff

D. S.

ORIGINAL — DEFENDANT SUBPOENA

Baldwin Times, Bay Minette 3 - 24 - 39 - 1M

THE STATE OF ALABAMA

Baldwin County.

CIRCUIT COURT

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

Case No. 922

Term. 2nd, 1947

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon Arthur Robertson,  
Ben Dook, Will Howard

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 2nd day of Dec, 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 Sam Flowers

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

Witness my hand this 2nd day of Dec A. D., 1947

B. DUCK, Clerk.

Received in office

12-1

1947

Executed this

12-1

1947

By

Serving in full

ORIGINAL

For

No.

922

Page

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court

THE STATE

Vs.

Sam Flowers

STATE SUBPOENA

Issued this

1st

day of

Dec

1947

Taylor Wilburn

187 Hall

Sheriff.

Wing Luck

Clerk.

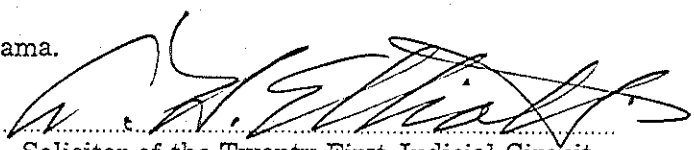
THE STATE OF ALABAMA,

Baldwin County.

Circuit Court, Fall Session XXXX Term, 1947

The Grand Jury of said County charge that before finding this indictment Sam Flowers, alias Sam Fowler, whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, did assault Pete Sellers, Ham Hall and Zollie Griffin, with the intent to murder them,

against the peace and dignity of the State of Alabama.



Solicitor of the Twenty-First Judicial Circuit.

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

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Circuit Court

Fall Session ~~XXXX~~ Term, 194 7

THE STATE

Vs.

Sam Flowers

INDICTMENT

Assault to Murder

No

Prosecutor.

WITNESSES:

H. F. Hall

Zollie Griffin

Frank Smith

Noah Sanders

Joe Early

GRAND JURY NO. 6

A TRUE BILL

*Frank Early*

Foreman Grand Jury.

Filed in open Court and in the presence of  
the Grand Jury on the *5<sup>th</sup>* day of

*Nov*, 194 *7*.

*Alice J. Leuck*, Clerk.

Presented in open Court to the presiding  
Judge by the Foreman of the Grand Jury, in

the presence of *17* other Grand Jurors.

*Alice J. Leuck*  
Clerk.

Bail fixed \$ *1,000 00*

*See m. J. T. [Signature]*  
Judge.

We, the Jury, find the defendant guilty of an assault with intent to murder, as charged in the indictment.

J. O. Driscoll  
Foreman.

THE STATE OF ALABAMA,  
Baldwin County

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

Sam Flowers

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

Assault to Murder

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 5<sup>th</sup> day of November 1947

Allice J. Duck

Clerk Circuit Court of Baldwin County.

THE STATE OF ALABAMA,  
Baldwin County.

We, \_\_\_\_\_, as principal and

the other undersigned as sureties, agree to pay the State of Alabama \_\_\_\_\_

Dollars, unless the said \_\_\_\_\_ appears

at the \_\_\_\_\_ Term of the Circuit Court of Baldwin County, and from Term to Term

thereafter until discharged by law, to answer a criminal prosecution for the offense of \_\_\_\_\_

In signing the above bond we and each of us hereby waive all legal rights of exemptions allowed us by the Constitution and Laws of Alabama.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 194\_\_\_\_\_

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

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

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

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

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

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

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

# CAPIAS

No. 6

THE STATE

vs.

Sam Flowers

Bail Fixed in This Case in Open Court at

\$ 1,000.00

By Joe M. Pelham Jr.  
Judge Presiding

Attest: Alice J. Luck  
Clerk.

No Miles

Executed this 6 day of Nov 194 7

By arresting the within

named Defendant

and placing him in jail

Taylor Welkins Sheriff.

Zollie B. Griffin Deputy Sheriff.

THE STATE OF ALABAMA,  
Baldwin County }

No. 6 -

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon

W. F. HallZollie B. GriffinPete SellersW. R. DuckworthJoe EarlyFrank SmithNoah Sanders

to be and appear on the 3rd day of Nov, 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 13th day of Oct A. D., 1947

Deirdre Hunt Clerk.

*Earllyn Mill*

ORIGINAL

No. *6*

## GRAND JURY SUBPOENA

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

*By serving in full*

this *23* day of *Feb.*, 194*7*

*Taylor Wilkins*, Sheriff

Moore Printing Co., Bay Minette, Ala.

*1st 7/10/47 D.S.*

AFFIDAVIT

FRANK P. PROPST

STATE OF ALABAMA,  
BALDWIN COUNTY

In the Justice Court of

NOTARY PUBLIC, Ex-Officio  
JUSTICE OF THE PEACE

Before me,

*Frank P. Propst*

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 *Aug* that one *Sam Flowers alias Fowler*

*Did unlawfully and with malice aforethought  
did assault H. F. Hall, Zollie B. Griffin and Pete Sellers  
with intent to murder them by shooting at them with  
a pistol* against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this *23*

day of *Aug* A. D. 194*7*

*Frank P. Propst* 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 *Sam Flowers alias Fowler*

and bring *him*

before *me* to answer the State of Alabama on a charge

*Assault to Murder*

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

Witness my hand this *23* day of *Aug*, 194*7*

*Frank P. Propst* J. P.

922  
No. 260

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THE STATE OF ALABAMA

BALDWIN COUNTY

JUSTICE COURT OF

FRANK P. PROPST

NOTARY PUBLIC, Ex-Officio

JUSTICE OF THE PEACE

AFFIDAVIT

THE STATE OF ALABAMA

vs.

Sam Flowers or Fowler

WITNESSES FOR THE STATE:

H. J. Hall

Jollie B. Griffin

Pete Sellers

W. R. Deckerworth

Joe Early

Frank Smith

Noah Sanders

JUSTICE COURT OF  
BALDWIN COUNTY

WARRANT OF ARREST

The State of Alabama

vs.

Sam Flowers or Fowler

Executed this 23 day of Aug., 1917

By arresting the within

named Defendant

and placing him in jail

Taylor Wilkins, Sheriff

H. J. Hall, Deputy Sheriff