THE STATE vs.

In the Circuit Court of Baldwin County,

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· · · · ·	Venire of the ju	rors in the a	bove stated ca	use, names her	ein stated from	No72	2 to	No	72	
both	inclusive, being th	he special jur	ors drawn in o	pen Court by	the presiding	Judge, in	said cause, an	d the othe	r names,	from
No.		to No	71	, both in	clusive, being	the regular	jurors drawi	and sum	moned fo	r the
	Second		week of	theFa	17		_Term of sa	id Court,	the said o	ause
havi	ng been set for tria						ch is a day of		2nd	Ledan ya 1997 Militaria

wee.	k of the Fall			
Ñο.	NAME	Occupation	Residence Address	Business Address
1	CARI, TENZ	MECHANIC	ELBERTA	
2	EROOKS BUSH SR.	SCHOOL BUS DRIVER	CROSSROADS	
3	ARCHIE MCMILLAN	LOGING	STOCKTON	
4	HENDON HUXBORD HURLEY	MECHANIC	DAPHNE	
5	GPOWED WOODARD	RATIROAD	BAY MINERUE	
6				
	FAROID STUART	PRESSER	BAY JUNETUE	
<u>7</u>	R FAROTE AGES	VERCHANT	FOLEY	
8	GEORGE A. LYRENE	FARMIER	STIVERFILL	
9	J. C. WYWN	FARMER	SUMMERDALE	
0 .	GUST RIEMER	PARMER	LEIBERTA	
1	GEORGE K. PAGE	THRK	ROBERTSDALE	
2	R. M. STEWTON	FARNOR	ROBERTSDALE	
}	BARNETT B. LARRIMORE	MARCHAMI	ROBERTSDATE	
	NORMAN WCENNIS	SUPT. WILL CO.	STOCKTON	**
	WILTON A. RACTME	CIRRY	ROBERTSDATE	
	JACK JONES	MERCHANT	BAY BUNETER	
	JAMES T. BRADIEV	MRECHANT	BAY MINETPE	
	JOHN SCHENK	RAPARR	RIEFRTA	
v.27 -	JOE WHITE	FARWER	TOXIEY	
	JULIUS P. WIRTCH			
	JOHN E. HINDERE	TAPOPER RAPME	STOPFEST ATT	
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. •	HAROID BOONE	SALESMAN	TOXIEY	
	ADOIPH WIGSTROM	FARNER \	STIVERHILL	
	ROBERT GREEN	SHIPYARD RETTRED	FAIRHOPE	
	JAMES C. GRAHAM	INSURANCE SALESMAN	MAGNOTIA SPRINGS	
7	AXEL BUNDOUTST		SILVERHILL	
i.	ARTHUR SIRMON MALVERN IRWIN	TADECTO	BRIFOREST	
		FARVER	GATESWOOD	
	GILBERT COOPER	בייני	ROSINTON	
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	CHARLES J. TEBERT	REAT. ESTATE	FOL SY	
* tan. * . * .	ALTON B. HANKINS	FARWER	ROSINTON	
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	FLOYD BOONE	FARMER	GATESWOOD	
	J. C. MORRIS	PARMER	GATESWOCD	
	LEONARD E. CROVER	FARMER	DAPHYE	
	HENRY E. YEMNE	FARMER	PT. CLEAR	
	RAIPH GANTT	PARMER	LITTIE RIVER	1 Al 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
; ;	Y. A. COX JR.	STORE WORK	STACKTON	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
:	EDWARD HADTRY	SCHOOL BUS	ELBERTA RT.	100
	HOHN BLOCHT	FARMER	ELBERTA	And
	BRUC'S WILLIS	TOR RETURE	MC ST, FN	
	E. H. COODEN	POSTAT, GIMPK	#4CDEGIVE	
	MARVIN BERGIIN	CPEANERY FYDES THEMP	PATRHOPE	
	OTTO BROWN	PARTIES.	FAIRHOPE	
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j.	LESLIE DEAN	SHIP YARD	STAPLETON	
<u> </u>	JACK ROBERTSON	PARMER	BAY WINEFIE	
i .	J. ARTHUR BRYARS	PARMER	STOCKTON	
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THE STATE vs.

Weil McDuffie

In the Circuit Court of Baldwin County,

-Fall-Session-----Term, 1938

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Venire of the jurors	in the above stated o	ause, names l	herein stated fr	om No72	to No.	72
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No1	to No71	, both	inclusive, bei	ng the regular j	urors drawn and	summoned for the
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In the Circuit Court of Baldwin County,

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WIT	NESSES	FOR	THE	STATE	•

Moore Printing Co., Bay Minette, Ala.

JUSTICE COURT OF BALDWIN COUNTY WARRANT OF ARREST THE STATE OF ALABAMA Executed this 2/ day of 1ct, 1948 By arresting the within named Defendant and placing him in Jack

State of Alabama,		D
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Sheriff, 1 days, at \$3.00 per day,	\$ 3	_ 00
Co <u>M. P. Holl</u> Gauard, <u>l</u> days, at \$2.00 per day,		_ _0(
DATE TO WHOM PAID FOR WHAT PAID		
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THE STATE OF ALABAMA, Baldwin County

Circuit Court, Fall Session Texas, 194_8_

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

Neil McDuffie, whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, killed Edith McDuffie, by shooting her with a gun,

against the peace and dignity of the State of Alabama.

Solicitor of the Twenty-first Judicial Circuit.

Ť	RECORDER						
,	The State of Alabama,						
	CIR	CIRCUIT COURT					
٠.	Fall Sea	ssion		194_8_			
	T Neil Mcl	HE ST vs. Duffie	ATE				
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•	INDICTMENT						
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Moore Printing Co., Bay Minette, Ala.

GRAND JURY NO. 68
A TRUE BILL
Foreman Grand Jury.
Filed in open Court and in the presence of the
Grand Jury on the day of
Mice houck clerk
Presented in open Court to the presiding Judge by the Foreman of the Grand Jury, in the presence ofother Grand Jurors.
derice reuch
Bail fixed \$
Judge.
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THE STATE OF ALABAMA,	
Baldwin County We. Med Mc Duffin	, as
principal, and undersigned as sureties, agree to pay TH	E STATE OF ALABAMA, the sum of DOLLARS
unless the said Neil McDuff	2 appear at the
and from term to term thereafter until discharged by law, to an	Court of Baldwin County, Alabama, swer a criminal prosecution for the offense of
We hereby waive as to all amounts that may become due personal property from levy and sale under execution or other tion or laws of the State of Alabama, and we hereby severally all debts, liabilities, exemptions and this bond to the amount o and personal property of the value of \$1,000.00.	process for the collection of debt by constitu- certify that we have property over and above
Sworn to and subscribed before me this theday of, 19	mattie Low 14 alls HOWEN (Seal)
Taken and approved this the day of	Sheriff (Seal)
By	Deputy Sheriff

Sheriff of Baldwin County.

Baldwin County Neil Me Drift	sheriff of the state of alabama
ma ma in	An indictment having been found against
at the Term, 194_&, of the Circuit (Court of Baldwin County, for the offense of
murden, Jirst.	10041 10
you are, therefore, commanded forthwith to arrest the s	aid Defendant and commit
to jail, unless	nt, and that you return this Writ accord
	nt, and that you return this Writ accord
ing to law-	
Dated this 4th day of nor	
	leice I wereck
	Elerk Circuit Court of Baldwin County.
THE STATE OF ALABAMA,	
Baldwin County	
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at theTerm of the Circuit Cour	t of Baldwin County, and from Term to
Term of the Cheur Cour	
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Term thereafter until discharged by law, to answer a creation of the laws of the laws of Alabama. Witness our hands and seals this	of 194

CAPIAS	Executed this 4 day of Nov., 1948
No. 68	By arresting the within
THE STATE vs.	named Defendant
Meil DIE senffie	
Bail Fixed in This Case in Open Court at	and placing him in Jail
ByJudge Presiding.	Taylor Wilkin, Sheriff
Attest: Clerk.	Zuen B. Luffin Deputy Sheriff

AUDITOR'S OFFICE, Montgomery, Ala., 19
Received the Auditor's Warrant on the State Treasurer in full payment of the above account.

STATE OF ALABAMA

NEIL McDUFFIE,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
AT LAW.

MOTION.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Now comes the Defendant, by his Attorney, and respectfully represents unto the Court as follows:

- l. This Defendant was indicted by the Circuit Court of Baldwin County, Alabama at the Fall Term, 1948 for murder in the first degree as will appear from a copy of the indictment which is hereto attached and by reference made a part hereof as though fully incorporated herein.
- 2. It is suggested and made known to the Court that the Defendant was insane at the time of the commission of the crime with which he is charged and for which he has been indicted, because of which the question of the sanity of the Defendant should be settled before further proceedings are had in this case.

WHEREFORE, the Defendant moves the Court to appoint a commission of experts known as a Lunacy Commission as provided by Title 15, Section 425 of the 1940 Code of Alabama as provided by the said statute.

The Defendant further moves the Court that he be ordered delivered by the Sheriff of Baldwin County, Alabama to the
acting Superintendent of the Alabama State Hospitals for examination and observation as provided by law.

Respectfully submitted.

Attorney for Defendant.

THE STATE OF ALABAMA,
Baldwin County.

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Circuit Court, Fall-Session Term, 194_8

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

Neil McDuffie, whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, killed Edith McDuffie, by shooting her with a gun,

against the peace and dignity of the State of Alabama.

A. H. ELLIOTT

Solicitor of the Twenty-First Judicial Circuit.

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	THE STATE OF ALABAMA, BALDWIN COUNTY					
	Circuit Cou	rt				
	Fall Session	Term,	194 8			
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GRAND JURY NO.	68
A TRUE BILL	
V. O. McMillan	
	reman Grand Jury.
Filed in open Court ar	nd in the presence of
the Grand Jury on the	4th day of
Nov.	194.8.
ALICE J. D	UCK Clerk.
Presented in open Co Judge by the Foreman o	urt to the presiding f the Grand Jury, in
the presence of17	
ALICE J. DUCK	
ADA VII. O & DOWN	Clerk,
Bail fixed \$	· · · · · · · · · · · · · · · · · · ·
	Judge.

MOTION FOR APPOINTMENT OF LUNACY COMMISSION

STATE OF ALABAMA,

VS.

NEIL McDUFFIE,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW.

Filed 12-6-48 Alice I rench Clush

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

STATE OF ALABAMA
VS.
NEIL McDUFFIE,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
AT LAW.

whereas, it has been made known to me, F. W. Hare, the presiding Judge of the Circuit Court of Baldwin County, Alabama, in which Court an indictment has been returned against Neil Mc-Duffie for murder in the first degree, a capital offense; that there is reasonable ground to believe that the said Defendant, Neil McDuffie, was insane at the time of the commission of the said offense and is presently insane and the Court being of the opinion that all questions as to the sanity of the said Defendant, should be settled before further proceedings are had in this cause, it is therefore ordered by the Court as follows:

- l. Taylor D. Wilkins, as Sheriff of Baldwin County, Alabama is hereby ordered to deliver the said Defendant, Neil Mc-Duffie to the acting Superintendent of the Alabama State Hospitals for the Insane for the purpose of observation and examination as provided by Title 15, Section 425 of the 1940 Code of Alabama.
- 2. The acting Superintendent of the Alabama State Hospitals and two members of his medical staff, to be named by him, shall be and they are hereby constituted a commission on lunacy to observe and examine the said Neil McDuffie with the view of determining his mental condition and the existence of any mental disease or defect which would effect his present criminal responsibility or his criminal responsibility at the time of the commission of the crime with which he has been charged and for which he has been indicted.
- 3. The said Defendant, Neil McDuffie, shall remain in the custody of the acting Superintendent of the Alabama State Hospitals and subject to the observation of and examination by the Lunacy Commission for such length of time as may be in the judgment

of the Lunacy Commission necessary to determine his mental condition so far as it effects his criminal responsibility.

- 4. The said Lunacy Commission shall, after reaching a conclusion as to the mental condition of the Defendant, Neil Mc-Duffie, make a full written report thereof to the Clerk of the Circuit Court of Baldwin County, Alabama, which report shall be placed on file and accessible to the Court, to the Solicitor and to the Attorney for the Defendant.
- 5. The expense of maintaining the Defendant while so confined shall be paid in the same manner as provided by law in the case of persons adjudged to be of unsound mind in accordance with the provisions of Title 15, Section 429 of the 1940 Code of Alabama.

Done on this the 6 day of December, 1948.

Judge.

1056

ORDER COMMMITTING DEFENDANT TO INSANE HOSPITAL AND AP-POINTING LUNACY COMMISSION.

STATE OF ALABAMA,

VS.

NEIL McDUFFIE,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

AT LAW.

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J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

THE BRYCE HOSPITAL TUSCALOOSA, ALA.

THE ALABAMA STATE HOSPITALS

OFFICE OF THE SUPERINTENDENT W. D. PARTLOW, M. D.

THE PARTLOW STATE SCHOOL

TUSCALOOSA, ALA.

April 8, 1949

Miss Alice J. Duck Clerk, Circuit Court Baldwin County Bay Minette, Alabama

Re: Lunacy Commission Report
Neil McDuffie

Dear Miss Duck:

I am inclosing report of the Lunacy Commission in the case of the above named man who was committed to The Bryce Hospital December 1, 1948 by Hon. F. W. Hare, Judge of the Circuit Court, Baldwin County, Alabama, and admitted in The Bryce Hospital December 14, 1948.

Yours very truly,

J. S. Tarwater, M. D. Acting Superintendent

JST/rc

TO: MISS ALICE J. DUCK, CLERK CIRCUIT COURT OF BALDWIN COUNTY BAY MINETTE, ALABAMA

Under the provisions of an Act of the Legislature of Alabama approved April 17, 1933, (Title 15, Section 425, Code of Alabama of 1940), one Neil McDuffie, indicted for murder, first degree, was admitted to The Bryce Hospital on December 14, 1948 under Order of Hon. F. W. Hare, Judge, Circuit Court of Baldwin County, Bay Minette, Alabama, for observation and report as provided in the Act referred to above.

In compliance with the provisions of the Act, The Acting Superintendent of the hospital appointed Dr. Toombs Lawrence, Acting Assistant Superintendent, and Dr. M. D. Paine, Assistant Physician, who associated with the Acting Superintendent constitute the undersigned commission. After having the said Neil McDuffie under our study and observation continually since the above date of admission, we desire to submit the following report:

It is the opinion of each of us, and our opinion jointly and collectively, that the said Neil McDuffie at the time of his admission to The Bryce Hospital on December 14, 1948 was same and competent. After a long period of study and observation it is our further opinion that he has remained same and competent and is at present same and competent.

After lengthy study of his case, it is our further opinion that for a period of time prior to and at the time of the commission of the crime for which he is charged, he was insane and incompetent.

Under the provisions of the Act referred to above, we understand that with the rendering of this report our obligation and that of The Bryce Hospital has been discharged and that therefore if it is the wish of the Court that the said Neil McDuffie be detained longer in this institution as a patient, it would be necessary for this Court or some Court of Jurisdiction to issue a commitment or an Order for the further detention of the said Neil McDuffie in The Bryce Hospital.

Awaiting your further Order or that of the Court or the Sheriff of Baldwin County.

Respectfully submitted,

Signed and executed this the 8th day of April, 1949 at The Bryce Hospital, Tuscaloosa, Alabama.

> as water M. D. 1. S. TARWATER, M. D. ACTING SUPERINTENDENT

work. TOOMBS LAWRENCE, M. D.

ACTING ASST. SUPERINTENDENT

M. D. PAINE, M. D. ASSISTANT PHYSICIAN M. D.

Tiled 4-11-49 Acrock Duch Jolesh Transcript of Criminal Cases from Justice Court of Baldwin County, Ala.

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