

FRANK G. HORNE

LAWYER

P. O. BOX 655

ATMORE, ALABAMA



Frank G Horne

Attorney at Law,

Atmore, Alabama.

1060

FRANK G. HORNE
ATTORNEY AT LAW
ATMORE, ALA.

March 23, 1949.

Hon. LeNoir Thompson,
County Solicitor,
Bay Minette, Alabama.

Dear LeNoir:

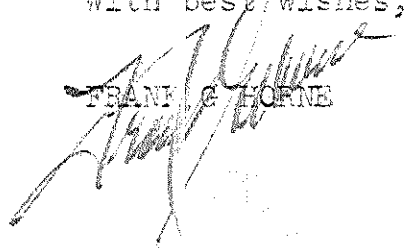
I am in receipt of your letter of the 22nd. I have prepared and enclose herewith the copies of the pleadings I shall file in the Howard Neal Case. I am sending them to you instead of the Circuit Solicitor and I am sure that you two will get together in the matter.

I will not formally file them until the day we are down there, with the exception of the motion to quash the proceedings, which I have this day sent forward to Mrs. Duck.

I saw the Judge and he said that he wished to take his wife to the Doctor on Tuesday and suggested that we take it up with him on another day. Wednesday or Thursday would suit me. In fact any day excepting Monday or Saturday. I would like to get it up in the week of the 28th as I want to know whether to get ready or not for the main trial.

I will thank you to see about the setting and notify me as soon as convenient. For that purpose I enclose a stamped and addressed envelope.

With best wishes,


FRANK G. HORNE

THE STATE OF ALABAMA

VS.

HOWARD NEAL, DEFENDANT

§
§
§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

LAW SIDE. NO. _____.

THE STATE OF ALABAMA

COUNTY OF ESCAMBIA

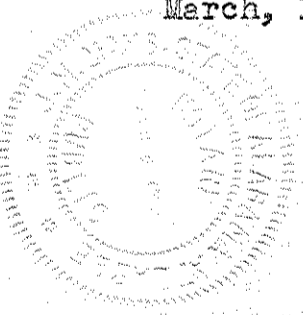
Before me, the undersigned authority, in and for said County in said State personally appeared Frank G. Horne, who is known to me, and who being by me first duly sworn doth depose and say; that he is attorney of record for Howard Neal in that certain cause pending in the Circuit Court of Baldwin County, Alabama, wherein the State of Alabama is the prosecutor and Howard Neal is the defendant, and that he is informed and believes and upon such information and belief states that the matters set out in the foregoing motion are true and correct.

Frank G. Horne

Sworn to and subscribed to before me this 22 day of March, 1949.

D.M. Maye

NOTARY PUBLIC



MOTION TO QUASH

THE STATE OF ALABAMA

VS.

HOWARD NEAL, DEFENDANT

§

IN THE CIRCUIT COURT OF

§

BALDWIN COUNTY, ALABAMA.

§

LAW SIDE. NO. _____.

Now comes the defendant and files this his motion to quash the affidavit in this cause and as grounds therefor alleges the following:

1. That said affidavit fails to charge the defendant with any offense.
2. That said affidavit is vague, uncertain, and indefinite.
3. That said affidavit fails to charge the defendant with any offense with the particularity required by law.



Attorney for Defendant

MOTION TO QUASH THE PROCEEDINGS

THE STATE OF ALABAMA | IN THE CIRCUIT COURT OF
 | BALDWIN COUNTY, ALABAMA.
VS. |
HOWARD NEAL, DEFENDANT | LAW SIDE. NO. _____.

Now comes the defendant and files this his motion to quash the proceedings in this case and as ground therefor assigns the following:

1. That the judgment from which he filed his appeal is void.
2. That the County Court's judgment is a violation of the law.
3. That the County Court has no power to punish the defendant as it has done in this cause.
4. That the County Court exceeded it's jurisdiction in this cause and that the judgment rendered is not warranted by law.
5. That the Court had no jurisdiction in the matter for in this, that the affidavit in the cause fails to allege any offense.

And the defendant prays that Your Honor will issue an order or judgment dismissing the proceedings and discharging the defendant.

Howard Neal

By: Frank L. Hume

His Attorney

THE STATE OF ALABAMA

VS.

HOWARD NEAL, DEFENDANT

X

IN THE CIRCUIT COURT OF

X

BALDWIN COUNTY, ALABAMA.

X

LAW SIDE. NO. _____.

THE STATE OF ALABAMA

COUNTY OF ESCAMBIA

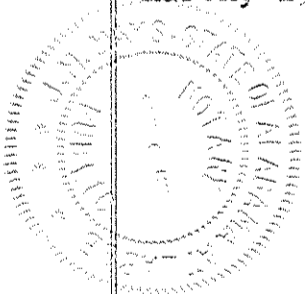
Before me, the undersigned authority, in and for said County in said State personally appeared Frank G. Horne, who is known to me, and who being by me first duly sworn doth depose and say; that he is attorney of record for Howard Neal in that certain cause pending in the Circuit Court of Baldwin County, Alabama, wherein the State of Alabama is the prosecutor and Howard Neal is the defendant, and that he is informed and believes and upon such information and belief states that the matters set out in the foregoing motion are true and correct.

Frank G. Horne

Sworn to and subscribed to before me this 22 day of March, 1949.

D.M. Mays

NOTARY PUBLIC



TO THE ATTORNEY GENERAL

WASHINGTON, D.C.

RECEIVED

APR 24 1949

DEPARTMENT OF JUSTICE

Howard Deal

*Filed 3-24-49
Alice J. Duck
Clerk*

THE ABOVE IS A TRUE AND CORRECT COPY

Howard Deal

TO THE ATTORNEY GENERAL DEPARTMENT OF JUSTICE

Howard Deal



DEMURRER

THE STATE OF ALABAMA § IN THE CIRCUIT COURT OF
 § BALDWIN COUNTY, ALABAMA.
 § LAW SIDE. NO. _____.

VS.

HOWARD NEAL, DEFENDANT

Now comes the defendant and files this his demurrer to the affidavit filed in this cause and as grounds therefor alleges the following:

1. That the affidavit upon which this prosecution is based fails to charge the defendant with the commission of any offense known to the law.
2. That said affidavit is fatally defective in that it fails to charge the defendant with an offense with the particularity required by law.
3. That from aught appearing in the affidavit the defendant committed no crime.



Attorney for Defendant

Handwritten note:
Amended & proper
1/14/41

RECEIVED FOR DEPOSIT

[Handwritten signature]

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Filed: March 29, 1949.

Jefair J. Marshall
Judge

MOTION TO QUASH

THE STATE OF ALABAMA § IN THE CIRCUIT COURT OF
 § BALDWIN COUNTY, ALABAMA.
 § LAW SIDE. NO. _____.

Now comes the defendant and files this his motion to quash the affidavit in this cause and as grounds therefor alleges the following:

1. That said affidavit fails to charge the defendant with any offense.
2. That said affidavit is vague, uncertain, and indefinite.
3. That said affidavit fails to charge the defendant with any offense with the particularity required by law.



Attorney for Defendant

Handwritten notes in left margin:
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...
...
...
...

Filed; March 29, 1949.

J. Fair J. Matthews
Judge

W. H. H. H. H. H.

THE STATE OF TEXAS - TO THE HONORABLE JUSTICE OF THE PEACE OF THE COUNTY OF ...

1. THAT THE ...

2. THAT THE ...

3. THAT THE ...

4. THAT THE ...

5. THAT THE ...

6. THAT THE ...

7. THAT THE ...

8. THAT THE ...

9. THAT THE ...

10. THAT THE ...

APPEAL BOND.

THE STATE OF ALABAMA, }
Baldwin County.

County Court, _____ Term, 194__.

KNOW ALL MEN BY THESE PRESENTS, That we _____

_____, are held and firmly bound unto the State of Alabama, in the sum of THREE HUNDRED (\$300.00) Dollars for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Witness our hands and seals, this the _____ day of _____, 194__.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the above bounden HOWARD NEAL, was, on the 13th day of Dec., 194__ convicted in the County, of the offense VIOLATING GAME LAWS

and by the judgment of said Court sentenced to \$100.00 fine and costs.

And, whereas, the said _____

has this day prayed an appeal from said judgment to the Circuit Court of said County:

Now, if the said _____ shall appear at the next term of the Circuit Court, and from term to term thereafter until discharged, and abide by and perform whatever sentence may be adjudged in said Court against him, then the above obligation to be void, otherwise to remain in full force and effect.

Howard Neal (L. S.)

W. H. Wolfe (L. S.)

B. L. J. Terrell (L. S.)

_____ (L. S.)

Approved:

W. R. Stewart

County Court Judge.

FRANK G. HORNE
ATTORNEY AT LAW
ATMORE, ALA.

December 13, 1948.

Mrs. R. S. Duck,
Circuit Clerk,
Bay Minette, Alabama.

Dear Mrs. Duck:

Enclosed you will find a demand for a jury
trial in the matter of the State vs. Howard Neall.

Very truly yours,


FRANK G. HORNE

The State of Alabama :

vs. :

Howard Neal :

County Court.

Balwin County, Alabama .

Now comes the defendant in the above styled cause and having this day appealed his said cause, demands a trial by jury of the issues of the cause.

Dated this 13th day of December, 1948.

HOWARD NEAL, Defendant

by

Frank K. Harne

his attorney

1060

The State of Alabama

vs.

County Court,
Sixth County, Alabama

Howard Reed

Now comes the defendant in the above styled cause
and having this day appeared in said cause, demands a trial
by jury of the issue of the cause.

Dated this 13th day of December, 1948.

HOWARD REED, Defendant

his attorney

*Filed
12-14-48
Wingfield
Clerk*