THE STATE OF ALABAMA | BALDWIN COUNTY.

No. 35

Voit	SHERI	FF OF T	HE STATE	OF ALABAM	A-GREETING: Lel Bush y Mesthyro	M. Ellen Bu
10u		BUL		Lila	y Westly ro	of Vera Boon
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		7 V/75 3. Pp.				69
egele		9 ₁₀₀₀		f		

Monroeville ORIGINAL No. 33 GRAND JURY SUBPOENA I have executed this Subpoena by serving a copy thereof on the following persons, to-wit: Expert Deleatter De Carla also Desure Molicies Theren Convery Co this 2/ day of Orest 1985.8

E E Wilson, Sheriff

JUSTICE COURT OF BALDWIN COUNTY THE STATE OF ALABAMA BALDWIN COUNTY WARRANT OF ARREST THE STATE OF ALABAMA JUSTICE COURT OF FRANK P. PROPST AFFIDAVIT THE STATE OF ALABAMA Executed this 20day of May, 19 48 By arresting the within WITNESSES FOR THE STATE: named Defendant Couris Lasarter - Rodges Hall Jandeur Borne - Vera Boone long Weatherford and placing him Moore Printing Co., Bay Minette, Ale

THE STATE OF ALABAMA | BALDWIN COUNTY.

No. 34

TO ANY SHERIFF OF THE STATE OF ALABAM

You are hereby commanded to	summon 741 K 123-3-4 (16 4)	Jugant Buch see Sugar
Characan Mill	familia de la companya del companya de la companya del companya de la companya del la companya de la companya d	and the second of the second o
Braza I Chara	<u>Langua ya Sebi sa wa manaka iliku kuna ya Kalifi wa kata kata kata da da</u>	Manager Committee Committe
k.	Johnson Land Marie Commence Marie Land	
***************************************	<u> </u>	4.5 x 10 x 1
	English and reduced a series of the contract o	
		100 Lufan the Cond
to be and appear on the	day of House thereof, then and there to testify and giv	e evidence on behalf of the State of
	ake due return of this writ with your endorsemen	
Witness my hand this the	day of	, 1934.

ORIGINAL No. 34 GRAND JURY SUBPOENA I have executed this Subpoena by serving a copy thereof on the following persons, to-wit: this 25 day of 001 1948

	THE STATE OF ALABAMA, Justice Court of FRANK P. PROPST, Notary Public, Ex-Officio Justice of the Peace. Precinct 4, Bay Minette, Alabama Show Junear You Are Hereby Commanded to Summon Succession Brown - Sechney Westherford - Usero Brown
200 CZ	personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the day of
of design	There this Writ, with your endorsement thereon. Witness my hand this 29 day of 7000, A.D. 19 19 19 19 19 19 19 19 19 19 19 19 19

Executed in full, this the

3/__day of

may, 1948

Jayen Wilfair Sheriff.

Deputy Sheriff.

THE STATE OF ALABAMA Baldwin County		
We, Charles Jasse	ter	, as
principal, and undersigned as sureties, agree to pay TH		
unless the said Charles Vasse	Sec ap	pear at the
Tall Term, 1948 of the and from term to term thereafter until discharged by law		
ALBO AND O		
We hereby waive as to all amounts that may become personal property from levy and sale under execution of tution or laws of the State of Alabama, and we hereby so all debts, liabilities, exemptions and this bond to the an and personal property of the value of \$1,000.00.	r other process for the collection of debt everally certify that we have property ove mount of: real property of the value of	, by consti- r and above \$2,000.00
Sworn to and subscribed before me this the	Charles Lassile	Seal)
day of, 19	R D Angen	(Seal)
, Baldwin County, Ala.	Mileal	(Seal)
Taken and approved this the	ASS tirella	are r
1 of 1	une Illand	, S
the second of th		Sheriff

I hereby Certify Thut. The Workin Borrows Bond and would THE STATE OF ALABAMA BALDWIN COUNTY be approcued by me of Presence O Whe u De aufic Coul, SHERIFF'S OFFICE Wilhaun THE STATE ax Sheriff & Oxocustic Sheriff's Appearance Bond Amount of Bond, \$___ Filed

THE STATE OF ALABAMA
Baldwin County .
We, harles Jasseter, as
principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of
Halley de Dear Ce Q DOLLARS
unless the said Wharles Jaselon appear at the
The Term, 1948 of the Ulaus Court of Baldwin County, Alabama,
and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of
Much on the 1-the gree
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
, Baldwin County, Ala(Seal)
mven he 48
Taken and approved this the day of July Wilking, Sheriff
By

Within Bond that the ood and Sufficient Bond be approved by me of Presented a Beaubia Court Wated This 5_ day of The State of Alabama, BALDWIN COUNTY

THE STATE OF ALABAMA Baldwin County

We, Charles	Laftist.		· ·	
	ŭ			
principal, and undersigned as sur		/		
Die The				DOLLARS
unless the said	le far	ither_		appear at the
May 2 8 Term, 19 4.	Kasara Kin		Count of Poldmin	Cortates Alabama
and from term to term thereafter	until discharged by	law, to answer a c	riminal prosecut	ion for the offense of
	Mand	A .	· ·	· :
tution or laws of the State of Ala all debts, liabilities, exemptions a and personal property of the valu Sworn to and subscribed bef	nd this bond to the e of \$1,000.00.	amount of; real	property of the	value of \$2,000.00 Lea (Seal)
, Baldwin	County, Ala.	R.J.	Jasset Rossith	(Seal) (Seal)
Taken and approved this the		of	~	
		Taylor!	Wilh	, Sheriff
en e	Ву	1/47	<u>Lalf</u>	, Deputy Sheriff

STATE OF ALABAMA
BALDWIN COUNTY 1 179
1011
Case No. / COURT OF
The State of Alabama BALDWIN COUNTY, ALABAMA
Charles January
Before me,, Clerk of the Circuit Court of
Baldwin County, Alabama, personally appeared of the second
jam the Sheriff of Baldwin County, Alabama. In the case of the State of Alabama vsin the above mentioned court, in executing the warrant
of arrest or in arresting the said defendant, I or one of my duly authorized deputies, traveledmiles by the most direct route to the point of arrest and return, and I am entitled to mileage at ten cents per mile to be taxed as costs in the case.
Point of Arrest
Sheriff
Subscribed and sworn to before me thisday of
Disposition of Case Want for the Court
Disposition of Lase Want prefer the Court Court
lone" "
After considering the above affidavit made by the sheriff of Baldwin County, Alabama, I, as the trial
Judge of said court, do hereby approve the claim for mileage in the sum of \$
This the $\frac{98}{8}$ day of June, $\frac{1978}{2}$
Judge of the above named court

		What is the		
THE	STATE	OF ALAB	AMA,	
	Baldw	in County	7	
	1.e.s		•	
		e"	CHAR	

TO any sheriff of the state of alabama:

Baldwin County)	An indictment navin	g been found against
	CHARLES LASSIE	3 8	
in en			•
at the <u>NOV</u> . Ter	m, 194_8, of the Circuit	Court of Baldwin Coun	ty, for the offense of
MITENED	ardem uncere	10.0 (1.0 (1.0 (1.0 (1.0 (1.0 (1.0 (1.0	
WURDER,	FIRST DEGREE	· · · · · · · · · · · · · · · · · · ·	
you are, therefore, commanded	forthwith to arrest the	said Defendant and co	mmit HIM
y our will be seen a constitution of	TOTALL TO CITED THE	·	
to jail, unless <u>HE</u> give bai	l to answer said indictm	ent, and that you retu	rn this Writ accord-
ing to law	•		
Dated this 4th da	ay of Nov.	, 194 <u>8</u>	
		Vier 1. Wille	la_
		Clerk Circuit Court of	Baldwin County.

THE STATE OF ALAB	AMA,)		
Baldwin County	,		
indiana di salah s	,	꽃 및 기계	e en j
We,			, as principal and
Dollars, unless the said			appears
at the	Term of the Circuit Cou	urt of Baldwin County,	and from Term to
Term thereafter until discharge	ed by law to answer a	criminal procedution for	the offense of
viron darvoz dironi dibonidizgo	in by law, to disver a c	ermmar prosecution to	the offense of
In signing the above bone	d we and each of us here	eby waive all legal righ	ts of exemptions al-
lowed us by the Constitution	and Laws of Alabama.		
Witness our hands and s	eals this	r of	104
Witness our hands and s		radiotes (10 lettera paparar anti-alte	
	(L. S.)		
	/T 6)		
	(L. S.)		
	(L. S.)		
	(L. S)		
	(L. S.)		
Taken and approved	day of		194
· -	-	,	-

CAPIAS

No. 32

THESTATE

VS.

CHARLES LASSITER

Bail Fixed in This Case in Open Court at

250000

By 7- W. Harl

Attest: Alice Lench Clerk.

Executed this 5 day of Nov, 1948

By arresting the within

named Defendant

and placing him in Jail

Jaylor Wilkins, Sheriff Zelie B. Lrff, Deputy Sheriff

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

ATTORNEYS		CASE	CHARGE	
ison P Hilb	sel	THE STATE OF ALABAMA		
No.		Vs.	munden	
		Charles dossites		
				4000
		DISPOSITION OF CASE	FEES	AMOU
	A 00 4	vit made and Warrant Issued to H. J. Hall	JUDGE'S FEES Warrant at 50c, Affidavit at 25c	7
	Amday		Bond at 50c, Sci. Fa. at 50c	
		Returnable J.P. Court	Witnesses' Recognizances at 25c	
	Witne	ss-For State H. J. Hall - W. J. allen - Oc	Subpoena or Notice at 25c	4/_
	Q_	ne-Sidney/ leatherfuld-/lena B	Continuance at 25c	,
MATERIAL MAT	200		Trial of Misdemeanor at \$1.00	10
		ly Out ashan - Clidney Boka	Mittimus at 25c	
	(Car	We Lassiter - Gobby Lassiter		
	4000	n Bohannan. Neishal Bunkel	Taking Bond, etc., on Appeal at \$1.00	61.
			Discourage piece ping	; ;
	عالمات	Hadley- (to Ser Hadley - Jessee	Subpoena or Notice at 25c	
	<u> wa</u>	y - Milford Hassiter - Clayton Os	Carrying Defendant before Justice,	
	lo.	Wanter - Shaw Journell 1	each mile for himself and guard at 10c_ Arrest, 50c	
			SHERIFE'S FEES	4400
		Lendant barred peleminary a	,,,,,	200
	Bes !	agreement of lindut solicutor	Committing, \$1.00, Releasing, \$1.00	101
	للبي	I blefendants attorneys a bo		9,0
			Days at 50c	5.0
4 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4. 4.			50c	
	124	J. O. to affeor before grand	50c	
	142	ed Temble Cikerith Court	√ → ↑ 50c	
	C75	100 140 7. 10 B	50e	
		and I roped puolee of the serve	DEFENDANT'S COSTS	
	1/4	cient of Baldino Co	Witnesses' Recognizance at 25c	
			Executing Subpoenas	

List	of Jurors and Copy of Indictment.			Moore Ptg. Co
	THE STATE		the Circuit Court	of Baldwin County,
	VS.			
			Spring	Term, 193.49
	Carnis Tassiter Venire of the jurors in the above stated of	nouse momes herein st	eted from No. 1	to No. 12
both	inclusive, being the special jurors drawn in			
No .	13 to No	The second secon		
	2nd week of	_		
	g been set for trial on the 6th day of the Spring	erm of said Court, to-		day of said
No.	NAME.	Occupation	Residence Address	Business Address
7	Alva Langhan	farmer	Robertsdale	Same 6
	Ray Klein	garage	Fairhope	same
enne Zestroya			Week	
$\frac{3}{\checkmark}$	Ellis Steadham	Navy Yard	Foley	-same
4	W. T. Canann	Merchant	Loxley	same
_5	Francis Harrel	farmer	Robertsdale	same
6	Percy J. Poss	carpenter	Fairhope	same
7	Arthur Robertson	farmer	Bay Minette	same
.8	Frank Osborne	Machine oper.	_Foley	_same
9	J. Carlisle Childress	merchant	Foley	same
10	Norvin Dubrock	Ship Yard	Fairhope	NATION CONTINUES OF A CONTINUE
11	B. W. Anderson ontoffale	farmer	Silverhill	AND THE RESIDENCE OF THE PARTY
12	Lamer Irwin	produce buyer	Foley	
13	W. H. Fletcher	postal clerk	Bay Minette	
14	Edmond Cley McGowin	farmer	Latham	District Control of the Control of t
15	J. D. Little	farmer	Låttie	
16	W. J. McKenzie	farmer	Magnolia Springs	
17	Turpin Bankester	railroad emp.	Robertsdale	***************************************
18	Riley Weeks	carpenter	Foley	A
19	Hamilton Bryant	Reserve Fleet	Stockton	
20	Wallace Parker	mill	Stockton	
21	Charles Coghlan	logging	Latham	The state of the s
22	Frank E. Sanders	banker	Foley	
23	Louis Lysek	carpenter	Magnolia Springs	
24	Ernest M. Howell	Utilities	Foley	
25	John P. Bertolla	farmer	_Loxley	
26	Thomas Hawkins	bookkeeper	Bay Minette	***************************************
27	Hurley Ard	farmer	Robertsdale	A CONTRACTOR OF THE CONTRACTOR
28	Silas Dl Powers	farmer	Bon Secour	
29	Mose Armstrong	farmer	Latham	
30	Paul Childress	farmer	Loxley	
31	Claude Ruple	farmer	Bay Minette	The state of the s
32	Brad Neivier	merchant	Fairhope	1
33	Andrew Kreiger	farmer	Lillian	
34	Fugene Koehle	car dealer	Foley	
35 36	J. Douglas Waters John Keifer	farmer merchant	Gateswood Elberta	and an angular property and a galactic angular part of the delication of the delicat
37	Holly Rains	farmer	Daphne	
38	William J. Russell	merchanic	Daphne	
39	James S. Minchew	laborer	Robertsdale	V boo
39	Flc	farmer	Robertsdale	
41	Che.	ATTENDED TO SECURITION OF THE PARTY.	Robertsdale	, a 1944
42	Howa cooks	barber	Robertsdale	
	John Marphy McMillan	mill man	Stockton	
43	Preston Snowden	contractor	Bay Winette	

dealer

farmer

farmer

farmer

Fleet

engineer

carpenter

Butane Dist.

Bay Minette

Summerdale

Bay Minette

Fairhope

Elberta

Tensaw

Boley

Daphne

44

45

46

47.

48

49

50

51

52

Harry Still

Peter Malbis

Louis B. Underwood

Mike Kaiser, Sr.

Joe B. Smith

Walter Krueger

Gary Nickelson

Jim Henderson

No.	NAME		Occupation	Residence Address	Business Address	
53	Will McKee		laborer	Bay Minette		
54	John Gottler		Farmer	Elberta		
55	M. C. Cooper		carpenter	Robertsdale des		
	William Gulledge	en e	farmer	Robertsdale		
J	Sam Faircloth, Jr			1	The state of the s	
1 CA 4 A 1884	er i i i i erida Milliane era	•	turpentine	Lillian		
- 1 W	Henry Miller		farmer	Bay Minette	***************************************	······································
	William B. Burmei	ster	farmer	Foley		···········.
60	John Norris, Jr.	***.***********************************	farmer	Foley		
61	Bernard Dylrena	wanang residence	MXXX	Magnolia Springs		
62	Clarence Hand	a the second	farmer	Foley		:
· · · · · ·	Alois Hanak		farmer			
	respective to the second of th	in the feet	Takana and a same and a	Silverhill		
	Lewis Cooper		retired	Foley		
	Bertram Rhodes		dairyman	Bay Minette		
66	Adrian Talbot		filling stati	on Bay Minette	*****	
67	Dougal Taylor		laborer	Bay Minette		
	W. Darrington Hast	tie	timberman	Stockton	• • • • • • • • • • • • • • • • • • • •	
						·····
	Edd Hall		saw mili	Rabon		
70	Sherman R. Hinote		butcher	Robertsdale		
71	Phil Cooper		farmer	Rosinton		
72	Frank Dusek	and the second	Defense	Lillian		
73						
74						-
					The second secon	
75		·.				<u>.</u>
76						_ ` .
77						 .
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79					5 1	
	-					
80			*			_
81			in all and the second	. **		
82			* * * * * * * * * * * * * * * * * * * *	*.		
	I hereby certify that the fore			in the case of the State vs.		- - - h
					that the names of jurors from	n
No.	to No.		, both inclusive	, are the special jurors dra	that the names of jurors from	n n
No	ourt, and that the names of	jurors from No	both inclusive	, are the special jurors dra	that the names of jurors from wn by the presiding Judge, in	n
No	ourt, and that the names of	jurors from No	both inclusive	, are the special jurors dra	that the names of jurors from wn by the presiding Judge, in	n
No open C	to No. ourt, and that the names of	jurors from No	both inclusive	, are the special jurors drato No, l	that the names of jurors from wn by the presiding Judge, in poth inclusive, is a correct lis	n st
No open C of the r	to No. ourt, and that the names of	jurors from No mmoned for the Alabama. I f	both inclusive	, are the special jurors drato No, l	that the names of jurors from wn by the presiding Judge, in	n st
No open C of the r	ourt, and that the names of egular jurors drawn and sur	jurors from No mmoned for the Alabama. I f	b	to No week of thee foregoing copy of the inc	that the names of jurors from wn by the presiding Judge, in poth inclusive, is a correct lis	n st
No open C of the r	to No. ourt, and that the names of regular jurors drawn and sur Court of Baldwin County, A the the indictment in this of the witness my hand this	jurors from No mmoned for the Alabama. I f ase. day of	both inclusive	to No week of thee foregoing copy of the inc	that the names of jurors from wn by the presiding Judge, in poth inclusive, is a correct lis	n st
No open C of the r	ourt, and that the names of egular jurors drawn and sur Court of Baldwin County, at the the indictment in this county	jurors from No mmoned for the Alabama. I f ase. day of	both inclusive	to No, are the special jurors drate No, leads of the, leads of the inc.	that the names of jurors from which the presiding Judge, in poth inclusive, is a correct lise. Term, 193	n it
No open C of the x Circuit copy of	to No. ourt, and that the names of regular jurors drawn and sur Court of Baldwin County, at the the indictment in this of Witness my hand this	jurors from No mmoned for the Alabama. I f ase. day of	both inclusive	to No, lare the special jurors drageto No	that the names of jurors from which the presiding Judge, in both inclusive, is a correct list. Term, 193 of the dictment is a true and correct list. The contract is a true and correct list.	n st
No open C of the x Circuit copy of	to No. ourt, and that the names of regular jurors drawn and sur Court of Baldwin County, A the the indictment in this of the witness my hand this	jurors from No mmoned for the Alabama. I f case. day of of the indictme	both inclusive	to No, lare the special jurors drageto No	that the names of jurors from which the presiding Judge, in both inclusive, is a correct list. Term, 193 of the dictment is a true and correct list. The contract is a true and correct list.	n st
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THE STATE OF ALABAMA, Circuit Court, Fall Session, 194.8

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

Roger Hadley, Carnis Lassiter, Andrew Bohannon and Charles Lassiter, whose Names are to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, killed Leonard Jordan, by cutting him with a knife,

against the peace and dignity of the State of Alabama.

No		ACOR
THE STATE OF ALABAMA, Baldwin County	Committee Apply and committee	GRAND JURY NO. 32
Circuit Court Fall Session, 194 8	Francisco Commence Co	A TRUE BILL V. O. McMillen Foreman G
THE STATE Vs. Roger Hadley, Carnis Lassiter, Andre	Andrew Company of the	Filed in open Court and in the
Bohannan and Charles Lassiter	And the state of t	
INDICTMENT	V.Strawenski japini V.Orboja (d. Strawenski japini V.Orboja (d	ALICE J. DUCK
Murder, First Degree No Prosecutor. WITNESSES:	88 A STATE OF THE	Presented in open Court to the Judge by the Foreman of the Grathe presence of 17 other Grather
W. L. Allen	Signature of the state of the s	ALICE J. DUCK
H. F. Hall Bernard Gaston		Bail fixed \$ 2500.00 eac
James Jordan	The state of the s	by consent
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	P. Calledgera Country (Spiness & Country (Spiness)	e particular i vidence de la companya de la company

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The	Baldwin	Times,	Bay	Minette,	Αl



GRAND JUF	RY NO. 32
A TRUE BILL	
V. O. 1	MoMillan
	Foreman Grand Jury.
Filed in open	Court and in the presence o
the Grand Jury	on theth day o
Nov.	, 194 8
· :	
ALICE J.	DUCK , Clerk.
the presence ofALICE J	
	Clerk.
Bail fixed S	2500.00 each
by consent	•
F. W.	HARE
	Judge.
The Appendix I	
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Contraction there is a second	

THE STATE OF ALABAMA	•	
Baldwin County		•
We, Carues Jassil	En	, as
principal and undersigned as sureties, agree to pay TH		sum of
Sweite-Jue Ste		DOLLARS
	\cdot $\boldsymbol{\mathcal{L}}$	appear at the
and a do the	DecelCourt of Baldwin	County, Alabama,
and from term to term thereafter until discharged by law	v, to answer a criminal prosecution	
Mur Oer we the	st Alegree -	
We hereby waive as to all amounts that may become personal property from levy and sale under execution of tution or laws of the State of Alabama, and we hereby above all debts, liabilities, exemptions and this bond to and personal property of the value of \$1,000.00.	or other process for the collection of severally certify that we have p	roperty over and
Sworn to and subscribed before me this the	Carnin Cossitte	Sugar, appear and an extension
day of, 19		(Seal)
		(Seal) (Seal)
	- Accidente	
Roldwin County, Ala	My Gara	(Seal)
Baldwin County, Ala.	Wy Gary	(Seal) (Seal)
, Baldwin County, Ala. Taken and approved this the	Wy Gary	(Seal) (Seal) (Seal)
5	Wy Gary	(Seal) (Seal) (Seal)

hereby Ol Gon approved in Eseason County SHERIFF'S Sheriff's BALDWIN COUNTY State of Appearance Alabama, OFFICE Bond

No. J. D. J. D. Page	RECORDED JUSTICE COURT OF
THE STATE OF ALABAMA BALDWIN COUNTY	BALDWIN COUNTY WARRANT OF ARREST
JUSTICE COURT OF FRANK P. PROPST	THE STATE OF ALABAMA vs.
AFFIDAVIT	Camio Lassiler
THE STATE OF ALABAMA vs.	
Camio Lossiter	Executed this 20 day of 2007, 1946 By arresting the within
WITNESSES FOR THE STATE: H.J. Hall charles Lassiter W.S. allen andrew	named Defendant
Janie Boone. Vera Boone Sidney Weatherford	
Bobby Lasiter-Rep Hadley Eller Bohaman - Roger Had D.	
Jessie Caraway	and placing him
Shaw Jenner	Taylor Wilher Sheriff 14 19 all Deputy Sheriff
Moore Printing Co., Bay Minette, Als	Little River 5 70 miles

THE STATE OF ALABAMA BALDWIN COUNTY.

No. <u>33</u>

TO ANY SHERIFF OF THE STATE OF ALABAMA—GRE	ETING:
You are hereby commanded to summon W. K. Willen	N. J. Hull Jessie
You are hereby commanded to summon W.K. Wellen Carrenty, Milford Lassite	Ur. Carter Show
Junner & Charge Lassiter,	
Bohannun Janice Boon	e. Very Boone
Sidney Weatherford, Sally 7.	Johannan, Bobbie
Lassiter Elen Bohannon	, Hurshel Bushett
Lassiter Ellen Bohanndn Ref Hidley, Clayton Jo	Amon !
r Marchaell (1975) ann an San Air an Marchaell (1975) an Air an Air Air an Air a Airtean an Air an A	
	, 193, before the Grand
Jury of said County, at the Court House thereof, then and there Alabama. Herein fail not, and make due return of this writ with	
Witness my hand this the Zth day of Oct	
Witness my name the day or	A
Andrews of the Community of English Community of the State of the Community of the Communit	llieg luch Solicino

Who or wer ton ORIGINAL No. 33 GRAND JURY SUBPOENA I have executed this Subpoena by serving a copy thereof on the following persons, to-wit:

THE STATE OF ALABAMA, Baldwin County

to any sheriff of the state of alabama:

An indictment having been found against

Sheriff of Baldwin County.

CARNIS LASSITE	ir -	
	1	
at the NOV. Term, 1948, of the Circu	it Court of Baldwin Count	v. for the offense o
	en e	<i>y</i> ,
MURDER, FIRST DEGREE		
you are, therefore, commanded forthwith to arrest the	said Defendant and con	nmit HIM
to jail, unless HE give hail to answer said indicts		
-Sala march	nent, and that you retur	n this Writ accord-
ing to law	• •	
Dated this 4th A. No.	7. 	
Dated this 4th day of Nov.	, 194_8.	
	Elice & Well	2
	Clerk Circuit Court of B	aldwin County.
THE STATE OF ALABAMA,		
Baldwin County	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
· · · · · · · · · · · · · · · · · · ·		
We,	An An	
		, as principal and
The state of the s		
he other undersigned as sureties, agree to pay the Sta	e de danganana e e e e e e e e e e e e e e e e e	yahariti me ngapalar - edilitiras mengalar - edilitiras mengalar - edilitiras mengalar - edilitiras mengalar -
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	e de danganana e e e e e e e e e e e e e e e e e	
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No. 32

THE STATE

VS.

CARNIS LASSITER

Bail Fixed in This Case in Open Court at \$ 25-000

By 2- W. Hare

Judge Presiding.

Attest: <u>Alice Lucha</u>
Clerk.

Executed this 5 day of Nov., 1948

By arresting the within

named Defendant

and placing him _ in Jack

Laylor Wilkins, Sheriff Zoleie B. Giff Deputy Sheriff

THE STATE OF ALABAMA-JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term 19 9.

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To the Clerk of the	عمي	w.	Court			
of Ba	edu	in a	tountu—Creet	in a		
			o wooy—aree	ing.		
Whereas, in the	e matter of			***************************************		
	Dark	مر م		o ito	, A	ppellant,
						pperconce,
		vs	• · · · · · · · · · · · · · · · · · · ·			***************************************
		حد ف	ato		111	Appellee,
	77					
recently pending in t	the Court of Ap	peals of Alab	ama, on appe	al from the s	aid	
	***************************************	Court o	of			County,
			The second secon			 1 * * * * * * * * * * * * * * * * * * *
our Court of Appeal	s did on theZ	day o	t <u>Ce</u>	A.		., 1950
render a judgment	of Stirmance	الملا	lio	كروت	2	
, orocoo. W Juney more	J. Contraction of the Contractio					
		***************************************	#44		in said	cause; and,
Whereas, a cert	ificate of such	action of the	e Court of A	ppeals was c	luly issued	to you, and
·						
thereafter an applica	ation for a reh	earing of said	l couse was fil	led in this Cor	urt on the	
day of DA	er-	., 1952		•		
	Santa Company	•				
Now, it is here	by certified, th	at our Court	of Appeals,	or one of t	he Justices	thereof, did,
on the \Q day	of DAG	ر بيسر 1	9 <u>Z</u> , orde	er that the sa	id certificate	e be recalled.
And you will accord	ingly return th	le same to thi	s office at on	ce, together i	vith copy of	the opinion
in said cause issued	to you.			سسان فالشار وسيست		
			Witness, Ch	arles Bricken	Jr., Clerk	of the Court
			.,		, ,	
	•		of Appeal	s of Alabama	, at the Cap	pitol, this the
		. •	10	lay of M		19.10
		•	11.	11 - 1	200	72 0
			Clerk	f the Court of	f Anneals of	Alabama
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THE COUR	T OF APP	EALS OF	ALABA	MA
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(w	Div.	, No.S	96	
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Front Al	dwin	Que	Appellee	urt.
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THE STAT	E OF ALA		unty.	
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	man	1	9.37	
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BROWN PRINTING CO., MONTGOMERY, ALA., 1934

THE STATE OF ALABAMA-JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term 19

To the Clerk of the Cian	LAS Court	
of Salaus	County—Greeting	
Whereas, in the matter of		
Cerui	s of posite	, Appellant,
	vs.	
	Q to be	Appellee ,
recently pending in the Court of Ap		
Your Control of the C		County,
our Court of Appeals did on the	S day of	<u> </u>
render a judgment of affirmance		2
Whereas, a certificate of such	action of the Court of Appe	als was duly issued to you, and
hereafter an application for a reh	earing of said cause was filed i	in this Court on the 2
day of Drang	, 1953; aud a	manniaed.
· · · · · · · · · · · · · · · · · · ·	Que eus	•
Now, it is hereby certified, th	at our Court of Appeats, or	one of the Justices thereof, did,
n the Zaay of Sa	1950, order th	nat the said certificate be recalled.
A . 7	a commenda da la compansión de	4
And you will accordingly return th	e same to this office at once,	together with copy of the opinion
n said cause issued to you.	The second secon	nic agains grip and debug grave gain and a community and a debug a
	Witness, Charle	s Bricken, Jr., Clerk of the Court
	of Appeals of	Alabama, at the Capitol, this the
	Zday	of Dray 1950
	Charl	espica
	Clerk of the	e Court of Appeals of Alabama.

THE COURT OF APPEALS OF ALABAMA October Term, 19 209	
1, Sh Div., No. 596	
Carris Reseites	
Prom Boldwar Crawncourt.	
CERTIFICATE OF RECALL On Application for Rehearing.	
THE STATE OF ALABAMA, County. Filed this 26 to day of	
May 1957 Alice fillue Clink	k

BROWN FRINTING CO., MONIGOMERY, ALA., 1934

STATE OF ALABAMA

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

Comes the Defendant, Carnis Lassiter, in his own proper person and for plea says: He ought not to be required to answer this indictment insofar as it charges him with murder in the first degree and murder in the second degree and that the State ought not to prosecute the same against him, because at the April 1949 session of the Circuit Court of Baldwin County, Alabama, on to-wit, the 6th day of April, 1949, he was charged and put upon trial under an indictment charging him with murder in the first degree and that after trial, hearing and consideration as to said offense and as to the offense of murder in the second degree the Defendant was acquitted and discharged. And the Defendant says that he is now charged in this indictment of these offenses, which is based upon the same matter and transaction as that for which he was tried and acquitted as aforesaid in the first indictment, all of which the Defendant is ready to verify and prays that he be discharged in the present indictment of murder in the first degree and murder in the second degree.

> Corris Jaseller Defendant.

STATE OF ALABAMA

VS .

CARNIS LASSITER

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

Filed: April 10, 1952.

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THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

1 1 No. 100. No. 54	rangenia de la companya de la compa	andres and the same strong security of the same	energy commencer manages of the commencer of the commence
	is Lassit	er	Appellant
	v.	in the second of	
3	iestate		Appellee ,
From	Soldenin	- 2	Circuit Court
The State of Alabama, City and County of Montgomery.		e G	
I, Charles Bricken, Jr., Clerk foregoing pages numbered from on	of the Court of Appeals of Alai		certify that the
copy of the opinion of said Court	of Appeals in the above stated	cause, as the sa	me appears and
remains of record and on file in thi	is office.		
	Witness, Charles	Bricken, Jr., Cl	erk of the Court
			erk of the Court Capitol, this the
		Alabama, at the	

THE COURT OF APPEALS OF ALABAMA

An Div., No. 596

Carin Lassiter

Sie State Appellee From Boldwin Circuin Court.

COPY OF OPINION

BROWN PRINTING CO., HONTGOMERY 1945

THE STATE OF ALABAMA -- JUDICIAL DEPARTMENT

THE ALABAMA COURT OF APPEALS

OCTOBER TERM, 1949-50

1 Div. 596

Carnis Lassiter

V.

State

Appeal from Baldwin Circuit Court

CARR, JUDGE

Roger Hadley, Carnis Lassiter, Andrew Bohannon and Charles Lassiter were jointly indicted for murder in the first degree. After a severance was ordered Carnis Lassiter was tried and convicted of manslaughter in the first degree.

Without dispute in the evidence Carnis Lassiter, the appellant, killed Leonard Jordan by cutting him with a knife. Justification for the homicide is claimed on the doctrine of self defense.

The prime questions which are presented for our review do not necessitate a delineation of the tendencies of the evidence.

Herschel Burkett and James Jordan were introduced as witnesses for the State. On cross examination of the former he answered that he was a first cousin of the deceased. On direct examination of the latter the witness stated that he was a brother of the deceased. This relationship was also brought out on the cross examination of Jordan. There was no effort made by the appellant to assail the character of either of these witnesses for truth and veracity.

In this state of the record and in rebuttal, the State was allowed, over timely objections, to introduce two witnesses each of whom testified that the general reputation of Burkett and Jordan was good and that their reputation for truth and veracity was also good.

In the case of Morgan v. State, 88 Ala. 223, 6 So. 761, the Supreme Court held:

"It is familiar law, that a party can not offer testimony of the character for truth and veracity of his own witness,
until and unless an effort has been made by the adversary to
impeach the witness' character in that regard."

See also, Baugh v. State, 218 Ala. 87, 117 So. 426;

Hays v. State, 110 Ala. 60, 20 So. 322; Taylor v. Taylor, 251

Ala. 374, 37 So. 2d 645; McCullars v. Jacksonville Gil Mill Co.,

169 Ala. 582, 53 So. 1025; Earle v. State, 1 Ala. App. 183, 56

So. 32; Henderson v. State, 19 Ala. App. 80, 95 So. 57.

By a long line of authorities it has been consistently held that a mere contradiction of a witness by another as to any facts testified to does not authorize the introduction of sus-

taining evidence of good character for truth and veracity as to either of such witnesses. <u>Turner v. State</u>, 124 Ala. 59, 27 So. 272; <u>Hodges v. Davis</u>, 199 Ala. 685, 75 So. 300; <u>George v. State</u>, 27 Ala. App. 196, 169 So. 325.

The Assistant Attorney General urges that proof of the indicated kinship to the deceased was one way of impeaching the witnesses, and the evidence in question was admissible on this account.

Much emphasis is placed on a statement by Justice Foster in the opinion in the case of Phillips v. Ashworth, 220 Ala. 237, 124 So. 519. The justice stated: "There must be evidence which is impeaching in nature to permit a party to sustain his character." So it is argued that proof of kinship to the deceased of itself created interest and bias on the part of the witnesses and had the effect of being "impeaching in nature."

We do not think that the Supreme Court intended by the quoted statement to make the rule apply to the situation about which we are concerned in the instant case.

The doctrine is expressed more specifically in the case of <u>Funderberg v. State</u>, 100 Ala. 36, 14 So. 877:

"In the present case, the defendant became a witness in his own behalf, and, to bolster up his testimony, undertook to prove by witnesses that he was a man of good character for truth and veracity. This was not allowable. He had not been, or attempted to be, impeached as a witness by the State, either by the introduction of evidence of bad character on his part, or of statements made by him out of court, contradictory of his testimony on the trial; without which he would not be permitted to sustain himself as a witness, by proof of his good character for truth and veracity."

In the case of <u>Dickson v. Dinsmore</u>, 219 Ala. 353, 122 So. 437, the Supreme Court reviewed the doctrine in a civil

procedure. Justice Foster again writing for the court:

"Counsel have the option to call the attention of the party as a witness to the subject-matter (lay the predicate) or to prove the declaration by his own witness without such predicate. In one instance he is treated as a witness as well as a party, and in the other as a party merely. If the former practice is observed, it is impeaching testimony, and the same rule applies as though he were not a party; if the latter, it is substantive evidence and not impeaching. After the former proof of general good character of the witness, though a party, is admissible; after the latter, no such proof is admissible."

In the case of <u>Bell v. State</u>, 124 Ala. 94, 27 So. 414, the prosecutrix denied that she had sexual intercourse with certain named parties. These named parties were subsequently introduced as witnesses by the appellant and each testified that he had had intercourse with the prosecutrix. Thereafter the State was allowed to introduce evidence of good character of the prosecutrix for truth and veracity. The Supreme Court held that this was insufficient to authorize the introduction of the sustaining evidence as to the character of the prosecutrix for truth and veracity.

In our view the situation there disclosed is much more favorable to the insistence of the State than is presented by the proof in the case at bar.

The court in his oral charge instructed the jury as follows:

"The court charges the jury that when the defendant sets up self-defense in justification or excuse for a killing, the burden of proof is on him to show the jury by the evidence that there was a present impending danger, real or apparent, to life or limb, or of grievous bodily harm from which there was no probable means of escape, unless the evidence which proves

5. homicide proves also its excuse or justification."

Exceptions were reserved in this statement:

"We would like further to except to that part of Your Honor's charge in which you charged the jury that when the defendant sets up self-defense in justification or extenuation, the burden of proof is on him to show the jury beyond all reasonable doubt that there was a real or apparent danger from which there was no escape."

The Assistant Attorney General insists in brief that the exceptions do not sufficiently point out the excerpt to which complaint is made. The rule to which reference is made should be applied with fairness to the objector and considered in the light of its purposeful intent. If what the trial judge said is recited in the exceptions with substantial accuracy, a review should not be denied. Kelley v. State, 226 Ala. 80, 145 So. 816.

We hold that there has not been a violation of the rule in the case at bar.

It is now settled by the authorities in this jurisdiction that the burden of proof is never cast on the defendant to establish his innocence when he relies on self defense as a justification for his act. In this event, he is only required to offer such evidence as will, when considered with all the evidence in the case, generate in the minds of the jury a reasonable doubt of his guilt.

More specifically the doctrine is stated in Roberson v. State, 183 Ala. 43, 62 So. 837: "If the jury have a reasonable doubt, generated by all the evidence in the cause, as to whether the defendant acted in self-defense or not, then they should acquit."

A reasonable interpretation of the excerpt from the court's oral charge leads to the inevitable conclusion that the

6. burden was too heavily laid on the accused.

We will not laden this opinion with a further discussion of the inquiry. The following authorities are decisive of the matter. Perry v. State, 211 Ala. 458, 100 So. 842; McGhee v. State, 178 Ala. 4, 59 So. 573; Hubbert v. State, 32 Ala. App. 477, 27 So. 2d 228; Clemons v. State, 167 Ala. 20, 52 So. 467; Baker v. State, 19 Ala. App. 432, 98 So. 213; Barbaree v. State, 24 Ala. App. 127, 130 So. 903; Lee v. State, 24 Ala. App. 168, 132 So. 61.

We have responded to the only questions which merit discussion.

For indicated errors it is ordered that the judgment at nisi prius be reversed and the cause remanded.

REVERSED AND REMANDED.

THE STATE OF ALABAMA Baldwin County We, Carnis Cassiter	, as
principal, and undersigned as cureties, agree to pay THE STATE OF ALABAMA,	
unless the said Carnis Lasse Cer	DOLLARS appear at the
Tale Term, 1978 of the Oraciet Court of Baldw	
and from term to term thereafter until discharged by law, to answer a criminal prosec	
We hereby waive as to all amounts that may become due hereunder the benefit of personal property from levy and sale under execution or other process for the collection or laws of the State of Alabama, and we hereby severally certify that we have prall debts, liabilities, exemptions and this bond to the amount of; real property of the and personal property of the value of \$1,000.00.	of all laws exempting on of debt, by consti- operty over and above
Sworn to and subscribed before me this the	Siller (Seal) MS (Bown
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Baldwin County, Ala.	lkaa (Seal)
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BALDWIN COUNTY	ustice Court of FRANK P. PROPST, Notary ublic, Ex-Officio Justice of the Peace. Precinct 4, Bay Minette, Alabama
To Any Sheriff of the State of Alabama: You Are Hereby Commanded to Summon personally to be and appear before the Justice Court, to	by funder Pay Hadley Drifferd fastites Labeld for Reldwin County at my office on the
day to day of said term, and from term to term thereal speak in behalf of THE STATE, in a prosecution now	ter until discharged to give evidence and the truth to
is Plaintiff and there this Writ, with your endorsement thereon.	Defendant, and have you then and
Witness my hand this 29 day of 22	A.D. 19 1 S Justice of the Peace, Precinct No. 4

Executed in full, this the

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day of

1948

Sheriff.

Deputy Sheriff.

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THE STATE OF ALABAMA (BALDWIN COUNTY.

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Case No. /) / U	IN THE COURT OF
The State of Alabama	BALDWIN COUNTY, ALABAMA
vs. 17 - 1	
Cornis Louis	
Before me,	Clerk of the Circuit Court of
Baldwin County, Alabama, personally appeared who being duly sworn deposes and says:	pyourgen,
I am the Sheriff of Baldwin County, Alabama.	In the case of the State of Alabama vs.
Com Oscio	In the case of the State of Alabama vsin the above mentioned court, in executing the warrant
of arrest or in arresting the said defendant, I or one of m by the most direct route to the point of arrest and re to be taxed as costs in the case.	y duly authorized deputies, traveled miles turn, and I am entitled to mileage at ten cents per mile
Point of Arrest	Sheriff
Subscribed and sworn to before me this	O day of Mars 1948
Disposition of Case	Frank Plante Circuit Court
After considering the above affidavit made by t	he sheriff of Baldwin County, Alabama, I, as the trial
Judge of said court, do hereby approve the claim for m making of the arrest or executing the warrant of arrest in of the court to tax the said sum as part of the costs in	ileage in the sum of \$ incurred in the in the above styled cause and I hereby order the clerk
This theday of	Tranh Propost
	Judge of the above named court
ROBERTS & SON, DIRMINGHAM	

THE STATE OF ALABAMA-JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term, 19 49

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The Court of Appeals of Alabama

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

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