

Received in our office
to late for service

W. H. Holcombe
by G. W. Shumock
Clerk

1214

WRIT

STATE OF ALABAMA, PROSECUTOR X IN THE CIRCUIT COURT OF
 X BALDWIN COUNTY, ALABAMA.
 X LAW SIDE. NO. _____
VS. X
MARY LEE PEOPLES, DEFENDANT X

TO THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS AND INSTITUTIONS:

Pursuant to an order of Honorable Telfair J. Mashburn, presiding Judge of the Twenty-eighth Judicial Circuit of the State of Alabama, dated February 21st, 1951, said order requiring that a writ be directed to _____, as Director of the Department of Corrections and Institutions, to have Mary Lee Peoples before the Court at Bay Minette, Baldwin County, Alabama, to give testimony, at 10:00 A. M. _____, 1951, this is to demand that you through a trustworthy deputy, with a sufficient guard, convey said Mary Lee Peoples, by whatever name she be known, to the Courthouse at Bay Minette, Baldwin County, Alabama, on the _____ day of _____, 1951, at 10:00 A. M. then and there to give testimony in that certain cause now pending in the Circuit Court of Baldwin County, Alabama, wherein, Mary Lee Peoples, charged by indictment with an offense, is the defendant.

Dated this _____ day of _____, 1951.

CLERK

CLERK

Dated this _____ day of _____, 1921.
defendant.

Mary Lee Peoples, charged by indictment with an offense, is the
pending in the Circuit Court of Baldwin County, Alabama, wherein
A. M. then and there to give testimony in that certain cause now
Alabama, on the _____ day of _____, 1921, at 10:00
she be removed, to the Courtroom at Baldwin County;
sufficient guard, convey said Mary Lee Peoples, Baldwin County,
1921, this is to demand that you through a trustworthy deputy, with
papers, to give testimony, at 10:00 A. M. _____,

Lee Peoples before the Court at Bay Minette, Baldwin County, Ala-
of the Department of Corrections and Institutions, to have Mary
with be directed to _____, as Director

971

of Alabama, dated February ~~24~~, 1921, said order requiring that she
presiding Judge of the Twenty-eighth Judicial Circuit of the State
Present to an order of Honorable Welsell A. Marshall,

TO THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS AND INSTITUTIONS:

MARY LEE PEOPLES, DEFENDANT, vs. THE STATE, NO. _____

AS:

BALDWIN COUNTY, ALABAMA.

STATE OF ALABAMA, PROSECUTOR, vs. IN THE CIRCUIT COURT OF

WRIT

1914

Div. No. _____

CERTIFICATE OF APPEAL. (Criminal Cases.)

No. 1214

Baldwin County, Circuit Court

MARY LEE PEOPLES,
Appellant

VS.

The State of Alabama,
Appellee

The State of Alabama,

Baldwin County, The Circuit Court of Baldwin
County.

I, Alice J. Duck, Clerk of the Circuit Court
of Baldwin County in and for said County and State, do
hereby certify that in the above stated case, which was tried and
determined in this Court on the 29th day of November 19 50, and
the defendant convicted by a Jury of the offense of Murder 1st Degree
, and that on the 29th day of November 19 50,
said defendant was sentenced to a term of Life
, which said sentence was suspended
pending an appeal to the Supreme Court of Alabama.

I further certify that on this the 24th day of May
19 51, the defendant gave notice in writing of an appeal to the
Supreme Court of Alabama.

Witness my hand and the seal of this Court, this the 28th
day of May 19 51.



Clerk of Circuit Court of

Baldwin County, Alabama,

STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT - - CRIMINAL

THE STATE

VS.

MARY LEE PEOPLES

Now comes the defendant in the above entitled cause and moves the Court to set aside the verdict of the jury and the judgment rendered thereon on November 29, 1950, and to grant to the defendant a new trial; and as grounds of said motion the defendant sets down and assigns, separately and severally, the following:

1. The verdict of the jury is contrary to the evidence in the case.
2. The verdict of the jury is contrary to the law in the case.
3. The Court erred in having refused to give the jury the following charge requested in writing by the defendant before the jury retired:
"1-A The Court charge the jury that the jury must find the defendant not guilty."
4. The Court erred in having refused to give the jury the following charge requested in writing by the defendant before the jury retired:
"1-B The Court charge the jury that if the jury believe the evidence they must find the defendant not guilty."
5. The verdict of the jury is contrary to the weight of the evidence in this case.
6. That since the trial and verdict in this cause the defendant has discovered new and material evidence in this case, to-wit, the evidence of the following witness, not brought out on trial:

Taylor Wilkins, the substance of whose further testimony is hereto attached in affidavit marked Exhibit A;

The defendant further says that although he used diligent effort prior to said trial, he failed to know of said facts contained in said affidavit, prior to said trial and said verdict and that his cause was greatly prejudiced by not having said witness testifying to these facts at his said trial.

A. B. Miller

Attorney for Defendant

Filed in office Dec 5, 1950
Date

Wm. J. ...
Clerk.

Notes

Filed 12-5-70
A. J. French
Clerk

Exhibit "A" to testimony of
Defendant -
Ora S. Nelson, Court Reporter

STATE OF ALABAMA)

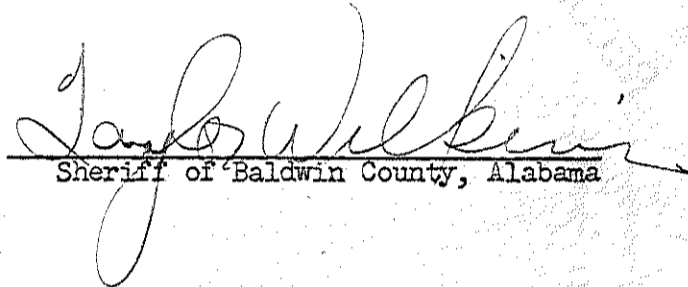
BALDWIN COUNTY)

I, Taylor Wilkins, Sheriff of Baldwin County, Alabama, do hereby certify that upon my examination of Mary Lee Peoples in my office, she further stated in substance of the following, after her statement of having shot Raphel Peoples;

She did not shoot or harm Raphel Peoples at any time or in any way.

The above statement took place in my office on the same visit as the statement I testified to at the time of her trial.

Witness my hand this 5th day of December, 1950.


Sheriff of Baldwin County, Alabama

MEMORANDUM FOR THE DIRECTOR

MEMORANDUM FOR THE DIRECTOR
SUBJECT: [Illegible]

MEMORANDUM FOR THE DIRECTOR
SUBJECT: [Illegible]

MEMORANDUM FOR THE DIRECTOR

RECORDED

Filed 12-5-41
A. J. French
Clerk

STATE OF ALABAMA)
BALDWIN COUNTY)

CIRCUIT COURT - - - - CRIMINAL

THE STATE)
vs.)
MARY LEE PEOPLES)

Now comes the Defendant in the above case and amends her motion for a new trial to add the following ground:

7. The court erred in sustaining the objection of the solicitor to the following question, on page 27 of the record;

"Why had you come to Prichard?"

in view of the fact that flight was proved by the state on page 12 of the record as follows:

Q.(by Solicitor) Mr. Hall, you said you know the defendant?

A. Yes

Q. Did you arrest her for this charge of murder?

A. Yes Sir.

Q. Whereabouts did you arrest her;

A. Overin Mobile County, out on Highway 45.

Q. How long after the shooting?

A. The next night, on the 20th.

Q. On Monday Night?

A. Yes sir.

Q. About what time of night?

A. I don't remember exactly, must have been about nine o'clock.

Q. Did you bring her back and place in her in the Baldwin County Jail?

A. Yes sir.

A. B. Miller
Defendant's Attorney

CASE NO. 1214

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
CRIMINAL

STATE OF ALABAMA

vs.

MARY LEE PEOPLES

Amendment to Motion for

New Trial

Filed: March 23, 1951

Alvin J. Duck
Clerk

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THE STATE OF ALABAMA.

State of Alabama

vs.

MARY LEE PEOPLES

Circuit Court

County.

To

or Ho. William Lutton, Attorneys of record:

Whereas, MARY LEE PEOPLES has taken an appeal from the judgment of said Court, rendered at the November and March 23rd Term, 1950, thereof, in the above stated cause, returnable to the next Term, 1951, of the Supreme Court of Alabama:

Now, you are therefore cited to appear at the next Term, 1951, of said Supreme Court, to defend on said appeal, if you shall see proper so to do.

Witness this 28th day of May, 1951

Alfred J. ..., Clerk.

I hereby accept service this
5th day of June 1951

William R. Foster
Solicitor 2nd Judicial Circuit

THE STATE OF ALABAMA,

County.

CIRCUIT COURT.

Mary Lee Peoples

vs.

State of Ala.

CITATION ON APPEAL.

Issued..... 19.....

Clerk.

Executed by serving a copy on

on this

day of 19.....

Sheriff.

Marshall & Bruce Co., Stationers, Nashville, Tenn.

STATE OF ALABAMA

()

IN THE CIRCUIT COURT OF

VS.

()

BALDWIN COUNTY, ALABAMA

MARY LEE PEOPLES

()

NO. 1214

3-29-50 This 29th day of March, 1950 came Hon. Kenneth Cooper, Solicitor, who prosecuted for the State of Alabama, and also came the Defendant, Mary Lee Peoples, in her own proper person and attended by her attorney in open Court, and said Defendant being arraigned upon the indictment in this cause, for her plea thereto, says that she is not guilty on said plea. Thereupon came a Jury of good and lawful men, to-wit: C. W. Barnhill and eleven others who being impanelled and sworn according to law before whom the trial of this cause was entered counsel all being present in open Court at each and every stage and during all of the proceedings in this cause, now on the 29th day of March 1950, said jurors upon their oaths do say: "We the jury find the defendant guilty as charged in the indictment, and fix her punishment at life imprisonment in the State Penitentiary."

This 29th day of March 1950, said defendant Mary Lee Peoples being in open Court attended by her counsel was called before the bar of the Court and being asked, by the Court, if she had anything to say why the judgment of the Court and the sentence of the law should not be pronounced upon her says nothing. It is therefore considered by the Court and it is the judgment of the court and the sentence of the law that said defendant the said Mary Lee Peoples, be imprisoned in the State Penitentiary for life.

701214

Mary Lee Peoples

JURY LIST

Fall Term, November 27th, 1950

NO.	NAME	OCCUPATION	ADDRESS
1	John J. Gallagher,	hotel,	Fairhope 5'3
2	Charles W. Barnhill,	farmer,	Robertsdale
3	Harold McGill,	merchant,	Perdido 5'12
4	Mack Vines,	State employee,	Bay Minette 5'1
5	Harry Decker,	electrician,	Bon Secour 5'11
6	Elmer Kinsey, Jr.,	mechanic,	Foley 5'1
7	Louie Leon Hill,	farmer,	Bay Minette 5'8
8	Leon W. Avera,	farmer,	Summerdale
9	Howard Hall,	parts clerk,	Bay Minette 5'8
10	William Scriber,	carpenter,	Foley 5'3
11	Roy Davis,	barber,	Bay Minette 5'6
12	Dan W. Rhodes,	farmer,	Foley 5'11
13	Cecil L. Gebhart,	defense,	Foley 5'6
14	Robert H. Breedlove,	restaurant,	Foley 5'1
15	Lawrence Dukes,	pool room,	Foley 5'5
16	C. O. Votava,	farmer,	Robertsdale 5'2
17	J. B. Humphrey,	farmer,	Daphne 5'2
18	Floyd Boone,	farmer,	Gateswood 5'10
19	Mack Moore,	merchant,	Magnolia Springs
20	B. J. Cooper,	farmer,	Robertsdale Rt.
21	Maiben Phillips,	farmer,	Little River
22	Aaron Bishop,	farmer,	Fairhope R. F. D. 5'5
23	Albert T. Flowers,	farmer,	Foley 5'5
24	Harry Still,	Dealer,	Bay Minette 5'5
25	Ort H. Ertzinger,	real estate,	Bay Minette 5'3
26	Louie Boehn,	farmer,	Summerdale
27	James R. Harding,	manufacturer,	Foley 5'7
28	Raymond McMillan,	farmer,	Stockton
29	J. C. Wynw,	farmer,	Summerdale 5'14

~~32 William M. Campbell, farmer, Robertsdale 183~~

~~33 Johnnie Merland, nursery business, Daphne S 7~~

34 John A. Ebert, clerk, Foley

35 William E. Boykin, laborer, Robertsdale

~~36 Joe Lazerri, farmer, Daphne S 7~~

37 Jim Baggett, farmer, Holman

~~38 Ferdinand A. Corte, farmer, Loxley 182~~

~~39 Beanie E. Eastburn, farmer and fertilizer, Foley 181~~

~~40 Henry N. Long, farmer, Foley 184~~

~~41 William E. Hare, carpenter, Gateswood 182~~

~~42 Paul Bounell, farmer, Fairhope 184~~

~~43 W. M. Hodgson, Jr., furniture, Bay Minette 180~~

~~44 Vernon W. Gebhart, defense, Foley 180~~

~~45 William Reimer, farmer, Elberta S 11~~

~~46 Charlie Younce, mechanic, Foley 189~~

~~47 Randel Bauer, telephone oper., Daphne 189~~

~~48 Floyd Marshall, farmer, Robertsdale S 12~~

~~49 Charles L. Mathews, F. C. A., Robertsdale S 15~~

50 Rufus M. Black, farmer, Loxley

~~51 Fletcher Stamps, merchant, Bay Minette 184~~

~~52 Clarence H. Hanson, fisherman, Daphne~~

~~53 [unclear], merchant, Bay Minette~~

~~54 Harold [unclear], farmer, Loxley S 8~~

~~55 John [unclear], farmer, Elberta 184~~

~~56 [unclear], merchant, Bay Minette~~

~~57 Fred [unclear], farmer, Silverhill S 9~~

~~58 Wilson [unclear], merchant, Bay Minette 187~~

61 60. Herbert W. Hinote, Butcher, Rosinton

~~62 Dewey Slocum, merchant, Fairhope, R.F.D. 54~~

~~63 Rudolph Dourbava, Jr. farmer, Silverhill 187~~

S +++++⁵ +++++¹⁰ +++++¹⁵

Q H H H H H¹⁰ H H H H H H H H H H H

$$\begin{array}{r} 63 \\ 19 \\ \hline 3 \overline{) 44} \\ 155 \\ 29 \\ 19 \\ \hline 63 \end{array}$$

PETITION

STATE OF ALABAMA } IN THE CIRCUIT COURT OF
 } BALDWIN COUNTY, ALABAMA.
VS. } LAW SIDE. NO. _____
MARY LEE PEOPLES, DEFENDANT }

Now comes Frank G. Horne, one of the attorneys for the defendant in the above styled cause, and files this her petition to the presiding Judge of the Twenty-eighth Judicial Circuit of Alabama, and thereon says as follows:-

That the defendant, Mary Lee Peoples, is charged by indictment in the Circuit Court of Baldwin County, Alabama, with an offense, said indictment being substantially in words and figures as follows:

"Mary Lee Peoples, whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, killed Raphael Peoples, by shooting him with a rifle, against the peace and dignity of the State of Alabama."

That the defendant is charged with Murder in the First Degree, that the defendant is imprisoned in one of the State penal institutions or penitentiaries in which prisoners serve time for crimes of which they are convicted. That the said Mary Lee Peoples, by whatever name she be called or known, besides being the defendant in this cause is a material witness for herself in the case now pending against her in the Circuit Court of Baldwin County, Alabama.

NOW, THEREFORE, your petitioner prays that your Honor will issue a writ directed to the Director of the Department of Corrections and Institutions that he have the said Mary Lee Peoples, by whatever name she be known, at the Courthouse at Bay Minette, Alabama, on the 28th day of February, 1951, at 10:00 A. M. then and there to give her testimony in the case against

the defendant, herself, there pending and then set.

MARY LEE PEOPLES

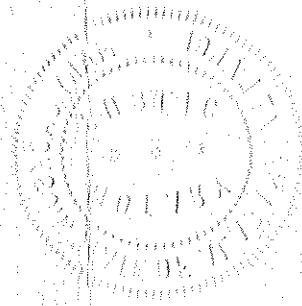
By: Frank G. Horne
Frank G. Horne, one of her attorneys.

STATE OF ALABAMA

ESCAMBIA COUNTY

Before me, the undersigned authority in and for the State and County, personally appeared Frank G. Horne who is known to me, and who being by me first duly sworn doth depose and say as follows: That he is one of the attorneys of record for the defendant, Mary Lee Peoples, and that he is informed and believes and upon such information and belief states that the matters set out in the foregoing petition are true and correct.

Mary Jackson
NOTARY PUBLIC
My Commission expires: Nov. 28, 1953.



FILED

FEB 21 1951

ALICE J. DUCK, Clerk

JAN 24 1952

THE STATE OF ALABAMA - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1951-52

1 Div. 463

Mary Lee Peoples

v.

State of Alabama

Appeal from Baldwin Circuit Court

SIMPSON, JUSTICE:

Appeal by Mary Lee Peoples from a sentence of life imprisonment in the penitentiary and the overruling of her motion for a new trial after conviction of murder in the first degree for the killing of Raphael Peoples, an eight-year-old boy, by shooting him with a .22 caliber rifle.

The theory of the State's case was that the defendant, in a fit of anger, struck the deceased with a piece of stove-wood and then, becoming frightened when the child staggered out

of the house into the back yard and fell, she shot him in the back of the head with the rifle. The tendency of the State's evidence is: On February 19, 1950, the defendant was left in charge of the children of her relative, Willie Lee Peoples, the deceased being one of them, at his home near Foley, Alabama; that during the morning the defendant worked some in the nearby house of Mr. C. R. Potts, but making two trips back to the Peoples house to see about the children; thereafter the same morning, Mr. Potts took defendant to town in his car so she could procure some medicine, and soon thereafter brought her back to Willie Lee Peoples' house, whereupon defendant was met at the gate by one of the children, Margaret Ann Peoples, and upon being informed of the death of Raphael, the defendant turned and ran back toward the car screaming, "The hunters have killed Baby Ray," indicating where his body was, which was around the house in the back yard and not visible to the defendant, the inference being, of course, that she knew about his death and where his body was prior to this time. When police officers arrived they found the deceased lying at the place she had indicated in the back yard of the home. There were bruises about his head and a bullet hole in the back of his head. Dr. Grubbs, assistant toxicologist, who qualified as an expert, testified that the bruises were caused by some blunt instrument, but that the cause of death was the gunshot wound; that the bullet which was lodged in the front of deceased's head which caused death was fired from the .22 caliber rifle found in Peoples' house; that the gun had recently been fired, but there were no fingerprints. This evidence sufficiently established the corpus delicti so as to warrant the introduction of the confession of the defendant, which fully sustained the State's theory of guilt.

To make a confession of guilt by the defendant admissible, it is not necessary that there be evidence connecting the defendant with the crime, the requisite being that the evidence show that the deceased died from force unlawfully applied - that is, that death was not the result of natural cause, accident or suicide, but the criminal agency of another. The evidence here sufficiently satisfied this rule. - Johnson v. State, 247 Ala. 271, 24 So. 2d 17; Shelton v. State, 217 Ala. 465, 117 So. 8.

There is likewise no merit in the contention that the confession of the accused was inadmissible as not having been proven to be voluntary. While extrajudicial confessions are prima facie involuntary and inadmissible and the duty rests, in the first instance, on the trial court to determine whether or not a confession is voluntary and unless it so appears, to exclude it, if there is preliminary proof that no threats were made or inducements offered, and the circumstances attending the confession disclose its voluntary character, the court will permit its introduction. - Odom v. State, 253 Ala. 571, 46 So. 2d 1; Logan v. State, 251 Ala. 441, 37 So. 2d 753.

Proper predicate, without objection by the defendant, was laid by the State showing the voluntary character of the confession, which the court ruled admissible. There was nothing in the circumstances of its narration to indicate the contrary and the confession thus having been ruled admissible, the evidence subsequently presented by the defendant tending to prove that the confession was not voluntary went to the jury for their consideration of its probative value. - Lockett v. State, 218 Ala. 40(8), 117 So. 457; Vernon v. State, 239 Ala. 593, 196 So. 96.

The defendant, when examined thereafter, did give evidence to the effect that the confession was extorted from her by

coercive methods but, as stated, the probative effect to be given the confession was for the jury. A defendant may, before confessions are admitted, cross-examine a witness for the State as to their voluntary character and offer outside evidence on voir dire in contradiction of that produced by the State. -

Stone v. State, 208 Ala. 50, 93 So. 706. The defendant, however, chose not to do this and made no motion to exclude the confession. No error, therefore, prevailed in the ruling admitting it.

Likewise, on the whole evidence with respect to the confession, without regard to the failure of defendant to move to exclude it, there is nothing to show that the ruling admitting it was manifestly wrong or that defendant's rights under the Fourteenth Amendment to the Federal Constitution were infringed, resulting that said ruling will be here affirmed. - Phillips v. State, 248 Ala. 510, 28 So. 2d 542.

One serious contention advanced in argument for a reversal is with reference to evidence of flight. The State introduced evidence tending to show flight and, of course, it was permissible for the defendant to introduce evidence to explain that flight. - Goforth v. State, 183 Ala. 66, 63 So. 8; Gilbert v. State, 20 Ala. App. 28, 100 So. 566. In explanation of this, defendant's counsel on direct examination propounded to her the following question, objection to which was sustained: "Why had you gone to Fritchard?" This question was objectionable as calling for testimony of the undisclosed state of mind or the secret intent or undisclosed purpose of the witness and under our authorities such evidence was inadmissible, though this view is said to be against the weight of authority. - McGuff v. State, 248 Ala. 259, 27 So. 2d 241.

The defendant, of course, may introduce any facts which shed light on his motive in leaving the community, but our rule inhibits testimony as to the undisclosed operation of his mind.

The Goforth Case properly states the rule:

" . . . The question as to why the defendant left the community and remained away from it becomes a question for the jury, and so, when the state offers the fact of the defendant's flight from the community in evidence, the law allows both the state and the defendant to show all those things which the defendant said and did when he left, and while away from the community, which tend to explain the quo animo of the flight . . .

" . . . The evidence which he may lawfully offer on this subject is evidence connected with his flight, and explaining the character of the flight. In other words, when the state, in a criminal case, offers evidence tending to show flight on the part of the defendant, then the acts and words of the defendant which are so connected with the flight as to give character to it, and to really give color to it, are parts of the res gestae of the flight, and are admissible as such. . . In this connection the manner in which the defendant left the community - whether openly or secretly, whether in a usual or in an unusual manner, and whether at a usual or an unusual time - are all matters which may go before the jury as tending to illustrate the character of the flight. . ."
(183 Ala., 68-70)

It thus appears that the testimony sought to be elicited by the question was inadmissible and the objection was properly sustained.

We have scanned the record for errors, as is our duty, but have discovered none prejudicial to the substantial rights of the defendant. The verdict was well supported by the evidence and we likewise see no error in the action of the trial court in overruling the motion for a new trial.

Affirmed.

Livingston, C. J., Foster and Goodwyn, JJ., concur.

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

1 Div., No. 463

Mary Lee Peoples, Appellant,

vs.

State of Alabama, Appellee,

From Baldwin Circuit Court.

The State of Alabama, }
City and County of Montgomery, }

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages, numbered from one to 5 inclusive, contain a full, true and correct copy of the opinion of said Supreme Court in the above stated cause, as the same appears and remains of record and on file in this office.

Witness, J. Render Thomas, Clerk of the Supreme
Court of Alabama, this the 24th day of

January, 1952

J. Render Thomas
Clerk of the Supreme Court of Alabama.

THE SUPREME COURT OF ALABAMA

October Term, 1951-52

1 Div., No. 463

Mary Lee Peoples

Appellant,

vs.

State of Alabama

Appellee.

From Baldwin Circuit Court.

COPY OF OPINION

BROWN PRINTING CO., MONTGOMERY 1950

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19 51-52

To the Clerk of the Circuit Court, Baldwin County—Greeting:

Whereas, the Record and Proceedings of the Circuit Court of said county, in a certain cause lately pending in said Court between

Mary Lee Peoples, Appellant,

and

THE STATE OF ALABAMA, Appellee,

wherein by said Court it was considered adversely to said appellant, were brought before our Supreme Court, by appeal taken, pursuant to law, on behalf of said appellant:

NOW, IT IS HEREBY CERTIFIED, That it was thereupon considered, ordered, and adjudged by our Supreme Court, on the 24th day of January, 1952, that said

Judgment of said Circuit Court be in all things affirmed, and that it was further considered, ordered, and adjudged that the appellant, ~~and~~

Mary Lee Peoples, pay - - - - -

the costs accruing on said appeal in this Court and in the Court below, for which costs let execution issue.

Witness, J. Render Thomas, Clerk of the Supreme Court of Alabama, at the Judicial Department Building, this the 24th day of

January, 1952.

J. Render Thomas, Clerk of the Supreme Court of Alabama.

No. 1214

THE SUPREME COURT OF ALABAMA

October Term, 19 51-52

1st Div., No. 463

Mary Lee Peoples

Appellant,

vs.

THE STATE OF ALABAMA

Appellee.

From Baldwin Circuit Court.

CERTIFICATE OF AFFIRMANCE

The State of Alabama, }
Baldwin County. } Filed

this 25th day of January 1952

W. J. Rouse

NOTICE OF APPEAL

THE STATE OF ALABAMA :
BALDWIN COUNTY. : IN THE CIRCUIT COURT OF BALDWIN
: COUNTY, ALABAMA.

THE STATE OF ALABAMA

Vs.

MARY LEE PEOPLES
DEFENDANT.

Comes the defendant in the abovestyled cause and gives notice of appeal from the judgment of the Circuit Court rendered on the 29th day of November, 1950, and also from the judgment of said Court overruling her motion for a new trial entered on the 23rd day of March, 1951, to the Supreme Court of Alabama.

Robert M. Brantley
Frank G. Stone

ATTORNEYS FOR THE DEFENDANT

FILED THIS 24th day of May, 1951.

Arice J. Leuck
CLERK OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

no 1714

Mary Lee Peoples

RECORDS SECTION, DISTRICT COURT,
CITY OF NEW YORK, COUNTY OF NEW YORK
FILE NO. 100-10000-10000
RECORDED AND INDEXED
MAY 15 1921

Mary Lee Peoples

RECORDED AND INDEXED

FILE NO. 100-10000-10000
RECORDED AND INDEXED
MAY 15 1921

RECORDED AND INDEXED
MAY 15 1921

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MAY 15 1921

RECORDED AND INDEXED

ORDER

STATE OF ALABAMA, PROSECUTOR	X	IN THE CIRCUIT COURT OF
VS.	X	BALDWIN COUNTY, ALABAMA.
MARY LEE PEOPLES, DEFENDANT	X	LAW SIDE. NO. _____.

TO MRS. ALICE DUCK, CLERK OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

A sworn petition having been presented to me by Frank G. Horne, one of the attorneys for the defendant, Mary Lee Peoples, and it appearing that Mary Lee Peoples who is now confined in one of the state penitentiaries, is a material witness for and in behalf of herself on her motion for new trial, and that her testimony will be material and beneficial to her cause.

This is to order that you issue forthwith a writ directed to Honorable _____, Director of the Department of Corrections and Institutions, to have the said convict, Mary Lee Peoples, by whatever name she be known, before the Court at Bay Minette, Alabama, on the 28th day of February, 1951, at 10:00 A. M. then and there to give evidence in the cause now pending wherein Mary Lee Peoples is the defendant.

Dated this 21st day of February, 1951.

Jelfair J. Madlibury Jr.
CIRCUIT JUDGE

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CLERK

FEB 21 1951
ALICE J. DICK, Clerk

THE STATE OF ALABAMA,

CIRCUIT COURT

BALDWIN COUNTY

Sub No. _____

Case No. 1214

Term Spring, 194 50

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon H. F. Hall, Taylor Wilkins, Dr. Nelson, ~~Brooks~~

Ed Leigh Steadham, ~~Eugene Underwood, Thomas Mills,~~ R. C. Potts, Mrs. R. P. Potts

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 12th day of April, 194 50, at 9:00 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 Mary Lee Peoples

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

Witness my hand this 1st day of April A. D. 194 50 Mrs R. S. DUCK, Clerk.

Received in office 4-3, 1950

Executed this 4-4, 1950

By _____

_____ Sheriff

Edley & Steadman

ORIGINAL

For _____

No. 1214 Page _____

The State of Alabama,
Baldwin County.

CIRCUIT COURT

THE STATE
Vs.

Mary Lee Peoples

STATE SUBPOENA

Issued this _____ 1st day of

April, 19450

_____ Clerk.

THE STATE OF ALABAMA,
Baldwin County.

} Circuit Court, SPRING Session, 194 50

The Grand Jury of said County charge that before finding this indictment
Mary Lee Peoples, whose name is to the Grand Jury otherwise unknown, unlaw-
fully, and with malice aforethought, killed Raphel Peoples, by shooting him
with a rifle,

against the peace and dignity of the State of Alabama.

Kenneth Cooper
Solicitor of the Twenty-Eighth Judicial Circuit.

RECORDED

No.

RECORDED

THE STATE OF ALABAMA,

BALDWIN COUNTY

Circuit Court

Spring Session 1950 ~~Term 104x~~

THE STATE

Vs.

MARY LEE PEOPLES

INDICTMENT

MURDER, 1st DEGREE

No Prosecutor.

WITNESSES:

H.F. HALL

DR. NELSON GRUBBS

EDLEIGH STEEDHAM

TAYLOR WILKINS

R.C. POTTS

MRS R.C. POTTS

THOMAS MILLS

GRAND JURY NO. 38

A TRUE BILL

J. P. Truby
Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the *29th* day of

MARCH 1950, ~~CIVIL~~

Miss J. Rensch, Clerk.

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

the presence of *17* other Grand Jurors.

Miss J. Rensch
Clerk.

Bail fixed \$*2500.00*

J. Fair J. Masbury
Judge.

*We, the jury, find the
defendant guilty as
charged in this indictment
and fix the penalty at
life imprisonment in
the State Penitentiary
C. W. Parrish, Foreman.*

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

Sub No. _____

Case No. 1214

Term Spring, 1947

To Any Sheriff of the State of Alabama:

You are hereby commanded to Summon W. Nelson Grubbs

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 12th day of April, 1947, at 9:00 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 Mary Lee Peoples

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

Witness my hand this 1st day of April A. D. 1947 [Signature] R. S. DUCK, Clerk.

Received in office ✓ 1945

Executed this 6th April, 1945

By M. B. ...

711
Mobile 361
R

ORIGINAL

For _____

No. 17-14 Page _____

The State of Alabama,
Baldwin County.

CIRCUIT COURT

THE STATE
Vs.

Mary Lee Peoples

STATE SUBPOENA

Issued this _____, at _____ day of

April, 1945

W. J. ...
Clerk.

Sheriff

DR Nelson ...

THE STATE OF ALABAMA }
Baldwin County }

We, Mary Lee Peoples, as principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of _____

Twenty-Five Hundred _____ DOLLARS

unless the said Mary Lee Peoples appear at the

next Term, 1950 of the 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 _____, 19_____

_____, Baldwin County, Ala.

MARY LEE PEOPLES
E. C. Carter (Seal)
D. K. Carter (Seal)

_____ (Seal)

Taken and approved this the 19

day of March

1950

J. J. Williams, Sheriff
By _____, Deputy Sheriff

This is a good and sufficient bond and if presented to me in my county I would accept same.

77 Fountain
By R. A. [unclear]
[unclear]

RECORDED

No. -----

THE STATE OF ALABAMA
BALDWIN COUNTY

COURT

SHERIFF'S OFFICE

THE STATE

VS.

Sheriff's Appearance Bond

Amount of Bond, \$-----

Filed -----, 19--

Clerk

AFFIDAVIT

Printed by Moore Printing Co.

STATE OF ALABAMA,
BALDWIN COUNTY.

In the Justice Court of T. C. HAND

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

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 19 Feb. 1950 that one Mary Lee Peoples
Unlawfully and with malice aforethought killed
Raphael Peoples by shooting him with a 22
rupe.

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

Sworn to and subscribed before me this 20
day of Feb, A. D. 1950
P. S. Land, J. P.

H. F. Hall

WARRANT

STATE OF ALABAMA,
BALDWIN COUNTY.

To any lawful officer of said County, Greetings:

You are hereby commanded to arrest Mary Lee Peoples
and bring her

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 20 day of Feb, 1950
P. S. Land, J. P.

RECORDED

No. 96 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

JUSTICE COURT OF
T. C. HAND

AFFIDAVIT

THE STATE OF ALABAMA,
vs.

Mary Lee Peoples

WITNESSES FOR THE STATE:

H. F. Hall
Taylor Wilkins
Dr. Nelson Grubb
David Jaze
Edleigh Steadham
Eugene Underwood
Thomas Mills
R. C. Potts
Mr. R. C. Potts

Justice Court of
Baldwin County

WARRANT OF ARREST

The State of Alabama
vs.

Mary Lee Peoples

Executed this 20 day of Feb 1950

By arresting the within

named Defendant

and placing him in jail

Taylor Wilkins, Sheriff

Jay Hall, Deputy Sheriff

6 am. N. W. Mobile
80 miles

THE STATE OF ALABAMA,
Baldwin County }

No. 38

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon

W. I. Hall

Jayson Wilkins

Edw. Steadburn

Eugene Underwood

Thomas Mills

R. C. Potts

Mrs. R. C. Potts

to be and appear on the 25th day of March, 1940, 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 21st day of March A. D., 1940

Wm. J. ...

Clerk.

Talley

ORIGINAL

✓

No. 38

GRAND JURY SUBPOENA

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

By serving in full

[Empty lines for listing names]

this 24 day of March, 1950

Taylor Wilkins, Sheriff

N. T. Hall

T. C. HAND

JUSTICE OF THE PEACE
PRECINCT 4

Bay Minette, Ala.

R.C. Betts:

17 March 1950.

As a witness in the Mary Lee Propler
Case the State witness traveled 72 miles @
5¢ per mile \$3.60 plus witness fee.

Shabone mileage is correct and just
@ 5¢.

THE STATE OF ALABAMA
BALDWIN COUNTY

JUSTICE COURT OF T. C. HAND R.C. Potts.
Precinct 4, Bay Minette, Ala. *Mr. R.C. Potts*

To Any Sheriff of the State of Alabama:

You Are Hereby Commanded to Summon

H.F. Hall, J. G. Williams, Dr. Johnson, G. G. Gaddy
David J. J. J., Edleigh Statham, Eugene Underwood, Homer Mills

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

17 day of *March*, 19*50*, 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 *Mary Lee Peoples*

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

Witness my hand this *1* day of *March*, A. D. 19*50*

R.C. Potts

Justice of the Peace, Precinct No. 4

Executed in full, this the

16 March day of

1950

Executed in full

Taylor Wilbur

Sheriff.

R. M. Steadham

Deputy Sheriff.

PETITION

STATE OF ALABAMA	I	IN THE CIRCUIT COURT OF
VS.	I	BALDWIN COUNTY, ALABAMA.
MARY LEE PEOPLES, DEFENDANT	I	LAW SIDE. NO. _____.

Now comes Frank G. Horne, one of the attorneys for the defendant in the above styled cause, and files this her petition to the presiding Judge of the Twenty-eighth Judicial Circuit of Alabama, and thereon says as follows:-

That the defendant, Mary Lee Peoples, is charged by indictment in the Circuit Court of Baldwin County, Alabama, with an offense, said indictment being substantially in words and figures as follows:

"Mary Lee Peoples, whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, killed Raphael Peoples, by shooting him with a rifle, against the peace and dignity of the State of Alabama."

That the defendant is charged with Murder in the First Degree, that the defendant is imprisoned in one of the State penal institutions or penitentiaries in which prisoners serve time for crimes of which they are convicted. That the said Mary Lee Peoples, by whatever name she be called or known, besides being the defendant in this cause is a material witness for herself in the case now pending against her in the Circuit Court of Baldwin County, Alabama.

NOW, THEREFORE, your petitioner prays that your Honor will issue a writ directed to the Director of the Department of Corrections and Institutions that he have the said Mary Lee Peoples, by whatever name she be known, at the Courthouse at Bay Minette, Alabama, on the 28th day of February, 1951, at 10:00 A. M. then and there to give her testimony in the case against

the defendant, herself, there pending and then set.

MARY LEE PEOPLES

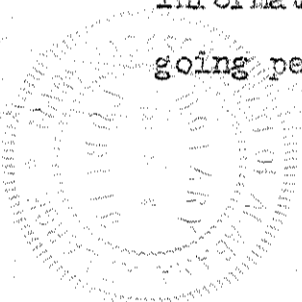
By: *Frank G. Horne*
Frank G. Horne, one of her attorneys.

STATE OF ALABAMA

ESCAMBIA COUNTY

Before me, the undersigned authority in and for the State and County, personally appeared Frank G. Horne who is known to me, and who being by me first duly sworn doth depose and say as follows: That he is one of the attorneys of record for the defendant, Mary Lee Peoples, and that he is informed and believes and upon such information and belief states that the matters set out in the foregoing petition are true and correct.

Mary Jackson
NOTARY PUBLIC
My Commission expires: Nov. 28, 1953.



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

ATTORNEYS	CASE	CHARGE
<i>Kenneth Cooper</i>	THE STATE OF ALABAMA	
No. <i>946</i>	Vs.	
<i>Frank H. Stone</i>	<i>Mary Lee Peoples</i>	<i>Murder</i>

DISPOSITION OF CASE	FEE	AMOUNT
Affidavit made and Warrant Issued to <i>H. F. Hall</i>	JUDGE'S FEES	
Returnable <i>Grand Jury</i>	Warrant at 50c, Affidavit at 25c	<i>75</i>
Witness—For State <i>H. F. Hall</i>	Bond at 50c, Sci. Fa. at 50c	<i>50</i>
<i>Jayson Wilkins</i>	Witnesses' Recognizances at 25c	
<i>Dr. Nelson Krubbs</i>	Subpoena or Notice at 25c	<i>2.75</i>
<i>Ebleigh Steadman</i>	Continuance at 25c	
<i>Ernest Underwood</i>	Trial of Misdemeanor at \$1.00	
<i>Thomas Mills</i>	Mittimus at 25c	<i>25</i>
<i>R. C. Potts</i>	Judgment on Forfeited Bond at 25c	
<i>Mrs. R. C. Potts</i>	Taking Bond, etc., on Appeal at \$1.00	
	Execution of costs at 25c	<i>75</i>
	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>4.00</i>
	Committing, \$1.00; Releasing, \$1.00	<i>2.10</i>
	Subpoenas at 25c; Day's Board at 30c	<i>4.50</i>
	WITNESS FEES	<i>8.00</i>
	Days at 50c	<i>50</i>
	" 50c	<i>50</i>
	" 50c	<i>50</i>
	" 50c	<i>50</i>
	" 50c	<i>50</i>
	" 50c	<i>50</i>
	" 50c	<i>50</i>
	" 50c	<i>50</i>
	" 50c	<i>50</i>
	DEFENDANT'S COSTS	<i>50</i>
	Witnesses' Recognizance at 25c	
	Subpoenas at 25c	
	Executing Subpoenas	

17 March 50.

def appeared before me with attorney which requested that hearing be waived to Grand Jury. Bond was set at \$2,500. def being unable to make bond was ordered committed to jail.

19 Mar 50

def posted bond acceptable to Court.

W. H. ...

1214