(278)

357

THE STATE OF ALABAMA
BALDWIN COUNTY

JUSTICE COURT OF T. C. HAND
Precinct 4, Bay Minette, Ala.

To Any Sheriff of the State of Alabama:
You Are Hereby Commanded to Summon Ida Davis, Orlando Barner, Taylor Wilkins, H. F. Hall

personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the 25 day of Sept 1970, 19____, 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 Leroy Davis

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

Witness my hand this 18 day of Sept., A. D. 19 70

T. C. Hand
Justice of the Peace, Precinct No. 4

Executed in full, this the

15 day of

Sept, 1950

Taylor Williams
Sheriff.

W F Wall
Deputy Sheriff.

Moore Printing Co.

GRAND JURY SUBPOENA — ORIGINAL

THE STATE OF ALABAMA,
Baldwin County

No. 51

TO Any Sheriff of the State of Alabama — Greetings:

You are hereby commanded to summon Ida Davis
Orlando Barnes
Taylor Wilkins
H. F. Hall

to be and appear on the 1st day of November 1950 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 10th day of Oct A. D., 1950

Alice J. Quick Clerk.

√

ORIGINAL

No. 57

GRAND JURY SUBPOENA

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

Dola Davis √
Rolando Barnes
Taylor Wilkins √
W. T. Wolf √

this 14 day of Oct 1950

Taylor Wilkins, Sheriff

W T Wolf

Sheriff's Account for Removal of Prisoner.

State of Alabama, Dr.

To Taylor Wilkins

Sheriff of Baldwin County,

For removal of Leroy Davis

from Harrison County to jail in Baldwin County

Date or dates of removal, Sept. 16 1950

To Taylor Wilkins Sheriff, 1 days, at $3.00 per day,				$ 3	00
To Gauard, days, at $2.00 per day,					
DATE		TO WHOM PAID	FOR WHAT PAID		
Sept.	16	Mileage for Sheriff's car at 5¢ per mile to			
		Biloxi, Mississippi and return, 186 miles		9	30
				12	30

The State of Alabama, Baldwin County } I, Alice J. Duck Clerk of the Circuit Court in and for said County, do hereby certify that the case against Leroy Davis was pending in and triable before said Circuit Court at the time he was arrested for the offense charged, and that the fees have been reported to and docketed by me this _____ day of _____ 19____.

_____ Clerk.

The State of Alabama, Baldwin County } Personally appeared before me, Taylor Wilkins _____ Sheriff of Baldwin County, who, being duly sworn, says the above account for the sum of $12.30 Dollars is correct; that he has never received the same or any part thereof; that he had no. guard .. employed; that said account embraces, aside from per diem for self or deputy and guard, only actual necessary traveling expenses, and that without any unnecessary delay the nearest route usually traveled was followed from Baldwin County to the jail in Harrison, Miss. County.

_____ Sheriff.

Sworn to and subscribed before me this 17 day of August 19 51.

_____ Judge of Probate.

Mr. _____ of _____ is hereby authorized to receipt for the Auditor's Warrant in payment of this account, and collect the same from the State Treasurer.

_____ Sheriff.

AUDITOR'S OFFICE, Montgomery, Ala., _____ 19____

Received the Auditor's Warrant on the State Treasurer in full payment of the above account.

_____

1278

State of Alabama,

_____ County.

SHERIFF'S ACCOUNT
FOR

Removal of Prisoner

Leroy Davis

Moore Printing Co. :::: Bay Minette, Ala.

STATE OF ALABAMA	)	IN THE CIRCUIT COURT
	)	OF
VERSUS	)	BALDWIN COUNTY,
LEROY DAVIS,	)	ALABAMA.
Defendant.	)	

Comes the defendant by attorney, and for plea says:

The State ought not further to prosecute this indictment against him because:

1. The indictment is an attempt to charge the defendant with burglary in the first degree, yet there is not a sufficient description of the dwelling house which the defendant is alleged to have entered.

2. The indictment charges that the defendant entered a dwelling house in which "Ida Davis" was lodging. The defendant says that the name "Ida Davis" does not sufficiently identify the person there residing, and the defendant stands ready to verify that "Ida Davis" is the name of the defendant's own wife, who is and was before the finding of the indictment lodging in the defendant's own home, and that therefore the defendant is not sufficiently apprised of what he is to defend.

3. For if the indictment were not quashed, and the defendant were acquitted on a trial of the merits of the case, he could be put in jeopardy a second time for the same offense, or a second time punished for the same cause. The dwelling in which the defendant is alleged to have entered is not sufficiently identified to protect the defendant from such double jeopardy.

And this the defendant is ready to verify, and prays judgment that he be discharged.

William R. Fauver
ATTORNEY FOR DEFENDANT.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, a Notary Public in and for said county in said State, personally appeared LEROY DAVIS, who being by me first duly sworn thereto, deposes and says that he is the defendant in the above cause, that the facts alleged in the above plea are true and correct to the best of his knowledge and belief.

_____.
AFFIANT.

Sworn to and subscribed before me this 25th day of November, 1950.

_____.
Notary Public, Baldwin Co., Ala.

STATE OF ALABAMA	)	IN THE CIRCUIT COURT
	)	OF
VERSUS	)	BALDWIN COUNTY,
LEROY DAVIS,	)	ALABAMA.
Defendant.	)	

Comes the defendant by attorney, and for plea says:

The State ought not further to prosecute this indictment against him because:

1. The indictment is an attempt to charge the defendant with burglary in the first degree, yet there is not a sufficient description of the dwelling house which the defendant is alleged to have entered.

2. The indictment charges that the defendant entered a dwelling house in which "Ida Davis" was lodging. The defendant says that the name "Ida Davis" does not sufficiently identify the person there residing, and the defendant stands ready to verify that "Ida Davis" is the name of the defendant's own wife, who is and was before the finding of the indictment lodging in the defendant's own home, and that therefore the defendant is not sufficiently apprised of what he is to defend.

3. For if the indictment were not quashed, and the defendant were acquitted on a trial of the merits of the case, he could be put in jeopardy a second time for the same offense, or a second time punished for the same cause. The dwelling in which the defendant is alleged to have entered is not sufficiently identified to protect the defendant from such double jeopardy.

And this the defendant is ready to verify, and prays judgment that he be discharged.

William R. Lanier
ATTORNEY FOR DEFENDANT.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, a Notary Public in and for said county in said State, personally appeared LEROY DAVIS, who being by me first duly sworn thereto, deposes and says that he is the defendant in the above cause, that the facts alleged in the above plea are true and correct to the best of his knowledge and belief.

Leroy His X mark Davis.
AFFIANT.

Sworn to and subscribed before me this 25th day of November, 1950.

Ora S. Nelson
Notary Public, ~~Baldwin Co.~~ Ala. at Large

Filed; November 25, 1950

Delfain J. Middlebrooks, Jr.
Judge.

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 9 Sept 1950 that one Leroy Davis did in the night time with intent to steal break into and enter an inhabited dwelling which was occupied by Dal Davis a person lodging therein and carried away one radio Kodak 20 bunge single barrel shot gun.

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 15 day of Sept A. D., 1950

T. C. Hand, 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 Leroy Davis and bring him before me Bradley to answer the State of Alabama on a charge

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

Witness my hand this 15 day of Sept, 1950

T. C. Hand, J. P.

RECORDED

No. 257 Page

THE STATE OF ALABAMA
Baldwin County.

JUSTICE COURT OF
T. C. HAND

AFFIDAVIT

THE STATE OF ALABAMA,
vs.

Leroy Davis

Witnesses for the State:

Odas Davis
Orlando Barnes
Taylor Wilkins
H. F. Hall

Moore Printing Co.,

Justice Court of
Baldwin County

WARRANT of ARREST

The State of Alabama,
vs.

Leroy Davis

Executed this 17 day of Sept 1950

By arresting the within

named Defendant

Leroy Davis

and placing him

In Jail

Taylor Wilkins, Sheriff

, Deputy Sheriff

0 mi

INDICTMENT

Baldwin Times - 600 - 6 - 50

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court, FALL Session, 1950

The Grand Jury of said County charge that before finding this indictment Leroy Davis, whose name is to the Grand Jury otherwise unknown, did, in the nighttime, with intent to steal, break into and enter an inhabited dwelling, which was occupied by Ida Davis, a person lodged therein,

against the peace and dignity of the State of Alabama.

Kenneth Cooper
Solicitor of the Twenty-Eighth Judicial Circuit.

RECORDED

No. .....

THE STATE OF ALABAMA,

BALDWIN COUNTY

Circuit Court

FALL SESSION ~~Xxxx~~ Term, 1950

THE STATE

Vs.

LEROY DAVIS

INDICTMENT

BURGLARY, 1st DEGREE

No. Prosecutor.

WITNESSES:

IDA DAVIS

ORLANDO BARNES

H.F. HALL

TAYLOR WILKINS

GRAND JURY NO. 51

A TRUE BILL

Paul Pelletier

Foreman Grand Jury.

Filed in open Court and in the presence of the Grand Jury on the 6th day of Nov, 1950.

Alvis Johnson, Clerk.

Presented in open Court to the presiding Judge by the Foreman of the Grand Jury, in the presence of 17 other Grand Jurors.

Alvis Johnson

Clerk.

Bail fixed $ 5000.00

Telfair J. Middleburg Jr.

Judge.

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

ATTORNEYS	CASE	CHARGE
No. 1357	THE STATE OF ALABAMA Vs. Leroy Lewis	Burglary.

	DISPOSITION OF CASE
	Affidavit made and Warrant Issued to H. F. Hall
	Returnable Grand Jury.
	Witness—For State Ike Davis
	Orlando Farmer
	Taylor Wilkins
	H. F. Hall.
25 Sept 50	Def. was brought before me and requested leaving be bond to Grand Jury. Bond was set at $750.00.
	def. being unable to give bond was ordered committed to jail.
	H. F. Hall Justice of Peace

FEES	AMOUNT
JUDGE'S FEES	
Warrant at 50c, Affidavit at 25c	75
Bond at 50c, Sci. Fa. at 50c	
Witnesses' Recognizances at 25c	
4 Subpoena or Notice at 25c	100
Continuance at 25c	
Trial of Misdemeanor at $1.00	
Mittimus at 25c	25
Judgment on Forfeited Bond at 25c	
Taking Bond, etc., on Appeal at $1.00	
Execution of costs at 25c	
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, ~~$1.00~~; Bond $1.00; Sci. Fa. 50c	2.00
Committing, ~~$1.00~~; ~~Releasing, $1.00~~ Feeding Prisoner	2.10
4 Subpoenas at ~~25c~~ Day's Board at 30c	2.00
WITNESS FEES	
Days at 50c	50
" 50c	50
" 50c	50
" 50c	50
" 50c	
" 50c	
" 50c	
" 50c	
DEFENDANT'S COSTS	
Witnesses' Recognizance at 25c	
Subpoenas at 25c	
Executing Subpoenas	

1278