

1915

The State of Alabama, }
Baldwin County.

(1475)

CIRCUIT COURT

Fall Session

Term, 1952

On Appeal from County Court.

THE STATE vs. DENNY ROY ARD

The State of Alabama, by its Solicitor, complains of Denny Roy Ard, whose name is to
your informant otherwise unknown, that
in said county and within twelve months before the commencement of this prosecution he did
unlawfully take or decoy away Mary Alice Beutner, a child, with intent to detain
or conceal the said Mary Alice Beutner from her parents,

contrary to law and against the peace and dignity of the State of Alabama.

William R. Fenton

Solicitor.

Use the jury find
the defendant Not
Guilty as charged.

Ernest A. Clark
Foreman

No. 1175

STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT

THE STATE
vs.

DENNY ROY ARD

CHARGE:

Decoying away child

COMPLAINT

Filed

11-4

19 52

Annie L. French
Clerk

NOTICE OF APPEAL

STATE OF ALABAMA

X

IN THE COUNTY COURT OF

VS.

X

BALDWIN COUNTY, ALABAMA.

DENNY ROY ARD, DEFENDANT


X

CASE NO. _____.

Comes now the Defendant, Denny Roy Ard, in the above styled cause and files this his notice of appeal from the verdict and judgment heretofore found and rendered against him on, to-wit: the 8th day of September, 1952, by the Honorable W. R. Stuart, Judge of said Court.


Attorney for Defendant

The Defendant, Denny Roy Ard, demands a trial by jury.


Attorney for Defendant

Henry, Ard

Filed 9-9-52
Derek H. H. H.
Clerk

1475

DEFENDANT'S REQUESTED CHARGE
NUMBER 3

Given
Julius J. Madlebun, Jr.

THE COURT CHARGES THE JURY THAT THE BURDEN IS UPON THE
STATE, AND IS THE DUTY OF THE STATE, TO SHOW, BEYOND ALL
REASONABLE DOUBT, AND TO THE EXCLUSION OF EVERY REASONABLE
HYPOTHESIS, EVERY CIRCUMSTANCE NECESSARY TO SHOW THAT THE
DEFENDANT IS GUILTY; AND, UNLESS THE STATE HAS DONE THAT
IN THIS CASE, IT IS YOUR DUTY, TO RENDER A VERDICT OF
"NOT GUILTY."

1475
DEFENDANT'S REQUESTED CHARGE
NUMBER 4.

given
Jeffrey J. Marshall Jr.

THE COURT CHARGES THE JURY THAT THE LEGAL PRESUMPTION
OF INNOCENCE IS TO BE REGARDED BY THE JURY IN EVERY CASE AS
A MATTER OF EVIDENCE, TO THE BENEFIT OF WHICH THE ACCUSED
IS ENTITLED; AND, AS A MATTER OF EVIDENCE, IT ATTENDS THE
ACCUSED UNTIL HIS GUILT IS, BY THE EVIDENCE, PLACED BEYOND
A REASONABLE DOUBT.

1475
DEFENDANT'S REQUESTED CHARGE
NUMBER 5

given
Suffice J. Madbury, Jr.
Judge.

THE COURT CHARGES THE JURY THAT THE INNOCENCE OF THE
DEFENDANT IS PRESUMED UNTIL HIS GUILT IS ESTABLISHED BY THE
EVIDENCE IN ALL THE MATERIAL ASPECTS OF THE CASE BEYOND A
REASONABLE DOUBT, TO A MORAL CERTAINTY, AND IT MAY ALSO BE
SAID THAT EVIDENCE OF GUILT MUST BE STRONG AND COGENT, AND,
UNLESS IT IS SO STRONG AND COGENT AS TO SHOW THAT DEFENDANT
IS GUILTY TO A MORAL CERTAINTY, DEFENDANT SHOULD BE ACQUITTED.

1475

Refused
Telfair J. Madaleno, Jr.

DEFENDANT'S REQUESTED CHARGE
NUMBER: 6

THE COURT CHARGES THE JURY THAT IF YOU BELIEVE THE
EVIDENCE IN THIS CASE IT IS YOUR DUTY TO ACQUIT THE
DEFENDANT.

1475
DEFENDANT'S REQUESTED CHARGE
NUMBER: 7

Siven
Jeffrey M. Maslbury, Jr.

THE COURT CHARGES THE JURY THAT IF THERE IS ONE
SINGLE FACT PROVED TO THE SATISFACTION OF THE JURY WHICH IS
INCONSISTENT WITH THE DEFENDANT'S GUILT, THIS IS SUFFICIENT
TO RAISE A REASONABLE DOUBT, AND THE JURY SHOULD ACQUIT HIM.

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DEFENDANT'S REQUESTED CHARGE
NUMBER: 8

given
Alfred J. Maslowski, Jr.
Judge

THE COURT CHARGES THE JURY THAT BEFORE THEY SHOULD
CONVICT THE DEFENDANT THE HYPOTHESIS OF HIS GUILT SHOULD FLOW
NATURALLY FROM THE FACTS PROVED, AND BE CONSISTENT WITH THEM
ALL.

1475

DEFENDANT'S REQUESTED CHARGE
NUMBER: 9

Given
Jeffrey J. Maddebery, Jr.

THE COURT CHARGES THE JURY THAT IN WEIGHING THE EVIDENCE
EACH PIECE AND ALL OF THE EVIDENCE SHOULD BE WEIGHED WITH ALL
THE OTHER EVIDENCE; AND YOU SHOULD MAKE UP YOUR VERDICT FROM
DUE CONSIDERATION OF THE WHOLE EVIDENCE. IF THE JURY, AFTER
CONSIDERING THE EVIDENCE, HAVE A REASONABLE DOUBT OF THE
DEFENDANT'S GUILT ARISING OUT OF ANY PART OF THE EVIDENCE
THEY SHOULD FIND HIM NOT GUILTY.

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DEFENDANT'S REQUESTED CHARGE
NUMBER 10

THE COURT CHARGES THE JURY THAT THE DEFENDANT ENTERS
INTO THIS TRIAL WITH A PRESUMPTION OF INNOCENCE, AND THIS
IS A FACT IN THE CASE WHICH MUST BE CONSIDERED WITH ALL THE
EVIDENCE, AND SHOULD NOT BE DISREGARDED.

Given

Jeffrey J. Marlbury, Jr.

1475

DEFENDANT'S REQUESTED CHARGE
NUMBER 11.

Sweeney
Jeffrey Y. Madlbaum, Jr.

THE COURT CHARGES THE JURY THAT BEFORE A CONVICTION
CAN BE HAD UPON A CHARGE OF THIS CHARACTER, IT MUST
AFFIRMATIVELY APPEAR FROM THE EVIDENCE - THAT IS TO SAY,
IT MUST BE SHOWN BY THE EVIDENCE BEYOND A REASONABLE DOUBT
AND TO A MORAL CERTAINTY - THAT THIS DEFENDANT HAD THE
INTENT TO UNLAWFULLY TAKE OR DECOY AWAY MARY ALICE BUETNER
WITH INTENT TO DETAIN OR CONCEAL THE SAID CHILD FROM ITS
PARENTS.

1475
DEFENDANT'S
REQUESTED CHARGE -
NUMBER 1

THE COURT CHARGES THE JURY THAT IF THE DEFENDANT BELIEVED THE GIRL
MARY ALICE BUETNER. WAS DRIVEN OR IMPELLED TO LEAVE HOME
ON ACCOUNT OF THE BEATINGS GIVEN HER BY HER PARENTS, THEN THIS DEFENDANT
WOULD NOT BE GUILTY UNDER THIS STATUTE.

~~refused to sign~~
Jefair J. Madhury, Jr.

1475
DEFENDANT'S REQUESTED CHARGE
NUMBER 2.

~~Refused~~
Jefair J. Washburn, Jr.

THE COURT CHARGES THE JURY THAT IF THE GIRL, MARY
ALICE BUETNER, WAS DRIVEN OR IMPELLED TO LEAVE HOME ON
ACCOUNT OF THE BEATINGS GIVEN HER BY HER PARENTS, THEN
THIS DEFENDANT WOULD NOT BE GUILTY UNDER THIS STATUTE.

Charge no. X4

The Court Charges the jury
that if you find that the
treatment received by the witness
Mary Alice Baetner was such
that she was justified in
leaving her home then the
defendant had the right
to help her get away.

Refused
Jefair J. Middleburn, Jr.
Judge

Jury List

Criminal Session

November 10, 1952

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Rec'd

No.	Name	Occupation	Address
1.	CHARLES C. HAND, JR.	Real Estate	Bay Minette <i>49</i>
2.	ROY GRIMES	Newport	Bay Minette
3.	PAUL W. FACKLER	Mechanic	Loxley
4.	SAM PRUETT	Clerk	Bay Minette
5.	FELIX D. RIGBY	Scout Master	Daphne
6.	JERRY REZEK	Farmer	Silverhill
7.	THOMAS EARLE	Farmer	Blacksher
8.	CHARLES GILL	Farmer	Rabon <i>54</i>
9.	ELMER V. NORTHGUTT	Farmer	Robertsdale <i>52</i>
10.	PERCY J. POSE	Carpenter	Fairhope <i>51</i>
11.	DANIEL L. TEEL	Farmer	Robertsdale
12.	REINHOLD GEIGER	Farmer	Elberta
13.	ARTHUR CARVER	Farmer	Bon Secour
14.	VAN COOPER	Merchant	Bon Secour <i>152</i>
15.	DAN CAMP	Health Inspector	Bay Minette <i>153</i>
16.	CHARLES J. GIBBS	Retired Navy	Foley <i>154</i>
17.	ART VERNON	Retired	Magnolia Springs <i>154</i>
18.	R. C. GILLEY	Timberman	Elberta
19.	REUBEN NALIE	Farmer	Fairhope
20.	RAY REED	Laborer	Bay Minette
21.	ARTHUR BOLLER	Oil Dist.	Foley <i>151</i>
22.	GUY PRESLEY	Farmer	Lottie <i>54</i>
23.	D. B. WIGGINS	Reserve Fleet	Stapleton
24.	RAYMOND ANDERSON	Farmer	Summerdale
25.	REID MATTHEWS	Furniture	Robertsdale <i>55</i>
26.	REINHARDT RIEMER	Farmer	Elberta
27.	CHARLES WENZEL	Clerk	Bon Secour
28.	ARON G. WEAVER	Merchant	Bay Minette
29.	HOMER L. FLOWERS	Farmer	Foley
30.	JIM TONI ANDERSON	Farmer	Bon Secour <i>157</i>
31.	DALE RATCLIFFE	Merchant	Fairhope
32.	ROBERT GILL	Cafe	Robertsdale <i>53</i>
33.	EVAN S. HIGBEE	Farmer	Belforest
34.	KENNETH CAIN	Merchant	Fairhope
35.	HERBERT C. ENGLAND	Millman	Robertsdale
36.	GUY CHIDRESS	Farmer	Robertsdale
37.	JOSEPH R. KROB	Farmer	Silverhill
38.	A. K. LATNER	Carpenter	Loxley
39.	DWIGHT STEELE	Bridge Tender	Gulf Shores
40.	HOLLY RAINS	Farmer	Daphne
41.	FRED C. GRIFFIN	Garage Owner	Loxley
42.	JOE RIBAR	Farmer	Silverhill
43.	ERNEST ALVIN CLARK	Instructor	Robertsdale
44.	M. J. REEDY	Postal Clerk	Bay Minette
45.	FRANK EUBANKS	Carpenter	Bay Minette <i>152</i>
46.	LOUIS W. MANNICH	Farmer	Summerdale
47.	OAKLEY LEE	Farmer	Summerdale
48.	V. C. CHRISTENSEN	Florist	Foley
49.	BRADY POWELL	Newport	Bay Minette <i>151</i>
50.	ORRUVILLE WENZEL	Farmer	Bon Secour <i>152</i>

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State
vs

Henry Ray
and