

THE STATE OF ALABAMA,

Baldwin County.

Circuit Court, Spring Session, 194 53

The Grand Jury of said County charge that before finding this indictment WILLIE JOHNSON, whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, killed ^{Robert} Clifton Stevenson, by shooting him with a pistol.

against the peace and dignity of the State of Alabama.

William R. Spitzer
Solicitor of the Twenty-Eighth Judicial Circuit.

No.

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

Circuit Court

Spring Term, 194 53.

THE STATE
Vs.

WILLIE JOHNSON

INDICTMENT

Murder First Degree

Prosecutor.

WITNESSES:

Theodore Lett

Mack Green

Nelson Grubbs

H. E. Hall

GRAND JURY NO. 39

A TRUE BILL

Robert E. Stapleton

Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the 12th day of
March, 194 53

Alice J. Duck, Clerk.

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

Alice J. Duck

Clerk.

Bail fixed \$ 3000.00

Hubert M. Hall

Judge.

JAN 21 1954

THE STATE OF ALABAMA - - - JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1953-54

1 Div. 551

Willie Johnson,

v.

State of Alabama,

Appeal from Baldwin Circuit Court.

STARKLY, JUSTICE.

Willie Johnson (appellant) was indicted for murder in the first degree. Upon trial he was convicted of murder in the first degree and punishment was fixed at life imprisonment in the penitentiary.

2.

Reversal of the judgment of conviction is sought (1) on alleged error in the oral charge of the court, (2) on the action of the court in overruling the defendant's motion for a new trial based on the ground that the verdict was contrary to the evidence and (3) on certain rulings of the court on the evidence.

Tendencies of the evidence show that late in the afternoon of January 17, 1953, there was a card game, known as a "skin game," going on in the house of Robert Stevenson in Fairhope, Alabama. During the game an argument arose between Stevenson, who was one of the players, and Willie Johnson, the appellant in this case. It was asserted by Stevenson that Johnson owed him fifty cents. The argument became so boisterous that the game broke up and all the parties engaged in the game left.

After leaving Stevenson's house the appellant went to his own home and in about an hour he picked up his pistol, put it in his pocket and according to his testimony went out looking for a prowler that he had seen around his house. He went to a corner of the street across from a cafe operated by Percy Dale. This cafe is about one-half block from his house and about two doors from the house where Stevenson lived. It was at this corner that appellant shot Stevenson with a .38 caliber pistol. While the appellant was standing on the street corner talking to Mack Green, Stevenson came up and sat on the steps on the Brown Mark's store, located on the corner where appellant was standing and directly facing the Percy Dale Cafe.

3.

According to the testimony of Theodore Lett, a witness for the State, the defendant and the deceased were standing on the corner in front of the Brown Mark's store, which was closed. It was just about "dusk dark." In other words, the State's witness was standing on the opposite street corner and was looking across the street at the two men, the defendant and the deceased. According to him, he heard the deceased say that "he was going to get his 50 ¢." The witness further heard the deceased cursing about having lost the 50 ¢ in the skin game. As the witness watched them, both men were standing straight up at a distance from each other described by the witness as "not so awful fer." When he was asked if that meant 6 or 8 feet he said "not 8 feet" and then said "fer as from me to Mr. Hubert there," a distance which he would not exactly estimate. According to the witness, they were not moving toward each other. Suddenly the defendant fired two pistol shots in quick succession the deceased slumped to the ground, fell to his hands and knees and began holding his stomach and calling for assistance.

An autopsy disclosed that the deceased had been shot twice in the back. Both bullets made holes in the clothing of the deceased. However, one bullet appears to have been a "dud," since it merely inflicted a skin burn about 2-1/2 inches long on the back of the deceased and then fell down into the rear part of his shirt. The other bullet was the fatal shot. It entered his back at a point below his shoulders at about 3 inches left of the center line of his back. Both Dr. Nelson E. Grubbs, State Toxicologist, and Dr. H. C. Jordan testified that there were powder burns on the jacket of the deceased and Dr. Grubbs gave it as his opinion that the gun was not more than six inches from the deceased when it was fired.

4.

The deceased was rushed to a local hospital where he died about 2-1/2 hours after he was shot by the defendant.

Police officers came immediately to the scene of the crime. In the meanwhile the defendant and a companion, one Mack Green, immediately left the scene of the shooting and went to the defendant's home, which was a short distance away. The officers went to the defendant's home and arrested him there. The defendant admitted to them that he had shot the deceased twice. The pistol with which he had shot the deceased was lying on the defendant's dresser in a bed room of his home. He gave it to the officers, who upon examination found that it was a 38 caliber revolver holding five bullets, two of which had been fired. The defendant expressed his sorrow over the shooting and remarked that "if it wasn't for that woman, it wouldn't have happened," and said that the deceased had cut at him with a knife.

The defendant was wearing a coat type sweater and shirt. The officers examined his clothing at this time but did not find any cut marks on the defendant's person or his clothing. The defendant claimed that the deceased was armed with a knife and that he had shot the deceased in self defense. The defendant then accompanied the arresting officers to the scene of the crime, where a search was made with the aid of a flash light for any knife with which the deceased may have been armed. Although the search was made in the presence of the defendant and under his direction as to the place of the shooting, the officers were unable to find any knife. No knife was found on deceased when he was taken to the hospital and partly undressed for an emergency operation.

5.

The defendant remained in the city jail of the town of Fairhope for about an hour and a half when the deputy sheriff arrived to take him to the jail at the county seat in Bay Minette. The deputy sheriff examined the defendant's clothing and found cuts thereon. There were three or four cuts in the defendant's sweater one being on the side and another up around the neck line of the sweater. However there were no cuts on the defendant's body. He was wearing suspenders. Although there were some cuts in the shirt directly beneath the suspenders, the suspenders themselves had not been cut.

Witnesses for the defendant testified that Theodore Lett could not have seen the killing because at the moment the two shots were fired he was in the cafe across the street eating a fish sandwich. According to the witnesses for the defendant, the deceased started the difficulty and as the defendant turned away from him and started toward his home, the deceased attacked the defendant with a knife, tussling with the defendant, after having threatened to whip and kill him. They further testified that when defendant returned to his home after the killing his shirt was cut in the vicinity of his neck. James Williams, a boy eleven years of age, a witness for the defendant, testified that on the next morning after the killing he found a knife in the weeds a few feet from the scene of the killing. He tossed this knife over into the woods across the street and four days later it was again found and identified. A witness for the defendant testified that deceased was cleaning the knife and was heard to say that he "was going to get his 50 ¢" shortly prior to the difficulty.

6.

I. The appellant contends that the jury was not properly charged by the trial judge as to self defense. In its oral charge to the jury the court said:

"Now before one can set up self-defense he must be free from fault in bringing on the difficulty. That means, gentlemen, that a man cannot go about hunting trouble and then claim the protection of the law—that he acted in self-defense—and claim that as a defense. In addition to that, he must have acted under the bona fide and honest belief that he was in imminent danger, actual or apparent, of losing his life or suffering grievous bodily harm. In that connection, gentlemen of the jury, I charge you that unless the defendant pleading self-defense in murder prosecution was in imminent danger, real or apparent, of suffering death or grievous bodily harm at the hands of the deceased when the fatal shots were fired, his plea of self-defense must fall and the question of retreat or freedom of fault need not be entered into."

The defendant excepted to part of the foregoing oral charge.

The court then stated:

"I don't know just exactly what I said but I do charge you this, Gentlemen: That in that connection I charge you this to be the law: unless the defendant, pleading self-defense in murder prosecution was in imminent danger, real or apparent, of suffering death or grievous bodily harm at the hands of the deceased when the fatal shot was fired, his right of self-defense must fall and the question of retreat or freedom from fault need not be entered into."

It is argued that the charge is fatally defective in that the court failed to tell the jury that the defendant had a right to act on the appearance of things. We cannot sustain this contention. The oral instructions given by the trial judge were ample and sufficient.

7.

The court spoke of imminent danger, "real or apparent." This clearly instructed the jury that the defendant was entitled to act upon the appearance of things and accordingly there was no error in this regard. —McBryde v. State, 156 Ala. 44, 47 So. 302; Elsett v. State, 151 Ala. 41, 44 So. 84; Simmons v. State, 158 Ala. 8, 48 So. 606; Byrd v. State, 257 Ala. 100, 57 So. 2d 388.

II. The appellant urges that the court was in error in refusing to grant the motion for a new trial on the ground that the verdict of the jury was contrary to the weight of the evidence. We have considered the evidence with great care. It has been substantially set out hereinabove. It was clearly sufficient to justify the jury in finding that the defendant had not killed in self-defense and that he was guilty of a willful, deliberate, malicious and premeditated killing. Long ago in Cobb v. Malone & Collins, 92 Ala. 630, 9 So. 738, the rule was laid down by this court that a trial judge will not be put in error in denying the motion for a new trial on the ground that the verdict of the jury is contrary to the weight of the evidence, "unless, after allowing all reasonable presumptions of its correctness, the preponderance of the evidence against the verdict is so decided as to clearly convince the court that it is wrong and unjust." The foregoing authority also holds that "when the presiding judge refuses to grant a new trial, the presumption in favor of the correctness of the verdict is thereby strengthened." Further citation of authority is unnecessary.

8.

III. Appellant takes the position that there should be a reversal of the lower court on the ground that the state improperly cross examined character witnesses as to specific acts of misconduct of the defendant. It is true that a character witness should not be cross examined as to his knowledge of particular acts or conduct of the defendant in order to prove such acts or conduct. — *Moulton v. State*, 88 Ala. 116, 6 So. 758. There is a difference, however, between proof of character and testing the credibility of a witness who has testified to good character. Where a witness testifies as to the general reputation or character of the defendant, the knowledge of the witness as to such reputation or character may be tested on cross examination by asking him if he has not heard of specific acts of bad conduct on the part of the accused. But the witness may not be interrogated as to the fact of such particular acts. — *Helms v. State*, 254 Ala. 14, 47 So. 2d 276; *Kervin v. State*, 254 Ala. 419, 48 So. 2d 204; *Singley v. State*, 256 Ala. 56, 53 So. 2d 729. Furthermore, no prejudicial error resulted to the defendant from the line of questions asked his character witnesses. Each of the witnesses testified that he had not heard of any such conduct on the part of the defendant. The overruling of an objection to a question not answered by the witness or favorably answered to the objector, is not prejudicial error. — *Stephens v. State*, 250 Ala. 123, 33 So. 2d 245. But it is insisted that even though the questions were answered favorably to the objector, the very asking of the

9.

questions resulted in prejudice in the minds of the jurors toward the defendant. We cannot assent to this position. A matter of this kind is largely in the discretion of the trial court. — Snead v. State, 243 Ala. 23, 8 So. 2d 269. On the record before us, we are not prepared to say that the questions were asked in bad faith in order to poison the minds of the jury, without any sort of foundation for them. — Snead v. State, supra.

Upon a careful consideration of the record in this case, the judgment of the lower court is due to be affirmed.

Affirmed.

Livingston, C. J., Lawson and Merrill, JJ., concur.

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

1st Div., No. 551

Willie Johnson, 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 nine 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 21st

January, 19 54

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

THE SUPREME COURT OF ALABAMA

October Term, 19 53-54

1st Div., No. 551

Willie Johnson

Appellant,

vs.

State of Alabama

Appellee.

From Baldwin Circuit Court.

COPY OF OPINION

BROWN PRINTING CO., MONTGOMERY 1951

RECEIVED BY THE CLERK OF THE SUPREME COURT OF ALABAMA
OCT 20 1954

Handwritten signature

THE STATE OF ALABAMA }
Baldwin County - Circuit Court }

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the
.....Monday in, 194....., in a cer-
tain cause in said Court wherein STATE OF ALABAMA

..... Plaintiff, and WILLIE JOHNSON
..... Defendant, a judgment was rendered against said

WILLIE JOHNSON
to reverse which Judgment, the said WILLIE JOHNSON

applied for and obtained from this office an APPEAL, returnable to the Next

Term of our Supreme Court of the State of Alabama, to be held at Montgomery,
on the day of, 194..... next, and ~~the necessary bond~~

~~having been given by the said~~
~~with~~, ~~supra~~

Now, You Are Hereby Commanded, without delay, to cite the said

..... or William R. Lauten
....., attorney, to appear at the Next Term of our

said Supreme Court, to defend against the said Appeal, if he think^s proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 16th
day of April, A. D., 1953...

Attest:

Alice J. Duck, Clerk.

No. 1595

CIRCUIT COURT
Baldwin County, Alabama

STATE OF ALABAMA

Vs. } Citation in Appeal

WILLIE JOHNSON

Issued day of, 1952

I, hereby accept service this/6 day of April, 1952.

William R. Fouse

OFFICE OF
CLERK OF THE SUPREME COURT
STATE OF ALABAMA
MONTGOMERY

J. RENDER THOMAS
CLERK

November 16, 1953

Mrs. Alice J. Duck
Clerk Baldwin Circuit Court
Bay Minette, Alabama

In re: 1 Div. 551
Willie Johnson v. The State of Alabama

Dear Mrs. Duck:

The following Exhibits in the above case were today received and filed in this office and delivered to Mr. Justice Stakely to whom this case was assigned:

1. Pistol - State's Exhibit No. 1
2. Spent Bullet, State's Exhibit No. 2
3. Spent Bullet, State's Exhibit No. 3
4. Green Shirt, State's Exhibit No. 4
5. Undershirt, State's Exhibit No. 5

6. Sweater, Defendant's Exhibit 1
7. Shirt, Defendant's Exhibit 2
8. Undershirt, Defendant's Exhibit 3
9. Knife, Defendant's Exhibit 4.

Yours truly,


Clerk, Supreme Court

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THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 19 53-54

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 Willie Johnson, 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 21st day of January, 1954, that said Judgment of said Circuit Court be in all things affirmed, and that it was further considered, ordered, and adjudged that the appellant - XXXXX DAY

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 21st day of January, 19 54

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

No. 1595 (Life)

THE SUPREME COURT OF ALABAMA

October Term, 1953-54

1st Div., No. 551

Willie Johnson

Appellant,

vs.

THE STATE OF ALABAMA

Appellee.

From Baldwin Circuit Court.

CERTIFICATE OF AFFIRMANCE

The State of Alabama,

Baldwin County.

} Filed

this 23rd day of January 1954

W. J. Smith
Clerk

THE STATE OF ALABAMA JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October 1953-54

RECORDS

FILED

W. J. Smith, Clerk of the Supreme Court of Alabama

Chief of Records of the Judicial Department

Directed to the State of Alabama

1954

W. J. Smith

Clerk of the Supreme Court of Alabama

The State of Alabama,

VS.

Willie Johnson

No. _____

On this the _____ day of _____, 193____, the Defendant, being in open Court in person, and it being made known to the Court that the Defendant in this case is indicted for a capital offense and that he is unable to employ counsel, it is ordered by the Court that _____, who _____ a regularly licensed attorney practicing in this Court, be, and _____ hereby appointed counsel for the Defendant in this case.

On this the 13 day of March, 19353, the Defendant being in open Court in person, and attended by his counsel, is duly and legally arraigned upon the indictment, and for his plea thereto says that he is not guilty

On this 13 day of March, 1953, in the cause of the State of Alabama against Willie Johnson wherein the Defendant is charged with the offense of Murder, first degree the Defendant in person being then and there in open Court and attended by his counsel, the following proceedings were had and orders made in open Court in the presence of the Defendant and his counsel :

It is ordered and adjudged by the Court that the 26 day of March, 1953, it being Thursday of the Second Week of this Term of the Court, be and the same is hereby fixed for the date of the trial of this cause, and that the Sheriff of this Court summons 65 persons in this cause, including those persons drawn on the regular juries for the second week of this term of this Court.

It is ascertained and adjudged by the Court that 60 persons have been drawn on the regular juries for the said Second Week of this Term of this Court. And the Court ordered that the legal jury box of this County be brought into open Court, and the Court ascertained and adjudged that said order had been obeyed, and that said box was, in open Court, well shaken. The Court then and there in open Court, publicly drew from the said jury box the names of 5 persons, the same being the number of persons required, with the regular juries drawn for the Second Week of this Term of this Court, to make the number of persons the Sheriff was commanded to summons in this cause by order of the Court hereinbefore set forth. The Clerk of the Court, in the presence of the Court, immediately made a list of the names drawn by the Court from the jury box in this cause. And it is ordered and adjudged by the Court that the said Clerk forthwith issue a mandate to the Sheriff of this County, commanding him to summons said persons whose names the Court drew from the jury box in this cause and the regular jurors drawn for the Second Week of this Term of this Court to appear in this Court as jurors in this cause at the Court

House of this county at 9 o'clock on Thursday morning of the Second Week of this Term of this Court, the same being the 26th day of March 1953

It is ordered and adjudged by the Court that the Sheriff of this County forthwith serve on the Defendant a list of the names drawn in this cause by the Court from the jury box, and a list of the names of all the jurors drawn for the Second Week of this Term of this Court, together with a copy of the indictment in this cause.

JURY LIST

Second Week — Spring Session

NO.	NAME	OCCUPATION	ADDRESS
1.	LUTHER V. STREET,	Farmer, Pointe-Claire	104
2.	WILLIAM COLLINS,	Fisherman, Foley	
3.	K. E. WELFORD, P.M.A.,	Bay Minette	
4.	ELIAS G. MCKENZIE,	Defense, Foley	101
5.	LAWRENCE NELSON,	Fisherman, Bon Secour	505
6.	DONALD CAIN,	Jeweler, Bay Minette	
7.	C. F. BOHOLS,	Teacher, Bay Minette	107
8.	JULIUS LEE BRYANT,	Butcher, Stockton	
9.	NELSON HURLEY,	Farmer, Foley	106
10.	BEN E. SIMS,	Merchant, Daphne	102
11.	DENNIS B. HOWELL,	Clerk, Bay Minette	102
12.	HERBERT BASKIN,	Flagmaster, Perdido	
13.	LESLIE BYE,	Brookley Field, Robertsdale	107
14.	DANA DAVIS,	Merchant, Daphne	100
15.	CLYDE WATERS,	Farmer, Bay Minette	104
16.	HERSHAL GUTHRIE,	Farmer, Bon Secour	
17.	PERCY COX,	Paper Wood, Stockton	
18.	WINDELL HARDY,	Insurance, Bay Minette	107
19.	JOSEPH WESLEY,	Clerk, Silverhill	
20.	ALBERT M. REDD,	Manager, REA, Foley	57
21.	W. M. GULLEDGE,	Farmer, Robertsdale-Rt.	100
22.	PERRY PRESCOTT,	Sea Food Ins., Bay Minette	101
23.	WALLACE I. GREEN,	Farmer Newport, Bay Minette	106
24.	EDWARD CARVER,	Farmer, Bon Secour	52
25.	MARTIN C. CROSBY,	Retired Druggist, Foley	109
26.	DONALD E. HASTINGS,	Farmer, Rosinton	105
27.	WILLIAM SIMMONS,	Merchant, Fairhope	51
28.	LAWRENCE E. CALLAWAY,	Fisherman, Bon Secour	53
29.	W. A. GOER,	Mechanic, Fairhope	
30.	JESS GANN,	Fisherman, Bon Secour	
31.	D. C. MELHON,	Merchant, Fairhope	1011
32.	NOLAN NEAL,	Labor, Fairhope	105
33.	LAMAR McBRIDE,	Mechanic, Foley	108
34.	ELMER LINDELL,	Filling Station, Silverhill	
35.	GEORGE BROWN,	Paper Carrier, Foley	108
36.	NOAH RESMONDO,	Farmer, Summerdale	54
37.	GEORGE E. EULLER,	Theatre Operator, Fairhope	512
38.	PERRY HEAD,	Farmer, Stapleton	1010
39.	HENRY McALLISTER,	Farmer, Rosinton	
40.	WILBUR RICHMOND,	Postal Clerk, Bay Minette	511
41.	SIDNEY CAMERON,	Restaurant Clerk, Foley	510
42.	ALBERT FAULK,	Merchant, Foley	103
43.	H. B. CORBETT,	Grocery, Bay Minette	
44.	R. N. STANTON,	Farmer, Robertsdale	105
45.	SEYMOUR B. HINDS,	Butcher, Robertsdale	
46.	WREY BUSH,	Turpentine, Stapleton	56
47.	FRED V. HARRIS,	Farmer, Bay Minette	58
48.	W. H. GIBSON,	Farmer, Foley	101
49.	WALTER HARRIS,	Labor, Rosinton	not here
50.	JOHN I. CHATNEY,	Farmer, Robertsdale	

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STATE OF ALABAMA

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IN THE CIRCUIT COURT OF

vs.

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BALDWIN COUNTY, ALABAMA

WILLIE JOHNSON,

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Defendant.

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Now comes the Defendant in the above styled cause and moves the Court to set aside the verdict of the Jury and judgment of the Court in said cause, and to grant the Defendant a new trial in said cause, and for grounds of his said motion, sets down and assigns the following separate and several:

1. For that the verdict of the Jury was contrary to the evidence in the case.
2. For that the verdict of the Jury was contrary to the law in the case.
3. For that the verdict of the Jury is contrary to the law and the evidence in the case.
4. For that the verdict of the Jury was contrary to the charge of the Court in the case.
5. For that the Court made innumerable errors in ruling on timely objections made by the Defendant to the introduction of testimony in said case to which the Defendant duly excepted.
6. For that the Court made innumerable errors in ruling on the admissability of evidence in the case.
7. For that the Court erred in permitting the introduction by the State in evidence, certain clothing supposedly worn by the deceased at the time of the difficulty over the timely objections of the Defendant to which the Defendant duly excepted.
8. For that the Court erred in giving as a part of its general charge to the Jury, the following statement, viz:

"Now before one can set up self defense, he must be free from fault in bringing on the difficulty. That means, gentlemen that a man can not go about hunting trouble or go about provoking trouble and then claim the protection of the law by saying that he acted in self defense and claim that as a defense. In addition to that, he must have acted under the bona fide and honest belief that he was

in eminent danger, actual or apparent of losing his life or suffering grievous bodily harm. In that connection, gentlemen of the jury, I charge you that unless the defendant pleading self defense in murder prosecution was in eminent danger, real or apparent, of suffering death or grievous bodily harm at the hands of the deceased when the fatal shots were fired, his plea of self defense must fall and the question of retreat or freedom of fault need not be entered into".

to which part of such charge the Defendant duly excepted.

9. For that the Court erred in giving as a part of its general charge to the Jury, the following statement, to which the Defendant duly excepted as follows:

"Now before one can set up self defense, he must be free from fault in bringing on the difficulty. That means, gentlemen that a man cannot go about hunting trouble or go about provoking trouble and then claim the protection of the law by saying that he acted in self defense and claim that as a defense. In addition to that, he must have acted under the bona fide and honest belief that he was in eminent danger, actual or apparent of losing his life or suffering grievous bodily harm. In that connection, gentlemen of the jury, I charge you that unless the defendant pleading self defense in murder prosecution was in eminent danger, real or apparent, of suffering death or grievous bodily harm at the hands of the deceased when the fatal shots were fired, his plea of self defense must fall and the question of retreat or freedom of fault need not be entered into.

MR. CHASON: I want to except to that part of your Honor's charge in which you stated: Gentlemen, unless you believe the defendant was in danger of losing his life or suffering grievous bodily harm, then his self defense plea will fall.

THE COURT: Yes, I don't know just exactly what I said but I do charge you this in that connection, and I charge you this to be the law: Unless the defendant pleading self defense in murder prosecution was in eminent danger, real or apparent of suffering death, or grievous bodily harm at the hands of the deceased, when the fatal shot was fired his plea of self defense must fall.

MR. CHASON: The defendant excepts to that part of your Honor's charge which he has just repeated."

10. For that the Court erred in refusing to give Charge No. 1, which was requested by the Defendant and which is as follows:

The Court charges the Jury that if you believe the evidence in this case you must find the Defendant not guilty.

11. For that the Court erred in refusing to give written Charge No. 2 which was duly requested by the Defendant and which charge is as follows:

The Court charges the Jury that if you believe the evidence in this case you cannot find the Defendant guilty of manslaughter in the first degree.

CHASON & STONE

BY: *John Chason*
Attorneys for Defendant.

Presented this the 7 day
of April, 1953, and set for
hearing on the 7 day of
April, 1953.

Hubert M. Hall
Judge.

TO WILLIAM R. LAUTEN, CIRCUIT SOLICITOR OF BALDWIN COUNTY, ALABAMA:

Take notice that the above and foregoing Motion will come up before the Honorable Hubert M. Hall, Circuit Judge of Baldwin County, Alabama, on the 7th day of April, 1953, at his usual place of holding court.

CHASON & STONE

BY: *John Chason*
Attorneys for Defendant.

We, the undersigned attorneys of record for the Defendant in the above styled cause, hereby certify that we did on the 2nd day of April, 1953, serve a copy of the above and foregoing motion on William R. Lauten, Circuit Solicitor of Baldwin County, Alabama.

CHASON & STONE

BY: *John Chason*
Attorneys for Defendant.

I hereby accept service of a copy of the above and foregoing Motion.

Witness my hand this 3rd day of April, 1953.

William R. Lauten

William R. Lauten, Circuit
Solicitor of Baldwin County,
Alabama.

The foregoing Motion presented to Court
the 6th day of April 1953 and set
down for hearing 14th day of April
1953. *Hurdson*
Judge

4-14-53 Motion for New Trial
Submitted and argued upon
evidence taken in the case and
the charge of the Court -
Motion denied, defendant et al.
Hurdson
Judge

#1595

RECORDED

M O T I O N

STATE OF ALABAMA

VS.

WILLIE JOHNSTON,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Filed: April 2nd 1953

Alice J. Duck

one line extra with 20 type a 20 column space printed

WALTON BATES

WALTON BATES

WALTON BATES

CAPIAS

Moore Printing Co.,

THE STATE OF ALABAMA,
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

WILLIE JOHNSON

at the SPRING Term, 1953, of the Circuit Court of Baldwin County, for the offense of

Murder, first degree

you are, therefore, commanded forthwith to arrest the said Defendant and commit him

to jail, unless he give bail to answer said indictment, and that you return this Writ according to law.

Dated this 12th day of March, 1953

Alicia J. ...
Clerk Circuit Court of Baldwin County.

THE STATE OF ALABAMA
Baldwin County

We, _____, as principal and

the other undersigned as sureties, agree to pay the State of Alabama _____

Dollars, unless the said _____ appears

at the _____ Term of the Circuit Court of Baldwin County, and from Term to

Term thereafter until discharged by law, to answer a criminal prosecution for the offense of _____

In signing the above bond we and each of us hereby waive all legal rights of exemptions allowed us by the Constitution and Laws of the State of Alabama.

Witness our hands and seals this _____ day of _____, 19_____

(L. S.)

(L. S.)

(L. S.)

(L. S.)

Taken and approved _____ day of _____, 19_____

Sheriff of Baldwin County.

RECORDED

CAPIAS

No. 39

THE STATE

vs.

WILLIE JOHNSON

Bail Fixed in This Case in Open Court at

\$3000⁰⁰

By HUBERT M. HALL
Judge Presiding.

Attest: _____
Clerk.

Executed this 13 day of March, 1953

By arresting the within

named Defendant

and placing him in Jail

Taylor W. Wilkins, Sheriff

H. M. Hall, Deputy Sheriff

0 miles

The State of Alabama, {
Baldwin County

We, Willie Johnson, as

principal, and undersigned as sureties agree to pay THE STATE OF ALABAMA, the sum of
Three Thousand \$ 3000⁰⁰ DOLLARS

unless the said Willie Johnson appears at the
March 26 Term, 1953 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 in First Degree

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 _____, 195____

Baldwin County, Ala.

Willie Johnson L. S.
BROADUS, PIERCE & DICKERSON L. S.
BONDING COMPANY L. S.
By: Harold Pugh L. S.

Taken and approved this the 13 day of March 1953

Taylor Wilkins, Sheriff
By: J. H. D. Taylor, Deputy Sheriff

RECORDED

No. _____

The State of Alabama,
Baldwin County.

_____ Court

Sheriff's Office

THE STATE
vs.

Sheriff's Appearance Bond

Amount of Bond, \$ _____

Filed _____, 195

_____, Clerk

THE STATE
vs.

In the Circuit Court of Baldwin County,

WILLIE JOHNSON

Spring

Session, 1933

Venire of the jurors in the above stated cause, names herein stated from No. 1 to No. 5 both inclusive, being the special jurors drawn in open Court by the presiding Judge, in said cause, and the other names, from No. 6 to No. 65, both inclusive, being the regular jurors drawn and summoned for the Second week of the Spring Term of said Court, the said cause having been set for trial on the 26th day of March 1933, which is a day of said second week of the Spring Term of said Court, to-wit:

No.	NAME	Occupation	Residence Address	Business Address
1	Kirby Bush	Turpentin	Stapleton	
2	Virgil V. Rhodes	Farmer	Bay Minette	
3	Paul Childress	Farmer	Loxley	
4	Teddy Ludkys	Laboter	Rosinton	
5	John L. Gwalthey	Farmer	Robertsdale	
6	Luther V. Street	Farmer	Point Clear	
7	William Collins	Fisherman	Foley	
8	G. J. Long	Mechanic	Foley	
9	O. E. Middleton	Truck Driver	Loxley	
10	K. E. Welford	P.M.A.	Bay Minette	
11	Elias G. McKenzie	Defense	Foley	
12	Carl Lenz	Mechanic	Elberta	
13	Lawrence Nelson	Fisherman	Bon Secour	
14	Calvin Childress	Farmer	Summerdale	
15	B. J. Simmis	Fardware	Belforest	
16	Donald Cain	Jeweler	Bay Minette	
17	C. F. Echols	Teacher	Bay Minette	
18	Julius Lee Bryant	Butcher	Stockton	
19	Neilson Hurley	Farmer	Foley	
20	Alton B. Hankins	Farmer	Rosinton	
21	Clarence Eiland	Mill	Bay Minette	
22	Ben E. Sims	Merchant	Daphne	
23	Dennis B. Howell	Clerk	Bay Minette	
24	Herbert Baskin	Flagmaster	Perdido	
25	Leslie Bye	Brookleyfield	Robertsdale	
26	Dana Davis	Merchant	Daphne	
27	Clyde Waters	Farmer	Bay Minette	
28	D. J. Giacomelli	Flowergrower	Foley	
29	Hershal Guthrie	Farmer	Bon Secour	
30	Percy Cox	Paper wood	Stockton	
31	Sherman R. Hinote	Butcher	Robertsdale	
32	Windell Hardy	Insurance	Bay Minette	
33	Joseph Wesley	Clerk	Silverhill	
34	Angie F. Bertolla	Farmer	Belforest	
35	Albert M. Redd	Manager R.E.A.	Foley	
36	W. M. Gullede	Farmer	Robertsdale	
37	Perry Prescott	Seafood Insp.	Bay Minette	
38	Wallace L. Green	Forman N. Port	Bay Minette	
39	Edward Carver	Farmer	Bon Secour	
40	Martin C. Crosby	Retired Druggist	Foley	
41	J. Dougal Crosby	Turpentine	Bay Minette	
42	Donald E. Hastings	Farmer	Rosinton	
43	William Simmons	Merchant	Fairhope	
44	Lawrence E. Callaway	Fisherman	Bon Secour	
45	A. J. Engel	Farmer	Summerdale	
46	A. R. Bonton	Mechanic	Fairhope	
47	Frederick Pierce	Farmer	Fairhope	
48	W. A. Goer	Mechanic	Fairhope	
49	Frank Dusek Sr.	Mechanic	Lillian	
50	Jess Gann	Fisherman	Bon Secour	
51	D. C. Melhon	Merchant	Fairhope	
52	Nolan Neal	Labor	Fairhope	

No.	NAME	Occupation	Residence Address	Business Address
53	Lamar McBride	Mechanic	Foley	
54	Elmer Lindell	Filling Sta.	Silverhill	
55	Autrey Stedham	Carpenter	Foley	
56	George Brown	Papercarrier	Foley	
57	Noah Resmondo	Farmer	Summerville	
58	George E. Fuller	Theater Opr.	Fairhope	
59	Perry Head	Farmer	Stapleton	
60	Henry McAllister	Farmer	Rosinton	
61	Wilbur Richerson	Postal Clerk	Bay Minette	
62	Sidney Cameron	Rest. Clerk	Foley	
63	Albert Faulk	Merchant	Foley	
64	H. B. Corbett	Grocery	Bay Minette	
65	R. N. Stanton	Farmer	Robertsdale	
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I hereby certify that the foregoing is a correct list of the venire in the case of the State vs. _____

Willie Johnson charged with _____

Murder First Degree; that the names of jurors from _____

No. 1 to 5, both inclusive, are the special jurors drawn by the presiding Judge, in _____

open Court, and that the names of jurors from No. 6 to No. 65, both inclusive, is a correct list _____

of the regular jurors drawn and summoned for the Second week of the Spring Term, 19____, of the _____

Circuit Court of Baldwin County, Alabama. I further certify that the foregoing copy of the indictment is a true and correct _____

copy of the indictment in this case.

Witness my hand this 17th day of March, 1953.

Taylor W. Skiles
 Sheriff Baldwin County, Ala.

Executed by serving a copy of the indictment and a correct list of the jurors in this case, on this the 18th day of _____

March, 1953, upon Willie Johnson _____

the Defendant _____

Taylor W. Skiles Sheriff.

THE STATE OF ALABAMA,
 Baldwin County.

CIRCUIT COURT

List of Jurors and Copy of Indictment

STATE

vs.

STATE OF ALABAMA VS WILLIE JOHNSON

3-26-53 This 26th day of March, 1953, came William R. Lauten Solicitor, who prosecuted for the State of Alabama, and also came the defendant, Willie Johnson, in his own proper person and attended by his attorney in open Court, and the said defendant being arraigned upon the indictment in this cause, for his plea thereof, separately says that he is not guilty of said plea. Thereupon came a Jury of good and lawful men, to-wit: Donald P. Cain 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 26th day of March, 1953, and said jurors upon their oaths do say, "We the jury find the defendant guilty of murder in the first degree and fix the penalty at life in the penitentiary."

This 27th day of March, 1953, said defendant, Willie Johnson, being in open court attended by his counsel was called before the bar of the Court and being asked, by the Court, if he had anything to say why the judgment of the Court and the sentence of the law should not be pronounced upon him says nothing. It is therefore considered by the Court and the sentence of the law that said defendant the said Willie Johnson, be imprisonment in the State Penitentiary for the rest of his life.

3-26-53 This 26th day of March

I, the undersigned, do hereby certify that the above is a true and correct copy of the original as the same appears in the files of the Department of the Interior, Bureau of Land Management, at Washington, D. C.

Witness my hand and the seal of the Department of the Interior, at Washington, D. C., this 26th day of March, 1953.

[Signature]

[Seal]

RAILWAY EXPRESS AGENCY

INCORPORATED

UNIFORM EXPRESS RECEIPT—NON-NEGOTIABLE—TERMS AND CONDITIONS

1. The provisions of this receipt shall inure to the benefit of and be binding upon the consignor, the consignee and all carriers handling this shipment and shall apply to any re-shipment, or return thereof.
 2. In consideration of the rate charged for carrying said property, which is dependent upon the value thereof and is based upon an agreed valuation of not exceeding fifty dollars for any shipment of 100 pounds or less and not exceeding fifty cents per pound, actual weight, for any shipment in excess of 100 pounds, unless a greater value is declared at the time of shipment, the shipper agrees that the company shall not be liable in any event for more than fifty dollars for any shipment of 100 pounds or less, or for more than fifty cents per pound, actual weight, for any shipment weighing more than 100 pounds, unless a greater value is stated hereon, unless a greater value is declared and stated hereon and the shipper agrees that the value of the shipment is as last above set out and that the liability of the company shall in no event exceed such value.
 3. Unless caused by its own negligence or that of its agents, the company shall not be liable for—
 - a. Difference in weight or quantity caused by shrinkage, leakage, or evaporation.
 - b. The death, injury, or escape of live freight.
 - c. Loss of money, bullion, bonds, coupons, jewelry, precious stones, valuable papers, or other matter of extraordinary value, unless such articles are enumerated in the receipt.
 4. Unless caused in whole or in part by its own negligence or that of its agents, the company shall not be liable for loss, damage or delay caused by—
 - a. The act or default of the shipper or owner.
 - b. The nature of the property, or defect or inherent vice therein.
 - c. Improper or insufficient packing, securing, or addressing.
 - d. The Act of God, Public enemies, authority of law, quarantine, riots, strikes, perils of navigation, the hazards or dangers incident to a state of war, or occurrence in customs warehouse.
 - e. The examination by, or partial delivery to the consignee of C. O. D. shipments.
 - f. Delivery under instructions of consignor or consignee at stations where there is no agent of the company after such shipments have been left at such stations.
 5. Packages containing fragile articles, or articles consisting wholly or in part of glass must be so marked and be packed so as to insure safe transportation by express with ordinary care.
 6. When consigned to a place at which the express company has no office, shipments must be marked with the name of the express station at which delivery will be accepted or be marked with forwarding directions if to go beyond the express company's line by a carrier other than an express company. If not so marked shipments will be refused.
 7. As conditions precedent to recovery claims must be made in writing to the originating or delivering carrier within nine months after delivery of the property or, in case of failure to make delivery, then within nine months and fifteen days after date of shipment, and suits shall be instituted only within two years and one day after the date when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof.
 8. If any C. O. D. is not paid within thirty days after notice of non-delivery has been mailed to the shipper the company may at its option return the property to the consignor.
 9. Free delivery will not be made at points where the company maintains no delivery service; at points where delivery service is maintained free delivery will not be made at addresses beyond the established and published delivery limits.
- Special Additional Provisions as to Shipments Forwarded by Vessel from the United States to Places in Foreign Countries.**
10. If the destination specified in this receipt is in a foreign country, the property covered hereby shall, as to transit over ocean routes and by their foreign connections to such destination, be subject to all the terms and conditions of the receipts or bills of lading of ocean carriers as accepted by the company for the shipment, and of foreign carriers participating in the transportation, and as to such transit is accepted for transportation and delivery subject to the acts, laws, regulations, and customs of overseas and foreign carriers, custodians, and governments, their employees and agents.
 11. The company shall not be liable for any loss, damage, or delay to said shipments over ocean routes and their foreign connections, the destination of which is in a foreign country, occurring outside the boundaries of the United States, which may be occasioned by any such acts, laws, regulations, or customs. Claims for loss, damage or delay must be made in writing to the carrier at the port of export or to the carrier issuing this receipt, within nine months after delivery of the property at said port or, in case of failure to make such delivery then within nine months and fifteen days after date of shipment; and claims so made against said delivering or issuing carrier shall be deemed to have been made against any carrier which may be liable hereunder. Suits shall be instituted only within two years and one day after the date when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof, where claims are not so made, and/or suits are not instituted thereon in accordance with the foregoing provisions, the carrier shall not be liable.
 12. It is hereby agreed that the property destined to such foreign countries, and assessable with foreign governmental or customs duties, taxes or charges, may be stopped in transit at foreign ports, frontiers or depositories, and there held pending examination, assessments, and payments, and such duties and charges, when advanced by the company shall become a lien on the property.

To Destination Office <i>Montgomery Ala</i>		Date Shipped <i>11/18</i>	
Consignee <i>Wm. Prescott House</i>		Receipt Number <i>31-26-35</i>	
Street Address, Branch Agent, Destination <i>602 Supreme Court</i>		Name of Forwarding Office <i>(1938-A) Bay Minette Ala. (S)</i>	
Pieces <i>10</i>	Articles <i>1000 Blotting</i>	Declared Value <i>50</i>	Value Charges <i>1.80</i>
Shipper <i>Eric J. Deak</i>		Class <i>XX</i>	Express Charges <i>1.80</i>
Shipper Street Address <i>PREPAID (Original)</i>		Paid Beyond <i>XXX</i>	Total <i>1.80</i>
		Scale or Rate	Printed By <i>C. O. D.</i>

SHIPPER'S PREPAID RECEIPT

NOTE—The Company will not pay over \$50, in case of loss, or 50 cents per pound, actual weight, for any shipment in excess of 100 pounds, unless a greater value is declared and charges for such greater value paid.

RAILWAY EXPRESS AGENCY

INCORPORATED

Received shipment described hereon, subject to the Classifications and Tariffs in effect on the date hereof, value herein declared by Shipper to be that entered in space hereon reading "Declared Value," which the Company agrees to carry upon the terms and conditions printed hereon, to which the Shipper agrees and as evidence thereof accepts this receipt.

<i>Eric J. Deak</i>	Number Pieces	Date	Hour
For the Company		195	M

4144

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 Theodore Lett, Mathias Ladd
Mack Allen, Norman W. Crowright, Willie Moss, James Winston

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

27 day of Jan. 9 AM, 1953, 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

Willie Johnson

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

Witness my hand this 17 day of Jan 1953

T. C. Hand

Justice of the Peace, Precinct 4

Executed in full, this the

23 day of

Jan, 1953

Taylor Welburn
Sheriff.

W. F. Hall
Deputy Sheriff.

INDICTMENT

THE STATE OF ALABAMA }
Baldwin County.

Circuit Court, Spring Session, 1953

The Grand Jury of said County charge that before the finding of this indictment WILLIE JOHNSON, whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought, killed Robert Clifton Stevenson, by shooting him with a pistol,

against the peace and dignity of the State of Alabama.

WILLIAM R. LAUTEN
Solicitor of the Twenty-Eighth Judicial Circuit.

No. **RECORDED**

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

Circuit Court

Spring..... Session, 19..53....

THE STATE

Vs.

WILLIE JOHNSON

INDICTMENT

Murder, first degree

Prosecutor.

WITNESSES:

Theodore Lett

Mack Green

Nelson Grubbs

H. F. Hall

GRAND JURY NO. 39

A TRUE BILL

Robert E. Stapleton
Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the 12th day of
March, 1953.

Wingfield Clerk

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

the presence of 17 other Grand Jurors.

Wingfield Clerk.

Bail fixed \$ 3000

Hubert M. Hill
Judge.

*We the jury find the defendant
guilty of murder in the first
degree and fix the penalty
at life in the penitentiary.*

*Donald S. Davis
Foreman*

AFFIDAVIT

Printed by Moore Printing Co.

Robert Clifton Stephenson

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 17. Jan 1953. that one Willie Johnson
unlawfully, and with malice aforethought,
killed Robert Clifton Stephenson, by shooting
him with a pistol.

against the peace and dignity of the State of Alabama.

Sworn to and subscribed before me this 18
day of Jan, A. D., 1953.
H. F. Hall, 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 Willie Johnson
and bring him

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 17 day of Jan, 1953.
H. F. Hall, J. P.

The State of Alabama,
Baldwin County

Justice Court of
T. C. HAND

AFFIDAVIT

THE STATE OF ALABAMA,
VS.

Willie Johnson

Witnesses for the State:

- H. F. Hall* ✓
- Mr. H. C. Jordan*
- Roman Jackson*
- Soretha Johnson*
- Sheadon Lett* ✓
- Martha Ladd*
- Mark Green* ✓
- Woman Wainwright*
- Willie Moss*
- James Winston*

Or. Nelson Printed by Moore Printing Co.

Justice Court of
Baldwin County

WARRANT OF ARREST

THE STATE OF ALABAMA,
VS.

Willie Johnson

Executed this *17* day of *Jan* 19*53*

By arresting the within

named Defendant

and placing him

In Jail
James Wilson, Sheriff
_____, Deputy Sheriff

Shop 72 mi

THE STATE OF ALABAMA,
Baldwin County

We, Willie Johnson, as principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of One Thousand DOLLARS unless the said Willie Johnson appears at the next Term, 1953 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 in the first Degree

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 _____, 195_____

_____ Baldwin County, Ala.

X Willie Johnson

L. S.

Broadus Pierce Anderson

L. S.

By Hursif Page

L. S.

L. S.

Taken and approved this the 27 day of Jan. 1953

Taylor Wilkins, Sheriff

By J. P. Taylor, Deputy Sheriff

4144

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 Comanded to Summon

Dr. Nelson Dubbs, H. F. Hall
Dr. H.C. Jordan, Thomas Jackson, Cecelia Johnson

personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the
27 day of *Jan*, 19*53*, 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

Willie Johnson

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

Witness my hand this *17* day of *Jan*, A. D., 19*53*

Justice of the Peace, Precinct 4

Executed in full, this the

24 day of

Jan, 1953

Taylor Wilkins
Sheriff.

W. F. Hall
Deputy Sheriff.

Ben Kendall

Charlie Kemp

Willie Holcomb

Faustine Williams

4144

THE STATE OF ALABAMA,
BALDWIN COUNTY

Justice Court of T.C. 1 Ward

Precinct No Bay Minette Ala.

To Any Sheriff of the State of Alabama:

You Are Hereby Commanded to Summon Nathan Ladd, Mark Green, Norman
Wainwright, Willie Ross, James Winston, Dr. Nelson Grubb

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

27 day of Jan 9 AM 1952 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 DEFENDANT in a prosecution now pending in said Court, wherein the State of Alabama is Plaintiff, and

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

Witness my hand this 27 day of Jan 1952

[Signature]

NOTARY-PUBLIC AND EX-OFFICIO J. P.

Executed in full, this the

24 day of

Jan, 1953

Taylor Wilkins
Sheriff.

W F Hall
Deputy Sheriff

4/14/4

THE STATE OF ALABAMA,
BALDWIN COUNTY
To Any Sheriff of the State of Alabama:

Justice Court of T.C. 1 Land
Precinct No 4, 22 Jan 1952 Ala.

You Are Hereby Commanded to Summon

Mr. H.C. Jordan, Thomas
Jackson, Cortha Johnson, Heider Lett

personally to be and appear before the Justice Court, to be holden for Baldwin County, at my office on the
27 day of Jan 9 AM 1952 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 DEFENDANT in a prosecution now pending in said Court, wherein the State of Alabama is Plain-
tiff, and Willie Johnson

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

Witness my hand this 22 day of Jan 1952.

T.C. Land

NOTARY PUBLIC AND EX OFFICIO J. P.

Executed in full, this the

24 day of

Jan, 1953

Taylor Wilburn
Sheriff.

W. F. Wall
Deputy Sheriff

STATE OF ALABAMA

vs.

WILLIE JOHNSON,

Defendant.

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l

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.


Willie Johnson, the Defendant in the above styled cause having been adjudged guilty of murder in the first degree, by the Circuit Court of Baldwin County, Alabama, on the 26th day of March 1953, and having filed a motion for a new trial which motion was denied by said court on the 14th day of April, 1953, said Willie Johnson desires to take an appeal under the laws of the State of Alabama to the Supreme Court of the State of Alabama from the judgment rendered in said court and from the order of said court denying his said motion.

NOW, comes the said Willie Johnson, by and through Chason & Stone, as his Attorneys of Record and gives notice that he appeals to the Supreme Court of Alabama from the judgment rendered by the Circuit Court of Baldwin County, Alabama, on the 26th day of March, 1953, in which he was adjudged to be guilty of murder in the first degree and from the judgment of the Circuit Court of Baldwin County, Alabama, rendered on the 14th of April, 1953, denying his motion for a new trial in said cause.

X Dated this 15th day of April, 1953.

CHASON AND STONE

BY:


Attorneys for Defendant.

1595
N O T I C E of
appeal

STATE OF ALABAMA

vs.

WILLIE JOHNSON,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Filed: April 15, 1953.

Alice J. Neuch
Register, Clerk

Transcript of Criminal Cases from Justice Court of

n County, Ala.

Attorneys	Case
	THE STATE OF ALABAMA.
No. 4144	Vs.
	Willie Johnson

Charge
den

Disposition of Case
Affidavit made and Warrant Issued to <i>H. F. Hall</i>
Returnable <i>Grand Jury</i>
Witness—for State <i>Dr. Nelson Gupton, H. F. Hall</i>
<i>Dr. H. C. Jordan, Homer Johnson</i>
<i>Leatha Johnson, Theodore Lett,</i>
<i>Mathis Ladd, Mack Green, Norman</i>
<i>Wainwright, Willie Moss, James Winston</i>
<i>27 Jan 53. After hearing evidence in case def was</i>
<i>adjudged and over to Grand jury.</i>
<i>Bond was set at \$1,000.00.</i>
<i>def being unable to make bond was</i>
<i>committed to jail.</i>
<i>27 Jan 53. def later posted bond.</i>
<i>D. J. Land.</i>
<i>Justice of Peace</i>

Fees	Amount
Judge's Fees	
at 50c, Affidavit at 25c	25
Bond at 50c, Sci Fa at 50c	
Witnesses' Recognizances at 25c	
11 Subpoena or notice at 25c	275
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 \$2.00 Bond, \$1.00, Sci Fa 50c	5.00
committing \$2.00, Releasing \$1.00 P. 10	2.10
11 Subpoenas at 25c Day's Board at 30c	5.50
Witness Fees 2 mi	7.50
Re committed to jail	2.00
Days at 50c	
" 50c	
" 50c	
" 50c	5.50
" 50c	
" 50c	
" 50c	
DEFENDANT'S COSTS	
Witnesses' Recognizance at 25c	
10 Subpoenas at 25c	2.50
Executing - 10 Subpoenas	5.00

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