

THE STATE OF ALABAMA.

Baldwin County.

Circuit Court, Spring Session, 194<sup>53</sup>

The Grand Jury of said County charge that before finding this indictment EUGENE GARNER, whose name is to the Grand Jury otherwise unknown, feloniously took, to-wit, two twenty-dollar bills and one ten-dollar bill in lawful United States currency, of the value of, to-wit, fifty dollars, the property of Walter B. Blackmon, from his person, and against his will, by violence to his person, against the peace and dignity of the State of Alabama.

2. The Grand Jury of said County further charge that before the finding of this indictment EUGENE GARNER, whose name is to the Grand Jury otherwise unknown, feloniously took, to-wit, two twenty-dollar bills and one ten-dollar bill in lawful United States Currency, of the value of, to-wit, fifty-dollars, the property of Walter B. Blackmon, from his person, and against his will, by putting him in such fear as unwillingly to part with the same.

against the peace and dignity of the State of Alabama.

*William R. Lorton*  
Solicitor of the Twenty-Eighth Judicial Circuit.

No. ....

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Circuit Court

Spring Term, 19453...

THE STATE

Vs.

EUGENE GARNER

INDICTMENT

Robbery

Prosecutor.

WITNESSES:

Walter Blackmon

GRAND JURY NO. 145A

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, 19453...

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 \$ 2000.00

H. M. Hall  
Judge.

1600  
**INDICTMENT**

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**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 EUGENE GARNER, whose name is to the Grand Jury otherwise unknown, feloniously took, to-wit, two twenty-dollar bills and one ten-dollar bill in lawful United States currency, of the value of, to-wit, fifty dollars, the property of Walter B. Blackmon, from his person, and against his will, by violence to his person, against the peace and dignity of the State of Alabama.

2. The Grand Jury of said County further charge that before the finding of this indictment EUGENE GARNER, whose name is to the Grand Jury otherwise unknown, feloniously took, to-wit, two twenty-dollar bills and one ten-dollar bill in lawful United States currency, of the value of, to-wit, fifty dollars, the property of Walter B. Blackmon, from his person, and against his will, by putting him in such fear as unwillingly to part with the same,

against the peace and dignity of the State of Alabama.

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

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RECORDED

No. ....

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Circuit Court

Spring Session, 1953

THE STATE

Vs.

EUGENE GARNER

INDICTMENT

Robbery

No Prosecutor.

WITNESSES:

Walter Blackmon

We the Jury find  
the Defendant  
not guilty

James Prescott

GRAND JURY NO. 45A

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.

Deirdre A. Leach Clerk

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

the presence of 17 other Grand Jurors.

Deirdre A. Leach Clerk

Bail fixed \$2000

Wm Lee  
Judge.

1602  
STATE OF ALABAMA  
Baldwin County

Case No.

No.

4100

The State of Alabama  
vs.

In the Court of  
Baldwin County, Alabama

Before me, Clerk of the Court of  
Baldwin County, Alabama, personally appeared Taylor Wilkins, who being duly sworn deposes and says:

I am the Sheriff of Baldwin County, Alabama. In the above case, in the above mentioned court, in executing the warrant of arrest or in arresting the said defendant, I or one of my duly authorized deputies, traveled miles by the most direct route to the point of arrest and return, and I am entitled to mileage at ten cents per mile to be taxed as costs in the case.

Point of arrest

Subscribed and sworn to before me this day of 195

Disposition

Clerk Circuit Court

After considering the above affidavit made by the Sheriff of Baldwin County, Alabama, I, as the trial Judge of said court, do hereby approve the claim for mileage in the sum of \$10.00 incurred in the making of the arrest or executing the warrant of arrest in the above styled cause and I hereby order the clerk of the court to tax the said sum as part of the costs in said case.

This the day of 195

Judge of the above named court

1600  
**CAPIAS**

Moore Printing Co.

THE STATE OF ALABAMA,  
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

EUGENE CARVER

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

Robbery

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 accord-  
ing to law.

Dated this 12th day of March, 1953

*Alvin Smith*  
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. 45 A

THE STATE

vs.

EUGENE GARNER

Bail Fixed in This Case in Open Court at

\$ 2000.00

By HURBERT M. HALL  
Judge Presiding.

Attest: \_\_\_\_\_ Clerk.

Executed this 13 day of March, 1953

By arresting the within

named Defendant

and placing him in jail

Joseph R. Walburn, Sheriff

H. F. Hall, Deputy Sheriff

3 miles

## AFFIDAVIT

Printed by Moore Printing Co.

1602  
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 24 January 1953 that one Eugene Garner  
feloniously took FIFTY DOLLARS (\$50.00) in U. S. Currency from WALTER B. BLACKMAN  
against his will by violence to his person.

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 26  
day of January, A. D., 1953

T. C. 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 Eugene Garner

and bring him  
before me to answer the State of Alabama on a charge  
Robbery

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

Witness my hand this 26 day of January, 1953.

T. C. Hall, J. P.



284

1602

V

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

H. F. Hall

Edleigh Steadham, Walter B. Blackman

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

13 day of Feb

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

Eugene Garner

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

Witness my hand this 31 day of Jan

A. D. 1953  
T. C. Hand

Justice of the Peace, Precinct 4

10 Feb

Executed in full, this the

10

day of

Feb

, 1953

Glen Wilkin

Sheriff.

Pat Sweeney

Deputy Sheriff.

# JURY LIST

## Second Week — Spring Session

| NO. | NAME                   | OCCUPATION                  | ADDRESS |
|-----|------------------------|-----------------------------|---------|
| 1.  | LUTHER V. STREET,      | Farmer, Point Clear         | 5'      |
| 2.  | WILLIAM COLLINS,       | Fisherman, Foley            | 5"      |
| 3.  | K. E. WELFORD, P.M.A., | Bay Minette                 |         |
| 4.  | ELIAS C. MCKENZIE,     | Defense, Foley              | 104     |
| 5.  | LAWRENCE NELSON,       | Fisherman, Bon Secour       |         |
| 6.  | DONALD CAIN,           | Jeweler, Bay Minette        |         |
| 7.  | C. F. ECHOLS,          | Teacher, Bay Minette        | 56      |
| 8.  | JULIUS LEE BRYANT,     | Butcher, Stockton           | 104     |
| 9.  | NEHLSON HURLEY,        | Farmer, Foley               | 108     |
| 10. | BEN E. SIMS,           | Merchant, Daphne            | 102     |
| 11. | DENNIS B. HOWELL,      | Clerk, Bay Minette          | 10      |
| 12. | HERBERT BASKIN,        | Plagmaster, Perdido         |         |
| 13. | LESLIE BYE,            | Brookley Field, Robertsdale | 109     |
| 14. | DANA DAVIS,            | Merchant, Daphne            | 102     |
| 15. | CLYDE WATERS,          | Farmer, Bay Minette         | 59      |
| 16. | MERSHAL GUTHRIE,       | Farmer, Bon Secour          | 57      |
| 17. | PERCY COX,             | Paper Wood, Stockton        | 101     |
| 18. | WINDELL HARDY,         | Insurance, Bay Minette      | 58      |
| 19. | JOSEPH WESLEY,         | Clerk, Silverhill           | 106     |
| 20. | ALBERT M. REDD,        | Manager REA, Foley          | 52      |
| 21. | W. M. GULLEDGE,        | Farmer, Robertsdale Rt.     | 512     |
| 22. | PERRY PRESCOTT,        | Sea Food Ins., Bay Minette  |         |
| 23. | WALLACE L. GREEN,      | Forman Newport, Bay Minette | 1010    |
| 24. | EDWARD CARVER,         | Farmer, Bon Secour          | 51      |
| 25. | MARTIN C. CROSBY,      | Retired Druggist, Foley     | 1010    |
| 26. | DONALD E. HASTINGS,    | Farmer, Rosinton            | 510     |
| 27. | WILLIAM SIMMONS,       | Merchant, Fairhope          |         |
| 28. | LAWRENCE E. CALLAWAY,  | Fisherman, Bon Secour       |         |
| 29. | W. A. GOER,            | Mechanic, Fairhope          | 108     |
| 30. | JESSE GANN,            | Fisherman, Bon Secour       | 54      |
| 31. | D. C. MELHON,          | Merchant, Fairhope          |         |
| 32. | NOLAN NEAL,            | Laborer, Fairhope           | 53      |
| 33. | LAMAR McBRIDE,         | Mechanic, Foley             |         |
| 34. | ELMER LANDELL,         | Filling Station, Silverhill | 1011    |
| 35. | GEORGE BROWN,          | Paper Carrier, Foley        |         |
| 36. | NOAH RESMONDO,         | Farmer, Summerdale          | 105     |
| 37. | GEORGE E. FULLER,      | Tacatic Operator, Fairhope  | 101     |
| 38. | PERRY HEAD,            | Farmer, Stapleton           |         |
| 39. | HENRY McALLISTER,      | Farmer, Rosinton            | 109     |
| 40. | WILBUR RICHESON,       | Postal Clerk, Bay Minette   | 105     |
| 41. | SIDNEY CAMERON,        | Restaurant Clerk, Foley     | 106     |
| 42. | ALBERT FAULK,          | Merchant, Foley             | 105     |
| 43. | H. B. CORBETT,         | Grocery, Bay Minette        | 101     |
| 44. | R. N. STANTON,         | Farmer, Robertsdale         | 107     |
| 45. | ALVA LANGHAN,          | Farmer, Robertsdale         | 107     |
| 46. | CARL MILLER,           | Salesman, Foley             |         |
| 47. | ELLIS SPIVY,           | Farmer, Eleasnor            |         |
| 48. | GILBERT BEECH,         | Farmer, Foley               | 102     |
| 49. | W. J. HASTINGS,        | Laborer, Summerdale         |         |
| 50. | SHERMAN R. HINOTE,     | Butcher, Robertsdale        |         |

State 1111 1111 11

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12  
22



THE STATE

vs.

In the Circuit Court of Baldwin County,

EUGENE GARNER

Spring

Session, 19 53

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 24th day of March 19 53, 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   | Alva Langhan          | Farmer         | Robertsdale       | Same             |
| 2   | Cecil Miller          | Salesman       | Foley             |                  |
| 3   | Ellis Spivy           | Farmer         | Eleashor          |                  |
| 4   | Gilbert Beech         | Farmer         | Foley             |                  |
| 5   | W. J. Hastings        | Laborer        | Summerdale        | same             |
| 6   | Luther V. Street,     | Farmer         | Point Clear       |                  |
| 7   | William Collins       | Fisherman      | Foley             |                  |
| 8   | C. 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          | Hardware       | Belforest         |                  |
| 16  | Donald Cain           | Jeweler        | Bay Minette       |                  |
| 17  | C. E. Echols          | Teacher        | Bay Minette       |                  |
| 18  | Julius Lee Bryant     | Butcher        | Stockton          |                  |
| 19  | Neilson Hurley        | Farmer         | Foley             |                  |
| 20  | Alton B. Hankins      | Farmer         | Foley             |                  |
| 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             | Paperwood      | 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        | Mang. R. E. A. | Foley             |                  |
| 36  | W. M. Gullledge       | Farmer         | Robertsdale       |                  |
| 37  | Perry Prescott        | Sea Food ins.  | Bay Minette       |                  |
| 38  | Wallace L. Green      | Forman N. Port | Bay Minette       |                  |
| 39  | Edward Carver         | Farmer         | Bon Secour        |                  |
| 40  | Martin C. Crosby      | Ret. Druggist  | Foley             |                  |
| 41  | J. Dougal Crosby      | Turpentine     | Bay Minette       |                  |
| 42  | Donald E. Hastings    | Farmer         | Rosinton          |                  |
| 43  | William Simmons       | Merchant       | Fairhope          |                  |
| 44  | Lawrence E. Dallaway, | Fisherman      | Bon Secour        |                  |
| 45  | A. J. Engel           | Farmer         | Summerdale        |                  |
| 46  | A. R. Bonton          | Mechanic       | Fairhope          |                  |
| 47  | Fredrick 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            | Laborer        | Fairhope          |                  |

| No. | NAME             | Occupation    | Residence Address | Business Address |
|-----|------------------|---------------|-------------------|------------------|
| 53  | Lamar McBride    | Mechanic      | Foley             |                  |
| 54  | Elmer Lindell    | Filling Sta.  | Silverhill        |                  |
| 55  | Autrey Steadham  | Carpenter     | Foley             |                  |
| 56  | George Brown     | Papercarrier  | Foley             |                  |
| 57  | Noah Resmondo    | Farmer        | Summerdale        |                  |
| 58  | George E. Fuller | Theatre Oper. | 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       |                  |
| 66  |                  |               |                   |                  |
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| 81  |                  |               |                   |                  |
| 82  |                  |               |                   |                  |

I hereby certify that the foregoing is a correct list of the venire in the case of the State vs. Eugene Garner charged with Robbery; 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, 1953, 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. Wilkins  
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 19th day of March, 1953, upon Eugene Garner the Defendant.

Taylor W. Wilkins Sheriff.

|                                          |               |                                       |                               |            |
|------------------------------------------|---------------|---------------------------------------|-------------------------------|------------|
| THE STATE OF ALABAMA,<br>Baldwin County. | CIRCUIT COURT | List of Jurors and Copy of Indictment | STATE<br>vs.<br>EUGENE GARNER | Indictment |
|------------------------------------------|---------------|---------------------------------------|-------------------------------|------------|

1602

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

| Attorneys | Case                  | Charge   |
|-----------|-----------------------|----------|
|           | THE STATE OF ALABAMA. |          |
| No. 4242  | Vs. Eugene Garner     | Rabbery. |

|         | Disposition of Case                              | Fees                                    | Amount |
|---------|--------------------------------------------------|-----------------------------------------|--------|
|         | Affidavit made and Warrant Issued to H. F. Hall. | Judge's Fees                            |        |
|         | Returnable Grand Jury.                           | Warrant at 50c, Affidavit at 25c        | 75     |
|         | Witness—for State H. F. Hall, Edleigh Stedman    | Bond at 50c, Sci Fa at 50c              |        |
|         | Walter D. Chapman.                               | Witnesses' Recognizances at 25c         | 75     |
|         |                                                  | 3 Subpoena or notice at 25c             |        |
|         |                                                  | Continuance at 25c                      |        |
|         |                                                  | Trial of Misdemeanor at \$1.00          |        |
|         |                                                  | Mittimus at 25c                         | 25     |
| 13 Feb. | set vacated having he waived the Grand Jury.     | Judgment on Forfeited Bond at 25c       |        |
|         | Mand was set at \$2000.00                        | Taking Bond, etc, on Appeal at \$1.00   |        |
|         | sup being unable to make bond was                | Execution of costs at 25c               |        |
|         | ordered committed to jail.                       | 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  | 4.00   |
|         |                                                  | Committing \$1.00, Releasing \$1.00     | 2.00   |
|         |                                                  | 2 Subpoenas at 25c. Day's Board, at 30c | 1.50   |
|         |                                                  | Witness Fees                            | 10.00  |
|         |                                                  | Days at 50c                             | 2.00   |
|         |                                                  | " 50c                                   |        |
|         |                                                  | " 50c                                   |        |
|         |                                                  | " 50c                                   | 50     |
|         |                                                  | " 50c                                   | 50     |
|         |                                                  | " 50c                                   | 50     |
|         |                                                  | " 50c                                   |        |
|         |                                                  | " 50c                                   |        |
|         |                                                  | DEFENDANT'S COSTS                       |        |
|         |                                                  | Witnesses' Recognizance at 25c          |        |
|         |                                                  | Subpoenas at 25c                        |        |
|         |                                                  | Executing Subpoenas                     |        |

P. J. Land  
Justice of Peace

1602