

1968

The State of Alabama, {

Baldwin County

CIRCUIT COURT, SPRING SESSION, 1955

The Grand Jury of said County charge that before finding this indictment

Jessie Lee Porter, whose name is to the Grand Jury otherwise unknown, unlawfully, but without malice, or the intention to kill, killed F.P. Adams and ~~_____~~ Bishop ^{KC.} by negligently running the automobile which he was driving, and in which the said F.P. Adams and ~~_____~~ Bishop ^{KC.} were ^{was} riding, into the side of a bridge,

against the peace and dignity of the State of Alabama.

Kenneth Cooper
Solicitor of the Twenty-Eight Judicial Circuit.

No. _____

The State of Alabama
Baldwin County

Circuit Court

SPRING SESSION Term, 19-55

The State

vs.

JESSIE LEE PORTER

INDICTMENT

MANSLAUGHTER, 2nd Degree.

No. Prosecutor

WITNESSES:

R. E. ETHERIDGE

R. C. HENDRICK

GRAND JURY NO. 53

A TRUE BILL

Leone L. Blophaw
Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the 16th day of
March, 19-55

Archie French
Clerk.

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

Archie French
Clerk.

Bail fixed \$ 500⁰⁰

J. M. Wallace
Judge.

1968
STATE OF ALABAMA

VS.

JESSE PORTER

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) CRIMINAL DIVISION

Comes the Defendant, by his attorney, and for plea to the indictment returned sets out separately and severally the following:

PLEA 1.

That the State ought not to further prosecute this indictment against him because before the finding of said indictment a criminal prosecution against him for the identical offence charged in said indictment, was begun in the Justice Court of M. R. Howell, Precinct 14, Baldwin County, Alabama, and said prosecution is still pending. Defendant avers that said prosecution in said Justice Court was commenced without the agency, request, participation, connivance, or authority of the Defendant.

PLEA 2.

That the State cannot further prosecute the Defendant under the indictment returned by the present session of the Grand Jury in that on the 14th day of December, 1954 an affidavit was signed by R. E. Ethridge charging the Defendant, Jesse Porter, with manslaughter, and that on the same date a warrant of arrest was issued by M. R. Howell, Justice of the Peace, of Precinct 14, Foley, Baldwin County, Alabama, returnable before the said M. R. Howell on the 29th day of December, 1954, which warrant of arrest was executed on the 15th day of December 1954 by arresting the said Defendant, and that the hearing set on the 29th day of December 1954 was continued; but not at the request of the Defendant, and that it has been continued and not held to this date, still not at the request of the Defendant, and that the said Defendant is entitled to a preliminary hearing before indictment.

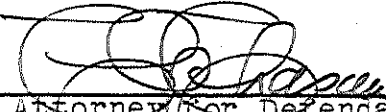
PLEA 3.

That the indictment returned by the present session of the Grand Jury of Baldwin County, Alabama is void in that a pre-

1968

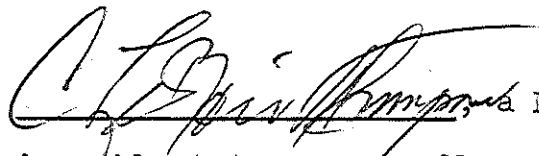
liminary hearing which was set for the 29th day of December, 1954, and which is desired by the Defendant has not been held, nor has preliminary hearing been waived by the Defendant, nor has hearing been continued at his request, and under the law of the State of Alabama, he is entitled to a preliminary hearing if desired and not waived before indictment when arrested for the charge of manslaughter.

Defendant prays that the indictment against him be abated or that it be quashed, and prays the Court to enter a judgment that no further prosecution may be had against him under said indictment.

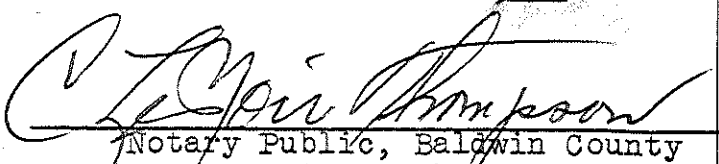

Attorney for Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me  Notary Public in and for said County in said State, personally appeared C. G. Chason who is known to me, and who after being by me duly and legally sworn, deposes and says that he is the attorney for Jesse Porter, and that he is familiar with the matters and facts alledged in the foregoing pleas, and that the matters and facts therein alledged are true.

Sworn to and subscribed before me on this the 21st day of March, 1955.


Notary Public, Baldwin County
State of Alabama

3/21/55 The foregoing Motion filed and after a hearing the Motion is denied
1st JUDGE

File
New

Filed 3-21-55-
Acme French
Clerk

[illegible]

The State of Alabama,
Baldwin County

We, Jessie Lee Porter, as
principal, and undersigned as sureties agree to pay THE STATE OF ALABAMA, the sum of
\$500 Five hundred + no/- DOLLARS
unless the said Jessie Lee Porter appears at the
Next Term, 1952 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

Manslaughter 2nd 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.

Jessie L. Porter L. S.

James A. Strickland L. S.

M. E. M. Howell L. S.

_____ L. S.

Taken and approved this the 19 day of March 1952

Taylor Perkins, Sheriff

By Charles C. Anderson, Deputy Sheriff

THE STATE OF ALABAMA, }
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

Jessie Lee Porter

at the Spring Term, 1955 of the Circuit Court of Baldwin County, for the offense of

Manslaughter, 2nd 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 16th day of March, 1955

Deirdre H. H. H.
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.

1968

CAPIAS

No. 515

The State

vs.

Jessie Lee Porter

Bail fixed in this Case in Open Court at

\$ 500.00

By H. M. Hall
Judge Presiding

Attest: _____

Clerk.

Executed this 12 day of March, 1968

By arresting the within

named Defendant

Jessie Lee Porter

and placing him on Bond

Taylor Williams, Sheriff

Charles Williams, Deputy Sheriff