

(2027)
STATE OF ALABAMA

Baldwin County

Case No. Howell

No. 6529

The State of Alabama
vs.

In the Justice Court of
Baldwin County, Alabama

Before me, M. R. Howell, Clerk of the Justice 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 72 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 Sally Sheriff Taylor Wilkins

Subscribed and sworn to before me this 10 day of Oct, 1955

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 \$ 7.20 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 12 day of Oct, 1955 M. R. Howell
Judge of the above named court

No. 2027

John B. Connolly

2037
10 November 1955

Mr M.R. Howell
Jus tice of the Peace
Foley, Alabama

Re: State of Alabama
vs.
John B. O'Connell

Dear Mr Howell:

I am in receipt of the transcrip which you forwarded to this Court pertaining to above named defendant.

This case last week was set for non-jury criminal trial on the 16th of this month. However, upon further examination of the records it appears that defendant intended that the case be tried before the jury after an indictment by the grand jury. As you know, under the provisions of Section 417 you are given jurisdiction to try cases of this nature, (Title 13), and under the provisions of Section 423 you must try the defendant, unless he demands a trial by jury, in which case such a demands ousts your jurisdiction. In case the defendant does demand a trial by jury, he is at that time to enter into bond conditioned that he will appear at the next session of the circuit court. In the above styled case it does not appear that this defendant, John B. O'Connell, did enter into the bond as required. According to the bond which you forwarded said bond was dated October 7, 1955, whereas the date on which he made the appeal was October 12, 1955. I am therefore returning all papers in this case for compliance with the above cited provisions of Title 13, Code of Alabama. If the defendant wants a trial by jury he should make a new bond, otherwise you should try him for the charge, and then if he wants to take an appeal to Circuit Court he can do so, and if he then decides that he wants a trial by jury all his attorney has to do to get it is simply file with you at that time a demand for a jury trial, in which case it will be docketed for trial when the petit jury next is convened.

cc:

Cecil G. Chason
Attorney at Law-Foley

James A. Brice
Attorney at Law - Foley

Sincerely yours,

Kenneth Cooper
Solicitor

2027

5606

10 November 1955

Mr M.R. Howell
Justice of the Peace
Foley, Alabama

Re: State of Alabama
vs.
John B. O'Connell

Dear Mr Howell:

I am in receipt of the transcrip which you forwarded to this Court pertaining to above named defendant.

This case last week was set for non-jury criminal trial on the 16th of this month. However, upon further examination of the records it appears that defendant intended that the case be tried before the jury after an indictment by the grand jury. As you know, under the provisions of Section 417 you are given jurisdiction to try cases of this nature, (Title 13), and under the provisions of Section 423 you must try the defendant, unless he demands a trial by jury, in which case such a demands ousts your jurisdiction. In case the defendant does demand a trial by jury, he is at that time to enter into bond conditioned that he will appear at the next session of the circuit court. In the above styled case it does not appear that this defendant, John B. O'Connell, did enter into the bond as required. According to the bond which you forwarded said bond was dated October 7, 1955, whereas the date on which he made the appeal was October 12, 1955. I am therefore returning all papers in this case for compliance with the above cited provisions of Title 13, Code of Alabama. If the defendant wants a trial by jury he should make a new bond, otherwise you should try him for the charge, and then if he wants to take an appeal to Circuit Court he can do so, and if he then decides that he wants a trial by jury all his attorney has to do to get it is simply file with you at that time a demand for a jury trial, in which case it will be docketed for trial when the petit jury next is convened.

cc:
Cecil G. Chason
Attorney at Law-Foley

James A. Brice
Attorney at Law - Foley

Sincerely yours,
Kenneth Cooper
Kenneth Cooper
Solicitor

2002

2002

10 November 1955

Mr. M. R. Howell
Attorney at Law
Troy, Alabama

John S. O'Connell
Troy, Alabama

Dear Mr. Howell:

I am in receipt of the summons which you forwarded to this Court pertaining to above named defendant.

This case last week was set for non-jury criminal trial on the 15th of this month. However, upon further examination of the records it appears that defendant indicated that the case be tried before the jury after an indictment by the grand jury. As you know, under the provisions of Section 13, you are given jurisdiction to try cases of this nature, Title 13, and under the provisions of Section 13, you must try the defendant, unless he demands a trial by jury. In which case such a demand must be made prior to the trial. In case the defendant does demand a trial by jury, he is at that time to enter into bond conditioned that he will appear at the next session of the circuit court. In the above styled case it does not appear that this defendant, John S. O'Connell, did enter into the bond as required. According to the bond which you forwarded said bond was dated October 7, 1955, whereas the date on which he made the appeal was October 15, 1955. I am therefore returning all papers in this case for compliance with the above cited provisions of Title 13, Code of Alabama. If the defendant wants a trial by jury he should make a new bond, otherwise you should try him for the charge, and then if he wants to take an appeal to Circuit Court he can do so, and if he then decides that he wants a trial by jury all his attorney has to do is to file this with you at that time a demand for a jury trial, in which case it will be docketed for trial when the next jury next is convened.

Respectfully,
John S. O'Connell
Troy, Alabama

cc: Cecil G. Cannon
Attorney at Law - Troy

James A. Price
Attorney at Law - Troy

2027
November 9, 1955

Mrs. Alice J. Duck, Clerk
Bay Minette, Alabama

Re: State of Alabama

- VS -

John B. O'Connell
Assult and Battery

Dear Mrs. Duck:

I have been notified by Carlisle Childress that subpoenas had been issued, returnable on November 19th, for trial of John B. O'Connell. I believe some error has been made, inasmuch as I have been served with a copy of a request for Jury Trial filed by James A. Brice, in the Justice Court of M. R. Howell on the 12th day of October, 1955, which continues this case for Grand Jury action.

I would appreciate verification.

Yours very truly,


C. G. Chason

CGC:fm

cc: Hon. Kenneth Cooper
Circuit Solicitor
Bay Minette, Alabama

cc: Mr. James A. Brice
Attorney at Law
Foley, Alabama