

THE STATE OF ALABAMA, {

Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

Atton Fair

at the Fall Term, 1959, of the Circuit Court of Baldwin County, for the offense of

Burglary

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 16 day of Sept, 1959

W. L. L. L.  
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.

*Jail record*

2897

CAPIAS

No. 84

The State

vs.

Alton Fair

Bail fixed in this Case in Open Court at

\$ 500<sup>00</sup>

By H. M. Hall  
Judge Presiding

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

Executed this 29 day of Sept., 1959

By arresting the within

named Defendant

and placing him in jail

Joseph Wilkins, Sheriff

J. H. Harn, Deputy Sheriff

W. H. Co. line

2897

## STATE OF ALABAMA }

Baldwin County

Case No.

84

No.

10856

The State of Alabama

In the

Court of  
Baldwin County, Alabama

Before me, Allen J. Duck, Clerk of the 1st 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 60 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

Mobile Co. LineWm. H. Wilkins Sheriff

Subscribed and sworn to before me this

30

day of

Sept, 1952

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 \$\_\_\_\_\_ 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

THE STATE OF ALABAMA, }  
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

Lannie Nelson Parson

at the Fall Term, 1959 of the Circuit Court of Baldwin County, for the offense of

Burglary

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 16 day of Sept, 1959

W. J. 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.

2897

2897

CAPIAS

No. 84

The State

vs.

Lonnie Nelson Parsons

Executed this 16 day of Sept, 1959

By arresting the within

named Defendant

Bail fixed in this Case in Open Court at

\$ 500.00

By H. M. Hall  
Judge Presiding

and placing him in Jail

Wayles Wilson Sheriff

Attest: \_\_\_\_\_

Clerk.

\_\_\_\_\_, Deputy Sheriff

O. M. [unclear]

THE STATE OF ALABAMA, }

Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

Eugene Jones

at the Full Term, 1959, of the Circuit Court of Baldwin County, for the offense of

Burglary

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 16 day of Sept, 1959

Deane 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.

C A P I A S

No. 84

The State

vs.

Eugene Jones

Executed this 16 day of Sept, 1959

By arresting the within

named Defendant

and placing him on bail

Bail fixed in this Case in Open Court at

\$ 500

By H. M. Hall

Judge Presiding

Myler Williams Sheriff

Attest: \_\_\_\_\_

Clerk.

\_\_\_\_\_, Deputy Sheriff

D. M. Hall

# APPEARANCE BOND

Printed by Moore Ptg. Co.

The State of Alabama,

Baldwin County

We, EMMETT ODOM JR., as principal, and undersigned as sureties agree to pay THE STATE OF ALABAMA, the sum of FIVE HUNDRED (500.00) DOLLARS unless the said EMMETT ODOM JR. appears at the NEXT Term, 1959 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

BURGLARY

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 , 19

Baldwin County, Ala.

Taken and approved this the

16<sup>th</sup>

day of

Emmett Odom Jr. L. S.

C. V. Broaden L. S.

J. M. Pierce L. S.

By C. V. Broaden (att in fact)

Sept 1959

Taylor Perkins, Sheriff

A. C. McCall, Deputy Sheriff



Garner  
9-15-59

No. \_\_\_\_\_

State of Alabama

Baldwin County

\_\_\_\_\_ Court

**Sheriff's Office**

The State

vs.

**Sheriff's Appearance Bond**

Amount of Bond \$ \_\_\_\_\_

Filed \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, Clerk

THE STATE OF ALABAMA, {

Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

Emmett D. Davisat the Fall Term, 1959, of the Circuit Court of Baldwin County, for the offense ofBurglaryyou are, therefore, commanded forthwith to arrest the said Defendant and commit himto jail, unless he give bail to answer said indictment, and that you return this Writ according to law.Dated this 16 day of Sept, 1959David J. Houch  
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.

CAPIAS

No. 84

The State  
vs.

Emmett Adams, Jr

Bail fixed in this Case in Open Court at

\$ 500<sup>00</sup>

By H. M. Hall  
Judge Presiding

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

Executed this 16 day of Sept, 1959

By arresting the within

named Defendant

and placing him in Jail

Rayber Williams, Sheriff

\_\_\_\_\_, Deputy Sheriff

O. Mills

The State of Alabama, {

Baldwin County

CIRCUIT COURT, Fall SESSION, 1959

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

Alton Fail, Lonnie Nelson Parson, Emmett Odom, Jr. and Eugene Jones, whose names are to the Grand Jury otherwise unknown, did, in the night time, with intent to steal, break into and enter a store, owned by or in the possession of F. J. Brown, in which goods, wares, merchandise or other valuable things, to-wit: Cigarettes, gum, beer and money were kept for use, sale, or deposit,

against the peace and dignity of the State of Alabama.

*James A. Hendrix*  
Solicitor of the Twenty-Eight Judicial Circuit.

RECORDED

No. \_\_\_\_\_

The State of Alabama  
Baldwin County

Circuit Court

Fall Term, 19 59

The State

vs.

Alton Fall, Lonnie Nelson Parson,  
Emmett Odom, Jr. & Eugene Jones

INDICTMENT

Burglary

No

Prosecutor

WITNESSES:

F. J. Brown

J. D. Horn

GRAND JURY NO. 84

A TRUE BILL

*A. M. Alley Jr.*  
Foreman Grand Jury.

Filed in open Court and in the presence of  
the Grand Jury on the 16 day of

Sept, 19 59

*Alvin Phelan*  
Clerk.

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

*Alvin Phelan*  
Clerk.

Bail fixed \$

500.00

*W. H. H. H.*  
Judge.

PETITION FOR WRIT OF ERROR CORAM NOBIS

STATE OF ALABAMA, ) IN THE CIRCUIT COURT OF  
Plaintiff, )

-vs-

) BALDWIN COUNTY, ALABAMA

ALTON W. FAIL, )

Defendant. )

CRIMINAL DIVISION NO. 2896-2897

TO THE HONORABLE TELFAIR MASHBURN, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Comes Alton W. Fail and respectfully petitions and represents unto this Honorable Court and to your Honor as follows:

(1) That during the year of 1959 your said petitioner was arrested and charged in Baldwin County, Alabama in matters deemed second degree burglary, and after being confined in Baldwin County jail for approximately two days was then transferred by a Mobile Deputy Sheriff to Mobile where he was tried on the same facts so far as he knows in the Juvenile Court of Mobile County, Alabama and placed on Probation by the Honorable Herndon Inge, Jr., as judge of the Juvenile Court of Mobile County.

(2) Your petitioner attaches hereto a copy of the order entered therein on November 4, 1959, being Case No. 12863 and makes same a part hereof.

(3) Copy is also attached of a report by Norman Gayle of the Juvenile Court of Mobile County to Honorable Hubert Hall, Baldwin County, Bay Minette, Alabama, on November 5, same made a part hereof.

(4) In as much as the said case against your said petitioner, Alton W. Fail, was disposed of in Mobile County and that your said petitioner never appeared the Honorable Hubert Hall, Circuit Judge, Baldwin County, Alabama, and further that your said petitioner had no knowledge of the record entered in the Circuit Court of Baldwin County until such action was brought to light through his application, as a security officer, for a pistol permit in Mobile County

2897

Wherefore, your petitioner respectfully petitions this Honorable Court to strike from the record the alleged conviction as an adult in the Circuit Court of Baldwin County, Alabama, as your petitioner submits he had led an honest and exemplary life since that occasion noted in the Mobile County Juvenile Court; and further

(5) That your petitioner shows that he was never returned to Baldwin County to serve the alleged sentence set forth on the docket page against your said petitioner, having had no knowledge of such in the years following his arrest.

(6) Your petitioner further shows that although he has not served the sentence set forth on the docket page in said case, that he will be injured by the record remaining outstanding and that in as much as Honorable Hubert Hall never enforced said sentence against the petitioner, but allowed him to be treated as a juvenile in the Juvenile Court of Mobile County, that the act of this Honorable Court in striking said record presently noted in the above styled case would be the act of this Court in following the law to treat the said petitioner as a juvenile at the time of his trouble and to remove this record against his character so that he may continue in his employment, as a security officer, which job was earned by the work and reputation, which he has established since 1959.

Respectfully submitted,

Alton W. Fail

Alton W. Fail, Petitioner

SWORN to and subscribed before me on this 21 day of May, 1970.

C. Lenoir Thompson  
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA

I hereby certify that I have this day mailed a copy of the foregoing petition on the Honorable Jim Hendrix, District Attorney, Baldwin County, Alabama, by leaving a copy of same at his office in Bay Minette.

Alton W. Fail  
Alton W. Fail

OF COUNSEL:  
C. LENOIR THOMPSON

2897

COPY

COPY

November 5, 1959

Honorable Hubert Hall  
County Court House  
Bay Minette, Alabama

Re: Alton Fail   wm  
No. 12883

Dear Judge Hall:

Judge Inge instructed me to write you regarding the disposition of the Juvenile Court hearing Wednesday, November 4, 1959 concerning the above youth.

Alton was placed on probation, but was allowed to go to Pensacola, Florida to live with his aunt who has acquired employment for him.

We are going to notify the Juvenile Authorities in Pensacola and ask them to supervise the boy as long as he lives there. His aunt is to notify the Court when he returns to Mobile.

Judge Inge sends his personal regards to you and wishes to express his appreciation in this matter.

If I can be of any further assistance in this matter, please let me know.

Sincerely yours,

Norman Gale  
Juvenile Court  
Mobile County

NG:mf

2897



JUVENILE COURT OF MOBILE COUNTY, ALABAMA

IN THE MATTER OF

Alton Fail

Case No. 12883

ORDER AND JUDGMENT

11/4/59 - Case being heard and complaint found true boy placed on probation to report to probation officer for schedule of home and office visits.

DATED, 11/4/59

S Herndon Inge, Jr.  
Judge

I, George M. Bellman, <sup>Director</sup> ~~Clerk~~ of the Juvenile Court of Mobile County, Alabama, do hereby certify that the foregoing is a true and correct copy of the Order and Judgment of the Juvenile Court of Mobile County, Alabama, rendered in the above case as the same remains of record in my office.

Dated, 5/21/70

George M. Bellman  
Director ~~Clerk~~ Juvenile Court of Mobile County, Alabama

2897

2897

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
-vs-	)	CRIMINAL DIVISION
ALTON W. FAIL,	)	CASE NO. 2896
Defendant.	)	

D E C R E E :

This cause was heard by the Court on the Petition of the Defendant for a Writ of Error Coram Nobis on the 22<sup>nd</sup> day of May, 1970, and on the evidence heard by the Court ore tenus all of which being considered and understood by the Court and the Court being of the opinion that a miscarriage of justice had occurred in that the matters complained of in Case No. 2896 were transferred to the Juvenile Court of Mobile County, and the Juvenile Court of Mobile County accepted jurisdiction of the defendant, Alton W. Fail, then a juvenile, and disposed of the case in accordance with matters before that court.

It is the opinion of the Court that the said petition of the defendant should be granted and the plea and verdict set forth in the said record should be stricken under the facts presented to this Court.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the Writ of Error Coram Nobis be granted, the case be dismissed and that justice be effectively done the record before this Court in Case No. 2896 be expunged from the Criminal Docket.

It is further ORDERED, ADJUDGED and DECREED by the Court that any costs due the Circuit Court of Baldwin County in this matter shall be paid by the defendant, Alton W. Fail.

DONE this \_\_\_\_\_ day of May, 1970.

\_\_\_\_\_  
Circuit Judge.

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
-vs-	)	CRIMINAL DIVISION
ALTON W. FAIL,	)	CASE NO. 2896
Defendant.	)	

D E C R E E :

This cause was heard by the Court on the Petition of the Defendant for a Writ of Error Coram Nobis on the 22<sup>nd</sup> day of May, 1970, and on the evidence heard by the Court ore tenus all of which being considered and understood by the Court and the Court being of the opinion that a miscarriage of justice had occurred in that the matters complained of in Case No. 2896 were transferred to the Juvenile Court of Mobile County, and the Juvenile Court of Mobile County accepted jurisdiction of the defendant, Alton W. Fail, then a juvenile, and disposed of the case in accordance with matters before that court.

It is the opinion of the Court that the said petition of the defendant should be granted and the plea and verdict set forth in the said record should be stricken under the facts presented to this Court.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the Writ of Error Coram Nobis be granted, the case be dismissed and that justice be effectively done the record before this Court in Case No. 2896 be expunged from the Criminal Docket.

It is further ORDERED, ADJUDGED and DECREED by the Court that any costs due the Circuit Court of Baldwin County in this matter shall be paid by the defendant, Alton W. Fail.

DONE this \_\_\_\_\_ day of May, 1970.

\_\_\_\_\_  
Circuit Judge.

2897

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
-vs-	)	CRIMINAL DIVISION
ALTON W. FAIL,	)	CASE NO. 2896
Defendant.	)	

D E C R E E :

This cause was heard by the Court on the Petition of the Defendant for a Writ of Error Coram Nobis on the 22nd day of May, 1970, and on the evidence heard by the Court ore tenus all of which being considered and understood by the Court and the Court being of the opinion that a miscarriage of justice had occurred in that the matters complained of in Case No. 2896 were transferred to the Juvenile Court of Mobile County, and the Juvenile Court of Mobile County accepted jurisdiction of the defendant, Alton W. Fail, then a juvenile, and disposed of the case in accordance with matters before that court.

It is the opinion of the Court that the said petition of the defendant should be granted and the plea and verdict set forth in the said record should be stricken under the facts presented to this Court.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the Writ of Error Coram Nobis be granted, the case be dismissed and that justice be effectively done the record before this Court in Case No. 2896 be expunged from the Criminal Docket.

It is further ORDERED, ADJUDGED and DECREED by the Court that any costs due the Circuit Court of Baldwin County in this matter shall be paid by the defendant, Alton W. Fail.

DONE this 22nd day of May, 1970.

Jeffrey A. Maslowski  
Circuit Judge.

2895