

Alias
C A P I A S

Deceased.

(2914)

Printed by Moore Printing Co.

THE STATE OF ALABAMA,
Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

William Tillman

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

Murder 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 7 day of April, 1964.



Alicia J. Luck
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.

2914

Alias

C A P I A S

No. 2914

The State

vs.

William Tillman
Ann Airhope, Ala.

Bail fixed in this Case in Open Court at

\$ _____

By _____
Judge Presiding

Attest: _____
Clerk.

Executed this _____ day of _____, 19__

By arresting the within

named Defendant

and placing him _____

_____, Sheriff

_____, Deputy Sheriff

~~Received in Sheriff's Office
this 12 day of April, 1961
TAYLOR WILKINS, Sheriff~~

~~Received in Sheriff's Office
this 13 day of April, 1961
TAYLOR WILKINS, Sheriff~~

Received in Sheriff's Office
this 13 day of April, 1961
TAYLOR WILKINS, Sheriff

The State of Alabama,

Baldwin County

CIRCUIT COURT,

Fall

SESSION, 1959

Count One

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

William Fillman whose name is to the Grand Jury otherwise unknown, unlawfully, and with malice aforethought killed Amy Fillman by striking her with a bottle, but without premeditation or deliberation,

Count Two

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

William Fillman whose name is to the Grand Jury otherwise unknown, unlawfully and with malice aforethought killed Amy Fillman by striking her with an instrument which is unknown to the Grand Jury, but without premeditation or deliberation,

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.

William Fillman

INDICTMENT

Murder, 2nd Degree

No Prosecutor

WITNESSES:

Taylor Wilkins

Mickey Johnson

Nelson Grubbs

Mackey Garrett 1-70-4125

Henry Natta 1-70-4125

GRAND JURY NO. 31

A TRUE BILL

A. B. 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 J. Hucker
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 J. Hucker
Clerk.

Bail fixed \$ 750.00

W. H. Natta
Judge.

2914
We the jury find the defendant guilty of
Murder in the Second Degree. As charged in the
Indictment. Forwarded filed at 20 years
in prison.
J. A. Lott

2914

STATE OF TEXAS			CERTIFICATE OF DEATH		STATE FILE NO.	
1. PLACE OF DEATH a. COUNTY Galveston			2. USUAL RESIDENCE (Where deceased lived. If institution: residence before admission) a. STATE Texas b. COUNTY Galveston			
b. CITY OR TOWN (If outside city limits, give precinct no.) Galveston			c. CITY OR TOWN (If outside city limits, give precinct no.) Texas City			
d. NAME OF (If not in hospital, give street address) HOSPITAL OR INSTITUTION USPHS Hospital			d. STREET ADDRESS (If rural, give location) 2217-12th. Street North			
e. IS PLACE OF DEATH INSIDE CITY LIMITS? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>			e. IS RESIDENCE INSIDE CITY LIMITS? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		f. IS RESIDENCE ON A FARM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
3. NAME OF DECEASED (Type or print) a. First William b. Middle Leidy c. Last Fillman			4. DATE OF DEATH June 2, 1963			
5. SEX Male	6. COLOR OR RACE White	7. Married <input checked="" type="checkbox"/> Never Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/>	8. DATE OF BIRTH April 8, 1916	9. AGE (In years last birthday) 47	IF UNDER 1 YEAR Months Days Hours Minutes	
10a. USUAL OCCUPATION (Give kind of work done during most of working life, even if retired) Mate		10b. KIND OF BUSINESS OR INDUSTRY Shipping	11. BIRTHPLACE (State or foreign country) Pa.		12. CITIZEN OF WHAT COUNTRY? USA	
13. FATHER'S NAME Spencer Fillman			14. MOTHER'S MAIDEN NAME Florence McFaden			
15. WAS DECEASED EVER IN U.S. ARMED FORCES? (Yes, no, or unknown) Yes		16. SOCIAL SECURITY NO. WW- 2 361-07-2345	17. INFORMANT Registrar: USPHS Hospital			
18. CAUSE OF DEATH [Enter only one cause per line for (a), (b), and (c).] PART I. DEATH WAS CAUSED BY: IMMEDIATE CAUSE (a) Cardiac Arrhythmia Conditions, if any, which gave rise to above cause (a), stating the underlying cause last. DUE TO (b) Congestive heart failure DUE TO (c) _____					INTERVAL BETWEEN ONSET AND DEATH 3 weeks 3 mos.	
PART II. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO THE TERMINAL DISEASE CONDITION GIVEN IN PART I(a) Hepatic cirrhosis with decompensation					19. WAS AUTOPSY PERFORMED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
20a. ACCIDENT <input type="checkbox"/> SUICIDE <input type="checkbox"/> HOMICIDE <input type="checkbox"/>			20b. DESCRIBE HOW INJURY OCCURRED. (Enter nature of injury in Part I or Part II of item 18.)			
20c. TIME OF INJURY Hour _____ a.m. _____ p.m. Month _____ Day _____ Year _____						
20d. INJURY OCCURRED WHILE AT WORK <input type="checkbox"/> NOT WHILE AT WORK <input type="checkbox"/>		20e. PLACE OF INJURY (e.g., in or about home, farm, factory, street, office building, etc.)		20f. CITY, TOWN, OR LOCATION COUNTY _____ STATE _____		
21. I hereby certify that I attended the deceased from March 15, 1963 to June 2, 1963 and last saw the deceased alive on June 2, 1963 . Death occurred at 1:10 A m. on the date stated above, and to the best of my knowledge, from the causes stated.						
22a. SIGNATURE P. M. Anderson (Degree or title) M.D.			22b. ADDRESS Galveston, Texas		22c. DATE SIGNED 6/3/63	
23a. BURIAL, CREMATION, REMOVAL (Specify) Removal		23b. DATE June 2, 1963		23c. NAME OF CEMETERY OR CREMATORY Galveston Memorial Park		
23d. LOCATION (City, town, or county) Hitchcock		(State) Texas		24. FUNERAL DIRECTOR'S SIGNATURE Fred K. Fletcher #5276 Emken-Linton Funeral Home.		
25a. REGISTRAR'S FILE NO. 557		25b. DATE REC'D BY LOCAL REGISTRAR June 3, 1963		25c. REGISTRAR'S SIGNATURE William R. Ross, M.D.		

State of Texas
City of Galveston

I hereby certify that the above is a true and correct copy of the certificate as recorded in the City Health Department of Galveston, Texas.

Issued

Aug. 22, 1963

W. R. Ross, M.D.
Registrar of Vital Statistics
By AP

CERTIFICATE OF APPEAL. (Criminal Cases.)

No. 2914

_____BALDWIN_____, County, Circuit Court

WILLIAM FILLMAN

Appellant

VS.

The State of Alabama,
Appellee

The State of Alabama,

Baldwin County, The Circuit Court of Baldwin
County.

I, Alice J. Duck, Clerk of the Circuit Court
of Baldwin County in and for said County and State, do
hereby certify that in the above stated case, which was tried and
determined in this Court on the 29th day of March 1960, and
the defendant convicted by a Jury of the offense of Murder 2nd Degree
, and that on the 29th day of March 1960,
said defendant was sentenced to a term of 20 years imprisonment in
the State Penitentiary, which said sentence was suspended
pending an appeal to the Court of Appeals Court of Alabama.

I further certify that on this the 10 day of Nov, 1960, the defendant gave notice in writing of an appeal to the Court of Appeals Court of Alabama.

Witness my hand and the seal of this Court, this the 10
day of May 19 60.

Alice J. Duck
Clerk of Circuit Court of
Baldwin County, Alabama,

STATE OF ALABAMA,	℥	
Complainant	℥	IN THE CIRCUIT COURT OF
Vs.	℥	BALDWIN COUNTY, ALABAMA
WILLIAM FILLMAN,	℥	AT LAW
Defendant.	℥	CASE # _____

INDICTMENT FOR MURDER OF 2nd DEGREE

It appearing to the Court that the said William Fillman agreed to pay the State of Alabama \$7500.00 unless the said William Fillman appeared at the criminal jury term of the Court, at the next jury term of the court, and from time to time as the case may be, to answer in this case; and the said William Fillman having failed to appear at the time and place mentioned, it is therefore ordered that the State of Alabama, for the use of Baldwin County, recover from the said William Fillman on said undertaking, the sum of \$7500.00, unless he appear at the next session of this court to be held on the 2 day of May, 1961, and show cause why this judgment should not be made absolute.

Hubert M. Hall
Hubert M. Hall, Circuit Judge of
the 28th Judicial Court

William F. Fulman

TO DIRECTOR, FBI

100-4-1000

SUBJECT: THOMAS W. BROWN

NY

NY 24

TAMMING MATTER

RE: BUREAU

100-4-1000

RE: BUREAU AND SO ST. LOUIS FOR INFORMATION

RE: BUREAU AND ST. LOUIS FOR INFORMATION

RE: BUREAU AND ST. LOUIS FOR INFORMATION

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William F. Fulman

STATE OF ALABAMA,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
Vs.	X	AT LAW
WILLIAM L. FILLMAN,	X	CRIMINAL SIDE
Defendant.	X	CASE NO. <u>2914</u>

Comes now David M. Fillman and shows unto the Court that he deposited with Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, in the above styled cause, the sum of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) as bond for the Defendant, William L. Fillman. That there remains in the hands of the said Clerk the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) That the said William L. Fillman died on the 2nd day of June, 1963, and that there is attached hereto and marked Exhibit "A" a Certified Copy of his Death Certificate.

Premises considered, your Petitioner prays that Your Honor will direct the Clerk of the Circuit Court to deliver to Harry J. Wilters, Jr., Attorney for David M. Fillman, the said sum of money.

David M. Fillman
David M. Fillman

Sworn to and subscribed before me on this the 31st day of October, 1963.

Alice Nyce
Notary Public
ALICE NYCE, NOTARY PUBLIC
PHILADELPHIA, PHILADELPHIA COUNTY
MY COMMISSION EXPIRES FEBRUARY 6, 1967

ORDER

Having read the foregoing Petition, I am of the opinion that the Petitioner is entitled to the relief he seeks.

It is, therefore, ORDERED, ADJUDGED and DECREED and the Circuit Clerk of Baldwin County, Alabama, is hereby directed to deliver to Harry J. Wilters, Jr., as Attorney for David M. Fillman, the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00); this being the amount

now on deposit in the above styled cause, less the cost of court in the amount of \$122.25.

Done this the 4th day of November, 1963.

Hubert M. Hall

JUDGE

FILED

NOV 4 1963

ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA,	X	
Complainant	X	IN THE CIRCUIT COURT OF
Vs.	X	BALDWIN COUNTY, ALABAMA
WILLIAM FILLMAN,	X	AT LAW
Defendant.	X	CASE # _____

INDICTMENT FOR MURDER OF 2nd DEGREE

It appearing to the Court that the said William Fillman agreed to pay the State of Alabama \$7500.00 unless the said William Fillman appeared at the criminal jury term of the Court, at the next jury term of the court, and from time to time as the case may be, to answer in this case; and the said William Fillman having failed to appear at the time and place mentioned, it is therefore ordered that the State of Alabama, for the use of Baldwin County, recover from the said William Fillman on said undertaking, the sum of \$7500.00, unless he appear at the next session of this court to be held on the 2 day of May, 1961, and show cause why this judgment should not be made absolute.

Hubert M. Hall
Hubert M. Hall, Circuit Judge of
the 28th Judicial Court

STATE OF ALABAMA

VS

WILLIAM FILLMAN

DEFENDANT

)
) IN THE CIRCUIT COURT OF

)
) BALDWIN COUNTY, ALABAMA,

)
) AT LAW - CRIMINAL SIDE
)

NOTICE OF APPEAL

Comes now the Defendant, William Fillman, by ~~Harry J. Wilters Jr.~~,
his attorney of record and appeals to the Court of Appeals of the State
of Alabama from:

The Verdict of the jury and judgment of the court by adjudging the
Defendant, William Fillman, guilty.

Dated this 10 day of May, 1960.

Wilters & Brantley

BY:

Albert M Brantley
Attorney for the Defendant

FILED

MAY 10 1960

ALICE L. DUCK, Clerk

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term 1960.To the Clerk of the Circuit Courtof Baldwin County—Greeting:

Whereas, in the matter of

William Tillman, Appellant

vs.

The State, Appellee

recently pending in the Court of Appeals of Alabama, on appeal from the said

Court of County,

our Court of Appeals did on the 29 day of Nov, 1960,render a judgment of affirmance reversed

in said cause; and,

Whereas, a certificate of such action of the Court of Appeals was duly issued to you, and thereafter an application for a rehearing of said cause was filed in this Court on the 10 day of Dec, 1960; and overruled.

Now, it is hereby certified, that our Court of Appeals, or one of the Justices thereof, did, on the 23 day of Jan, 1961, order that the said certificate be recalled.

And you will accordingly return the same to this office at once, together with copy of the opinion in said cause issued to you.

Witness, Charles Bricken, Jr., Clerk of the Court

of Appeals of Alabama, at the Capitol, this the

23 day of Jan, 1961

Charles Bricken, Jr.
Clerk of the Court of Appeals of Alabama.

THE COURT OF APPEALS OF ALABAMA

October Term, 1968

1st Div., No. 836

William Tillman
Appellant

Thelma
Appellee

From Baldwin County Court.

CERTIFICATE OF RECALL

On Application for Rehearing.

CERTIORARI FILED

THE STATE OF ALABAMA,

County.

Filed this day of

19

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term 19 60

To the Clerk of the Circuit Court

of Baldwin County—Greeting:

Whereas, in the matter of

William Tillman, Appellant

vs.

Shirley, Appellee

recently pending in the Court of Appeals of Alabama, on appeal from the said

Court of _____ County,

our Court of Appeals did on the 29 day of Nov, 19 60

render a judgment of ~~affirmance~~ reversal

in said cause; and,

Whereas, a certificate of such action of the Court of Appeals was duly issued to you, and thereafter an application for a rehearing of said cause was filed in this Court on the 14 day of Dec, 19 60

Now, it is hereby certified, that our Court of Appeals, or one of the Justices thereof, did, on the 14 day of Dec, 19 60, order that the said certificate be recalled.

And you will accordingly return the same to this office at once, together with copy of the opinion in said cause issued to you.

Witness, Charles Bricken, Jr., Clerk of the Court

of Appeals of Alabama, at the Capitol, this the

14 day of Dec, 19 60

Charles Bricken, Jr.
Clerk of the Court of Appeals of Alabama.

2914

THE COURT OF APPEALS OF ALABAMA

October Term, 1960

1st Div., No. 836

William Tillman
Appellant,

The State
Appellee,

From Baldwin County Court.

CERTIFICATE OF RECALL
On Application for Rehearing.

THE STATE OF ALABAMA,

FILED }
County.

Filed this DEC 16 1960 day of

ALICE I. DUCK, CLERK
REGISTER

THE STATE OF ALABAMA

IN THE CIRCUIT COURT.

Baldwin County.We William Fillman andagree to pay to the State of Alabama the
sum of Seven Thousand five hundred Dollars, unless the saidWilliam Fillman appears at the nextterm 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

Murder, 2nd degree

And we, and each of us, hereby waive all exemptions we may have to any personal property under the Constitution and Laws of the State of Alabama as to the collection of the penalty of this bond.

Witness our hands and seals this 19 day of March, 1960

The condition of the above obligation is such that, whereas the above bound

William Fillman was duly convicted in the Circuit Court of
Baldwin County on the 29 day of March, 1960

of the above stated offense, and has duly applied for and obtained an appeal from said conviction and sentence to the Court of Appeals for the State of Alabama, and the amount of his appeal bond has been duly and legally fixed at said above stated sum:

Now, therefore, if the said William Fillman
shall appear at the next term of the Circuit Court of Baldwin County, and
from term to term thereafter until discharged by law, and abide the judgment of the said Court of Appeals for the State of Alabama, then this obligation to be void and of no effect; otherwise to remain in full force and effect.William Fillman (Seal.)

(Seal.)

(Seal.)

(Seal.)

Approved this 29 day of March, 1960Heidi J. Resnick, Clerk.

2914

No. _____

THE STATE OF ALABAMA

_____ County.

CIRCUIT COURT OF

_____ County

**THE STATE
vs.**

**APPEAL BOND TO COURT OF
APPEALS
CRIMINAL CASES**

Filed in office this the _____ day of

_____, 19____

Clerk.

THE STATE OF ALABAMA, }

Baldwin County

To Any Sheriff of the State of Alabama:

An indictment having been found against

William Fillman

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

Murder, 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 16 day of Sept, 1959

Deirdre L. Duck
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.

Stealham
2914

CAPIAS

No. 31

The State

vs.

William Tillman

Bail fixed in this Case in Open Court at

\$ 7500.00

By _____
Judge Presiding

Attest: _____
Clerk.

Executed this 19 day of Sept., 1969

By arresting the within

named Defendant

and placing him ~~_____~~

On James Bond

Taylor Wilkins, Sheriff

W. O. Garner, Deputy Sheriff

0 ml.

2914

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

29th day of March, 1960 ~~Monday~~, 195~~x~~, in a cer-

tain cause in said Court wherein THE STATE OF ALABAMA

Plaintiff, and WILLIAM FILLMAN

Defendant, a judgment was rendered against said

WILLIAM FILLMAN

to reverse which Judgment, the said William Fillman

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

Term of our Court of Appeals Court of the State of Alabama, to be held at Montgomery,

on the day of , 195 next, and the necessary bond

having been given by the said William Fillman

~~with~~ , sureties,

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

State of Alabama or James A. Hendrix, Circuit Solicitor 28th

Judicial Circuit, ~~attorney~~, to appear at the Next Term of our

said ~~Supreme~~ Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 10

day of May, A. D., 195 60.

Attest:

Alice J. Duck Clerk.

2914

CIRCUIT COURT
Baldwin County, Alabama

Received 10 day of May 1960
and on 11 day of May 1960
I served a copy of the within Citation
on Sam. J. A. Hendrix

By service on _____

TAYLOR WILKINS, Sheriff

By T. J. Wilkins

Vs. } Citation in Appeal

Issued _____ day of _____, 195_____

368
APPEARANCE BOND

2914
MOORE PRINTING CO., BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County

We, William Gillman, as
principal, and undersigned as sureties agree to pay THE STATE OF ALABAMA, the sum of
Seven Thousand five hundred DOLLARS
unless the said William Gillman appears at the
Next Term, 1959 of the Grand Jury 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

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

Wm L. Feltman L. S.

_____ day of _____, 19____

_____ L. S.

_____ L. S.

_____ Baldwin County, Ala.

_____ L. S.

Taken and approved this the 29th day of May, 1959

\$7500.00 cash deposited
with Alice J. Duck, Clerk By Engel Walker, Sheriff
JDW

AFFIDAVIT

Printed by Moore Printing Co.

**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 Taylor Wilkins 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 May 1959 that one William L. Fillman
unlawfully, and with malice aforethought, killed Amy Fillman by striking her with
a bottle and beating her

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 26

day of May, A. D., 19 59

T. C. Hand, J. P.

Taylor Wilkins

WARRANT

**State Of Alabama, }
Baldwin County. }**

To Any Lawful Officer of Said County. Greetings:

You are hereby commanded to arrest William L. Fillman

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 26 day of May, 19 59

T. C. Hand, J. P.

No. Page.

The State Of Alabama

BALDWIN COUNTY

Justice Court Of

T. C. HAND

AFFIDAVIT

THE STATE OF ALABAMA

vs.

William J. Fillman

Witnesses for the State

Taylor Wilkins
D. C. Johnson
Dr. Nelson Grubbs
Edleigh Steadham
Garrett

JUSTICE COURT OF
BALDWIN COUNTY

Warrant Of Arrest

THE STATE OF ALABAMA
vs.

William L. Fillman

Executed this the 25 day of May 1959

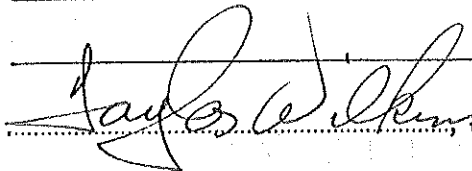
By arresting the within

named Defendant

William L. Fillman

and placing him

in jail

 Sheriff

....., Deputy Sheriff

....., Highway Patrol

Hope - 70 - Mi

2914
Transcript of Criminal Cases from Justice Court of Baldwin County, Ala.

Attorneys	Case	Charge
No. <u>12828</u>	THE STATE OF ALABAMA; Vs. <u>William L. Tillman</u>	<u>Murder.</u>

	Disposition of Case	Fees	Amount
	Affidavit made and Warrant Issued to <u>Jay Lov Wilkins</u>	Judge's Fees	
	Returnable <u>Grand jury</u>	Warrant at 50c, Affidavit at 25c	<u>25</u>
	Witness—for State <u>Jay Lov Wilkins</u>	Bond at 50c, Sci Fa. at 50c	
	<u>A.C. Johnson</u>	Witnesses' Recognizances at 25c	
	<u>Dr. Nelson Grubb</u>	Subpoenas or notice at 25c	
	<u>Edleigh Stephens</u>	<u>adn of Commitment to jail</u> Continuanca at 25c	<u>25</u>
	<u>Sanett</u>	Trial of Misdemeanor at \$1.00	<u>25</u>
		Mittimus at 25c	
		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 \$2.00, Sci Fa. 50c	<u>7.00</u>
		Guard \$2.00, Finger Printing 10c	<u>3.00</u>
		Subpoenas at 50c, Mileage	<u>70</u>
		<u>Recommitted to jail</u> Witnesses	<u>2.00</u>
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Days at 50c	
		Defendant's Costs	
		Witnesses' Recognizance at 25c	
		Subpoenas at 50c	
		Executing Subpoenas	
<u>28 May 59</u>	<u>wanted Grand jury</u>		
	<u>Bond set \$500.00</u>		
	<u>Re committed to jail</u>		
<u>29 May 59</u>	<u>by Postal cash bond</u>		
	<u>with Mrs. Bush</u>		
	<u>At Large</u>		
	<u>Justice Court</u>		

STATE OF ALABAMA

BALDWIN COUNTY

TO: WILLIAM FILLMAN

You are hereby notified that, at the March Session of the Criminal Jury Term, 1961 of the Circuit Court of said County, a judgment was rendered against you, of which the following is a copy:

---"it is therefore ordered that the State of Alabama, for the use of Baldwin County, recover from the said William Fillman on said undertaking, the sum of \$7500, unless he appear at the next session of this court to be held on the 2nd day of May, 1961, and show cause why this judgment should not be made absolute."

And the said judgment will be made absolute against you on the 2nd day of May, 1961, of said Court, during this session of said Court, unless you then and there appear to show cause against the same.

Alice J. Duck
Alice J. Duck, Clerk of Circuit
Court of Baldwin County, Alabama

2914

STATE OF ALABAMA,

Complainant

Vs.

WILLIAM FILLMAN,

Defendant.

Received 13 day of April 1961

and on 19 day of April 1961

I served a copy of the within

on James H. Hester

By service on Talbert Brantley

TAYLOR WILKINS, Sheriff

By W. A. Talbert

Omnibus

Returned 19 day of April 1961

Not found in my county after diligent search and in

quiry. as to Wm Fillman

Taylor Wilkins, Sheriff

By Talbert

Deputy Sheriff

Returned this 29th day of

April 1961 Not found in

my county after diligent

search & inquiry as to

Wm Fillman

Taylor Wilkins, Sheriff

The State of Alabama,
Baldwin County.

No. 2914-----

-----Circuit-----

COURT

-----Spring-----

Term, 19 51

To Any Sheriff of the State of Alabama—Greeting:

You are Hereby Commanded to Notify William Fillman

that at the Spring Term, 19 61 of the Circuit Court of said County, a Judgment
was rendered against William Fillman of which the following is a copy:

THE STATE

vs.

WILLIAM FILLMAN

Indictment for

MURDER 2nd DegreeIt appearing to the Court that the said William Fillman

together with

----- agreed to pay the State of Alabama

the sum of Seven Thousand Five Hundred and no/100 DOLLARSunless the said William Fillman appeared at this term of theCourt to answer in this case; and the said William Fillmanhaving failed to appear, it is therefore ordered that the State of Alabama for the use of BaldwinCounty, recover of the said William Fillman

----- on said undertaking,

the sum of Seven Thousand Five Hundred and no/100 Dollars

unless they appear at the next term of this Court and show cause why this judgment should not be made absolute.

You will therefore, by serving a copy hereof, notify the said William Fillman

----- that the said judgment will be
made absolute against William Fillman at the next term of said Court.

unless they then appear and show cause against the same.

Witness my hand this 10 day of April A. D. 1961

Alice J. Duck Clerk

RECEIVED IN OFFICE

_____, 19____

_____, Sheriff

I have executed this writ,

this _____, 19____

by serving copy on _____

_____, Sheriff

_____, Deputy Sheriff

No. _____ Page _____

The State of Alabama,
Baldwin County

COURT

The State
VS.

Sci. Fa. to Defaulting Defendant
and Bail

Issued _____, 19____

_____, Clerk

The State of Alabama,
Baldwin County.

No. 2914

Circuit COURT

Spring Term, 19 51

To Any Sheriff of the State of Alabama—Greeting:

You are Hereby Commanded to Notify William Fillman

that at the Spring Term, 19 61 of the Circuit Court of said County, a Judgment
was rendered against William Fillman of which the following is a copy:

THE STATE
vs.

WILLIAM FILLMAN

Indictment for

MURDER 2nd Degree

It appearing to the Court that the said William Fillman

together with

agreed to pay the State of Alabama

the sum of Seven Thousand Five Hundred and no/100 DOLLARS

unless the said William Fillman appeared at this term of the

Court to answer in this case; and the said William Fillman

having failed to appear, it is therefore ordered that the State of Alabama for the use of Baldwin

County, recover of the said William Fillman

on said undertaking,

the sum of Seven Thousand Five Hundred and no/100 Dollars

unless they appear at the next term of this Court and show cause why this judgment should not be made absolute.

You will therefore, by serving a copy hereof, notify the said William Fillman

that the said judgment will be

made absolute against William Fillman at the next term of said Court,

unless they then appear and show cause against the same.

Witness my hand this 10 day of April A. D. 19 61

Clerk

RECEIVED IN OFFICE

19

Sheriff

I have executed this writ,

this 19

by serving copy on

Returned
Not found in my county after diligent search and inquiry.

4-13-61
Day of

19 61

Sheriff

Deputy Sheriff

Moore Printing Co., Bay Minette, Ala

No. 2914

Page

The State of Alabama,
Baldwin County

CIRCUIT

COURT

The State
vs.

WILLIAM FILLMAN

Sci. Fa. to Defaulting Defendant
and Bail

Issued April 10, 19 61

Alice J. Duck, Clerk

2914
STATE OF ALABAMA

BALDWIN COUNTY

TO: WILLIAM FILLMAN

You are hereby notified that, at the March Session of the Criminal Jury Term, 1961 of the Circuit Court of said County, a judgment was rendered against you, of which the following is a copy:

---"it is therefore ordered that the State of Alabama, for the use of Baldwin County, recover from the said William Fillman on said undertaking, the sum of \$7500, unless he appear at the next session of this court to be held on the 2nd day of May, 1961, and show cause why this judgment should not be made absolute."

And the said judgment will be made absolute against you on the 2nd day of May, 1961, of said Court, during this session of said Court, unless you then and there appear to show cause against the same.

Alice J. Duck
Alice J. Duck, Clerk of Circuit
Court of Baldwin County, Alabama

NOV 29 1960

2914

THE STATE OF ALABAMA --- JUDICIAL DEPARTMENT

THE ALABAMA COURT OF APPEALS

OCTOBER TERM, 1960-61

1 Div. 836

William Fillman

v.

State

Appeal from Baldwin Circuit Court

CATES, JUDGE

Fillman stands convicted of and has been sentenced to twenty years confinement for the second degree murder of his wife.

A State toxicologist, Mr. Nelson Grubbs, testified that, in his opinion, based on an autopsy, Mrs. Fillman died of loss

2.

of blood because her liver had been ruptured. Asked if the damage could have been caused by a kick from a shod human foot, Mr. Grubbs replied, "It is possible."

Mr. J. M. Garrett, a policeman of the city of Fairhope, on May 24, 1959, at about 11:30 P. M., went to the Fillmans' home and was shown Mrs. Fillman's body lying across a bed.

Captain Fillman related the following account to the Chief of Police, the statement being preceded by proof of its freedom from illegal inducement:

" * * * He said he asked his wife to fix him some breakfast and she didn't move -- just set there, and that he picked up a beer bottle and hit her over the head and he left and came back later and hit her over the head again with another beer bottle and he went up town and then * * * to the Legion and Elks Club and came back around 8:00 or 9:00 o'clock - he wasn't sure what time it was; that she was laying on the floor between the bath room and the kitchen; there was a little hall there and he ripped her clothes off of her trying to pull her into the bed room and he put her partly on the bed; he said that was around 9:00 o'clock; he told me he called Higgins Mortuary around 11:30 and as far as he knew she was dead -- She was cold and didn't say anything to him and he thought she died because she had not been eating.

* * * * *

" * * * he had just thought she was passed out drunk and he kicked her, * * * a couple of times in the chest and later on he brought her into the bed room."

From Mr. Garrett's cross-examination, we find:

"Q. Did he talk rational with you at that time? -- Like we're talking back and forth to each other now?

"A. I would say yes and no.

"Q. Now did he seem to know at that time, or did he tell you at that time what happened?

2914
3.

"A. No sir, not right at that time; we didn't ask him right at that moment.

"Q. Did he appear to you to know what happened?

"MR. HENDRIX: I object to what he appeared --

"THE COURT -- Sustain the objection." (Italics added.)

The italicized question has two parts: first, Garrett's observation, and, second, Fillman's manifestation (as Garrett noticed) of comprehension. The question does not admit of division of one part from the other. It asks Garrett to describe Fillman's appearance insofar as it might show or shed light on his knowing what had gone on around him or knowing what he might have done.

The Attorney General contends the question sought to have the witness testify "as to the mental attitude, condition or capacity of another," citing among other cases, Smarr v. State, 260 Ala. 30, 68 So. 2d 6. The reference is to the portion of the Smarr opinion found at the top of the second column of page 35. However, that discussion is based on the rule as to a nonexpert's opinion of sanity, a question which is not here before us.

Under a statutory plea of not guilty by reason of insanity, the range of enquiry is broad. Howard v. State, 172 Ala. 402, 55 So. 255; Moody v. State, 267 Ala. 204, 100 So. 2d 733.

The defense adduced excerpts from the log of the S. S. Margaret Walsh for March 28-April 5, 1959, covering the first leg of a voyage from Mobile to San Diego. Fillman was Chief Mate of the vessel. The entries in the log describe his conduct:

2914
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(1) complaining of imaginary persons in the master's cabin; (2) as watch officer, mistakenly believing the engines were idle while the ship was under way; (3) saying a woman was hiding in the smokestack; (4) searching the ship for his dog; and (5) hiding in the wheelhouse telling the skipper to turn out the light, "They are coming after me," and other similar hallucinations.

Fillman was locked up and put under guard until the Margaret Walsh touched Cristobel, C. Z., where he was taken to a hospital.

As we view the narrative, it portrays conduct from which a jury could have inferred that Fillman was insane.

Concededly, a witness cannot testify directly as to the mental operation of another: "The Devil himself knoweth not the thought of man." However, another's words and conduct may, when otherwise admissible, be related by a witness.

Judge McElroy, in his The Law of Evidence in Alabama (2d Ed.), § 128.08, says:

"A witness may not testify in terms as to what another person knew e. g., that another knew he was going to die (*Delaney v State*, 148 Ala. 586, 42 So 815), or that one person knew that another person had gone to Loachapoka to get a warrant (*Bailey v State*, 107 Ala 151, 18 So 234, 235); nor may a witness testify in terms as to what another person saw (*Hawkins v State*, 29 Ala App 221, 195 So 762, syl 5)."

From the opinion of Denson, J., in Delaney v. State, cited in the quotation above, we quote:

" * * * Furthermore, 'the mental status, the cognition of another, is not a fact. It is of necessity matter of opinion or conclusion, dependent on

2914
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the facts from which the opinion is formed, or the conclusion drawn.' And while a witness, when it is proper to do so, may testify to his own mental status, yet he cannot testify that another knew or did not know a certain fact, but must detail the facts from which such conclusion is drawn. * * *--148 Ala. at 587.

The phenomena making up the conduct and demeanor of a person when described from the standpoint of an onlooker, if relevant to an issue, are admissible in evidence. Had the question tried to bring out what impression was being made on Fillman's mind, it would have been bad. However, here, we consider, was a question which sought to elicit Mr. Garret's impression of what he saw of the physical appearance of the defendant, Fillman, insofar as Garrett's description might shed light for the jury in their determining Fillman's detachment from reality.

We consider there is no question here of the so-called Alabama rule of exclusion--i. e., of, on direct examination, testimony by the witness of his undisclosed mental state or uncommunicated motive as discussed in McGuff v. State, 248 Ala. 259, 27 So. 2d 241.

In footnote 1 to § 1974, Wigmore appends twenty-nine Alabama cases (against four contra) admitting testimony on such "shorthand renditions of fact" as "sick," "angry," "afraid,"

6.

"healthy," and the like. See also Hall v. State, 216 Ala. 336, 113 So. 64. To which might be added Hale v. Cox, 231 Ala. 22, 163 So. 335; Councill v. Mayhew, 172 Ala. 295, 55 So. 314; Parrish v. State, 139 Ala. 16, 36 So. 1012; and Deloney v. State, 225 Ala. 65, 142 So. 432.

In Hale v. Cox, supra, a witness was asked (of the testator), "Tell * * * how that man appeared physically and how he appeared to you mentally, whether there had been any mental change in him or not, and if so what was it?" The answer was, "After he got through with that conversation he didn't understand what he had said."

The court, in upholding the trial judge's overruling objection to the question, said that the witness had not usurped the province of the jury. The opinion describes the answer as "giving the facts as to testator's physical and mental condition."

In Councill v. Mayhew, supra, "Do you suppose your father knew what he was doing when he signed those checks?" was held to be unobjectionable.

In Parrish v. State, supra, the charge was murder and at issue was Parrish's lack of guilt because insane. We find:

"The objections to the statements of the witness that the defendant 'seemed all right,' that 'he talked rational,' etc., were properly overruled. Such expressions were admissible under the rules we have announced, and for the further reason that they were admissible to show the appearance, emotions and condition of the mind of the defendant.--Gardner v. State, 96 Ala. 12; Thornton v. State, 113 Ala. 43."

We quote from Deloney v. State, supra:

"Where, in a prosecution for homicide, defendant pleaded insanity, evidence of a police officer,

7.

who talked with defendant immediately after the homicide, that defendant 'seemed all right,' and that he 'talked rationally,' was admissible to show defendant's appearance, emotions, and the condition of his mind. Under a plea of insanity the issues of fact presented 'give much latitude.'
* * *

In Moody v. State, supra, the first question quoted in the opinion was, " * * * did you notice that your husband acted strangely at times * * *?" The third, " * * * has your husband ever acted peculiarly in your presence?" And the ninth was, "Did he appear to be agitated and angry, or how did he appear on the way to Oneonta?" (Italics added.)

And, as in the Moody case, the plea of insanity must, in our review, be considered as seriously insisted upon in the trial court as shown by the ship's log. Hence, in sustaining the prosecutor's objection, the court prejudiced a substantial right of the defendant, i. e., to present evidence concerning his sanity.

By analogy to the Moody case, the action was erroneous as well as injurious. The conjunction of error and harm require reversal.

On the State's objection, the court curtailed the reading of the ship's log to the jury. The Attorney General argues that there was no error in this since Terry v. Williams, 148 Ala. 468, 41 So. 804, shows that counsel might have read it in the course of argument.

In view of the importance of the contents of the log, we consider it would have been better practice to have allowed it all to have been read to the jury when it was introduced. The

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holding of Duke v. Cahawba Navigation Co., 10 Ala. 82 (first sentence of headnote 8), points strongly in that direction.

It was error to sustain the State's objection to the defense question put to Fillman, "Did she bruise easily?" This was vital to the refutation of the State's evidence. See Bluth v. State, 38 Ala. App. 692, 92 So. 2d 685.

The judgment below is reversed and the cause remanded there for new trial.

REVERSED AND REMANDED.

2914

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

1st Div., No. 836

William Fillman Appellant

v.

The State Appellee

From Baldwin Circuit Court

The State of Alabama,
City and County of Montgomery. }

I, Charles Bricken, Jr., Clerk of the Court of Appeals of Alabama, do hereby certify that the foregoing pages numbered from one to 8 inclusive, contain a full, true and correct copy of the opinion of said Court of Appeals in the above stated cause, as the same appears and remains of record and on file in this office.

Witness, Charles Bricken, Jr., Clerk of the Court

of Appeals of Alabama, at the Capitol, this the

29th day of November, 19 60

Charles Bricken Jr.
Clerk of the Court of Appeals of Alabama.

THE COURT OF APPEALS OF ALABAMA

1st Div., No. 836

William Fillman
Appellant

vs.

The State
Appellee

From Baldwin Circuit *Court.*

COPY OF OPINION

2914

STATE OF ALABAMA }

Baldwin County

Case No. 12828

No. 10542

The State of Alabama

In the Justice Court of
Baldwin County, Alabama

vs.

Before me, J. E. Hand, 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 20 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 Fairhope Taylor Wilkins Sheriff

Subscribed and sworn to before me this 26 day of May, 1959

Disposition waved Grand Jury O. L. Laid 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 \$ 7.00 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 28 day of May, 1959 O. L. Laid
Judge of the above named court

2914

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term, 19 60

To the Clerk of the Circuit Court of 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

William Fillman, Appellant,

and

The State, Appellee,

wherein by said Court, at the Term, 19, it was considered adversely to said appellant, were brought before our Court of Appeals, by appeal taken, pursuant to law, on behalf of said appellant.

Now, it is hereby certified, That it was thereupon considered by our Court of Appeals on the 29th day of November 19 60, that said judgment of said Circuit Court be reversed and annulled, and the cause remanded to said Court for further proceedings therein; ~~and that it was further considered that the appellee pay~~

~~the costs accruing on said appeal in this Court and in the Court below~~

Witness Charles Bricken, Jr., Clerk of the Court of Appeals of Alabama, at the Capitol, this the 29th day of November 19 60.

Charles Bricken, Jr.
Clerk of the Court of Appeals of Alabama.

JAN 10 1961 APPLICATION FOR REHEARING OVERRULED
MAR 2 1961 Certificate Cited Supreme Court. Petition Denied

2914

THE COURT OF APPEALS OF ALABAMA

October Term, 19 60

1st Div. No. 836

William Fillman

Appellant.....

v.

The State

Appellee.....

From Baldwin Circuit Court

CERTIFICATE OF
REVERSAL

The State of Alabama

FILED

County.

} Filed

this 11th day of May 1961 19

ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA,
Plaintiff,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Vs.

AT LAW

WILLIAM FILLMAN,
Defendant.

This day came the State, by its Solicitor, and it appearing to the Court that at the March Term 1961 of this Court, a judgment nisi was rendered in favor of the Plaintiff and against the Defendant for the sum of \$7,500.00 and that scire facias was issued thereupon accordingly, requiring the said Defendant to appear in this term of this Court and show cause why said judgment should not be made final and absolute; and the Defendant being called, came not, but made default; and on motion of the Solicitor for the State, and after hearing the evidence the Court being of the opinion, it is considered and ordered by the Court, and it is the judgment of the Court, that said judgment be and the same is hereby made final and absolute and in favor of the Plaintiff and against the Defendant in the sum of \$5,000.00.

It is therefore considered, Ordered and Adjudged by the Court that the State of Alabama, for the use of Baldwin County, for their recovery of the Defendant the sum of \$5,000.00, together with the costs in this behalf expended and for all of which execution may issue.



Hubert M. Hall, Judge of Circuit
Court, 28th Judicial Circuit

[illegible][illegible]

$\frac{1}{2} \left(\frac{1}{2} + \frac{1}{2} \right) = \frac{1}{2}$

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[illegible]
$$T_0 = \frac{1}{\lambda} \ln \left(\frac{\lambda}{\lambda - \mu} \right) = \frac{1}{\lambda} \ln \left(\frac{\lambda}{\lambda - \mu} \right)$$
[illegible]
$$\begin{aligned} \frac{\partial \mathcal{L}}{\partial \mathbf{w}_i} &= \frac{\partial}{\partial \mathbf{w}_i} \left(\frac{1}{2} \mathbf{w}_i^T \mathbf{w}_i + \frac{1}{2} \mathbf{w}_i^T \mathbf{w}_j + \frac{1}{2} \mathbf{w}_i^T \mathbf{w}_k \right) = \mathbf{w}_i + \frac{1}{2} \mathbf{w}_j + \frac{1}{2} \mathbf{w}_k \\ \frac{\partial \mathcal{L}}{\partial \mathbf{w}_j} &= \frac{\partial}{\partial \mathbf{w}_j} \left(\frac{1}{2} \mathbf{w}_i^T \mathbf{w}_i + \frac{1}{2} \mathbf{w}_i^T \mathbf{w}_j + \frac{1}{2} \mathbf{w}_i^T \mathbf{w}_k \right) = \frac{1}{2} \mathbf{w}_i + \mathbf{w}_j + \frac{1}{2} \mathbf{w}_k \\ \frac{\partial \mathcal{L}}{\partial \mathbf{w}_k} &= \frac{\partial}{\partial \mathbf{w}_k} \left(\frac{1}{2} \mathbf{w}_i^T \mathbf{w}_i + \frac{1}{2} \mathbf{w}_i^T \mathbf{w}_j + \frac{1}{2} \mathbf{w}_i^T \mathbf{w}_k \right) = \frac{1}{2} \mathbf{w}_i + \frac{1}{2} \mathbf{w}_j + \mathbf{w}_k \end{aligned}$$

$\mathbb{Q} \subseteq \mathbb{R} \subseteq \mathbb{C}$

[illegible]