



ROBERTSDALE, ALA. 8/4 1958 No. _____

CENTRAL BALDWIN BANK

TO THE ORDER OF Dollars Gross \$ 25⁰⁰

Twenty Five and no/100 DOLLARS

OR Proccuris John Davis
Box 268 Lofley, Ala

RAMON-BEAKER DAM, KY.

Returned
by

CENTRAL BALDWIN BANK, Robertsdale, Ala.

REASON CHECKED

C. W. LAWRENCE, MAKER, SARATOGA, N. Y. FORM 12

- | | |
|---|--|
| <input type="checkbox"/> Account attached | <input type="checkbox"/> No response to notice |
| <input type="checkbox"/> Account closed | <input type="checkbox"/> Not on par list |
| <input type="checkbox"/> Alteration | <input type="checkbox"/> Not properly drawn |
| <input type="checkbox"/> Body and figures differ | <input type="checkbox"/> Payment refused |
| <input type="checkbox"/> Check sent | <input type="checkbox"/> Payment stopped |
| <input type="checkbox"/> Date | <input type="checkbox"/> Pass book necessary |
| <input type="checkbox"/> Drawn against uncollected items | <input type="checkbox"/> Post dated |
| <input type="checkbox"/> Endorsement of bank missing | <input type="checkbox"/> Protested |
| <input type="checkbox"/> Endorsement missing | <input type="checkbox"/> Recalled |
| <input type="checkbox"/> Endorsement not correct | <input type="checkbox"/> Receipt not signed |
| <input type="checkbox"/> Filing | <input type="checkbox"/> Refused |
| <input type="checkbox"/> Guarantee amount | <input type="checkbox"/> Sent us in error |
| <input checked="" type="checkbox"/> <i>Insufficient Funds</i> | <input type="checkbox"/> Signature incorrect |
| <input type="checkbox"/> Maker deceased | <input type="checkbox"/> Signature missing |
| <input type="checkbox"/> Never pays drafts | <input type="checkbox"/> Witness to mark |
| <input type="checkbox"/> No account | |
| <input type="checkbox"/> No authority to pay | |
| <input type="checkbox"/> No funds | <input type="checkbox"/> _____ |

367e

The State of Alabama,

Baldwin County

CIRCUIT COURT, Fall SESSION, 1961

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

John E. Davis, alias Johnnie B. Davis, alias Johnny E. Davis, did falsely pretend to Mrs. S. S. Sellars, with intent to defraud, that he had sufficient funds in or sufficient credit with the Central Baldwin Bank of Robertsedale, Alabama, to cover a check for twenty-five dollars (\$25.00) drawn on said bank and made payable to Sellars Grocery, and by means of such false pretense, obtained from the said Mrs. S. S. Sellars, merchandise of the value of twenty-five dollars (\$25.00),

against the peace and dignity of the State of Alabama.

James L. ...
Solicitor of the Twenty-Eight Judicial Circuit.

RECORDED

No. _____

The State of Alabama
Baldwin County

Circuit Court

Fall _____ Term, 19 61

The State

vs.

John B. Davis, alias Johnnie B.
Davis, alias Johnny B. Davis

False Pretense

INDICTMENT

No Prosecutor

WITNESSES:

Mrs. S. S. Sellars *D*

GRAND JURY NO. 97

A TRUE BILL

William A Bryant Jr
Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the 13 day of
Sept, 1961.

W. J. ...
Clerk.

Presented in open Court to the presiding
Judge by the Foreman of the Grand Jury, in
the presence of 47 other Grand Jurors.

W. J. ...
Clerk.

Bail fixed \$ 500.00

W. J. ...
Judge.

AFFIDAVIT

Printed by Moore Printing Co.

State Of Alabama, }
Baldwin County. }

In the Justice Court of A. K. LATNER

Before me, A. K. LATNER, Justice of the Peace

in and for said County, personally appeared Mrs. S. S. Sellars 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 AUG. 4th. 1958 that one John Davis
Did draw a Check on the Central Baldwin Bank of Robertsdale Baldwin County
Ala. in the amount of Twenty Five and No/100 Dollars (\$25.00) in which Bank
he did not have sufficient funds to cover same. in violation of the Law of the
State of Ala. against the peace and dignity of the State of Alabama.

Sworn to and subscribed before me this 29th.
day of August A. D., 19 58
A. K. Latner, J. P.

Mrs S. S. Sellars

WARRANT

State Of Alabama, }
Baldwin County. }

To Any Lawful Officer of Said County. Greetings:

You are hereby commanded to arrest John Davis

and bring Him

before Me to answer the State of Alabama on a charge
Worthless Check

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

Witness my hand this 29th. day of August, 19 58

A. K. Latner, J. P.

MITTIMUS OR COMMITMENT

State Of Alabama, }
Baldwin County. }

To the Jailer of Baldwin County:

Mrs. S. S. Sellars

On complaint of

charging John Davis

with the offense of Worthless Check

it appearing that such offense has been committed, and that there is sufficient cause to believe that

John Davis

has been guilty thereof, you are therefore commanded to receive him into your custody, and detain him until he is legally discharged.

Dated this 29th. day of August, 19 58

A. K. Latner
Justice of the Peace.

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

Justice Court Of

A. K. LATNER

A F F I D A V I T

THE STATE OF ALABAMA

vs.

John Davis

Milton or Bagdad Fla.

Witnesses for the State

Mrs. S. S. Sellars

JUSTICE COURT OF
BALDWIN COUNTY

Warrant Of Arrest

THE STATE OF ALABAMA

vs.

John Davis

Executed this the _____ day of _____ 195__

By arresting the within

named Defendant

John Davis

and placing him

_____, Sheriff

_____, Deputy Sheriff

_____, Highway Patrol

Criminal Docket No. _____
No. _____ Page _____

The State Of Alabama
Baldwin County

JUSTICE COURT OF

A. K. LATNER

THE STATE OF ALABAMA

vs.

Mittimus

The State of Alabama
Baldwin County

I, _____
a Justice of the Peace in and for said State
and County, do and hereby certify that _____

the Defendant; is required to give bail in the
sum of \$ _____ for his appearance at the
195__ Term of the _____

Court of _____ County, Ala.

Given under my hand this the _____
day of _____ 195__

J. P.

Spencer

Inmate's Name John B. Davis (DO NOT DETACH) No. 53750 Quarters Camp H
LETTER - Regular (2 each week) Writing To: Attorney General of Ala.
Special Purpose Business Relationship: Business

RECEIVED

CORRESPONDENCE REGULATIONS - LOUISIANA STATE PENITENTIARY

AUG 27 1962

- RULES:
1. ALL LETTERS MUST BE LEGIBLE AND IN ENGLISH (UNLESS PERMISSION IS OBTAINED FOR CORRESPONDENCE IN FOREIGN LANGUAGE.)
 2. DO NOT SEND PACKAGES WITHOUT REFERRING TO MAILING LIST TO DETERMINE WHAT ITEMS INMATE MAY RECEIVE.
 3. LETTERS MUST BE ADDRESSED TO INMATE CORRECTLY, GIVING HIS NAME (NAME HE IS USING IN PRISON), P.M.B. AND LIVING QUARTERS, IF KNOWN.
EXAMPLE: JOHN DOE
P.M.B. 70482 - PINE 4
ANGOLA, LOUISIANA
 4. CASH MONEY SHOULD NOT BE ENCLOSED IN LETTER. ONLY CHECK OR MONEY ORDER SHOULD BE SENT.

OFFICE OF ATTORNEY GENERAL

Inmate's Name John B. Davis FMB No. 53750 Quarters Camp H Date 8/24/62

Attorney General
State of Alabama
State Capitol Building
Montgomery, Alabama

Dear Sir:

Enclosed is a copy of a writ for a "Motion To Quash" which I sent by certified mail to the Clerk of Court, Baldwin County, Bay Minette, Alabama to file in that office. And I have a receipt for that where Alice J. Duck, Clerk of Circuit Court, Baldwin County, Alabama, received the said writ on July 9, 1962.

After writing for a ruling until the 1st day of August and that receiving none, I wrote the Clerk of Court and asked if the presiding judge had ruled on the motion and if not, if a date had been set for a hearing. A reply to my letter is attached to this letter. However, the Clerk of Court's letter reads as if my "Motion To Quash" was turned over to the State Solicitor instead of being filed in that office, and as of this date August 24, 1962, I still have not received a ruling from the presiding judge.

I am sending you this writ for a "Motion To Quash" and requesting it be filed in your office, and if possible, for you to have the charges against me dropped and the said detainer withdrawn before the 1st day of September, 1962.

I had my case continued on the Parole Board here from July 11, 1962 till August 5, 1962 - and again

(DO NOT WRITE ABOVE THIS LINE)

in August I had my case continued until September 5, 1962. For I can not make parole as long as I have the said detainers against me and I am needed at home for the welfare and support of my mother as my father has been committed to the state hospital for the mentally ill in Chattahoochee, Florida.

I would like to point out that the warrant here against me at the Louisiana State Penitentiary is signed by a Justice of the Peace and a legitimate warrant has never been issued, and the warrant here was one (1) year, eight (8) months and eleven (11) days old here it was filed here. Please also note Paragraphs two (2) three seven (7) on page 2 of contentions and allegations.

I go before the Parole Board September 5, 1962 so if there is any way possible that you can help or can help me get the detainers dropped from against me by that date, it will be greatly appreciated by myself and all concerned.

I also have another letter from Mr. R. K. Kail the same person who wrote the letter marked "C" attached to the enclosed writ, stating he had not destroyed the warrant in his possession, he stated in his letter marked "C". Mr. Kail obtained money from me under false pretenses thru the U.S. Mail by writing upon receipt of \$20.00 the said detainers against me would be dropped.

Thanking you in advance for your time and for any consideration you will give me, I remain

Respectfully yours

P.S.

If possible, please reply to this letter before

September 1, 1962, so I can have your reply in my hand

the morning of Sept. 5th when I go before the Parole Board.

John B. Davis
53750 Camp H
Angola, Louisiana

RECEIVED
AUG 27 1962

Wilton
Rt. 5, Box 28
OFFICE OF
ATTORNEY GENERAL

Atty. General "Montgomery Ala.

I am the mother of
John B. Davis "who is
now serving time in the La-
state Penitentiary, La.
53750, Parish H."

I am writing you in re-
gards to a Detainer placed
there, "Angela," against my son
from the Sheriff's Office in
Birmingham, Alabama. He
has paid the Detainer thru the
mail, and has a Receipt for
it. I have a notarized statement
"letter" stating the charges
were dropped from against
him, and that he sent a writ
for a motion to Quash to

2-

the Clerk of Court, Baldwin
County, Gay Minette, Ala.,
by Certified mail - and
that Alice J. Duck, Clerk of
Court there, signed for it on
July 9, 1962. He also sent
a copy of the writ to Judge
Harold P. Hall there too;

To this date he has not had
an answer from it; Also, the
Statute of Limitations had run
out on the charges before they
were filed on him.

He also wrote the Clerk of
the Court two weeks ago to send
him the Judges Ruling, on the
motion to Quash, and the
filed Case number, but the
Clerk has not answered;

The Detainer was to be dropped

upon Receipt of the money
he recd; to this date it is
still against him.

So just you please look
into this matter "at once,
and if possible, try to get
the Detainer dropped from ag-
ainst him "before" the Parole
Board meets. The 5th of
next month, "Sept. 5th."

Please Joe, if the Detainer
isn't dropped from against
him "before" the 5th Sept;
He will be denied Parole,
and it will be one year
before John can go back on
the Parole Board; He "John"
doesn't even know if the
Clk of Court filed the writ
for him in that office or,

4
not. He has a signed
receipt from the Clerk of Court
and word from the Judge there
where each one received, their
copy of the writ by Certified Mail
If you will check the writ for
abortion to Quash. Which the
Judge and Clerk of the Court in
De Kalb County, Alabama "Ray-
minette" has also, the nitrited
letters, attached to the writ."
You will find the Charges are
illegal, against him, and
I believe you will order
the detainer withdrawn and
the charges dropped from against
him. He is forwarding you
a copy of the writ by Certi-
fied Mail. He has been
devised to the Prison Board.

three times" including this month. Because of the situation being against him, the he can't get a reply to any of his very urgent requests to make a reply.

Please - Hope you do something. I am 65 yrs old, and Bruce John Gifford's father is in the State Hospital "Catawba" Fla. where he has been for several months. "In poor health" his mind is bad. I will be more than grateful for all the help you can possibly give me. "Don't let me hear from you" also let my son hear from you immediately. There is nothing I can do,

only with the different
 ends I can contact by
 letters; And, pray for him,
 I have no other way;
 Will you please let me
 hear quickly - Fred John?

I thank you -
 I thank you, your mother

Mrs. Laura S. Davis
 Milton Fla.

Ch. 5, Box 38.

John B. Davis
 59750, Camp H,
 Singola, Louisiana,

"My sons address -
 above"



MACDONALD GALLION
ATTORNEY GENERAL
EDWIN STRICKLAND
EXECUTIVE ASSISTANT

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL
MONTGOMERY 4, ALABAMA

August 29, 1962

ASSISTANT ATTORNEYS
GENERAL

JOHN G. BOOKOUT
OWEN BRIDGES
JULIUS T. CAGE, JR.
DAVID W. CLARK
R. E. L. COPE, III
PAUL T. GISH, JR.
LESLIE HALL
JAMES T. HARDIN
ROBERT M. HILL, JR.
GORDON MADISON
GEORGE D. MENTZ
WILLIAM N. McQUEEN
WILLIAM G. O'REAR
JAMES L. SCREWS
SAMUEL L. STOCKMAN
BERNARD F. SYKES
JOHN C. TYSON, III

SPECIAL ASST. ATTY. GEN.
WINSTON HUDDLESTON

ROY E. HICKS
LEGAL RESEARCH AIDE

Hon. James A. Hendrix
Circuit Solicitor
Twenty-eighth Judicial Circuit
Robertsdale, Alabama

Dear Mr. Hendrix:

Enclosed is certain correspondence in connection with John B. Davis, who is apparently up for parole from the Louisiana penitentiary. Apparently some Alabama authority has placed a detainer or holdover against him upon his release from the Louisiana penitentiary. I have checked with the Records Division of Kilby Prison and I do not find that the Board of Corrections has any holdover on this prisoner. Apparently any holdover on this prisoner has either been filed by you or by the Sheriff of Baldwin County or perhaps by a justice of the peace in Baldwin County (R. A. Hail, Jr., Post Office Box 26, Robertsdale).

This office has no further information about this case, except the enclosed correspondence and I suggest that you take whatever action you think appropriate.

As I see it, he is either charged and wanted in Baldwin County or he is not and would, of course, be entitled to know whether or not the charges in Baldwin County had been terminated.

Naturally we make no recommendations in this case.

With best wishes, I am

Very truly yours,

MacDONALD GALLION
Attorney General

By

BERNARD F. SYKES
Assistant Attorney General

BFS:fw
Enclosure

TRUE COPY

TRUE COPY

TRUE COPY

CIRCUIT COURT
BALDWIN COUNTY
BAY MINETTE, ALABAMA

August 16, 1962

Alice J. Duck
Register - Circuit Court

Mr. John B. Davis
53750 Camp "H"
Angola, Louisiana

Dear Sir:

Your letter dated August 1, has been referred to Hon. J.A. Hendrix, the State Solicitor, who has the "motion to Quash", and he said he had presented it to the Judge for ruling but to date, I do not have a copy of the ruling. He said that it was his understanding that the Judge had denied the motion.

If you need any further information, please contact the Solicitor, J.A. Hendrix, Bay Minette, Alabama.

Yours very truly,

Alice J. Duck
Clerk, Circuit Court.

AJD/eb

State of Alabama

County

SHERIFF'S ACCOUNT
For
Removal of Prisoner

The State of Alabama, } TO ANY SHERIFF OF THE STATE OF ALABAMA:

Baldwin County,

An indictment having been found against

John B Davis alias Johnnie B Davis
alias Johnny B Davis

at the Fall Term, 1961 of the Circuit Court of Baldwin County, for the offense of

False Pretense

you are, therefore, commanded forthwith to arrest the said Defendant and commit

to jail, unless he give bail to answer said indictment, and that you return this Writ according to law.

Dated this 13 day of Sept, 1961

Alice J. ...
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 hand and seal this _____ day of _____, 19____.

_____(L. S.)

_____(L. S.)

_____(L. S.)

_____(L. S.)

Taken and approved _____ day of _____, 19____.

Sheriff of Baldwin County

File

CAPIAS

CAPIAS

No. 97

THE STATE

vs.

John B. Davis

Bail fixed in this case in open Court at

\$ 500.00

By H. M. Hall
Judge Presiding.

Attest: _____ Clerk.

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

Executed this 2 day of Oct, 1962

By arresting the within

named Defendant

and placing him in jail

Taylor Wilkins Sheriff

W. O. Garnet Deputy Sheriff

IN THE CRIMINAL DISTRICT COURT
FOR BALDWIN COUNTY
BAY MINETTE, ALABAMA

John B. Davis, (Petitioner))
 P.M.B. #53750 (And)
 Camp H (Relator))
 Louisiana State Penitentiary)
 Angola, Louisiana)
 -Vs-)
 The State Of Alabama)
 In The Criminal District Court)
 For Baldwin County)
 Bay Minette, Ala.)

Case No: _____

AFFIDAVIT IN FORMA PAUPERIS

I, John B. Davis, P.M.B.-#53750, (Camp H), Angola, Louisiana, am a native born citizen of the United States of America, past the age of twenty-one years, am now residing at the above address, and am an indigent person who is the petitioner and relator in the attached application for the issuance of the "Motion to Quash", and due to my indigent position cannot prepay the costs of filing and prosecuting this cause.

I have no funds nor collateral for securing funds to prepay the costs of filing and prosecuting this cause, and unless finally granted leave to do so that is guaranteed to me by the "Constitution of the United States Of America in Section 1915, Title 28, U.S.C.A., I shall be unable to proceed.

Most respectfully submitted,

John B. Davis
 John B. Davis--Petitioner and Relator

STATE OF LOUISIANA)
) SS
 PARISH OF WEST FELICIANA)

Personally appeared before me, a Notary Public in and for the Parish of West Feliciana, State of Louisiana, John B. Davis, the petitioner and relator in the attached petition for the "Motion to Quash", who deposes and swears that he is the petitioner and relator, and that all of the contentions and allegations herein are his and true in their entirety to his own best knowledge and belief, this the

2 day of July in the year ONE THOUSAND NINE HUNDRED AND SIXTY TWO, A. D. (1962)

S E A L

Harry Dwyer, Sr.
 HARRY DWYER, SR., NOTARY PUBLIC IN AND FOR THE PARISH OF WEST FELICIANA, STATE OF LOUISIANA

My Commission Expires: death

§ MOTION TO QUASH §
"Jurisdiction"

Jurisdiction is derived from Title 28, Judicial Code and Judiciary 1956 Edition, Chapter 28, Section 729, Page 1349. Extradition is derived from Dart's Criminal Code of Louisiana.

Comes respectfully now the petitioner one to wit, John B. Davis, who contends that a detainer has been filed against him by the district attorney, in and for the Criminal District Court, of Baldwin County, Bay Minette, Ala., which the petitioner contends is Null and Void, as he is not guilty of the accusation.

§ CONTENTIONS AND ALLEGATIONS §

The petitioner contends that while he was awaiting trial in Monroe, Louisiana, that a detainer was lodged against him by the above mentioned court and state.

After the petitioner was sentenced to one (1) year, at hard labor in the Louisiana State Penitentiary, he was later transferred to Benton, Louisiana, where he was convicted and sentenced to a term of two (2) years, and the two year sentence was fixed to run consecutively with the one (1) year sentence, that was imposed upon him in Monroe, Louisiana.

On March 2, 1959, the petitioner was transferred from Benton, Louisiana, Parish Jail, to the Louisiana State Penitentiary, at Angola, Louisiana. At which time the sheriff's office, of Bossier, Parish, Benton, Louisiana, notified the authorities of Baldwin County, Bay Minette, Ala., that John B. Davis, had been transferred and admitted to the Louisiana State Penitentiary, at Angola, Louisiana.

The Sheriff's office at Benton Louisiana, returned the detainer, to the authorities of Baldwin County, sheriff's office, and advised the authorities there, that if they wished to file their detainer against John B. Davis, that they could do so by filing it with the Louisiana State Penitentiary, at Angola, Louisiana.

On December 17, 1959, the petitioner, John B. Davis, was released on parole to a detainer, filed by the Sheriff's office, Caddo Parish, Shreveport, Louisiana, after serving over one third of his sentence, where he was lodged in the Parish Jail.

On December 22, 1959, petitioner, John B. Davis, was sentenced in the First Judicial District Court, Caddo Parish, Shreveport, Louisiana, to serve one (1) year in the Louisiana State Penitentiary, Angola, Louisiana. Sentence was suspended and petitioner was placed on active probation for a period of one (1) year. After petitioner served his parole term, he was released from parole by the Louisiana State Board of Parole, Baton Rouge, Louisiana, on February 25, 1960, but still remained on active probation.

Petitioner was arrested in Ouachita, Parish, Monroe, Louisiana, in April, 1960, and was placed in the Parish Jail, at which time, the Sheriff's office, Baldwin County, Bay Minette, Alabama, placed a detainer against the petitioner for the second time, the first detainer being placed on November 27, 1958.

Petitioner contends that over a period of one year had elapsed between the lodging of the first and second detainer, and the authorities of Baldwin County, Bay Minette, Alabama, knew the where abouts of petitioner John B. Davis, for a period of over one (1) year, but made no attempt to have a warrant served, or a detainer placed against petitioner, John B. Davis, and the law clearly states, that if the authorities knows the where abouts of a fugitive, for a period of one (1) year, and does not serve a warrant or place a detainer against said fugitive, the charges are null and void.

On November 10, 1960, in the Fourth Judicial District Court, Ouachita Parish, Monroe, Louisiana, the petitioner was convicted and sentence to serve a term of five (5) years at hard labor in the Louisiana State Penitentiary, Angola, Louisiana.

(CONTENTIONS AND ALLEGATIONS)

(2)

In March, 1961, the one (1) year probation which was imposed on the petitioner in the First Judicial District Court, Caddo Parish, Shreveport, Louisiana, was revoked.

During petitioners confinement in prison, from March 2, 1959, to December 17, 1960, and while petitioner was on parole and active probation, from December 18, 1959 till his arrest in April 1960, by the sheriff's office, Ouachita Parish, Monroe Louisiana. A period of over one (1) year elapsed, and the Sheriff's office, Baldwin County, Bay Minette, Alabama, made no attempt to extradite or to bring the petitioner to trial.

The petitioner contends that the warrant and detainer, lodged against him at the Louisiana State Penitentiary, Angola, Louisiana, is signed by the Honorable T.C. Hand, Justice of the Peace, Baldwin County, Alabama, dated March 4, 1959. The said warrant states the petitioner committed the said crime on July 25, 1958, but according to the court records of Baldwin County, Bay Minette, Alabama, the charges against petitioner was filed on September 13, 1961, and attached to this Writ, for a "Motion To Quash", is a true Notorized copy of a letter from Alice J. Duck, Clerk of Court, Baldwin County, Bay Minette, Alabama, attesting to this fact.

Petitioner contends that the charges against him on record, at the Clerk of Court office, Baldwin County, Bay Minette, Alabama, and the charges against him on the warrant, signed by the Honorable T. C. Hand, which is on file at the Louisiana State Penitentiary, Angola, Louisiana, do not correspond, and that the statute of limitations had ran out on said charges, before they were filed on September 13, 1961.

After knowing the where - abouts of petitioner in another state, the authorities of Baldwin county, Bay Minette, Alabama, have not taken the said charges against petitioner into open Court, and had a warrant issued for his arrest, for his being a fugitive from Justice, as required by Law.

Attached to this Writ, for a "Motion To Quash" is three (3) True, Notorized Copies of letters showing that petitioner, John B. Davis, paid said detainer to the Honorable R. A. Hail Jr., ex-Justice of the peace, now License Inspector, Baldwin County, Robertsdale, Alabama, with the understanding that all charges would be dismissed against him, and the said detainer dropped and withdrawn upon receipt of the money requested by the Honorable R. A. Hail Jr., but unto this date, June 7, 1962, the said detainer is still lodged against petitioner, John B. Davis, here at the Louisiana State Penitentiary, Angola, Louisiana. The three (3) said letters are marked A, B, and C, in their perspective order. Two (2) letters from Honorable R. A. Hail Jr., Baldwin County, Robertsdale, Alabama, and one (1) from Mr. Harry Dwyer, Sr., Notary Public, and Deputy Sheriff, for West Feliciana Parish, St. Francisville, Louisiana.

Whereas, the petitioner respectfully contends that three (3) years and seven (7) months has elapsed and the accusing court, has made no attempt to extradite or to bring the petitioner, John B. Davis, to a speedy and public trial, that he is entitled to, under the "Constitutional Rights, Guaranteed by the sixth (6) Amendment to the Constitution of the United States." And the "Speedy Trial", that also comes under the Alabama, State Law Statute.

The petitioner contends that this is a direct violation of his "Constitutional and State rights." Therefore, the accusing court, is in error by not extraditing or bringing him to trial; when he was willing and ready to stand trial.

The petitioner contends that the accusing court, waived their jurisdiction rights, in not extraditing him upon his release from the Louisiana State Penitentiary.

Whereas, a consequent charge cannot stand; the petitioner cannot for years be subject to a pending charge, when he is available for all matters within the law, to be extradited.

§ MERITS OF ALLEGATIONS §

(1)

In the case that: "Arrowsmith Vs. State 175, S.W. 545: Providing that Constitutional rights to a speedy trial were violated by not prosecuting the old indictment until the defendant had served a term of imprisonment, a consequent charge cannot stand. The defendant cannot, for years be subject to a pending charge nor can he be expected to keep up contact with witnesses, who may forget the facts, move away, or have died.

(2)

Whereas, the petitioner contends that this is a direct violation of his "Constitutional and State Rights." Therefore, the accusing court is in error, by not extraditing or bringing him to trial; when he was willing and ready to stand trial.

(3)

168. Charge as fugitive - Warrant for arrest - Hearing before committing magistrate - Effect of delay in extradition proceedings.

When any person shall be charged on the oath of any credible person, before any committing magistrate, with being a fugitive from justice of any other state or territory, such committing magistrate shall issue his warrant for the arrest of the accused and if, after a hearing in open court, the committing magistrate shall be of the opinion that the accused is a fugitive from justice, the accused shall be committed to await extradition, otherwise shall be discharged; provided that if on or before the thirtieth day after any affidavit shall have been made charging any person with being a fugitive from the justice of another state or territory, extradition proceedings shall not have begun against him in the state, he shall be entitled to be forthwith discharged.

(4)

Compiler's Note.

This Article is similar to A.S., 1038, which provided that accused should not be detained in custody over 90 days.

(5)

In General.

If all required and essential formalities for extradition be complied with, within discretion vested in the Governor, it is possible for authorities of foreign States to obtain custody of inmates of the State Penitentiary when he released from the State Penitentiary. - Op. Att. Gen. Dart's Criminal Code of Louisiana.

(6)

In the case at bar, the petitioner John B. Davis, was available after his term of imprisonment, for extradition, and while the pending warrant was within the knowledge of the accusing court, then sitting prosecuting aside, is a denial of his substantive rights, to a speedy trial. Therefore, the petitioner John B. Davis, was available for all matters within the law, to be extradited, and put to trial, by the accusing court.

Whereas, the petitioner contends that, for the Honorable Court, to extradite and make him stand trial now, would be illegally and unlawful and in violation of his Constitutional and State Rights, as in the cases and laws cited herein.

Therefore, the petitioner John B. Davis, makes this motion to the Honorable presiding Judge, in and for Baldwin County, Bay Minette, Ala., for your honor to please consider the circumstances that are surrounding the case at bar, and the petitioner prays that your honor will grant and issue an order requiring respondents to show reasonable cause, if any, by the said accusation now pending against the petitioner should not be dismissed and said motion granted and detainer withdrawn and dismissed. And notify Mr. Gerald F. Needham, custodian of Records, or V. G. Walker, Warden, Louisiana State Penitentiary, Angola, Louisiana that the Sheriff's office, Baldwin County, Bay Minette, Alabama, withdraws their warrant and drops their detainer, placed against John B. Davis, P.M.B. - 53750.

The petitioner ever prays for your honorable consideration and knowledge of final disposition. Court please proceed.

Respectfully Submitted,

John B. Davis

John B. Davis

P.M.B.-#53750

Louisiana State Penitentiary
Angola, Louisiana (Camp H)

T - R - U - E C - O - P - Y

T - R - U - E C - O - P - Y

CIRCUIT CLERK
BALDWIN COUNTY
Bay Minette, Alabama
December 5, 1961

Alice Duck
Register - Circuit Court

Mr. John Davis,
Angola, Louisiana

Dear Sir:

On September 13, 1961, two charges were filed against you
in this court.

Yours truly,

(Signature) Alice J. Duck
Clerk, Circuit Court

P. S.

I do not find any other cases against you.

A. J. D.



Harry Dwyer Sr.
Notary Public In And For The Parish Of
West Feliciana, State Of Louisiana (1962)

The above letter is a True Copy of the letter, Alice J. Duck, Clerk,
Circuit Court, Baldwin County, Bay Minette, Ala., sent to Mr. John Davis,
P.M.B.-#53750 Angola, Louisiana on December 5, 1961.

TRUE COPY

TRUE COPY

TRUE COPY

TRUE COPY

A

R. A. HALL, JR.,
Justice of the Peace
P.O. Box 26
Robertsdale, Alabama

A

July 25, 1960

Mrs John Davis
613 S 5th St.
Monroe, La.

Dear Mrs. Davis:

I am holding Worthless Check here against John Davis for amount of \$20.00. The Sheriff Office told me to write to you. This is all I have against him. This can be settled for \$20.00 No Court Charges.

Yours Truly,

Signature of R. A. Hall Jr.

R. A. Hall, Jr.

DH/rah

The above letter is a True Copy of the letter sent to Mrs & John Davis, from R. A. Hall Jr., on July 25, 1960.

Harry Dwyer Sr.

Mr. Harry Dwyer Sr.
Notary Public In And For The Parish Of
West Feliciana, State Of Louisiana (1962)

"B"

August 28, 1961

"B"

Mr. A. A. Hail, Jr.
Justice of the Peace
P.O. Box 26
Robertsdale, Alabama

Dear Mr. Hail:

Please find enclosed a Postal Money Order in the amount of \$20.00 which is being sent to you by John B. Davis a prisoner of the La. State Pen.

Davis sends this money with the hope that it will be considered ample restitution and that the detainer held against him will be dropped. If this detainer is not terminated upon the receipt of the enclosed \$20.00 please return the money order to John B. Davis, P.M.B. 53750, Pine 4, Angola, Louisiana.

Thank you kindly for any consideration given to this matter.

Yours truly,

Harry Dwyer Sr.
Notary Public
Box 101
Angola, Louisiana

cc: Mrs. John B. Davis

HD/G

The above letter is a True Copy of the letter that Mr. Harry Dwyer Sr. sent to E. A. Hail Jr., Justice of the Peace, Robertsdale Ala., on August 28, 1961.


Mr. Harry Dwyer Sr.
Notary Public In And For The Parish Of
West Feliciana, State Of Louisiana (1962)

TRUE COPY

TRUE COPY

TRUE COPY

TRUE COPY

"C"

"C"

R. A. HALL, JR.
DEPUTY LICENSE
INSPECTOR
ROBERTSDALE, ALA.

August 29, 1961

Louisiana State Penitentiary
Mr. Harry Dwyer, Sr.
Notary Public
Box 101
Angola, Louisiana.

RE; John Davis
Worthless Check

Dear Sir:

I am returning worthless check and dropping all charges this date.
Docket case has been dismissed #1164 this date August 29th, 1961.

Yours Truly,

Signature of Mr. R. A. Hall, Jr.

R. A. Hall, Jr.

SEAL

Warrant destroyed.

The above letter is a True Copy from Mr. R. A. Hall, Jr., to Mr. Harry Dwyer Sr.



Mr. Harry Dwyer Sr.
Notary Public In And for The Parish of
West Feliciana, State Of Louisiana (1962)

The State of Alabama,
Baldwin County

CIRCUIT COURT, Fall SESSION, 19 61

The Grand Jury of said County charge that before finding this indictment John B. Davis, alias Johnnie B. Davis, alias Johnny B. Davis, with intent to injure or defraud, did alter, forge or counterfeit a certain check, which was in substance as follows:

61-258

Bay Minette, Ala., 7/27 19 58 NO.

BALDWIN COUNTY BANK

Pay To The Order Of Cash \$ 39.80

Thirty Nine dollars and 80/100 ----- DOLLARS

NO ACCOUNT

COUNTER CHECK
F.B

C A Martin

ALABAMA'S MOST PROGRESSIVE AREA

or with intent to injure or defraud did utter and publish as true the said falsely altered, forged, or counterfeited check, knowing the same to be so altered, forged or counterfeited,

against the peace and dignity of the State of Alabama.

James C. Hendrix
Solicitor of the Twenty-Eight Judicial Circuit.

RECORDED

No. _____

The State of Alabama
Baldwin County

Circuit Court

Fall Term, 19 61

The State

vs.

John B. Davis, alias Johnnie B.
Davis, alias Johnny B. Davis

Forgery

INDICTMENT

No Prosecutor

WITNESSES:

C. A. Martin 0

Mrs. S. S. Sellars 0

GRAND JURY NO. 98

A TRUE BILL

William A. Bryant Jr
Foreman Grand Jury.

Filed in open Court and in the presence of
the Grand Jury on the 13 day of

Sept, 19 *61*

Cliff J. Russell
Clerk.

Presented in open Court to the presiding
Judge by the Foreman of the Grand Jury, in
the presence of 1 other Grand Jurors.

Cliff J. Russell
Clerk.

Bail fixed \$ *500 00*

Johnnie
Judge.

The State of Alabama, }
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

An indictment having been found against

John B Davis alias Jernie, B Davis alias Johnny B Davis

at the 7th Fall Term, 1961 of the Circuit Court of Baldwin County, for the offense of

Forgery.

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 13 day of Sept, 1961

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 hand and seal this _____ day of _____, 19____.

(L. S.)

(L. S.)

(L. S.)

(L. S.)

Taken and approved _____ day of _____, 19____.

Sheriff of Baldwin County

Angola, La.
Penitentiary

53750
Page 4

CAPIAS

CAPIAS

No. 98

THE STATE

vs.

John B. Davis

Bail fixed in this case in open Court at

\$ 500.00

By H. M. Hall
Judge Presiding.

Attest: _____
Clerk.

Executed this 2 day of Oct, 1962

By arresting the within

named Defendant

and placing him in jail

Taylor Wilkins, Sheriff

W. O. Garner, Deputy Sheriff

Received in Sheriff's Office
this 2 day of Oct, 1962
TAYLOR WILKINS, Sheriff

BAY MINETTE, ALA., 7/27 1958 No. _____

BALDWIN COUNTY BANK

PAY TO THE ORDER OF

cash

\$ 39.80

Thirty nine dollars and ⁸⁰/₁₀₀ DOLLARS

NO ACCOUNT

COUNTER CHECK

C. A. Martin

FB

ALABAMA'S MOST PROGRESSIVE AREA

John Davis
Box 268

Sofley
Mrs. S. S. Sellers

PAY TO THE ORDER OF
THE MERCHANTS NATIONAL BANK OF MOBILE
MOBILE, ALA.

All Prior Endor. Guaranteed
Seven-Up Bottling Company, Inc.

ENDORSEMENT

~~CANCELLED~~

PAID THROUGH
MOBILE CLEARING HOUSE
OR PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.

AUG 15 1938 61297

PRIOR ENDORSEMENTS GUARANTEED
THE MERCHANTS NATIONAL BANK
OF MOBILE MOBILE, ALA.

AFFIDAVIT

State Of Alabama, }
Baldwin County. }

In the Justice Court of K. LATNER

Before me, A. K. LATNER, Justice of the Peace

in and for said County, personally appeared Mrs. S. S. Sellars 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 July, 27th, 1958 that one John Davis
Did draw a Check on the Baldwin County Bank of Bay-Minette Ala. in the amount
of Thirty Nine and 80/100 Dollars (\$39.80) and forged the name of C. A. Mx
Martin thereto in violation of the Law of the State of Ala.

against the peace and dignity of the State of Alabama.

Sworn to and subscribed before me this 29th.

day of August A. D., 19 58

A. K. Latner, J. P.

Mrs S. S. Sellars

WARRANT

State Of Alabama, }
Baldwin County. }

To Any Lawful Officer of Said County. Greetings:

You are hereby commanded to arrest John Davis

and bring Him

before Me to answer the State of Alabama on a charge
Forgery

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

Witness my hand this 29th. day of August, 1958
A. K. Latner, J. P.

MITTIMUS OR COMMITMENT

State Of Alabama, }
Baldwin County. }

To the Jailer of Baldwin County:

Mrs. S. S. Sellars

On complaint of John Davis

charging Forgery

with the offense of Forgery

it appearing that such offense has been committed, and that there is sufficient cause to believe that

John Davis has been guilty thereof, you are
therefore commanded to receive him into your custody, and detain him until he is legally discharged.

Dated this 29th. day of August, 1958

A. K. Latner
Justice of the Peace.

No. 3676

Page _____

The State of Alabama
BALDWIN COUNTY

Justice Court Of

A. K. LATNER

AFFIDAVIT

THE STATE OF ALABAMA

vs.

John Davis

Milton or Bagdad Fla.

Witnesses for the State

Mrs. S. S. Sellars

JUSTICE COURT OF
BALDWIN COUNTY

Warrant Of Arrest

THE STATE OF ALABAMA

vs.

John Davis

Executed this the _____ day of _____ 195_____

By arresting the within

named Defendant

John Davis

and placing him

_____, Sheriff

_____, Deputy Sheriff

_____, Highway Patrol

Criminal Docket No. _____

No. _____ Page _____

The State Of Alabama
Baldwin County

JUSTICE COURT OF

A. K. LATNER

THE STATE OF ALABAMA

vs.

Mittimus

The State of Alabama
Baldwin County

I, _____
a Justice of the Peace in and for said State
and County, do and hereby certify that _____

_____ the Defendant; is required to give bail in the
sum of \$ _____ for his appearance at the
195_____ Term of the _____

Court of _____ County, Ala.

Given under my hand this the _____
day of _____ 195_____

_____, J. P.