

1359

EX PARTE,
SAMMIE LEE BISHOP.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

STATE OF ALABAMA §
BALDWIN COUNTY. §

"MOTION TO STRIKE"

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

Comes TAYLOR WILKINS, Sheriff, to whom this writ was directed
and moves to strike ^{Paragraph 4} ~~Count 4~~ of said petition on the grounds that
said allegations are not included under the statutory provisions
for which the remedy of Habeas Corpus has been provided and in
consequence thereof are surplusage.


ATTORNEY FOR TAYLOR WILKINS
and Deputy Circuit Solicitor.

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JUN 10 1949

consequences thereof are adjudicated.

For which the remedy of Habeas Corpus has been brought and in
said applications are not prolonged under the statutory provisions
and moves to strike same. It is the opinion of the Court that
these applications should be dismissed as moot and with no costs.

COURT OF APPEALS, VIRGINIA:

TO THE HONORABLE JUSTICE OF THE SUPREME COURT OF THE CIRCUIT

WILLIAM COOPER, JR.

JOHN W. COOPER, JR.

WILLIAM T. COOPER, JR.

BY APPEAL

WILLIAM COOPER, JR.

IN THE CIRCUIT COURT OF

FILED
JUN 10 1949
WILLIAM A. DUCK, Clerk

EX PARTE,

SAMMIE LEE BISHOP.

"MOTION TO DISMISS"

STATE OF ALABAMA §

BALDWIN COUNTY §

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

Comes TAYLOR WILKINS, Sheriff to whom this writ was directed and
moves the dismissal of said cause on the grounds that said petition is
not verified as required by title 15, paragraph 4 of the Code of Ala-
bama, 1940.


ATTORNEY FOR TAYLOR WILKINS,
Deputy Circuit Solicitor.

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FILED
JUN 7 1949
ALICE J. DUCK, Clerk

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STATE OF ALABAMA :

BALDWIN COUNTY. :

TO TAYLOR WILKINS, SHERIFF OF BALDWIN COUNTY:

You are hereby commanded to have the body of Sammie Lee Bishop, alleged to be detained by you, by whatsoever name the said Sammie Lee Bishop is called or charged, with the cause of such detention, before me Telfair J. Mashburn, Jr., Judge of the Circuit Court of Baldwin County, Alabama, on the 7th ^{7th} ~~3rd~~ day of June, 1949, at the Court House at Bay Minette, Alabama, at 3:00 P. M. to do and receive what shall then and there be considered concerning the said Sammie Lee Bishop.

Telfair J. Mashburn, Jr.
Circuit Judge

STATE OF ALABAMA :

BALDWIN COUNTY. :

Executed the within writ by delivering a copy thereof to Taylor Wilkins, the person to whom it is directed, and by showing him the original writ.

Dated this 6th day of June, 1949.

DeSoto Court

1359

FILED
JUN 6 1949
ALICE J. DUCK, Clerk

STATE OF ALABAMA :

BALDWIN COUNTY :

It is ordered by the undersigned Judge that the Petitioner or his Attorney give notice to the Solicitor of the _____ of Alabama, of the issuance of the writ of habeas corpus in this case, and of the time and place to which said writ is returnable.

Dated this the 6th day of June, 1949.

Jelfair J. Madlbury, Jr.
JUDGE

701359

FILED
JUN 6 1949
ALICE J. DUCK, Clerk

EX PARTE,

SAMMIE LEE BISHOP.

STATE OF ALABAMA :

BALDWIN COUNTY :

~~TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIR-~~
CUIT COURT OF BALDWIN COUNTY, ALABAMA:

The petition of Sammie Lee Bishop, who is under the age of 21 years, having been born September 22, 1932, and who is a resident of Baldwin County, Alabama, respectfully shows and represents unto your Honor:

FIRST

That he is now illegally restrained of his liberty and is imprisoned in the County jail of Baldwin County, Alabama, at Bay Minette in said County, by Taylor Wilkins, the Sheriff of said County, the said Taylor Wilkins as Sheriff of said County restrains your Petitioner under a warrant issued on the 10th day of May, 1949 by T. C. Hand, Justice of the Peace, Baldwin County, said warrant being founded upon an affidavit made by one Zollie B. Griffin, on the 10th day of May, 1949, and your Petitioner respectfully shows unto your Honor:

SECOND

That said warrant, which is founded upon said affidavit, is void in that there is no offense charged against your Petitioner.

THIRD

That he was bound over without probable cause, in that the said Justice of the Peace did not have probable cause for charging him with a crime and binding him over to await the action of the Grand Jury.

FOURTH

That your Petitioner has been abused, mistreated, whipped, intimidated, and his constitutional rights violated by the said Taylor Wilkins, Sheriff of said County.

FIFTH

That the Petitioner is being held under excessive bail.

SIXTH

Your Petitioner further shows that by reason of such unlawful detention that your Petitioner is being illegally restrained of his liberty and that he is illegally being imprisoned.

Your Petitioner prays that a writ of habeas corpus be issued, directed to said Taylor Wilkins, as Sheriff of Baldwin County, Alabama, commanding him to bring the body of your Petitioner, Sammie Lee Bishop, before your Honor at the time and place to be by you appointed, together with the cause of Petitioner's detention.

Sammie Lee Bishop

STATE OF ALABAMA :

COUNTY OF BALDWIN :

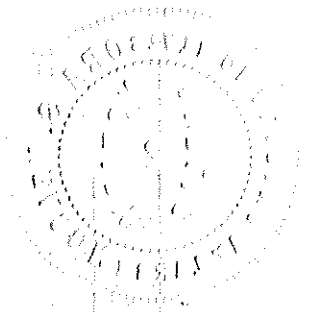
Before me Ora S. Nelson, a Notary Public, personally appeared Walter M. Cook, who after being first duly sworn deposes and says that he is the attorney of record for the Petitioner, and that the facts stated in said petition are true as he believes.

Walter M. Cook
WALTER M. COOK, ATTORNEY FOR PETITIONER

Sworn to and subscribed before
me this 6th day of June, 1949.

Ora S. Nelson
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA at Large
State of

201359



FILED
JUN 6 1949
ALICE J. DUCK, Clerk