

1891

EX PARTE)
JESSE HINES)

STATE OF ALABAMA)
BALDWIN COUNTY)

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

The petition of Jesse Hines, who is over the age of twenty-one years and who is a resident citizen of Baldwin County, Alabama, respectfully shows and represents to your Honor as follows:

1. 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, the Sheriff of said county, restrained your Petitioner under a commitment issued on the 4th day of December, 1952, by T. C. Hand, a Justice of Peace, after a preliminary trial, in which your Petitioner was bound over to await the action of the Grand Jury, and your Petitioner respectfully shows unto your Honor further:

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

3. Your Petitioner further shows that by reason of his being bound over to the Grand Jury without probable cause to await the action of the Grand Jury, your Petitioner's said detention is not lawful and that he is being illegally restrained of his liberty and that he is being illegally imprisoned:

Your Petitioner further prays that a Writ of Habeas Corpus be issued, directed to said Taylor Wilkins, as Sheriff of Baldwin County, Alabama, demanding him to bring the body of your Petitioner, Jesse Hines, before your Honor at the time and place to be by you appointed, together with the cause of Petitioner's detention.

Jesse Hines
Petitioner.

VERIFICATION

STATE OF ALABAMA)
 *
 BALDWIN COUNTY)

Before me, James R. Owen, a Notary Public within and for said County and State, personally appeared Jesse Hines, the above named Petitioner, being first by me duly sworn, doth depose and say: That the facts stated in said petition are true.

Jesse Hines
 Petitioner.

Sworn to and subscribed before me
 on this the 5th day of December,
 1952.

James R. Owen
 Notary Public, Baldwin County, Alabama.

FILED

12-8-52

ALICE J. DUCK, Register

11/10/28

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EX PARTE

JESSE HINES

§

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 1891

DEMURRER TO PETITION

Now comes Taylor Wilkins, as Sheriff of Baldwin County, Alabama, the Respondent named in the writ issued by your Honor pursuant to the original petition for habeas corpus addressed to said Court, and demurs to the said original petition and to each and every paragraph thereof separately and severally, and as grounds for such demurrer sets down and assigns, separately and severally, the following:

1. For that the petition fails to allege facts which would entitle the petitioner to the issuance of a writ of habeas corpus.

2. For that the petition alleges that the demurrant is restraining the petitioner under a commitment by a Justice of the Peace, yet fails to annex a copy of such process of said Justice to the petition as required by law.

3. For that there is no allegation that a copy of said process of said Justice has been demanded and refused.

4. For that the petition fails to allege any sufficient excuse for the failure to demand a copy of said process of said Justice.

5. For that a copy of said process of the Justice of Peace is not annexed to the petition, and it is not alleged that a copy thereof has been demanded and refused, and it is not shown that there was some sufficient excuse for the failure to demand a copy of such process, as required by law.

6. For aught that appears the commitment of said Justice of Peace was issued pursuant to a preliminary hearing by him after an affidavit and warrant before him, charging the petitioner with a capital felony.

7. For that a copy of the affidavit and warrant in said Justice of Peace Court is not annexed to the petition.

8. For that there is no allegation that a copy of said affidavit and warrant has been demanded and refused.

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9. For that the petition fails to allege any sufficient excuse for the failure to demand a copy of said affidavit and warrant.

10. For that a copy of said affidavit and warrant is not annexed to the petition, and it is not alleged that a copy thereof has been demanded and refused and it is not shown that there was some sufficient excuse for the failure to demand a copy of said affidavit and warrant.

11. For that the petition claims that the petitioner is being restrained illegally, yet wholly fails to allege or to show that petitioner has attempted to ascertain the reason for his restraint before petitioning your Honor for a writ of habeas corpus, as required by law.

Respectfully submitted,

William R. Fenton
Solicitor.

Ms. A. 1.1. 1.1. 1.1.

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STATE OF ALABAMA)
 *
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

TO TAYLOR WILKINS, SHERIFF OF BALDWIN COUNTY, ALABAMA:

You are hereby commanded to have the body of Jesse Hines, alleged to be detained by you, by whatsoever name the said Jesse Hines is called or charged with the cause of said detention, before me, Telfair J. Mashburn, Jr., Judge of the Circuit Court of Baldwin County, Alabama, on the 12th day of December, 1952, at the courthouse at Bay Minette, Alabama at 10:00 A.M., to do and receive what shall then and there be considered concerning the said Jesse Hines.

Dated this the 8th day of December, 1952.

Telfair J. Mashburn Jr.
Judge.

EX PARTE

JESSE HINES

Executed December 8 1952
by serving copy of within ~~Summons and~~
~~Complaint on~~ Writ on

Taylor Wilkins

By James R. Owen Sheriff
Attorney for Petitioner Deputy Sheriff

FILED
DEC 8 1952
MICE J. DUCK, Clerk

EX PARTE

JESSE HINES

STATE OF ALABAMA)

BALDWIN COUNTY)

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) AT LAW

It is Ordered by the undersigned that the Petitioner, or his attorney, give notice to the Solicitor of the Twenty-eighth Judicial Circuit 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 8th day of December, 1952.

Julian A. Mathews, Jr.
Judge.

EX PARTE

JESSE HINES

FILED
DEC 8 1952
ALICE J. DUCK, Clerk

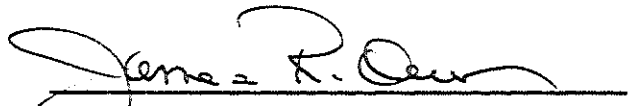
EX PARTE)
JESSE HINES)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

AMENDMENT TO PETITION

Comes the Petitioner in the above styled cause, by his attorney, and amends the original petition heretofore filed in this cause by adding thereto a copy of the Mittimus heretofore issued by T. C. Hand, Justice of Peace.



Attorney for Defendent

FILED
DEC 13 1952
FBI - NEW YORK

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO THE HONORABLE WILLIAM R. LAUTEN, SOLICITOR OF THE TWENTY-EIGHTH
JUDICIAL CIRCUIT OF ALABAMA:

You will please take notice that a petition for Writ of Habeas Corpus has been filed before the Honorable Telfair J. Mashburn, Jr., as Judge of the Twenty-eighth Judicial Circuit of Alabama, on behalf of Jesse Hines, who is imprisoned in the Baldwin County Jail, Bay Minette, Alabama.

You will also take notice that Writ of Habeas Corpus has been issued in pursuance of said petition by the Honorable Telfair J. Mashburn, Jr., as Judge of the Twenty-eighth Judicial Circuit, returnable before him at the County Courthouse in the City of Bay Minette, Alabama on the 12th day of December, 1952, at the hour of 10 o'clock.

Dated this the 8th day of December, 1952.



Attorney for Petitioner.

EX PARTE

JESSE HINES

Copy secured on
William R. Lantieri,
Assistant Solicitor of 28th
Judicial Circuit, December
8th, 1952.

James R. Owen
Attorney for Petitioner

EX PARTE)
JESSE HINES)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

ORDER

This matter coming on to be heard on the petition of Jesse Hines for habeas corpus, and upon return of Taylor Wilkin's as Sherrif of Baldwin County, Alabama, to the writ of habeas corpus issued by this court, and it appearing to the Court that the petitioner is entitled to bail; it is, therefore;

ORDERED, ADJUDGED AND DECREED by the Court that the petitioner be admitted to bail in the sum of Thirty-five Hundred (\$3500.00) Dollars, which said bond is to be approved by the Court.

Dated this the 12th day of December, 1952.

Jeffery J. Maschery

Judge

FILED
DEC 13 1952
AURE L. DUCK, Clerk

Criminal Docket No.

No.

Page

The State of Alabama,

Baldwin County

Justice Court of

T. C. HAND

THE STATE OF ALABAMA,
vs.

JESSE HINES

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
19____ Term of the _____
Court of _____ County, Ala.

Given under my hand this the _____
day of _____, 19____
_____, J. P.

Criminal Docket

No.

Page

The State of Alabama,

Baldwin County

Justice Court of

T. C. HAND

THE STATE OF ALABAMA,
vs.

JESSE HINES

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.

Mittimus or Commitment

To the Jailer of Baldwin County: {

THE STATE OF ALABAMA,
Baldwin County.

On complaint of Taylor Wilkins

charging Jesse Hines

with the offense of Murder in the first degree

it appearing that such offense has been committed, and that there is sufficient cause to believe that Jesse Hines ~~in the degree punishable capitally~~ without bail has been guilty thereof, you are therefore commanded to receive him into your custody, and detain him until he is legally discharged.

Dated this 4th day of December, 1952

P. S. Land
Justice of the P

MITTIMUS OR COMMITMENT

State Of Alabama,
Baldwin County. }

To the Jailer of Baldwin County:

On complaint of Taylor Wilkins

charging Jesse Hines

with the offense of Murder in the first degree

it appearing that such offense has been committed, and that there is sufficient cause to believe that Jesse Hines ~~in the degree punishable capitally~~ without bail has been guilty thereof, you are therefore commanded to receive him into your custody, and detain him until he is legally discharged.

Dated this 4 day of Dec., 1952

P. S. Land
Justice of the Peace.