

EX PARTE )  
CLIFFORD McLELLAN )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

Now comes the Petitioner in the above styled cause and by way of traverse to the return of the respondent says:

Petitioner hereby specifically traverses all of the allegations of the respondent and he demands strict proof of the allegations of the return.

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Petitioner.

PETITIONER'S TRAVERSE

EX PARTE

CLIFFORD McLELLAN

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

STATE OF ALABAMA )  
BALDWIN COUNTY )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

TO TAYLOR WILKINS, SHERIFF OF BALDWIN COUNTY:

You are hereby commanded to have the body of Clifford McLellan, alleged to be detained by you by whatsoever name the said Clifford McLellan is called or charged, with the cause of such detention, before me, H. M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, on the 3rd day of July, 1953, at the Court House at Bay Minette, Alabama, at 10 A. M. to do and receive what shall then and there be considered concerning the said Clifford McLellan.

Dated this the 2 day of July, 1953.

*Hubert M. Hall*

Judge.

CLIFFORD MCLELLAN

CLIFFORD MCLELLAN

CLIFFORD MCLELLAN

CLIFFORD MCLELLAN

CLIFFORD MCLELLAN

WRIT OF HABEAS CORPUS

EX PARTE

CLIFFORD McLELLAN

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

Executed by serving a  
copy of the within on  
W. F. Bell, Deputy Sheriff.  
7/2/53 -  
J. R. Owen

EX PARTE

CLIFFORD McLELLAN

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§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. \_\_\_\_\_

Plea in Abatement

Now comes Taylor Wilkins, as Sheriff of Baldwin County, Alabama, to whom the writ of habeas corpus in this case was directed, and enters the following special plea, and appears specially, and for no other purpose, than to enter this plea:

The proceeding in this cause should not be allowed to proceed and the cause should be abated for the following separate and several reasons:

1. The person to whom the writ in this case is directed has not been served with process.
2. The person to whom the writ in this case is directed has not been properly and legally served with a copy of said petition.
3. A copy of the petition in this case was not served upon the person to whom the writ is directed by a deputy sheriff of this County or by the Coroner of this County, as required by law.
4. The writ in this case has not been properly served on the one to whom said writ is directed.
5. The writ in this case has not been served by a deputy sheriff or coroner of this County upon the one to whom the writ is directed.
6. The writ in this case has not been properly served on any person.
7. The writ in this case was handed to a deputy sheriff of this County by the attorney for the petitioner, contrary to the provisions of law provided in such cases.
8. There being no proper service in this case, your Honor does not have jurisdiction to proceed with a hearing on this cause.

Respectfully submitted,

  
as Sheriff of Baldwin County, Alabama.

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, Hillsborough County, Florida Clifford H. McLellan did unlawfully on or about November 21, 1951 that one feloniously and falsely utter and publish as true to the General Auto Supply Co. a false, forged, altered and counterfeited instrument; commonly called a bank check substantially in words and figures as follows; Sulphur Springs Bank, Sulphur Springs, Florida, Nov. 21, 1951 \$32.00 thirty-two dollars and No/100 Dollars No. 36 /s/ D. Wayne E. Gouley, contrary to the laws of the State of Florida, and is a fugitive from justice from said State of Florida, taking refuge in Baldwin County, Alabama. against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this 15

day of June, A. D., 1953

/s/ T. C. Hand, J. P.

/s/ Taylor Wilkins

### WARRANT

State Of Alabama, }  
Baldwin County. }

To Any Lawful Officer of Said County. Greetings:

You are hereby commanded to arrest Clifford McLellan

and bring him before me to answer the State of Alabama on a charge fugitive from justice and forgery

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

Witness my hand this 15 day of June, 1953

T. C. Hand, J. P.

### MITTIMUS OR COMMITMENT

State Of Alabama, }  
Baldwin County. }

To the Jailer of Baldwin County:

On complaint of Taylor Wilkins

charging Clifford McLellan

with the offense of fugitive from justice and forgery

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

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

Dated this 15 day of June, 1953

/s/ T. C. Hand

Justice of the Peace.

No.-----Page-----

**The State of Alabama,**  
Baldwin County.

JUSTICE COURT OF

T. C. HAND

## AFFIDAVIT

THE STATE OF ALABAMA,  
VS.

Witnesses for the State:

Justice Court of  
Baldwin County

## WARRANT OF ARREST

THE STATE OF ALABAMA,  
VS.

Executed this-----day of-----195--

By arresting the within

named Defendant

and placing him

-----, Sheriff

-----, Deputy Sheriff

Criminal Docket No.-----

No.-----Page-----

**The State of Alabama,**  
Baldwin County.

Justice Court of

T. C. HAND

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.

EX PARTE

CLIFFORD McLELLAN

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§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA


AT LAW

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

RETURN TO WRIT OF HABEAS CORPUS

Now comes Tayler Wilkins, as Sheriff of Baldwin County, Alabama, to whom the writ of habeas corpus in this case was directed, and who has been duly served therewith, and for return to said writ shows to the Court that he detains and holds the said Clifford McLellan by virtue of a commitment order or mittimus issued by the Justice Court of Baldwin County, Alabama, for Precinct 4 thereof, a correct copy of which commitment order or mittimus is attached hereto, which commitment order or mittimus was issued pursuant to a warrant, a correct copy of which is attached hereto, which warrant was issued pursuant to an affidavit, a correct copy of which affidavit is attached hereto, and the said commitment order or mittimus, warrant, and affidavit copies are offered in evidence before the Court by the undersigned. And he herewith produces the body of the said Clifford McLellan and submits him to the jurisdiction of the Honorable Hubert M. Hall, Judge of the Twenty-eighth Judicial Circuit of Alabama, the judicial officer issuing the writ in this case.

Dated at Bay Minette, Alabama, this 3rd day of July, 1953.

  
as Sheriff of Baldwin County, Alabama.



ex parte CLIFFORD McLELLAN,  
ALIAS CLIFFORD McLELLON.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW No. \_\_\_\_\_

ORDER

This matter now comes on to be heard before the undersigned judge upon the petition of James R. Owen, for and on behalf of Clifford McLellan, alias Clifford McLellen, for a writ of habeas corpus, and upon the return of Taylor Wilkins, as Sheriff of Baldwin County, Alabama, and the said Clifford McLellan, alias Clifford McLellen, being present in his own proper person and by counsel, and the State being represented by the Hon. William R. Lauten, Solicitor of the Twenty-eighth Judicial Circuit of Alabama, the undersigned judge proceeds to hear the matter; and after hearing the same the undersigned judge being of the opinion that the said Clifford McLellen, alias Clifford McLellan, is not unlawfully or illegally restrained of his liberty, it is considered,

ORDERED AND ADJUDGED that the said Clifford McLellan, alias Clifford McLellen, is not entitled to his discharge on habeas corpus, that the writ be discharged and that the said Clifford McLellan, alias Clifford McLellen, be remanded to the custody of Taylor Wilkins, Sheriff of Baldwin County, Alabama, to be turned over by him to Ed Blackburn, Jr., Sheriff of Hillsborough County, Florida, for delivery to said Hillsborough County, Florida, for prosecution there, and the extradition is hereby granted.

IT IS FURTHER ORDERED AND ADJUDGED that the costs in this proceeding be and the same are hereby taxed against the said Clifford McLellan, alias Clifford McLellen, for which let execution issue.

DONE AND ORDERED this the 4th day of August, 1953, at Bay Minette, Alabama.

Robert M. Hall  
Judge.

FILED  
AUG 11 1953  
ALICE J. DUCK, CLERK

Justice Court of

Baldwin County

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**WARRANT of ARREST**

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THE STATE OF ALABAMA,  
VS.

Clifton McLellan

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Executed this 15 day of June 1953

By arresting the within

named Defendant

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and placing him

in Jail

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Taylor Wilkins....., Sheriff

W. D. Taylor....., Deputy Sheriff

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WARRANT

COPY

State Of Alabama, }  
Baldwin County. }

To Any Lawful Officer of Said County, Greetings:

You are hereby commanded to arrest Clifton McLellan

\_\_\_\_\_ and bring him  
before me \_\_\_\_\_ to answer the State of Alabama on a charge

Fugative From Justice

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

Witness my hand this 15 day of June, 19 53.

T.C.H.<sup>and.</sup>

\_\_\_\_\_, J. P.

EX PARTE  
CLIFFORD McLELLAN

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

PETITION FOR HABEAS CORPUS

STATE OF ALABAMA )  
BALDWIN COUNTY )

TO HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA:

Your Petitioner, James R. Owen, on behalf of Clifford  
McLellan, respectfully shows unto the Court and your Honor as follows:


1. That the said Clifford McLellan is now illegally re-  
strained of his liberty and is imprisoned in the county jail of  
Baldwin County, Alabama, at Bay Minette, Alabama, by Taylor Wilkins,  
the Sheriff of said County, the said Taylor Wilkins, as Sheriff of  
said County restrains the said Clifford McLellan under a warrant  
issued on June 15, 1953, by T. C. Hand, a Justice of the Peace.

2. Your Petitioner respectfully shows unto your Honor  
that the said Clifford McLellan is illegally restrained of his  
liberty for the following reasons:

(1) The warrant under which he is restrained  
does not charge him with a crime.

(2) The warrant under which he is restrained  
was issued illegally.

3. Your Petitioner further shows that by reason of the  
said warrant not charge<sup>ing</sup> the said Clifford McLellan with a crime and  
being illegally issued, he is being illegally restrained of his  
liberty, that he is being illegally imprisoned and that his said  
detention is unlawful.

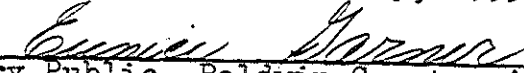
  
Petitioner.

STATE OF ALABAMA )  
BALDWIN COUNTY )

Before me, the undersigned authority, personally appeared  
James R. Owen, who first being duly and legally sworn, deposes and  
says: That he has read over the foregoing petition, and that the  
facts stated therein are true.

  
Petitioner.

Sworn to and subscribed before me on  
this the 2<sup>nd</sup> day of July, 1953.

  
Notary Public, Baldwin County, Alabama.

PETITION FOR HABEAS CORPUS

EX PARTE

CLIFFORD McLELLAN

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

FILED  
JUL 2 1953  
ALICE J. DUCK, Clerk

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JAMES R. OWEN  
ATTORNEY-AT-LAW  
BAY MINETTE, ALABAMA

EX PARTE

CLIFFORD McLELLAN

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

ORDER FOR NOTICE

It is hereby ordered by the undersigned judge that the petitioner give notice to the Solicitor of the 28th Judicial Circuit of Alabama, of the issuance of the writ of Habeas Corpus in this case, and of the time and place at which writ is returnable.

Dated this the 2 day of July, 1953.

*Hubert M. Fair*

Judge.

NO 2030

ORDER FOR NOTICE

EX PARTE

CLIFFORD McLELLAN

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

FILED

JUL 2 1953

MICHAEL DUCK, Clerk