

ROGER JOE WAY, JR. )

Plaintiff, )

VS. )

HONORABLE TELFAIR MASHBURN,  
CIRCUIT JUDGE, BALDWIN  
COUNTY, ALABAMA; JIM HENDRIX,  
DISTRICT ATTORNEY, BALDWIN  
COUNTY, ALABAMA; TAYLOR WIL-  
KINS, SHERIFF OF BALDWIN  
COUNTY, ALABAMA, )

Defendants. )

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9906

The Defendants come now and show unto the Court that when this cause was set for a final disposition, it appeared that the Plaintiff was without an attorney and, in order not to take advantage of this, the attorney for the Defendants agreed to waive the demurrers he had heretofore filed in this cause.

It now appearing that the Plaintiff has an attorney to represent him in this cause, the Defendants do now re-file the demurrers which they have heretofore filed in this matter and insist on the Court ruling on them prior to the time this matter is heard.

WILTERS & BRANTLEY

BY: Jim Brantley

Attorney for Defendants

#### CERTIFICATE OF SERVICE

I do hereby certify that I have on this 9 day of May 1972 served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States Mail, properly addressed, and first class postage prepaid.

WILTERS & BRANTLEY

By: Jim Brantley

**FILED**

MAY 18 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

ROGER JOE WAY,

Plaintiff,

VS.

*Taylor Wilkins*  
~~TELFAR MASHBURN, et al,~~

Defendants.

)

IN THE CIRCUIT COURT OF

)

BALDWIN COUNTY, ALABAMA

)

AT LAW

)

CASE NO.

*9906*

)

Comes now the Defendants in the above styled cause and for answer to the Amended Complaint say:

1.

They plead, in short, by consent, "the general issue".

WILTERS & BRANTLEY

BY:

*Tolbert M. Brantley*

Tolbert M. Brantley  
Attorney for Defendants

Roger Joe Way, Jr.  
Plaintiff  
vs.  
Taylor Wilkins  
Defendant

In the Circuit Court  
of Baldwin  
County, Alabama  
Case No. 9906

The plaintiff claims of the defendant, Taylor Wilkins, Five Thousand dollars ~~of~~ \$5,000.00 damages for the conversion, by him, on ~~the~~ or about March 27, ~~1967~~ the 27th day of March 1967, of the following chattels:

- 1) one (1) Buick Electra automobile of the estimated value of twenty-five (\$2,500.00) hundred dollars.
- 2) one (1) Bulova wrist watch of the value of \$250.00 two-hundred fifty and no/100 dollars
- 3) various items of clothing valued at (\$1,000) one thousand and 00/100 dollars;
- 4) Personal Records and papers, all the property of the plaintiff.

David H. Coon  
Atty. for Plaintiff  
1401 Davis Ave.  
Mobile, Alabama

ROGER JOE WAY, JR.,	)	
Plaintiff,	)	
VS.	)	IN THE CIRCUIT COURT OF
HONORABLE TELFAIR MASHBURN,	)	BALDWIN COUNTY, ALABAMA
Circuit Judge, Baldwin	)	
County, Alabama,	)	AT LAW
JIM HENDRIX, District Attorney,	)	
Baldwin County, Alabama,	)	CASE NO. 9906
TAYLOR WILKINS, Sheriff of Bald-	)	
win County, Alabama,	)	
Defendants.	)	

DEMURRERS

Comes now the Defendants in the above styled cause and files the following Demurrers to the Plaintiff's Complaint:

1.

The Plaintiff styles his count with Declaration in Replevin but the Defendants are unable to determine, from the Complaint, whether the Plaintiff is suing for trespass and taking goods or for the recovery of chattels and specie.

2.

The Plaintiff's Complaint is so ambiguous that the Defendants can not determine what they are called on to defend.

WILTERS & BRANTLEY

BY:

  
Attorneys for Defendants

FILED

JUL 27 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

ROGER JOE WAY, JR.,	X	
Plaintiff,	X	
vs.	X	IN THE CIRCUIT COURT OF
		BALDWIN COUNTY, ALABAMA
HONORABLE TELFAIR MASHBURN,	X	
CIRCUIT JUDGE, BALDWIN		AT LAW
COUNTY, ALABAMA; JIM	X	
HENDRIX, DISTRICT ATTORNEY,		CASE NO. 9906
BALDWIN COUNTY, ALABAMA;	X	
TAYLOR WILKINS, SHERIFF OF		
BALDWIN COUNTY, ALABAMA.	X	
Defendants.	X	

Comes the Defendants, Honorable Telfair Mashburn, Circuit Judge, Baldwin County, Alabama; Jim Hendrix, District Attorney, Baldwin County, Alabama; Taylor Wilkins, Sheriff of Baldwin County, Alabama, and for answer to the Plaintiff's complaint, saith: That they were not, at the commencement of this suit, nor are they now in the possession or control of the property sued for in said complaint and described more particularly as:

A-one 1963 Electro 225 Buick Convertible Automobile' of the estimated value of twenty-five (\$2500.00) hundred dollars.

B-a complete wardrobe of clothing of the estimated value of one-thousand (\$1,000.00) dollars.

C-one Bulova wrist watch, twenty-one Jewels, of the estimated value of two-hundred (\$250.00) and fifty dollars.

D-kitchen utensils of the estimated value of one-hundred (\$100.00) dollars.

E-Personal Records and papers of which no estimated value can be attached.

neither have or do Defendants claim any right, title, or interest in said chattel above described, except that the Defendant, Taylor Wilkins, attached <sup>the Automobile</sup> ~~this property~~ in a Civil proceeding against the Plaintiff at a prior time; nor have they exercised any ownership or

control over said chattels; nor have said chattels been placed in Defendants' possession or control.

WILTERS & BRANTLEY

BY: SMB  
Attorney for Defendants

ROGER JOE WAY, JR.,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
HON. TELFAIR MASHBURN,	)	AT LAW
CIRCUIT JUDGE, BALDWIN	)	CASE NO. 9906
COUNTY, ALABAMA, et al,	)	
Defendants.	)	

MOTION

Comes now the Defendants in the above styled cause and show unto the Court that this case is set for trial on March 14 in the Circuit Court of Baldwin County, Alabama; that Roger Joe Way, Jr., the Plaintiff in this cause, is now in the State Penitentiary at Atmore, Alabama, in the Holman Unit. That Your Movant is of the opinion that, in order to give the Plaintiff a fair trial when this cause is called, the Plaintiff should be present in Court.

PREMISES CONSIDERED, Your Petitioner prays that Your Honor will issue such orders as are necessary to require the warden of the Holman Unit at the State Prison Farm to have the said Roger Joe Way, Jr. present at said hearing.

WILTERS & BRANTLEY

BY: *Tolbert M. Brantley*  
Tolbert M. Brantley

Sworn to and subscribed before me on this the 2nd day of March, 1972.

*Laurel J. Brantley*  
Notary Public

ORDER

I have read and understand the foregoing Motion and, upon consideration of the same, the Court is of the opinion that the Movant is entitled to the relief sought in said Petition. It is therefore:

ORDERED, ADJUDGED and DECREED that the warden of Holman State Prison Farm of the State of Alabama, be and he is hereby directed to have Roger Joe Way, Jr. present in the Circuit Court of Baldwin County, Alabama, at 9 o'clock on March 14, 1972.

*Done this 8<sup>th</sup> Day of March 1972.*

Joseph A. Madolbert  
Circuit Judge

**FILED**

MAR 8 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK



IN the CIRCUIT COURT of BALDWIN COUNTY, ALABAMA

Roger Joe Way, Jr.,

Plaintiff

Vs.

Case No. 9906

Honorable Telfair Mashburn,  
Circuit Judge, Baldwin County, ALA.,  
Tim Hendrix, District Attorney,  
Baldwin County, ALA.,  
Taylor Wilkins, Sheriff of Baldwin  
County, ALA.,

Defendants

Answer to Demurrers, or in  
the Alternative, Motion to Strike

Comes Now the Plaintiff, Roger Joe Way, Jr., in his own Proper Person, in the Above styled Cause, and Respectfully Moves this Honorable Court to Strike the demurrers filed by the defendants in this Cause on the 27 day of July, 1971, and as Grounds for said Motion, Plaintiff sets down and assigns the following Averments, Separately and Severally, to-wit:

1- For that the demurrers of defendants are vague, indefinite, uncertain, confusing, completely unintelligible and mere naked conclusions designed to divert from the issues.

2- For that it Affirmatively appears that the demurrers are not concerned with the matters set out in the Complaint.

3- For that the demurrers are insufficient and fail to make a credible showing or defense to the Cause.

4- For that Plaintiff's declaration clearly establishes that he is suing for trespass and taking of Goods.

5- For that the defendants clearly understand what they are called on to defend.

6- For that failure of the Plaintiff to receive due Process will result in Federal action of Conspiracy against the defendants.

7- For that the Demurrers of defendants fail to Allege Defendants innocence or show a valid defense to the action.

Wherefore, the above Premises considered, the Plaintiff Respectfully moves this Honorable Court to Strike the demurrers of defendants heretofore filed in this Cause.

Roger Joe Way, Jr.

Roger Joe Way, Plaintiff Prose

AUG 4 1971

Done this 3 Day of August 1971.

EUNICE B. BLACKMON, CLERK

ROGER JOE WAY, JR.,  
PLAINTIFF

VS.

HONORABLE TELFAIR MASHBURN, CIRCUIT JUDGE,  
BALDWIN COUNTY, ALABAMA.  
JIM HENDRIX, DISTRICT ATTORNEY, BALDWIN  
COUNTY, ALABAMA.  
TAYLOR WILKINS, SHERIFF OF BALDWIN COUNTY,  
ALABAMA.  
DEFENDANTS.

CASE NO. 9906

DECLARATION IN REPLEVIN

Comes now the plaintiff, Roger Joe Way, Jr., in his own proper person, in the above styled cause, to bring this action against the Defendants, Honorable Telfair Mashburn, Circuit Judge of Baldwin County, Alabama; Jim Hendrix, District Attorney of Baldwin County, Alabama; and, Taylor Wilkins, Sheriff of Baldwin County, Alabama, wherefore the said defendants took the goods and chattels of the said plaintiff and has wrongfully detained the same.

And thereupon, the said plaintiff complains; for that the said defendants, on or about the month of July, 1967, at Bay Minnette, in the County aforesaid, while plaintiff was lodged in the Baldwin County Jail, wrongfully took the goods and chattels, to-wit:

A-one 1963 Electro 225 Buick Convertible Automobile of the estimated value of twenty-five(\$2,500.00) hundred dollars.

B-a complete wardrobe of clothing of the estimated value of one-thousand (1,000.00) dollars.

C-one Bulova wrist watch, twenty-one Jewels, of the estimated value of two-hundred (\$250.00) and fifty dollars.

D-kitchen utensils of the estimated value of one-hundred (\$100.00) dollars.

E-Personal Records and papers of which no estimated value can be attached.

And also, for that whereas, the said plaintiff during the month and last year aforesaid, in the County aforesaid, was lawfully possessed, as of his own property, of the certain goods and chattels, and being so possessed thereof, the said plaintiff afterwards, to-wit: on the same day, while confined in the Baldwin County Jail, in the aforesaid city and county, there lost the aforesaid goods and chattels to the defendants, when the said Defendants confiscated said goods and chattels which were in storage at the Baldwin County Jail under plaintiff's name, and there did defendants unlawfully seize, carry away, and otherwise take, ~~all~~ the aforesaid items, well knowing the aforesaid goods and chattels to be the property of the said plaintiff, said defendants has not as yet delivered the same, or any part thereof, to the said plaintiff, though often thereto requested, but has hitherto refused so to do.

Wherefore, the said plaintiff says that he is entitled to recover the possession of the aforesaid personal chattels which were wrongfully taken from him; or in the alternative since he has been injured and sustained damages, that the defendants should be held to pay the full total estimated value of three (3) thousand eight (8) hundred and fifty (50) dollars, for which plaintiff therefore brings his suit.

Roger Joe Way, Jr.

ROGER JOE WAY, JR., PLAINTIFF PRO SE

AFFIDABIT FOR REPLEVIN

STATE OF ALABAMA )

COUNTY OF ESCAMBIA)

Roger Joe Way, Jr., being duly sworn, deposes and says, that the is the owner and is now lawfully entitled to the possession of the following Goods and chattels, viz: one 1963 electro 225 Buick Convertible Automobile; a complete Wardrobe of clothing; one Bulova Wrist Watch, twentyone Jewels; Kitchen Utensils ( assorted); and that said Goods and chattels are of the value of three thousand eight hundred and fifty (3,850.00) dollars. that on the \_\_\_\_\_ day of July, A.D. 1967, Honorable Telefair Mashburn, Jim Hendrix, and Taylor Wilkins, wrongfully took and wrongfully detains the said Goods and chattels from this Affiant, and that said goods and chattels have not been taken for any tax, assessment or fine levied by virtue of any law of this State; nor seized under any execution or attachment against the Goods and Chattels of this Affiant liable to execution or attachment, or held by virtue of any writ of replevin against this affiant.

Roger Joe Way, Jr.

ROGER JOE WAY, JR., AFFIANT

SWORN to and subscribed before me this 25 day of June, 19 71.

J. M. Parker  
NOTARY PUBLIC

MY commission expires: MY COMMISSION EXPIRES  
MAY 6, 1972

AFFIDAVIT INFORMA PAUPERIS

STATE OF ALABAMA)

COUNTY OF ESCAMBIA)

Before me, a Notary Public in and for said county and state, personally appeared Roger Joe Way, Jr., who after first being duly sworn does depose and say on oath, that he has just cause to seek redress and does so in good faith; that he is totally indigent and wholly unable to procure the funds necessary to pay the clerk of the court her lawful filing fee and other costs incurred in this litigation. Wherefore he prays that he be allowed to proceed and prosecute this cause by virtue of the forma pauperis statutes of the code of Alabama.

Roger Joe Way, Jr.  
ROGER JOE WAY, JR., AFFIANT

SWORN TO and subscribed before me this 29 day of JUNE, 19 71.

J. M. Clark  
NOTARY PUBLIC

MY commission expires: MY COMMISSION EXPIRES  
MAY 6, 1971

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Declaration In Replevin upon the Honorable Telefair Mashburn, Circuit Judge of Baldwin County, Alabama, by placing same in the U.S. Mail, Postage pre-paid, and properly addressed to him at his office in the Baldwin County Court House, Bay Minnette, Alabama.  
Done this 29 day of JUNE 19 71.

**FILED**

JUN 30 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

131 Roger Joe Way, Jr.  
ROGER JOE WAY, JR., PLAINTIFF PRO SE.

SUMMONS AND COMPLAINT

**THE STATE OF ALABAMA**  
**BALDWIN COUNTY**

Circuit Court, Baldwin County

No. 9906

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon .....Hon. Telfair Mashburn, Circuit Judge,.....

.....Hon. Jim Hendrix, District Attorney.....

.....Hon. Taylor Wilkins, Sheriff.....

.....of.....

.....Baldwin County, Alabama.....

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint  
filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette against Telfair Mashburn

Jim Hendrix, Taylor Wilkins....., Defendant.....

by Roger Joe Way, Jr. ....

....., Plaintiff.....

Witness my hand this 30th day of June 1971

*Ernie B. Blackman* Clerk

**THE STATE OF ALABAMA**  
**BALDWIN COUNTY**

**CIRCUIT COURT**

.....  
ROGER JOE WAY, JR.  
.....

Plaintiffs

vs.

.....  
TELFAIR J. MASHBURN  
JIM HENDRIX  
TAYLOR WILKINS  
.....  
Defendants

**SUMMONS AND COMPLAINT**

Filed June 30, 1971

.....  
Eunice B. Blackmon  
.....  
Clerk

none

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

.....  
July 6, 1971  
.....

.....  
(Taylor Wilkins) Sheriff

I have executed this summons

this July 6, 1971  
.....

by leaving a copy with

T

.....  
Telfair Mashburn  
.....  
Jim Hendrix  
.....  
Taylor Wilkins  
.....

.....  
Taylor Wilkins Sheriff

.....  
W.A. Gilbert Deputy Sheriff

Roger J. Way, Jr.

STATE OF ALABAMA

BOARD OF CORRECTIONS

HOLMAN UNIT

ATMORE, ALABAMA 36502



9906

make  
3 copies

MRS. ALICE J. DUCK

CLERK OF BALDWIN COUNTY CIRCUIT COURT

BAY MINETTE, ALABAMA.

6/22/71  
LW  
Lplm