

no. 4098


EX PARTE
JOHN R. RICE

) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA
)

ORDER FOR NOTICE:

It is ordered by the undersigned Judge that the petitioner 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 at which writ is returnable.

DATED this the 9th day of December, 1959.



Judge.

FILED

DEC 9

ALICE J. DICK, CLERK
REGISTER

EX PARTE

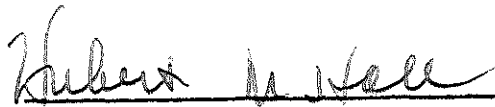
JOHN R. RICE

) IN THE CIRCUIT COURT OF
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ORDER FOR NOTICE:

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DATED this the 9th day of December, 1959.



Judge.

EX PARTE
JOHN R. RICE

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
)

PETITION FOR HABEAS CORPUS:

STATE OF ALABAMA)
*
BALDWIN COUNTY)

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

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

1. That the said John R. Rice is now illegally restrained
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 John R. Rice under a warrant issu-
ed on or about December 2, 1959; petitioner avers that he believes
the said warrant to be in existence charging the said John R. Rice
with the crime of assault to murder, although he has not seen the
said warrant; and further, that the said Taylor Wilkins, as Sheriff
of Baldwin County, restrains the said John R. Rice under a commit-
ment issued by the Honorable W. R. Stuart, who held a preliminary
hearing for the said John R. Rice on December 7, 1959, and bound
the said John R. Rice to the Grand Jury and affixed his bond at
\$2500.00 which bond petitioner alleges to be excessive.

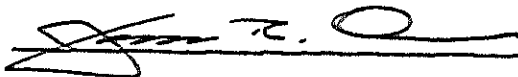
2. Your petitioner respectfully shows unto your Honor that
the said John R. Rice is illegally restrained of his liberty be-
cause the bond which the Honorable W. R. Stuart affixed as afore-
said, is illegal and unlawful because it is excessive.

3. Your Petitioner further shows that by reason of the said
excessive bond being unlawful and illegal, the said John R. Rice
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 9th day of
December, 1959.



Notary Public, Baldwin County, Alabama.

m 12/9/59 The Court after hearing the evidence
is of the opinion that the Petitioner
threw in law it hereby is
denied and bail fixed at \$2500.⁰⁰
Robert M. Miller
Judge

EX PARTE) IN THE CIRCUIT COURT OF
JOHN R. RICE) BALDWIN COUNTY, ALABAMA
)

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO THE HONORABLE JAMES A. HENDRIX, SOLICITOR OF THE TWENTY-EIGHTH JUDICIAL CIRCUIT:

You will please take notice that a petition for writ of habeas corpus has been filed before the Honorable H. M. Hall, as Judge of the Twenty-eighth Judicial Circuit of Alabama, in behalf of John R. Rice, who is imprisoned in the County Jail of Baldwin County, Alabama.

You will take notice that a writ of habeas corpus has been issued in pursuance of said petition by the Honorable H. M. Hall, Judge of the Twenty-eighth Judicial Circuit, returnable before him at the County Courthouse in Bay Minette, Alabama, on the day of December, 1959, at the hour of

this the 9th day of December, 1959.



Petitioner.

Received _____ day of _____ 19____
and on 9 day of Dec 1909
I served a copy of the within _____
by _____

By service on _____

TAYLOR WILKINS, Sheriff

By W. D. Barnes D. S.

EX PARTE) IN THE CIRCUIT COURT OF
JOHN R. RICE.) BALDWIN COUNTY, ALABAMA
)

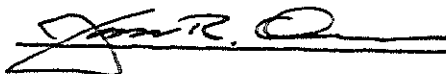
STATE OF ALABAMA)
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BALDWIN COUNTY)

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This the 9th day of December, 1959.



Petitioner.

Received 9 day of Dec 1959
and on 9 day of Dec 1959

I serve notice within
on James A. Henderson

By service

TAYLOR WILKINS, Sheriff

By Bernard D. S.

EX PARTE
JOHN R. RICE.

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
)

PETITION FOR HABEAS CORPUS:

STATE OF ALABAMA)
*)
BALDWIN COUNTY)

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF
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respectfully shows unto the Court and your Honor as follows:

1. That the said John R. Rice is now illegally restrained
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 John R. Rice under a warrant issu-
ed on or about December 2, 1959; petitioner avers that he believes
the said warrant to be in existence charging the said John R. Rice
with the crime of robbery, although he has not seen the said
warrant; and further, that the said Taylor Wilkins as Sheriff of
Baldwin County, restrains the said John R. Rice under a commitment
issued by the Honorable W. R. Stuart, who held a preliminary hear-
ing for the said John R. Rice on December 7, 1959, and bound the
said John R. Rice to the Grand Jury and affixed his bond at
\$5,000.00 which bond petitioner alleges to be excessive.

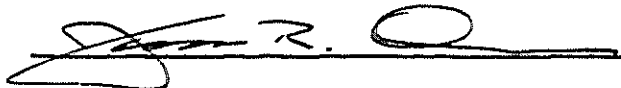
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cause the bond which the Honorable W. R. Stuart affixed as afore-
said, is illegal and unlawful because it is excessive.

3. Your Petitioner further shows that by reason of the said
excessive bond being unlawful and illegal, the said John R. Rice
is being illegally restrained of his liberty, that he is being
illegally imprisoned and that his said detention is unlawful.



Petitioner.

STATE OF ALABAMA)
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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 9th day of
December, 1959.


Notary Public, Baldwin County, Alabama.

FILED

DEC 9 1959

ALICE L. DUCK, CLERK
REGISTER

12/9/59 The Court after hearing the evidence
is of the opinion that the Petitioner
should be and it hereby is
denied an order for \$5000 =
1 Subscribed in 1959
J. R. O.

EX PARTE) IN THE CIRCUIT COURT OF
JOHN R. RICE) BALDWIN COUNTY, ALABAMA

STATE OF ALABAMA)

BALDWIN COUNTY)

TO TAYLOR WILKINS, SHERIFF OF BALDWIN COUNTY, ALABAMA:

You are hereby commanded to have the body of John R. Rice, alleged to be detained by you by whatsoever name the said John R. Rice 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 - 9 day of December, 1959, at the Courthouse in Bay Minette, Alabama, at 4. PM to do and receive what shall then and there be considered concerning the said John R. Rice.

DATED this the 9 day of December, 1959.

H. M. Hall
Judge.

Received _____ day of _____ 19____
and on 9 day of Dec. 1959

I served a copy of the within _____
on _____

By service on _____

TAYLOR WILKINS, Sheriff
By W. O. Garner D. S.

Executed the within
warrant by bringing John
R. Rice before Id. M.
Hall Judge of the Circuit
Court of Bell County Alabama
on the 9th day of
December 1959.

Taylor W. Wilkins, Sheriff
By W. O. Garner
Deputy Sheriff.

EX PARTE

JOHN R. RICE

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA
)

STATE OF ALABAMA)

BALDWIN COUNTY)

*

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DATED this the 9th day of December, 1959.

FILED

DEC 9 1959

ALICE L. DICK, CLERK
REGISTER

H. M. Hall
Judge.

Received _____ day of _____ 19____
and on 9 day of Dec 1959

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By service on _____

TAYLOR WILKINS, Sheriff
By W. O. Garner D. S.

Executed the within writ
by bringing John R. Rice
before W. M. Hall, Judge
of the Circuit Court of
Baldwin County Alabama
on the 9th day of
December 1959.

Taylor Wilkins, Sheriff
By W. O. Garner
Deputy Sheriff.