

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA, COUNTY OF COCHISE.

State of Arizona,)
vs) Certified Copy of Minutes. Suit No. 321.
J. W. Richhart,) Hon. A. C. Lockwood, Judge.

Minute Entry Sept. 13, 1914. Book 20. Page 212.

"County Attorney, the defendant in person and by counsel Doan & Doan represented by R. N. French, present. Defendant being duly arraigned at the bar of this court upon information filed against him by the county attorney being read aloud to him by the Clerk and he being handed a copy of same. Defendant stated his true name was John W. Richhart. Waived time for entering plea and entered a plea of not guilty to the crime as charged in the information. It is by the Court ordered that this cause be set for trial on Sept. 29th 1913 Defendant remanded to the custody of the sheriff."

Minute Entry Sept. 27, 1914. Page 246.

"On motion of the County Attorney, it is by the court ordered that the setting of this cause for trial on Sept. 29, 1914 be and the same is hereby vacated."

Minute entry as of Oct. 11th 1914.

This cause coming on for trial at this time and the plaintiff present by County Attorney W. G. Gilmore and A. Murry, and the defendant in person and by counsel Doan & Doan, Esqrs. Upon order of the court the clerk drew from the jury box the names of 29 jurors and all being present answered to their name at roll call and were duly sworn and examined on their Voir Dire. T. P. Blevins was challenged and excused for cause whereupon the clerk drew from the jury box the name of J. Sessions who was duly sworn and examined. C. M. Curry was excused for reason of illness, whereupon the clerk drew from the box the name of L. Tilton who was duly sworn and examined on his voir dire. Come now the respective counsel and exercise their rights of peremptory challenge and the court ordered that the first twelve unchallenged jurors on the list compose the jury herein, and the following were duly sworn to try this cause. Frank Hibbard, Wm. Lutley, C. B. Tarbell, Mark Strouse, S. B. Wagner, J. H. Gaines, M. H. O'Connor, W. H. Seaver, E. M. Hawes, R. Cornelius, J. W. Hamilton and Frank Winters. It is by the court ordered that the defendant herein be remanded to the custody of the sheriff. Jury admonished and excused to 1:15 p.m. this date and the case was continued to 1:15 p.m. this date.

Court reconvened at 1:15 p.m. pursuant to recess, all present. Jury return and all answer to their name at roll call. The clerk read aloud the information and stated the plea of the defendant of not guilty thereto and further stated that this was the issue to be tried. All witnesses were duly sworn and excluded from the court room, and the trial proceeded as follows: Comes now the prosecution and to sustain the issues on its part called as witnesses Dr. F. W. Randall, Edw. Wesley Johnson, Henry D. Crockett, Don S. Sullivan, Louie E. Krentz, Bate Bradberry, R. S. MacLay, who were duly examined and cross examined and the hour of 5:00 p.m. having arrived, the jury were admonished and excused in charge of their bailiffs until Tuesday Oct. 14, 1913 at 9:00 a.m. Defendant was remanded to the custody of the sheriff, and the trial was continued to Oct. 14, 1913."

Minute entry Oct. 14, 1914. Page 298.

"All Present: This cause having been continued to this time came on regularly for further hearing. Jury return into court in charge of their bailiffs and all answer to their name at roll call. Comes now the prosecution and to sustain the issues on their part call as witnesses Frank Summerall, W. T. Barker and Don S. Sullivan who were duly sworn and examined whereupon the prosecution rested. Comes now the Defendant and calls as witnesses on his part Henry D. Crockett,

J. W. Richhart, Bate Bradberry, Lone Krentz, who were duly examined and the noon hour having arrived it is by the court ordered that the defendant be remanded to the custody of the sheriff and that this cause be continued to 1:00 p.m. this date. Jury admonished and excused to 1:00 p.m. this date in charge of their bailiffs first duly sworn for that purpose:

Court reconvened at 1:00 p.m. all present. Jury return in charge of their bailiffs and all answer to their name at roll call and the trial proceeded as follows. Comes now the defendant and calls as witnesses M. N. Eldredge, Thomas Barker, J. W. Richhart, M. A. Neely, W. W. Gunnalls, Mrs. M. K. Morgan, Mrs. H. A. Lusk, Jas. L. Eaton, W. W. Faust, J. S. Kirby, Frank Burch, Don. S. O. E. Patterson, J. F. Harr, A. P. Prather, Newton Eldridge, T. P. Blevins, A. G. Rodman and Judson Harris, who having been sworn were duly examined and cross examined, whereupon the defendant rested, and the hour for recess having arrived it is by the court ordered that the defendant be remanded to the custody of the sheriff, and that this cause be continued to 7:00 p.m. this date and ~~that~~ the jury was admonished and excused to 7:00 p.m. this date.

Court reconvened at 7:00 p.m. all present. Jury return in charge of their bailiffs and all answer to their name at roll call and the trial proceeded as follows. In rebuttal the prosecution called J. D. Cathey, J. H. Connor, Tex Marlor, W. G. Barber, Mike Hughes, G. L. Wright, Frank Summerall, E. W. Johnson and Mrs. E. J. Miller who were duly examined and the evidence was declared closed, and the case was continued to 10:00 a.m. Oct. 15, 1913. Jury admonished and excused until 10:00 a.m. October 15, 1913 in charge of their bailiffs first duly sworn for that purpose. Defendant remanded to the custody of the sheriff."

October 15th 1914. Page 299.

"Having been continued to this time, this cause came on regularly for hearing all present. Comes now the jury in charge of their bailiffs and all answer to their name at roll call. Whereupon argument was started by the counsel and the noon hour having arrived it is by the court ordered that the defendant be remanded to the custody of the sheriff, and that this cause be continued to 1:00 p.m. this date. Jury was admonished and excused to 1:00 p.m. this date in charge of their bailiffs John Nugent and Al Staniger first duly sworn for that purpose.

All parties present, jury return in charge of their bailiffs and the argument was continued and completed. Jury was instructed by the court and retired to deliberate as to their verdict in charge of bailiffs Al Staniger and John Nugent, first duly sworn for that purpose."

"October 16, 1914. Page 302.

"Comes now the jury in charge of their bailiffs and all answer to their name at roll call. The court said "Gentlemen I understand that you desire to report to the court." The Juror J. N. Gaines addressed the court and advised that the jury were unable to agree thereupon the court replied: "You may return to your jury room and the court will consider your report." The court thereupon ordered that the jury return into court pursuant to order, and discharged them from further consideration of the cause, and excused them until 9:00 a.m. October 17, 1913. Defendant remanded to the custody of the sheriff."

Minute entry October 22, 1914. Page 324.

"This matter coming before the court at this time on motion of defendant for bail and all parties interested present in person and by counsel. The motion was argued by respective counsel and submitted, and the court being fully advised in the premises ordered that defendant be admitted to bail in the sum of \$10,000."

Minute entry Jany. 31, 1914. Page 484

"County Attorney and F. W. Doan, counsel for defendant present It is by the court ordered that this cause be set for trial March 2, 1914."

Minute entry as of March 2, 1914. Page 545.

This being the hour set for trial herein and the plaintiff present by counsel F. M. Doan, Esq. On order of the court the clerk drew from the jury box the names of 29 jurors and all being present were duly sworn and partially examined on their voir dire, and the hour for recess having arrived, the panel was admonished and excused until 1:30 p.m. this date, and the trial was continued to 1:30 p.m.

All present. Panel returned into open court and all answered to their name at roll call, and the counsel proceeded with the examination on voir dire beginning with Frank Kirby. It being the hour for recess, the panel was admonished and excused to 9:00 a.m. March 3rd 1914 and the trial was continued to 9:00 a.m.

Minute entry March 3rd, 1914. Page 547.

"All present. Panel return into court and all answer to their name at roll call. Counsel proceeded with the examination on voir dire commencing with W. G. Page. E. C. Kendall was duly challenged and excused for cause, whereupon the clerk drew from the box the name of J. A. Lamb who was duly sworn and examined on his voir dire. The examination was continued until the noon hour, and the court admonished the panel and excused them until 1:30 p.m. and the trial was continued to 1:30 p.m. this date.

Having been continued to this time, this cause came on regularly All present. Jury Panel return and all present, whereupon counsel proceeded with the examination on voir dire, commencing with L. Ofer, and the examination was completed. The panel now being full and complete comes now the respective counsel and exercise their rights of peremptory challenge and the court ordered that the first twelve unchallenged jurors on the list compose the jury herein and the following jurors were duly sworn to try this cause. Geo. C. Gallen, Frank Kirby, Harry Evans, W. G. Page, P. E. Sanders, C. T. Hendrix, Paul Frampton, F. W. Sperow, H. O. Nelson, L. T. Anderson, E. O. Lewis and Ivan Johnson. It is by the court ordered that all jurors not engaged be excused to Tuesday March 10th 1914 at 9:00 a.m. o'clock.

The clerk read aloud the information and stated the plea of the defendant of not guilty thereto, and it being the hour for recess, the bailiffs Hal Smith and Jas. McHugh were duly sworn and the jury admonished and retire in their charge until 9:00 a.m. March 4th 1914, and the trial was continued to March 4, 1914.

Minute entry March 4, 1914. Page 550.

Having been continued to this time, this cause came on regularly all present. Comes now the jury in charge of their bailiffs and all answer to their name at roll call. All witnesses present (41) were duly sworn admonished by the court and excluded from the room. Respective counsel make statement to the jury, and the trial proceeded as follows:

Comes now the prosecution and to sustain the issues on its part called as witnesses Wm. Brakefield, Dr. F. W. Randall, E. W. Johnson, Louis Krentz who were duly examined, and it being the hour for recess, the court admonished the jury and excused them in charge of their bailiffs until 1:30 p.m. and the case was continued to 1:30 p.m. this day.

Having been continued to this time this cause came on regularly all present. Jury return in charge of their bailiffs and all present. Bailiffs call as witnesses Bate Bradbury, Jas Martin, Mrs. Laura Miller who was examined, whereupon the state rests. Comes now the defence and calls as witness J. W. Richhart who was partially examined and it being the hour for recess, the jury was admonished and excused in charge of their bailiffs until 9:00 a.m. and the case was continued to 9:00 a.m. March 5, 1914.

Minute order March 5, 1914. Page 552.

All present. Jury return in charge of their bailiffs and all present. The defence calls as witnesses J. W. Richhart, Mrs. H.A. Lusk, Mrs. M. K. Morgan, Henry Lusk, J. F. Harr, J. L. Eaton, M. H. Eldridge, W. W. Faust, Thos Barker, O. E. Patterson, J. S. Kirby, and M. A. Neeley who were duly examined and the hour for recess having arrived, the jury was admonished and excused to 1:30 p.m. in charge of their bailiffs and the trial was continued to 1:30 p.m. this date.

All present. Jury return in charge of their bailiffs and all present. Defence calls O. E. Patterson, Thos Barker and W. W. Gunnals who were duly examined and cross examined whereupon the defence rests.

Comes now the State and calls M. A. Neeley who was further examined.

In rebuttal the prosecution calls Mary P. Barton, Frank Summerill and W. T. Barber, E. W. Johnson, Tex Marlor, E. La Hobbs, Mrs. Joe Wheeler, Rosie Miller and Mrs. Laura Miller who were examined, whereupon the prosecution rests its case. Jury was admonished and excused in charge of their bailiffs until 9:00 a.m. March 6th 1914 and the trial was continued to March 6, 1914.

Minute order March 6th 1914. Page 553.

All Present. Jury return in charge of their bailiffs and all answer to their name at roll call. In Surrebutal the Defence calls O. E. Patterson, Mrs. M. K. Morgan and Mrs. O. E. Patterson, whereupon the defence rested and the evidence was declared closed. Comes now the counsel and partially argue the case, and the hour for lun ch having arrived the jury were admonished and excused to 1:00 p.m. in charge of their bailiffs.

Court reconvened at 1:00 p.m. all present. Jury return in charge of their bailiffs, all present. Counsel completed their argument. Jury was duly instructed by the court and retired to deliberate as to their verdict, in charge of their bailiffs, first duly sworn for that purpose.

Minute entry March 7th 1914. Page 554.

Jury returned into court in charge of their bailiffs, and all answer to their name at roll call. County Attorney and defendant and counsel all present. Comes now juror L. T. Anderson and requested the court to have read from the record a portion of the testimony of witness J. W. Richhart and upon consent of counsel the reporter read the same. Juror Paul Frampton then requested that the gun in evidence be produced for inspection and upon consent of counsel the request was granted, after which the jury retired to their room for further deliberation.

Minute entry March 7th 1914. Page 556-7.

All present. Defendant being represented by counsel Frank Doan, and by consent of counsel O. Gibson, Esq. representing County Attorney, Jury return in charge of their bailiffs and all answer to their name at roll call and state that they have arrived at the following verdict, in words and figures as follows: After stating title of court and cause "We the jurym duly impaneled and sworn in the above entitled action

upon our oaths do find the defendant not guilty. Henry O. Nelson,
Foreman."

It is by the court ordered that the jury herein be discharged fr
from further consideration in this case and excused for the term.

It is by the court further ordered that the sureties herein be
and they are hereby released and that the bond be exonerated.

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