Case No. 1957

State of Miss
vs
Roy Bryant
J W Milam

No. 1959

CRIMINAL

IN

CIRCUIT COURT

TALLAHATCHIE COUNTY

2nd District

STATE OF MISSISSIPPI

VS.

Roy Bryant
J. W. Milam

Filed this 6 day of Sept 1955

Charlie Coody

Term

Attorney for State

Attorney for Defendant

No. 1959

CIRCUIT COURT, TALLAHATCHIE COUNTY, MISSISSIPPI

THE STATE OF MISSISSIPPI

vs.

J. W. Milam

Roy Bryant

Criminal Subpoena

Issued Sept. 20, 1955

Returnable ...., 194...

Received ...., 194...

..........................., Sheriff

By ...., D. S.

Returned and filed this the 20 day

of Sept, 1955

[illegible], Clerk

By ...., D. C.

Fees of .... Sheriff

Summoning.............. Witness ....$..............

Entering and Returning Writ ....

Total .... $..............

Executed this the 20 day of Sept. 1955 at 10 o'clock

H.C. Strider

Sheriff

CRIMINAL SUBPOENA---Circuit Court. Sentinel Print

THE STATE OF MISSISSIPPI,
TALLAHATCHIE COUNTY. } Second Judicial District,

TO THE SHERIFF OF SAID COUNTY, GREETING: You are hereby commanded to summon Johnnie Jennings. Mamie Bradley. Mrs J. W. Melahn. Mrs Ray Bryant. Mrs Eula Bryant Chester A Miller. Charles Fred Mims W.E. Hodges. Robert Hodges

if to be found in your County, to be and personally appear before the Circuit Court of the Second District of the County of Tallahatchie, in said State, at the Court House in the Town of Sumner, Mississippi on the 20 day of Sept 195 5 Instantes 194..., at ..... o'clock, ...M., and there testify on behalf of Defendants (at whose instance this writ is issued) in a certain case pending in said Court, wherein the State of Mississippi is Plaintiff, and J. W. Melam & Ray Bryant .....is Defendant, and that ty .....he..... in no wise fail to appear under the penalty prescribed by the statute; and have there then this writ.

Given under my hand and Seal of said Court, and issued this the 20 day of Sept 195 5

LeMartie Cox, Clerk

....., D. C.

No. .....

CIRCUIT COURT, TALLAHATCHIE COUNTY, MISSISSIPPI

THE STATE OF MISSISSIPPI

vs.

.....

.....

Criminal Subpoena

Issued ....., 194....

Returnable ....., 194....

Received ....., 194....

....., Sheriff

By ....., D. S.

Returned and filed this the .....day

of .....

....., Clerk

By ....., D. C.

Fees of ..... Sheriff

Summoning..... Witness ....$.....

Entering and Returning Writ .....

Total ..... $.....

So Ordered 9/16/53
W. C. Shields, Chancellor

CRIMINAL SUBPOENA---Circuit Cou[illegible] Sentinel Print

THE STATE OF MISSISSIPPI,
TALLAHATCHIE COUNTY. } Second Judicial District,

TO THE SHERIFF OF SAID COUNTY, GREETING: You are hereby commanded to summon .....

Charles Trull Mims
W E Hulse
Robert Hulse

if to be found in your County, to be and personally appear before the Circuit Court of the Second District of the County of Tallahatchie, in said State, at the Court House in the Town of Sumner, Mississippi on the 2nd day of Tuesday 194....., at ..... o'clock, ...M., and there testify on behalf of State

(at whose instance this writ is issued) in a certain case pending in said Court, wherein the State of Mississippi is Plaintiff, and Bryant and Milam

.....is Defendant, and that .....he..... in no wise fail to appear under the penalty prescribed by the statute; and have there then this writ.

Given under my hand and Seal of said Court, and issued this the 19 day of Sept, 1955

Charles Cox, Clerk

H H Wimbley, D. C.

No. 1959

CIRCUIT COURT, TALLAHATCHIE COUNTY, MISSISSIPPI

THE STATE OF MISSISSIPPI

vs.

.....

.....

Criminal Subpoena

Issued ....., 194....

Returnable ....., 194....

Received ....., 194....

....., Sheriff

By ....., D. S.

Returned and filed this the ..... day

of ....., 194....

....., Clerk

By ....., D. C.

Fees of ..... Sheriff

Summoning..... Witness ....$.....

Entering and Returning Writ .....

Total ..... $.....

The State of Miss. to Sheriff of Tallahatchie Co. Greeting:

You are hereby commanded to summon

to appear before the Circuit Court of Tallahatchie County, Mississippi, at the Courthouse in Charleston, Mississippi, on the first Monday after the first Monday in ..... 194.... to testify and give evidence in behalf of the State of Mississippi in the case of the State of Mississippi vs. .....

Herein fail not, and have you then and there this writ.

Witness my signature and the seal of said Court, this the ..... day of ....., 194....

.....

Clerk of the Circuit Court

By ....., D. C.

TALLAHATCHIE COUNTY, MISS.

CRIMINAL SUBPOENA---Circuit Court. Sentinel Print

THE STATE OF MISSISSIPPI,
TALLAHATCHIE COUNTY. } Second Judicial District,

TO THE SHERIFF OF SAID COUNTY, GREETING: You are hereby commanded to summon .....

Mamie Bradley

if to be found in your County, to be and personally appear before the Circuit Court of the Second District of the County of Tallahatchie, in said State, at the Court House in the Town of Sumner, Mississippi on the 20 day of Sept. 194 55, at Instanter o'clock, ...M., and there testify on behalf of State (at whose instance this writ is issued) in a certain case pending in said Court, wherein the State of Mississippi is Plaintiff, and J. W. Milam & Roy Bryant .....is Defendant, and that S .....he..... in no wise fail to appear under the penalty prescribed by the statute; and have there then this writ.

Given under my hand and Seal of said Court, and issued this the 20 day of Sept., 194 55

le Harlie Cox, Clerk

....., D. C.

No. 1959

CIRCUIT COURT, TALLAHATCHIE COUNTY, MISSISSIPPI

THE STATE OF MISSISSIPPI

Vs.

J. W. Milam

Roy Bryant

CRIMINAL SUBPOENA

Issued Sept. 6, ..., 1955

Returnable ....., 195..

Received Sept. 6, 1955

..... ,Sheriff

By ....., D. S.

Returned and filed this the 9 day

of Sept 1955

Tallahatchie Co., Clerk

By ....., D. C.

Fees of ..... Sheriff

Summoning ..... Witnesses ..$.....

Entering and Returning Writ .....

Total .....$.....

Sept. 9, 1955

Executed service

J. O. Strider

Deputy Sheriff

CRIMINAL SUbPOENA—Circuit C[illegible] Sentinel Print

THE STATE OF MISSISSIPPI,
SECOND JUDICIAL DISTRICT
TALLAHATCHIE COUNTY

TO THE SHERIFF OF ~~SAID~~ LEFLORE COUNTY, GREETING: You are hereby commanded to summon George Smith, J. E. Cothran, Mose Wright, Sonny Wright, Simeon Wright, Maurice Wright, Mose Wright's wife Dr. L. B Otken Chuck Wilson, Garland Milton H. C. Strider

if to be found in your County, to be and personally appear before the Circuit Court of the Second District of the County of Tallahatchie, in said State, at the Court House in the Town of Sumner, Mississippi on the 9th day of September 1955 at 9:00 o'clock, A M., and there testify on behalf of Defendants (at whose instance this writ is issued) in a certain case pending in said Court, wherein the State of Mississippi is Plaintiff and J.W. Milam and Roy Bryant are ~~is~~ Defendants and that they in nowise fail to appear under the penalty prescribed by the statute; and have there then this writ.

Given under my hand and Seal of said Court, and issued this the 6th day of September, 1955

Charlie Cox, Clerk

By Mrs. D. Rogers, D. C.

We the Jury find
the Defendants
"Not Guilty"

No. 1959 V

THE STATE OF MISSISSIPPI
SECOND JUDICIAL DISTRICT
OF TALLAHATCHIE COUNTY
CIRCUIT COURT

STATE OF MISSISSIPPI

vs.

J. W. Milam
Roy Bryant

A TRUE BILL

John L. Tally
Foreman of Grand Jury

WITNESSES

George Smith, J. E. Cothran,
J. C. Strider, Mose
Wright, Simmon Wright,
Dr. L. B. Otkins, Dick
Nelson, Garland
Merton

Filed and Capias issued on this 6
day of Sept, A. D., 1955
C. Harlin Lee
Circuit Court Clerk

TRUE BILL SENTINEL PRINT

THE STATE OF MISSISSIPPI, TALLAHATCHIE COUNTY. } SECOND CIRCUIT COURT DISTRICT

In the Circuit Court in and for said District of said County, at the September Term thereof, in the year of our Lord, 1955, the Grand Jurors of the State of Mississippi, taken from the body of good and lawful men of the District and County aforesaid, duly elected, empaneled, sworn and charged, at the term aforesaid, of the court aforesaid, to inquire in and for the body of the District and County aforesaid, in the name and by the authority of the State of Mississippi, upon their oaths, present that

Roy Bryant and J. W. Milam

late of the District and County aforesaid, on the 5th day of September, in the year of our Lord, 1955, in the District and County aforesaid and within jurisdiction of this court.

did wilfully, unlawfully, feloniously, and of their malice aforethought kill and murder Emmett Till, a human being

against the peace and dignity of the State of Mississippi.

Gerald Chatham

District Attorney

STATE OF MISSISSIPPI

VS.

J. W. MILAM and ROY BRYANT

Instruction No. 1 for Defendants

The court instructs the jury to find the defendants, Roy Bryant and J. W. Milam, not guilty.

Refused

Refused Sept 23 1955
Charles Dy Clerk

STATE OF MISSISSIPPI

VS.

J. W. MILAM and ROY BRYANT

Instruction No. 2 for Defendants

The court instructs the jury to find the defendant, Roy Bryant, not guilty.

Refused

Filed Sept 23 1955
Circuit Court Clerk

STATE OF MISSISSIPPI

VS.

J. W. MILAM AND ROY BRYANT

Instruction No. 3 for Defendants

The court instructs the jury to find the defendant, J. W. Milam, not guilty.

Refused

Refused 9/29/55
Circuit Clerk

STATE OF MISSISSIPPI

VS.

J. W. MILAM and ROY BRYANT

Instruction No. 4 for Defendants

The Court instructs the Jury for the Defendants that although you may believe from the evidence, beyond every reasonable doubt, that the Defendants did kill and murder Emmett Till, the person described in the indictment in this cause, and the person whose body was taken from Tallahatchie River, as shown in this cause; but unless you further believe from the evidence, beyond every reasonable doubt, that the said Emmett Till was killed and murdered by the Defendants in the Second Judicial District of Tallahatchie County, Mississippi, then, in such event, you would not be authorized under the law to return a verdict of guilty in this cause.

Refused

Refused & filed Sept 23. 1955
Circuit Clerk

STATE OF MISSISSIPPI

VS.

J. W. MILAM and ROY BRYANT

Instruction No. 5 for Defendants

The court instructs the jury for the defendants that the defendants at the outset of the trial are presumed to be entirely innocent of the whole charge against them and every part thereof, and that this presumption attends them through out the trial of the case, and the court further charges you that they are not required to prove themselves innocent, but that the burden is upon the State to prove them guilty beyond every reasonable doubt, and the court instructs you that if from the evidence or want of evidence it should appear that the defendants are even probably innocent, it is your duty to acquit them.

Refused

Refused & filed Sept 23 1955
Charles A. Clark

STATE OF MISSISSIPPI

VS.

J. W. MILAM and ROY BRYANT

INSTRUCTION NO. 6 FOR DEFENDANTS

The Court instructs the Jury for the Defendants that the body taken from Tallahatchie River as testified to in this cause, as a matter of law, is not shown to be that of Emmett Till, the person described in the indictment in this cause.

Refused

Returned filed Sept 23 1955

Returned filed Sept 23 1955
Clerk

STATE OF MISSISSIPPI

VS.

J. W. MILAM and ROY BRYANT

INSTRUCTION NO. 2 FOR DEFENDANTS

The Court instructs the Jury that any statement against interest made by either of the Defendants, out of the presence and hearing of his Co-Defendant, is not admissible against such Defendant who was not present when such statement, if any, was made.

Refused

Returned Sept 23 1955
Grade Cr Clerk

1959

State of Mississipp

Vs Trial and Verdict of Jury

Roy Bryant and J. W. Milam

This day the trial of this cause continued to be heard with all concerned present as of the day before and with the defense continuing its presentation of evidence to the Jury by its Witnesses until the counsel for defendants announced that they RESTS, after which the District Attorney announced that the State RESTS. And this cause continuing to be heard this day with the jury hearing the arguments of counsel for both the State of Mississippi and the defendants and receiving the instructions of the Court, the said jury retired to consider of their verdict and having duly considered the same returned in to open Court in the presence of the Defendants and their counsel and the District Attorney and Special Prosecuting Attorney for the State this their Verdict to-wit: "We the jury find the Defendants "Not Guilty". It is therefore considered by the Court and so ordered and adjudged that the Defendants, Roy Bryant and J. W. Milam, be and they are hereby discharged from this cause and that they go hence without day.

So ordered and adjudged this the 23rd day of September, 1955

_____

Circuit Judge