

State v. Joe M. Mayes

Cause No. 5223

Volume 3, Criminal Minutes, District Court, Bell County, Texas

May 5, 1893 - *Habeas Corpus* hearing on defendant's application for a writ on the charge of murdering Russell Embree on March 11, 1893; \$5,000 bond set.

Thursday, July 6, 1893 - Grand jury returns a true bill of indictment for murder; another \$5,000 bond is set and sureties on that bond are approved.

Saturday, July 15, 1893 - A special venire panel of 200 persons is ordered for jury selection on August 21, 1893.

Monday, August 21, 1893 - defendant is arraigned on the murder charge and pleads not guilty; jury selection commences.

Tuesday, August 22, 1893 - Jury trial continues.

Wednesday, August 23, 1893 - Jury trial continues; argument and jury retires to deliberate.

Thursday, August 24, 1893 - Jury returns verdict of guilty of murder in the second degree and assesses punishment at a term of five years imprisonment in the penitentiary.

Monday, September 4, 1893 - Defendant's motion for a new trial is overruled and defendant gave notice of intent to appeal. [Normally, prisoners awaiting appeal from a penitentiary sentence were kept in the county jail until a ruling from the appellate court was rendered, rather than shipped to the penitentiary]

J.M. Mayes v. State, 24 S.W. 421; 33 Tex.Crim. 33 (December 16, 1893)

The Court of Criminal Appeals affirmed the sentence.

Convict Ledger, Texas State Archives

Mayes, J.M. - Huntsville, #10310; 46 years old (born in 1847 in Kentucky); 5'8-1/2" tall; 143 lbs; light complexion; blue eyes; hair light with mixed grey; wears #10 shoes; scar on left shin; two knife scars on left arm; unmarried; uses tobacco; intemperate; "common education;" reads and writes; completed three years of school; father born in Kentucky, mother in Indiana; occupation laborer; residence at Belton, Texas; received at prison on January 29, 1894; pardoned on September 10, 1897.