

subject is not relevant, however
James S. Carver

COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

The grand jurors in and for the body of said county of Rockingham and now attending said Court at its December term, 1927, upon their oaths do present that Irvin Tanksley, who was heretofore, to-wit, on the 22d day of January, 1926, convicted of operating an automobile while under the influence of liquor in the Corporation Court of the City of Staunton and was given sixty days in jail and a fine of one hundred twenty-five dollars, within one year next prior to the finding of this indictment, in said county of Rockingham, did unlawfully operate an automobile while under the influence of ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of C. W. Dove
W. C. Early, and A. P. Curry, witnesses sworn in Court and sent before the grand jury to give evidence.

*We the jury sitting on the case of
the commonwealth against Irvin
Tanksley failed from the evidence
produced to find sufficient proof
to warrant a conviction
James S. Carver*

We the jury find the defendant, Irvin Tanksley
not guilty

Jos. S. Carver, Foreman

COMMONWEALTH OF VIRGINIA

COURTY OF ROCKINGHAM, COUNTY

In the Circuit Court of said County:

second
Unlawful operation of car

Commonwealth
v. Indictment
Irvin Tanksley

Felony
December term, 1927

A True Bill:

J. P. Bradford
Foreman

D. W. Earman
Commonwealth's Attorney

This indictment is found on the testimony of C. W. Dove
W. C. Early, and A. P. Curry, witnesses sworn in Court and sent be-
fore the Grand Jury to give evidence.

[Faint handwritten notes and signatures, including a signature that appears to be 'D. W. Earman']

~~Justice~~

The Court instructs the jury that they are the judges of the credibility of the witnesses, and that in determining the weight to be given to the testimony of the different witnesses they are authorized to consider their interest in the result of the case, if they have any; their relationship to the ~~px~~ parties concerned; their temper, feeling or bias, if any has been shown; their demeanor while testifying; th^r intelligence; their means of information; and all other circumstances appearing on the trial; and to give such credit to the testimony of the different witnesses as under all the circumstances they seem to be entitled to,

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nesses they are authorized to consider their interest in the
result of the case, if they have any; their relationship to the
parties; their position, calling or office, if any has

been shown; their conduct with respect to their intelligence;
their means of information; and all other circumstances appear-
ing on the trial; and to give such credit to the testimony of
the different witnesses as under all the circumstances they
shall deem to be entitled to.

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INSTRUCTION NO. _____

The Court instructs the jury that the burden rests upon the Commonwealth to prove every material disputed fact in the case, by affirmative evidence, beyond every reasonable doubt; and that if, as to any particular fact, one or more credible witnesses testify in opposition to an equal number of credible witnesses, the jury cannot find such fact to be established.

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The Court instructs the jury that the burden rests upon the Commonwealth to prove every material disputed fact in the case, by affirmative evidence, beyond every reasonable doubt; and that if, as to any particular fact, one or more credible witnesses testify in opposition to an equal number of credible witnesses, the jury cannot find such fact to be established.

INSTRUCTION NO. _____

The jury are instructed that it is not sufficient to warrant a conviction that Tanke~~s~~ley may have operated his car after he had one or more drinks of ~~the~~ intoxicating liquor, unless the effect of such liquor upon him has been shown, ~~in~~ beyond a reasonable doubt, to have impaired his capacity, mental-ly or physically, to operate it as he normally would have done.

INSTRUCTION NO. _____

The jury are instructed that it is not sufficient
to warrant a conviction that Tankersley may have operated his
car after he had one or more drinks of the intoxicating liquor,
unless the effect of such liquor upon him has been shown, in
beyond a reasonable doubt, to have impaired his capacity, mental-
ly or physically, to operate it as he normally would have done.

In the Name of the Commonwealth of Virginia *Augusta*

To the Sheriff of ~~Rockingham~~ County, Greeting:

You are hereby commanded to summon.....

*Bessie Marris, Mary Marris,
Olive Snyder, Hugh Criddle &
Billy Smith*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a. m., on the *6th* day of *Jan.* 19*28* to testify and the truth to say in behalf of the Defendant in the prosecution of the Commonwealth, plaintiff, against

Irvin Fankley

who stands charged with and indicted for a ~~felony~~ misdemeanor.

And this *they* shall not omit under the penalty of £100. And have then and there this Writ.

Witness, J. F. BLACKBURN, Clerk of our said Court, at the Court House, the *31st* day of *Dec.* 19*27*, and in the *52nd* year of the Commonwealth.

J. F. Blackburn, Clerk.

125
Irwin Fooksley

ads.

Cam.

EXECUTED Augusta Co.
Jan 5 1928

as Bessie & Mary Morris
Olive Snyder Hugh Liddle
Billy Smith.

by delivering a copy of the within Commander

to Parties in person.

J. D. Perry Dept
W. B. Wilson 1928 S.A. ©

Jan. 6.

459

Dec. Term 1927

COMMONWEALTH

VS.

Misdemeanor (Pro.)

IRVIN TANKSLEY

M. D. Keprty

E. E. Foltz

Roy. J. Kline

J. H. Bruce

Joseph Carver
+

u
u
acquitted

