

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, 1931, upon their oaths do present that Cecil McCarthy, on or about the 9th day of September, 1931, in said County, did unlawfully and feloniously manufacture distilled ardent spirits, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of John Hawk, J. L. Dirting, Jerry Long and S. F. Newman, witnesses sworn in court and sent before the grand jury to give evidence.

MANU. A. S. ✓

COMMONWEALTH

V

CECIL McCARTHY *Jan 20*

A FELONY

A True Bill - *pro.*

P. E. Fugh

Foreman

*ar. + ret Jan 20*

D. W. Earman, Com. Atty.

*Mr & the jury find the accused Cecil  
McCarty guilty as charged in the  
indictment level his first punishment  
at 6 months in jail and \$100.00 fine  
to P. E. Fugh  
D. W. Earman*

COMMONWEALTH

v

CECIL MCCARTHY

CHARGE TO THE JURY.

If you find the accused, Cecil McCarthy, not guilty you will say so and no more.

If you find him guilty as charged in the indictment, then you will say so and fix his punishment at confinement in the penitentiary for not less than one nor more than five years, or, in your discretion, by confinement in jail for a period of not less than six months nor more than twelve months, and by a fine not exceeding \$500.

Charge to the Jury

and of a fine not exceeding \$500.  
period of not less than six months nor more than twelve months,  
years, or, in your discretion, by confinement in jail for a  
in the penitentiary for not less than one nor more than five  
then you will say so and fix his punishment at confinement  
If you find him guilty as charged in the indictment,  
you will say so and no more.

If you find the accused, Cecil McCarthy, not guilty

CECIL MCCARTHY

COMMONWEALTH

circuit Court of the County of Rockingham on Wednesday, the 20th day of January, in the year of our Lord, nineteen hundred and thirty-two.

Present: Hon. H. W. Bertram, Judge.

Commonwealth v

v. On an indictment for a felony (Pro.)

Cecil McCarthy

This day came the attorney for the Commonwealth, and the accused, Cecil McCarthy, came in the custody of the sheriff of this county, and from persons summoned by the sheriff under a writ of venire facias, twenty were examined by the Court and found duly qualified and free from exception; whereupon, a list containing the names of said twenty persons was handed to the attorney for the Commonwealth and to the accused, who each alternately struck therefrom the names of four persons, the remaining twelve, namely, R. N. Earman, E. L. Yates, Jr., A. J. Turner, W. K. Neff, E. W. Burkholder, Robert N. Rhodes, W. R. Sipe, David D. Carr, W. L. Armstrong, Delmer Harper, C. R. Cody, and W. W. Heatwole, being selected as aforesaid to constitute the jury were sworn to well and truly try and true deliverance make between the Commonwealth and the prisoner at the bar and a true verdict render according to the evidence, and having received the charge of the Court, and having heard the evidence, the jurors were sent to their room to consider their verdict, and after some time they returned into Court and for their verdict do say: "We, the jury, find the accused, Cecil McCarthy, guilty as charged in the indictment, and fix his punishment at six months in jail and \$100.00 fine, C. R. Cody, foreman." And it is considered by the Court that the Commonwealth recover against the defendant one hundred dollars, the fine aforesaid, and the costs incident to this prosecution, and the accused is committed to the State Convict Road Force for the term of six months, less, however, 32 days, the time he has spent in jail awaiting trial, and thereafter until his fine and costs be

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This day came the attorney for the Commonwealth, and the accused, Geoff McCarthy, came in the custody of the sheriff of this county, and from persons summoned by the sheriff under a writ of venire facias, twenty were examined by the Court and found duly qualified and free from exception; whereupon, a list containing the names of said twenty persons was handed to the attorney for the Commonwealth and to the accused, who each alternately struck therefrom the names of four persons, the remaining twelve, namely, R. N. Barman, E. I. Yates, Jr., A. J. Turner, W. K. Neff, E. W. Burkholder, Robert N. Rhodes, W. R. Sipe, David D. Carr, W. I. Armstrong, Delmer Harper, C. R. Goby, and W. W. Hestwold, being selected as aforesaid to constitute the jury were sworn to well and truly try and true deliverance make between the Commonwealth and the prisoner at the bar and a true verdict render according to the evidence, and having received the charge of the Court, and having heard the evidence, the jurors were sent to their room to consider their verdict, and after some time they returned into Court and for their verdict do say: "We, the jury, find the accused, Geoff McCarthy, guilty as charged in the indictment, and fix his punishment at six months in jail and \$100.00 fine, C. R. Goby, foreman." And it is considered by the Court that the Commonwealth recover against the defendant one hundred dollars, the fine aforesaid, and the costs incident to this prosecution, and the accused is committed to the State Convict Road Force for the term of six months, less, however, 32 days, the time he has spent in jail awaiting trial, and thereafter until his fine and costs be

Cecil McCarthy

--2--

paid, or he is discharged pursuant to the statute for such cases made and provided, and the said Cecil McCarthy is remanded to jail until he can be delivered into the custody of an officer of the State Convict Road Force, to be held as a member of said road force for the terms and purposes aforesaid.

A COPY

Atteste: *J. M. Anderson*, Clerk.

Cecil McCarthy

--2--

paid, or he is discharged pursuant to the statute for such cases made and provided, and the said Cecil McCarthy is remanded to jail until he can be delivered into the custody of an officer of the State Convict Road Force, to be held as a member of said road force for the terms and purposes aforesaid.

A COPY

Attested: *[Signature]*  
Clerk.



**In the Name of the Commonwealth of Virginia:**

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

John Hawk  
G. L. Durling  
S. F. Newman  
Jerry Long

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 20 day of Jan 1932,  
to testify and the truth to say in behalf of the Commonwealth against Cecil Mc Carthy

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

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 7<sup>th</sup>  
day of Jan 1932, and in the 15<sup>th</sup> year of the Commonwealth.

J. Robert Switzer, Clerk

Jan 16 - 1932

Executed by delivering a true Copy of the

Johns Hawk, J. D. Huntington, James Long, A. H. Gorman

Each in person

A. H. Gorman Esq.  
for C. H. Family L.R.L.

1932  
Jan 20

Cour  
v.  
Cecil Mc Carthy

In the Name of the Commonwealth of Massachusetts  
You are hereby commanded to answer  
to appear before the Judge of the Circuit Court of Rockingham County, at  
at 10 o'clock, a.m., on the 20 day of  
to testify and the truth to say in behalf of the Commonwealth against  
who stands charged with and indicted for a felony  
And this shall not null under penalty of \$100  
Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the  
day of Jan 1932, and in the presence of the Commonwealth

**Commonwealth of Virginia:**

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

*John Hawk*

*J. L. Diering, Jersey Long &  
S. H. Newman*

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 *5th* day of *Jan.* 19 *32*,

to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY

*v. Cecil Mc Carthy*

who stands charged with and indicted for a felony misdemeanor.

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the *30th*  
day of *Dec* 19 *31*, and in the 15 *6th* year of the Commonwealth.

*J. Robert Switzer*, Clerk

Executed Jan. 1-1932, By delivering a true copy of the within summon to John Hawke, J.L. Dirting, Jerry Long, and S.F. Newman each in person.

S.F. Newman Deputy for  
C.R. Fawley, S.R.C.

*Com*

*n.*

*Cecil Mc Carthy*

Commonwealth of Virginia:

the Sheriff of Rockingham County, Greeting:

*[Faint, mostly illegible text, likely bleed-through from the reverse side of the document]*

*1932*

*Jan. 5*

As they may find the  
accused guilty and fix  
his punishment at 6 months  
in jail & \$100.00 fine

L. R. Cady  
Haverhill

*[Faint, illegible handwriting on lined paper]*

R. N. Earman  
E. L. Yates Jr.  
a. J. Groun  
Mr. W. Neff  
E. M. Burkholder  
A. M. v. Alwell  
Mr. R. Sift  
David H. Leary  
Mr. L. Armstrong  
Leeener Harper  
E. A. Leedy  
Mr. M. Heatwole

Shirley Court  
arrest 10.00  
summons 3.00  
Jury fees 1.50  
con. fee .50  
\$15.00

DEC 1931

# 948

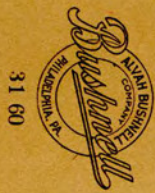
COMMONWEALTH

v. ) Felony (Pro.)

CECIL McCARTHY

Plea - v. G. - in jail  
set for Jan. 20 - 1932

32  
600  
19.20



31 60