

*W. E. the first time the defendant, Commonwealth
Flory, was fined -*

John H. f. 10

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 February term, 1930, upon their oaths do present that Randolph Flory, on or about the ___ day of Nov., 1929, 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 Ralph Royer, Harry McInturf, Tommy Cline, Tommy McClung, ~~A. R. Burke~~, Mark Guthrie, Jacob Pence, Ed. Long, and ~~Raymond Floyd~~, witnesses sworn in Court and sent before the grand jury to give evidence.

*We the jury find the defendant, Randolph
Flory, not guilty -*

D. J. Hentel

Foreman

Pro oc

Commonwealth

v) Indictment

Randolph Flory

Misdemeanor

February term, 1930

A True Bill:

La. L. Rhodes
Foreman

D. W. Earman
Commonwealth's Attorney

DR. M. T. McCULLOCH
ELKTON, VIRGINIA

April 29 1930

Judge H.W. Bartrum

Dear Sir.

Mr I.L. Flory Of Elkton Va. is summoned to appear before
your court Friday May 2nd. as a witness. I wish to inform you that
Mr Flory has been a patient of mine for several months, He is exactly
confined to his bed and room all the while, ~~he~~ is physically unable
to attend court at this time.

Yours truly

M. T. McCulloch
Dr M. T. McCulloch

DR. M. T. MCCULLOCH
ELKTON, VIRGINIA

April 29 1850

Judge H. W. ...

Dear Sir,

Mr. J. H. ... of ... is ...
your ... as a witness. I ...
... a ... of mine for several months. He is ...
... and room all the while. It is ...
to attend ... at this time.

M. T. McCulloch
Dr. M. T. McCulloch

INSTRUCTION NUMBER ONE

The Court instructs the jury that in order to con-
vict the accused in this case the Commonwealth must prove beyond
a reasonable doubt that the accused operated said truck while his
license was not lawfully in his possession. It is the duty of the
prosecution to prove every element of the crime beyond a
reasonable doubt. If the jury believes that the Commonwealth has
not proved every element of the crime beyond a reasonable doubt,
it is their duty to acquit the accused. If the jury believes that
the Commonwealth has proved every element of the crime beyond a
reasonable doubt, it is their duty to convict the accused.

Virginia Code, Sec. 18.2-200 (1960)
Westman Law Associates, P.C.

WARD SWANK
ATTORNEY AT LAW
NARRAGANSETT, RI

INSTRUCTION NUMBER TWO

The Court instructs the jury that a citizen is not to be deprived of his liberty upon mere suspicion, however strong. Every fact necessary to establish the guilt of the accused must be proved by the Commonwealth beyond a reasonable doubt. Unless the facts proved are inconsistent with the innocence of the accused, he must be acquitted.

~~Revised Code of Virginia, 1950, § 18.1-104.~~

~~State of Virginia, Department of Justice, 1950~~
~~1950~~

INSTRUCTION NUMBER TWO

The Court instructs the jury that a citizen is not to be deprived of his liberty and property without due process of law. The Government is bound by the same constitutional guarantees as the individual citizen. Unless the facts show and demonstrate with the innocence of the accused, he must be acquitted.

INSTRUCTIONS NUMBER THREE

The Court instructs the jury that the law presumes the defendant to be innocent until he is proved guilty as charged in the indictment by the Commonwealth, by evidence to moral certainty beyond all reasonable doubt, and to the exclusion of every reasonable theory or hypothesis consistent with his innocence. This presumption of innocence goes with the defendant throughout the whole case and applied at every state thereof, so that unless the jury have an abiding conviction to a moral certainty of the guilt of the accused, they should find him not guilty.

~~W. Va. Code, 1899, § 602, 12~~

~~S. 2, 1899.~~

INSTRUCTIONS NUMBER 1

The court instructs the jury that the law requires the
in the judgment of the juror, of evidence
certainty beyond all reasonable doubt, and to the exclusion of
every reasonable theory of hypothesis consistent with his
doubt. This principle of innocence goes with the defendant
throughout the whole case and applied at every stage thereof.
No fact which the law has an abiding conviction is a moral
certainty of the guilt of the accused, they shall find him not
guilty.

~~Ward Swank, Attorney at Law~~
Washington, D.C.

Done as Follows

~~W. J. Merrick~~

65d 4th

~~Rich. H. H. H.~~

W. J. Henkle

L. S. Ford

J. H. Miller

H. R. Begom

IN THE CIRCUIT COURT OF BOEINGHURST COUNTY

In the Circuit Court of Rockingham County,

..... Term 190.....,

..... this day presented in Court an account against the Court
of Rockingham for the sum of \$....., for Service.....

.....
.....
..... which being sworn to, was examined and approved by the Court, and ordered to be certified to the Treasurer of
this county for payment.

..... Clerk.

#689

JUN

1930

COMMONWEALTH

V. Misdemeanor (Pro.)

RANDOLPH FLORY

copies

July 2nd 1930

O. Ed Fulk ✓
 W. J. Hunkle ✓
 L. J. Good ✓
 J. H. Miller ✓
 H. R. Beeson ✓

2. / 4 number



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