

Commonwealth

© J

Harvey Riggleman

St L. Long

J. H. Shuckey

B. J. Emswiler

D. P. Ballentine

Sam. L. Bowers.

L. D. Armentrout

~~North H. St. Louis~~

C. M. Frank

Charles St. Mean

A. S. Whitcomb

J. B. Westmore.

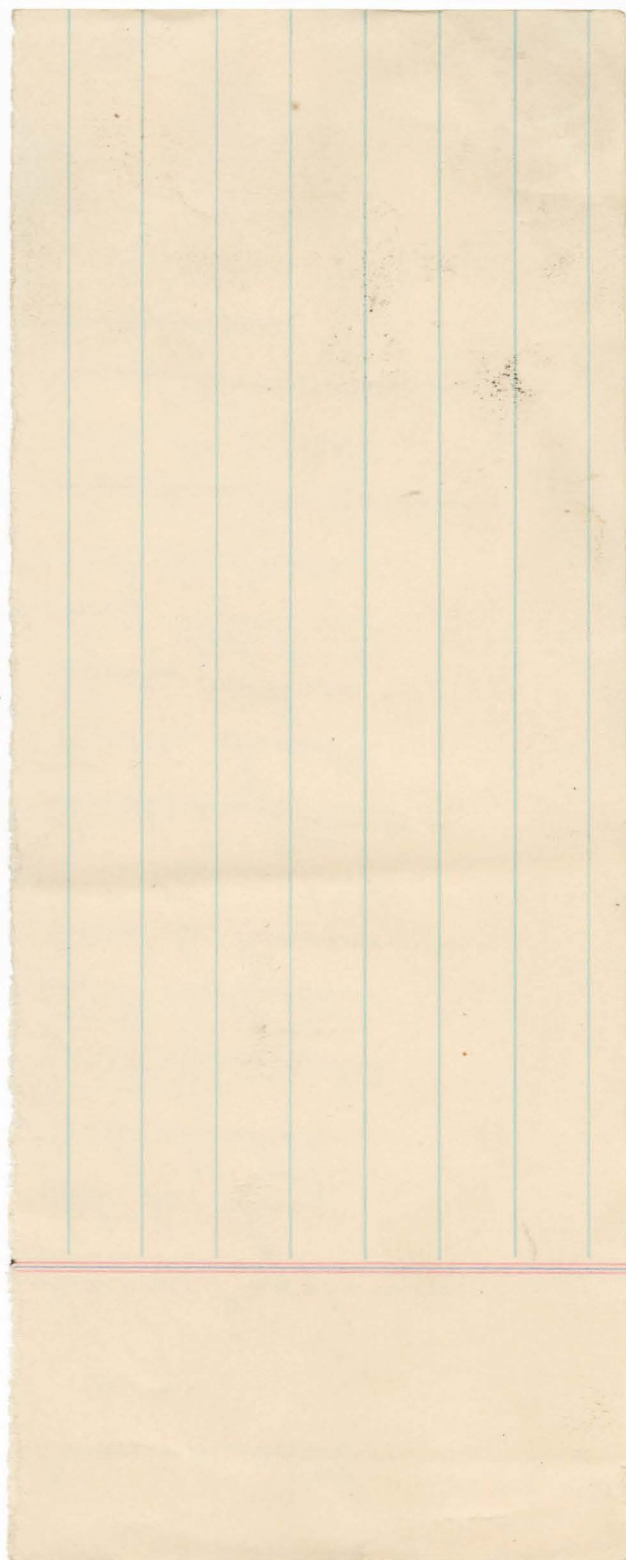
~~Frank J. Coffman~~

John H. Fildes

~~Jacob P. Meyer~~

~~P. M. Avis~~

E. N. Myers.



If you find the prisoner not guilty you
will say so & no more.

If you find the prisoner guilty as charged
in the indictment you will say so and
ascertain his punishment - which shall
be confinement in the penitentiary not
less than one nor more than ten years.

If you find the prisoner not guilty - as
charged in the indictment - but guilty of

intent to maim, disfigure, dismember or
kill said Fitzwater you will say so
and ascertain his punishment - which
shall be confinement in the penitentiary
not less than one nor more five years
or confinement in jail not ~~less than~~ ^{exceeding} twelve
months or fined not exceeding \$500.

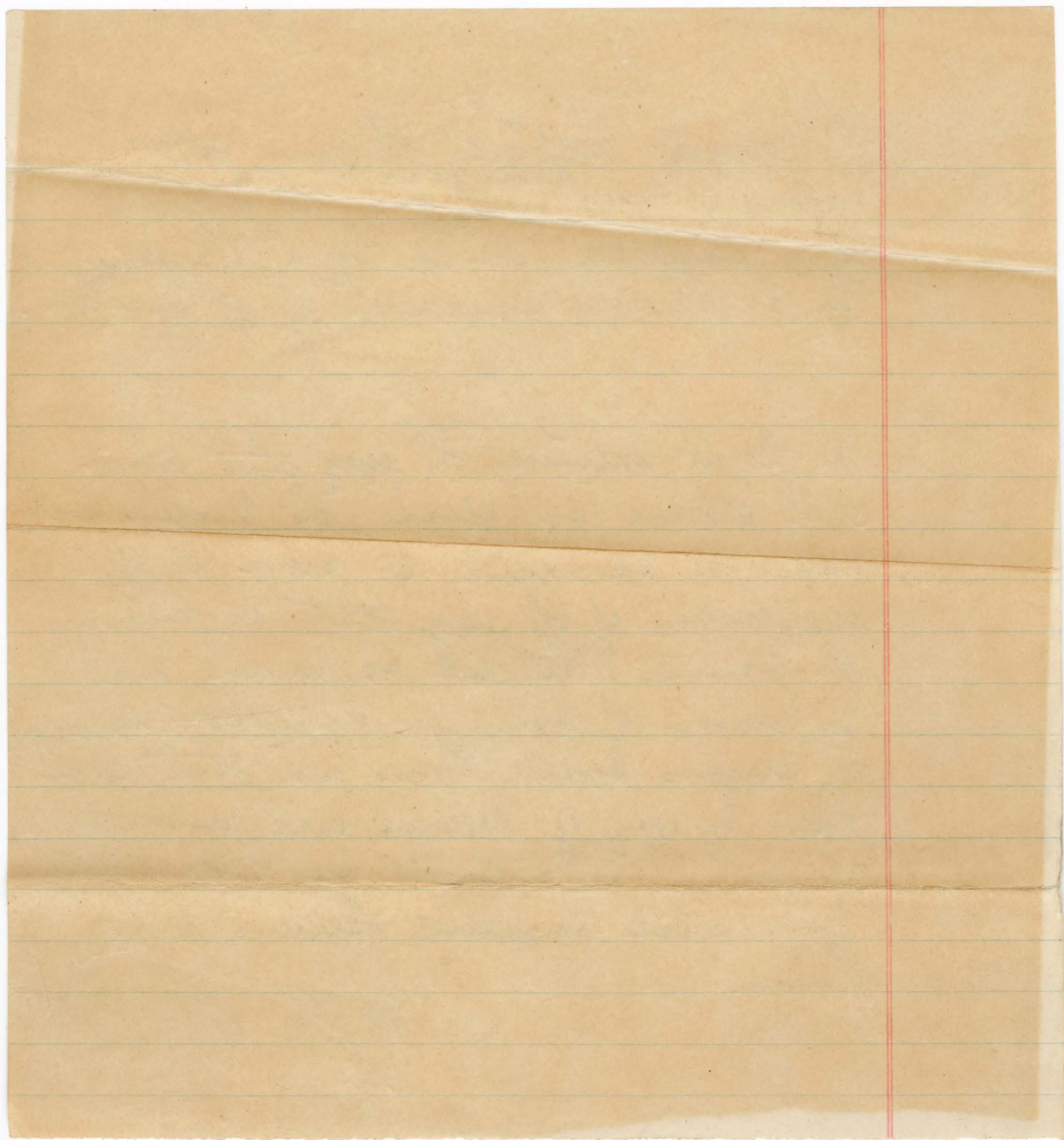
If you find the prisoner not guilty - of
either of the felonies aforesaid but guilty of
assault & battery you will say so and ascer-
tain his punishment - which may be fine of
over

not less than \$500 a confinement - in
jail or work.

The Court - instructs the jury that
malice is presumed ^{prima facie} from the infliction
of a dangerous wound by a ^{deadly} weapon
in the previous possession of the accused.

The Court - instructs the jury that where
self defense is plead the burden is
upon the accused to prove to the
satisfaction of the jury that in inflicting
the wounds he did so under and
by reason of being in immediate danger
of serious bodily harm and that such
acts by way of defense were reasonably
necessary in order to free himself
from such immediate + serious bodily
harm.

~~TH~~ F



The court instructs the jury that the accused is presumed to be ^{innocent until the contrary is proven,} and that the burden of proving his guilt is on the commonwealth; and that this presumption of innocence goes with the prisoner throughout the entire case and applies to every stage thereof; and that to warrant a conviction on any charge, the commonwealth must prove beyond a reasonable doubt every fact material and necessary to make up the offense. And if upon the whole evidence in the case there is any reasonable hypothesis consistent with the conclusion that the cutting was excusable or justifiable, the accused cannot be convicted.

The court instructs the jury that ~~if~~ if they have a reasonable doubt, from all the evidence in the case, as to any material fact necessary or essential to prove the offense charged, or have a reasonable doubt as to his guilt, they will acquit him.

If however they believe from the evidence beyond a reasonable doubt that he is guilty, but have reasonable doubt as to whether he is guilty of maliciously and unlawfully cutting Samuel Fitzwater with intent to maim, disfigure, disable, or kill said Fitzwater, then they can only find him guilty of unlawfully and not maliciously cutting said Fitzwater.

If the jury have a reasonable doubt as to whether he is guilty of unlawfully cutting said Fitzwater, with intent to maim, disfigure, disable, or kill said Fitzwater, or of committing assault and battery upon said Fitzwater, then they can only find him guilty of assault and battery.

The court instructs the jury that the accused is presumed to be innocent, and that the burden of proving his guilt is on the commonwealth; and that this presumption of innocence goes with the prisoner throughout the entire case and applies to every stage thereof; and that to warrant a conviction on any charge, the commonwealth must prove beyond a reasonable doubt every fact material and necessary to make up the offense. And if upon the whole evidence in the case there is any reasonable hypothesis consistent with the conclusion that the cutting was excusable or justifiable, the accused cannot be convicted.

The court instructs the jury that if they have a reasonable doubt, from all the evidence in the case, as to any material fact necessary or essential to prove the offense charged, or have a reasonable doubt as to his guilt, they will acquit him. If however they believe from the evidence beyond a reasonable doubt that he is guilty, but have reasonable doubt as to whether he is guilty of maliciously and unlawfully cutting Samuel Fitzwater with intent to maim, disfigure, disable, or kill said Fitzwater, then they can only find him guilty of unlawfully and not maliciously cutting said Fitzwater. If the jury have a reasonable doubt as to whether he is guilty of unlawfully cutting said Fitzwater, with intent to maim, disfigure, disable, or kill said Fitzwater, or of committing assault and battery upon said Fitzwater, then they can only find him guilty of assault and battery.

Commonwealth of Virginia,

COUNTY OF ROCKINGHAM, To-wit:

IN THE CIRCUIT COURT OF SAID COUNTY:

The jurors of the Commonwealth of Virginia, in and for the body of the County of Rockingham,
and now attending the said Court at its January term, in the year 1909,
upon their oaths present that.....

Harvey Riggleman

on the 25th day of December, in the year 1908, in the said County,

did unlawfully, maliciously and feloniously cut
Samuel Fitzwater with intent to maim, disfigure
disable and kill him the said Samuel Fitzwater

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Walter Fitzwater James Yankee
Felix May witness... sworn in open Court and sent to the
Grand Jury to give evidence.

.....Clerk.

Commonwealth

25.

INDICTMENT for
a robbery.

Harry Reggleman
Came

A TRUE BILL.

J. M. Sweeney

Foreman.

Witnesses
Martin Fitzwater
James Mankay
Felix May

Subscribed & sworn to for Tuesday
July 2/09.

On to & Sunday about 6/09
1909 made at
Gentry

We the jury do find Harry Reggleman
(The prisoner) guilty of an unlawful
assault and fix his punishment in
State penitentiary at a period of one
year.

B. F. Eusevier
Foreman

The jury find the prisoner Harry Reggleman, guilty of
unlawfully assaulting James Fitzwater, with intent to murder
discharge double out with him the said James Fitzwater in manner
and form as charges in the indictment: and accredit his punishment
at imprisonment in the penitentiary for the term of one year
B. F. Eusevier
Foreman