

Aug. Term 1921.

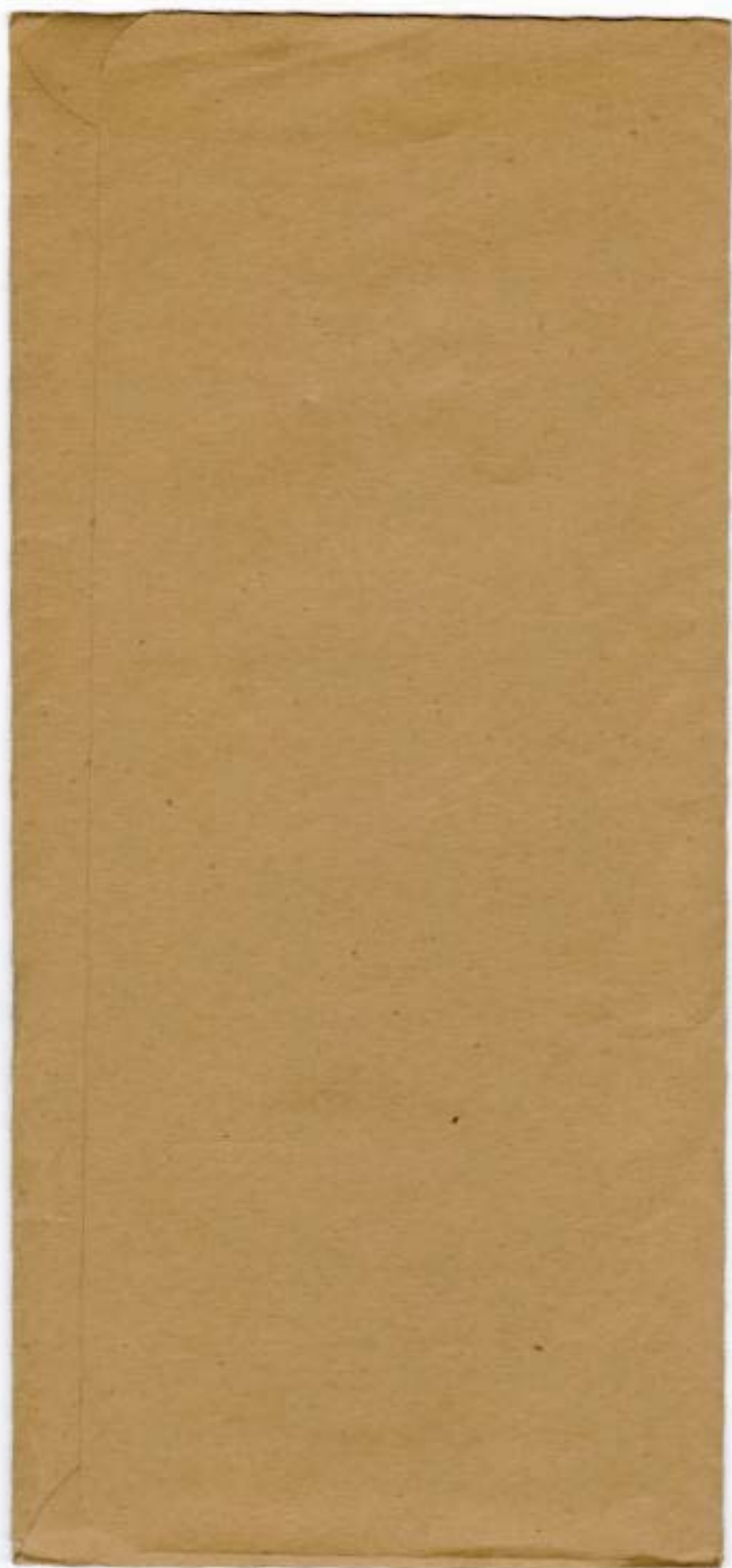
ROBERT LAWSON

Upon an Indictment
for a Felony

ADS

COMMONWEALTH

Aug





Cm vs Rom Lowen

H. B. Sipe

~~D. H. Jones~~

H. J. Wise

Geo E. Whitcut

W. E. Sipe

J. W. Richards

~~W. W. Acter~~

Amos D. Herdwick

Z. F. Armentant

Wm R Von Lee

~~Edgar Holinger~~

H. E. Bullen

~~J. D. Eiler~~

J. Wallin Harrison

~~W. H. Yancy~~

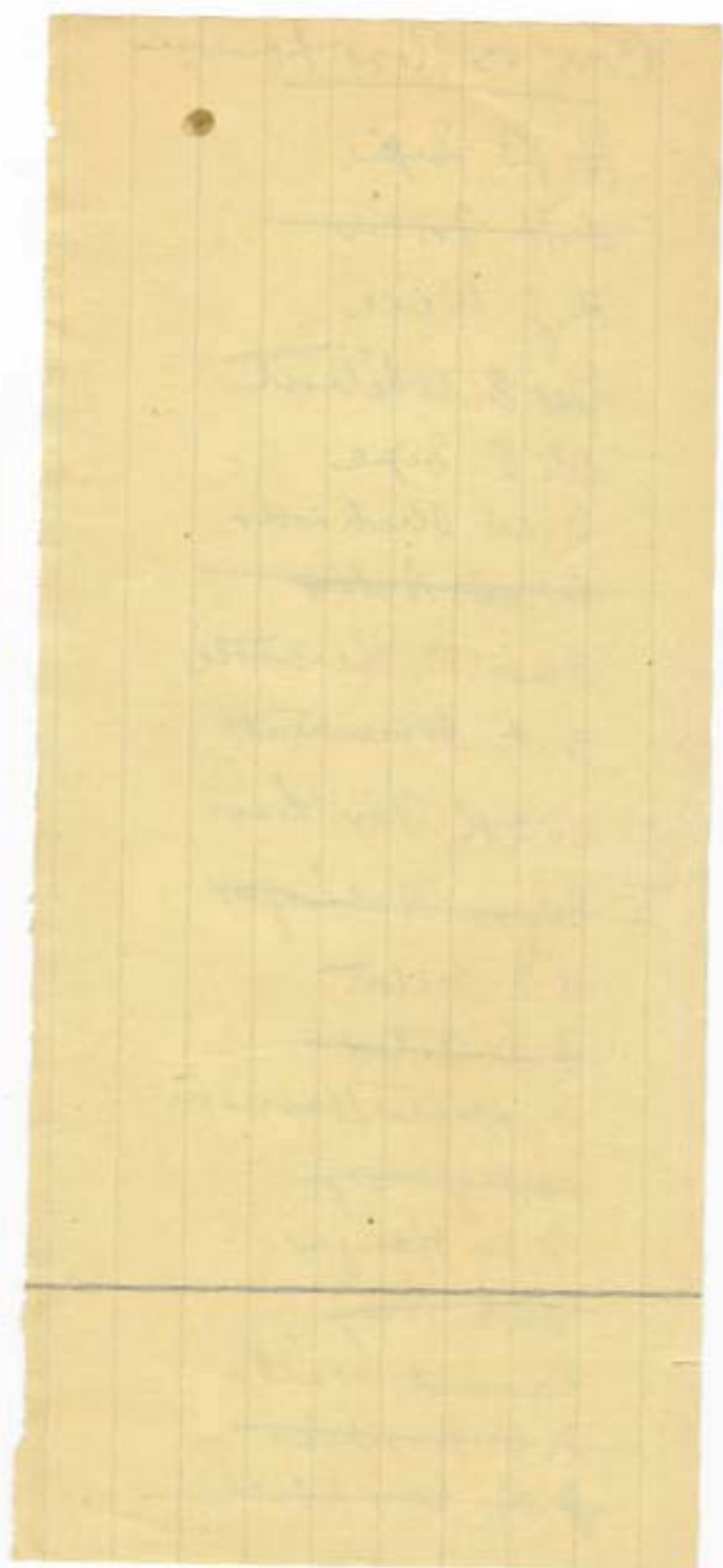
Wm Hanger

~~L. A. Amy~~

Samuel Will

~~J. C. Mopkins~~

~~J. R. Campbell~~



Instruction No. ____

The Court instructs the jury that where a felonious assault has been committed with a deadly weapon, the law implies malice from the use of such weapon, and a man must be taken to intend that which he does or which is the immediate or probable consequence of his act.

Investigation No. _____

The above investigation was held at the following

places and was attended by a number of persons. The law
enforcement officers from the city of New York, and a number of
others, to whom it is not known in the investigation
at this time, were present at the time.

INSTRUCTION NO. _____

The Court instructs the jury that in this case, as in all criminal cases, the prisoner's plea of not guilty raises a presumption of innocence in his favor and puts upon the Commonwealth the burden of proving his guilt beyond reasonable doubt. If therefore, upon a consideration of the whole case, the testimony of the witnesses and the circumstances proven in evidence, there exists in the minds of the jury a reasonable doubt as to the guilt of the accused, they should find him not guilty.

The Court instructs the jury that in this case, as in all criminal cases, the burden of proof is on the State to establish the guilt of the accused beyond a reasonable doubt. It is the duty of the jury to weigh the evidence and the testimony of the witnesses and to determine whether or not the State has met its burden of proof. If the jury is satisfied that the State has met its burden of proof, they should find the accused guilty. If the jury is not satisfied that the State has met its burden of proof, they should find the accused not guilty.

Arrest Warrant

COMMONWEALTH OF VIRGINIA, } TO WIT:
ROCKINGHAM COUNTY,

To _____, a Constable of said County:

Whereas, Henry Raines of the said County, has this day made
complaint and information on oath before me, _____ a Justice of the said County,
that Asst Lawson

of the said County, on the 28 day of May 1974, in the said County, did
unlawfully with fore thought did feloniously
Maliciously Slap & Cut with a knife
One Henry Raines

These are therefore, in the name of the Commonwealth of Virginia, to command you forthwith to apprehend and bring before me, or some other Justice of the said County, the body of the said

Asst Lawson
to answer the said complaint and to be further dealt with according to law. And you are required to summon

to appear and give evidence in behalf of the Commonwealth, on the examination touching the said offence.

Given under my hand and seal this 29 day of May, in the year 1974.

L. H. Baker J. P. (Seal)

Rott Lawson
 have been brought
 before the L. H. Bond
 where we are
 for the County of Rockingham
 and upon hearing of
 Executive Council
 the defendant to
 County Jail to wait
 and be dealt forth
 with as a County to
 Law.

Cash	7
Arrest	100
Justice	3 00
Mileage	3 20
	<u>7 20</u>

L. H. Bond J.P.
 May 24 47

Aug 19 21

Commonwealth

vs.

Arrest Warrant

Rott Lawson

Executed the within warrant by arresting
 and delivering the body of

before

a Justice of Rockingham County, and by sum-
 moning the within named witness in person.

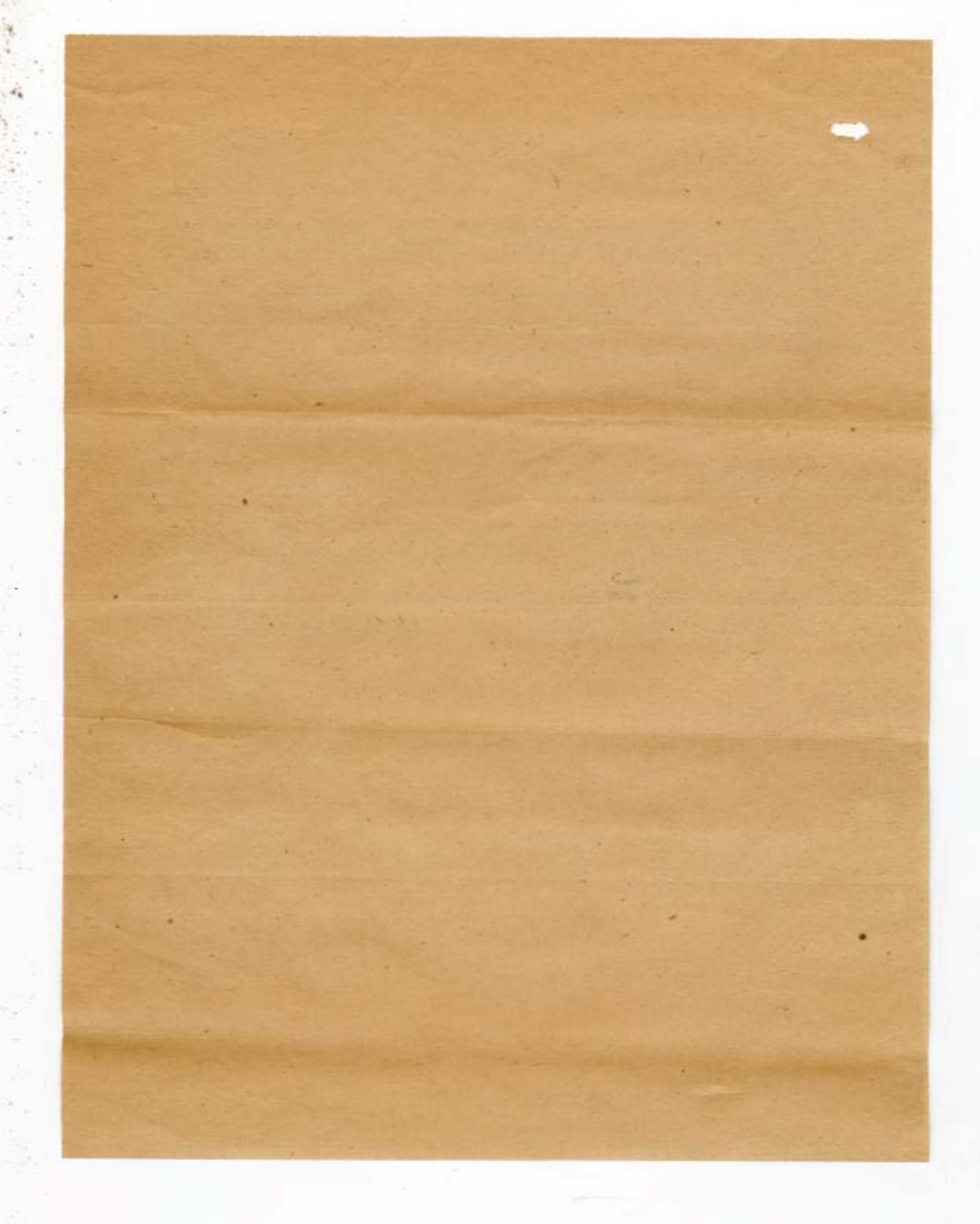
this

day of

19

Constable of Rockingham County.

An assault with a deadly weapon with intent to maim, disfigure, disable or kill, if not justifiable on the ground of self defence or the defence of a near relation, must be either malicious or unlawful assault with such intent, within the meaning of the charge given to the jury. If it be committed in the heat of a sudden passion arising on a sufficient provocation or in the heat of mutual combat, it is an unlawful assault, otherwise a malicious assault. The difference between a malicious assault with intent to maim, disfigure, disable or kill, and unlawful assault with the same intent, is the same as the difference between murder and voluntary manslaughter. The lower grade of the offence is characterized by the absence of malice ^{and} ~~and~~ exists only when the act is done on a sudden heat arising in mutual combat or on a sufficient provocation.



Instruction No. _____

The Court instructs the jury that before they can find the accused guilty of either malicious or unlawful assault as charged in the indictment, they must believe from the evidence beyond reasonable doubt that the accused did in fact assault Henry Maines with intent to maim, disfigure, disable or kill him.

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1914

one year in prison

Investigation No. _____

The Court instructs the jury that before they can find the accused guilty of either malicious or unlawful assault as charged in the indictment, they must believe from the evidence beyond reasonable doubt that the accused did in fact assault Henry Adams with intent to maim, disfigure, disable or kill him.

Wm. H. Adams
Attorney at Law
St. Louis, Mo.

Instruction No. _____

The Court instructs the jury that a reasonable doubt is such doubt as may be honestly and reasonably entertained as to some substantial and material fact essential to the proof of the offense charged. A reasonable doubt must be based upon the evidence or be such as is suggested by the evidence or grows out of the evidence itself, or out of the absence of material evidence. It must not be an arbitrary doubt. It must be serious and substantial in order to warrant an acquittal. It must be a doubt of a material fact or of material facts necessary to be believed by the jury in order to find a verdict of conviction, and not of immaterial and unnecessary circumstances.

Instruction No. _____

The Court instructs the jury that they are the sole judges of the evidence; that they may believe or refuse to believe any witness, and that when passing upon the credibility of the various witnesses they may rightly take into consideration the reasonableness or unreasonableness of their stories, their feeling or bias if any is shown, their interest in the result of the case, their demeanor and conduct on the stand, their means of information and their apparent truthfulness or untruthfulness, or any other circumstances which affect the weight of their testimony.

INSTRUCTION NO. _____

The Court instructs the jury that if they have a reasonable doubt as to the grade of offense of which the prisoner may be guilty, if they believe him guilty at all, they shall resolve that doubt in his favor, and find him guilty of the lower grade; to illustrate if they have reasonable doubt as to whether he is guilty of malicious wounding or of unlawfully wounding Raines they should find him guilty of the latter offense. If they have reasonable doubt as to whether he is guilty of unlawful wounding or of assault and battery they should find him guilty of assault and battery, and if they have a reasonable doubt as to whether he be guilty at all, they must resolve that doubt in favor of the accused and acquit him. ~~Littell's Case, 101 Va. 350. See 8 1007a.~~

The Court instructs the jury that if they
have a reasonable doubt as to the guilt of either
of which the prisoner may be guilty, it they believe
his guilt is all, they shall render that verdict in
his favor, and find his guilt of the lesser crime;
to instruct if they have reasonable doubt as to
whether he is guilty of either crime or of
eitherly rendering a verdict that he is not
guilty of the lesser crime. If they have reasonable
doubt as to whether he is guilty of either crime
or of both, and whether they should find him guilty
of neither and acquit, and if they have a reasonable
doubt as to whether he is guilty of all, they may
render that verdict in favor of the accused and acquit
him. ~~Witnesses shall be sworn before the jury.~~

Ref vs Mod.

INSTRUCTION NO. _____

The Court instructs the jury that the burden is on the Commonwealth to prove beyond a reasonable doubt that the accused assaulted the said Raine as alleged in the indictment and that such assault was made maliciously, and if the Commonwealth has not so proven the assault to have been so made then the jury are told they cannot find the accused guilty of malicious wounding.

Page 10

EXHIBIT NO. _____

The Court instructs the jury that the burden is on the Commonwealth to prove beyond a reasonable doubt that the accused committed the crime charged in the indictment and that such proof was made exclusively, and if the Commonwealth has not so proven the accused is not guilty and the jury should return a verdict of not guilty.

Ref Curcio by another

INSTRUCTION NO. _____

The Court instructs the Jury that before they can find the accused guilty of unlawful assault in this case the Commonwealth must prove beyond a reasonable doubt that the accused assaulted the said Henry Raines with intent to maim, disfigure, disable or kill.

Ref -

And before they can even find him guilty of assault and battery the Commonwealth must prove beyond every reasonable doubt that the accused made the assault upon the said Raines.

Prof. C. J. Smith

EXHIBIT NO. _____

The Court has heard the testimony of the witnesses and has found that the accused guilty of the crime charged in this indictment. The Court has also heard the testimony of the witnesses and has found that the accused guilty of the crime charged in this indictment. The Court has also heard the testimony of the witnesses and has found that the accused guilty of the crime charged in this indictment.

Prof -

The Court has heard the testimony of the witnesses and has found that the accused guilty of the crime charged in this indictment. The Court has also heard the testimony of the witnesses and has found that the accused guilty of the crime charged in this indictment. The Court has also heard the testimony of the witnesses and has found that the accused guilty of the crime charged in this indictment.

INSTRUCTION NO. Ref. Answered by another

The Court instructs the jury that the accused is presumed to be innocent until his guilt is established by the Commonwealth beyond a reasonable doubt, and this presumption of innocence goes with the accused through the entire case, and applies at every stage thereof; and if, after having heard all of the evidence in this case, the jury have a reasonable doubt of the guilt of the accused upon the whole case, or as to any fact essential to prove the charge made against him in the indictment, it is their duty to give the prisoner the benefit of the doubt, and find him not guilty.

Gov. J. P. Jones

Ref.

INVESTIGATION NO.

The duty incumbent on the jury that the accused
is innocent to be innocent until his guilt is established
by the evidence. It is a principle of justice, and this
principle of innocence goes with the accused through
the entire case, and applies to every stage thereof; and it
after having heard all of the evidence in this case, the
jury have a reasonable doubt of the guilt of the accused
upon the whole case, or on any part presented to
them the charge made against him in the indictment, it
is their duty to give the prisoner the benefit of the
doubt, and find him not guilty.

*Entered by court clerk
for Case 1*

INSTRUCTION NO. _____

The jury are the sole judges of the weight of the evidence and the credibility of witnesses. And, in passing upon the weight to be given to any witness' testimony, the jury may consider the manner and deportment of the witness upon the stand, his means of knowing the facts of which he testifies, the interest, if any, he manifests, the interest, if any, he has in the result of the trial, his relationship, if any, to any party interested in the result of the trial, the probability or improbability of his testimony being true, and other matters that, in the nature of things, would add to or detract from the value of such witness' testimony. And, if you believe that any witness has willfully testified falsely to any material matter in this case, you should disregard such false testimony, and you are at liberty to disregard the whole or any part of such witness.

Exhibit 1
Exhibit 2

Exhibit 1

The jury are the sole judges of the weight of
the evidence and the credibility of witnesses. And, in
weighing the evidence, it is for you to say whether
believe, the jury may consider the manner and deportment
of the witness upon the stand, his means of knowing the facts
of which he testifies, the interest, if any, he manifests
in the result, if any, he has in the result of the trial,
his relationship, if any, to any party interested in the
result of the trial, the possibility of impeachment of
his testimony being true, and every matter that, in the
case at hand, would aid or detract from the value of
such witness' testimony. And, if you believe that any
witness has testified truthfully to any material
matter in this case, you should disregard such false
testimony, and you are at liberty to disregard the whole
or any part of such witness.

Ref.
INSTRUCTION NO. _____

The Court instructs the jury that a known motive for a course of action is always a powerful argument in favor of such action and the absence of any motive for its commission on the part of the person accused of a crime is strong evidence of his innocence.

Hannon v. State, 70 Wisconsin 448

Very Bad

Corn

Robert Lamm

Instructions for
Deputy
Managers

21

It is the duty of the jury to find a verdict
and the jury is always a sovereign
body in the trial of each case and the decision of
the jury for the commission on the part of the
person accused of a crime is strong evidence of his
innocence.

James V. Hays, 70 West Main St.

Very truly
yours

COMMONWEALTH

v.

ROBERT LAWSON

Charge to the Jury.

If the jury find the accused, Robert Lawson, not guilty, you will say so and no more.

If you find him guilty of malicious assault as charged in the indictment, you will say so and ascertain his punishment by confinement in the penitentiary for a period of not less than 1 year nor more than 10 years.

If you find him not guilty of malicious assault as charged in the indictment, but guilty of unlawful assault, then you will say so and ascertain his punishment by confinement in the penitentiary not less than 1 nor more than 5 years, or, in your discretion, by confinement in jail not exceeding 12 months and fined not exceeding \$500.

If you do not find him guilty of either of the felonies aforesaid but guilty of assault and battery, then you will say so and ascertain his punishment by confinement in jail for a period not exceeding 12 months or by a fine not exceeding \$500, or both such fine and imprisonment.

Commonwealth

v.

Robert Lawson

COMMONWEALTH

v.

ROBERT LAWSON

Charge to the Jury.

Charge to the Jury.
If you find the accused, Robert Lawson, not guilty, you will say so and no more.
If you find him guilty of malicious assault on a person, the indictment you will say so and ascertain his punishment by confinement in the penitentiary for a period of not less than 1 year nor more than 10 years.
If you find him not guilty of malicious assault on a person in the indictment, but guilty of unlawful assault, then you will say so and ascertain his punishment by confinement in the penitentiary not less than 1 nor more than 5 years, or, in your discretion, by confinement in jail not exceeding 12 months and fines not exceeding \$100.
If you do not find him guilty of either of the felonies aforesaid but guilty of assault and battery, then you will say so and ascertain his punishment or confinement in jail for a period not exceeding 12 months or by a fine not exceeding \$500, or both such fine and imprisonment.

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 said court at its June term, 1921, upon their
oaths do present, that Robert Lawson on the 29th day of
May, 1921, in said county and upon one Henry Raines, did
make an assault, and him, the said Henry Raines, feloniously
and maliciously did stab and cut with intent him, the said
Henry Raines, then and there to maim, disfigure, disable,
and kill, against the peace and dignity of the Commonwealth
of Virginia.

L H Bruce - This indictment is found on the testimony of
Henry Raines, Texanna Lewis, Minor Garrison, Bessie Gar-
rison, and Eleanor Garrison, witnesses sworn in court and
sent before the grand jury to give evidence.

We the jury find the accused Robert Lawrence
 guilty of unlawful assault upon Harry
 Rames with intent him the said Harry Rames
 to maim, disfigure, disable or kill as charged
 in this indictment and fix his punishment at
 imprisonment in the penitentiary for eighteen
 months -

Geo. E. Whitely
Foreman
 In testimony whereof I have hereunto set my hand and the seal of said County at the City of Birmingham this 1st day of June 1921.

The Jurors of said County of Birmingham at Birmingham

Commonwealth
 v) Indictment
 Robert Lawrence
 Felony
 Felonious Assault
 June Term, 1921
 A True Bill
 Foreman
J. R. Eastman
 D. W. Tamm
 Commonwealth's Attorney

and before the Grand Jury to give evidence.
 them, and Eleanor Garrison, witnesses sworn in court and
 Harry Garrison, Thomas Latta, Minor Garrison, Charles Jap-
 son. This indictment is found on the testimony of