

TO THE SHERIFF OF ROCKINGHAM COUNTY, VIRGINIA.

The following list of persons of the County of Rockingham, residing remote from the place where the offense is charged to have been committed, and in other respects qualified to serve as Jurors, is furnished you, from which you shall take the 26 Veniremen summoned by you to serve as jurors upon the trial of Cletus Shifflett, charged with felony, set for the 23rd day of Oct., 1924, of the Circuit

Court of Rockingham County.

S. Burne Bradley ✓	H.	Jos. Shank ✓	P.
Henkel Phares ✓	C.	A. W. Koontz	P.
M. W. Long ✓	L. ✓	Amos D. Wenger ✓	A.
R. G. Dingledine ✓	H.	J. D. Carber ✓	A.
John W. Myers ✓	L.	Jos. Blosser ✓	H.
A. E. Fletcher ✓	H.	Solon Cline ✓	C.
B. F. Rodeffer ✓	C.	W. L. Arey ✓	H.
E. R. Shank ✓	L.	A. B. Glick ✓	A.
W. C. Wampler ✓	C.	E. R. Brunk ✓	C.
G. O. Kenney ✓	A.	T. A. Rush ✓	S.
L. O. Myers ✓	C.	H. A. Converse ✓	H.
Job S. Evers ✓	A.	Clarence W. Armentrout L.	
C. W. Kendrick ✓	A.	Homer M. Myers ✓	L.
D. C. Acker ✓	B.	R. F. Swartz ✓	C.
W. J. Leffel ✓	C	Samuel Carber ✓	F. A.

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ROCKINGHAM COUNTY—GREETING:

You are hereby commanded to summon 26 persons of the county of Rockingham, to be taken from a list furnished by the ^{clerk} ~~judge~~ of the Circuit Court of Rockingham County residing remote from the place where the offense is charged to have been committed, and qualified in all other respects, to serve as jurors, to attend and appear before the Circuit Court of Rockingham County, at the County Court House, on the 23rd day of Oct., 19 24, to serve as jurors upon the trial of Cletus Shifflett charged with felony.

And this they shall in no wise omit, under the penalty of \$100. And have then and there the names of said persons and this writ.

Witness, J.F. Blackburn, Clerk of our said Court, at the Court House, the 9th day of Oct., 19 24 and in the 49th year of the Commonwealth.

J.F. Blackburn Clerk

executed Oct. 23, 1894 by delivering a true copy of the

within Summons to

ad litem named Jurice
sent in person by me or deputy.

E. W. Dove, d. H. S.

The following list is furnished the
Sheriff from which to summon two persons
to complete the panel of the jury for the trial of
Clatus Shiffall on a charge of felony:

J. H. Hears. Judge

List

F. B. Barber

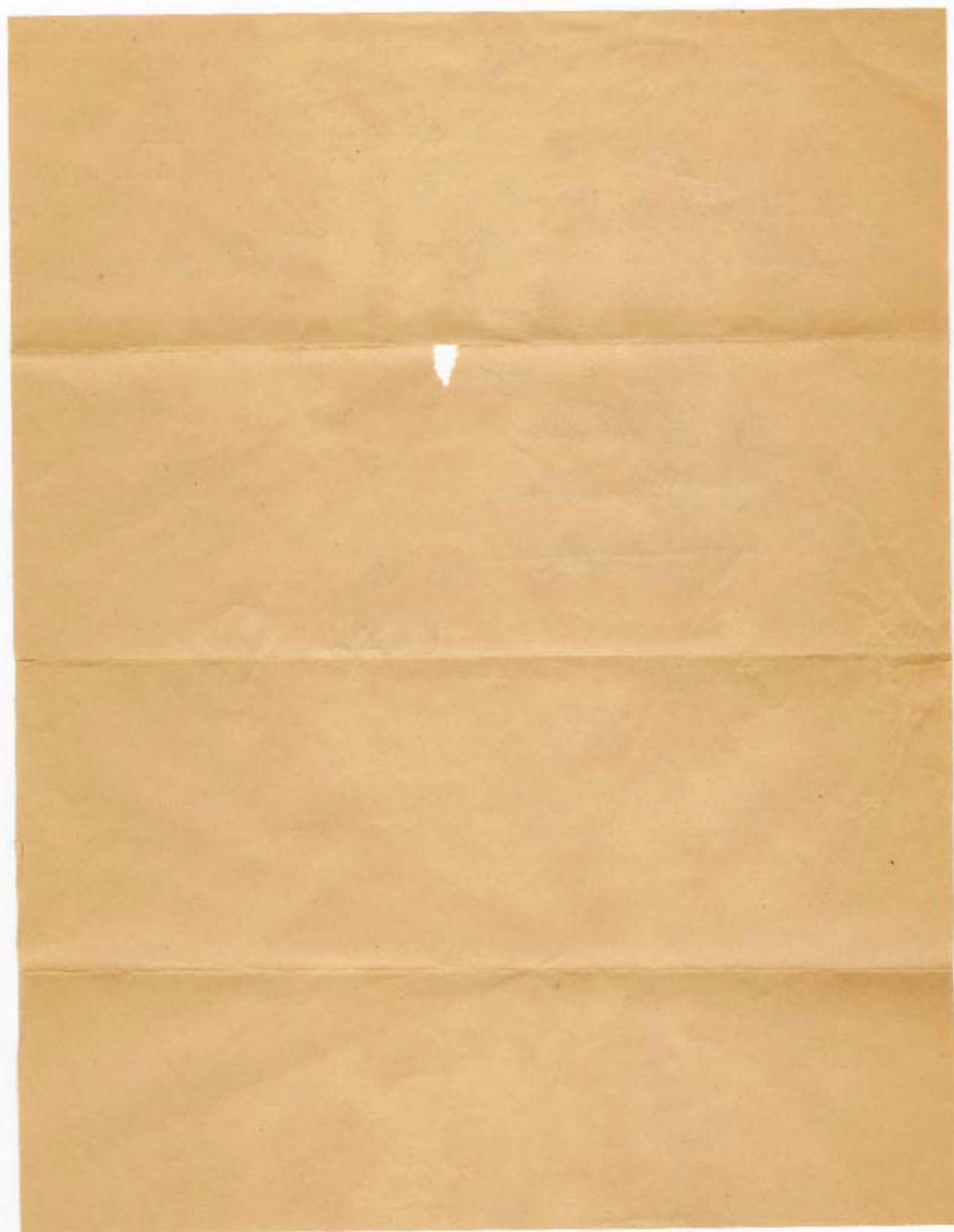
J. C. Shickley

~~L. S. Dickinson~~

~~G. D. Baker~~



J. H. Hears. Judge



P. A. Hlean	1.90
F. A. Taylor	2.90
W. W. Berry	1.50
W. S. Miller	2.80
J. S. Lane	2.50
J. W. Hume	1.50
H. T. Senter	3.30
G. R. Myers	2.60
Lane W. F. Long	3.10
T. P. Leasing	1.50
J. W. Mott	3.00
J. W. Thompson	3.30
G. B. Knapp	3.00
Floyd Brunk	1.60
W. M. Conroy	2.00
J. B. Hall	1.80
Thos. Moore	2.80
O. V. Smith	1.50
<hr/>	
2	42.60
<hr/>	
	21.30

In the Circuit Court of Rockingham County,

Term 190

of Rockingham for the sum of \$

for Service

this day presented in Court on account against the Court

07.6

~~48~~

52.4

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

52.1

1900-9

Clerk.

08.1

1900-9

From the Sheriff.

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 April term, 1924, upon their oaths do present that Cletus Shifflett, a married man, on or about the 12th day of May, 1923, in the said County, did unlawfully and feloniously seduce and have illicit connection with Lee Joanson, an unmarried female of previous chaste character, ~~and~~ ~~thereby~~, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of C. W. West, C. W. Johnson, and Lee Johnson, witnesses sworn in court and sent before the grand jury to give evidence.

We the jury find the accused, ^{Clarus Shippert} not guilty
E. R. Shand Attorney

Seduction

COMMONWEALTH

v.

CLARUS SHIPPERT

A FELONY

A TRUE BILL

18 March
JEREMIAH

Set for trial

J. W. JEREMIAH
COMMONWEALTH'S ATTORNEY.

INSTRUCTION No. 1

The Court instructs the jury that in this case, as in all criminal cases, the accused's plea of not guilty raises a presumption of innocence in his favor and puts on 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 shown 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. And the Court further tells the jury that a reasonable doubt is that state of the case which, after comparison and consideration of all the evidence, leaves the minds of the jurors in such condition that they cannot say that they feel an abiding conviction to a moral certainty of the truth of the charge.

Refr
INSTRUCTION No. 2

The Court instructs the jury that in criminal cases confessions and admissions of the accused should be received by them with great caution and the jury should consider all the circumstances under which the statements were made by the accused to witnesses Stanley and Smith in determining their exact meaning and nature.

Refr
INSTRUCTION No. 3

The Court instructs the jury that if they believe from the evidence that the accused had sexual intercourse with the prosecutrix, Lee Johnson, but that the said sexual intercourse was against her consent, then the Court instructs the jury that they cannot find the accused guilty of seduction as charged in the indictment.

Refr
INSTRUCTION No. 4

The Court further instructs the jury that under the law of Virginia the accused cannot be convicted of seduction on the testimony of the prosecutrix unsupported by other evidence.

Copy
INSTRUCTION No. 1

The Court instructs the jury that in criminal cases confessions and admissions of the accused should be received by them with great caution and the jury should consider all the circumstances under which the statements were made by the accused to witnesses separately and jointly in determining their exact meaning and value.

Copy
INSTRUCTION No. 2

The Court instructs the jury that if they believe from the evidence that the accused had sexual intercourse with the prosecutrix, the presumption is that the act was committed with intent to defraud, but that the jury may find otherwise if they cannot find the accused guilty of seduction as charged in the indictment.

Copy
INSTRUCTION No. 3

The Court further instructs the jury that under the law of Virginia the accused cannot be convicted of seduction on the testimony of the prosecutrix unsupported by other evidence.

INSTRUCTION No. 5

Rep.

The Court instructs the jury that although they believe from the evidence that Cletus Shifflett had intercourse with Lee Johnson, yet if they further believe from the evidence that the first act of intercourse was not with her consent but was accomplished by force, or if they believe such intercourse was by mutual consent and for the gratification of their mutual sexual desires, they should find the defendant not guilty.

Page 1

INSTRUCTION No. 1

The Court instructs the jury that although they believe from the evidence that Elsie Griffith had intercourse with her husband, yet if they further believe from the evidence that the first act of intercourse was not with her consent but was accomplished by force, or if they believe such intercourse was by mutual consent and for the gratification of their mutual sexual desires, they should find the defendant not guilty.

INSTRUCTION No. 6.

Ref.

The Court instructs the jury that seduction as applied to this case is the offense of inducing an unmarried female of previous chaste character by a married man to consent to unlawful sexual intercourse by inducements and influences which overcome her scruples.

Inclosure

for before

Return

can

Letter of

Beet

not enclosed.
sexual intercourse by individuals and influence which system
between objects connected by a married man so consent to unlawful
and need of the office of inducing an unmarried female of
The court instructed on July that education as applied to

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

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

You are hereby commanded to summon

Emmett or "Duck" E. Spivey

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House, at 10 o'clock, a. m., on the *23* day of *Oct.* 19 *24*

to testify and the truth to say in behalf of the Defendant in the prosecution of the Commonwealth, Plaintiff, against

Clatus Shifflett

Defendant

And this *he* 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 *18* day of *Oct.* 19 *24* and in the *14*th year of the Commonwealth.

J. F. Blackburn, Clerk.

Executed on Emulal or Duck Esque by
Delivering a true copy of the With in
Summon and Reading and explaining them

L. T. Burke Constable

Page 60

Commonwealth

in the Name of the Commonwealth of Virginia:

Clitus Shiffett

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Chas A. Stanley

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 23rd day of Oct. 1924 to testify and the truth to say in behalf of the Commonwealth against

Clatus Shifflett

who stands charged with and indicted for a felony misdemeanor.

And this he 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 8 day of Oct. 1924 and in the 14th year of the Commonwealth.

J. F. Blackburn

Clerk.

Executed by delivering a true copy of the
With in summons upon Charles A Stanley
and explaining the same to him
OCT 14 24 J. J. Burke Constable

of Page 50

Chas. A. Stanley

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Edgar Haunes,
Lula Shufflett, Mrs. John F. Shufflett,
Eamarr Shufflett, Johnnie May,
Eunest Shufflett, Chas. Dyke, W. F.
Shipplett, Warfield Lane, Paul Lane
Virginia Wamble, R. A. Frazier, Layton Johnson,
R. H. Bridges, Gurnett Lifer
to appear before the Judge of the Circuit Court of Rockingham County, at the Court
House, at 10 o'clock, a. m., on the 21 day of May 1924
to testify and the truth to say in behalf of the Defendant in the prosecution of the Common-
wealth, Plaintiff, against

Cletus Shufflett

Defendant

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
17 day of May, 1924, and in the 14th year of the Commonwealth.

J. F. Blackburn, Clerk.

Exp entered with in May 19/24
by sending a Mrs. Abbott in person
to Mr. C. W. Shifflett in the City in
order to get the property of the
for C. W. Shifflett

Cletus S. Shifflett

and
Commonwealth of Virginia
Commonwealth of Virginia
Commonwealth of Virginia

Paid

E. D. Ott

Shifflett
Paid to
G. W. Shifflett
D. L. By defendant.

May 21, 1924

In the Name of the Commonwealth of Virginia:

Sergeant City of Winchester
To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Dr. Geo. H. Smarr

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 *23* day of *Oct.* 19*24* to testify and the truth to say in behalf of the Commonwealth against

Clatus Shifflett

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

And this *he* 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 *8* day of *Oct.* 19*24* and in the 1*4*th year of the Commonwealth.

J. F. Blackburn, Clerk.

Comm.

vs

Cletus Schifflett

Executed the within
summons by delivering
a true copy in person
to Dr Geo. G. Swan
this 15th day October
1924

Adam Forney
1st of City of
Winchester Va

Oct. 23, 1924

in future send stamp for Return

or No Return

Arrest Warrant

Budy born 2/12/24

C. W. West
C. W. Johnson

COMMONWEALTH OF VIRGINIA, } TO WIT:
ROCKINGHAM COUNTY,

To The Sheriff or Any, a Constable of said County:

Whereas, C. W. Johnson of the said County, has this day made complaint and information on oath before me, R. H. Bridges a Justice of the said County, that Clatus Shifflett, a married man

of the said County, on the June day of 1923, in the said County, did unlawfully and feloniously seduce and have illicit connection with one Lee Johnson, she being an unmarried female of previous chaste character and under the age of sixteen years.

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

Clatus Shifflett
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 12 day of February, in the year 1924

R. H. Bridges J. P. (Seal)

Elkton Va
Feb 12, 1924

The Defendant in
this Case having
Examination is
sent on to await
the action of the
grand jury.

R. H. Bridger, J.P.

Commonwealth

vs.

Arrest Warrant

Coltux Shifflett.

Executed the within warrant by arresting
and delivering the body of

Coltux Shifflett

before

R. H. Bridger

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

this 12 day of Feb

1924

M. W. Shifflett

Constable of Rockingham County.

Rep.

The Court instructs the jury that
in Criminal cases confessions and
admissions of the accused should be
received by them with great caution and
the jury should consider all the circum-
stances under which the statements were made
by the accused to witnesses Stanley and Smith
~~and~~, in determining their exact
meaning and nature.

See Black case 977-772-3

We desire to move to strike
out the statements testified to
by Smith & Stanley.

If the motion is over-ruled
we offer the above instructions.

E. & A. saved.

EXHIBIT

SUNDAY

SEPTEMBER 1923

SEPT. 9

MONDAY

10

TUESDAY

11

WEDNESDAY

12

THURSDAY

13

FRIDAY

14

SATURDAY

15



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BALTIMORE OFFICE SUPPLY CO.

MANUFACTURING STATIONERS

BALTIMORE, MARYLAND

Ref.

INSTRUCTION No. 2

The Court further instructs the jury that if they believe from the evidence that the accused had sexual intercourse with the prosecutrix, Lena Johnson, but that the said sexual intercourse was against her consent, then the Court instructs the jury that they cannot find the accused guilty of seduction as charged in the indictment.

Copy

EXHIBIT No. 1

The Court further instructed the jury that if they believe from

the evidence that the defendant had sexual intercourse with the

victim, then the jury should find that the defendant was

guilty of the crime charged, unless the jury believes from the

evidence that the defendant was not guilty of the crime charged.

Given in Mod. Term

INSTRUCTION No. 2.

The Court further instructs the jury that under the law of Virginia the accused cannot be convicted of seduction on the testimony of the prosecutrix unsupported by other evidence.

James M. Smith, Jr.

INSTRUCTION NO. 1

The Court further instructs the jury that under the law of
this State the accused cannot be convicted of seduction on the testimony
of the prosecutrix unsupported by other evidence.

Ref.

INSTRUCTION No. 4

The Court instructs the jury that although they believe from the evidence that Cletus Shiflett had intercourse with Leal Johnson, yet if they further believe from the evidence that the first act of intercourse was not with her consent but was accomplished by force, or if they believe such intercourse was by mutual consent and for the gratification of their mutual sexual desires, they should find the defendant not guilty.

INSTRUCTION No. 10

The Court instructs the jury that although they believe from the evidence that Clara Bullett had intercourse with Earl Johnson, yet it does not follow that the witness that the intercourse was accomplished by force, or it may have been by mutual consent and for the gratification of their mutual sexual desires, they should find the defendant not guilty.

Rep.

INSTRUCTION No. 5.

The Court instructs the jury that in arriving at a verdict in this case they have a right to give such weight to the good character of the accused as they may deem proper in considering it together with the other evidence in this case; and that they have the right, in their discretion, to acquit the accused upon the evidence of his good character, if they believe the evidence of his good character is sufficient to raise a reasonable doubt as to his guilt when all the evidence of the case is considered together.

INSTRUCTION NO. 2

The Court instructs the jury that in arriving at a verdict in this case they have a right to give such weight to the good character of the accused as they may deem proper in considering it together with the other evidence in this case; and that they have the right, in their discretion, to accept the accused upon the evidence of his good character, if they believe the evidence of his good character is sufficient to raise a reasonable doubt as to his guilt when all the evidence of the case is considered together.

INSTRUCTION NO. 6

Com
Cecilia Thurgill
Business. for
Deference. My.

INSTRUCTION NO. 1

The Court instructs the jury that seduction as applied to this
case is the offense of inducing an unmarried female of previous chastity
to have carnal intercourse by a married man or woman to unlawful sexual intercourse by
inducement and without her consent.

INSTRUCTION NO. 1.

The Court instructs the jury that in this case, as in all criminal cases, the accused's plea of ~~not~~ guilty raises a presumption of innocence in his favor and puts on 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 shown in evidence, there exists in the minds of the jury a reasonable doubt as to the guilt of accused, they should find him not guilty. And the Court further tells the jury that a reasonable doubt is that state of the case which, after comparison and consideration of all the evidence, leaves the minds of the jurors in such condition that they cannot say that they feel an abiding conviction to a moral certainty of the truth of the charge.

The Court instructs the jury that in this case, as in all criminal cases, the accused's plea of not guilty raises a presumption of innocence in his favor and puts on 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 shown in evidence, there exists in the minds of the jury a reasonable doubt as to the guilt of accused, they should find him not guilty. And the Court further tells the jury that a reasonable doubt is that state of the case which, after comparison and consideration of all the evidence, leaves the minds of the jurors in such condition that they cannot say that they feel an abiding conviction to a moral certainty of the truth of the charges.

INSTRUCTION No. 2.

The Court instructs the jury that in a seduction case the testimony of the female alleged to have been seduced should be scrutinized with caution, and that under the law of this State a verdict of guilty can not be had on her unsupported testimony. Some corroboration of her is required. The law does not prescribe the degree or quantity of corroboration necessary; that is a matter for the jury. There must be such corroboration of her testimony in the testimony of other witnesses, the circumstances proven by other witnesses, or in circumstances appearing on the trial, as strengthens or confirms her testimony and taken with her testimony satisfies the jury beyond reasonable doubt of the guilt of the accused. It need be such only as the character of the matter admits of.

INSTRUCTIONS NO. 1

The Court instructs the jury that in a robbery case the testimony of the female witness is to be given the same weight as that of the male witness, and that under the law of this State a verdict of guilty can not be had on her unsupported testimony. Some restriction of her is required. The law does not prescribe the degree of quantity of corroborative testimony; that is a matter for the jury. There must be such corroboration of her testimony in the testimony of other witnesses, the circumstances proven by other witnesses, or in circumstances appearing on the trial, as circumstances or confirm her testimony and taken with her testimony satisfies the jury beyond reasonable doubt of the guilt of the accused. It need be such as the character of the matter admits of.

Sp.

INSTRUCTION NO. 3

The Court instructs the jury that seduction, as the term applies to this case, is carnal knowledge of an unmarried female of previous chaste character by a married man, procured by solicitation, persuasion, artifice or enticements that overcome her scruples. Seduction does not exist when the female of her own accord, uninfluenced by any artifice, persuasion or enticement of the man, in pursuit of her own pleasure or desire seeks or consents to the intercourse solely to gratify her own lust.

Acquiescence or consent ^{procured} ~~by the use of~~ by the use of mild or gentle force, or by fondling or exciting the passions, is seduction.

INVESTIGATION NO. 1

The Board instructs the jury that seduction, as the term applies

to this case, is carnal knowledge of an unmarried female of previous
chaste character by a married man, procured by solicitation, persuasion,
artifice or enticement that overcomes her resistance. Seduction does
not exist when the female of her own accord, uninduced by any
artifice, persuasion or enticement of the man, is guilty of her act.
Gleason or Gleason seeks to connect the intercourse solely to
eroticism and not to lust.

Inducement or enticement by the use of mild or gentle
force, or by leading or exciting the passions, is seduction.

INSTRUCTION No. 4.

A female of previous chaste character, as these words are used in the law concerning seduction, is one who before the act alleged in the indictment had preserved her chastity in the sense that she had kept her body from actual defilement by a man.

INSTRUCTION No. 1

A female of previous character, as shown by her record
in the law concerning seduction, is one who before the act alleged in
the indictment has preserved her chastity in the sense that she has
kept her body from actual defilement by a man.

INSTRUCTION No. 5.

In a prosecution for the seduction of an unmarried female of previous chaste character, the previous chastity of the female is presumed and the burden is on the defendant to impeach it if previous unchastity is relied on as a defence.

INVESTIGATION No. 1

It is a presumption for the admission of an unsworn statement of
a witness that the statement is true, the burden of proof is
placed on the defendant to show that the statement is untrue.
The burden of proof is on the defendant to show that the statement is untrue.

INSTRUCTION No. 6.

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 have a right to take into consideration the demeanor or bearing of the witnesses on the stand; their manner of testifying; their interest in the result of the case if they have any; the relationship of the witnesses to the parties concerned; their intelligence; the reasonableness or unreasonableness of their statements; and all the circumstances appearing on the trial; and to give such credit to the testimony of the different witnesses as under all the circumstances the jurors think they are entitled to.

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 have a right to take into consideration the demeanor or bearing of the witnesses on the stand; their manner of testifying; their interest in the result of the case if they have any; the relationship of the witnesses to the parties concerned; their intelligence; the reasonableness or unreasonableness of their statements; and all the circumstances appearing in the trial; and to give such credit to the testimony of the different witnesses as under all the circumstances the jurors think they are entitled to.

COMMONWEALTH

vs.

CLETUS SHIFFLETT

Charge to the Jury.

If you find the accused, Cletus Shifflett, 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 by confinement in the penitentiary for a period of not less than two nor more than 10 years.

Commonwealth

v.

Cletus Shifflett

Charge to the Jury

D. W. Earmen
Commonwealth's Attorney

We find the accused, Peter Shipple
not guilty.

E. R. Shaw, Foreman



October ~~1st~~ 1724

CLETUS SHIFFLETT

1724

see

Felony

COMMONWEALTH

Jury

Chas. E. King ✓

W. H. Frank

M. O. Showalter

R. L. Miller ✓

Chas. A. Carmichael ✓

W. T. Hinton ✓

W. P. Anthony ✓

J. R. Breuninger ✓

T. A. Moore ✓

Chas. R. Fawcett ✓

J. M. Leutner ✓

F. Barth Foster ✓

Oct 23 1924

S. B. Bradley ✓

Hankel Phares ✓

M. W. Long ✓

B. T. Rodeffer ✓

E. R. Shank ✓

L. C. Myers ✓

W. J. Leffel ✓

J. L. Foster ✓

Joseph Blaser ✓

E. R. Brunk ✓

T. A. Ruck ✓

R. F. Swartz ✓