

Arrest Warrant

Commonwealth of Virginia, }
Rockingham County, } To-Wit:

To The Sheriff, a ~~Justice~~ of said County:

Whereas, C. R. Fawley of the said County, has this day made complaint and information on oath before me, W. L. Dinmore a Justice of the said County, that Robert Baldwin of the said County, on the 1st day of December, 1929, in the said County, did unlawfully and feloniously kill and murder one Annie Cullers, while operating an automobile recklessly and under the influence of ardent spirits, against the peace and dignity of the Commonwealth of Virginia

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 Robert Baldwin 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 3rd day of December, in the year 1929

W. L. Dinmore J. P. [Seal]

STATE OF VIRGINIA—COUNTY OF ROCKINGHAM, TO-WIT:

County of Rockingham, Virginia, do hereby certify that

have this day acknowledged themselves indebted to the Commonwealth of Virginia in the sum of

Dollars (\$)

to be made and levied of their goods and chat-

els, upon this condition: That the said shall appear before the under-

signed at the Circuit Court of Rockingham County, on the day of

19

and not leave hence without leave of the said Court, to answer the charge in this warrant, or to await the

action of the Grand Jury of the said County upon the within charge.

19

J. P.

JUDGMENT

Commonwealth

vs. Arrest Warrant

Robert Baldwin

Upon the examination of the within charge, I find the accused

Preliminary hearing waived. This case sent on to

Grand Jury for investigation and report.

Fine \$

Clerk's Fee \$

Justice's Fee \$

Arrest \$

Summoning Witness \$

Witness Attendance and Mileage \$

Commonwealth's Attorney \$

Jail Fees \$

Total \$

W. L. Dinmore

Justice of the Peace.

Executed the within warrant by arrest- ing and delivering the body of

Robert Baldwin

before W. L. Dinmore

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

this 3rd day of December 19 29

C. H. Lawley
SHERIFF of Rockingham County
Sheriff

Commonwealth of Virginia,
Rockingham County, To-Wit:

BE IT REMEMBERED, that on the 7th day of December, 19 29

Robert Baldwin, principal and Thos E. Lloyd

surety, who justified to his sufficiency, came before me, W. L. Dinsmore

Justice of the Peace

(U. P. or Bail Commissioner)

, of the said County of Rockingham,
and acknowledged themselves to be indebted to the Commonwealth of Virginia each in the sum of

ONE THOUSAND Dollars, (\$ 1,000),

to be levied of their respective goods and chattels, lands and tenements, for the use of the Commonwealth of Virginia rendered, and they each severally waived their homestead exemption to their recognizance; yet upon this condition:

That if the said Robert Baldwin shall personally appear before the Circuit Court of Rockingham County, at the Courthouse of said County, on the 1st day of the December Term thereof, being the 16th day of December, 19 29, and at such other time or times to which the proceedings may be continued or further heard, and before any court or judge hereafter having or holding any proceedings in connection with the said charge, and then and there answer the Commonwealth of Virginia concerning a certain Felony whereof the said Robert Baldwin stands charged, and be bound under said recognizance until the charge is finally disposed of or until it is declared void by order of a competent court, then the above recognizance shall be null and void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, I hereunto affix my signature this 7th day of December, 19 29



(J. P. ~~XXXXXXXXXXXXXXXXXXXX~~)

Commonwealth of Virginia
Rockingham County, To-Wit:

BE IT REMEMBERED that on the 7th day of December 1929

Robert Baldwin, Plaintiff and Thomas K. Lloyd,

Defendants, who appeared in the said case, W. J. Dinwiddie,

Judge of the Peace

ONE THOUSAND
Dollars (\$1,000)

in full of their respective debts and charges and to the use of the Commonwealth of Virginia, and they each severally warrant their payment of the same as herein provided for upon the conditions

That if the said Robert Baldwin

the Clerk of Rockingham County, Virginia, do hereby certify that on the

December 15th day of December

1929, and at such time or times as may be required by law, he shall pay out of his own pocket or funds or by the payment of any person or persons in connection with the said charge, and then and there appear the Commonwealth of Virginia, concerning a certain

whereof the said Robert Baldwin

charged, and he hereby certifies that the same shall be fully paid and that he

will be liable in full here and there

In Witness Whereof, I have hereunto set my signature this 7th

December 1929

W. J. Dinwiddie

Virginia, Rockingham County, to-wit:

Commonwealth vs. Robert Baldwin

STATEMENT OF COSTS

JUSTICE OF THE PEACE.....	Arrest Warrant	\$	1	00
	Search Warrant	\$		
	Trial	\$		
CONSTABLES, SHERIFF, SERGEANT.....	Ball	\$		
	Arrest	\$	1	50
	Search Warrant	\$		
ATTORNEY FOR THE COMMONWEALTH	Sum. Witnesses	\$	5	00
	Mileage	\$		
	Other Fees Jail Com & Board	\$	3	50
	<i>J. P. Covert</i>	\$	12	60
CLERK OF THE COURT.....	<i>J. P. Covert</i>	\$	10	00
	Report of Fines, etc.	\$		
	Witness Certificates	\$		
	Trial	\$		
	Other Costs	\$		

Witnesses—Names	Days	Miles	Tolls	Amount
<u>Edward Caplinger</u>	1	55 Net	\$	\$ 3.25
<u>Russell Baker</u>	1	46 "	\$	\$ 2.80
<u>Wm Aubright or Albright</u>	1	46 "	\$	\$ 2.80
<u>John Fithers</u>	1	46 "	\$	\$ 2.80
<u>Clarence Dohrr</u>	1	47 "	\$	\$ 2.85

I hereby certify that the following additional witnesses were examined for the Commonwealth and were material witnesses:

Witnesses—Names	Days	Miles	Tolls	Amount
<u>Jacob Wm Aubright or Albright</u>	1	36 Net	\$	\$ 2.30
<u>Levi Severs</u>	1	71 "	\$	\$ 4.05
<u>Dale Riggleman</u>	1	14 "	\$	\$ 1.70
<u>Jesse Moyers</u>	1	56 "	\$	\$ 3.30
<u>A. C. Runion</u>	1	30 "	\$	\$ 2.00

I hereby certify that the foregoing is a correct statement of costs.

W. L. Dimmore, Jr.

Commonwealth vs. Robert Baldwin

STATEMENT OF COSTS

1 00	1	Attorney's Fees	10 00
	1	Witnesses	10 00
	1	Deeds	10 00
	1	Books	10 00
	1	Stationery	10 00
	1	Travel	10 00
	1	Other	10 00
	1	Cost of Court	10 00
	1	Cost of Witnesses	10 00
	1	Cost of Deeds	10 00
	1	Cost of Books	10 00
	1	Cost of Stationery	10 00
	1	Cost of Travel	10 00
	1	Cost of Other	10 00
	1	Cost of Court	10 00
	1	Cost of Witnesses	10 00
	1	Cost of Deeds	10 00
	1	Cost of Books	10 00
	1	Cost of Stationery	10 00
	1	Cost of Travel	10 00
	1	Cost of Other	10 00

Edward Goffinger	1	58 Net	\$ 2.85
Russell Baker	1	46 "	\$ 2.80
John Phipps	1	46 "	\$ 2.80
Clarence Dohy	1	47 "	\$ 2.85

I hereby certify that the following additional witnesses were examined for the Commonwealth and were material witnesses:

A. C. Barton	1	30 "	\$ 2.00
Lease Myers	1	55 "	\$ 2.80
Dale Sigelman	1	14 "	\$ 1.70
Levi Myers	1	71 "	\$ 4.05
James Adair or Albright	1	55 Net	\$ 2.50

I hereby certify that the foregoing is a correct statement of costs.

W. P. [Signature]

INSTRUCTION NO. 4

The Court instructs the jury that any person driving an automobile on a highway shall drive the same at a careful and prudent speed not greater nor less than is reasonable and proper having due regard to the traffic, surface and width of the highway and of any other conditions then existing; and that subject to these provisions it shall be prima facie lawful for the driver to drive the same at a speed not exceeding thirty-five miles per hour, except in passing a school during recess, in passing through a business district, and in passing through a residential district in a town or city.

The Court instructs the jury that any person driving an auto-
mobile on a highway shall drive the same at a careful and prudent
speed not greater than that is reasonable and proper having due
regard to the traffic, weather and width of the highway and of any
other conditions then existing; and that subject to these provisions
it shall be prima facie lawful for the driver to drive the same at
a speed not exceeding thirty-five miles per hour, except in passing
a slower moving vehicle, in passing through a business district, and
in passing through a residential district in a town or city.

INSTRUCTION NO. 13

The Court instructs the jury that any person who drives an automobile upon a highway recklessly, that is, without reasonable care, or at a speed or in a manner so as to endanger, or be likely to endanger the life, limb, or property of any person, shall be guilty of reckless driving.

INSTRUCTION NO. C

The Court instructs the jury that involuntary manslaughter is the killing of a person accidentally or unintentionally while in the doing of some unlawful act, not felonious, or in the improper or negligent performance of a lawful act.

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The Court instructs the jury that involuntary manslaughter
is the killing of a person accidentally or unintentionally while
in the doing of some unlawful act, not felonious, or in the im-
proper or negligent performance of a lawful act.

J

The Court instructs the Jury that if they believe from the evidence that Robert Baldwin was driving his automobile under the influence of ardent spirits at the time of the accident and that the driving of said automobile by him in this condition caused her death, then you will find him **guilty** as charged in the indictment.

10/1

The Court instructed the jury that it may de-
rive from the evidence that Robert Baldwin was driving his
automobile under the influence of alcohol at the time
of the accident and that the driving of said automobile by
him in such a negligent manner was the proximate cause of his
death. It is the duty of the jury to determine whether or not
Baldwin was negligent in the instant.

INSTRUCTION NO. *f*.

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.

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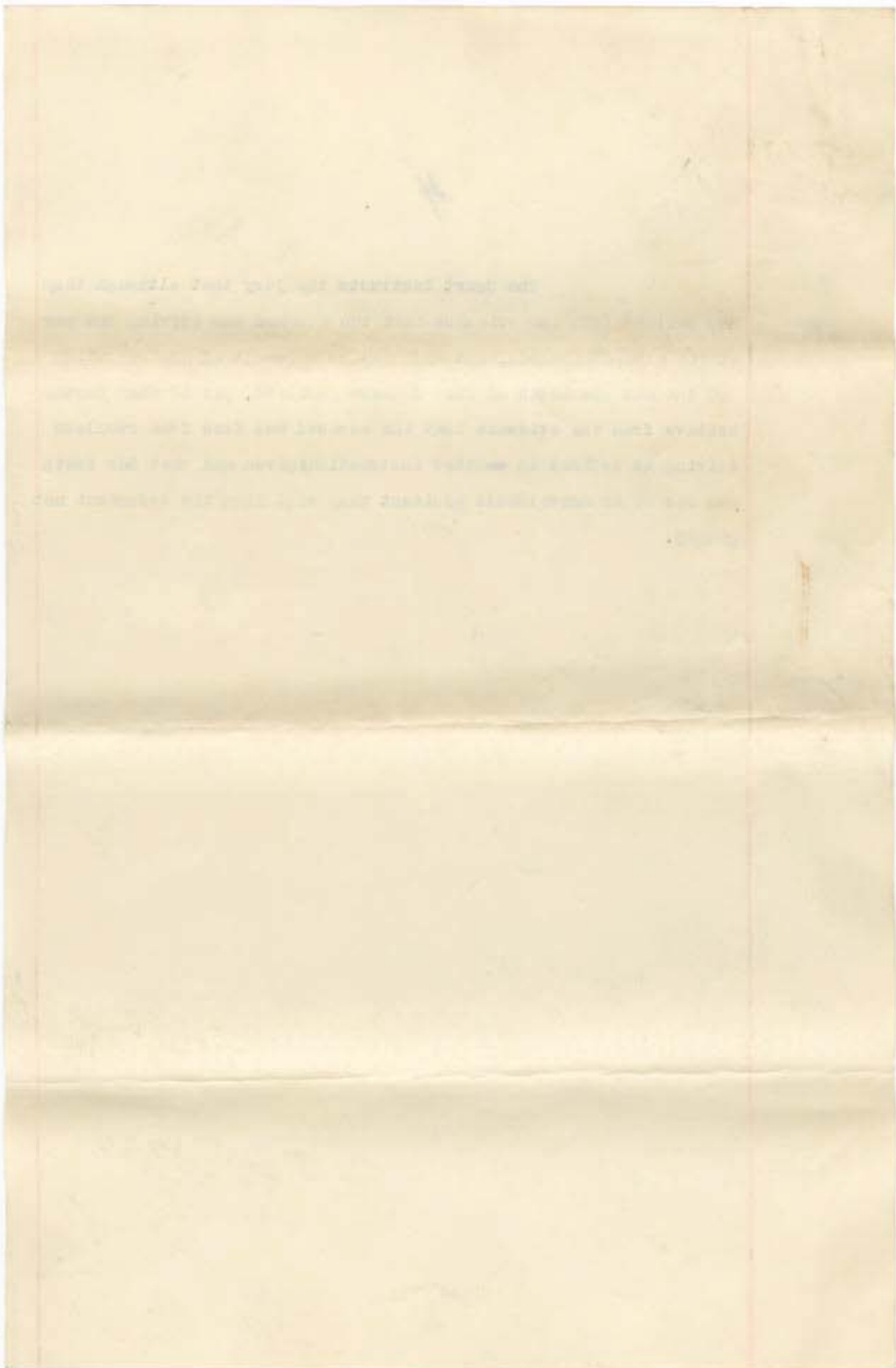
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INSTRUCTION NO. 3.

The Court instructs the jury that mere suspicion or probability of guilt will not suffice to justify the conviction of the accused, but in order to a conviction the minds of the jury must be satisfied by the evidence of the guilt of the accused beyond a reasonable doubt. The guilt of the accused is not to be inferred merely because the facts proven are consistent with his guilt, but they must be inconsistent with his innocence.

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The Court instructs the jury that although they may believe from the evidence that the accused was driving the car at the time of the accident and that as a result of his operation of the car the death of Miss Gellers resulted, yet if they further believe from the evidence that the accused was free from reckless driving as defined in another instruction given and that her death was due to an unavoidable accident they will find the defendant not guilty.



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY VIRGINIA

COMMONWEALTH :
V : CHARGE TO THE JURY
ROBERT BALDWIN :

If you find the accused, Robert Baldwin, 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 not less than one year nor more than five years, or, in your discretion, by confinement in jail for a period not exceeding one year, or by a fine not exceeding one thousand dollars, or both such fine and imprisonment.

IN THE COURT OF COMMONS

CHARGE TO THE JURY

...

...

The jury is charged to find the facts of the case, and to return a verdict accordingly. The evidence is as follows: ...

Charge to the jury

John H. White	3.70
E. C. Nuffman	3.55
John C. Eaton	4.50
J. W. Bars	4.20
Fredk. Bette	2.50
R. S. Filler	2.60
R. P. Engman	4.30
G. S. Shippert	3.25
J. P. Harpue	4.10
E. W. Messerly	3.10
Natent W. Wick	3.50
W. H. Carrier	4.50
J. W. Lowry	3.90
A. S. Gork	3.25
John H. Myers	4.00
B. H. Bell	4.10
C. S. Showalter	2.80
John H. Berman	3.70
Sam'l S. Berman	2.85
W. H. Linscom	2.65

In the Circuit Court of Rockingham County,

Term 190...

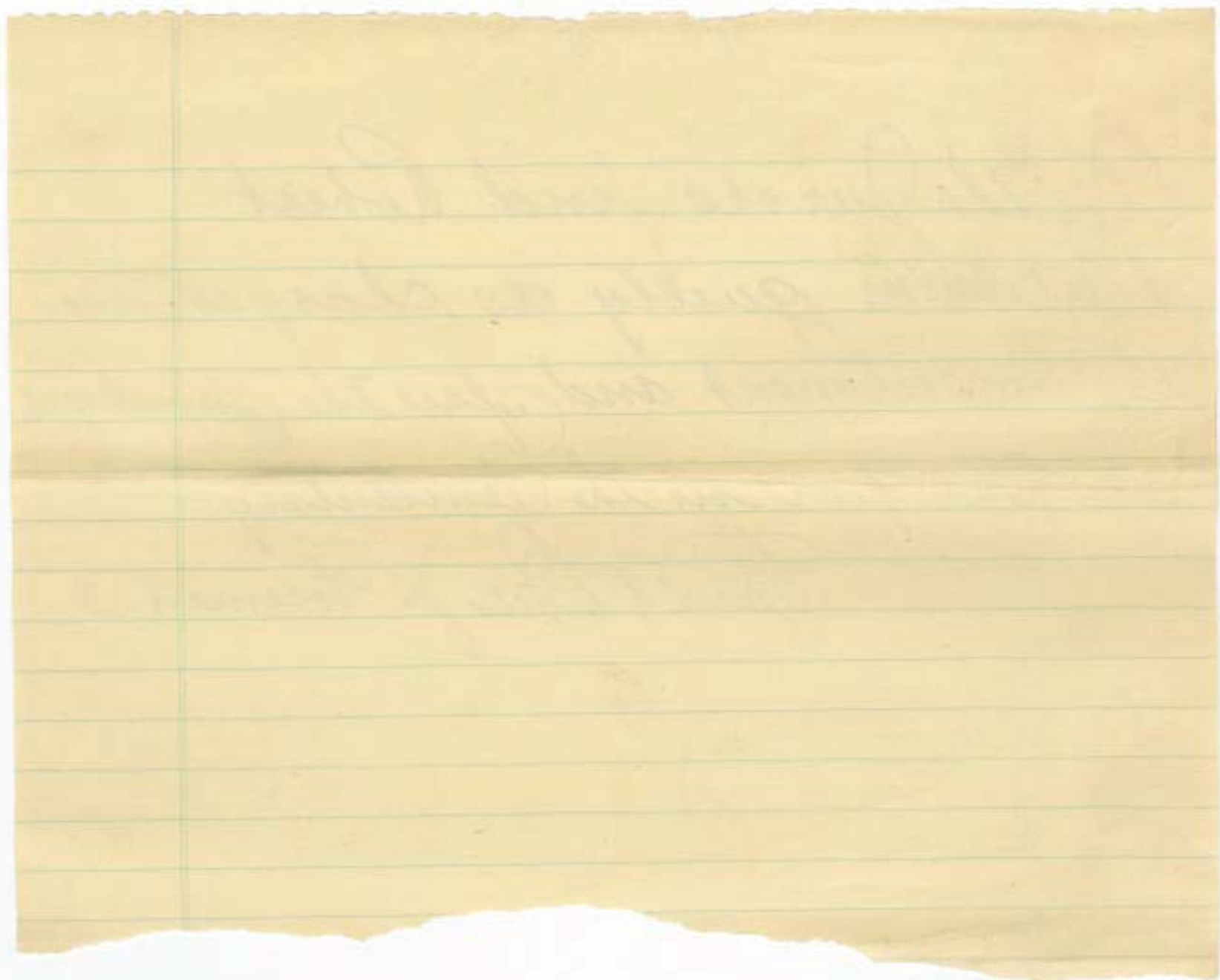
.....
..... this day presented in Court an account against the Court
of Rockingham for the sum of \$....., for Service.....
.....
.....

.....
..... 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.

If the Jurors find Robert
Baldwin guilty as charged in
the Indictment and face the Jurymen
at One Year in the Penitentiary.—

Fred & Louis J. Foreman.



COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of said County:

The grand jurors of the Commonwealth in and for the body of said county and now attending said Court at its December term, 1929, upon their oaths do present that Robert Baldwin, on or about the 1st day of December, 1929, in the county aforesaid, while driving an automobile ~~while~~ under the influence of ardent spirits on the public highway in Brock's Gap, Rockingham County, Virginia, one Annie Cullers being with him in the car at the time, did cause the said automobile to leave the road bed and turn over, thereby throwing the said Annie Cullers to the ground injuring and wounding her, the said Annie Cullers causing her to suffer a mortal wound, of which mortal wound she, the said Annie Cullers then and there instantly died. And so the jurors aforesaid, upon their oaths aforesaid, do say that the said Robert Baldwin the said Annie Cullers in the manner and form aforesaid feloniously did kill against the peace and dignity of the Commonwealth of Virginia.

And the jurors aforesaid upon their oaths aforesaid, do further present that Robert Baldwin on or about the 1st day of December, 1929, in the county aforesaid, did drive an automobile on the public highway in Brock's Gap, Rockingham County, Virginia, recklessly thereby causing said automobile to leave the road and turn over, throwing one Annie Cullers to the ground injuring and wounding her, the said Annie Cullers and causing her, the said Annie Cullers to suffer a mortal wound, of which mortal wound she, the said Annie Cullers, instantly died.

And so the jurors aforesaid upon their oaths aforesaid, do say the said Robert Baldwin the said Annie Cullers feloniously did kill, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of Ed. Caplinger,
Wm. Albright, John Feathers, Jacob Albright, Jesse Moyers, A. Sw
Rendon, G. R. Fawley, and Arthur Halterman, witnesses sworn in Court
and sent before the grand jury to give evidence.

Albright

We the jury find the accused, Robert
Baldwin, guilty as charged in the
indictment and fix his punishment at
one year in the state penitentiary

Fred H. Peters Jr.
Foreman

vs. Manslaughter

Com

v) Indictment

Robert Baldwin - *found*

Felony

December term, 1929

A True Bill:

J. P. Mott
Foreman

D. W. Sarman
Commonwealth's Attorney

Port Republic, Va., December 7th, 1929

Mr. J. Frank Blackburn:
Deputy Clerk Circuit Court,
Harrisonburg, Virginia.

In re: The Commonwealth

vs.

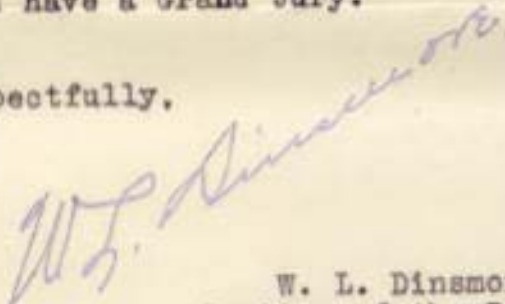
Robert Baldwin.

Dear Mr. Blackburn:

With reference to the above subject.

I duly qualified and recognized the attached witnesses for their appearance before the next Grand Jury, and explained to them the necessity for keeping in touch with the matter as to the date of the same. I was not instructed to do this by the Attorney ^{for} ~~by~~ the Commonwealth, but as Mr. Levi Severs is a resident of West Virginia, I felt that it would be a good idea to catch all while qualifying Mr. Severs for witness service in our Court. I fully explained to all of them to keep in touch with the Sheriff as to when we would have a Grand Jury.

Very respectfully,



W. L. Dinsmore,
Justice of the Peace.

Port Republic, Va., December 7th, 1929

Mr. J. Frank Blackburn:
Deputy Clerk Circuit Court,
Harrisonburg, Virginia.

In re: The Commonwealth

vs.

Robert Baldwin.

Dear Mr. Blackburn:

With reference to the above subject. I duly qualified and recognized the attached witnesses for their appearance before the next Grand Jury, and explained to them the necessity for keeping in touch with the matter as to the date of the same. I was not instructed to do this by the Attorney ^{for} the Commonwealth, but as Mr. Levi Severs is a resident of West Virginia, I felt that it would be a good idea to catch all while qualifying Mr. Severs for witness service in our Court. I fully explained to all of them to keep in touch with the Sheriff as to when we would have a Grand Jury.

Very respectfully,

W. L. Dinmore,
Justice of the Peace.

FEB 1930

#659

COMMONWEALTH

VS.) (involuntary)
) Felony (manslaughter)

ROBERT BALDWIN

Feb Term

19 *at*
—

C. C. Huffman ✓
Fred K. Bette ✓
R. E. Filler ✓
H. P. Engenbryht ✓
C. E. Shippert ✓
F. P. Harpine ✓
Herbert W. Wice ✓
W. H. Corries ✓
S. E. Girtle ✓
B. H. Biller ✓
C. S. Shonette ✓
W. H. Limerney ✓

~~W. H. Limerney~~