IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

COMMONWEALTH	:	
v	:	CHARGE TO THE JURY
CLARENCE HOLLOMAN	:	

If you find the accused, Clarence Holloman, not guilty, you will say so and no more.

If you find him guilty of malicious assault 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 one year nor more than ten years.

If you do not find him guilty of malicious assault, as charged in the indictment, but find him guilty of unlawful assault as charged therein, then you will say so and fix his punishment by confinement in the penitentiary for not less than one nor more than five years, or by confinement in jail for a period not exceeding twelve months and by a fine not exceeding five hundred dollars.

If you do not find him guilty of either of the felonies aforesaid, but find him guilty of assault and battery as charged in the indictment, then you will say so and fix his punishment by confinement in jail for a period not exceeding twelve months or by a fine not exceeding five hundred dollars, or both such fine and imprisonment.

Commonwealth

v

Clarence Holloman

Charge to the Jury

Instruction NO 1

The Court instructs the jury that if they believe from the evidence that Rex Riddle did any act or that the circumstances brought about by him were of such a character as to afford the accused, Clarence Holloman, reasonable ground for believing that the said Riddle designed to kill him, or to inflict on him great bodily harm, and there was imminent danger of his carrying such design into immediate execution, then under these circumstances the act of Clarence Holloman in striking said Riddle was excusable, altho it may have turned out later that the appearances were deceptive and that there was no design on the part of Riddle to kill the accused or to do him great personal injury and the jury must find the accused not guilty.

Where a man is threatened with imminent danger to his person the law athorizes him to determine from appearances and the actual state of things surrounding him as to the necessity of resorting to force, and if he acts from reasonable and honest conviction, he will not be held responsible for a mistake as to the actual danger.

Conn
vs —
Hahmann

The jury are instructed that when the accused relies on the plea of self defence the burden is on him to show to the jury that the defense need was necessary to protect his own life, or to protect himself against grievous bodily harm; that he, the accused, was without fault in bringing on the necessity; and that to justify the accused for his attack upon Riddle, Riddle must have done some overt act indicative of imminent peril to the accused and of such a character as to afford reasonable ground for believing there was a design to do the accused serious bodily harm or take his life at the time; and that the accused in protecting himself used only such force as was necessary under the circumstances as they appeared to him.

WARRANT OF ARREST

STATE OF VIRGINIA, CITY OF HARRISONBURG, TO-WIT:

To Frank L. Dovel, Chief of Police, or any Policeman of said City:

Whereas John R Logan has this day made complaint and information on oath before me, JOHN W. MORRISON, Mayor of said City, that Clarence Stallsman on the 13th day of Dec, 1928 in said city, did Felonious Assault

in violation of an ordinance of the said city:

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, the body of the said Clarence Stallsman to answer the said complaint and to be further dealt with according to law.

Given under my hand and seal this 24 day of Dec, 1928

John W Morrison (Seal) Mayor

12-/24/28 — At a hearing held at my office on the 24th day of Dec, 1928 it appeared there was sufficient cause to hold the defendant for the Grand Jury and prisoner was committed to jail to await its action at next term — from warrant issued Mayor

VIRGINIA, CITY OF HARRISONBURG, TO-WIT:

This day ..... came before me, John W. Morrison, Mayor of the City of Harrisonburg, Va., and severally and respectively acknowledged themselves to be indebted to the Commonwealth of Virginia in the sum of $ ..... to be levied of their respective goods and chattels, lands and tenements, as to which obligation they waive their Homestead and all other exemptions.

YET UPON THIS CONDITION that if the said .....

.....

shall personally appear before ..... on the ..... day of ....., 192....., then and there to answer for and concerning the certain warrant herein set out and of which he stands charged and shall not depart therefrom without leave, then this recognizance shall be void otherwise to remain in full force and virtue.

Witness the following signatures and seals this ..... day of ....., 192.....

..... (SEAL)

..... (SEAL)

Taken and acknowledged before me this ..... day of ....., 192.....

.....
Mayor City of Harrisonburg, Va.

WARRANT OF ARREST

CITY OF HARRISONBURG

vs. Clarence Hollinsworth

Summons for City

Charlie Hillsinger
Scott Turner
C. Turner
Rex Cutlen
Witnesses for Defense

Sam Heatwole
John Logan

COSTS

Fine	$
Issuing and Trying Warrant	3.00
Commonwealth's Attorney	
Summoning Witnesses	1.50
Jail Fee	9.50
Witnesses' Attendance	
Arrest	1.00
Total	$15.00

Executed Dec. 15 192 6
Dept. John Logan
12/17/26

192.....

The defendant is found ..... guilty as charged, and adjudged to pay a fine of $ .....

for the benefit of the City, and the costs noted on this warrant, and to serve ..... on the State Road Force, ... in jail

.....
Mayor

5 Jacob T Shrowalter ✓
~~Wm Gordon~~
~~20~~ 2 J.V. Rhodes ✗ ✓.
15 C.M. Hillyard ✗ ✓
~~J.B. Bradman~~
✗ C.A. Moore ✗ ✓
✗ M.H. Harrison Jr ✓
2 J.M. Lisby ✓
~~B.S. Armentrout~~
~~W.E. Whitmore~~ ✗
7 J.M. Wilbert ✓
~~J.W.H. Simmons~~ ✗
9 W H. May ✓
12 H.T. Hope ✓
3 R.P. Martin ✓
3 D.C. Miller ✓✗
~~J.C. Carpenter~~ ✗
~~J.O. Bond~~
12 H.H. Sanfley ✓
~~Frank H Harrison~~

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.*

Form 158—Service.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon John Logan
Raff Terrell and Roy Riddle
Charlie Williams.

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 4 *day of* Jan. *1929.*
to testify and the truth to say in **behalf of the Commonwealth** *against*
Clarence Holsinger

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

And this they *shall not omit under the penalty of £100. And have then and there this Writ.*

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 3rd *day of* Jan. *1928, and in the* 153 *year of the Commonwealth.*

J. Robert Switzer, *Clerk.*

J. J. Blackburn, D. C.

News-Record, Harrisonburg, Va.

Executed Jan 3th 1929, By delivering a true copy of the within summonds in person to each, John Logan, Raff Terrel, Rex Riddle, and Charley Williams.

S P Newman Dupty for

C. R Rawley, S.R.C.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Charles Williams, Ralph Terrell,

Ray Riddle & John Logan

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 17th *day of* Jan. *19*29

to testify and the truth to say in ***behalf of the Commonwealth*** *against*

Clarence Hollaman

who stands charged with and indicted for a felony misdemeanor.

And this they *shall not omit under the penalty of £100. And have then and there this Writ.*

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 6th *day of* Jan *19*29*, and in the* 153 *year of the Commonwealth.*

J. Robert Switzer, *Clerk.*

News-Record, Harrisonburg, Va.

Executed Jan 16th 1929, By delivering a true copy of the within summonds in person to each, Charlee Williams, Ralph Terrel, Rex Riddle, and John Logan.

S. T. Newman Dupty for

C. R. Pawley, S R C

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Henry Guy, Calvin Turner, Lee Brown, G. L. Sublett, Walter Davis & Shelby Myers

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 17th *day of* Jan. *19*29 *to testify and the truth to say in* ***behalf of the Defendant*** *in the prosecution of the Commonwealth, plaintiff, against* Clarence Hollaman

who stands charged with and indicted for a felony misdemeanor.

And this they *shall not omit under the penalty of £100. And have then and there this Writ.*

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 14th *day of* Jan. *19*29 *and in the* 153rd *year of the Commonwealth.*

J. Robert Switzer, *Clerk.*

News-Record, Harrisonburg, Va.

Executed Jan 16th 1929, By delivering a true copy of the within summonds in person to each Henry Guy, Colnor Turner & Lee Brown, As to F.L. Sublet & Sheffy Myers, by posting summonds on the front door, Walter Davis not found in my bailwic.

S. T. Newman Dupty for

C.R. Fawley, S.R.C.

Cam

Clarence Fellerman

(for defense)

1929

Jan 17

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 said county of Rockingham and now attending said Court at its December term, 1928, upon their oaths present that Clarence Holloman on or about the 15th day of December, 1928, in the said county, with a certain milk bottle feloniously and of his malice aforethought did strike on the head one Rix Riddle, thereby breaking said bottle, a piece of which flew into the eye of one Raff Terrell, causing him, the said Raff Terrell to lose his eye, with intent him, the said Rix Riddle, then and there to maim, disfigure, disable and kill, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found on the testimony of Charles Williams, Raff Terrell, John Logan, and Rix Riddle, witnesses sworn in Court and sent before the grand jury to give evidence.

Felonious Assault

Commonwealth

v) Indictment

Clarence Holloman

Felony

December term, 1928

A True Bill

J. Hood

Foreman

D. W. Barman
Commonwealth's Attorney

We the jury find the accused, Clarence Holloman guilty of unlawful assault in the manner and at the month by the punishment fixed by law (850-5) a fine of $ and a fine of $

J. Ole Hilbert

#561

COMMONWEALTH

VS. Felony (assault)

Clarence Holloman —

Committed Dec-16

Jacob T. Shewalter	3.00
J. O. Rhodes	4.50
C. M. Kittyard	4.00
C. A. Mason	2.50
M. A. Hersine Jr	2.50
J. N. Linkey	2.70
J. M. Hilbert	3.00
W. H. May	3.40
H. F. Hoke	3.70
R. P. Martin	2.80
B. C. Miller	2.80
H. W. Sangley	2.70
	38.80

Sheriff's Fees including justice costs $15.00
Summonds witness 4.00
Jousy 1.50
$20.50

5.50
1.50
7.00