

COMMONWEALTH OF VIRGINIA,

COUNTY OF ROCKINGHAM, to-wit:

IN THE CIRCUIT COURT OF SAID COUNTY:

The grand jurors of the Commonwealth of Virginia, in and for the body of the County of Rockingham, and now attending the Circuit Court of said County, at its April term, 1942, upon their oaths do present that Sheridan Dean, on or about the 21st day of March, 1942, in said County, unlawfully and feloniously did kill and murder one John Price Shipp, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found upon the testimony of James Shipp, Elzie Morris, M. C. Davis and E. E. Kiser, witnesses sworn in Court and sent before the grand jury to give evidence.

MURDER

COMMONWEALTH

v.)

Indictment

SHERIDAN DEAN

Felony:

April Term, 1942.

A True Bill:

J. F. Mac
Foreman.

Witnesses:

1. James Shipp ✓
2. Elzie Morris ✓
3. M. C. Davis ✓
4. E. E. Kiser ✓

Lawrence H. Hoover

Commonwealth's Attorney

COMMONWEALTH

v.

SHERIDAN DEAN

The accused, Sheridan Dean, moves the Court to discharge the jury on the ground of necessity, the circumstances relied upon as constituting the necessity are as follows:

1. That accused employed counsel in ample time to defend him and that on May 18, 1942, when his case was set for trial both he and counsel were prepared therefor;

2. That after the commencement of said trial, and after the jury had been impaneled and sworn, and during the opening statement of the attorney for the Commonwealth, accused's counsel was stricken with a heart attack and on advice of physicians was restrained from continuing the case;

3. That the trial of his case was thereupon continued to May 21, 1942, upon the assumption that his counsel would be able to proceed;

4. That his counsel, acting upon the advice of physicians, will be confined to his bed for a period of about ten days and will be unable to proceed with his defense on May 21, 1942;

5. That the Court thereupon appointed counsel to defend him on May 20, 1942;

6. That counsel so appointed was wholly unfamiliar with his case up to the time of his appointment, and was unable to properly prepare for his defense within the time remaining before trial;

7. That Arnie Knight, a witness summoned by the accused to testify in his behalf, was not present on the date set for trial;

set for trial:

accused to testify in his behalf, was not present on the date

1. That while Kufert, a witness summoned by the
before trial:

to properly prepare for his defense within the time remaining
with his case up to the time of his arraignment, and was ordered

2. That counsel so appointed was wholly unqualified
defense him on May 30, 1942:

3. That the court thereupon appointed counsel to
and will be ordered to proceed with his defense on May 31, 1942:
counsel, will be continued to his bed for a period of about ten days

4. That his counsel, acting upon the advice of counsel
to proceed:

to May 31, 1942, upon the assumption that his counsel would be able

5. That the trial of his case was thereupon continued
was continued from continuing the case:

counsel was attacked with a heart attack and on advice of physicians
the statement of the attorney for the Commonwealth, accused, a
after the jury had been impaneled and sworn, and during the open-

6. That after the commencement of said trial, and
trial both he and counsel were declared incompetent:

defendant him and that on May 18, 1942, when his case was set for

7. That accused employed counsel in ample time to
as constituting the necessary due as follows:

the jury on the ground of necessity, the circumstances relied upon

the accused, specified herein, under the court to determine

REMBOLD DEVI

1.

COMMONWEALTH

8. That the happening of the foregoing circumstances were beyond the control of the accused, and that accused's rights will be seriously jeopardized if compelled to go into trial on the date set.

8. That the happening of the foregoing circumstances
were beyond the control of the accused, and that accused's rights
will be seriously jeopardized if compelled to go into trial on
the date set.

self-denial
objections to
continuing trial re

We the Jury find the defendant
Sheridan Dean guilty of voluntary
manslaughter, ^{as charged by the indictment} and fix his punishment
at Five years. ~~punishment~~ in the
Penitentiary

Wm L. Bradford.

Foreman.

We the Jury find the defendant

guilty of voluntary manslaughter, and his punishment

at five years imprisonment in the

penitentiary

Thomas L. Campbell

James

1942

#1756

COMMONWEALTH

V.) Felony (murder)

SHERIDAN DEAN jail v. l

May 16

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d. H. Luby

- 4 Geo. H. Chapman
- 5 E. Moore
- 6 R. L. Morris
- 7 W. H. Merrill
- 8 Paul Leguina
- 9 A. C. Will
- 10 A. J. Joseph
- 11 J. J. Vickers
- 12 S. W. W. Sharr

1st Trial

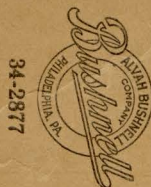
Sheriff's fees
 Sum. Mt. 5.80
 Supp. Jury 1.50
 7.30

2nd Trial

Sheriff's fees
 Sum. Mt. 5.20
 Supp. Jury 1.50
 6.70

Went Trial
July - 13 - 1942

- 1 W. L. Bradford
- 2 Roy L. Leffman
- 3 W. G. Firebaugh
- 4 Ernest E. Frasier
- 5 J. J. Heagy
- 6 Geo. E. Lepp
- 7 F. H. Leistra
- 8 Boyd Garrison
- 9 Frank B. Wile
- 10 Orville C. Cooley
- 11 Percy F. Sorenson
- 12 Wm. A. Chapman



IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

COMMONWEALTH)

v.)

SHERIDAN DEAN)

CHARGE TO JURY

If you find the accused, Sheridan Dean, guilty of murder, as charged in the indictment, and that the murder was committed with malice aforethought, and that it was willful, deliberate and premeditated, you will find him guilty of murder in the first degree and fix his punishment at death, or by confinement in the penitentiary for life, or for any term not less than twenty years.

If you find him guilty of murder, as charged in the indictment, and that the same was committed with malice aforethought, but that it was not willful, deliberate and premeditated, then you will find him guilty of murder in the second degree, and fix his punishment at confinement in the penitentiary for not less than five nor more than twenty years.

If you find him not guilty of murder in the first degree, nor of murder in the second degree, but that he killed John Price Shipp without malice aforethought, actual or implied, upon sudden heat, on reasonable provocation, or in mutual combat, you will find him guilty of voluntary manslaughter and fix his punishment at confinement in the penitentiary for not less than one nor more than five years.

If you find him not guilty of murder in the first degree, nor of murder in the second degree, nor of voluntary manslaughter, but find him guilty of involuntary manslaughter, you will say so and fix his punishment at confinement in the penitentiary for not less than one nor more than five years, or, in your discretion, by a fine of not exceeding one thousand dollars, or by confinement in jail not exceeding one year, or by both such fine and imprisonment.

If you find him not guilty, you will say so and no more.

MURDER

COMMONWEALTH

Charge to Jury

SHERIDAN DEAN

SHERIDAN DEAN

A.

COMMONWEALTH

CHARGE TO JURY

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

If you find him not guilty, you will say so and no more.
You will not exceed one year, or by your oath fine and imprisonment
a fine of not exceeding one thousand dollars, or by confinement in
less than one nor more than five years, or, in your discretion, by
and fix his punishment at confinement in the penitentiary for not
but find him guilty of involuntary manslaughter, you will say so
not of murder in the second degree, nor of voluntarily manslaughter.

If you find him not guilty of murder in the first degree,
then five years.

at confinement in the penitentiary for not less than one nor more
find him guilty of voluntarily manslaughter and fix his punishment
least, on reasonable provocation, or in mutual combat, you will
guilty without malice aforethought, sudden or implied, upon sudden
not of murder in the second degree, but that he killed John Price

If you find him not guilty of murder in the first degree,
five nor more than twenty years.

imprisonment at confinement in the penitentiary for not less than

will find him guilty of murder in the second degree, and fix his
but that it was not willful, deliberate and premeditated, then you
ment, and that the same was committed with malice aforethought.

If you find him guilty of murder, as charged in the indict-
ment, for life, or for any term not less than twenty years.

and fix his punishment at death, or by confinement in the pen-

premeditated, you will find him guilty of murder in the first de-

with malice aforethought, and that it was willful, deliberate and

as charged in the indictment, and that the murder was committed

If you find the accused, Sheridan Dean, guilty of murder,

Commonwealth

v.

On an indictment for a felony (murder)

Sheridan Dean

This day came the attorney for the commonwealth, and the accused, Sheridan Dean, was brought into court by the sheriff of this county, and from persons summoned by the sheriff under a writ of venire facias, twenty were examined by the court and found duly qualified and free from exception; whereupon, a list containing the names of said twenty persons was handed to the attorney for the commonwealth and to the accused, who each alternately struck therefrom the names of four persons, the remaining twelve, namely: J. M. Wilberger, I. R. Deputy, David H. Liskey, Jno. D. Chapman, G. E. Moore, R. L. Koontz, W. H. Zirkle, Paul Layman, O. C. Wise, A. J. Joseph, J. J. Nicholas, and George W. Shaver, selected as aforesaid to constitute the jury, were sworn to well and truly try and true deliverance make between the commonwealth and the prisoner at the bar and a true verdict render according to the evidence, and ~~having~~ the attorney for the commonwealth having delivered his opening statement in part, counsel for the defendant ^{Edw. G. Hammer} announced that he was ill, and thereupon two physicians were summoned, who examined Mr. Hammer, and having advised that it was not wise to proceed further at this time, the court adjourned the hearing of this case until Thursday, May 21, the commonwealth's attorney, the prisoner in person in open court, and the attorney for the defendant agreeing to the same, the court having given instructions to the jury to talk to no one about the case, to suffer no one to talk to them about it, nor to talk about it themselves; And thereupon all of the witnesses for the commonwealth were recognized in the sum of fifty dollars ^{each} for their appearance before this court on Friday, May 21, 1942, at 9:30 a. m.

Edw. G. Hammer

6/539

9:30 a. m.

their appearance before this court on Friday, May 21, 1942, at commonwealth were recognized in the sum of fifty dollars for about it themselves. And thereupon all of the witnesses for the case, to suffer no one to talk to them about it, nor to talk having given instructions to the jury to talk to no one about the the attorney for the defendant agreeing to the same, the court

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defendant announced that he was ill, and thereupon two physicians having delivered his opening statement in part, counsel for the to the evidence, and ~~making~~ the attorney for the commonwealth and the prisoner at the bar and a true verdict render according

and truly try and true deliverance make between the commonwealth

selected as attorneys to constitute the jury, were sworn to well

O. C. Wise, A. J. Joseph, J. J. Nicholas, and George W. Shaver, Chapman, G. E. Moore, R. L. Koonz, W. H. Kirkle, Paul Layman, namely: J. M. Wilberger, I. R. Deputy, David H. Maskey, Inc. D.

struck therefrom the names of four persons, the remaining twelve, for the commonwealth and to the accused, who each alternately

ing the names of said twenty persons was handed to the attorney duly qualified and free from exception; whereupon, a list contain-

writ of venire facias, twenty were examined by the court and found of this county, and from persons summoned by the sheriff under a

the accused, Sheridan Dean, was brought into court by the sheriff

Sheridan Dean
v.
On an indictment for a felony (murder)

Commonwealth

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:--

You are hereby commanded to summon Arnie Knight, if he be found within your bailiwick, to appear before the Judge of the Circuit Court of Rockingham, forthwith, on this 22nd day of May, 1942, to show cause, if any he can show, why he should not be fined or otherwise dealt with according to law for his failure to appear before said Court pursuant to summons, to testify in the case of Commonwealth v. Sheridan Dean.

And have then and there this writ.

Witness, J. Robert Switzer, Clerk of the Circuit Court of Rockingham County, this 22nd day of May, 1942, in the 166th year of the Commonwealth.

J. Robert Switzer, Clerk.
By Margie Bowens, D.C.

COMMONWEALTH

V.) Rule

ARNIE KNIGHT

EXECUTED 5/24/42 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Common
TO Arnie Knight
IN PERSON.

Sam H. Hallen
S.H.H.

FOR THE SHERIFF OF ROCKINGHAM COUNTY, SHERIFF:--

COMMONWEALTH OF VIRGINIA

mons, to testify in the case of Commonwealth v. Sheridan Dean.
of a failure to appear before said Court pursuant to sum-
mons, not be fined or otherwise dealt with according to law
day, May, 1942, unless, if any he can show, why he
of the Circuit Court of Rockingham, to-wit: on this 22nd
he be found within said jurisdiction, to appear before the Judge

You are hereby commanded to summon Arnie Knight, if

the 100th year of the Commonwealth.

Court of Rockingham County, this 22nd day of May, 1942, in

Witness, I, Robert Switzer, Clerk of the Circuit

and have then and there this writ.

\$6.00

Sherry, Feb 1

Robert Switzer, Clerk.

1st case

Conn
v
Hean
HUB

INSTRUCTION 5-

The Court instructs the jury that should they find that there was a mutual combat, and one of the combatants was killed, in order to justify such killing as having been done in self-defense, the accused must prove two things; first that before the mortal blow was struck the prisoner declined further combat and retreated as far as he could with safety; and second that he believed and had reasonable grounds to believe it necessary to kill the deceased in order to preserve his own life, or to save or protect himself from great bodily harm.

Com
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Heard
Refused - Exception
11/17/73

INSTRUCTION NO. 2

The Court instructs the jury that the commonwealth has failed to establish by evidence in this case any fact upon which the accused could be convicted of murder in the first degree.

7-14-42

Refused

INSTRUCTION NO. 2

The Court instructs the jury that the Commonwealth has failed to establish by evidence in this case any fact upon which the accused could be convicted of murder in the first degree.

Corn
v
Dean
11/11/13

INSTRUCTION NO. 49

The Court instructs the jury that if they have a reasonable doubt as to the grade of offense of which the defendant 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;

Case
No.
12345

That doubt in his favor, and find him guilty of the lower grade;
guilty, if they believe him guilty at all, they shall resolve
doubt as to the grade of offense of which the defendant may be
The Court instructs the jury that if they have a reasonable

INSTRUCTION NO. 12

Cour
v
Heard
HUB

INSTRUCTION 5

The Court tells the jury that bare fear that a man intends to commit murder or other atrocious felony, however well-grounded, unaccompanied by any overt act indicative of any such intention will not warrant killing the party by way of prevention. There must be some overt act indicative of immediate danger at the time.

Can
be
used

3 INSTRUCTION

The Court tells the jury that here fear that a man
intends to commit murder or other atrocious felony, however
well-grounded, unaccompanied by any overt act indicative of
any such intention will not warrant killing the party by way
of prevention. There must be some overt act indicative of
immediate danger at the time.

Comm.
v
Dean

INSTRUCTION 1

The Court instructs the jury that murder in the first degree is any wilful, deliberate and premeditated killing with malice aforethought.

The Court further instructs the jury that if the killing of a human being be malicious but not wilful, deliberate and premeditated, then such killing is murder in the second degree.

The Court still further instructs the jury that every unlawful homicide in Virginia is presumed to be murder in the second degree. In order to elevate the offense to murder in the first degree, the burden of proof is upon the Commonwealth, and to reduce the offense to manslaughter, the burden of proof is upon the prisoner.

INSTRUCTION

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degree, the burden of proof is upon the Commonwealth, and to
reduce the offense to manslaughter, the burden of proof is
upon the prisoner.

Com
v
Dean
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INSTRUCTION 2

The Court instructs the jury that voluntary manslaughter is the unlawful killing of a human being in heat of blood and sudden passion, upon adequate provocation, and not from malice.

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INSTRUCTION 2

The Court instructs the jury that voluntary manslaughter is the unlawful killing of a human being in heat of blood and sudden passion, upon adequate provocation, and not from malice.

Com
v
Hean
HUB

INSTRUCTION 3

The Court instructs the jury that where one wounds and kills another with a dangerous weapon, as shown by the evidence in this case, the law, in absence of evidence to the contrary, imputes malicious intent, the presumption being that a person shall be taken to intend that which he does or which is the natural and probable consequence of his act; and the jury is further told that while the intent is a necessary element in the crime of murder, and must be proved, such intent may be proved by the facts from which an intentional killing can be inferred.

Copy
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INSTRUCTION 2

The Court instructs the jury that where one wounds and kills another with a dangerous weapon, as shown by the evidence in this case, the law, in absence of evidence to the contrary, imputes malicious intent, the presumption being that a person shall be taken to intend that which he does or which is the natural and probable consequence of his act; and the jury is further told that while the intent is a necessary element in the crime of murder, and must be proved, such intent may be proved by the facts from which an intentional killing can be inferred.

Comm.
v
Hean

INSTRUCTION 4

The Court instructs the jury that where a homicide is proven by the use of a deadly weapon, and the prisoner relies upon self defense to excuse himself from the use of the weapon, the burden of proving such excuse is on the accused; and to avail himself of such defense, he must prove the same by a preponderance of the evidence; and in determining whether or not such defense has been established, the jury should consider all the evidence and circumstances in the case, that for the Commonwealth as well as that for the accused.

INSTRUCTION 4

The Court instructs the jury that where a homicide is proven by the use of a deadly weapon, and the prisoner relies upon self defense to excuse himself from the use of the weapon, the burden of proving such excuse is on the accused; and to avail himself of such defense, he must prove the same by a preponderance of the evidence; and in determining whether or not such defense has been established, the jury should consider all the evidence and circumstances in the case, that for the Commonwealth as well as that for the accused.

INSTRUCTION 6

The Court instructs the jury that in self defense the degree of force used in repelling an attack must be measured by the degree of force in making the attack.

INSTRUCTION 2

The Court instructs the jury that in self defense
the degree of force used in repelling an attack must be
measured by the degree of force in making the attack.

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INSTRUCTION A

The Court instructs the jury that if they believe from the evidence that Price Shipp did any act or that there were circumstances brought about by him of such a character as to afford the accused a reasonable ground for believing, ^{that} and he did believe that the said Price Shipp designed to kill him, or to inflict on him great bodily harm, and ^{that} there was imminent danger of carrying such design into immediate execution, then, under these circumstances, the killing is excusable, although it may have turned out afterwards that appearances were deceptive and there was no design on the part of Price Shipp to kill the accused or to do him great bodily harm, then the jury must acquit the accused.

Copy
H. H. H.
1915

INSTRUCTION A

The Court instructs the jury that if they believe from the evidence that Price Shipp did any act or that there were circumstances brought about by him of such a character as to afford the accused a reasonable ground for believing, and he did believe that the said Price Shipp designed to kill him, or to inflict on him great bodily harm, and there was imminent danger of carrying such design into immediate execution, then, under these circumstances, the killing is excusable, although it may have turned out afterwards that appearances were deceptive and there was no design on the part of Price Shipp to kill the accused or to do him great bodily harm, then the jury must acquit the accused.

Comm
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Dean
17th

INSTRUCTION NO. B

The Court instructs the jury that while the burden of proof rests upon a person pleading self-defense, that burden has been borne whenever the evidence, whether offered by him or the Commonwealth, creates in the minds of the jury a reasonable doubt as to whether he shot in self-defense, or otherwise.

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Hear

INSTRUCTION NO. 8

The Court instructs the jury that while the burden of proof rests upon a person pleading self-defense, that burden has been borne whenever the evidence, whether offered by him or the Commonwealth, creates in the minds of the jury a reasonable doubt as to whether he shot in self-defense, or otherwise.

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INSTRUCTION NO. C

The Court instructs the jury that if they believe from
the evidence that Price Shipp was a dangerous man, ^{and that the defendant knew such to be the case,} then they
can consider ^{these} ~~this~~ facts together with all other facts and
circumstances of the case in determining whether or not the
prisoner at the bar had reasonable ground to believe and did
believe at the time of the shooting that Price Shipp intended
to do him, the prisoner, serious bodily harm.

INSTRUCTION NO. 5

The Court instructs the jury that if they believe from the evidence that Price Shipp was a dangerous man, then they can consider ~~the~~ facts together with all other facts and circumstances of the case in determining whether or not the prisoner at the bar had reasonable ground to believe and did believe at the time of the shooting that Price Shipp intended to do him, the prisoner, serious bodily harm.

Com
v
Hean
HUB

INSTRUCTION NO. E

The Court instructs the jury that if they believe from the evidence that the defendant was on one of the public highways of the State of Virginia, and was conducting himself in a lawful and peaceable manner, and was then and there assaulted by the deceased, then said defendant had the right to repel force by such force as under the circumstances then existing as they appeared to the accused was reasonably necessary for his own protection from serious bodily harm; and if, in the exercise of this right of self-defense, his assailant was killed, such killing was justifiable and the jury should find the defendant not guilty.

Case
No.
1
1900

INSTRUCTION NO. 3

The Court instructs the jury that if they believe from the evidence that the defendant was on one of the public highways of the State of Virginia, and was conducting himself in a lawful and peaceable manner, and was then and there assaulted by the deceased, then said defendant had the right to repel force by such force as under the circumstances then existing as they appeared to the accused was reasonably necessary for his own protection from serious bodily harm; and if, in the exercise of this right of self-defense, his assailant was killed, such killing was justifiable and the jury should find the defendant not guilty.

Comm
v
Dean
HUB

INSTRUCTION 7.

The Court instructs the jury that the law presumes every person to be innocent until every fact essential to his guilt is proven beyond a reasonable doubt, and if there is upon the mind of the jury any reasonable doubt of the guilt of the accused, the law makes it their duty to acquit him. His guilt is not to be inferred even though the facts proven were consistent with his guilt, but they ~~must~~ be inconsistent with his innocence. Mere suspicion or probability of his guilt, no matter how strong, is not sufficient to convict, nor is it sufficient if the larger weight or preponderance of the evidence supports the charge, but to warrant his conviction his guilt must be proven so clearly ^{THAT} ~~there~~ there is no reasonable theory consistent with the evidence upon which he can be innocent.

Case
v
State

INSTRUCTION # _____.

The Court instructs the jury that the law presumes every person to be innocent until every fact essential to his guilt is proven beyond a reasonable doubt, and if there is upon the mind of the jury any reasonable doubt of the guilt of the accused, the law makes it their duty to acquit him. His guilt is not to be inferred even though the facts proven were consistent with his guilt, but they must be inconsistent with his innocence. Mere suspicion or probability of his guilt, no matter how strong, is not sufficient to convict, nor is it sufficient if the larger weight or preponderance of the evidence supports the charge, but to warrant his conviction his guilt must be proven so clearly ^{that} there is no reasonable theory consistent with the evidence upon which he can be innocent.

Conn
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Alam
11/13

INSTRUCTION 4.

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 every 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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Hear

INSTRUCTION

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 every 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.

Corn
v
Hess
HUB

INSTRUCTION NO. 14

The Court instructs the jury that a man when threatened with danger, must determine from appearances and the actual state of things surrounding him at the time, as to the necessity of his defense, and if he acts from reasonable and honest conviction, he cannot be held responsible criminally for a mistake in the extent of the actual danger, where other and judicial men might have been alike mistaken.

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H. C. C. C.
H. C. C. C.

INSTRUCTION NO. _____

The Court instructs the jury that a man when threatened with danger, must determine from appearances and the actual state of things surrounding him at the time, as to the necessity of his defense, and if he acts from reasonable and honest conviction, he cannot be held responsible criminally for a mistake in the extent of the actual danger, where other and judicial men might have been alike mistaken.

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Dean
18WB

INSTRUCTION 2.

The Court further instructs the jury that in determining the weight to be given the testimony of different witnesses in this case, the jury are authorized to consider the relationship of the witnesses to the parties, if the same is proved; their interest, if any, in the result of this case; their temper, feeling or bias, if any has been shown; their demeanor whilst testifying; their apparent intelligence; their means of information, and to give such credit to the testimony of such witnesses as under all the circumstances such witnesses seem to be entitled to.

Alison
1890

INSTRUCTION

The Court further instructs the jury that in determining the weight to be given the testimony of different witnesses in this case, the jury are authorized to consider the relationship of the witnesses to the parties, if the same is proved; their interest, if any, in the result of this case; their temper, feeling or bias, if any has been shown; their demeanor whilst testifying; their apparent intelligence; their means of information, and to give such credit to the testimony of such witnesses as under all the circumstances such witnesses seem to be entitled to.

Com
v
Dean
HOB

INSTRUCTION NO. 16

The Court instructs the jury that prior inconsistent statements of a witness cannot be used on a trial as proof of the facts therein asserted, but are admissible only to impeach the credibility of such witness. And the Court further instructs the jury that they are the sole judges of the credibility of the witnesses and the weight to be given their testimony.

Case
No.
100

INSTRUCTION NO. 10

The Court instructs the jury that prior inconsistent
statements of a witness cannot be used as proof of
the facts therein asserted, but are admissible only to impeach
the credibility of such witness. And the Court further instructs
the jury that they are the sole judges of the credibility of
the witnesses and the weight to be given their testimony.

Not finding James Shipper at his usual
place of abode, Executed 5/14/42 by delivering a
true copy of this summon to Maudie Shipper
mother in person, at said James Shipper
usual place of abode Maudie Shipper, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.

Sam H. Callender
S. R. C.
Not finding J. J. Brider at his usual
place of abode, Executed 5/14/42 by delivering a
true copy of this summon to Iva Brider
wife in person, at said J. J. Brider
usual place of abode Iva Brider, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.

Sam H. Callender S. R. C.
Not finding Elyri Morris at his usual
place of abode, Executed 5/14/42 by delivering a
true copy of this summon to Tom Morris
father in person, at said Elyri Morris
usual place of abode Tom Morris, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.

Executed 5/14/42 by delivering a true copy
of the within summon to M. E. Davis
E. E. Tinner & H. L. Beyer

each in person. Sam H. Callender
S. R. C.

Not finding _____ at his usual

place of abode. Executed _____ by delivering a

true copy of this _____ to _____

in person, at said _____

usual place of abode _____ being a member of

the family above the age of 18 years, and explaining the purport thereof

to her _____

Not finding _____ at his usual

place of abode. Executed _____ by delivering a

true copy of this _____ to _____

in person, at said _____

usual place of abode _____ being a member of

the family above the age of 18 years, and explaining the purport thereof

to her _____

Not finding _____ at his usual

place of abode. Executed _____ by delivering a

true copy of this _____ to _____

in person, at said _____

usual place of abode _____ being a member of

the family above the age of 18 years, and explaining the purport thereof

to her _____

Not finding _____ at his usual

place of abode. Executed _____ by delivering a

true copy of this _____ to _____

in person, at said _____

usual place of abode _____ being a member of

the family above the age of 18 years, and explaining the purport thereof

to her _____

Not finding _____ at his usual

place of abode. Executed _____ by delivering a

true copy of this _____ to _____

in person, at said _____

usual place of abode _____ being a member of

the family above the age of 18 years, and explaining the purport thereof

to her _____

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Walter Dean and

~~Arnie Knight~~

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at ~~Southworth~~ 9:30 o'clock, a. m., on the ~~22d~~ day of ~~May~~ 19 ~~42~~ to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against

Sheridan Dean

who stands charged with and indicted for a felony misdemeanor.

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the ~~22d~~
day of ~~May~~ 19 ~~42~~, and in the ~~166th~~ year of the Commonwealth.

J. Robert Switzer, Clerk

EXECUTED 5/22/43 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN SUMMON
TO Walter Dean
IN PERSON.

Sam H. Gallender
S. H. G.

Sherriff Fees \$50

1942
May 22

Sheridan Dean

Com.

eds

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

*James Shippe, Elzie
Marris, M. C. Davis, E. E. Kiser
J. J. Criden and Dr. F. L. Byers*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:30 o'clock, a. m., on the *18th* day of *May*, 19 *42*,

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

Shiridan Dean

who stands charged with and indicted for a felony misdemeanor.

And this you shall not omit under 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 *May*, 19 *42*, and in the *16th* year of the Commonwealth.

J. Robert Switzer, Clerk

Corn

v

Sheridan Dean

Sheriff Fees $\$2$ 40

CC-52

1942

May 18

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

amie
James Knight

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:30 o'clock, a. m., on the *21* day of *May* 19*42* to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against

Shendau Jean

who stands charged with and indicted for a felony misdemeanor.

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the *19*
day of *May* 19*42*, and in the *166* year of the Commonwealth.

Robert Switzer, Clerk

EXECUTED 5/9/21 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Warrant
TO Amie Knight
IN PERSON.

Berlin Bodkin, Deb.
Chas. F. Colclander, J.C.

Sheriff's fee .50

May 21

Com.

Meridian Heave

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

G. A. Lawson and

L. C. Meadows

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:30 o'clock, a. m., on the *21st* day of *May* 19 *42*,

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

Sheldon Dean

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

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the *21st*
day of *May*, 19 *42*, and in the 16 *6th* year of the Commonwealth.

J. Robert Switzer, Clerk

Com

✓
Sheridan Dean

Sheriff Fee \$.80

1941 ✓
May 21

EXECUTED 4/21/42 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN ANSWER
TO S.D. LAWSON OF L.L. MADSON
IN PERSON.

Sam McElaneth
S. McEl.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

"Blinkey" Shifflett

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:30 o'clock, a. m., on the 14th day of July 1942 to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against.....

Sheridan Dean

who stands charged with and indicted for a felony misdemeanor.

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 13th
day of July 1942, and in the 167th year of the Commonwealth.

J. Robert Switzer, Clerk

Sheridan Dean
ads.

Com.

Sheriff Fees \$.75-

J. H. Allen

1942
July 14

each in person.

Sam H. Allen

Executed 7/13/42

by delivering a true copy

of the within summons to

Blindley Shillett

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon *ans Burke W. C. Brill*
Jerry Rogers and John Stephens

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:30 o'clock, a. m., on the *18* day of *May* 19*42*,
to testify and the truth to say in behalf of the Commonwealth against

Herndon Dean
who stands charged with and indicted for a felony misdemeanor.

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the *16*
day of *May*, 19*42*, and in the 166 year of the Commonwealth.
J. Robert Switzer, Clerk

Cour.

V

Severance Hall

Sheriff Fees \$1.60
L.C. 52

May 18 1942

Executed 5/16/42

by delivering a true copy

of the within summons to

Arvi. Jerry Rogers

John Stephens and

W.A. Ball

each in person.

Sam S. Leavelle

S.R. L.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

J. J. Crider, and

Ranier Knight and classes herein

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:30 o'clock, a. m., on the *18th* day of *May* 19 *42* to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against

Sheridan Dean

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

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the *13th*
day of *May* 19 *42*, and in the *166th* year of the Commonwealth.

J. Robert Switzer, Clerk

EXECUTED 5/14/42 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE

COPY OF THE WITHIN summons

TO Shirley Davis & Annie Fought
each IN PERSON.

Sam H. Gallender
S. H. G.

Sheridan Dean
ads.
Cam

Sheriff Fees 1 20

CC-52

1942
May 18

Sam H. Gallender
S. H. G.

to him, his family above the age of 18 years, and explaining the purport thereof, being a member of

usual place of abode.

in person, at said

wife Joel Leander

true copy of this summons to Joel Leander

place of abode. Executed 5/14/42 by delivering a

Not finding Joel Leander at his usual

Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

James Shipp

Elzie Morris, M.C. Davis &

E. E. Kiser

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:30 o'clock, a. m., on the 20th day of April 1942,

to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY

Sheridan Dean

who stands charged with a felony misdemeanor.

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 16th
day of April 1942, and in the 166th year of the Commonwealth.

J. Robert Switzer, Clerk

Corn

Sheridan Dean

Sheriffs Fee \$1.60

C.C. 52

1942

Apr. 20

executed 4/16/42 by delivering a true copy

of the within summons to James Shipps,

Elmer Morris (M.C. Davis &

E.E. Riser

each in person. Berling Bodkin dep-
for S.H. Hallender, S.R.C.

Not finding W. O. Brill at his usual
place of abode, Executed 7/10/42 by delivering a
true copy of this Sum. to Philie Brill
his wife in person, at said W. O. Brill
usual place of abode Philie Brill, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.
Berlin Bodkin, Dep.
for S. H. Callender, S. R. C.

Not finding James Shipp at his usual
place of abode, Executed 7/10/42 by delivering a
true copy of this Sum. to Maudie Shipp
his mother in person, at said James Shipp
usual place of abode Maudie Shipp, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.
Berlin Bodkin, Dep.
for S. H. Callender, S. R. C.

Not finding Elyce Morris at his usual
place of abode, Executed 7/10/42 by delivering a
true copy of this Sum. to Eduina Morris
his mother in person, at said Elyce Morris
usual place of abode Eduina Morris, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.
Berlin Bodkin, Dep.
for S. H. Callender, S. R. C.

Section 10

Section 10

Section 10

Section 10

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Section 10

Section 10

Section 10

Section 10

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Section 10

Section 10

Section 10

Section 10

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

*James Shupp, Edmye Morris,
M.C. Davis, E. B. Kiser, J. J. Crider,
W. O. Brill, Avis Bunkle, John Stephens,
Mary Dean, & Dr. F. L. Byers.*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:30 o'clock, a. m., on the *13th* day of *July*, 19 *42*,

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

Sheridan Dean

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

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the *10th*

day of *July*, 19*42*, and in the 16 *7th* year of the Commonwealth.

J. Robert Switzer, Clerk

Executed 7/10/42 by delivering a true copy

of the within summons to W.C. Davis,

E.C. Kiser, J. L. Crider, Miss Barte,

John Stephens, Mary Dean &

Dr. H. L. Byers

each in person.

Berlin, Rockingham Co. Va.
Loc. S.H. Hallunder, S.H.L.

Com

Sheridan Dean

Sheriff's fees \$4.00

1942

July 13

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Laurence Miller,
Gwen Miller, Dancy Smith

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:30 o'clock, a. m., on the *14th* day of *July*, 19 *42*,

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

Shiridan Dean

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

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the *13th*

day of *July*, 19 *42*, and in the 16 *7th* year of the Commonwealth.

J. Robert Switzer, Clerk

EXECUTED 7/13/42 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE

COPY OF THE WITHIN summons

TO Lamar Miller, Gemini Miller & Wesley

IN PERSON. South

Sam H. Gallencher

S. H. G.

Corn

Sheridan Dean

Sheriff Fees \$120

1942
July 14

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Millard Miller and

James Morris

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:30 o'clock, a. m., on the 13th day of July 1942 to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against

Sheridan Dean

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

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 10th
day of July 1942, and in the 167th year of the Commonwealth.

J. Robert Switzer, Clerk

July 13

1942

Not finding James Morris nor any member of his family at his usual place of abode. Executed July 11, 1942 by posting and leaving posted a true copy of the within Summons on the front door of the said James Morris usual place of abode.

Arthur Bodkin
Dep.
for Sam H. Callender, S.R.C.

Sheldon Dean
aty
com

cc-52
80

EXECUTED July 14 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO William J. Miller
IN PERSON.

Arthur Bodkin, Dep.
for Sam H. Callender, S.R.C.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon *Walter Dean, Annie Knight*

& J. J. Oxiden

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:30 o'clock, a. m., on the *13th* day of *July* 19 *42* to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against

Sheridan Dean

who stands charged with and indicted for a felony misdemeanor.

And this you shall not omit under 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 *July* 19 *42*, and in the *167th* year of the Commonwealth.
J. Robert Switzer, Clerk

Not finding Arrie Knight at his usual

place of abode, Executed 7/10/42 by delivering a

true copy of this summon to Bessie Knight
his mother in person, at said Trilic Heights

usual place of abode Bessie Knight, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her,

Berlin Bodkin - do.
for S.H. Deallender, S.H.C.

Sheldon Dean
adv.
Conn.

62-53

8th Cir. Ct. 1.20

July 6
1942

each in person.

Berlin Bodkin - do.
for S.H. Deallender, S.H.C.

Executed 7/10/42 by delivering a true copy
of the within summon to Walter Dean &
W.C. Weeks

ask for Walter Dean Summers (mark)
" " ^{same} ~~same~~ Right - rule
for depend - worthwhile

6

Not for Walter P. ...
... - ...

6

COMMONWEALTH VS. Shiridan Dean

DESCRIPTION OF PRISONER

Last known address Swift Run Va

Color White Height 5-10 Eyes Blue Hair Gray Weight 145-

Marks _____

Age 49 Occupation Cook

Date of Trial May - 21 - 22 1942

Result _____

DESCRIPTION OF PRISONER

COMMONWEALTH vs. *Richard A. Merritt*

Last known address *1001 1st Ave. No.*
Color *White* Height *5-10* Eyes *Blue* Hair *Gray* Weight *145*
Marks _____
Age *49* Occupation *Clerk*
Date of Trial *May - 21 - 22* *1942*
Result _____

~~U. F. Lipt~~

1 J. M. Walbyer

2 A. Deputy

~~C. L. Harris~~

~~George S. Hooke~~

3 Leand H. Kirby

~~E. W. Kunkler~~

~~P. S. Wray~~

4 Geo. H. Chapman

~~W. S. Leman Sr.~~

5 G. S. Morse

6 A. L. Kowty

7 W. H. Zittel

8 Paul Layman

9 C. L. Wisk

~~B. Taylor Velt~~

10 C. J. Jorgler

11 J. J. Vachels

~~Charles E. Barker~~

12 Geo. W. Sharpe

1900-1901
1901-1902
1902-1903
1903-1904
1904-1905

1905-1906
1906-1907
1907-1908
1908-1909
1909-1910

1910-1911
1911-1912
1912-1913
1913-1914
1914-1915

1915-1916
1916-1917
1917-1918
1918-1919
1919-1920