

#1890

AUG - 1944

2

COMMONWEALTH

V. ) Fel. (sodomy)

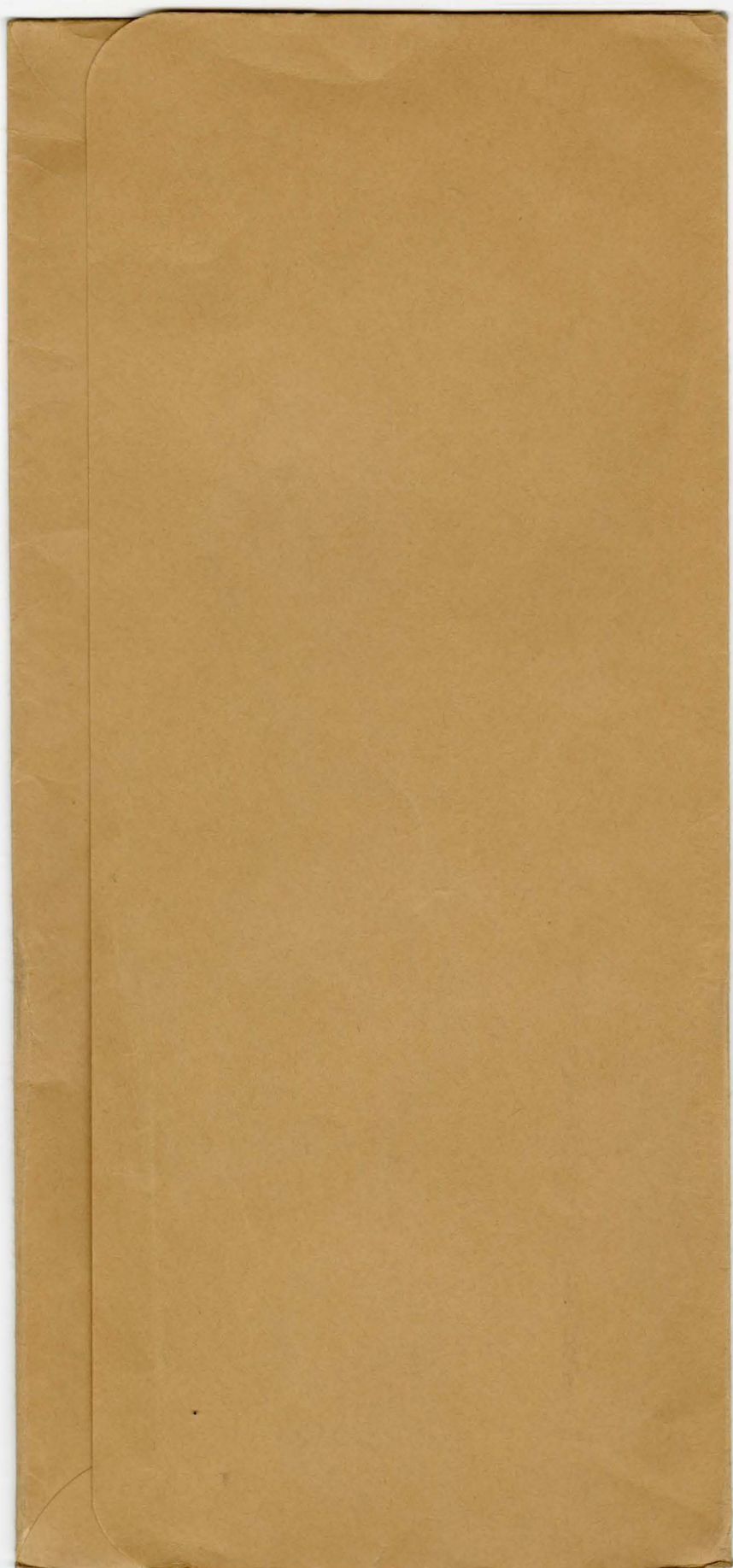
JAMES ARTHUR HERRING *v. G. Jail keeper*

$\frac{1}{103}$

*Roller press.*

*9/6/44*

~~$\frac{1}{2161}$~~



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 June term, 1944, upon their oaths do present that James Arthur Herring, on or about the 4th day of July, 1944, in said County, with force and arms, in and upon one Guy Putnam, a male child of the age of four (4) years, unlawfully and feloniously did make an assault, and him, the said Guy Putnam, then and there, to-wit, on the day and year aforesaid, and in the County aforesaid, unlawfully and feloniously did carnally know by the anus, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found upon the testimony of Pauline Herring and E. E. Kiser, witnesses sworn in Court and sent before the grand jury to give evidence.

SODOMY

2

COMMONWEALTH

v. ) Indictment

JAMES ARTHUR HERRING

Felony:  
June Term, 1944.

At True Bill:

*Chace*  
Foreman

Witnesses:

1. Pauline Herring
2. E. E. Kiser
- Lawrence H. Hoover  
Commonwealth's Attorney.

IN THE CIRCUIT COURT OF SAID COUNTY:  
COUNTY OF ROCKINGHAM, to-wit:  
COMMONWEALTH OF VIRGINIA,

This indictment is found upon the testimony of Pauline Herring and E. E. Kiser, witnesses sworn in Court and sent before the grand jury to give evidence.

In the Name of the Commonwealth of Virginia:

*Sergeant, City of Lynchburg*  
To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon .....

*Dr. G. B. Arnold*  
.....  
.....  
.....

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 *28th* day of *August* 19 *44*,

to testify and the truth to say in behalf of the Commonwealth against  
*James Arthur Herring*  
.....

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 *Aug.*, 19 *44*, and in the 16 *9th* year of the Commonwealth.

*J. Robert Switzer*, Clerk

Com

James Arthur Herring

Dr. D. B. Arnold  
Lynchburg, Va

1944  
Aug. 28

Executed in City of Lynchburg, Va., on the 23<sup>rd</sup>  
day of August 1944  
by delivering a true copy of within summons to.....

Dr. D. B. Arnold in person.

Dr. Johnson Deputy for School in Water  
Superintendent of the City of Lynchburg Va

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

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Glenwood Bear,

Pauline Herring, Melvin Herring,

Minston E. Shifflett and Oklen 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 28<sup>th</sup> day of August 19 44,

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

James Arthur Herring

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 22<sup>d</sup>

day of Aug, 19 44, and in the 16 9<sup>th</sup> year of the Commonwealth.

J. Robert Switzer, Clerk

Executed 8/23/48 by delivering a true copy  
of the within summons to Pauline Hering,  
Madison Hering, Winton E. Shiplett,  
Oliver Shiplett and Glenbreed  
Bears,

each in person. P. L. Jones, Dep. J.P.  
Sam H. Callender, S.R.C.

1948  
Aug. 28

Sheriff Fees \$2.00

Com

James Arthur Hering

In the Name of the Commonwealth of Virginia:

You are hereby commanded to appear before the Judge of the Circuit Court of Rockingham County at 9:30 o'clock, a.m. on the 28th day of August, 1948, to testify and the truth to say in behalf of the Commonwealth against

James Arthur Hering, who stands charged with and indicted for a felony misdemeanor. And this you shall not omit under penalty of \$100. And have witnesses, J. ROBERT SWITZER, Clerk of our said Court, at the

day of August, 1948, and the year of the Commonwealth of Virginia.



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

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

You are hereby commanded to summon.....

*Dr. J. H. Deyell*

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 *28<sup>th</sup>* day of *August* 19 *44*,

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

*James Arthur Kessing*

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 *25<sup>th</sup>*  
day of *Aug*, 19 *44*, and in the *16<sup>th</sup>* year of the Commonwealth.

*J. Robert Switzer*, Clerk

Com

✓

James Arthur Herring

Not finding Dr. J. H. Bayle at his usual

place of abode, Executed 8/25/44 by delivering a

true copy of this Subpoena to Evelyn Bayle

his daughter in person, at said Dr. J. H. Bayle

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

B. L. Davis Dep. for

Sam W. Callender S.R.C.

Sheriff fees \$40

1944  
Aug. 28

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

*R. M. Hammer, Layton Dean  
Lewis Herring, E. J. Gardner, J. H. McGuire,  
Joseph S. Black and A. H. Hays*

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 *28<sup>th</sup>* day of *August*, 19*44*,  
to testify and the truth to say in behalf of the Commonwealth against

*James Arthur Herring*  
who stands charged with and indicted for a felony ~~misde~~memeanor.

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 *25<sup>th</sup>*  
day of *August*, 19*44*, and in the 16*9<sup>th</sup>* year of the Commonwealth.

*Lawrence H. Herring*, Clerk  
*Commonwealth's Attorney*

Executed .. 8-25--74 .. by delivering a true copy

of the within summons to R. M. Hammer,

denton deems, Lewis Henning, E. F. Barber,

E. W. Hutchins, Joseph Black and

Andri Hooper

each in person.

Samuel Ballinger

S. H. C.

44/82/8

Com.  
James Wilson Stearns

The Commonwealth of Virginia, } To-wit  
Rockingham County, }  
To the Sheriff of Said County:

JUDGEMENT

Whereas, L. H. Hoover of said County, has this day made complaint and information on oath before me, J. C. Swartz, Clerk of T.J. Court of the said County, that James Arthur Herring on the 4th day of July, 19 44, in the said County, did unlawfully and feloniously carnally know one Guy Putnam by the anus, 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 the Trial Justice of the said County, the body of the said

James Arthur Herring

to answer the said complaint and to be further dealt with according to law.

Given under my hand this 7th day of July, 19 44.

*J. C. Swartz*  
Clerk. T. J. or J. P.

Memo. of Commonwealth Witnesses:

| Name | Address |
|------|---------|
|      |         |
|      |         |
|      |         |
|      |         |
|      |         |

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

I, T. J. or J. P. or Bail Commissioner of Virginia, do hereby certify that James Arthur Herring in and for the County of Rockingham, State of

Commonwealth of Virginia in the sum of                      as his surety                      have this day acknowledged themselves indebted to the                      dollars (\$                     ) as to which they severally waived their exemption, to be made and levied of their goods and chattels, yet upon this condition: That the said                      shall appear before the Trial Justice Court of Rockingham County at                      on the                      day of                      19                     , at                      o'clock A. M., and not depart hence without leave of said Court, 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 said charge, and then and there answer the Commonwealth of Virginia concerning the within charge until the same is finally disposed of, then this recognizance shall be null and void, otherwise to remain in full force and effect.

Given under my hand this, the                      day of                     , 19                     .

T. J. or J. P. or Bail Commissioner

Trial Justice Court

Criminal Docket No. 6452  
Commonwealth

vs. { Arrest Warrant

James Arthur Herring

Executed the within warrant by arresting and delivering the body of

James Arthur Herring  
before in jail

this 5 day of

July, 19 44  
E. S. Kiser J.P.

Officer's Mileage

Miles travelled by officer - - - - -

Miles carried prisoner - - - - -

Total mileage - - - - -

JUDGEMENT

July 10-1944  
Upon the hearing of the within charge, the defendant having appeared in person and waived a Preliminary hearing, is held to await the action of the grand jury

|                                   |    |      |
|-----------------------------------|----|------|
| Fine - - - - -                    | \$ |      |
| Issuing Justice's Fee - - - - -   | \$ | 1.00 |
| Clerk's Fee - - - - -             | \$ | 1.25 |
| Trial Justice Fee - - - - -       | \$ | 2.00 |
| Arrest and Mileage - - - - -      | \$ |      |
| Summoning Witness - - - - -       | \$ |      |
| Witness Attendance and Mileage    | \$ |      |
| Commonwealth's Attorney - - - - - | \$ | 3.50 |
| Jail Fees - - - - -               | \$ | .50  |
|                                   | \$ |      |
| Total - - - - -                   | \$ | 7.25 |

AC Moore  
Trial Justice



Trial Justice Court

Criminal Docket No. 6452

Commonwealth

vs.

James Arthur Herring

*arraigned*  
Arranged 7-10-44

Set for Trial

Defendant appeared in  
person and waived a  
preliminary hearing.  
Held for action of the  
Grand Jury.



- 1 G. C. Sitts
- 2 J. L. Ceter
- 3 H. E. Lerove
- 4 C. C. Hooke
- 5 A. A. Snowmaker
- 6 Elow Souder
- 7 A. A. Hangle
- 8 M. R. Layman
- 9 J. A. Yaud
- 10 Harry R. Heatwole
- 11 Paul R. Barrera
- 12 W. F. Prichett

AUG - 1944

#1889

COMMONWEALTH

V. ) Felony (murder)

JAMES ARTHUR HERRING

*W.S. jail rec*

$\frac{7}{103}$

$\frac{7}{109}$

$\frac{8}{26/44}$

company jury  $\frac{150}{}$   
 jury witness  $\frac{600}{}$   
 Total \$7.50



34-2877

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 June term, 1944, upon their oaths do present that James Arthur Herring, on or about the 4th day of July, 1944, in said County, unlawfully and feloniously did kill and murder one Guy Putnam, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found upon the testimony of E. E. Kiser and Pauline Herring, witnesses sworn in Court and sent before the grand jury to give evidence.

*James Arthur Herring  
Rockingham County, Virginia  
July 4, 1944  
Grand Jurors  
E. E. Kiser  
Pauline Herring  
Witnesses  
Lawrence H. Hoover  
Attorney at Law  
Harrisonburg, Virginia*

MURDER

COMMONWEALTH

v. ) Indictment

JAMES ARTHUR HERRING

Felony:

June Term, 1944.

A True Bill:

Ch. Price  
Foreman

Witnesses:

1. Pauline Herring
2. E. E. Kiser

Lawrence H. Hoover

Commonwealth's Attorney.

IN THE CIRCUIT COURT OF SAID COUNTY:  
COUNTY OF ROCKINGHAM, to-wit:  
COMMONWEALTH OF VIRGINIA,

The grand jurors of the Commonwealth of Virginia, in and  
by the body of the Court of Rockingham, at its June Term, 1944, upon their  
present that James Arthur Herring, in said County, unlawfully feloniously did  
kill and murder one Guy Putnam, against the peace and dignity of  
the Commonwealth of Virginia.

This indictment is found upon the testimony of E. E. Kiser  
and Pauline Herring, witnesses sworn in Court and sent before the  
grand jury to give evidence.

W. E. the jury found the accused  
guilty as charged in the indictment.  
next and they had punishment at  
the next moment in the penitentiary  
M. D. Kiser  
Foreman

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

It having been made to appear to the Court that the attorney for the commonwealth desires to summon more than the maximum number of witnesses <sup>allowed by statute</sup> to testify on behalf of the commonwealth in the case of Commonwealth vs. James Arthur Herring, who stands charged with a felony, and whose trial is set for <sup>Monday,</sup> the 28th day of August, 1944; and it further appearing to the court that additional witnesses beyond the maximum of ten allowed by statute are necessary in the prosecution of said case, the court doth hereby authorize the summoning of such additional witnesses, as provided by Section 3512a of the Code of Virginia.

Enter:

                                J. W. H.                                  , Judge.

7/109  
8/26/44

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

It having been made to appear to the Court that

the attorney for the Commonwealth desires to summon more than the maximum number of witnesses to testify on behalf

of the Commonwealth in the case of Commonwealth vs. James

Arthur Boring, who stands charged with a felony, and whose

trial is set for the 28th day of August, 1909, and it further

appearing to the Court that additional witnesses beyond the

maximum of ten allowed by statute are necessary in the prose-

cution said case, the Court doth hereby authorize the sum-

moning of such additional witnesses, as provided by Section

3512a of the Code of Virginia.

*Sum*

*James Arthur Boring*

*Order authorizing*

*add. witnesses to*

*be summoned beyond*

*the maximum allowed*

*by statute.*

*7/10/09*  
*Sproull*

Enter:

Judge.

*Sproull*

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

COMMONWEALTH )  
v. )  
JAMES ARTHUR HERRING )

CHARGE TO JURY

If you find the accused, James Arthur Herring, guilty of murder, as charged in the indictment, and that the murder was committed with malice aforethought, and that it was wilful, 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 wilful, 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 one Guy Putnam without malice aforethought, actual or implied, upon sudden heat, 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 the discretion of the jury, 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.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

COMMONWEALTH

v.

JAMES ARTHUR HERRING

CHARGE TO JURY

If you find the accused, James Arthur Herring, 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 one Guy Patman without malice aforethought, actual or implied, upon sudden heat, 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 the discretion of the jury, 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.

LAWRENCE H. HOOVER  
ATTORNEY AT LAW  
HARRISONBURG, VIRGINIA



Commonwealth

vs

James Arthur Herring

HWB

INSTRUCTION 1.

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

Commenced

21

James Arthur Manning  
Att'ys

A. INSTRUCTION

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

Commonwealth  
vs  
James Arthur Herring  
NWB

INSTRUCTION 2.

The Court instructs the jury that whenever a killing is wilful, deliberate and premeditated, the law infers that malice is present.

2. INSTRUCTION

Commonwealth  
vs  
James Arthur Fleming  
1943

The Court instructs the jury that whenever a killing is  
wilful, deliberate and premeditated, the law infers that malice  
is present.

Commonwealth

vs

James Arthur Herring

HWB,

INSTRUCTION 3.

The Court instructs the jury that murder is distinguished by the law of Virginia as murder in the first degree and murder in the second degree. And you are further instructed that murder by poison, lying in wait, imprisonment, starving, or any wilful, deliberate and premeditated killing, or killing in commission of, or in the attempt to commit arson, rape, robbery, or burglary, is murder in the first degree; and that all other murder is murder in the second degree.

INSTRUCTION 3

*James Arthur Henning*  
*1/2*  
*1870*

The Court instructs the jury that murder is distinguished

by the law of Virginia as murder in the first degree and murder  
in the second degree. And you are further instructed that murder  
by poison, lying in wait, imprisonment, starving, or any willful,  
deliberate and premeditated killing, or killing in commission of,  
or in the attempt to commit arson, rape, robbery, or burglary,  
is murder in the first degree; and that all other murder is mur-  
der in the second degree.

Commonwealth  
vs  
James Arthur Herring  
H. 1173.

INSTRUCTION 4.

The Court instructs the jury that every 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.





Commonwealth  
vs  
James Arthur Herring  
HAB

INSTRUCTION 5.

The Court instructs the jury that to constitute a wilful, deliberate, and premeditated killing, it is not necessary that the intention to kill should exist any particular length of time prior to the actual killing. It is only necessary that such intention should come into existence for the first time at the time of the killing, or any time previous thereto.

Commenced  
1/2  
James Arthur Henry  
1875

2. INSTRUCTION

The Court instructs the jury that to constitute a will-  
ful, deliberate, and premeditated killing, it is not necessary  
that the intention to kill should exist any particular length  
of time prior to the actual killing. It is only necessary that  
such intention should come into existence for the first time at  
the time of the killing, or any time previous thereto.

Commonwealth

<sup>vs</sup>  
James Arthur Herring.

HUB

INSTRUCTION 6.

The jury are instructed that every man is presumed to be sane and to possess a sufficient degree of reason to be responsible for his crimes until the contrary is proved to the satisfaction of the jury; and the jury are further instructed that if the prisoner relies on the defense of insanity, whether from intoxication or other cause, he must prove it to the satisfaction of the jury, and the insanity which is relied on as a defense must be proved substantially as an independent fact, and not merely by so much proof as may raise a rational doubt of his sanity at the time of committing the offense with which he is charged.

INSTRUCTION

*Commenced  
James Buchanan  
1845*

The jury are instructed that every man is presumed to be sane and to possess a sufficient degree of reason to be responsible for his crimes until the contrary is proved to the satisfaction of the jury; and the jury are further instructed that if the prisoner relies on the defense of insanity, whether from intoxication or other cause, he must prove it to the satisfaction of the jury, and the insanity which is relied on as a defense must be proved substantially as an independent fact, and not merely by so much proof as may raise a rational doubt of his sanity at the time of committing the offense with which he is charged.

Commonwealth  
vs  
James Arthur Hering  
HAB

INSTRUCTION

7

The Court instructs the jury that if they believe, from the evidence, beyond a reasonable doubt, that the accused committed the offense charged in the indictment and further believe from the evidence that at the time of the commission of the alleged offense the accused had capacity and reason sufficient to enable him to distinguish between right and wrong, and understood the nature, character, and consequence of his acts, and had the mental power sufficient to apply that knowledge to his own act, then they must find in favor of the Commonwealth.

Commonwealth  
vs  
James Arthur Henning  
MWD

2 INSTRUCTION

The Court instructs the jury that if they believe, from the evi-  
dence, beyond a reasonable doubt, that the accused committed the  
offense charged in the indictment and further believe from the  
evidence that at the time of the commission of the alleged of-  
fense the accused had capacity and reason sufficient to enable  
him to distinguish between right and wrong, and understood the  
nature, character, and consequence of his acts, and had the men-  
tal power sufficient to apply that knowledge to his own act,  
then they must find in favor of the Commonwealth.

Commonwealth  
vs  
James Arthur Herring

INSTRUCTION 8.

The Court instructs the jury that if they believe from the evidence, beyond a reasonable doubt, that James Arthur Herring wilfully, deliberately, maliciously and premeditatedly killed Guy Putnam, as charged in the indictment, and that he had sufficient capacity to know his acts were wrong, and understood the nature and consequences of such acts, then he is guilty of murder in the first degree, even though they may believe from the evidence that he is mentally weak or feeble minded, ignorant and of a low order of intelligence.

8 INSTRUCTION

Commonwealth  
vs  
James Arthur Her-  
ring

The Court instructs the jury that if they believe from the evidence, beyond a reasonable doubt, that James Arthur Her-  
ring willfully, deliberately, maliciously and premeditatedly  
killed Gay Patnam, as charged in the indictment, and that he  
had sufficient capacity to know his acts were wrong, and understood  
the nature and consequences of such acts, then he is guilty of  
murder in the first degree, even though they may believe from  
the evidence that he is mentally weak or feeble minded, ignorant  
and of a low order of intelligence.



THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:--

You are hereby commanded to summon India Webb, Chief Clerk, Rockingham County Selective Service Board, to appear before the Judge of the Circuit Court of Rockingham County, Virginia, at the Courthouse, on the 28th day of August, 1944, forthwith, in a certain matter of controversy in our said Court, therein pending, of Commonwealth of Virginia vs. James Arthur Herring, charged with felony.

We further command you that you summon the said India Webb, Chief Clerk, Rockingham County Selective Service Board, to appear as aforesaid and produce before our said Court the file, records, papers, etc., of the said James Arthur Herring, Order No. 3014 in the office of the said Selective Service Board of Rockingham County, Virginia.

And have then and there this writ and make return how you have executed the same.

Witness, J. Robert Switzer, Clerk of our said Court, at the Courthouse thereof, in the County and State aforesaid, the 28th day of August, 1944, in the 169<sup>th</sup> year of the Commonwealth.

J. Robert Switzer, Clerk.

My wife Bessie  
Deputy Clerk

Executed August 28, 1944 by delivering a true copy of the within summons to India Webb, Chief Clerk, Rockingham County Selective Service Board in person, and also delivering India Webb to the Circuit Court Room.

B. L. Kiser Deputy  
San H. Callender S.R.C.

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THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ROCKINGHAM COUNTY, GREETING:--

You are hereby commanded to summon India Webb, Chief Clerk, Rockingham County Selective Service Board, to appear

before the judge of the Circuit Court of Rockingham County, Virginia, at the Courthouse, on the 28th day of August, 1944,

forthwith in a certain matter of controversy in our said Court, therein pending, of Commonwealth of Virginia vs. James Arthur Herring, charged with felony.

We further command you that you summon the said India Webb, Chief Clerk, Rockingham County Selective Service Board, to appear as aforesaid and produce before our said Court the file, records, papers, etc., of the said James Arthur Herring, Order No. 3014 in the office of the said Selective Service Board of Rockingham County, Virginia.

And have then and there this writ and make return how you have executed the same.

Witness, J. Robert Switzer, Clerk of our said Court, at the Courthouse thereof, in the County and State aforesaid, the 28th day of August, 1944, in the 15th year of the Commonwealth.

Clerk.

*James Arthur Herring*  
*Rockingham County*

*Executed August 28, 1944 by delivering a true copy of the within summons to Chief Clerk Webb, Rockingham County Selective Service Board in person and also delivering a true copy to the Circuit Court Room.*

*J. R. Switzer*  
*Aug 28, 1944*

*James Arthur Herring*  
*aka*  
*(conv)*

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF AMHERST COUNTY, GREETING:--

We command you that you summon Dr. Carl W. White to appear before our Circuit Court of Rockingham County, Virginia, at the Courthouse, on Monday, the 28th day of August, 1944, at 9:30 a. m., and produce before our said Court all records, papers, exhibits, commitments, orders, case history, etc., of James Arthur Herring, and all commitment, admission papers, case history, etc., concerning the said James Arthur Herring, at the Lynchburg State Colony, Colony, Virginia; and then and there to testify, and the truth to say on behalf of the defendant in a certain case of Commonwealth of Virginia against James Arthur Herring.

And have then and there this writ and make return how you have executed the same.

Witness, J. Robert Switzer, Clerk of our said Court, at the Courthouse thereof, in the County and State aforesaid, this 22nd day of August, 1944, in the 169th year of our Commonwealth.

J. Robert Switzer, Clerk.  
By Margie Bouman,  
Deputy Clerk.

James Arthur Herring

also

born

Spencer Lewis

Ampley & Dornier

James Herring, Jr.

Process on Dr. Carl W. White

by delivering a copy shortly  
in writing to him in  
person in Carver's County

on the 24 day of

August 1944.

Young S. Myers  
Sheriff of Carver's Co. Va.

1944

Aug. 28

*[Faint signature and text, possibly "Clerk"]*

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF AMHERST COUNTY, GREETING:--

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We command you that you summon Dr. Carl W. White to appear before our Circuit Court of Rockingham County, Virginia, at the Courthouse, on Monday, the 28th day of August, 1944, at 9:30 a. m., and produce before our said Court all records, papers, exhibits, commitments, orders, case history, etc., of James Arthur Herring, and all commitment, admission papers, case history, etc., concerning the said James Arthur Herring, at the Lynchburg State Colony, Colony, Virginia; and then and there to testify, and the truth to say on behalf of the defendant in a certain case of Commonwealth of Virginia against James Arthur Herring.

And have then and there this writ and make return how you have executed the same.

Witness, J. Robert Switzer, Clerk of our said Court, at the Courthouse thereof, in the County and State aforesaid, this 22nd day of August, 1944, in the 169th year of our Commonwealth.

*J. Robert Switzer*

\_\_\_\_\_, Clerk.

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA:  
TO THE SHERIFF OF AMHERST COUNTY, GREETING:--

We command you that you summon Dr. Carl W. White to  
appear before our Circuit Court of Rockingham County, Virginia,  
at the Courthouse, on Monday, the 28th day of August, 1944, at  
9:30 a. m., and produce before our said Court all records,  
papers, exhibits, commitments, orders, case history, etc.,  
of James Arthur Herring, and all commitment, admission papers,  
case history, etc., concerning the said James Arthur Herring,  
at the Lynchburg State Colony, Colony, Virginia; and then and  
there to testify, and the truth to say on behalf of the defen-  
dant in a certain case of Commonwealth of Virginia against  
James Arthur Herring.

And have then and there this writ and make return how

you have executed the same.

Witness, J. Robert Switzer, Clerk of our said Court, at  
the Courthouse thereof, in the County and State aforesaid,  
this 22nd day of August, 1944, in the 19th year of our Common-

wealth.  
J. Robert Switzer  
Clerk.

*Dr. Carl W. White*

August 22, 1944

Sheriff of Amherst County  
Amherst, Virginia

Dear Sir:

I am enclosing herewith original and copy of summons for a witness on behalf of the commonwealth and original and copy of a subpoena duces tecum to produce certain documents on behalf of the defendant, to be served on Dr. Carl W. White at Colony, Virginia, in a felony trial against James Herring, set for next Monday, August 28, 1944, in this court.

Please execute at your earliest convenience and return the originals to this office.

Thanking you, I am

Yours very truly,

J. Robert Switzer, Clerk

JRS:mb  
Encs.

August 28, 1944

Sheriff of Amherst County  
Amherst, Virginia

Dear Sir:

I am enclosing herewith original and copy of summons for a witness on behalf of the Commonwealth and original and copy of a subpoena duces tecum to produce certain documents on behalf of the defendant, to be served on Dr. Carl W. White at Colony, Virginia, in a felony trial against James Herring, set for next Monday, August 28, 1944, in this court.

Please execute at your earliest convenience and return the originals to this office.

Thanking you, I am

Yours very truly,

J. Robert Switzer, Clerk

JRS:mp  
Encs.



August 22, 1944

Sheriff of Augusta County  
Staunton, Virginia

Dear Sir:

I am enclosing herewith original and copy of summons to be served on James Walter Herring, Augusta Springs, Virginia, to testify for the defendant in a felony case to be tried in this court on next Monday, August 28th.

Please execute at your earliest convenience and return the original to this office.

Thanking you, I am

Yours very truly,

J. Robert Switzer, Clerk

JRS:mb  
Encs.

August 22, 1944

Sheriff of Augusta County  
Staunton, Virginia

Dear Sir:

I am enclosing herewith original and copy of summons to be served on James Walter Herring, Augusta Springs, Virginia, to testify for the defendant in a felony case to be tried in this court on next Monday, August 28th.

Please execute at your earliest convenience and return the original to this office.

Thanking you, I am

Yours very truly,

J. Robert Switzer, Clerk

JRS:mb  
Encs.

August 22, 1944

Sergeant of the City of Lynchburg  
Lynchburg, Virginia

Dear Sir:

I am enclosing herewith original and copy of summons to be served on Dr. G. B. Arnold, Lynchburg, Virginia, to testify on behalf of the commonwealth in a felony case to be tried in this court against James Arthur Herring on next Monday, August 28, 1944.

Please execute at your earliest convenience and return the original to this office.

Thanking you, I am

Yours very truly,

J. Robert Switzer, Clerk

JRS:mb  
Encs.

August 28, 1944

Sergeant of the City of Lynchburg  
Lynchburg, Virginia

Dear Sir:

I am enclosing herewith original and copy of summons  
to be served on Dr. G. B. Arnold, Lynchburg, Virginia,  
to testify on behalf of the Commonwealth in a felony  
case to be tried in this court against James Arthur  
Herring on next Monday, August 28, 1944.

Please execute at your earliest convenience and return  
the original to this office.

Thanking you, I am

Yours very truly,

J. Robert Switzer, Clerk

JRS:md  
Encs.

In the Name of the Commonwealth of Virginia:

*Amherst*  
To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

*Dr. Carl W. White*

*Colony*

*Va.*

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 *28<sup>th</sup>* day of *August* 19 *44*,

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

*James Arthur Herring*

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 *22<sup>d</sup>*  
day of *Aug.*, 19 *44*, and in the 16 *9<sup>th</sup>* year of the Commonwealth.

*J. Robert Switzer*, Clerk

Com

James Arthur Hixney

Dr. Carl W. White  
Colony  
Va

I served the within process on Dr Carl W. White  
by delivering a copy thereof in writing  
to him in person in Albemarle County  
on the 27 day of August 1944.

Henry S. Myers  
Sheriff of Albemarle Co. Va.

1944  
Aug. 28

**Commonwealth of Virginia:**

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

*E. E. Kiser and Pauline Hessing*

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<sup>th</sup>* day of *July* 19 *44*,  
to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY.....

*James A. Hessing*

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 *17<sup>th</sup>*  
day of *July* 19 *44*, and in the *169<sup>th</sup>* year of the Commonwealth.

*J. Robert Switzer*, Clerk

Executed 7/17/44 by delivering a true copy  
of the within summons to E. C. Kiser  
and Pauline Hermy

R. P. Kiser Dep. Atty  
San 17 Callender S. R. C.

each in person.

1944  
July 18

Sheriff Fees \$ .80

James A. Hermy

Com



In the Name of the Commonwealth of Virginia:

*Amherst*

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

You are hereby commanded to summon

*Dr. Carl W. White*

*Colonny*

*va*

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 *28<sup>th</sup>* day of *August* 19 *44*,

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

*James Arthur Ferring*

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 *22<sup>d</sup>*

day of *Aug.*, 19 *44*, and in the 16 *9<sup>th</sup>* year of the Commonwealth.

*J Robert Switzer*

, Clerk

COMMONWEALTH VS. James Arthur Hearnig

DESCRIPTION OF PRISONER

Last known address Yelbtow. Va

Color W- Height 5-8 Eyes Blue Hair dark Weight 150

Marks Hearnig not so good - impediment in speech

Age 28 Occupation Railroad worker

Date of Trial aug - 28 1944

Result \_\_\_\_\_

COMMONWEALTH vs James Arthur Thompson

DESCRIPTION OF PRISONER

Last known address: Woburn, Ma  
 Color: N Height: 5-2 Eye: Blue Hair: Black Weight: 120  
 Marks: Thompson not in good - in prison - in good  
 Age: 28 Occupation: Railroad worker  
 Date of Trial: Aug - 28 1944  
 Result:

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

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

You are hereby commanded to summon .....

*Dr. J. L. De Jasnetto*

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 *28<sup>th</sup>* day of *August*, 19 *44*,

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

*James Arthur Fleming*

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 *28<sup>th</sup>*  
day of *Aug*, 19 *44*, and in the 16 *9<sup>th</sup>* year of the Commonwealth.

*J. Robert Switzer*, Clerk

EXECUTED 8/28/49 IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN Summons  
TO Dr. S. DeFarnette  
IN PERSON.

R. L. Kiser Dep. for  
Sam H. Callender S. R. C.

*Done*

*1*  
singly to the Commission of Virginia:  
*James Arthur Fleming*

*Stamp Fee \$40*

*1949*

*Aug. 28*

The Commonwealth of Virginia, }  
 Rockingham County, } To-wit  
 To the Sheriff of Said County:

Whereas, L. H. Hoover of said County, has this day  
 made complaint and information on oath before me, J. C. Swartz, Clerk of T. J. Court  
T. J. or J. P.  
 of the said County, that James Arthur Herring  
 on the 4th day of July, 1944, in the said County, did unlawfully and fe-  
loniously kill and murder one Guy Putnam, 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 the Trial Justice of the said County, the body of the said

James Arthur Herring

to answer the said complaint and to be further dealt with according  
 to law.

Given under my hand this 7th day of July, 1944.

J. C. Swartz  
 Clerk. T. J. or J. P.

**Memo. of Commonwealth Witnesses:**

Name

Address

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

# JUDGEMENT

July 10-1944  
 Upon the hearing of the within charge,  
*the defendant having appeared in person and waived a preliminary hearing is held to await the action of the grand jury*

|                                |           |       |       |
|--------------------------------|-----------|-------|-------|
| Fine                           | - - - - - | \$    | ..... |
| Issuing Justice's Fee          | -         | \$    | 1.00  |
| Clerk's Fee                    | - - - - - | \$    | 1.25  |
| Trial Justice Fee              | - - - - - | \$    | 2.00  |
| Arrest and Mileage             | -         | \$    | ..... |
| Summoning Witness              | -         | \$    | ..... |
| Witness Attendance and Mileage | \$        | ..... |       |
| Commonwealth's Attorney        | - - - - - | \$    | 2.50  |
| Jail Fees                      | - - - - - | \$    | 1.50  |
|                                |           | \$    | ..... |
| Total                          | - - - - - | \$    | 9.75  |
|                                |           |       | 7.25  |

*AC Moore*  
 Trial Justice

Trial Justice Court

Criminal Docket No. 6453  
 Commonwealth

vs. { Arrest Warrant

James Arthur Herring

Executed the within warrant by arresting and delivering the body of

*James Arthur Herring*  
 before *in jail*

this 5 day of

July, 1944  
*W. H. Hines S.P.*

Officer's Mileage

Miles travelled by officer - - - - -

Miles carried prisoner - - - - -

Total mileage - - - - -

STATE OF VIRGINIA—COUNTY OF ROCKINGHAM, TO-WIT:  
 I, ..... T. J. or J. P. or Bail Commissioner  
 of Virginia, do hereby certify that .....  
 Commonwealth of Virginia in the sum of ..... as his suret .....  
 which they severally waived their exemption, to be made and levied of their goods and chattels, yet upon this condition: That the said  
 dollars (\$) ..... ) as to  
 shall appear before the Trial Justice Court of Rockingham County at  
 o'clock A. M., and not depart hence without leave of said Court, 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 said charge,  
 and then and there answer the Commonwealth of Virginia concerning the within charge until the same is finally disposed of, then this  
 recognition shall be null and void, otherwise to remain in full force and effect.  
 Given under my hand this, the ..... day of ..... 19.....  
 T. J. or J. P. or Bail Commissioner





Trial Justice Court

Criminal Docket No.

6453

Commonwealth

vs.

James Arthur Herring

Arranged <sup>ign</sup> 7-10-44

Set for trial

Defendant appeared in person and waived a preliminary hearing. Held to await the action of the Grand Jury.