

Commonwealth of Virginia,
Rockingham County, To-wit:

BE IT REMEMBERED, that on the 14th day of November, 1946
Arvid Lee Whetzel, principal and P. V. Whetzel
surety, who justified to his sufficiency, came before me, Shepley Deener
Bail Commissioner, of the said county of Rockingham,
(J. P. or Bail Commissioner)

and acknowledged themselves to be indebted to the Commonwealth of Virginia each in the sum of Five Hundred Dollars, (\$ 500⁰⁰),

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

That if the said Arvid Lee Whetzel shall personally appear before the Circuit Court of Rockingham County, at the Courthouse of said County, on the 19th day of Nov. 1946 at 2 P.M. Term thereof, being the day of Nov., and at such other time or times to which the proceedings may be continued or further heard, and before any court or judge hereafter having or holding any proceedings in connection with the said charge, and then and there answer the Commonwealth of Virginia concerning a certain felony whereof the said Arvid Lee Whetzel stands charged, and be bound under said recognizance until the charge is finally disposed of or until it is declared void by order of a competent court, then the above recognizance shall be null and void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, I hereunto affix my signature this 14th day of Nov., 1946

Shepley Deener
(J. P. OR BAIL COMMISSIONER)

Commonwealth of Virginia,
Rockingham County, To-wit:

BE IT REMEMBERED, that on the 14th day of November, 1944,
I, the undersigned, Clerk of the County, principal and
surety, who joined to his sufficiency, came before me,
[Signature] of the said county of Rockingham,

and acknowledged themselves to be indebted to the Commonwealth of Virginia in the sum of
Four hundred Dollars (\$400.00)

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

condition that they shall personally appear before the
Court of the County at the Courtroom of said County, on the 19th day

of November, 1944, at such time or times to which the proceedings may be continued or further heard, and before
me or my deputy, to answer to the charge and to show cause why they should be discharged, and then

and thereupon the Commonwealth of Virginia consented a certain
sum of money to be paid to the Commonwealth of Virginia, to wit:

whereof the said [Signature] shall be liable to the Commonwealth of Virginia, and he bound under said recognizance until the charge is finally disposed of or until it is declared void
by order of a competent court, then the above recognizance shall be null and void; otherwise to remain in full
force and effect.

In Witness Whereof, I hereunto set my signature this 14th day of November, 1944.

[Signature]
Clerk of the County

Civil Fee collected
\$500.00
To T. Q. Bueck
11/19/46
20.00

OCT 17 1946

#2020

COMMONWEALTH

OCT

1946

V.

)

Felony (murder)

ARVIL LEE WHETZEL

OCT

1946

~~7/21/46~~

12/9/46



34-2877

COMMONWEALTH OF VIRGINIA



DEPARTMENT OF PUBLIC WELFARE
TRAVELERS BUILDING
RICHMOND 19

CHILDREN'S BUREAU
1203 EAST BROAD STREET
RICHMOND 19

December 11, 1946

Mr. J. Robert Switzer, Clerk
Circuit Court of Rockingham County
Harrisonburg, Virginia

Re: Arvil Lee Whetzel

Dear Mr. Switzer:

This to acknowledge the receipt and the acceptance of the commitment on the above named boy who was brought into Richmond yesterday and placed in our receiving home.

Very truly yours,

Susan E. Tabb
(Mrs.) Susan E. Tabb
Asst. Supervisor, Intake Division

SET/lfw

XXXXXXXXXX

December 19, 1946

Roger Baldwin, Esq.
American Civil Liberties Union
170 Fifth Ave.
New York 10, N. Y.

Dear Sir:

Your letter of December 16, relative to the conviction of Arvil Lee Whetzel on a charge of second degree murder was received, and for your information I am enclosing herewith a copy of the court order which sets out in detail the action of the court.

Yours very truly,

H. W. Bertram, Judge

mb
enc.

CLERK
J. ROBERT SWITZER
JUDGE
HON. H. W. BERTRAM

MARGARET BRANIFF
MARGIE BOWERS
W. EDGAR GIBB
DEPUTIES

Richmond, Virginia
Circuit Court of Rockingham County

Clerk's Office

Clerk's Office

Circuit Court of Rockingham County

Harrisonburg, Virginia

HON. H. W. BERTRAM
JUDGE
J. ROBERT SWITZER
CLERK

DEPUTIES
W. EDGAR SIPE
MARGIE BOWERS
MARGARET BRANUM

ENC.
no

H. W. BERTRAM, Judge

DO NOT WRITE IN THESE SPACES

which sets out in detail the action of the court.
I am enclosing herewith a copy of the court order
filed under this receipt, and for your information
that of which the receipt on a copy of second de-
partment letter of December 10, relative to the con-
-

DEAR SIR:

NEW YORK TO: H. W.
THE ATTORNEY
AMERICAN STAFF DIRECTOR
ROBERT BERTRAM, Esq.

December 10, 1946

XXXXXXXXXX

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170 Fifth Avenue • New York City (10)
(at 22nd Street)

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December 16, 1946.

Judge H. W. Betram,
Harrisonberg, Va.,

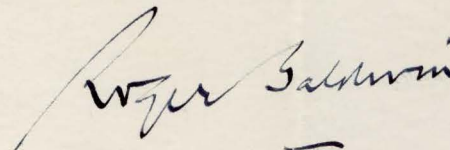
Dear Judge Betram:

We note from the dispatches concerning an eleven year old boy convicted of second degree murder and sentenced to prison, that you would rule as to his treatment following the reported action of the State Department of Public Welfare in refusing to accept custody save under certain conditions.

We are ignorant of the provisions of the Virginia law relating to criminal responsibilities of children of this age, but it would appear that the circumstances would justify the most careful disposition of so tragic but understandable an act.

We would appreciate any information you or your associates may give us.

Sincerely yours,



RNB.T

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(at 32nd Street)

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Dear Judge Betram:
 Judge H. W. Betram,
 Harrisonburg, Va.
 We note from the dispatches concerning an eleven year old boy convicted of second degree murder and sentenced to prison, that you would rule as to his treatment following the reported action of the State Department of Public Welfare in not allowing to accept custody save under certain conditions.
 We are ignorant of the provisions of the Virginia law relating to criminal responsibilities of children of this age, but it would appear that the circumstances would justify the most careful disposition of so tragic and understandable an act.
 We would appreciate any information you or your associates may give us.
 Sincerely yours,
 RMB:T

Wm. H. Hays

170 Fifth Avenue

Suite 900



Judge H. W. Betram,
Harrisonberg, Va.,

MADISON SQUARE
STATION



IN NEW YORK 10, N. Y.

Phillips

Miss Bowman at Children's Bureau

on E. Broad St near
Hospitals & Highway, 15th

Hold

Commonwealth

v.

Arvil Lee Whetzel

This day came the attorney for the commonwealth,
 and the ^{accused} defendant, Arvil Lee Whetzel, came in person pursuant
 to his recognizance heretofore entered into; and thereupon, the
 said Arvil Lee Whetzel having, by writing this day siged before
 the court in accordance with Section 4866 of the Code of Vir-
 ginia, waived indictment or presentment on the charge in the
 warrant set out, ~~thereupon,~~ the court proceeded to hear this
 case on the warrant; and being thereof arraigned, ^{the defendant} pleaded
 guilty to the charge set out in the warrant aforesaid, And
 the said Arvil Lee Whetzel having waived trial by jury and
 agreed to submit all matters of law and fact to the court,
 thereupon, the court, with the consent of the attorney for the
 commonwealth, proceeded to hear and determine the case without
 the intervention of a jury, and having heard the evidence, the
 court doth find the said Arvil Lee Whetzel guilty of murder in
 the second degree and doth fix his punishment at seven and one-
 half years in the State Penitentiary. And it being inquired of
 the prisoner if anything he had or knew to say why the court
 should not pronounce sentence on him, ^{and it appearing that he is a child} and nothing being offered
 or alleged in delay thereof, it is therefore considered by the
 court that the commonwealth recover of the said Arvil Lee Whet-
 zel the costs incident to this prosecution, and that he be
 committed to the State Board of Public Welfare pursuant to the
 provisions of Section 1910 of the Code of Virginia. And the
 said Arvil Lee Whetzel is placed in the custody of the Sheriff
 of this County until he can be delivered to ~~the State Board of~~
 Public Welfare.
 State Penitentiary, ~~and removed and returned~~

*f tender years to wit, ten years of age, ~~and the execution of said sentence was~~
 hereby suspended and said Arvil Lee Whetzel is hereby*

*indeterminate
 said Board
 may determine*

*for an
 period, to be dealt with as a juvenile delinquent*

1893
10/1

Commonwealth

Arvil Lee Whetzel

This day came the attorney for the commonwealth,
and the defendant, Arvil Lee Whetzel, came in person pursuant
to his recognizance heretofore entered into; and thereupon, the
said Arvil Lee Whetzel having, by writing this day signed before
the court in accordance with Section 4866 of the Code of Vir-
ginia, waived indictment or presentment on the charge in the
warrant set out, thereupon the court proceeded to hear this
case on the warrant; and being thereof arraigned, pleaded
guilty to the charge set out in the warrant aforesaid, and
the said Arvil Lee Whetzel having waived trial by jury and

waived to the statute for such

cases made and provided.

Process out 1st Nov Rule

Bills filed 10/23

Ordered 11/23

Commonwealth, proceeded to hear and determine the case aforesaid,
the intervention of the said Arvil Lee Whetzel having heard the evidence, the
court doth find the said Arvil Lee Whetzel guilty of murder in
the second degree and doth fix his punishment at death and one-
half years in the State Penitentiary, and the said Arvil Lee Whetzel
the prisoner if anything he had or knew to say in his defense, or
should not pronounce sentence on him, or should not delay the
or alleged to delay thereof, it is heretofore considered by the
court that the commonwealth recover of the said Arvil Lee Whet-
zel the costs incident to this prosecution, and that he be
committed to the State Board of Public Welfare pursuant to the
provisions of Section 1915 of the Code of Virginia. And the
said Arvil Lee Whetzel is placed in the custody of the Sheriff
of this County until he can be delivered to the State Board of
Public Welfare.

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

Whereas, Sam H. Callender, Sheriff Rockingham County of said County, has this day made complaint and information on oath before me, K. C. Moore, Juvenile Judge and Trial Justice of the said County, that Arvil Lee Whetzel

on the 8th day of Nov., 19 46, in the said County, did unlawfully and feloniously kill and murder one Patricia Ann Strawderman, 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

Arvil Lee Whetzel

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

Given under my hand this 12th day of Nov., 19 46.

K. C. Moore, Juvenile Judge
 Clerk. T. J. or J. P.

Memo. of Commonwealth Witnesses:

Name

Address

I the undersigned Arvil Lee Whetzel, 10 years of age, being the accused in the above warrant do hereby waive presentment of the charge contained in said warrant to the grand jury and indictment thereof by a grand jury, and do hereby elect to be tried on the above original warrant by the Judge of the Circuit Court of Rockingham County, Virginia, without the participation of a jury.

Signed in open Court, in the presence of and upon the advice of my attorney, D. Wampler Carman, this 9th day of December, 1946

Witness: D. Wampler Carman Arvil Lee Whetzel

JUDGEMENT

November 14-1946

Upon the hearing of the within charge,

The defendant Arvil Lee Whetzel and by his counsel W. W. Attorney, and in the presence of his father, Arthur Whetzel, his mother Edie R. Whetzel, and his grandfather, Percival B. Whetzel, waived his Preliminary hearing, he is held to await the action of the grand jury.

Fine	- - - - -	\$
Issuing Justice's Fee	- - - - -	\$	1.00
Clerk's Fee	- - - - -	\$	1.75
Trial Justice Fee	- - - - -	\$	2.00
Arrest and Mileage	- - - - -	\$	5.10
Summoning Witness	- - - - -	\$
Witness Attendance and Mileage	- - - - -	\$
Commonwealth's Attorney	- - - - -	\$	2.50
Jail Fees	- - - - -	\$.50
	- - - - -	\$
Total	- - - - -	\$	17.35

KC Moore, Jr.
Trial Justice

Trial Justice Court

Criminal Docket No. C-1663

Commonwealth

vs.

Arrest Warrant

Arvil Lee Whetzel

Executed the within warrant by arresting and delivering the body of

Arvil Lee Whetzel

before

Jail

this 8 day of

Oct, 1946

Sam H. Ballender
S. H. Ballender

Officer's Mileage

Miles travelled by officer - - 30

Miles carried prisoner - - 15

Total mileage - - - 45

N. H.

360

STATE OF VIRGINIA—COUNTY OF ROCKINGHAM, TO-WIT:
I, T. J. or J. P. or Ball Commissioner, in and for the County of Rockingham, State of Virginia, do hereby certify that Arvil Lee Whetzel, as his surety Sam H. Ballender, have this day acknowledged themselves indebted to the Commonwealth of Virginia in the sum of 17.35 dollars (\$ 17.35) 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 Arvil Lee Whetzel shall appear before the Trial Justice Court of Rockingham County at 8 o'clock A. M., on the 8 day of Oct, 1946, at Jail, 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 14 day of Nov, 1946.

T. J. or J. P. or Ball Commissioner

COMMONWEALTH VS. Arvil Lee Mudgett

DESCRIPTION OF PRISONER

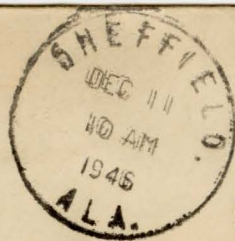
Last known address Timberville Rt 1 - of V. L. Bidler
Color W. Height 4 ft 6 in Eyes Blue Hair brn Weight 70
Marks al. on
Age 10 Occupation school - 4th grade
Date of Trial 12/9/46
Result 7 1/2 yrs.

COMMONWEALTH vs [illegible]

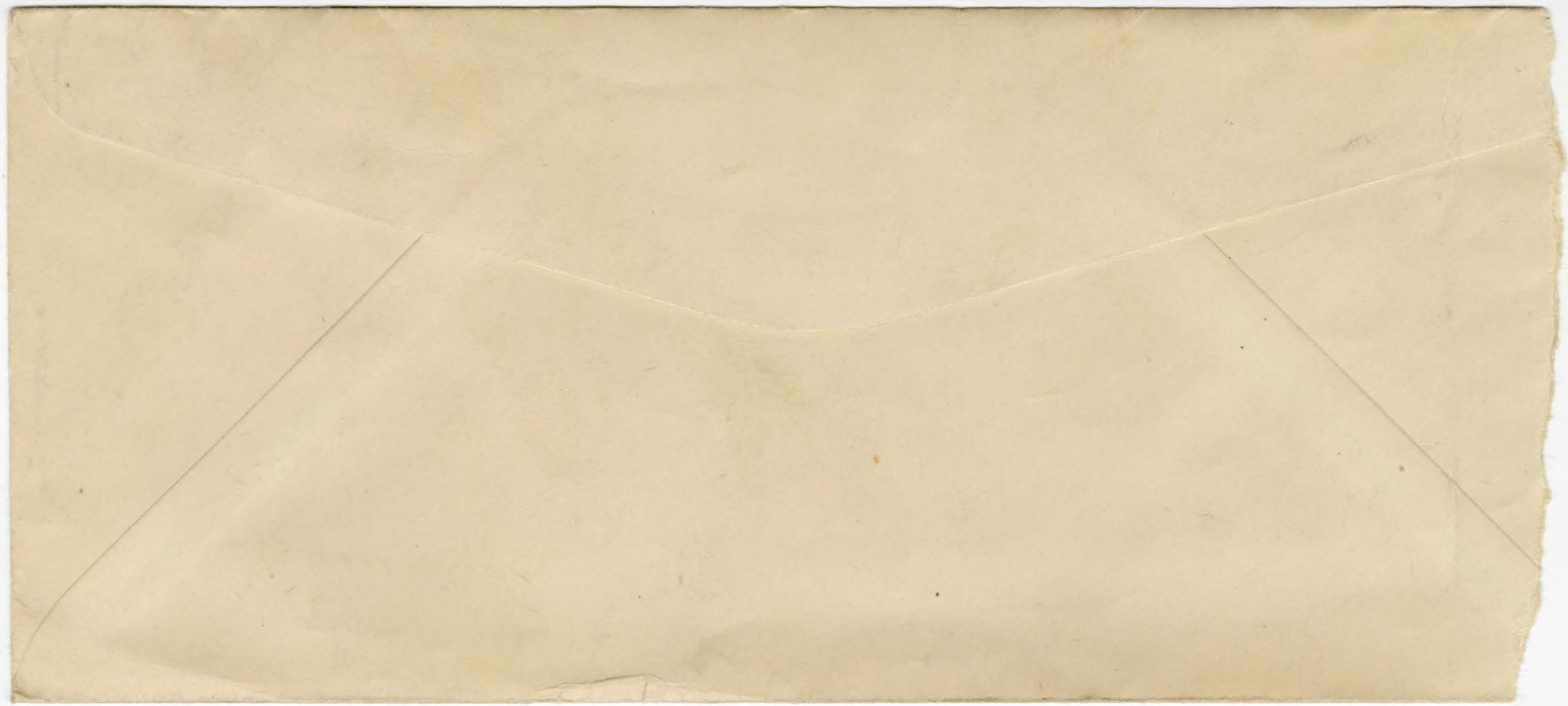
DESCRIPTION OF PRISONER

Last known address _____
 Color _____ Height _____ Eyes _____ Hair _____ Weight _____
 Marks _____
 Age _____ Occupation _____
 Date of Trial _____
 Rank _____

SHEFFIELD HOTEL
Sheffield, - Alabama



Judge of The
Rockingham County Circuit Court.
Harrisonburg,
Virginia



2017

Trial Justice Court

J. D. R. Docket No.

8-1663

Com'th

vs.

Arvil Lee Whetzel

A. W.

Arraigned

11-12-46

Bailed to

11-19-46

at

2³⁰ PM

Trial

11-19-46 at 2³⁰ PM

11-14-46

Waived preliminary hearing
and is held for the action
of the Grand Jury.

