INSTRUCTION NO. C

The Court instructs the jury that even though you should believe the defendant guilty of one of the offenses charged in the indictment in this case, but have a reasonable doubt as to which one of said offenses he is guilty, you should give the defendant the benefit of such doubt and find him guilty of the lesser offense to which said doubt attaches.

INSTRUCTION NO. 🤔

The Court instructs the jury that even though you should believe the defendant guilty of one of the offenses charged in the indictment in this case, but have a reasonable doubt as to which one of said offenses he is guilty, you should give the defendant the benefit of such doubt and find him guilty of the losser offense to which said doubt attaches.

4 30 CE

INSTRUCTION

The Court instructs the jury that to constitute the offense of malicious shooting with intent to maim, disfigure, disable or kill, the shooting must be done with both malice and an intent to maim, disfigure, disable or kill; that to constitute the offense of unlawful shooting with intent to maim, disfigure, disable or kill, the shooting must be done with intent, but without malice, in which connection the Court further instructs the jury that the difference between malicious and unlawful shooting depends upon whether or not, if death had resulted, the perpetrator of the act would have been guilty of murder or manslaughter.

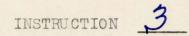
The Court further instructs the jury that to constitute the offense of assault and battery, neither an intent to maim, disfigure, disable or kill, nor malice need be present. The Court instructs the jury that to constitute the offense of malicious shooting with intent to main, disfigure, dibable or kill, the shooting must be done with both malice and an intent to sain, disfigure, disable or kill; that to constitute the offense of unlevial shooting with intent to main, disfigure, simple or kill, the shooting must be done with intent, but without malice, in which connection the Court further instructs the jury that the difference between malicious and unlewing shooting depends upon whether or not, if death and unlewing shooting depends upon whether or not, if death willty of mudar or malaughter.

The Court further instructs the jury that to constitute the offense of massalt and battery, heither an intent to usin, disfigure, disable or kill, nor uslice need be present.

2 INSTRUCTION

The Court instructs the jury that malice as applied to the crime of malicious shooting may be either express or implied. It is used in a technical sense and includes not only anger, hatred and revenge, but every unlawful and unjustifiable motive. It is not confined to ill will to any one or more particular person or persons, but is intended to denote an action flowing from any wicked and corrput motive done with an evil mind and purpose and wrongful intention, where the act has been attended with such circumstances as to carry in them the plain indication of a heart regardless of social duty and deliberately bent on mischief: therefore, malice is implied by law from any wilful, deliberate and cruel act against another, however sudden. Thus, on a charge of malicious shooting, malice is presumed from the act of the shooting when the shooting has been proved and is unaccompanied by circumstances of palliation.

comparised by cloumstences of Dallistion. and cruck aut against another, numerar sudden. Thus, on a therefore, malige is implied by law from any willul, deliberate tention, where the act has been attended with such circumwotive done with an evil mind and purpose and Arongini inone of more phyticular person of persons, but is intended Justifiable notive. It is not confined to ill will to any only anger, marned and reverge, but every unlewful and un-



The Court instructs the jury that a man is taken to intend that which he does, or which is the natural and probable consequence of his own act.

The Court instructs the jury that a man is taken to intend that thich he does, or which is the natural and probable consequence of his own set.

INSTRUCTION NO. <u>A</u>

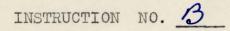
The Court instructs the jury that, upon the indictment, they could find the prisoner guilty of the offense therein charged, or done maliciously with intent to maim disfigure, disable or kill and punishment him by confinement in the penitentiary for not less than one nor more than ten years, or, if they believe the acts therein charged were done unlawfully, but not maliciously with intent aforesaid, the accused could at your discretion, either be confined in the penitentiary not less than one nor more than five years, or be confined in jail not exceeding twelve months and fined not exceeding \$500.00; or you might find him guilty of assault and battery, and fine him not exceeding \$500.00, or confine him in jail not exceeding twelve months, either, or

both.

INSTRUCTION NO. A

The Court instructs the jury that, upon the indictment, they could find the prisoner guilty of the offense therein charged, or done maliaiously with intent to main disfigure, disable or kill shi puntshamat him by confinement in the pententiary for not less than one nor more than ten years, or, if they believe the acts therein onerged were done unlewfully, but not maliciously with intent eforesaid, the scoused could, at your discretion, either be confined in the penitentiary not less than one nor more than five years, or be confined in jeil not exceeding twelve guilty of assault and battery, and fine him not exceeding 500.00, or confine him in jeil not scoeding 500.00, or confine him in jeil not scoeding ther, or

. dood



The Court instructs the jury that the accused in this case cannot be convicted of any felony charged in the indictment herein unless you believe from the evidence beyond all reasonable doubt, first, that the defendant shot and wounded the prosecuting witness with the gun introduced in the evidence, and second, that at the time he did shoot he did so with the intent either to kill, permanently maim, disable, or disfigure the said prosecuting witness.

MAS

INSTRUCTION NO. 🖉

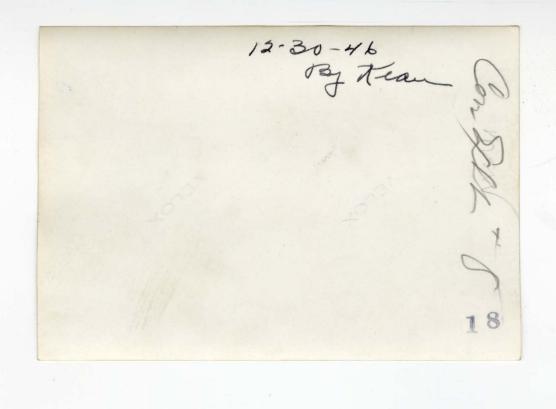
The Court instructs the jury that the accused in this case cannot be convicted of any felony charged in the indictment herein unless you believe from the evidence beyond all reasonable doubt, first, that the defendant shot and wounded the prosecuting witness with the gun introduced in the evidence, and second, that at the time he did shoot he did so with the intent either to kill, permanently maim, disable, or disfigure the said

1679 .

APB - 19 # 2044 COMMONWEALTH Felony (fa) VS. pail CHARLES LEONARD WEAN each side in you court by causel a greed to struke of origine 3 yrs; credet 5/9/47

B7 anulationt (1 Lee Bayyle Joe Mleyerloeffer 2 A. le Hoskun 4 B. H. Cendlet 5. W. B. Menefle 6 M. M. Hand 7 lelicer. Sover 9 Mr. M. yang 9 Leslie Nesselrodt 10 11 Juo. J. Videdar 74.7. Smith 12















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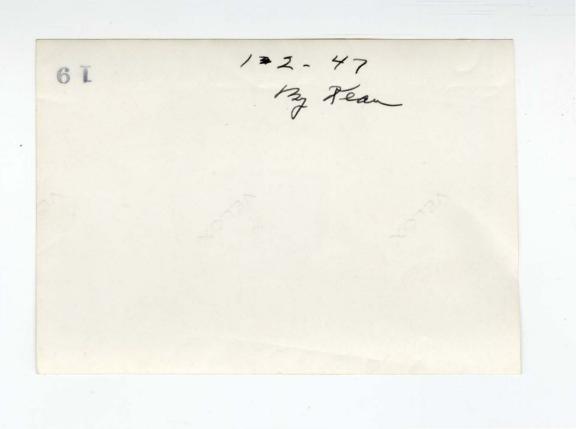


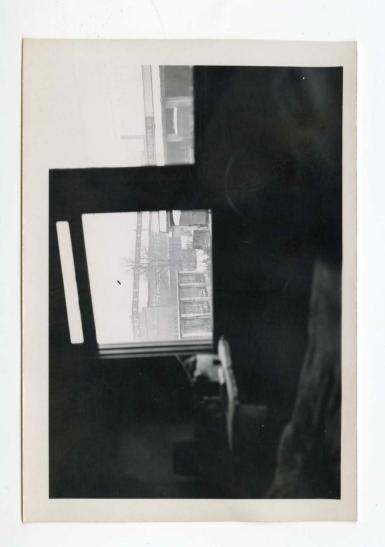




12.30-46 By Team Com vs. Mean (Chas. O. Meaver) IX









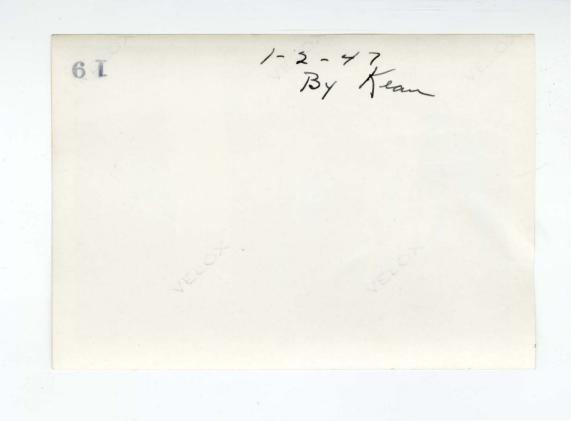


















12.30-46 By Kean 18



12.30-46 By Kean



1-2.47 Jzy Xean Right lower Wendow 6 T

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

COMMONWEALTH

v.

CHARGE TO JURY

CHARLES LEONARD WEAN

If you find the accused, Charles Leonard Wean, guilty of malicious shooting, as charged in the indictment, you will say so and fix his punishment by confinement in the penitentiary for a period of not less than one year nor more than ten years.

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

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

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

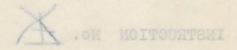
LAWRENCE H. HOOVER ATTORNEY AT LAW HARRISONBURG, VIRGINIA

41-1 bite Telouida "-xe ton entr a vd bus addnon and the sector that the than five years, or, in your disoration, by conindictiont, then you will say so and fix his pan-Incictuent, you will say ters than one year non more than ten years. "neen, . a nummo s' nom? . stal lob

INSTRUCTION No.

The Court instructs the jury that even though you believe from the evidence that the accused shot and wounded Charles Weaver without just cause, but that at the time of said shooting the accused was so intoxicated as to be incapable of having or entertaining malice towards the said Weaver, or an intention to wound the said Weaver, you cannot find him guilty MALICIOUS of unlawful shooting.

Report



The Court instructs the jury that even though you believe from the evidence that the accussed shot and wounded Charles Weaver without just cause, but that at the time of said shooting the accused was so intoxicated as to be incapable of having or entertaining mailee towards the said Weaver, or an intention to wound the said Weaver, you cannot find him guilty of maileloue or anchevent shooting.

Regensed

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

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 9th day of 19.47, to testify and the truth to say in behalf of the Commonwealth against

Leonard lean

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

, 1947, and in the 1919 year of the Commonwealth. day of. S. Strand, Clerk ommonweaters allerney THE SERVICE PRESS

Not finding Dr. F. L. Byers nor any member of his family above the age of 16 years at his usual place of abode, Executed May 7, 1947 by posting and leaving posted a true copy of the within Summons on the front door of the said Dr. F. L. Byers' usual place of abode.

UM Q. Phodes, Dep.

for Sam H. Callender, S.R.C.

by delivering a true copy

Sam A. Ballender & R.b.

of the within summon to Lyle armention

Executed 5-7-47

a R. myers

Trial Justice Court Criminal Docket No. 8582

Com'th

vs.

Charles Leonard Wean A.N. Abraigned 13-30-46 Trial 1-21-47 at 2:15 p.M. 2-4-47 at 2:15 p.M. To 1-31-47 at 4 Pm

Held for Groud Jary

1-21-2,15



Prisoners Report of Rockingham County Jail

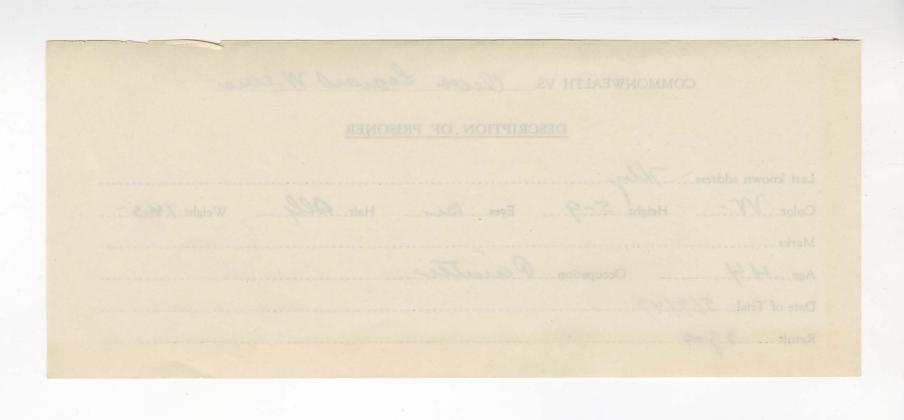
Name leharles L. Weam Date Arrested 12-30-47 Date Bailed Out Again Placed in Jail Male / Female ____ Age / & Race W Single ____ Married / Divorced Separated _____ Widower_____ Illiterate _____ Gr. School _____ ---- High Sch.-----Vocational College Drug Addict Inebriate Occupation Labor Employed The Reason for Being in Jail Mary Trial Reason for Release from Jail Amount of Fine _____ Cost _____ Sentence Time _____ Years in Perm State _____ County_____ City____ Town_____ Federal _____ Army_____ Navy_____ Others_____ Offense Felonin shooling Fel. _____ Ins._____ Miscellaneous_____ Date Committed 12030-47 Date of Trial 5-8-47 Date of Release Court Committed From Court leoust Type of Court Transferred From _____ Transferred To ______ Reason for Transfer Physical Condition_____Contagious Disease, If Any_____ Fine After Prisoner at Jail; Amount to State \$_____Amount to City \$_____ beifvfloure Sheriff Date Reported _____Deputy and Jailor

131

Commonwealth of Virginia: To the Sheriff of Rockingham County, Greeting: You are hereby commanded to summon..... Weaver, William X leave tida 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 2 1 at day of Upril 19 47, to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY..... who stands charged with a felony misdemeanor. And this you shall not omit, under penalty of £100. And have then and there this Writ. ZER, Clerk of our said Court, at the Court House, the Witness, J. ROBERT SW. IN. year of the Commonwealth. day of 19.47, and in the aurencel S. Stores .. Clerk THE SERVICE PRESS, HARRISONBURG, VA. ommon well.

by delivering a wurd um Com. Charles Leonard Wear Man. Stienf Feest 20 Sam A. of the within summon to and in person. U -Xecuted 4-10 4/21/47

COMMONWEALTH VS. Click Legiand Wear DESCRIPTION OF PRISONER Last known address They Color W- Height 5-9 Eyes Br Hair Ally Weight 145-Marks_____ Age 44 Occupation Painter Date of Trial___5/_9/_47__ Result _____ 3_Jup_ _____



Arrest Warrant

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

Whereas, <u>W. J. Kean, Chief Harrisonburg Police</u>, of said County, has this day made complaint and information on oath before me, <u>J. C. Swartz, Clerk T. J. Court</u> T. J. or J. P. of the said County, that <u>Charles Leonard Wean</u>

on the <u>28th</u> day of <u>Dec.</u>, <u>1946</u>, in the said County, with a certain gun or fire-arm, then and there loaded with gunpowder and leaden shot, unlawfully, feloniously, and maliciously did shoot one Charles O. Weaver, with intent him, the said Charles O. Weaver, then and there to maim, disfigure, disable or kill, 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______

Charles Leonard Wean

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

to law.

Given under my hand this	30th day of	Dec.	, 19 46 .	rial Justice Fee
	- Man	ð	la Swart	5
			Ut species	T. J. or J. P.

Memo. of Commonwealth Witnesses:

Name

Address

JUDGEMENT	Trial Justice Court	I, of Virginia, do het Commonwealth of which they severall o'clock A. M., and continued or furthe and there recognizance shall l
Am. 31-1946 Upon the hearing of the within charge, the defendance i held awail the action of the grand fury	Criminal Docket No. <u>A-8582</u> Commonwealth vs. { Arrest Warrant <u>Charles Leonard Wean</u> Executed the within warrant by ar- resting and delivering the body of <u>Charles Leonard Wean</u>	INIA-COUNTY OF ROCKINGHAM, TO-WIT: T. J. or J. P. or Bail Commissioner eby certify that as his suret Virginia in the sum of y waived their' exemption, to be made and levied of pr heard, and before any court or judge hereafter har answer the Commonwealth of Virginia concerning pe null and void, otherwise to remain in full force a my hand this, the
Fine \$ Issuing Justice's Fee - \$ /. 20 Clerk's Fee \$ /. 25 Trial Justice Fee \$ 27.00 Arrest and Mileage - \$ Summoning W itness \$ Witness Attendance and Mileage \$ Commonwealth's Attorney \$ 27.50 Jail Fees \$ 50	before In Jail T. P. or Ball Commissioner this 28th day of 19_46. Maxaaaaaaaaaaaaaaaaaaaaaaaaaaaaa	, in and for the County of Rockingham, State of and
Total \$7,25 ACMaene Trial Justice	Miles carried prisoner Total mileage M.M.	

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, 1947, upon their oaths do present that CHARLES LEONARD WEAN, on or about the 28th day of December, 1946, in said County, with a certain gun or firearm, then and there loaded with gunpowder and leaden shot, unlawfully, feloniously and maliciously did shoot one Charles O. Weaver, with intent him, the said Charles O. Weaver, then and there to maim, disfigure, disable and kill, against the peace and dignity of the Commonwealth of Virginia.

This indictment is found upon the testimony of Charles O. Weaver, William J. Kean and J. F. Ritchie, witnesses sworn in Court and sent before the grand jury to give evidence.

LAWRENCE H. HOOVER ATTORNEY AT LAW HARRISONBURG, VIRGINIA

We, the Jury find the accured cleak fernand Wear guilty I unlaceful Acorting as charged in the induction and fix list prenstances by confinement in the fernleutra; for the terms of there year, John J. Thickolas. Ele count and sent before the grand jury to give evidence. Serie indictment is found upon the testimory of Charles sity of the Componwealth of Virginis. muin, distinute, disable and kill, against the peace and dig-Foreman oronark-qu shoot one Charles C. Commonwealth's Attorney Weaver Kean hie Hoovel Indictment an stor, LEONARD WEAN à id Coun es 0. am J. Ritch Ĥ 1277, 1947 0 Felony: April Term, 19 A True Charles .liam Lawrence DETT COL uodn (· [1] COMMONWEALTH Nitnesses: 90) 80 CHARLES • 1 CONTRA OF HOCKINCHAN, to-wit: