

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.

M.A.
M.A.,

INSTRUCTION NO. 2

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.

[Handwritten signature]

INSTRUCTION 1

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.

WJA

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.

INSTRUCTION 1

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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.

MA

INSTRUCTION

2

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 corrupt 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.

M.F.S.

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INFORMATION 5

INSTRUCTION 3

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.

W.T.

3

INSTRUCTION

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.

W.A.

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 maliciously with intent to maim, disfigure, disable or kill, and ~~punish~~ 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.

W.A.

A. INSTRUCTION NO.

The Court instructs the jury that, upon the indictment, they could find the prisoner guilty of the offense therein charged, or some maliciously with intent to maim, disfigure, disable or kill and punish 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. B

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.

W.F.A.

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.

W.A.A.

APR 1943 # 2044

D. N. G.

COMMONWEALTH

VS.

Felony (fa)

CHARLES LEONARD WEAN

neg jail

each side in open
court by counsel agreed
to strike of only one
side - 14

3 yrs credit
may-9

7/28

5/9/47

- 1 B. F. Armstrong
- 2 Lee Bayle
- 3 Joe Meyerhoeffer
- 4 A. C. Koskies
- 5 B. F. Audlet
- 6 K. B. Meneple
- 7 M. M. Farnell
- 8 Leona. Sowers
- 9 W. M. Farnley
- 10 Leslie Kesselrodt
- 11 Geo. J. Vichlar
- 12 H. F. Smith



12-30-46

By Kean

Con. B. K.

18

18



61

Com. Eghl 7
2

1 - 2 - 47

By Team



81

12-30-40

By team

Con. Schmitt



61

1-2-47

By Kean

Left lower window

On sheet # 6



12.30.46

By Kean

Com. Street #

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18



12.30-46

By Keain

Com vs. Mean
(Chas. O. Weaver)



61

1-2-47

By Sean



1-2-47

By Keen



12-30-47

By Kean

18



1947 JANUARY 1947

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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

12-30-46

Ray Klean



61

1-2-47

By Kean



61

1-2-47

By Team



12-30-44

Ray Kean

Com. Spkt

18

18



12-30-46

By Kear

Gen. Scott # 4

18



61

1-2-47

by team

Right Lower Window

Don Schott

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

COMMONWEALTH)

v.)

CHARLES LEONARD WEAN)

CHARGE TO JURY

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.

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INSTRUCTION No. ~~A~~

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 of ^{MALICIOUS} ~~malicious or unlawful~~ shooting.

Refused
WAA



INSTRUCTION No. 1

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 of malice or unlawful shooting.

Approved
W.A.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

*Lyle Cumentzout, W. J. L. Byers,
& G. L. Myers*

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 *May*, 19*47*,
to testify and the truth to say in behalf of the Commonwealth against

Charles Leonard Weau

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, *LAWRENCE H. HOOVER, Commonwealth's Attorney,*
J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the *6th*

day of *May*, 19*47*, and in the *16th* year of the Commonwealth.

Lawrence H. Hoover, Clerk
Commonwealth's Attorney

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.

Wm R. Rhodes, Dep.
for Sam H. Callender, S.R.C.

Com. of the Commonwealth of Virginia
to the Sheriff
of the County of Loudoun
to summon
Charles Leonard Beun

Com.

Charles Leonard Beun

5/9/47

Executed 5-7-47 by delivering a true copy

of the within summon to Lyle Armentrout

A. R. Myers

each in person. Wm R. Rhodes Dep. for.
Sam H. Callender S.R.C.

Trial Justice Court

Criminal Docket No.

8582

Com'th

vs.

Charles Leonard Wean

A.N. Arraigned *12-30-46*

Trial *1-21-47* at 2:15 P.M.

~~*2-17-47*~~ at 2:15 P.M.

To *1-31-47* at 4 P.M.

Held for Grand Jury

1-21-2,15



State,

Prisoners Report of Rockingham County Jail

Name Charles L. Meam Date Arrested 12-30-47

Date Bailed Out _____ Again Placed in Jail _____

Male Female _____ Age 46 Race W Single _____ Married Divorced _____

Separated _____ Widow _____ Widower _____ Illiterate _____ Gr. School High Sch. _____

Vocational _____ College _____ Drug Addict _____ Inebriate _____ Occupation Labor

Employed no Reason for Being in Jail Quarty trial

Reason for Release from Jail _____

Amount of Fine _____ Cost _____ Sentence Time 4 years in Penn

State ✓ County _____ City _____ Town _____

Federal _____ Army _____ Navy _____ Others _____

Offense Felonin shooting Fel.

Miscellaneous _____ ABC _____ Ins. _____

Date Committed 12-30-47 Date of Trial 5-8-47 Date of Release _____

Court Committed From Circuit Court 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 \$ _____

Date Reported _____ Deputy and Jailor _____

31 ✓
28
31
30
9

131

W.M.J. Keam Deputy and Jailor
Chief of Police Sheriff

State

Prisoners Report of Rockingham County Jail

Name *Walter J. Weaver* Date Arrested *12-20-27*

Date Bailed Out _____ A/c No Placed in Jail _____

Male Female Age *46* Race *W* Single Married Divorced

Separated Widow Literate Ge. School High Sch.

Vocational _____ College _____ Drug Addict _____ Jobless _____ Occupation *laborer*

Employed Reason for Being in Jail *County Jail*

Reason for Release from Jail _____

Amount of Fine _____ Cost _____ Sentence Time *4 years in Penit.*

State _____ County _____ City _____ Town _____

Federal _____ Army _____ Navy _____ Others _____

Offense *felony obstructing* Fel.

Miscellaneous _____ ABC _____

Date Committed *12-20-27* Date of Trial *1-2-28* Date of Release _____

Cost Estimated from _____ 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 \$ _____

Date Reported _____ Deputy and Jailor _____

Sheriff _____

W. J. Weaver
Deputy Jailor

Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

Charles O. Weaver, William J. Bean & J. J. Ritchie

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 April, 1947,
to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY.....

Charles Leonard Bean

who stands charged with a felony misdemeanor.

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

LAWRENCE H. HOOVER, COMMONWEALTH'S ATTORNEY,
Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 16th.....

day of April, 1947, and in the 17th year of the Commonwealth.

Lawrence H. Hoover, Clerk

Commonwealth's Attorney

Com.
Charles Leonard Wean

Shreff/Feet 120

4/21/47

Executed 4-16-47 by delivering a true copy
of the within summons to Charles C. Weaver

William J. Keane

J. D. Ritchie

each in person. Wm. C. Pho des says for.
Sam. H. Ballender, S.P.B.

COMMONWEALTH VS. Charles Leonard Wean

DESCRIPTION OF PRISONER

Last known address 7thly

Color W- Height 5-9 Eyes Br Hair Blk Weight 145-

Marks _____

Age 44 Occupation Painter

Date of Trial 5/9/47

Result 3 yrs

COMMONWEALTH vs Charles Joseph Wilson

DESCRIPTION OF PRISONER

Last known address 747
 Color W Height 5-9 Eyes br Hair blf Weight 145
 Marks _____
 Age 44 Occupation Painter
 Date of Trial 2/1/17
 Result 2 yrs

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

Whereas, W. J. Kean, Chief Harrisonburg Police, of said County, has this day made complaint and information on oath before me, J. C. Swartz, Clerk T. J. Court of the said County, that Charles Leonard Wean on the 28th day of Dec., 1946, 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., 1946.

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

Memo. of Commonwealth Witnesses:

Name

Address

JUDGEMENT

Jan. 31-1946
 Upon the hearing of the within charge,
the defendant is held
to await the action
of the grand jury

Trial Justice Court

Criminal Docket No. A-8582

Commonwealth

vs. {

Arrest Warrant

Charles Leonard Wean

Executed the within warrant by ar-
 resting and delivering the body of

Charles Leonard Wean

before In Jail

this 28th day of

Dec., 19 46.

Wm J. Kear

Officer's Mileage

Miles travelled by officer - - -

Miles carried prisoner - - -

Total mileage - - -

N.A.

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

K. J. Moore
 Trial Justice

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

I, T. J. or J. P. or Bail Commissioner of Virginia, do hereby certify that.....

..... in and for the County of Rockingham, State of

Commonwealth of Virginia in the sum of..... as his suret....., have this day acknowledged themselves indebted to the
 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 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

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 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 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.

COMMONWEALTH OF MASSACHUSETTS
JULY 14 1947
COMMENCEMENT OF TRIAL

We, the jury find the accused Charles Leonard Wean guilty of unlawful shooting as charged in the indictment and fit his punishment by confinement in the penitentiary for the term of three years.

John J. Nicholas, Esq.

2044

Carroll

F. A.

COMMONWEALTH

v.) Indictment

CHARLES LEONARD WEAN

v. s. find

Felony:

April Term, 1947.

A True Bill:

[Signature]

Foreman

Witnesses:

- 1. Charles O. Weaver
- 2. William J. Kean
- 3. J. F. Ritchie

Lawrence H. Hoover

Commonwealth's Attorney.