

APR - 1947

#2030

COMMONWEALTH

VS.

Felony (attempted
abortion)

IVA RODEFFER DAVIS COFFMAN

u.g.

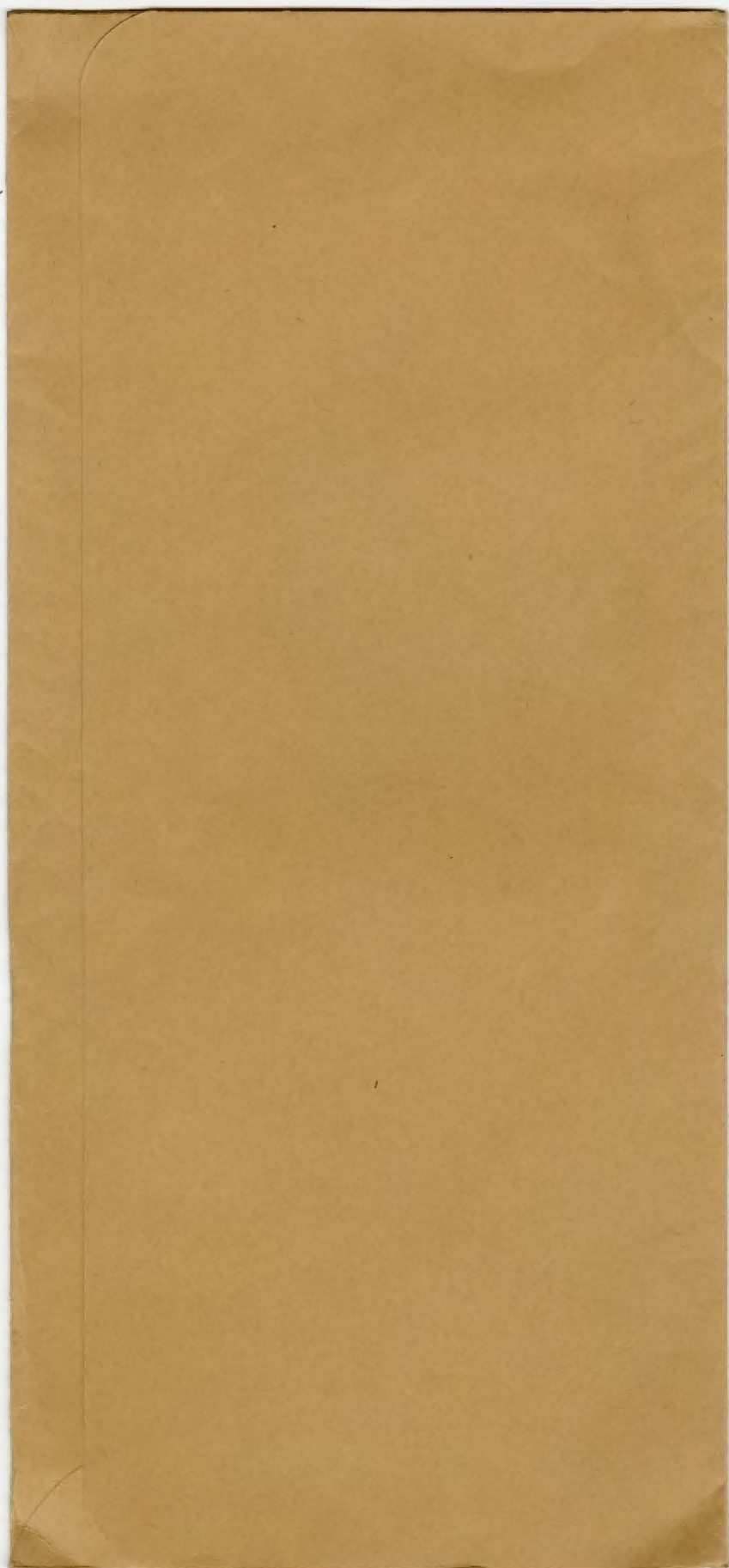
Book

quashed 5/14/47

7

241

5/14/47



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 IVA RODEFFER DAVIS COFFMAN, on or about the 28th day of January, 1947, in said County, unlawfully and feloniously did kill and murder one Kerneda Bennett, against the peace and dignity of the Commonwealth of Virginia.

✓ This indictment is ✓ found upon the testimony of F. L. Byers, ✓
Monroe Fristoe and S. H. Callender, witnesses sworn in Court and
sent before the grand jury to give evidence.

#1
MURDER
2029

COMMONWEALTH

v.) Indictment

IVA RODEFFER DAVIS COFFMAN

N.B. Hall

Felony:

April Term, 1947.

A True Bill:

C. Price
Foreman

Witnesses:

1. Dr. F. L. Byers
2. Monroe Fristoe
3. S. H. Callender

Lawrence H. Hoover

Commonwealth's Attorney.

Commonwealth of Virginia,
Rockingham County, To-wit:

BE IT REMEMBERED, that on the 30 day of January, 1947,
Ina Rodeffer Davis Coffman, principal and John W. Coffman 1511,000
each surety, who justified to his sufficiency, came before me, Shephey E. Deane
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
Fifteen Thousand Dollars, (\$ 15,000),

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 Ina Rodeffer Davis Coffman shall personally appear before the
~~Circuit Court~~ Trial Justice's Court of Rockingham County, at the Courthouse of said County, on the 14 day
of the Febry, (1947) Term thereof, being the at 2 PM day of _____,
19____, 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 Ina Rodeffer Davis Coffman 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 30 day of _____
Januy, 1947.
Shephey E. Deane
(OR BAIL COMMISSIONER)

Commonwealth of Virginia,
Rockingham County, To-wit:

BE IT REMEMBERED, that on the 30 day of January 1857

John P. Coffman, Clerk of the said County of Rockingham,

did certify to the said Court, that the following is a true and correct copy of the

will of the said John P. Coffman, deceased, as the same appears by the

original thereof, which is on file in the office of the said Clerk.

Witness my hand and the seal of the said County, at Rockingham, this 30 day of January 1857.

John P. Coffman, Clerk of the said County.

That if the said John P. Coffman, Clerk of the said County, shall personally appear before the

said Court, and shall certify to the said Court, that the foregoing is a true and correct copy of the

will of the said John P. Coffman, deceased, as the same appears by the original thereof,

and shall certify to the said Court, that the foregoing is a true and correct copy of the

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will of the said John P. Coffman, deceased, as the same appears by the original thereof,

and shall certify to the said Court, that the foregoing is a true and correct copy of the

will of the said John P. Coffman, deceased, as the same appears by the original thereof,

John P. Coffman

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

Whereas, Sam H. Callender, Sheriff R. Co. 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 Iva Rodeffer Davis Coffman
 on the 28th day of Jan., 1947, in the said County, unlawfully and feloniously
did kill and murder one Kerneda Bennett, 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

Iva Rodeffer Davis Coffman

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

Given under my hand this 29th day of Jan., 1947.

J. C. Swartz
 Clerk.

T. J. or J. P.

Memo. of Commonwealth Witnesses:

Name

Address

JUDGEMENT

April 15, 1947

~~Upon the hearing of the within charge,~~
The defendant is held for
action of the Grand Jury.

| | | | |
|--------------------------------|-------|----|-------|
| Fine | ----- | \$ | ----- |
| Issuing Justice's Fee | ----- | \$ | 1.00 |
| Clerk's Fee | ----- | \$ | 1.25 |
| Trial Justice Fee | ----- | \$ | 7.00 |
| Arrest and Mileage | ----- | \$ | 3.66 |
| Summoning Witness | ----- | \$ | 1.50 |
| Witness Attendance and Mileage | ----- | \$ | 1.50 |
| Commonwealth's Attorney | ----- | \$ | 7.50 |
| Jail Fees | ----- | \$ | .50 |
| | ----- | \$ | ----- |
| Total | ----- | \$ | 13.91 |

RC Moore

Trial Justice

Trial Justice Court

Criminal Docket No. A-8705

Commonwealth

vs.

Arrest Warrant

Iva Rodeffer Davis Coffman

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

Iva Rodeffer Davis Coffman

before

Jail

this 29 day of

Jan, 1947
Sam H. Colville
S. H. Colville

Officer's Mileage

Miles travelled by officer -- 18

Miles carried prisoner -- 9

Total mileage -- 27

N. D.

8
216

Given under my hand this, the

30th day of

February, 1947 at Rockingham

Trial Justice Court

Commissioner

1947

STATE OF VIRGINIA - COUNTY OF ROCKINGHAM, TO-WIT:
I, Stalling F. Decker, T. J. or J. P. Bail Commissioner of
Virginia, do hereby certify that Iva Rodeffer Davis Coffman and Jane W.
Coffman, \$1,000.00 cash Fulton Lawman 15,000.00 as to
Commonwealth of Virginia in the sum of Fulton Lawman 15,000.00 dollars (\$ 15,000.00) 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
Sra. Iva Rodeffer Davis Coffman 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.

Report of Witnesses for the Commonwealth

Month of Apr. 1947

Whose mileage and attendance were not collected by the Trial Justice before the end of said month.

K. C. Moore, Trial Justice.

By J. C. Swartz Clerk

| WITNESSES | Fel. Pro. or Misd. | Days | Attendance | Miles | Mileage | Total | Date |
|--|--------------------|----------|------------|-------|---------|-------------|----------------|
| Com. vs. <u>Iva Rodeffer Davis Coffman</u> | <u>Fel</u> | | | | | | <u>4/15/47</u> |
| 1. <u>Dr. F. L. Byers Hbg Va.</u> | | <u>1</u> | <u>.50</u> | | | <u>.50</u> | |
| 2. <u>Raymond Bennett</u> " | | <u>1</u> | <u>.50</u> | | | <u>.50</u> | |
| 3. <u>Monroe Fristoe</u> " | | <u>1</u> | <u>.50</u> | | | <u>.50</u> | |
| 4. | | | | | | <u>1.50</u> | |
| 5. | | | | | | | |
| 6. | | | | | | | |
| Com. vs. | | | | | | | |
| 1. | | | | | | | |
| 2. | | | | | | | |
| 3. | | | | | | | |
| 4. | | | | | | | |
| 5. | | | | | | | |
| 6. | | | | | | | |

All witnesses summoned for the Commonwealth shall be entitled to receive for each day's attendance fifty cents, all necessary ferriage and tolls, and five cents per mile over five miles going and returning to place of trial or before grand jury. (Sec. 3512)

Report of Witnesses for the Commonwealth

Month of *April* 1947

Witnesses and attendance were not ordered by the Trial Justice before the end of said month.

J. P. [Signature]
1947

| Witness | No. of Days | Miles | Attendance | Total | Total |
|-------------------------|-------------|-------------|------------|-------------|-------------|
| <i>Dr. F. J. [Name]</i> | <i>1</i> | <i>1.20</i> | <i>1</i> | <i>1.20</i> | <i>1.20</i> |
| <i>[Name]</i> | <i>1</i> | <i>1.20</i> | <i>1</i> | <i>1.20</i> | <i>1.20</i> |
| <i>[Name]</i> | <i>1</i> | <i>1.20</i> | <i>1</i> | <i>1.20</i> | <i>1.20</i> |
| | | | | | <i>3.60</i> |

All witnesses subpoenaed for the Commonwealth shall be entitled to receive for each day's attendance fifty cents for mileage and toll, and five cents per mile over five miles going and returning to place of trial or before Grand Jury. Sec. 1215.

Witness Subpoena

Commonwealth of Virginia:

County of Rockingham, to-wit:

To the Sheriff of said County, Greeting:

You are hereby commanded, in the name of the Commonwealth of Virginia to summon

Dr. Paul S. Hill,

to appear before the Trial Justice Court of said County, sitting at Harrisonburg, Virginia
in said County, on 15th day of April, 1947, at the hour of 2:00 P.M.
of that day to give evidence in behalf of Commonwealth

in the pending case of Commonwealth

v. Ivy Rodeffer Davis Coffman

Given under my hand this 14th day of April, 1947.

J. C. Swartz
Clerk.

Commonwealth of Virginia
County of Rockingham, to-wit:
To the Sheriff of said County, Greeting:

You are hereby commanded, in the name of the Trial Justice Court of Virginia to summon

Dr. Paul S. Hill,

Docket No. A-8705

Com'th

to appear before the Trial Justice Court of said County, sitting at Harrisonburg, Virginia
in said County, on 15th day of April 1947 at the hour of 2:00 P.M.

of that day to give evidence in behalf of Commonwealth
V. { Witness Subpoena

Ivy Rodeffer Davis Coffman

To April 15th, 1947

at 2PM.

[Handwritten signature and stamp]
Clerk.

Witness Subpoena

Commonwealth of Virginia:
County of Rockingham, to-wit:

To the Sheriff of said County, Greeting:

You are hereby commanded, in the name of the Commonwealth of Virginia to summon

Dr. Paul S. Hill,

to appear before the Trial Justice Court of said County, sitting at Harrisonburg, Virginia
in said County, on 15th day of April, 1947, at the hour of 2:00 P.M.
of that day to give evidence in behalf of Commonwealth

in the pending case of Commonwealth

v. Ivy Rodeffer Davis Coffman

Given under my hand this 14th day of April, 1947.

J. L. Swartz
Clerk.

Witness Subpoena

Commonwealth of Virginia:
County of Rockingham, to-wit:
To the Sheriff of said County, Greeting:

Trial Justice Court

Docket No. A-8705

Com'th

V. (Witness Subpoena

Ivy Rodeffer Davis Coffman

To April 15th, 1947

at 2PM.

*Returned by order of
Commonwealth of Virginia*

[Faint signature]

Witness Subpoena

Commonwealth of Virginia:
County of Rockingham, to-wit:

To the Sheriff of said County, Greeting:

You are hereby commanded, in the name of the Commonwealth of Virginia to summon

Raymond Bennett

Monroe Fristoe

to appear before the Trial Justice Court of said County, sitting at **Harrisonburg, Virginia**
in said County, on **15th** day of **April**, 19**47**, at the hour of **2:00 P.M.**
of that day to give evidence in behalf of **Commonwealth**

in the pending case of **Commonwealth**

v. **Iva Rodeffer Davis Coffman**

Given under my hand this **15th** day of **April**, 19**47**.

J. L. Swartz
Clerk.

EXECUTED 4/13/47 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summon
TO Mrs. F. Ristae
IN PERSON.

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

Trial Justice Court

Docket No. A-8705

Comth

V. { Witness Subpoena

Iva Rodeffer Davis Coffman

To April 15, 1947 at 2PM.

EXECUTED 4/13/47 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summon
TO Raymond Bennett
IN PERSON.

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

Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

Mr. E. L. Byers, Monroe Fritsler and
S. W. Callender

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.....

Loa Rodeffer Nox's Coffman

who stands charged with a felony misdemeanor.

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

LAURENCE H. HOOVER, COMMONWEALTH'S ATTORNEY,
Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 19th.....

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

Laurence H. Hoover, Clerk

Commonwealth's Attorney

Com.

v.
Iva Rodeffer Davis Coffman

ann Byers.

31 mile
Sheriff Fees \$1⁰⁰

4/21/47

dated 4-18-47 by delivering a true copy

the within summon to Er F. De Byers
Monroe, Tristram and S. A. Ballender.

each in person.
Wm A. Rhodes for
Sam A. Ballender S.B.

Witness Subpoena

Commonwealth of Virginia:
County of Rockingham, to-wit:

To the Sheriff of said County, Greeting:

You are hereby commanded, in the name of the Commonwealth of Virginia to summon

Dr. F. L. Byers,

to appear before the Trial Justice Court of said County, sitting at **Harrisonburg, Virginia.**

in said County, on **15th** day of **April**, 19**47**, at the hour of **2:00 P.M.**

of that day to give evidence in behalf of **Commonwealth**

in the pending case of **Commonwealth**

v. **Ivy Rodeffer Davis Coffman**

Given under my hand this **14th** day of **April**, 19**47**.

J. L. Swartz
Clerk.

Witness Subpoena

Commonwealth of Virginia;
County of Rockingham, to-wit:
To the Sheriff of said County, Greeting:

You are hereby commanded, in the name of the
Dr. F. L. Davis,

Trial Justice Court

Docket No. **A- 8705**

Com'th

V. {
Witness Subpoena

Ivy Rodeffer Davis Coffman

To April 15th, 1947
at 2PM.

EXECUTED 4-14-47 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN summons
TO Dr. F. L. Davis
IN PERSON,

Sam H. Campbell
J. R. G.

Trial Justice Court

Criminal Docket No. 8705

Com'th

vs.

Iva Rodeffer Davis Coffman

A.W.

Arraigned

Bailed to 2-14-47 at 2 PM

Trial

To 2-20-47 at 2 PM

To 2-28-47 at 2 PM

To 4-15-47 at 2 PM

4-15-47

Held for action of the
next Grand Jury.

Continued to 2-28-47. on
motion of Com'th & with consent of
D. W. all for accus =
Continued on motion of the
Com to 2-20-47, 2. PM



DEC

1948

#2029

COMMONWEALTH

DEC

1948

VS.

Felony (murder)

IVA RODEFFER DAVIS COFFMAN

n.g.

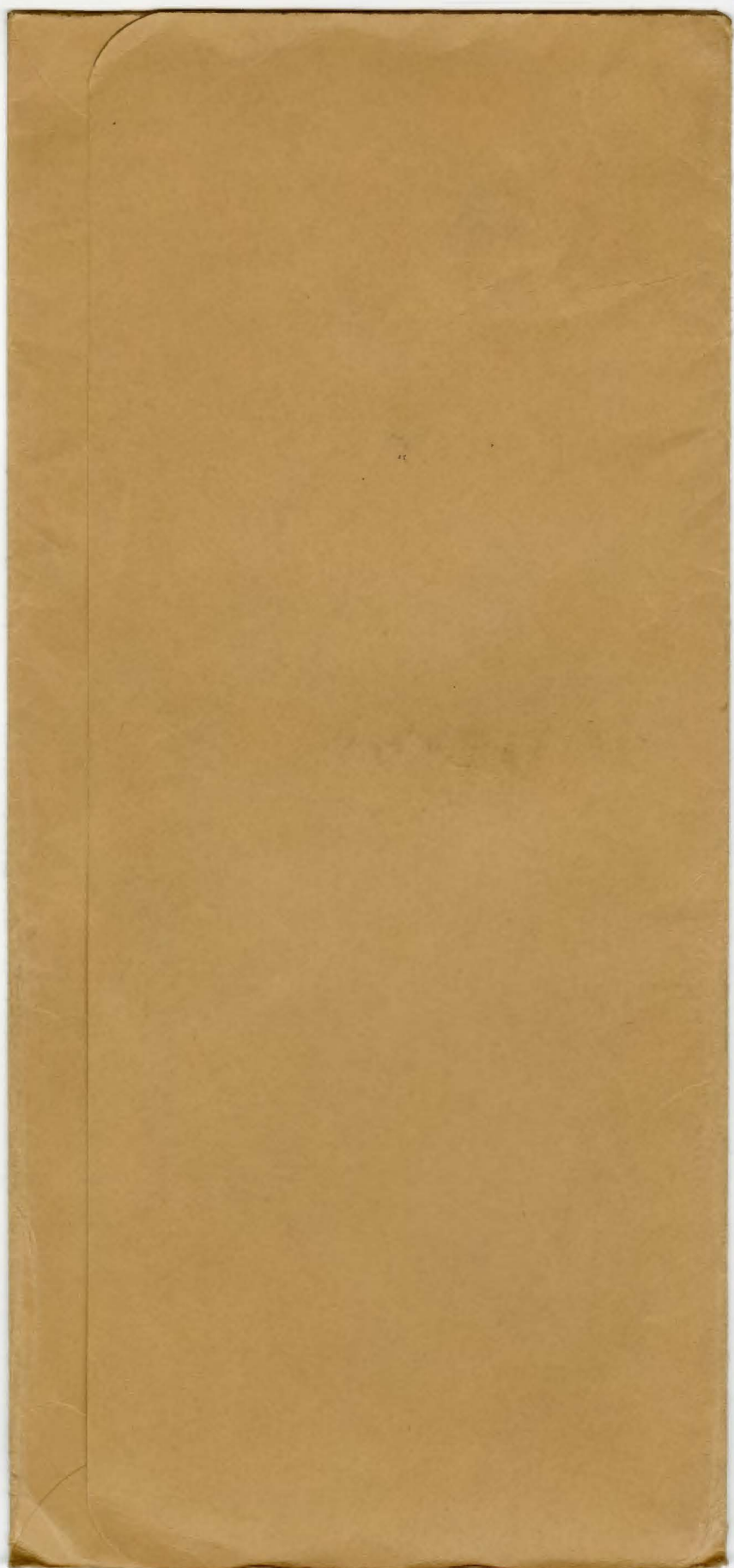
Dist

New bail 9/24/47

7/256

RP 12/20/48

7/412
12/20/48



Present: All the Justices

IVA RODEFFER DAVIS COFFMAN

-v- Record No. 3452

OPINION BY JUSTICE ARCHIBALD C. BUCHANAN

Richmond, Virginia, November 22, 1948

COMMONWEALTH OF VIRGINIA

FROM THE CIRCUIT COURT OF ROCKINGHAM COUNTY
W. V. Ford, Judge

At the April term, 1947, an indictment was returned in the Circuit Court of Rockingham county charging that the defendant, Iva Rodeffer Davis Coffman, on or about the 28th of January, 1947, "unlawfully, feloniously and wilfully did use and employ in and upon the body of one Kerneda Bennett, a female person then and there pregnant with child, a certain instrument, the name and character of which is to said grand jurors unknown, with intent then and there to destroy the said unborn child of the said Kerneda Bennett and to produce an abortion or miscarriage, and then, there and thereby did unlawfully, feloniously and wilfully destroy such unborn child and produce such abortion or miscarriage,

* * *

This indictment was made under section 4401 of the Code (Michie, 1942), which provides, so far as is pertinent here, as follows:

5

Present: All the Justices

IVA ROBERTER DAVIS GOFFMAN

OPINION BY JUSTICE ARCHIBALD C. BUCHANAN

-v- Record No. 3452

Richmond, Virginia, November 22, 1948

COMMONWEALTH OF VIRGINIA

FROM THE CIRCUIT COURT OF ROCKINGHAM COUNTY
W. V. Ford, Judge

At the April term, 1947, an indictment was returned in

the Circuit Court of Rockingham County charging that the defendant,

Iva Roberter Davis Goffman, on or about the 28th of January, 1947,

"unlawfully, feloniously and willfully did use and employ in and

upon the body of one Kerneba Bennett, a female person then and

there pregnant with child, a certain instrument, the name and

character of which is to said Grand Jurors unknown, with intent

then and there to destroy the said unborn child of the said

Kerneba Bennett and to produce an abortion or miscarriage, and

then, there and thereby did unlawfully, feloniously and willfully

destroy such unborn child and produce such abortion or miscarriage,

* * *

This indictment was made under section 4401 of the Code

(Michie, 1942), which provides, so far as is pertinent here, as

follows:

20

"If any person administer to, or cause to be taken by a woman, any drug or other thing, or use any means with intent to destroy her unborn child, or to produce abortion or miscarriage, and thereby destroy such child or produce such abortion or miscarriage, he shall be confined in the penitentiary not less than three nor more than ten years. * * *"

There was a trial by jury, which returned this verdict: "We, the jury, find the accused, Iva Rodeffer Davis Coffman, guilty of attempting to produce an abortion or to destroy the unborn child of Kerneda Bennett as charged in the indictment, and fix her punishment by confinement in the Penitentiary for a period of five years."

The defendant was sentenced in accordance with that verdict and she now contends that the court committed these errors in the trial: In refusing to compel the Commonwealth to elect whether to prosecute for the substantive crime of abortion or for an attempt only; in refusing to strike the evidence relating to the substantive offense; in giving Instruction No. 1 for the Commonwealth, and in refusing to set aside the verdict and award the defendant a new trial.

It was conceded in the oral argument that the evidence

"If any person administer to, or cause to be taken by a

woman, any drug or other thing, or use any means with intent to

destroy her unborn child, or to produce abortion or miscarriage,

and thereby destroy such child or produce such abortion or mis-

carriage, he shall be confined in the penitentiary not less than

three nor more than ten years. * * *

There was a trial by jury, which returned this verdict:

"We, the jury, find the accused, Iva Roberter Davis Coffman, guilty

of attempting to produce an abortion or to destroy the unborn child

of Keneda Bennett as charged in the indictment, and fix her

punishment by confinement in the Penitentiary for a period of five

years."

The defendant was sentenced in accordance with that

verdict and she now contends that the court committed these errors

in the trial: In refusing to compel the Commonwealth to elect

whether to prosecute for the substantive crime of abortion or for

an attempt only; in refusing to strike the evidence relating to

the substantive offense; in giving instruction No. 1 for the

Commonwealth, and in refusing to set aside the verdict and award

the defendant a new trial.

It was conceded in the oral argument that the evidence

was sufficient to support a conviction for an attempt, of which the jury found the defendant guilty, but it is argued that the defendant did not have a fair trial because while the evidence shows there was no abortion in fact, yet the issue of abortion was submitted to the jury on the theory that defendant caused the death of the mother and thereby caused the death of the child, resulting in the admission of irrelevant testimony prejudicial to defendant.

The case made by the evidence for the Commonwealth was this: Kerneda Bennett, a young woman living with her husband in Harrisonburg, was pregnant by someone other than her husband. To get rid of the child she enlisted the aid of a friend, Mrs. Irene Davis. Mrs. Davis called the defendant, Mrs. Coffman, and asked her if she could see Mrs. Bennett and help her out of some trouble she was in. Together they visited Mrs. Coffman at her home in Mt. Crawford, near Harrisonburg. On that occasion Mrs. Coffman and Mrs. Bennett went into a bedroom of Mrs. Coffman's home, leaving Mrs. Davis in the living room. When they came out Mrs. Coffman told Mrs. Bennett to come back if nothing had happened in fourteen days, and if anything was said about why they were there to say they came to have a dress made.

About two weeks later, on January 27, Mrs. Bennett, who

was sufficient to support a conviction for an attempt, of which
the jury found the defendant guilty, but it is argued that the
defendant did not have a fair trial because while the evidence
shows there was no abortion in fact, yet the issue of abortion was
submitted to the jury on the theory that defendant caused the death
of the mother and thereby caused the death of the child, resulting
in the admission of irrelevant testimony prejudicial to defendant.
The case made by the evidence for the Commonwealth was
this: Keneda Bennett, a young woman living with her husband in
Harrisonburg, was pregnant by someone other than her husband. To
get rid of the child she enlisted the aid of a friend, Mrs. Irene
Davis. Mrs. Davis called the defendant, Mrs. Coffman, and asked
her if she could see Mrs. Bennett and help her out of some trouble
she was in. Together they visited Mrs. Coffman at her home in
Mt. Crawford, near Harrisonburg. On that occasion Mrs. Coffman
and Mrs. Bennett went into a bedroom of Mrs. Coffman's home, leav-
ing Mrs. Davis in the living room. When they came out Mrs. Coffman
told Mrs. Bennett to come back if nothing had happened in fourteen
days, and if anything was said about why they were there to say
they came to have a dress made.
About two weeks later, on January 27, Mrs. Bennett, who

had not had the result she expected from the first visit, asked Mrs. Davis to make another appointment with Mrs. Coffman, which Mrs. Davis did. The next night, January 28, at about seven-thirty o'clock, Mrs. Davis and Mrs. Bennett drove to the home of Mrs. Coffman in a taxicab. On arrival Mrs. Coffman said if they had a taxicab waiting they had better get it over with pretty soon. Mrs. Coffman and Mrs. Bennett thereupon went into the bedroom, leaving Mrs. Davis in the living room. In about fifteen or twenty minutes Mrs. Davis thought she heard something fall, followed by some moving around. Then in a couple of minutes Mrs. Coffman came out and said, "Come in here. This woman has fainted." Mrs. Davis found Mrs. Bennett lying face down on the floor beside the bed with her head near the foot. She was dressed, except her shoes were off and her coat was across the foot of the bed. Mrs. Bennett was then groaning. Mrs. Coffman seemed very nervous. Mrs. Davis suggested that Mrs. Coffman call her husband, but Mrs. Coffman said, "No, get her to a hospital." Mrs. Davis then called the cab driver, who carried Mrs. Bennett out and put her into the cab. Mrs. Coffman then said, "You all have been to Mt. Sidney and not to Mt. Crawford." There was little sign of life then in Mrs. Bennett and when they arrived at the hospital she was dead. She had apparently

had not had the result she expected from the first visit, asked Mrs. Davis to make another appointment with Mrs. Coffman, which Mrs. Davis did. The next night, January 28, at about seven-thirty o'clock, Mrs. Davis and Mrs. Bennett drove to the home of Mrs. Coffman in a taxicab. On arrival Mrs. Coffman said if they had a taxicab waiting they had better get it over with pretty soon. Mrs. Coffman and Mrs. Bennett thereupon went into the bedroom, leaving Mrs. Davis in the living room. In about fifteen or twenty minutes Mrs. Davis thought she heard something fall, followed by some moving around. Then in a couple of minutes Mrs. Coffman came out and said, "Come in here. This woman has fainted." Mrs. Davis found Mrs. Bennett lying face down on the floor beside the bed with her head near the foot. She was dressed, except her shoes were off and her coat was across the foot of the bed. Mrs. Bennett was then groaning. Mrs. Coffman seemed very nervous. Mrs. Davis suggested that Mrs. Coffman call her husband, but Mrs. Coffman said, "No, get her to a hospital." Mrs. Davis then called the cab driver, who carried Mrs. Bennett out and put her into the cab. Mrs. Coffman then said, "You all have been to Mr. Sidney and not to Mr. Crawford." There was little sign of life then in Mrs. Bennett and when they arrived at the hospital she was dead. She had apparently

been in good health up to this night.

Later that night the home of Mrs. Coffman was searched, but nothing of evidential value was found. Mrs. Coffman told the deputy sheriff that Mrs. Bennett asked to go to the bathroom, and was shown into the bedroom; that she then said she was not feeling well and asked for a cup of water; that when this was brought Mrs. Bennett took two pills out of her pocketbook, swallowed them and jokingly said they were poison; that a few minutes later she fell off the stool onto the floor. Mrs. Coffman first denied having seen Mrs. Bennett before, but later admitted she had been there two weeks before. In Mrs. Bennett's handbag was later found a small box with some white pills in it, labeled as a prescription, with directions to take one three times a day after meals.

A week or more after Mrs. Bennett's death, Mrs. Coffman came to see Mrs. Davis at her home one night, inquired whether Mrs. Davis had made a statement to the Commonwealth's attorney, and offered to pay all lawyer's fees if Mrs. Davis "would stick with her."

Dr. Byers, coroner of the city of Harrisonburg and of Rockingham county, was called and he reached the hospital about 8:20 p.m. He and Dr. Hill, a physician and surgeon in the city,

been in good health up to this night.

Later that night the home of Mrs. Coffman was searched,

but nothing of evidential value was found. Mrs. Coffman told the

deputy sheriff that Mrs. Bennett asked to go to the bathroom, and

was shown into the bedroom; that she then said she was not feeling

well and asked for a cup of water; that when this was brought

Mrs. Bennett took two pills out of her pocketbook, swallowed them

and jokingly said they were poison; that a few minutes later she

fell off the stool onto the floor. Mrs. Coffman first denied hav-

ing seen Mrs. Bennett before, but later admitted she had been there

two weeks before. In Mrs. Bennett's handbag was later found a

small box with some white pills in it, labeled as a prescription,

with directions to take one three times a day after meals.

A week or more after Mrs. Bennett's death, Mrs. Coffman

came to see Mrs. Davis at her home one night, inquired whether

Mrs. Davis had made a statement to the Commonwealth's attorney,

and offered to pay all lawyer's fees if Mrs. Davis "would stick

with her."

Dr. Byers, coroner of the city of Harrisonburg and of

Rockingham county, was called and he reached the hospital about

8:30 p.m. He and Dr. Hill, a physician and surgeon in the city,

performed an autopsy. They found no evidence of external injuries except a minute scratch on the perineum; there was a piece of tissue from the placenta in the cervix; there was one very small blood clot in the vagina; there was no blood in the abdominal cavity; there was a pregnant uterus in normal position and appearing normal; there was no injury to the uterine wall. On taking the uterus out it had a feeling of air in the cavity. On opening the uterus they found a pregnancy in it intact of between three and four months development. The heart, lungs, stomach and uterus were removed and sent to the Department of Pathology, University of Virginia, for microscopic study. The report from there did not indicate any finding as to the cause of Mrs. Bennett's death.

Dr. Byers gave it as his opinion from his examination and findings that an abortion had been attempted on Mrs. Bennett and that she had died as a result of an air embolism. He said that the death of the fetus was caused by lack of blood; that when the mother's blood stopped the baby died; that is, the baby died when the mother died. "I felt that the fetus died as a result of the death of the mother;" that the death of the mother came from an air embolism, and that the air embolism "came from the attempted abortion."

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the death of the mother;" that the death of the mother came from
an air embolism, and that the air embolism "came from the attempted
abortion."

Dr. Hill testified that from their observation and findings "the only possible cause of death that we could arrive at was air embolism. * * * As I say, the only thing that we found was crepitation in the pregnant uterus which was caused, or is caused, or can only be caused by air entering under force from the outside." He testified that the injection of air into the uterus is used in attempting to produce abortion.

At the conclusion of the testimony of Mrs. Bennett's husband and the taxicab driver, before Mrs. Davis had testified and before any medical evidence had been introduced by the Commonwealth, on motion of the defendant, Dr. James R. Cash, professor of pathology at the University of Virginia, testified as a witness for the defendant.

Dr. Cash testified that the heart, lungs, uterus with fetus attached, and stomach, sent to his department, had been examined by him. He testified in detail as to the result of his examination and stated that they could not find any evidence that an abortion had been attempted; that there was no evidence of any injury to any of these organs and that examination of the stomach did not give a reliable result because it had been fixed in formaldehyde. He said they had no material from which they could

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an abortion had been attempted; that there was no evidence of any

injury to any of these organs and that examination of the stomach

did not give a reliable result because it had been fixed in

formaldehyde. He said they had no material from which they could

find the cause of death; that there was no explanation of the cause of death within the organs they examined. He said that if air enters the blood stream it forms an air embolus; that to produce death an air embolism must affect the heart, brain or lungs; that the only time to determine whether that has happened is at the autopsy, before the organs have been removed from the body; that in order for air in the uterus to do any damage it must go into the veins and there would have to be some break in the veins to let it in; that from his examination of the uterus in this case "it is not seen that air embolism was possible. There is no evidence that it could have taken place." He added, "I'd like to make it perfectly clear that we can't say that this case was not caused by air embolism. She may have died of air embolism, but we have no evidence to that effect."

He further testified, on cross-examination, that attempted abortion by injection of air into the uterus is, perhaps, the most common cause of air embolism, but he did not think it had happened in this case because they studied the entire lining of the uterus and that air could not have gone in unless the wall had been injured, and there was no injury to the lining.

It is the contention of the defendant, as stated, that

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It is the contention of the defendant, as stated, that

the admission of all this testimony as to the details of the cause and circumstances of death was prejudicial to her and not warranted by the statute or the indictment; that she was indicted for abortion under section 4401 and was actually tried for murder, notwithstanding another indictment against her for the murder of Mrs. Bennett was pending.

This contention fails for two reasons. First, because the testimony of Dr. Cash, introduced as it was by the defendant before the Commonwealth offered any evidence as to the cause of death, entitled the Commonwealth to respond with evidence on the same subject.

Second, the admission of that testimony, and the refusal of the court to require an election as between the substantive crime and the attempt, as well as the refusal of the court to strike the evidence relating to the substantive offense charged, were warranted under the statute and the indictment.

Conviction for an attempt to commit a felony on an indictment charging the felony is expressly authorized by statute. Code (Michie, 1942), § 4922.

Abortion is defined as "the expulsion of the foetus at so early a period of uterogestation that it has not acquired the

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Abortion is defined as "the expulsion of the foetus at
so early a period of uterogestation that it has not acquired the

power of sustaining an independent life." Although there may be a technical distinction recognized in medicine between abortion and miscarriage, the words are usually synonymous in law. 1 Am. Jur., Abortion, § 2, p. 133; Abrams v. Foshee, 3 Iowa 274, 66 Am. Dec. 77, and note; 1 C. J. S., Abortion, § 1, p. 312; Commonwealth v. Smith, 213 Mass. 563, 100 N. E. 1010.

It is admitted there was no expulsion of the fetus in this case, but the evidence of the Commonwealth is that its destruction was caused by the death of the mother.

It is to be noted that the statute, section 4401, quoted above, provides that if any person use any means with intent to destroy a woman's unborn child, or to produce an abortion, and thereby destroy such child or produce such abortion, he shall be punished, etc.

The statute appeared in Acts, 1847-8, ch. 3, § 9, p. 96, where the punishment was determined by whether death resulted to a quick child or one not quick. It was carried into the Code of 1873, ch. 187, § 8, without that distinction, and into Code, 1887, § 3670, in practically its present form. It has not been construed by this court with respect to the present point. We have not been referred to a case from another jurisdiction construing a similar

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1873, ch. 187, § 6, without that distinction, and into Code, 1887,
§ 3670, in practically its present form. It has not been construed
by this court with respect to the present point. We have not been
referred to a case from another jurisdiction concerning a similar

statute, nor have we found one.

In any event, where a crime is defined by statute the decisions of other courts whose statutes are different cannot control, and the legislative intent as expressed in the statute of the forum furnishes the only rule and guide. 1 C. J. S., Abortion, § 2, p. 313.

Section 4401 forbids the use of any means with intent to destroy an unborn child or to produce an abortion. The rule of eiusdem generis does not apply and the prohibition is all-inclusive against any means. 1 C. J. S., Abortion, § 5, pp. 316-7. The intent with which the means are used is the controlling factor. It seems clear from the language of the statute that more than one intended consequence is included. If only the intent to cause an abortion, in the sense of expulsion of the fetus, and the causing of such abortion, were meant to be covered, the words "intent to destroy her unborn child," and "thereby destroy such child," would be useless. It is not to be presumed that those words were used for no purpose and mean nothing in the statute. Raven Coal Corp. v. Absher, 153 Va. 332, 149 S. E. 541.

In Tonnahill v. State, (Texas Cr. App.), 208 S. W. 516, 517, the statute under construction defined an abortion as follows:

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In Tonnahill v. State, (Texas Cr. App.), 208 S. W. 216,

217, the statute under construction defined an abortion as follows:

"By the term "abortion" is meant that the life of the fetus or embryo shall be destroyed in a woman's womb, or that a premature birth thereof may be caused." The court said:

"* * * But the state in this case elected to charge and try him for destroying the life of the fetus in the womb, and not by bringing on a premature birth. That these two provisions are different is shown by the language employed by the Legislature. In one it would be necessary to destroy the life of the fetus in connection with the abortion, and in the other, with reference only to premature birth. * * *"

It is a necessary conclusion from the language of our statute--section 4401--that the crime denounced is not limited to abortion in its narrow meaning of expulsion of the fetus, but includes, as it plainly declares, the use of any means with intent to destroy an unborn child, resulting in the destruction of such child. If the means used with that intent result in the death of the mother and thereby the destruction of the child, the death of the mother is an agency set in motion by the means used to destroy the child. A man wilfully shoots at another intending to kill him. His bullet misses, but strikes an object which explodes and kills him. He is still guilty of murder, although his intended result

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It is a necessary conclusion from the language of our statute--section 401--that the crime denounced is not limited to abortion in its narrow meaning of expulsion of the fetus, but includes, as its plain meaning declares, the use of any means with intent to destroy an unborn child, resulting in the destruction of such child. If the means used with that intent result in the death of the mother and thereby the destruction of the child, the death of the mother is an agency set in motion by the means used to destroy the child. A man willfully shoots at another intending to kill him. His bullet misses, but strikes an object which explodes and kills him. He is still guilty of murder, although his intended result

was accomplished in an unintended way. If the destruction of the child--the intended result--was accomplished by the means used, the perpetrator is guilty even though the death of the mother was not intended. The fact that he may also be guilty of another crime is beside the point in this case.

The indictment in this case is coextensive with the statute, charging both the intent to destroy and to produce an abortion, the destruction of the child and the production of the abortion. The offenses stated disjunctively in the statute are charged conjunctively in the indictment, following an approved method of pleading. Beale's Cr. Pl. and Pr., § 104, p. 104.

It follows that the evidence of the Commonwealth as to the details and the circumstances of the death of the mother, resulting in the destruction of her unborn child, was admissible under the charge laid in the indictment and covered by the statute. The probative value of that evidence was for the jury, who by their verdict found it insufficient to prove the defendant guilty of the substantive offense charged. But being authorized for the reasons stated, its admission cannot be said to have resulted in an unfair trial. Indeed, it would be difficult, if not impossible, fairly to confine the evidence within more narrow bounds if the

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issue had been limited solely to the question of attempt.

Instruction No. 1, complained of, told the jury in the first paragraph that if the defendant "by any means, with intent to destroy said unborn child or to produce an abortion or miscarriage on the said Kerneda Bennett, committed or did any act or acts to destroy said child or commit an abortion on the said Kerneda Bennett, and the said Kerneda Bennett died as a result of said act or acts, then they will find the said Iva Rodeffer Davis Coffman guilty of destroying said unborn child, as charged in the indictment."

That was followed by a paragraph, not complained of, instructing the jury what they should do if they found the defendant guilty only of an attempt.

It is argued that the quoted paragraph erroneously submitted to the jury the decision as to whether Mrs. Coffman killed Mrs. Bennett. It did submit that issue, but it did so on the theory that the defendant used some means on Mrs. Bennett with intent to destroy her unborn child and did destroy such child by causing the death of Mrs. Bennett, the result being undisputed.

As observed, the jury found against that theory, but that is not conclusive that the Commonwealth was not entitled to have the

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causing the death of Mrs. Bennett, the result being undisputed.

As observed, the jury found against that theory, but that

is not conclusive that the Commonwealth was not entitled to have the

question submitted to them. The evidence before the jury related to the substantive crime and the attempt; the first charged against the defendant in terms, and the second as matter of law, and it was not error for the court to refuse to strike it out with respect to one of those charges. See Williamson v. Commonwealth, 180 Va. 277, 23 S. E. 2d 240.

The effect of the submission of that issue in this case upon the indictment against this defendant for the murder of Mrs. Bennett, which the defendant says is pending against her, is a question not now before us and we express no opinion about it. Neither the trial court nor this court will be concerned with that question unless and until the Commonwealth seeks to prosecute on that indictment.

We find no prejudicial error and the judgment below is

Affirmed.

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Neither the trial court nor this court will be concerned with that
question unless and until the Commonwealth seeks to prosecute on
that indictment.

We find no prejudicial error and the judgment below is

Affirmed.

VIRGINIA:

*In the Supreme Court of Appeals held at the Court-Library Building
in the City of Richmond on Monday the 22nd day of November, 1948.*

Iva Rodeffer Davis Coffman, Plaintiff in error,
against Record No. 3452
Commonwealth of Virginia, Defendant in error.

Upon a writ of error and supersedeas to a judgment rendered by the Circuit Court of Rockingham county on the 19th day of March, 1948.

This day came again the parties, by counsel, and the court having maturely considered the transcript of the record of the judgment aforesaid and arguments of counsel, is of opinion, for reasons stated in writing and filed with the record, that there is no error in the judgment complained of. It is therefore considered that the same be affirmed, and that the plaintiff in error pay to the Commonwealth thirty dollars damages and also her costs by her expended about her defense herein.

forthwith

Which is ordered to be/certified to the said circuit court.

Defendant in error's costs:
Attorney's fee \$20.00
Printing brief 24.75
Total \$44.75

A Copy,

Teste:

Teste:

[Signature]
Clerk
(XXXX)

[Signature]

Clerk.

7
406

Writ tax _____ \$

Printing _____

Attorney's fee _____

Small fees _____

Transcript _____

Printing brief _____

Total \$

Teste:

_____ C. C.

ALICIA

C. A. S. No. 4

OFFICE OF THE CLERK OF THE COURT
ROCKINGHAM COUNTY

HARRISONBURG, VA.,

Jan. 30, 1947

No 6492

Received of *Shuffey L. Devier, Basil Combs*

For the account of *Edmund Thawmont & 00/100*

Dollars

IN SETTLEMENT OF THE FOLLOWING

ACCOUNT

AMOUNT

Cash bail - J. R. Coffman #8a 11,000 00

(Certified check)

M. Bowers Clerk

Deputy Clerk

OFFICIAL RECEIPT

OFFICIY RECEIPT

C. A. R. No. 4

OFFICE OF THE CLERK OF THE COURT
ROCKINGHAM COUNTY

HARRISONBURG, VA. *Jan. 30 1911*

Received of *Wm. H. ...*
For the amount of *Twenty Dollars*

Dollars

IN SETTLEMENT OF THE FOLLOWING

| AMOUNT | ACCOUNT | |
|--------------|-------------------|------------|
| <i>20.00</i> | <i>Wm. H. ...</i> | <i>...</i> |
| | | |
| | | |
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| | | |
| | | |

No. *6493*

Clerk

Deputy Clerk

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Dr. F. L. Byers, Monroe Fritoe, Raymond Bennett,
Dr. Paul W. Hill, Irene Davis, Virginia Ege

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 17th day of December, 1947 to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against

Wm. Rodolph Davis Coffman

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 8th

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

Lawrence W. Hoover, Commonwealth Attorney
Clark

Wm. A. Rhodes Esq. for
Saml. H. Callender S. R. C.

TO Messrs Trustees

EXECUTED 12-8-47 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN

Commonwealth
Wm. Rodeffer Davis Coffman

12/11/47

Executed 12/9/47 by delivering a true copy
of the within summons to
Raymond Bennett, Dr. Paul A. Hill,
Armed Forces, Virginia Expl

each in person
R. L. Niles Esq. for
Saml. H. Callender S. R. C.

Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

Dr. D. L. Byers, Monroe Frister & B. L. Kiser

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:30 o'clock, a. m., on the *23rd* day of *May*, 19 *47*,
to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY.....

Loa Rodaffer Davis Coffman

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 A. HOOVER, Commonwealth's Attorney

Witness, ~~J. ROBERT SWITZER~~, Clerk of our said Court, at the Court House, the *22nd*

day of *May*, 19 *47*, and in the *17th* year of the Commonwealth.

Lawrence A. Hoover, Clerk
Commonwealth's Attorney

Not finding W. F. L. Byers at his usual
place of abode, Executed 5/22/47 by delivering a
true copy of this Summon to Mr. F. L. Byers
his wife in person, at said Dr. F. L. Byers

usual place of abode Mr. F. L. Byers being a member of
his family above the age of 16 years, and explaining the purpose thereof
to her.

D. L. Davis Dep for
Sam H. Ballender & R. C.

Sheriff \$1.20

5/23/47

Com.
Loa Rodeffer Davis Coffman

EXECUTED 5-22-47 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN summon
TO Monroe Fristoe &
IN PERSON. D. L. Davis

Wm A. Rhodes Dep for
Sam H. Ballender & R. C.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Walter Lee Kennedy

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 *12th* day of *December*, 19 *47*,
to testify and the truth to say in behalf of the Commonwealth against

Isa Rodesser Davis Coffman

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. Hooper, Commonwealth's Attorney*, the *12th*
J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the

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

Lawrence H. Hooper, Clerk
Commonwealth's attorney

EXECUTED ~~2/2/47~~ IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN ~~Summons~~
TO Alfred Lee Kennedy
IN PERSON.

P. de Jesus Dep. J. M.
Sam. W. Callender S. R. S.

Com.

v.
Ira Rodeffer Davis Coffman

12/12/47

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

Commonwealth

vs.

On an indictment for a felony (abortion)

Iva Rodeffer Davis Coffman

It appearing to the Court that there are not a sufficient number of jurors in attendance upon this Court in order to have a panel of twenty persons free from exception, in the trial of this case, it is ORDERED that Warren Good, E. C. Wine, H. M. McCool, Homer Simmons, Julian H. Taliaferro, F. C. Suter, Chas. Fauls, Irving Ney, and F. Barth Garber, whose names have been drawn from the current regular jury list, be summoned forthwith to appear to serve as jurors aforesaid.

ENTER:

W. H. Suter, Judge.

12/11/47.

1 / 287

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

~~Robert Cochran~~

John W. Coffman

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 11th day of Dec. 1947 to testify and the truth to say in behalf of the Defendant in the prosecution of the Commonwealth against

Anna Radoffen Davis Coffman

who stands charged with and indicted for a felony misdemeanor.

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 10th day of Dec. 1947, and in the 17th year of the Commonwealth.

J. Robert Switzer, Clerk

Ina Reddick Davis Coffman

adix.

Com.

Francis S. Miller, p.d.

1947

Dec. 11

Legal and timely service of the
summons has timely accepted

Dec. 11, 1947.

John W Coffman

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Vada Whitmer, Nora Landrum, Minnie Miller,
Ora Kennedy, and Lillian McCurdy,

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 11th day of December 19 47 to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against

Iva Rodeffer Davis Coffman

who stands charged with and indicted for a felony ~~murder~~

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 8th
day of December, 19 47, and in the 172nd year of the Commonwealth.

J. Robert Switzer
Margie Brown Clerk

Iva Rodeffer Davis Coffman

ads.

Commonwealth

Francis S. Miller, p.d.

1947

December 11

28 Jan 47

Legal and timely service of this subpoena
is hereby accepted this 9th day of Dec. 1947.

Minnie Miller ✓

Lillian McCirely ✓

Phar Fennedy ✓

Nova Landham ✓

Sada Whitmer

In the Name of the Commonwealth of Virginia;

To the Sheriff Albemarle County

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

You are hereby commanded to summon Dr. J. R. Cash,

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 11th day of December, 1947 to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against

Iva Rodeffer Davis Coffman

who stands charged with and indicted for a felony ~~XXXXXX~~

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 8th
day of December, 1947, and in the 172nd year of the Commonwealth.

J. Robert Switzer
By Margaret Somers Clerk

IVA RODEFFER DAVIS COFFMAN

ADS.

COMMONWEALTH

Executed in the County of Albemarle, Virginia,
on the 9 day of Dec, 1947
by delivering a true copy of the within

Subpoena in writing, to
Dr. J. R. Carl

in person.

Fee \$ _____

J. MASON SMITH, Sheriff

County of Albemarle, Virginia

Thos. H. Wolfe Sheriff
Deputy Sheriff

1947

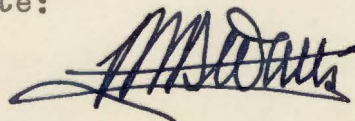
December 11

VIRGINIA:

In the Clerk's Office of the Supreme Court of Appeals at Richmond on the 29th day of July, 1948.

This is to certify that upon the petition of Iva Rodeffer Davis Coffman a writ of error and superse-
deas has been awarded by one of the Justices of the Supreme Court of Appeals of Virginia to a judgment rendered by the Circuit Court of Rockingham county on the 19th day of March, 1948, in a prosecution by the Commonwealth of Virginia against the said petitioner for a felony; said supersedeas, however, not to operate to discharge the petitioner from custody, if in custody, or to release her bond if out on bail.

Teste:



Clerk.

To the

Clerk of the
Circuit Court of Rockingham County.

VIRGINIA:

In the Clerk's Office of the Supreme Court of Appeals at Richmond on the 28th day of July, 1948.

This is to certify that upon the petition of

Iva Roselle Davis Colman a writ of error and superse-

dit has been awarded by one of the Justices of the

referred by the Circuit Court of Rockingham County on

the 18th day of March, 1948, in a prosecution by the

Commonwealth of Virginia against the said petitioner for

a felony; said superseedit, however, not to operate so

as to discharge the petitioner from custody, it in custody,

1/3/40

Witness:



Clerk.

To the

Circuit Court of Rockingham County.

Cover,

15
Coffman

INSTRUCTION 1

The Court instructs the jury that if they believe from the evidence in this case, beyond a reasonable doubt, that Kerneda Bennett was pregnant with child on January 28, 1947, and that on that date the accused, Iva Rodeffer Davis Coffman, by any means, with intent to destroy said unborn child or to produce an abortion or miscarriage on the said Kerneda Bennett, committed or did any act or acts to destroy said child or commit an abortion on the said Kerneda Bennett, and the said Kerneda Bennett died as a result of said act or acts, then they will find the said Iva Rodeffer Davis Coffman guilty of destroying said unborn child, as charged in the indictment.

And the Court further instructs the jury that if they believe from the evidence in this case, beyond a reasonable doubt, that on said date Iva Rodeffer Davis Coffman, by any means, with intent to destroy the unborn child of the said Kerneda Bennett or to produce an abortion or miscarriage on her, committed or did any act or acts to destroy said child or commit such abortion or miscarriage, then they will find her guilty of attempted abortion, as further charged in the indictment, even though they believe from the evidence that said attempt did not destroy said child or produce such abortion or miscarriage.

[Handwritten signature]

Comme
to
Coffman

INSTRUCTIONS

The Court instructs the jury that it may believe from the evidence

in this case, beyond a reasonable doubt, that Kenneth Bennett was pregnant
with child on January 28, 1947, and that on that date the accused, Lee Robbette
Davis Collins, by any means, with intent to destroy said unborn child or to
produce an abortion or miscarriage of the said Kenneth Bennett, caused or
caused her to take or ingest or cause said child to be taken or ingested on the said
Kenneth Bennett, and the said Kenneth Bennett died as a result of said act
or acts, then they will find the said Lee Robbette Davis Collins guilty of
destroying said unborn child as charged in the indictment.

And the Court further instructs the jury that it may believe from

the evidence in this case, beyond a reasonable doubt, that on said date
Lee Robbette Davis Collins, by any means, with intent to destroy the unborn
child of the said Kenneth Bennett or to produce an abortion or miscarriage
of the said child or cause said child to be taken or ingested on the said
Kenneth Bennett, then they will find the said Lee Robbette Davis Collins
guilty of destroying said unborn child as charged in the indictment, even though they believe
from the evidence that she attempted to destroy said child or produce
said abortion or miscarriage.

WA

Cover
vs
Coffman

INSTRUCTION 2

The Court instructs the jury that an attempt in criminal law is an apparent unfinished crime, and hence is a compound of two elements, viz: (1) The intent to commit the crime, and (2) a direct act done towards its commission, but falling short of the execution of the ultimate design. It need not, therefore, be the last proximate act to the consummation of the crime contemplated, but is sufficient, if it be an act apparently adapted to produce the result intended.

WTS

Case
2
C. P. Jones

INSTRUCTIONS

The Court instructed the jury that an attempt is criminal law
is an apparent unfinished crime, and hence is a compound of two elements,
viz: (1) The intent to commit the crime, and (2) a direct act done
towards its completion, but falling short of the execution of the ultimate
design. It must not, therefore, be the last preparatory act to the com-
mission of the crime contemplated, but so proximate to it as to be an act
apparently adapted to produce the result intended.

W.A.

Cover.

vs

Coffman

INSTRUCTION

3

The Court instructs the jury that you can and should draw reasonable inferences from the facts proven. A verdict of guilty may be founded entirely on circumstantial evidence if such evidence shows the guilt of the defendant beyond a reasonable doubt.

WPA

Com.
C. Johnson

2 1870-1871

The Court instructs the jury that you can not should draw
reasonable inference from the facts proven. A verdict of guilty may
be founded entirely on circumstantial evidence if such evidence shows
the guilt of the defendant beyond a reasonable doubt.

1871

Come
vs
Coffey

INSTRUCTION

4

The Court instructs the jury that the burden resting upon the Commonwealth to prove the accused guilty beyond all reasonable doubt of an offense and every material element thereof, charged against the accused, does not mean that it is necessary for the Commonwealth to establish the guilt of the accused to an absolute certainty or beyond all possibility of mistake or to do more than satisfy the jury that upon the evidence as a whole the accused is guilty thereof beyond all reasonable doubt.

~~WVA~~

Case

12

Coffman

INSTRUCTION

The Court instructs the jury that the burden resting upon the Commonwealth to prove the accused guilty beyond all reasonable doubt of an offense and every material element thereof, charged against the accused, does not mean that it is necessary for the Commonwealth to establish the guilt of the accused to an absolute certainty or beyond all possibility of mistake or to a point that admits the jury that upon the evidence presented the accused is guilty beyond all reasonable doubt.

W.H.

Cour

As
Coffman

INSTRUCTION A

The Court instructs the jury that the issue in this case is solely upon the question of abortion or attempted abortion, and in arriving at a verdict the jury must not undertake to pass judgment upon the accused for the death of Keneda Bennett.

WJA

Case

12/1/1911

A SECTION

The Court instructs the jury that the issue in this case is
solely upon the question of abortion or attempted abortion, and in ar-
riving at a verdict the jury must not undertake to pass judgment upon
the accused for the death of Kenneth Bennett.

W. H. H.

Case
13
C. Johnson

INSTRUCTION

B

The Court instructs the jury that the failure of the accused to testify creates no presumption against her, and in considering her guilt or innocence, her failure to testify is not a circumstance which the jury is entitled to consider.

[Handwritten signature]

Case

4

C. Johnson

INSTRUCTION B

The Court instructs the jury that the failure of the accused to testify creates no presumption against her, and in considering her guilt or innocence, her failure to testify is not a circumstance which the jury is entitled to consider.

~~Handwritten signature~~

Com
W
Coffman

D

The Court instructs the jury that the testimony of an accomplice must be received with great care and caution, and if you believe that Irene Davis was induced to testify against the accused, either by fear of punishment or hope of reward, you must weigh her testimony very carefully.

W.A.

Case
No. 1
Coffman

D.

The Court instructs the jury that the testimony
of an accomplice must be received with great care and caution,
and if you believe that John Davis was induced to testify
against the accused, either by fear of punishment or hope of
reward, you must weigh her testimony very carefully.

[Handwritten signature]

Cow
vs
Coffman

~~4~~ F

The Court instructs the Jury that in order to convict the accused it is not sufficient that the evidence be consistent with her guilt, but it must go further and actually exclude every reasonable hypothesis or theory consistent with the evidence that she can be innocent.

Therefore, after having weighed, analyzed and considered all the evidence in this case, if such evidence creates in the minds of the Jury only an inference or conclusion or strong suspicion that the accused is guilty of the crime charged, then it is not sufficient to justify a verdict of guilty; for suspicion, however strong, is never sufficient to convict. Evidence is never sufficient, where, assuming all to be proved which the evidence tends to prove, some other theory or hypothesis may still be true; for it is the actual exclusion of every other theory which invests mere circumstances with the force of truth; and where the evidence leaves it uncertain which of several theories or hypothesis is true, or establishes only more probability in favor of one theory, such evidence cannot amount to proof, however, great the probability may be; hence in this case, if from all the evidence the Jury cannot say that they are satisfied beyond all reasonable doubt that the accused is guilty of the crime charged against him, it is their duty to find her not guilty.

MSA

Law
A
C. J. Johnson

F
*

The Court instructs the jury that in order to
convict the accused it is not sufficient that the evidence be
consistent with her guilt, but it must go further and actually
exclude every reasonable hypothesis or theory consistent with
the evidence that she can be innocent.

Therefore, when the evidence is consistent with the
accused's innocence, it is not sufficient to justify a verdict of
guilt; for suspicion, however strong, is never sufficient to
convict. Evidence is never sufficient, when, assuming all to
be proved which the evidence tends to prove, some other theory
or hypothesis may still be true; for it is the actual exclusion
of every other theory which invests mere circumstances with the
force of truth; and where the evidence leaves it uncertain which
of several theories or hypotheses is true, or establishes only
a probability in favor of one theory, such evidence cannot
amount to proof, however great the probability may be; and
in this case, if from all the evidence the jury cannot say that
they are satisfied beyond all reasonable doubt that the accused
is guilty of the crime charged against him, it is their duty to
find her not guilty.

W. J.

Case

vs

Confusion

G G

-*

The Court instructs the Jury that the burden is on the Commonwealth to prove, beyond every reasonable doubt, every essential element of the crime charged and if any reasonable doubt of any element necessary to establish the guilt of the accused be raised by the evidence, or lack of evidence, such doubt is decisive and the Jury must acquit the accused, since a verdict of "not guilty" means no more than that the guilt of the accused has not been established in the precise, specific and narrow form prescribed by law.

W.A.

Green
1
Coffman

G
C

*

The Court instructs the jury that the burden is on the
accused to prove, beyond every reasonable doubt, every
element of the crime charged. It is not necessary
for any element necessary to establish the guilt of the
accused be raised by the evidence, or lack of evidence, such
doubt is decisive and the jury must acquit the accused, since
a verdict of "not guilty" means no more than that the guilt
of the accused has not been established in the precise,
specific and narrow form prescribed by law.

W.A.

Cain
B
Coffey

H

-X-

The court instructs the Jury that the law presumes the accused to be innocent until her guilt is established by competent evidence, beyond all reasonable doubt. This presumption of innocence goes with the accused throughout the whole case and applies at every stage thereof, and in doubtful cases is always sufficient to turn the scales in her favor. This presumption of innocence is not a mere form, to be disregarded by the Jury at pleasure, but is an essential and substantial part of the law of the land and is binding upon the Jury; and it is the duty of the Jury to give the accused the full benefit of this presumption and unless her guilt has been established beyond all reasonable doubt by the evidence in this case, they should acquit her.

H.A.

John
Coffman

4

*

The court instructs the jury that the law presumes the
 accused to be innocent until her guilt is established by
 competent evidence, beyond all reasonable doubt. This pre-
 sumption of innocence prevails throughout the trial, and in
 every case and applies at every stage thereof, and in every
 phase is always sufficient to turn the scales in her favor. This
 presumption of innocence is not a mere form, to be disregarded
 by the jury at pleasure, but is an essential and substantial
 part of the law of the land and is binding upon the jury; and
 it is the duty of the jury to give the accused the full benefit
 of this presumption and unless her guilt has been established
 beyond all reasonable doubt by the evidence in this case, they
 should acquit her.

W.C.

Com
vs
Coffman

INSTRUCTION

I

The jury are further instructed that circumstantial evidence must always be scanned with great caution, and can never justify a verdict of guilty unless the circumstances proved are of such a character and tendency as to produce in a fair and unprejudiced mind a moral conviction of the guilt of the accused, beyond all reasonable doubt, and unless the jury believe from the evidence that each and every circumstance essential to the conviction of the accused has been made out and established, beyond a reasonable doubt, then the accused should be acquitted.

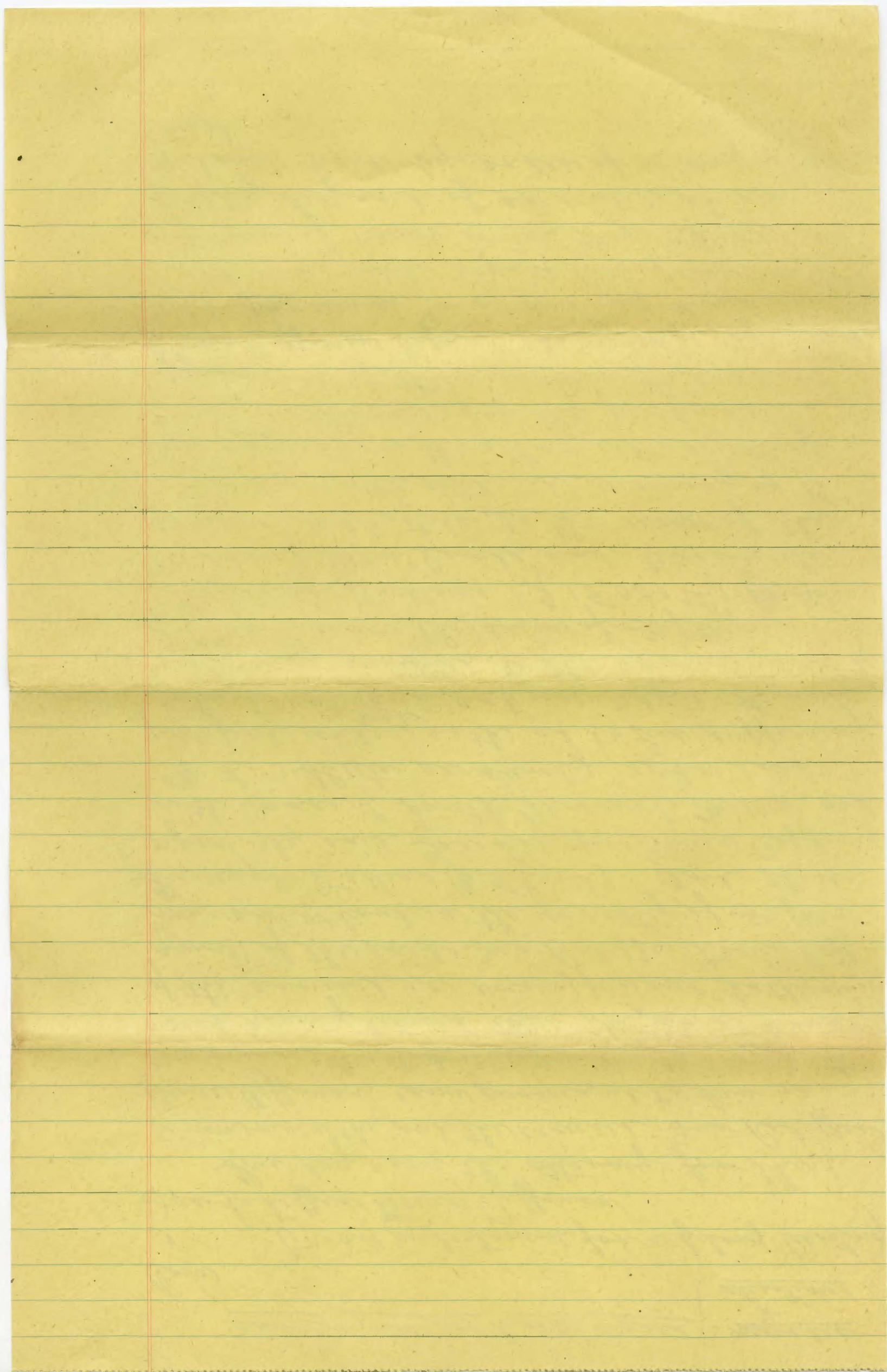
W.A.

INSTRUCTION 1

20
Coffman

The jury are further instructed that circumstantial evidence
must always be viewed with great caution, and can never justify a verdict
of guilty unless the circumstances proved are of such a character and
tendency as to produce in a fair and unprejudiced mind a moral conviction
of the guilt of the accused, beyond all reasonable doubt, and unless the
jury believe from the evidence that each and every circumstance essential
to the conviction of the accused has been fully and established, beyond
a reasonable doubt, then the accused should be acquitted.

W.A.

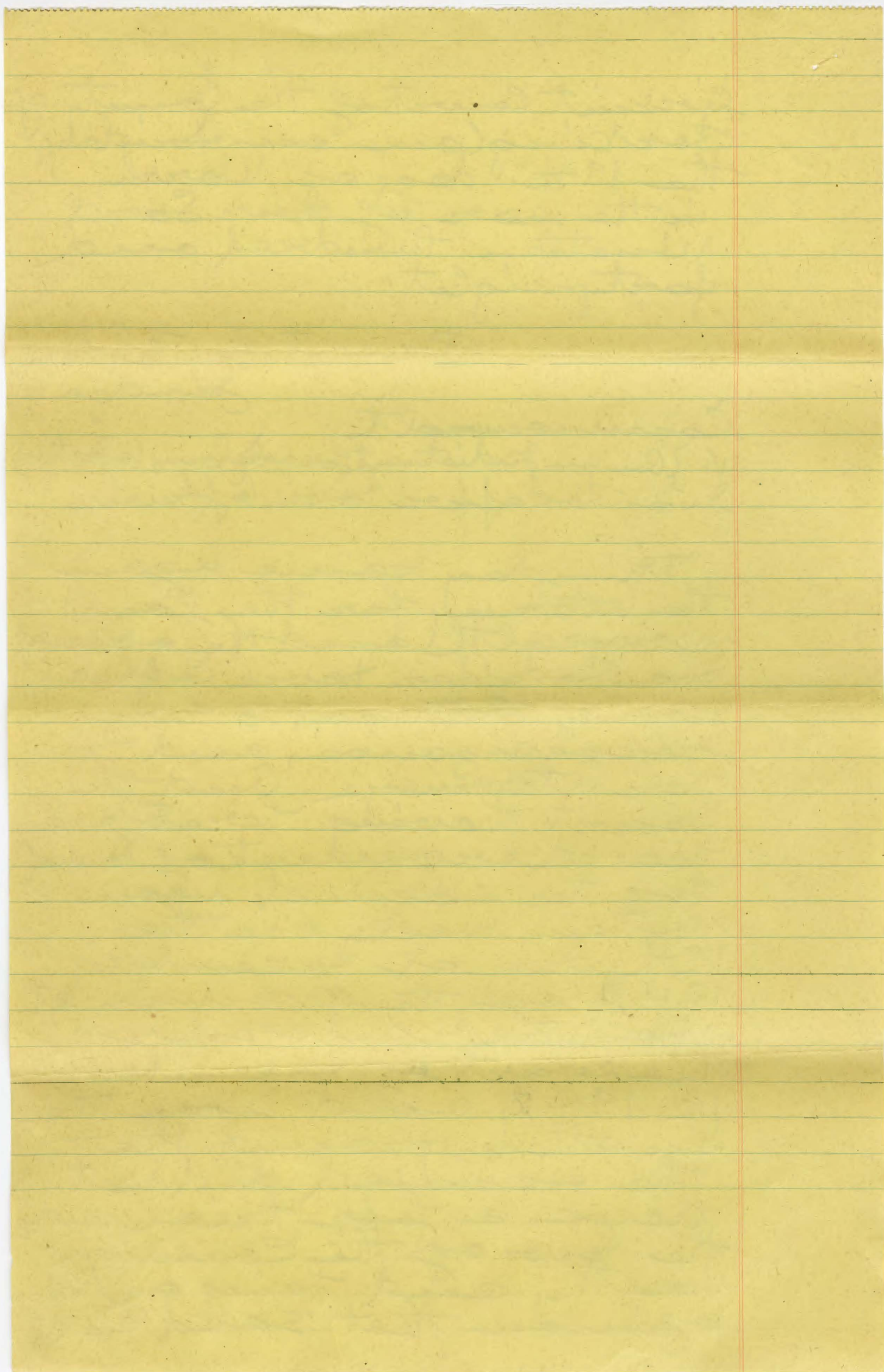


Serjeant Court of the County of
Berkingham on Monday
the 19th. day of March
in the year of our Lord
Nineteen hundred and
forty-eight.

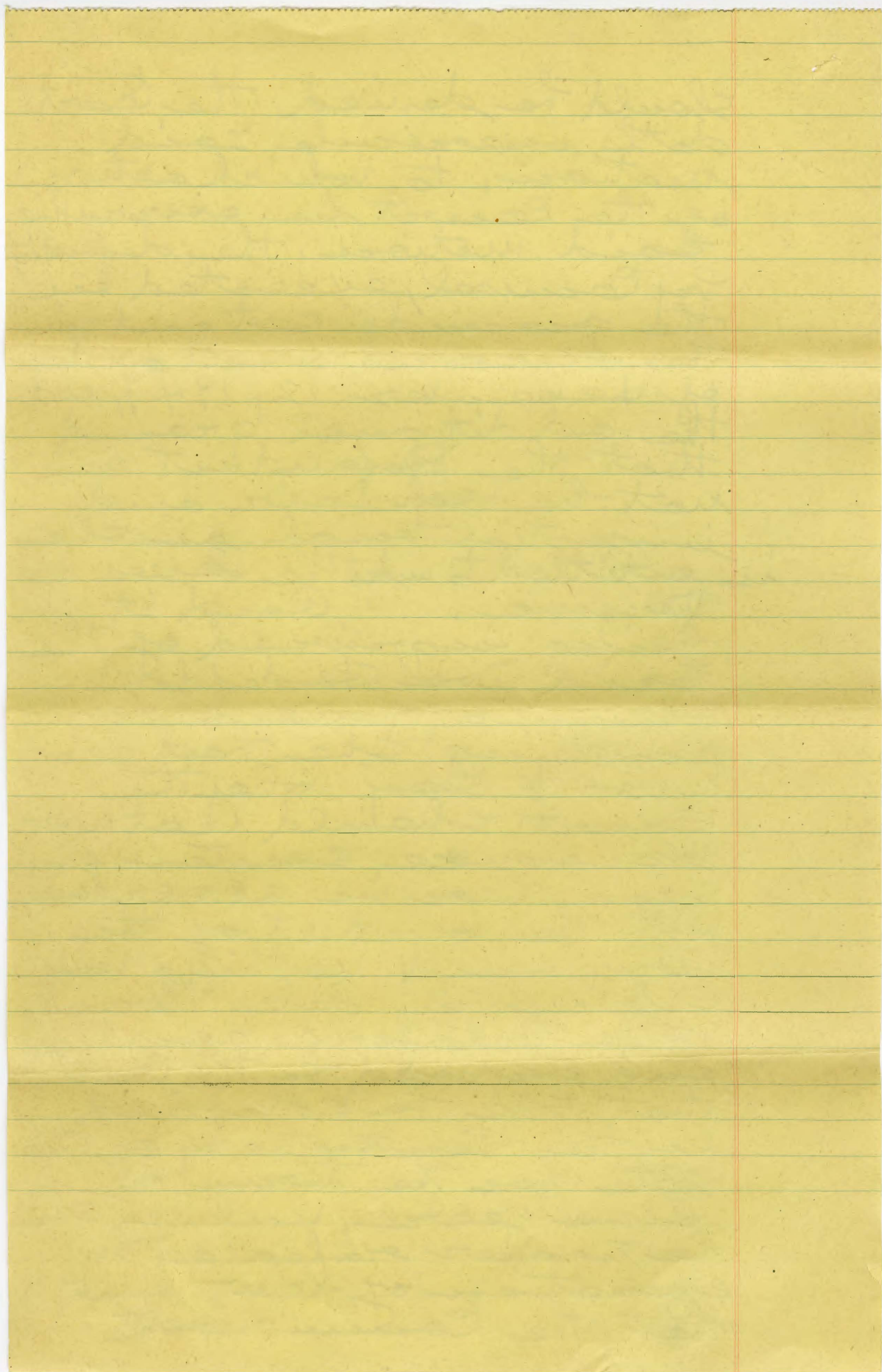
Present: Hon. R. P. Lord,
Judge.

Commonwealth
vs. John a. Judistwaat for and by (petition)
vs. Goddard Davis Effman

This day came again
the Attorney for the Com-
monwealth and the accused
vs. Goddard Davis Effman,
~~some persons~~ to be
recognized, and by
her Attorneys. And the
Court having heretofore
heard argument of Counsel
for the accused, upon
motion made on the
12th. day of December
1947, on the grounds set
forth in order of
this Court of December
12, 1947, and upon the
further ground, that
the accused did not
have a fair trial under
the law of the Common-
wealth, and being of the
opinion that said motion

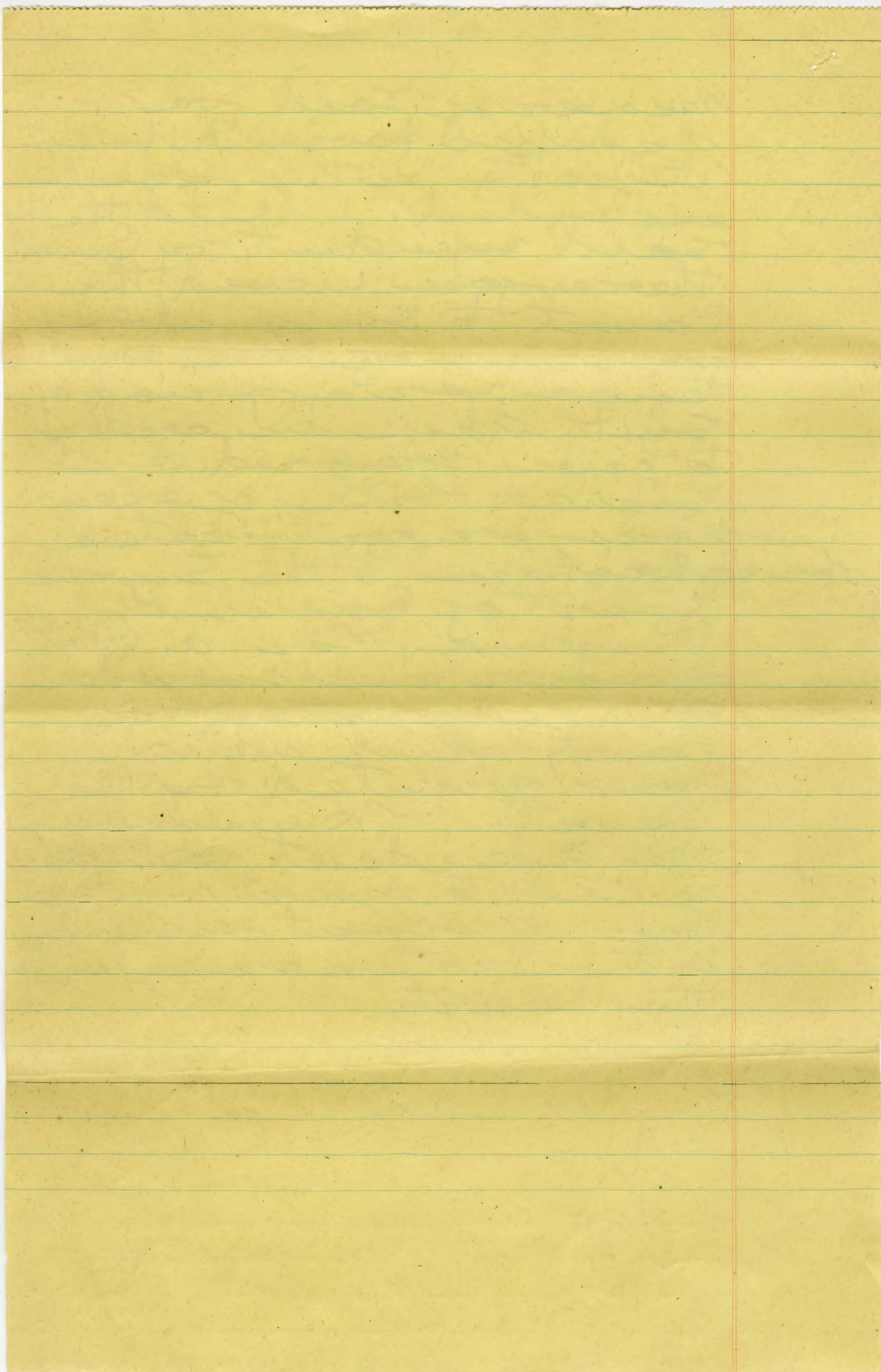


should be denied, the Court
doth, nevertheless, said,
motion, to which action
of the Court in overruling
said motion, the defendant
by counsel, excepted and
the grounds set out in
the record and order
of December 12, 1947, and
the additional ground
that the Defendant has
not had such fair and
impartial trial as she
is entitled to under the laws of
Virginia. And it
being inquired of the
said Eva Peddiffer
Klein, Coffman, if
anything she had to
say to say why the
Court should not now
pronounce sentence
upon her in accordance
with the verdict of the
jury, and nothing being
offered in delay thereof,
it is therefore considered
and ordered by the Court
that she be confined
in the Penitentiary of this
State for the term of
five years, unless she
be sooner released by
operation of law, and
that the Commonwealth



readers of said law
to defend said Coffman
its rights in this proceeding
expended. And the
said defendant, by counsel
therein named, moved the
Court to suspend ex-
ecution of this sen-
tence for a period of
sixty days in order
to have prepared and
signed bills of excep-
tions, or certificates,
for application to the Supreme
Court of Appeals of
Virginia, for a writ
of error and certiorari
to the judgment of this
Court, which motion
was granted by the
Court. Whereupon
the defendant was per-
mitted to depart under
her present recognizance
until further order of
the Court.

1/27/1



12-12-47

COMMONWEALTH

v.

COFFMAN

REFUSED

INSTRUCTIONS

Com

W

Coffman

P

The court instructs the jury that, while they may find a verdict upon the unsupported testimony of an accomplice, such evidence is to be received with great caution, and the court, in this case, warns the jury of the danger of basing a verdict on the unsupported testimony of an accomplice.

~~W.A.~~
Reversed

Cover
Coffman

2

The court instructs the jury that, while they may
find a verdict upon the unsupported testimony of an accomplice,
such evidence is to be received with great caution, and the court,
in this case, warns the jury of the danger of passing a verdict
on the unsupported testimony of an accomplice.

W. H. Coffman

Com
W
Coffman

E
#

The Court instructs the Jury that if upon the whole evidence in the case, both for the Commonwealth and the accused, the Jury, after a careful and deliberate consideration of the evidence, the arguments of counsel and a full and free conference among themselves, entertain any reasonable doubt as to any essential element necessary to establish the guilt of the accused, she cannot be rightly convicted and you must find her not guilty.

Referred
WJ

Cover
is
C. H. W.

~~6~~ I

The Court instructs the Jury that in this case a preponderance of the evidence is not sufficient to convict the defendant, and if there is a conflict in the evidence on any fact or circumstances tending to establish the guilt or innocence of the defendant, a part of which is in favor of the theory of the Commonwealth and a part in favor of the theory of the defendant, and the Jury should entertain a reasonable doubt as to which is true, then it is the duty of the Jury in arriving at their verdict to adopt the evidence, theory and conclusion most favorable to the defendant.

Respectfully
H. H.

Handwritten notes in the top right corner, possibly including a name and a date.

Handwritten number '1' with a small asterisk-like mark next to it.

The Court instructs the jury that in this case a preponderance of the evidence is not sufficient to convict for fact or circumstances tending to establish the guilt or innocence of the defendant, a part of which is in favor of the theory of the Commonwealth and a part in favor of the theory of the defendant, and the jury should entertain a reasonable doubt as to which is true, then it is the duty of the jury in arriving at their verdict to adopt the evidence, theory and conclusion most favorable to the defendant.

Handwritten signature or initials in the middle right section.

Faint red stamp or mark in the lower middle section.

Faint red stamp or mark in the lower right section.

VIRGINIA : IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY.

COMMONWEALTH OF VIRGINIA,

VS

IVA RODEFFER DAVIS COFFMAN.

ORDER.

On this 17th day of May, 1948, came again the Commonwealth of Virginia by its attorney, and came also the defendant in person and by her attorneys, and it appearing that within the period of sixty days allowed by order of this Court of March 19, 1948, the said defendant has prepared certificates of exception therein mentioned, and the same have now been duly signed, on motion of the defendant, by counsel, it is ordered that execution of the sentence in this case be further suspended in order to allow the defendant further time to present a petition to the Supreme Court of Appeals of Virginia, and thereafter until such petition is acted on by said Court. Whereupon the defendant was permitted to depart under her present recognizance until further order of the Court.

ENTER:

W. S. Miller
Judge.

7/335

VIRGINIA : IN THE CIRCUIT COURT OF ROCELSHAM COUNTY.

COMMONWEALTH OF VIRGINIA,

VS

IVA RODRYER DAVIS COFFMAN.

ORDER.

On this 17th day of May, 1918, came again the Comon-

wealth of Virginia by its attorney, and came also the defendant
in person and by her attorneys, and it appearing that within the
period of sixty days allowed by order of this Court of March 19,
1918, the said defendant has presented certificates of execution
therein mentioned, and the same have now been duly signed, on be-
half of the defendant, by counsel, it is ordered that execution
of the sentence in this case be further suspended in order to

allow the defendant further time to present a petition to the ad-
verse Court of Appeals of Virginia, and thereafter until such pe-
tition is granted by said court. Therefore the defendant is
permitted to depart under her present recognizance until further
order of the Court.

W. H. H. [Signature]

[Faint handwritten notes]

Com. Coffman

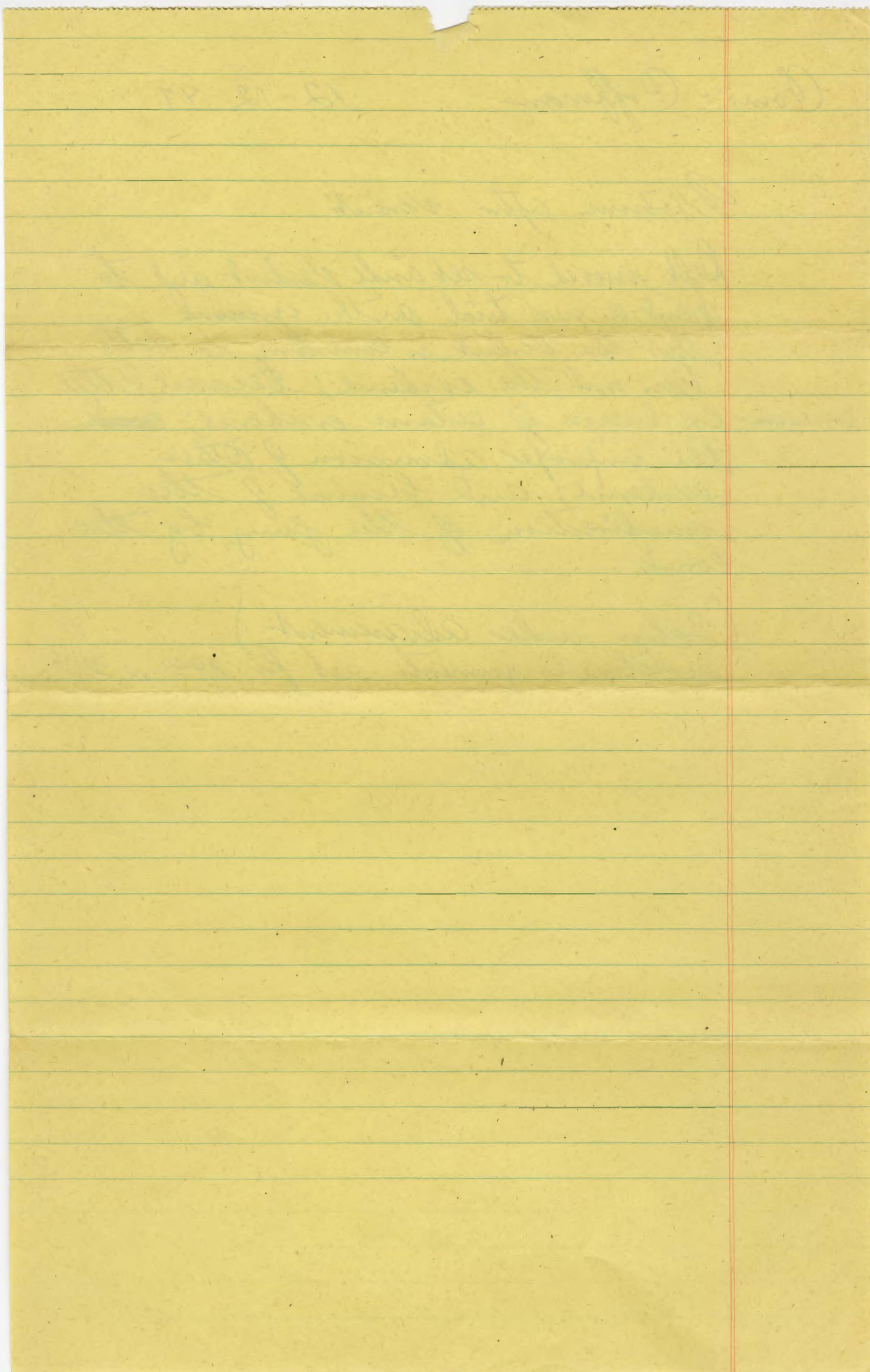
12-12-47

Motions after verdict

Def't moved to set aside verdict and to grant a new trial on the ground that the verdict is contrary to both law and the evidence; because of the erroneous exclusion of certain evidence; and the improper admission of other evidence; and because of the misdirection of the jury by the court.

(Taken under advisement.)

Debatable arguments set for 29th or 30th



W. L. the jury found the accused
Iva Noelleff Leann Coffman guilty
of attempting to procure an abortion
or to destroy the unborn child of Neamedy
Bennett as charged in the indictment
and for her punishment by confinement
in the Penitentiary for a period of
five years

Owen W. Hawkins
Attorney

The first part of the
the second part of the
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the fourth part of the
the fifth part of the
the sixth part of the
the seventh part of the
the eighth part of the
the ninth part of the
the tenth part of the

Chapter 11
The end of the world

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA

COMMONWEALTH

v.

IVA RODEFFER DAVIS COFFMAN

If you find the accused, Iva Rodeffer Davis Coffman, guilty of producing an abortion or destroying an unborn child, as charged in the indictment, you will say so and fix her punishment by confinement in the penitentiary for a period of not less than three nor more than ten years.

If you do not find her guilty of producing an abortion or of destroying an unborn child, as charged in the indictment, but find her guilty of attempting to produce an abortion or to destroy an unborn child, as further charged in the indictment, you will say so and fix her 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 for a period not to exceed twelve months.

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

IN THE CIRCUIT COURT OF HENRICH COUNTY, VIRGINIA

THE VIRGINIA STATE BANK

It is hereby ordered, that the said bank shall pay to the order of the said bank, the sum of five hundred dollars, with interest thereon, to the said bank, as soon as the same shall be presented to the said bank for payment.

Witness my hand and the seal of the said court, this 1st day of January, 1901.

It is further ordered, that the said bank shall pay to the order of the said bank, the sum of five hundred dollars, with interest thereon, to the said bank, as soon as the same shall be presented to the said bank for payment.

WITNESSED my hand and the seal of the said court, this 1st day of January, 1901.

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 IVA RODEFFER DAVIS COFFMAN, on or about the 28th day of January, 1947, in said County, unlawfully, feloniously and wilfully did use and employ in and upon the body of one Kerneda Bennett, a female person then and there pregnant with child, a certain instrument, the name and character of which is to said grand jurors unknown, with intent then and there to destroy the said unborn child of the said Kerneda Bennett and to produce an abortion or miscarriage, and then, there and thereby did unlawfully, feloniously and wilfully destroy such unborn child and produce such abortion or miscarriage, she, the said Iva Rodeffer Davis Coffman, having not done said act in good faith, with intention of saving the life of the said Kerneda Bennett or that of her said unborn child, against the peace and dignity of the Commonwealth of Virginia.

✓ This indictment is found upon the testimony of Monroe ✓
Fristoe, Dr. F. L. Byers and B. L. Kiser, witnesses sworn in
Court and sent before the grand jury to give evidence.

ABORTION

COMMONWEALTH

v.

IVA RODEFFER DAVIS COFFMAN

Felony:

April Term, 1947

A True Bill:

C. Price
Foreman

Witnesses:

- ✓ 1. Monroe Fristoe
- ✓ 2. Dr. F. L. Byers
- ✓ 3. B. L. Kiser

Lawrence H. Hoover

Commonwealth's Attorney

COMMONWEALTH VS.

Iva Godeffer Davis Coffman

DESCRIPTION OF PRISONER

Last known address *mt. Crawford Va*

Color *W* Height *5' 3 1/2* Eyes *Blue* Hair *Brown* Weight *176*

Marks

Age *53* Occupation *House Wife*

Date of Trial *sentenced Nov-27-1948*

Result *5 yrs*

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA,
November 27, 1948.

Commonwealth

vs. On an indictment for a felony (abortion)
Iva Rodeffer Davis Coffman.

It appearing that the judgment of this court has been affirmed by the Supreme Court of Appeals, and the said Iva Rodeffer Davis Coffman having this day appeared pursuant to her recognizance: therefore, it is considered by the court that the said Iva Rodeffer Davis Coffman be committed to the jail of this county until she can be delivered to an officer of the State Penitentiary, therein to be held and imprisoned and treated in the manner directed by law for the term of five (5) years, as ascertained by the jury herein.

Enter: _____, Judge.

401

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA,

November 27, 1948.

Commonwealth

vs. On an indictment for a felony (abortion)

Iva Robeller Davis Colman

It appearing that the judgment of this court has been affirmed by the Supreme Court of Appeals, and the said Iva Robeller Davis Colman having this day appeared pursuant to her recognizance; therefore, it is considered by the court that the said Iva Robeller Davis Colman be committed to the jail of this county until she can be delivered to an officer of the State Penitentiary, therein to be held and imprisoned and treated in the manner directed by law for the term of five (5) years, as ascertained by the jury herein.

Enter: _____, Judge.

W. A. [Signature]

VIRGINIA:
IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY.

COMMONWEALTH OF VIRGINIA,)

v.)

DEMURRER)

IVA RODEFFER DAVIS COFFMAN)

The said defendant says that the indictment returned at the April Term, 1947, of this Court, and charging the use of a certain instrument with intent to produce abortion or miscarriage of one Kerneda Bennett, is not sufficient in law, and for grounds of demurrer assigns the following among other grounds to be assigned at the bar of this Court:

1. It does not appear from said indictment whether the crime alleged to have been committed is the substantive offense of abortion, or an attempt to produce an abortion, or an assault and battery;

2. It does not appear from said indictment whether the offense alleged to have been committed constitutes a felony or a misdemeanor.

John S. Williams
Dennis S. Miller

James G. Coffman
Attorney at Law
Rockingham, N.C.

VIRGINIA:
IN THE CIRCUIT COURT OF
ROCKINGHAM COUNTY.

COMMONWEALTH OF VIRGINIA.

v. DEMURRER

IWA RODEFFER DAVIS COFFMAN

Filed 5/14/47

James G. Coffman

COMMONWEALTH OF VIRGINIA

A.

DEMANDER

COMMONWEALTH OF VIRGINIA

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY,
VIRGINIA.

Not finding F. L. Beyer at his usual

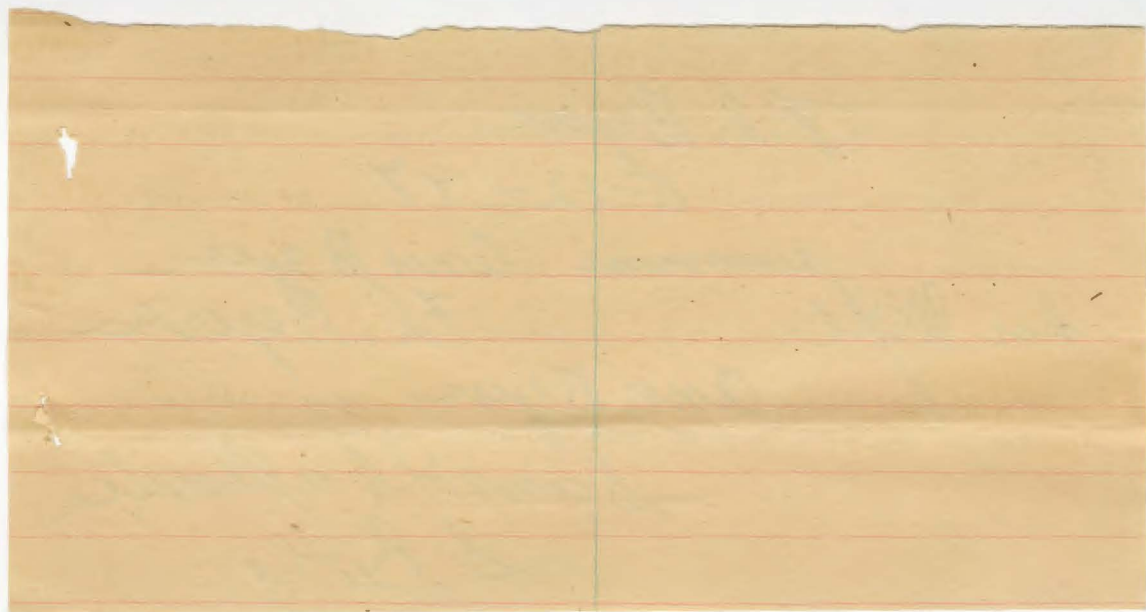
place of abode, Executed 5-12-47 by delivering a

true copy of this summons to Ann Beyer

his wife in person, at said F. L. Beyer

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

Sam H. Ballou
S. H. Ballou



In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

*J. R. Byers, Paul S. Hill,
Monroe Justice, Raymond Bennett, B. L. Kiser and
Irene Davis*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:30 o'clock, a. m., on the *14th* day of *May*, 19*47*,
to testify and the truth to say in behalf of the Commonwealth against

Iva Rodeffer Davis Coffman

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,~~
~~ROBERT SWITZER, Clerk~~ of our said Court, at the Court House, the *10th*

day of *May*, 19*47*, and in the *161st* year of the Commonwealth.

Lawrence H. Hoover, Clerk

Commonwealth's Attorney

executed 5/10/47 by delivering a true copy
of the within summon to Ernie Davis
Paul & Hill Raymond Bennett
and B. d. Kider
each in person. Sam H. Ballinger
S. R. R.

Com.

Joan Radeffer Davis Coffman

Sheriff Fees $2 \frac{40}{100}$

EXECUTED 5-12-47 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN summon
TO Moural Fritoe
IN PERSON.

Wm. A. Rhodes for
Sam H. Ballinger S.R.B.

5/14/47

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Virginia Ege

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:30 o'clock, a. m., on the *14th* day of *May*, 19 *47*,
to testify and the truth to say in behalf of the Commonwealth against

Joni Reddick Davis Craftman

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, *LAURENCE H. HOOPER, COMMONWEALTH'S ATTORNEY,*
~~J. ROBERT SWITZER, Clerk~~ of our said Court, at the Court House, the *13th*

day of *May*, 19 *47*, and in the *18th* year of the Commonwealth.

Laurence H. Hooper, Clerk

Commonwealth's Attorney

EXECUTED 5/13/47 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Virginia Eyle
IN PERSON.

B. P. Price Prop. for
Sam. H. Callender S.R.C.

Sheriff, Fee \$40

5/14/47

Sam.
v.
Sai Rodolfo Davis
Coffman

SEARCH WARRANT

State of Virginia,

County
City

of Harrisonburg, to wit:

To any Police Officer, Greeting:

Whereas, S. H. Callender has this day made oath before me that he verily believes that a certain Brick House and Outbuildings located in said County of Rockingham at or near Mt. Crawford Va

and described further as John and Joe Coffman property and occupied by or in possession of John & Joe Coffman unlawfully contains, contrary to law, Instruments and needles for illegal operation

and that such information was received through a reliable person, or that he has reasonable cause for such belief.

These are therefore, in the name of the Commonwealth, to command you forthwith in the day or night to enter the said premises above described and there diligently search for the said Instruments and needles and if the same, or any part thereof, be found

upon such search to bring the same, and the person, or persons, in whose possession same are found, before the Trial Justice Court of said Rockingham County to be disposed of or dealt with according to law. And this you shall in no wise omit.

Given under my hand and seal this 29th day of January, 1947

James H. Llewellyn
(Seal)

SEARCH WARRANT

COMMONWEALTH OF VIRGINIA

vs: SEARCH WARRANT

issued _____, 19__

The within warrant executed in the County of Rockingham on the 29 day of January, 1947, by searching the within described premises and seizing the following:

oil cloth, glass rod, Krudler and syringe
and ~~other~~ ~~synthetic~~ ~~and~~ ~~dress~~ ~~padding~~ ~~and~~
Warlock and John Hoffman for
Sam McCallade
Police—A.B.C. Investigator
Sheriff—Constable.

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 IVA RODEFFER DAVIS COFFMAN, on or about the 28th day of January, 1947, in said County, unlawfully, feloniously and wilfully, by means of a certain instrument, the name and character of which is to said grand jurors unknown, in and upon the body of one Kerneda Bennett, a female person then and there pregnant with child, then and there did use said instrument, with intent then and there to produce the abortion or miscarriage of the said Kerneda Bennett, or to destroy the said child of which she was then and there pregnant, she, the said Iva Rodeffer Davis Coffman, having not performed said act nor employed said means in good faith and with the intention of saving the life of the said Kerneda Bennett or that of her unborn child, against the peace and dignity of the Commonwealth of Virginia.

✓ This indictment is found upon the testimony of F. L. Byers, ✓
Monroe Fristoe and S. H. Callender, witnesses sworn in Court and ✓
sent before the grand jury to give evidence.

2030

ATTEMPTED ABORTION

COMMONWEALTH

v.) Indictment

IVA RODEFFER DAVIS COFFMAN

N.B. bail

Felony:

April Term, 1947.

A True Bill:

C. Price
Foreman

Witnesses:

✓ 1. Dr. F. L. Byers

✓ 2. Monroe Fristoe

✓ 3. S. H. Callender

Lawrence H. Hoover

Commonwealth's Attorney.

2049

OCT 1948

COMMONWEALTH

V.) Felony (abortion)

IVA RODEFFER DAVIS COFFMAN

arraigned 6/9/47

New bail 9/24/47 7/257

12/11-12/47 5 yrs.

~~12/287 - 288~~
~~407~~

11/27/45 - Committed
after S. L. offered

- 1 Frank a. Lake
- 2 Belmont & Hillis
- 3 E. L. Skinner
- 4 Ann W. Adams
- 5 Etta F. Harpine
- 6 J. H. Keston
- 7 A. L. Strander
- 8 Ann W. Harpine
- 9 Eliza C. Weaver
- 10 A. B. Harpine
- 11 Carl & Brown
- 12 Sylvia V. J.

W. L. the jury found the accused
Iva Noelleff Leann Coffman guilty
of attempting to procure an abortion
or to destroy the unborn child of Neamedy
Bennett as charged in the indictment
and for her punishment by confinement
in the Penitentiary for a period of
five years

Owen W. Hawkins
Attorney