

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

Whereas, E. E. Kiser, State Police Officer 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 Joseph Eugene Sondheimer, 536 N. Commerce ~~St.~~ Ave., Waynesboro, Va. on the 1st day of Sept., 1948, in the said County, did unlawfully and feloniously kill and slay one Horace Moser, 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

Joseph Eugene Sondheimer

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

Given under my hand this 7th day of Sept., 1948.

J. C. Swartz
 Clerk.

T. J. or J. P.

Memo. of Commonwealth Witnesses:

Name

I, Joseph Eugene Sondheimer, the accused in the above warrant, in open court before the Judge of the Circuit Court of Rockingham County, Va., this 17th day of March, 1949, do hereby voluntarily waive indictment on the above charge.

Address

Witness:

Henry J. Justice
 Attorney

Joseph E. Sondheimer

Copy

JUDGEMENT

Dec. 22, 1948

Upon the hearing of the within charge, and there being sufficient probable cause found, the defendant is held for action of the Grand Jury. Given under my hand this 22nd day of Dec. 1948.

Trial Justice Court

A-1605

Criminal Docket No.

A-2030
A-1605

Commonwealth

vs.

Arrest Warrant

Joseph Eugene Sondheimer

Executed the within warrant by arresting and delivering the body of

Joseph Eugene Sondheimer

before ON BOND

this 5 day of

Oct, 1948
E. B. Miller

Officer's Mileage

Miles travelled by officer

Miles carried prisoner

Total mileage

N. A. TO-12-6-48

2: P. M

Fine	- - - - -	\$
Issuing Justice's Fee	-	\$	<u>1.00</u>
Clerk's Fee	- - - - -	\$	<u>1.25</u>
Trial Justice Fee	- - - - -	\$	<u>2.00</u>
Arrest and Mileage	-	\$	<u>-</u>
Summoning Witness	\$	<u>1.50</u>	
Witness Attendance and Mileage	\$	<u>1.70</u>	
Commonwealth's Attorney	- - - - -	\$	<u>2.50</u>
Jail Fees	- - - - -	\$	<u>.50</u>
<u>Bail fee</u>		\$	<u>2.00</u>
Total	- - - - -	\$	<u>11.45</u>

Paul R. Groves
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 T. J. or J. P. or Bail Commissioner of Virginia in the sum of _____ as his suret _____, have this day acknowledged themselves indebted to the Commonwealth of Virginia in the sum of _____ dollars (\$ _____) as to which they severally waived their exemption, to be made and levied of their goods and chattels, yet upon this condition: That the said _____ shall appear before the Trial Justice Court of Rockingham County at _____ day of _____, 19 _____, at _____ o'clock A. M., and not depart hence without leave of said Court, and at such other time or times to which the proceedings may be continued or further heard, and before any court or judge hereafter having or holding any proceedings in connection with said charge, and then and there answer the Commonwealth of Virginia concerning the within charge until the same is finally disposed of, then this recognizance shall be null and void, otherwise to remain in full force and effect.

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

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



No 18



No 15



No 14



No 17

12



No 16

28



No 1—



No 2 -



No 3 -



No 4 -





no 10



No 9



Nov 8.

1/2



no 7



9026 / ~~14~~

Palmer

Hugh Franklin
Waynesboro Va

Joe. E.
Com'th Sandheimer

~~10:00 AM~~

2 P M

Robert Lee Sandridge
313 11th St
Waynesboro, Va

Charles Fillmore Talley
345 Arch Ave
Waynesboro.

For Def.

Palmer

Trust Funds
Worcester, Ms

Jan. 5.
Gov't Securities

10000

2000

Robert B. ...

213 11th St
Worcester, Ms

Check ...
3000 ...

Attorney ...

Frank ...

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon *Dr. C. S. Ammentraub*

.....

.....

.....

.....

.....

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 10 o'clock, a. m., on the *17th* day of *March* 19 *49* to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against

Joseph E. Sandkeiser

.....

.....

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 *14th*
day of *Mar* 19 *49*, and in the *1938* year of the Commonwealth.

J. Robert Switzer, Clerk

Joseph E. Soudheim

adv

Com.

James J. Franklin
p.d.
Waynesboro, Va

1949

Mar. 17

Not finding Dr. C. S. Armentrout nor any member of his family above the age of 16 years at his usual place of abode, executed March 15, 1949, by posting and leaving posted a true copy of the within summons on the front door of the said Dr. C. S. Armentrout's usual place of abode.

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

E. D. Peck Dep.
S. R. C.

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

~~Fanny Burnette, R-1 Elkton, Va.~~

P. 2 Stambon Va

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

in said County, on 22nd day of Dec., 1948, at the hour of 10:00 A.M.

of that day to give evidence in behalf of Com'th

in the pending case of Com'th

v. Joseph Eugene Sondheimer

Given under my hand this 20th day of Dec., 1948.

J. C. 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-1605

Com'th

V. { Witness Subpoena

~~Joseph Eugene Sondheimer~~

To Dec. 22, 1948 at 10:00 A.M.

EXECUTED 12-20-48
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN
TO Fanny Burnett
IN PERSON. Summons

B. D. Davis

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

E. E. Kiser, S. P.

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

in said County, on **22nd** day of **Dec.**, 19**48**, at the hour of **10:00 A.M.**

of that day to give evidence in behalf of **Com'th**

in the pending case of **Com'th**

v. **Joseph Eugene Sondheimer**

Given under my hand this **6th** day of **Dec.**, 19**48**.

J. B. Severy
Clerk.

EXECUTED 12-13-48 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN SUMMONS

E. E. Kiser
TO IN PERSON.

Sam H. Kiser

Trial Justice Court

Docket No. A 1605

~~A 2030~~

Com'th

V. { Witness Subpoena

Joseph Eugene Sondheimer

To Dec. 22, 1948 at 10:00 A.M.

[Signature]
Clerk

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

E. E. Kiser, S. P.

v. Joseph Eugene Sondheimer

Given under my hand this 6th day of Dec. 1948.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Dr. George S. Tanner

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at ~~10~~ *Southwith* o'clock, a. m., on the *17th* day of *March* 19 *49* to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against

Joseph Eugene Souderheimer

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 *17th*
day of *Mar.* 19 *49*, and in the *173^d* year of the Commonwealth.

Robert Switzer, Clerk

Dr. Geo. G. Jauner

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House there, at the hour of _____ on the _____ day of _____ 19____ to testify and the truth to

say in behalf of the Defendant in the prosecution of the Commonwealth against

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 the hand of ROBERT SWITZER, Clerk of our said Court, at the Court House, the _____ day of _____ 19____ and in the presence of _____

Clerk

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

Dr. George G. Tanner

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at *Foothwith* ~~10 o'clock, a. m.~~, on the *17th* day of *March* 19 *49*, to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against.....

Joseph Eugene Southamer

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 *17th*
day of *Mar.* 19 *49*, and in the *1939* year of the Commonwealth.

J. Robert Switzer

Clerk
ms

Not found in the Berlewich

3-17-49

S. E. H. H. H. H. H.

Jos. Eugene Sandheimer

ads

Com.

1949

Mar. 17

In the Name of the Commonwealth of Virginia:

Sergeant, City of Waynesboro
To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

*Charles Talley, Robert Saw-
bridge, Paul Hurd, W. C. Drumheller,
Dr. Paul Wood, + John B. Jackson*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 10 o'clock, a. m., on the *17th* day of *March* 19*49* to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against

Joseph E. Sandheimer

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 *14th*
day of *Mar* 19*49*, and in the *1930* year of the Commonwealth.

J. Robert Switzer, Clerk

Executed on the 15th day of March 1949 within the City of Waynesboro, Va. By delivering a true copy of the within summons in writing to W. C. Drumheller Dr. Paul Wood, Paul Freed, Robert Sandridge, Charles Talley and John Jackson, each in person.

FM Fitzgerald

WCF

Joseph E. Sandheimer

ads

Com.

Harris J. Franklin
p. d.

1949

Mar. 17

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Robert Lee Sandridge *313-11*

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 March 19 49,
to testify and the truth to say in behalf of the Commonwealth against

JOSEPH EUGENE SONDHEIMER

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 15th
day of March, 19 49, and in the 46^{173rd} year of the Commonwealth.

[Signature]
Commonwealth's Attorney, Clerk

COM.

V.) Witness Subpoena

JOS. EUGENE SONDHEIMER

To March 17, 1949 at
9:30 a.m.

EXECUTED 3-15-49 IN THE COUNTY OF
~~ROCKINGHAM~~ BY DELIVERING A TRUE
~~NO 6057#~~ COPY OF THE WITHIN Summons
TO Robert Lee Sandridge
IN PERSON.

Sp. M. S. Witt, Jr. S.P.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon E. E. Kiser, and Dr. F. L. Byers

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 March 1949,
to testify and the truth to say in behalf of the Commonwealth against JOSEPH EUGENE

SONDHEIMER

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 March, 1949, and in the 173rd year of the Commonwealth.

J. Robert Switzer
Commonwealth's Attorney, Clerk

Executed the within summons at the office of Dr. F. L. Byers, Professional Building, Harrisonburg, in Rockingham County, Virginia, the usual place of business of Dr. F. L. Byers, by delivering a true copy thereof and giving information of its import to Elizabeth Greene, the person found in charge of such business, this 15th day of March, 1949.

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

COM.

V.) Witness Subpoena

JOS. EUGENE SONDEHEIMER

TO March 17, 1949 at

9:30 a.m.

Shirley Lee

EXECUTED 3-15-49 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO B. B. Strain
IN PERSON.

Wm. C. Rhodes for.

Sam H. Callender S.R.C.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Mrs. Fannie Burnett

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 March 1949,

to testify and the truth to say in behalf of the Commonwealth against
JOSEPH EUGENE SONDHEIMER

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 March, 1949, and in the 16^{173rd} year of the Commonwealth.

John S. ...
Commonwealth's Attorney, Clerk

COM.

V.) Witness Subpoena

JOS. EUGENE SONDEHEIMER

To March 17, 1949 at
9:30 a.m.

Sherriff # 40

Not finding

Jamie Burnett

place of abode, Executed *3-14-49*

Jamie Burnett

in person, at said *Jamie Burnett*

usual place of abode, *A. J. Burnett*, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.

*E. J. Feal Rep for
Sherriff # 40*



No 19



No 12

ku



No 13

4



No 11

WS-2 Def

EEK-WS-1 com

EEK-WS-1 com

1 Chas H. Bowman

2 Wilmer Augustus

3 Herbert Scarf

4 Paul S. Lam

5 Lester O. Myers

6 Henry B. Bowman

7 S W. Floob

8 Fred S. White

9 F. P. Fitzwater

10 Howard V.

11 Roy L

12 Elmer B.

Horace Moser

Manslaughter -

Mrs. Burnett

~~See 2030-~~

Trial Justice Court

Criminal Docket No. A-1605

Com'th

V.

*Hugh Franklin
Wagnerboro, Va*

Joseph Eugene Sondheimer *Rd.*

Bailed to *10-26-48* *2 P.M.*

A. W. Date Arraigned

Trial date

T0-12-6-48 2: P.M.

T0-12-22-48

10: A.M.

*May
Leobman
Waylor*

*Sufficient probable cause
found. Held for Grand Jury*

*3/17/49 - ^{but} Waiver & indictment,
Plea of n.d. - jury - at conclusion
& evidence introduced by
com-defend. moved & strike
overruled - evidence by accused
argument re*

Mr. Franklin: I would like to make a motion that the verdict be set aside for the following reasons: first, it is contrary to the law and the evidence; second, it is without evidence to support it; third, the errors of the Court in admitting certain evidence which was properly excepted to, and the errors of the Court in failing to grant and in granting certain instructions objected to on the part of the defendant; and also on the grounds of the remarks in the argument before the jury.

Judge Ford: The Court overrules the motion and will proceed to enter judgment on the verdict.

1-42 LAMBERT, BARGER &
BRANAMAN BUILDING

HUMES J. FRANKLIN
LAW OFFICES
WAYNESBORO, VIRGINIA

March 19, 1949

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

Dear Mr. Switzer:

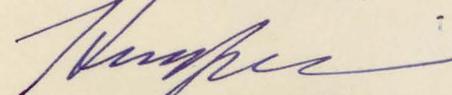
Re: Commonwealth v.
Sondhimer

Please find enclosed the grounds on which
the motion is made before the Court to set
aside the verdict.

Mrs. Baylor sent it to me and I am forwarding
it to you.

I am

Yours very truly,



Humes J. Franklin

F-z

HUMES J. FRANKLIN
LAW OFFICES
WAYNESBORO, VIRGINIA

1-22 LAMBERT, HARRIS &
HARRIS, HARRIS & HARRIS

March 12, 1949

Mr. Switzer, Clerk
Circuit Court of Rockingham County
Harrisonsburg, Virginia

Re: Commonwealth v.
Sondheimer

Dear Mr. Switzer:

Please find enclosed the grounds on which
the motion is made before the Court to set
aside the verdict.

Mrs. Baylor sent it to me and I am forwarding
it to you.

I am

Yours very truly,



Humes J. Franklin

F-2

INSTRUCTION NO. 1

The Court instructs the jury that involuntary manslaughter is the killing of one accidentally, contrary to the intention of the accused; in the prosecution of some unlawful, but not felonious act; or in the improper performance of a lawful act.

WFF

INSTRUCTION NO. 1

The Court instructs the jury that involuntary manslaughter is the killing of one accidentally, contrary to the intention of the accused; in the prosecution of some unlawful, but not felonious act; or in the improper performance of a lawful act.

~~W.A.~~

INSTRUCTION NO. 2

The Court instructs the jury that under the laws of the State of Virginia, an operator who drives an automobile upon the highway recklessly, or at a speed or in a manner such as to endanger the life, limb, or property of any person, is guilty of reckless driving.

~~Refused~~
WJH

2 INSTRUCTION NO.

The Court instructs the jury that under the laws of the State of Virginia, an operator who drives an automobile upon the highway recklessly, or at a speed or in a manner such as to endanger the life, limb, or property of any person, is guilty of reckless driving.

~~W. H. H. H.~~
W. H. H.

INSTRUCTION NO. 3

The Court instructs the jury that if you believe from the evidence beyond a reasonable doubt that the death of Horace Moser resulted from injuries received by him while a passenger in *an* automobile driven by the accused, Joseph Eugene Sondheimer, and that such accident resulted from Sondheimer's operation of said car in an unlawful or reckless manner, such as to indicate carelessness or indifference incompatible with a proper regard for human life, then you shall find him guilty of involuntary manslaughter as charged in the indictment.

W.F.

The Court instructs the jury that if you believe from the evidence beyond a reasonable doubt that the death of Horace Moser resulted from injuries received by him while a passenger in ~~an~~ automobile driven by the accused, Joseph Eugene Sondheimer, and that such accident resulted from Sondheimer's operation of said car in an unlawful or reckless manner, such as to indicate carelessness or indifference incompatible with a proper regard for human life, then you shall find him guilty of involuntary manslaughter as charged in the indictment.

W.A.

INSTRUCTION NO. 4

The Court instructs the jury that circumstantial evidence is just as legal and just as effective as any other, provided the circumstances are of such character and force as to satisfy the minds of the jurors of the defendant's guilt, beyond a reasonable doubt.

W. J. A.

~~7~~ INSTRUCTION NO.

The Court instructs the jury that circumstantial evidence is just as legal and just as effective as any other, provided the circumstances are of such character and force as to satisfy the minds of the jurors of the defendant's guilt, beyond a reasonable doubt.

~~W. J. ...~~

INSTRUCTION NO. 5

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.

[Handwritten signature]

Wij

assessed to satisfy the fact beyond all reasonable doubt.
more than satisfied the jury that upon the evidence as a whole the
prosecution satisfied or beyond all possibility of mistake or to do
for the Commonwealth to establish the guilt of the accused to an
established standard the accused does not mean that it is necessary
reasonable doubt of an offense and every material element thereof,
upon the Commonwealth to prove the accused guilty beyond all

The Court instructs the jury that the burden resting

INSTRUCTION NO. 2

INSTRUCTION NO. 6

The Court instructs the jury that even though you may believe from the evidence that Horace Moser, who was killed in the accident, was drinking or under the influence of intoxicants at the time of the accident, or ~~that he voluntarily rode in the~~ ~~car~~ ^{that} which Sondheimer was driving knowing that the said driver ^{or while drinking and that Moser} was under the influence of alcohol, none of these facts constitute any defense as to the accused, Joseph Sondheimer, in this case.

would constitute

of this and continued to ride in the car

The Court instructs the jury that even though you may believe from the evidence that Horace Moser, who was killed in the accident, was drinking or under the influence of intoxicants at the time of the accident, or that he voluntarily rode in the car which ^{that} ~~Sondheimer~~ was driving knowing that the said driver was under the influence of alcohol, none of these facts constitute any defense as to the accused, Joseph Sondheimer, in this case.

*Answer
of this
and
continued
to the
in the
car*

would constitute

B,

The Court instructs the jury that speed alone does not necessarily constitute reckless driving.

~~WJA~~

10

The Court instructs the jury that speed alone does not

necessarily constitute reckless driving.

~~10/12~~

F

The Court instructs the jury that the gist of the crime charged against the defendant is criminal negligence; by the term criminal negligence is meant not simply such negligence as might be the foundation of a suit for damages by the person injured or by his personal representative if killed, but something more than that; in order to be criminal negligence, as distinguished from such negligence as is necessary for a civil damage action, it must be shown that the negligence of the accused was gross and culpable negligence; culpable and gross negligence is that which indicated a callous disregard of human life and of the probable consequence of his act; criminal liability cannot be predicated upon every act carelessly performed merely because such carelessness results in the death of another, but in order for criminal liability to result from negligence, it must necessarily be reckless or wanton and of such a character as to show disregard of the safety of others under circumstances likely to cause injury or death, ^{and} unless the jury believe ^{from the evidence} beyond all reasonable ~~the evidence~~ doubt that Joseph E. Sondhimer is guilty of gross and culpable negligence with a callous disregard for human life, then they should find ~~the~~ the defendant, Joseph E. Sondhimer, not guilty.

F

The Court instructs the jury that the gist of the crime charged against the defendant is criminal negligence; by the term criminal negligence is meant not simply such negligence as might be the foundation of a suit for damages by the person injured or by his personal representative if killed, but something more than that; in order to be criminal negligence, as distinguished from such negligence as is necessary for a civil damage action, it must be shown that the negligence of the accused was gross and culpable negligence; culpable and gross negligence is that which indicated a callous disregard of human life and of the probable consequence of his act; criminal liability cannot be predicated upon every act carelessly performed merely because such carelessness results in the death of another, but in order for criminal negligence to result from negligence, it must necessarily be reckless or wanton and of such a character as to show disregard of the safety of others under circumstances likely to cause injury or death, unless the jury believe beyond all reasonable doubt that Joseph E. Soudinier is guilty of gross and culpable negligence with a callous disregard for human life, then they should find for the defendant, Joseph E. Soudinier, not guilty.

H

The Court instructs the jury that in this case no burden whatsoever rests on the accused, to establish his innocence, on the contrary, the whole burden of proof, which never shifts, rests on the Commonwealth throughout the entire case, to prove to the jury by competent, clear and convincing legal evidence, beyond every reasonable doubt, that he is guilty as charged. Nothing is to be presumed or taken by implication against him. No suspicion of guilt, however strong; is ever sufficient to convict. No mere preponderance of the evidence will suffice as in the trial of a civil case. It is not sufficient that the jury may believe his guilt probable, or that he is more probably guilty than innocent, for in law no degree of mere probable guilt, however, grave or strong, will authorize a conviction; nor can he be convicted upon proof of facts consistent with guilt, unless such facts are also inconsistent with his innocence and actually exclude every reasonable hypothesis ~~of theory~~ which is inconsistent with his innocence.

If, therefore, the evidence disclosed any reasonable hypothesis ~~of theory~~ of innocence, or if for any reason, the evidence or lack of evidence fails to produce upon the minds of the jury a certainty of his guilt, beyond a reasonable doubt, it is their duty to find him not guilty.

W.H.

The Court instructs the jury that in this case no burden whatsoever rests on the accused, to establish his innocence, on the contrary, the whole burden of proof, which never shifts, rests on the Commonwealth throughout the entire case, to prove to the jury by competent, clear and convincing legal evidence, beyond every reasonable doubt, that he is guilty as charged. Nothing is to be presumed or taken by implication against him. No suspicion of guilt, however strong; is ever sufficient to convict. No mere preponderance of the evidence will suffice as in the trial of a civil case. It is not sufficient that the jury may believe his guilt probable, or that he is more probably guilty than innocent, for in law no degree of mere probable guilt, however, grave or strong, will authorize a conviction; nor can he be convicted upon proof of facts consistent with guilt, unless such facts are also inconsistent with his innocence and actually exclude every reasonable hypothesis or theory which is consistent with his innocence.

If, therefore, the evidence disclosed any reasonable hypothesis or theory of innocence, or if for any reason, the evidence or lack of evidence fails to produce upon the minds of the jury a certainty of his guilt, beyond a reasonable doubt, it is their duty to find him not guilty.

W. J. [Signature]

Y.

The Court instructs the jury that the accused, Joseph E. Sondhimer, enters upon his trial accompanied by a continuing presumption of innocence, which is not a mere form or sham to be disregarded by the jury at pleasure. On the contrary, this presumption of innocence is an essential and substantial part of the law of this Commonwealth. It goes with him and applies throughout the entire trial and at every stage thereof, and it is the duty of the jury to give him the full benefit thereof, and give due consideration and weight thereto not only through the taking of the evidence, but also during their deliberations and until they have arrived at an unanimous verdict. In doubtful cases this presumption of innocence is of itself sufficient to turn the scales in favor of the accused and require a verdict of not guilty.

[Handwritten signature]

2

The Court instructs the jury that the accused, Joseph E. Schildmer, enters upon his trial accompanied by a continuing presumption of innocence, which is not mere form or sham to be disregarded by the jury at pleasure. On the contrary, this presumption of innocence is an essential and substantial part of the law of this Commonwealth. It goes with him and applies throughout the entire trial and at every stage thereof, and it is the duty of the jury to give him the full benefit thereof, and give due consideration and weight thereto not only through the taking of the evidence, but also during their deliberations and until they have arrived at an unanimous verdict. In doubtful cases this presumption of innocence is of itself sufficient to turn the scales in favor of the accused and require a verdict of not guilty.

[Handwritten signature]

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA:

COM.

V.

CHARGE TO JURY

JOSEPH EUGENE SONDHEIMER

If you find the accused, Joseph Eugene Sondheimer, guilty of involuntary manslaughter, as charged in the indictment, then you will say so and fix his punishment at confinement in the penitentiary for a period of not less than one nor more than five years, or, in your discretion, by confinement in jail for a period not exceeding one year or a fine not exceeding One Thousand Dollars (\$1,000.00) or by both such fine and imprisonment.

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

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA:

COM.

CHARGE TO JURY

V.

JOSEPH EUGENE SOMMEIMER

If you find the accused, Joseph Eugene Sommer, guilty of involuntary manslaughter, as charged in the indictment, then you will say so and fix his punishment at confinement in the penitentiary for a period of not less than one nor more than five years, or, in your discretion, by confinement in jail for a period not exceeding one year or a fine not exceeding One Thousand Dollars (\$1,000.00) or by both such fine and imprisonment.

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

I

The Court instructs the jury that if from a fair and impartial consideration of all the evidence in this case, there arises in the mind of the jury a doubt of such nature and character that if the same kind of doubt were interposed in the graver transactions of life, it would cause a reasonable and prudent man to hesitate and pause, then the jury is not satisfied to a moral certainty of the guilt of the accused and it is their duty to find him not guilty, since a verdict of "not guilty" means no more than that the guilt of the accused, if any, has not been established in the precise, specific and narrow form prescribed by law.

Refused
W.A.

1

The Court instructs the jury that if from a fact and impartial consideration of all the evidence in this case, there arises in the mind of the jury a doubt of such nature and character that if the same kind of doubt were interposed in the proper sections of life, it would cause a reasonable and prudent man to hesitate and pause, then the jury is not satisfied to a moral certainty of the guilt of the accused and it is their duty to find him not guilty, since a verdict of "not guilty" means no more than that the guilt of the accused, if any, has not been established in the precise, specific and narrow form prescribed by law.

Referred
W.A.

A

The Court instructs the jury that speed alone at the rate of 80 m.p.h. does not constitute gross and culpable negligence in the operation of an automobile.

Revised WVA

A

The Court instructs the jury that speed alone is the
rate of 80 m.p.h. does not constitute gross and culpable negligence
in the operation of an automobile.

Referred to

3/17/49

Reversed

E.

The Court instructs the jury that speed alone at the rate of 75 m.p.h. does not constitute gross and culpable negligence in the operation of an automobile.

Reversed *LOTT*

The Court instructs the jury that speed alone at the
rate of 75 m.p.h. does not constitute gross and culpable negligence
in the operation of an automobile.

Robert [unclear]

3/17/49
[unclear]

D.

The Court instructs the jury that speed alone at the rate of 60 m.p.h. does not constitute gross and culpable negligence in the operation of an automobile.

Refused
WJA

D. 11

The Court instructs the jury that speed alone at the rate
of 60 m.p.h. does not constitute gross and culpable negligence in
the operation of an automobile.

W. J. [unclear]
1917

e

The Court instructs the jury that speed alone at the rate of 65 m.p.h. does not constitute gross and culpable negligence in the operation of an automobile.

Refused
WJA

9

The Court instructs the jury that speed alone at the
rate of 65 m.p.h. does not constitute gross and culpable negligence
in the operation of an automobile.

R. J. [unclear]
1970

See 1605-

Trial Justice Court

Criminal Docket No. A-2030

Com'th

v.

Joseph Eugene Sondheimer

T.S. To 10-26-48 2 P.M.

E.E.K.

TB-12-6-48 2: P.M

To-12-22-48

10: A.M

These papers
 should have
 been in one
 file J. L. Swartz
 Clark



Jury 3/17/49

1. Chas. H. Bowman
2. Wilmer Argenbright
3. Herbert Garst
4. Paul S. Lam
5. Lester O. Myers
6. Henry B. Bowman
7. S. W. Flook
8. Fred G. White
9. L. P. Fitzwater
10. Howard V. May
11. Roy L. Coffman
12. Elmer B. Kaylor

Keystone Envelope Co., Phila., Pa.

Sandwell 360

Docket No. 2246

FEB 1949

COMMONWEALTH of VIRGINIA

FEB 1949

VS.

)
) Felony (manslaughter)
) On Warrant

JOSEPH EUGENE SONDHEIMER

Humes J. Franklin, Waynesboro, Va. p. d.
Own (X) Appointed ()

1949

Mar. 17. Waiver of Grand Jury; plea
n. g.; jury imp. evidence
heard; motion to strike over-
ruled; verdict, and motion
set aside; overruled; and
execution susp. for 60 da. to
allow appeal.

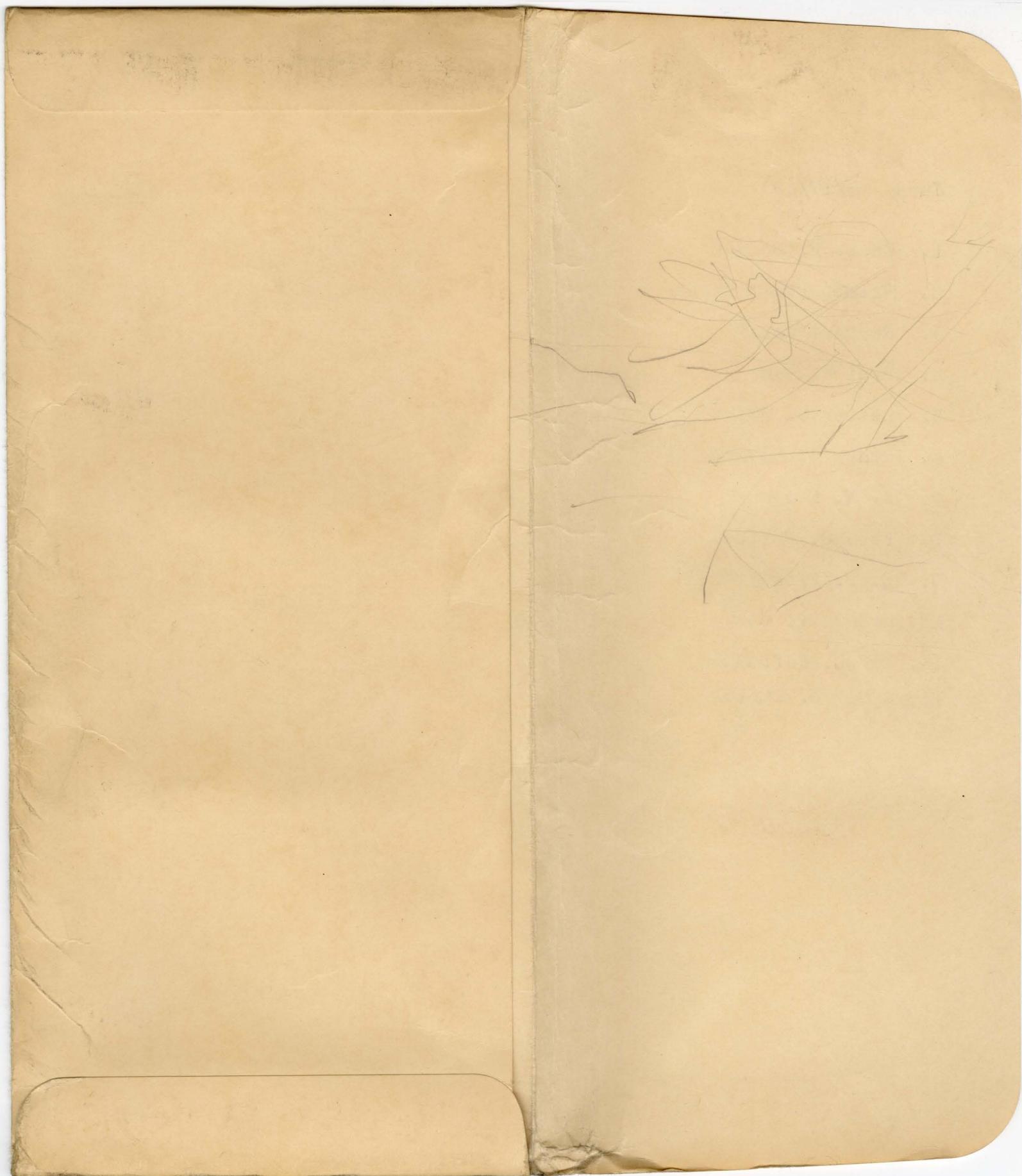
7/454.

*Nov. 25. appeal abandoned &
defendant com. to jail.*

Resc

*7
459*

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.



Commonwealth of Virginia,
Rockingham County, To-wit:

BE IT REMEMBERED, that on the 5th day of October, 1948,
Jos. Eugene Sondheimer, principal and Maryland Casualty Co.
surety, who justified to his sufficiency, came before me, Sheffey L. Devier
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.....
One Thousand ----- Dollars, (\$ 1,000.00),
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 Joseph Eugene Sondheimer shall personally appear before the
~~Circuit Court~~ of Rockingham County, at the Courthouse of said County, on the 26th day
of ~~the~~ October, 1948 at 2 P.M. ~~from~~ thereof, being the ~~day of~~.....
~~is~~....., 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 Joseph Eugene Sondheimer 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 5th day of October
....., 1948

Acknowledged on behalf of the surety this 5th day of October, 1948.

Sheffey L. Devier
(J. P. OR BAIL COMMISSIONER)

Maryland Casualty Co.
By Grattan Price
att'y in fact
Harris onburg Va

41605

Report of Witnesses for the Commonwealth

Month of Dec. 1948.

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

~~Porter R. Graves~~ Porter R. Graves, Trial Justice.
By J. L. Sward Clerk.

WITNESSES		Fel. Pro. or Misd.	Days	Attendance	Miles	Mileage	Total	Date
Com. vs.	<u>Joseph Eugene Sondhimer</u>	<u>Fel</u>						<u>12/22/48</u>
1.	Fannie Burnette, Staunton, Va. R-2		1	.50	24	1.20	1.70	
2.								
3.								
4.								
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)

We the jury find the defendant
Joseph Eugene Donheimer guilty of
involuntary manslaughter ^{as charged in the indictment} and fix
his punishment at six months in
jail and \$500⁰⁰ fine.

Chas. H. Bowman foreman,

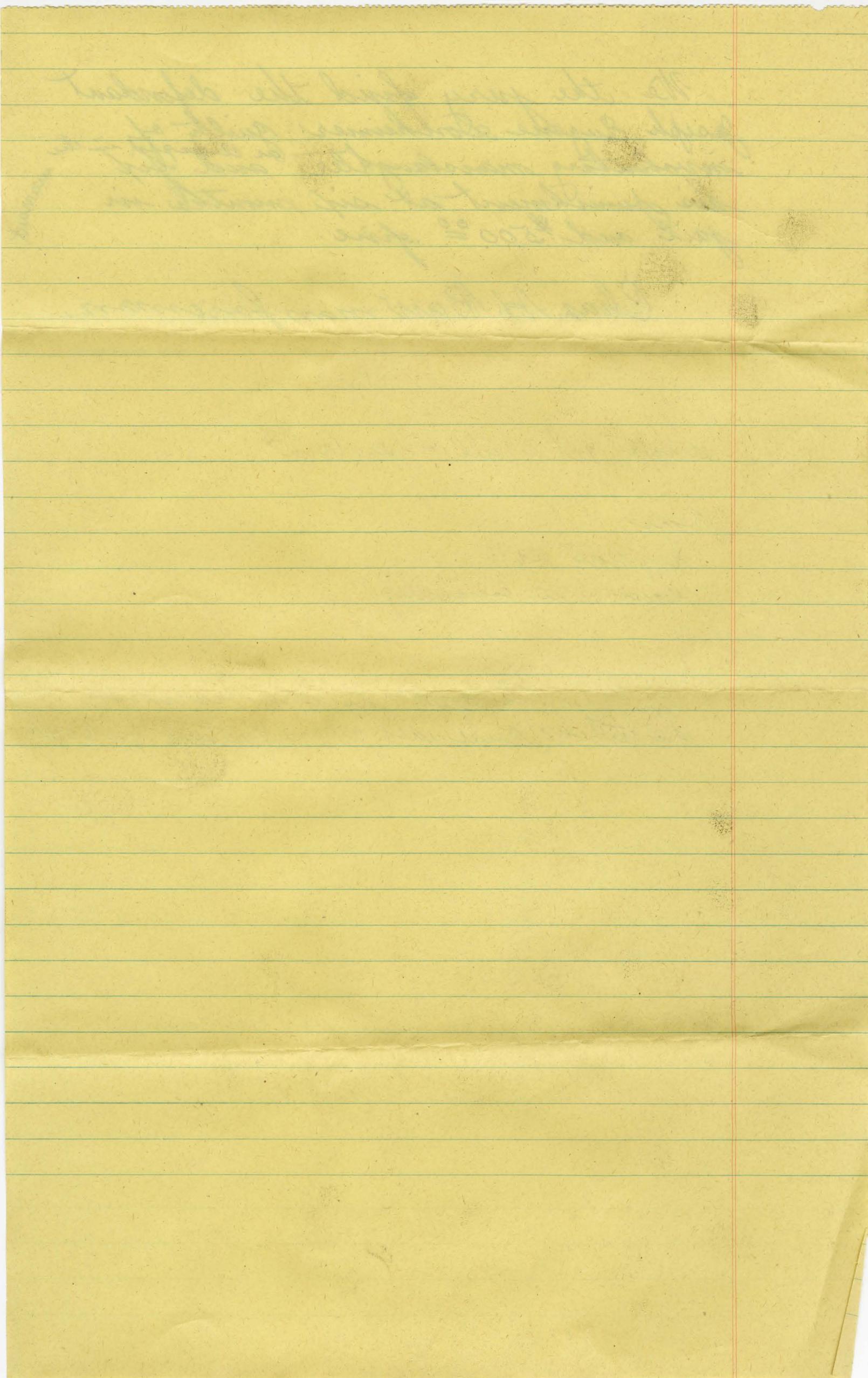
more set aside + new trial

Can

warrant ev

error in indictment

Judge + suspect motion arrested
intention suspended + bond declined for 60 days



Pick up
driver card

COMMONWEALTH VS. Joseph Eugene Audleimer

DESCRIPTION OF PRISONER

Last known address Waynesboro 536 Commerce Ave

Color white Height 5'11 1/2 Eyes Brown Hair Auburn Weight 169

Marks _____

Age 29 Occupation Book

Date of Trial Mar. 17-49- went to jail Mar. 25

Result 6 mo. + 500.00

COMMONWEALTH vs. Joseph Eugene Sullivan

DESCRIPTION OF PRISONER

Date of Birth
Prison No.

Last known address: Weymouth 530 Lawrence Ave
Color: white
Height: 5'11"
Eyes: brown
Hair: brown
Weight: 145
Marks:
Age: 39
Occupation: laborer
Date of Trial: Nov 17, 1922
Result: guilty + 200.00

8 6.7 5 *

4.7 0

4.2 0

4.3 0

4.1 0

4.6 0

4.2 0

3.9 5

4.0 0

3.8 0

4.3 0

4.3 0

4.1 0

4.5 0

5.2 0

5.5 0

3.5 0

3.5 0

3.5 0

3.5 0

3.5 0

3.5 0

8 6.7 5 *

* 8 07.2 2

07.4

05.4

03.4

01.4

00.4

02.4

29.2

00.4

08.2

03.4

03.4

01.4

02.4

02.2

02.2

02.2

02.2

02.2

02.2

02.2

02.2

* 8 07.2 2

Summons required under Sec. 120, Chap. 342 Acts of 1932



DEPARTMENT OF STATE POLICE

No 110621

City
County

ROCKINGHAM

Date Sept. 1 1948

M. JOSEPH EUGENIE SONNHEIMER you are hereby summonsed to appear before:

(Name of Defendant)

Trial Justice PORTER R. GRAVES of HARRISONBURG on Oct. 26-48 at 2 o'clock P.M.

(Place of Trial)

(Date)

to answer for Violating the Motor Vehicle Laws of Virginia, to wit: Reckless Driving Exceeding Speed Limit No Operator Chauffeur License

Improper IN-VOLUNTARY MANSLAUGHTER

Defendant _____ Address WAYNESBORO VA.

Oper. or Chauff.

Lic. No. 642043 Lic. 40162 VA State Police E. E. Hise

Sec. 120 Chap. 342, Acts 1932. Failure to comply with this summons constitutes a separate offense.

Shield No. 81 Harrisonburg Va

(Address)

1665-

Joseph Eugene Sordahlme

12-16-48

Fine
Trial
Clerk

1-1

No 110651