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v.)
Hrung Roma yann

Can'th Sx.# 1 H. H. 6-3-50

STATEMENT OF HENRY THOMAS YANCEY

My name is Henry Thomas Yancey, age 16, birthday May 10th, Will be 17 next May 10th.

I have been told that I need not make this statement unless I desire to do so; that everything I say must be of my own free will, and that anything I say can be and willbe used against me in a criminal prosecution. I have also been told that I am entitled to counsel. Nevertheless, I do make the following statement this 18th day of April, 1950, in the presence of Commonwealth's Attorney George D. Conrad and Deputy Sheriffs B. L. Kiser and A. L. Strawderman.

On April 17th about 11'00 o'clock or 11:30 I got with Sammy Raines. He said that Tommy Gooden was at Gray May's so we went down there. I was on my bicycle.

When we got there, Gray May asked me if I wanted a drink of wine. I said I didn't care anything about it. He said come on and have a drink. I want you to drive me to town. Raines was there working with Mrs. Hall but Tommy was with me and heard this. Gray was mad at Sam and wouldn't give him any wine.

Tommy, and Gray and me went down in basement and took a drink of wine. Gray told us to come back after dinner. Then Gray's bother asked us to get him some cigarettes and we went and got them. Then I went home to dinner and Tom went around to store to eat.

We met back at the store and went back to May's. Tommy and I took can to store and got two gallons of gas. All three of us paid for it. I paid a nickel and Tommy and Gray paid the rest. We put gas in car, then got a pop bottle full of wine from basement to take with us. Then we came to Harrisonburg. I drove the car to the edge of Harrisonburg and Gray drove it in Harrisonburg because I didn't have a driver's license. Gray went in ABC store and got a fifth of Guggenheimer whiskey. Then he drove the car out on the Port Road and we took a drink. I drove the car from there on. We took several drinks on the way to Port Republic. We went back to Gray's house; got saw, liquor and thermos of water and went down and fixed some 4 x 4's for a step in the camp down on the river near his house. While there we drank most of the whiskey.

We came back to house and got in car and went to Harriston for some sand for his chickens. Rode around a little drinking some more and then came back to his house. Gray wanted to give us a fifth of wine to take with us but I wouldn't take it.

Then Tommy and I left and went over across the road to Davy Lee Harrison's house. I told Tommy I wanted to ask Davy about playing ball this coming Sunday.

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Page 2--Yancey statement

When we went in Mrs. Harrison came to door and I asked her about Davy and she said he wasn't home. I went on in and Tommy stayed on the porch. I sat down. I don't remember very clearly what happened then. She wanted me to leave. I told her if she would kiss me I would leave. She kissed me and I grabbed her and she started screaming. I don't remember pushing her down on the bed. It was my intention to get some if she would let me have it but I don't remember asking her for any.

When she screamed, Mr. Hobart Earman came in and told me to get out of there and go home. His son, B:11, took me home.

About ten last night, Sheriff Callender and Deputy Sheriff Kiser came and arrested me. I was not drunk when they arrested me, but I do not remember telling them that I asked Mrs. Harrison for a little.

I was very drunk and do not remember very clearly what happened at the Harrison house. I did not intend to force Mrs. Harrison but thought she might give me some as I had heard some talk about her around Port.

I have read the above statement and the facts stated therein are true and correct to the best of my knowledge and belief.

Henry yancey

Page 2--Yancey statement

When we went in Mrs. Harrison came to door and I asked her about Bayy and she seld he wasn't home. I went on in and Tommy stayed on the porch. I sat down. I don't remember very clearly what happened then. She wanted me to leave. I told her if she would kies me I would leave. She kissed me and I grabbed her and she started screaming. I don't remember pushing her down on the bed. It was my intention to get some if she would let me nave it bed. It was my intention to get some if she would let me nave it out the manager asking for any.

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I have read the above statement and the facts stated therein

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Unit State

Prisoners Report of Rockingham County Jail

Name Henry Gancy Date Put in 4-17-60 R. Co. Jail 4-17-60 Address Bouldbart Indy 3/95-0 Administration fail again 7-3-0
Male M Female Age / Race Single Married Divorced
Separated Widow Widower Illiterate Gr. School High Sch.
Vocational College Drug Addict Inebriate Occupation All Employed Reason for Being in Jail Held Do Bond
Reason for Release from Jail
Amount of Fine Cost Sentence Time State County Town
Federal Army Navy Others Offense Cellamifeld Rape Fel.
Miscellaneous ABC Ins.
Date Committed 7-3-50 Date of Trial 7-3-60 Date of Release
Court Committed FromType of Court
Transferred from Transferred To
Reason for Transfer
Physical Condition
Mg - 3 Deputy and Jailor Sheriff

Unit & Colon

Prisoners Report of Rockingham County Jail

Date Put in 4-17-620 R. Co. Jail 4-17-620			
Gr. School High Sch.	Illiterate	lidow Widower	Separated W
		Reason for Being in	
Others			
	ABC		
Date of Release		7-3-30 Date	
Type of Court			
	Transferre		
Contagious Discase, If Any			
Deputy and Jailor			

July 3"-1950

We, the Jury find the defendant

Henry Thomas Yancey guilty of

attempted rope as charged in

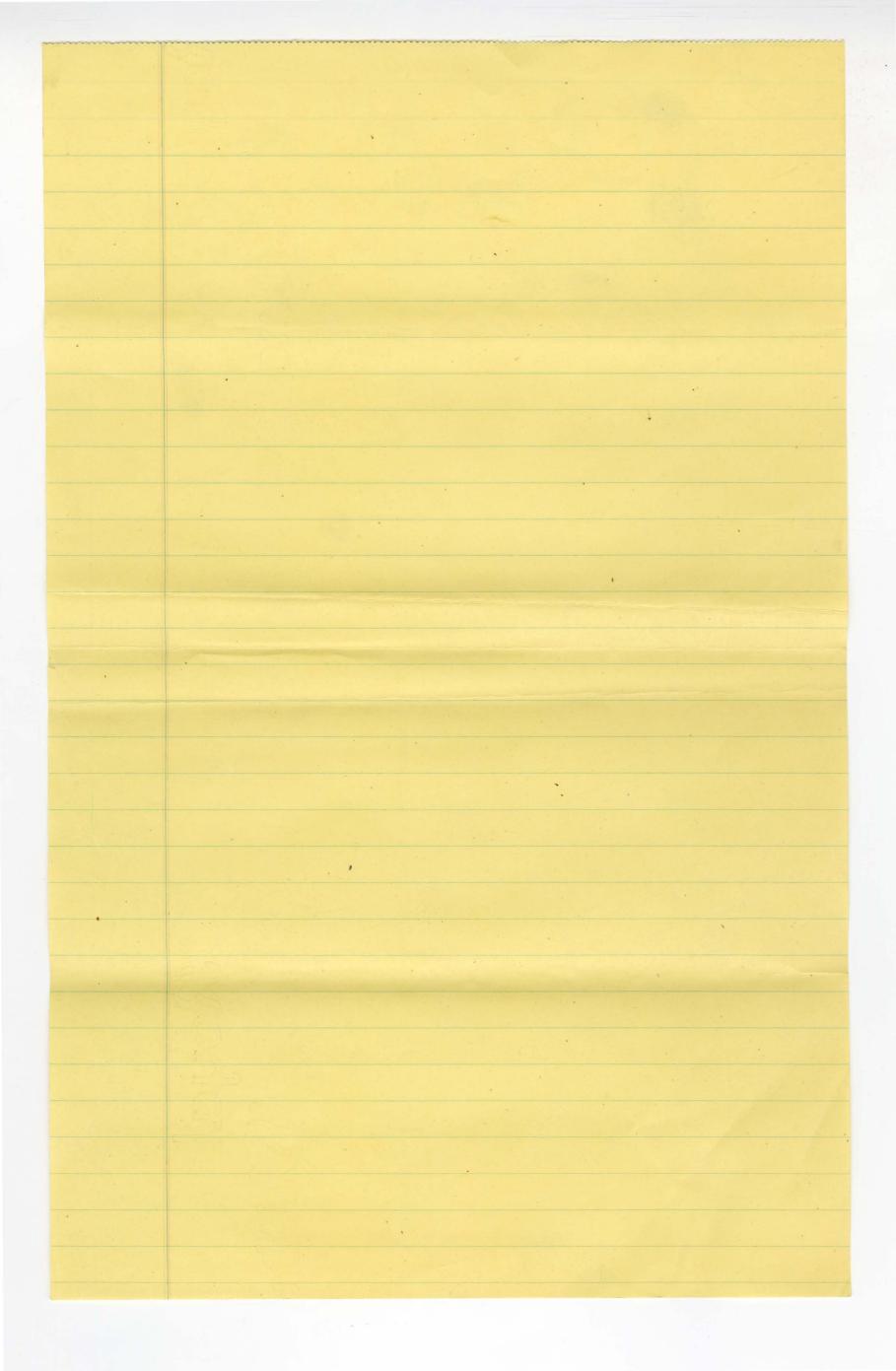
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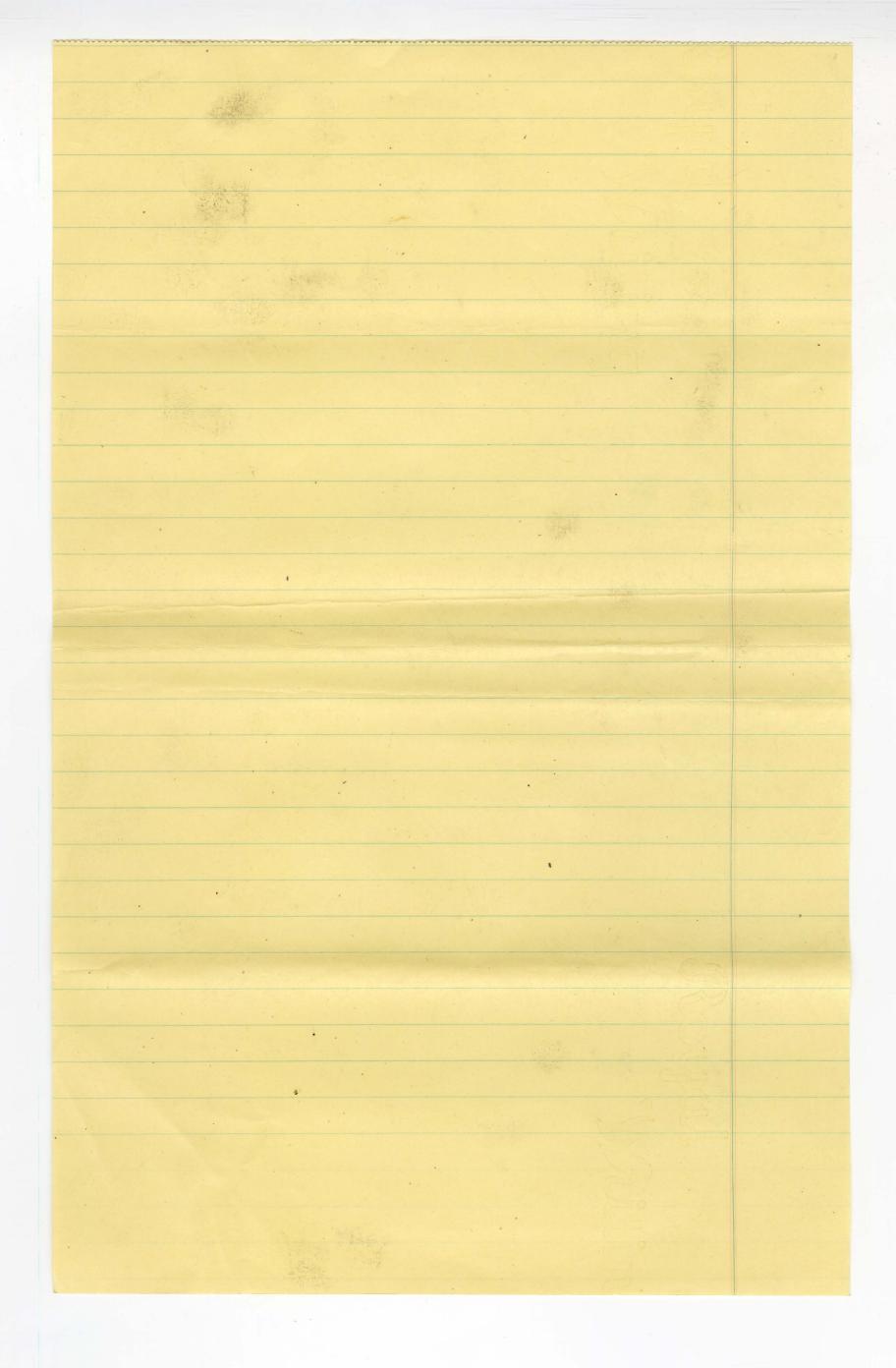
pentertrary

M. R. Largoraus

Foreman

Jely 3"- 1950 pentertrary Ma Lagrana





STATE OF VIRGINIA,
COUNTY OF ROCKINGHAM, to-wit:

IN THE CIRCUIT COURT OF SAID COUNTY:

The grand jurors of the State of Virginia, in and for the body of the County of Rockingham and now attending the circuit court of said county, at its June Term, 1950, upon their oaths do present that HENRY THOMAS YANCEY, on or about the 17th day of April, 1950, in said county, with force and arms, in and upon the body of Erma Harrison, she being a female of the age of sixteen years, violently, unlawfully, and feloniously did make an assault, and her, the said Erma Harrison, did then and there strike and abuse with intent, her, the said Erma Harrison, feloniously to ravish and carnally know against her will and by force against the peace and dignity of the Commonwealth of Virginia.

This indictment is found upon the testimony of Erma Harrison and Lester Thomas Gooden, witnesses sworn in court and sent before the grand jury to give evidence.

Felony

Henry Thomas Yancey XXX

Indictment

Commonwealth

June Term, 1950

A true bill:

Foreman

Witnesses:

Erma Harrison Lester Thomas Gooden

George D. Conrad Commonwealth's Attorney

sees and dignity of the Commonwealth of Virginia.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA:

COMMON	WEALTH)				
V •)	CHARGE	TO	THE	JURY
HENRY	THOMAS	YANCEY)				

If you find the accused, Henry Thomas Yancey, guilty of attempted rape as charged in the indictment, you will say so and fix his punishment at death or in your discretion by confinement in the penitentiary for life or for any term not less than three years.

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

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

IN THE CIRCUIT COURT OF HOCKINGHAM COUNTY, VINCINIA:

HT LANSHOUNDS.

CHARGE TO THE JURY

HENRY THOMAS YANGEY

If you find the society, heary income 'ancey, guilty of attempted rape as charged in the indictment, you will say so and fix his punishment at death or in your discretion by confinement in the cententiary for life or for any term not less than three years.

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. erow on one os yes filly you will say so and no wore.

The Court instructs the jury that under the indictment in this case, if warranted by the evidence, you may find one of the following verdicts; to-wit: (1) guilty of attempted rape as charged in the indictment (2) guilty of assault and battery as charged in the indictment (3) not guilty.

You are further instructed that attempted rape is committed when a male person undertakes to have sexual intercourse with a female person by force and against her will and does any overt act toward carrying out that purpose.

Assault and battery is any physical injury done to another in an angry, rude, or insolent manner.

H. H.

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H.H.

The Court instructs the jury that in order to constitute the crime of attempt to commit rape, two elements are essential:

- 1. The intention to have sexual intercourse with the prosecutrix by force and against her will, notwithstanding any resistance on her part.
- 2. The doing of some direct ineffectual act by the accused toward the commission of the crime.

The Court instructs the jury that in order to constitute the crime of attempt to commit rape, two elements are essential:

- 1. The intention to have sexual intercourse with the prosecutrix by force and scatnet her will, notwithstanding any resistance on her part.
 - 2. The doing of some direct ineffectual act by the accused toward the commission of the crime.

The Court instructs the jury that the prisoner is presumed to be innocent of the crime charged against him until his guilt is established by the evidence beyond every reasonable doubt, and the court further instructs the jury that this presumption of innocence goes with the prisoner throughout the entire trial, and applies to every stage thereof.

The Court further instructs the jury that to convict the accused the jury must be satisfied, beyond any reasonable doubt, as to the proof of every fact essential to his conviction; and where the evidence and the reasonable inferences therefrom leave any reasonable doubt upon the mind of the jury as to the proof of such fact, they must find for the accused.

H.H.

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H.H.

The Court instructs the jury that if you believe from the evidence beyond a reasonable doubt that Henry Thomas Yancey attempted by force to have sexual intercourse with Mrs. Erma Harrison against her will, and that he did any overt act toward carrying out that purpose, such as taking hold of her or throwing her down, then you should find him guilty of attempted rape as charged in the indictment, even though you may further believe that he thereafter voluntarily abandoned his purpose and did no further act towards its accomplishment.

H. H.

The Court instructs the jury that if you believe from the evidence beyond a reasonable doubt that Henry Thomas Yancey attempted by force to have sexual intercourse with Mrs. Erma Herrison against her will, and that he did any overt act toward carrying out that curpose, such as taking hold of her or threwing her down, then you should find him guilty of attempted rape as charged in the indictment, even though you may further believe that he thereafter voluntarily abandoned his purpose and did no further act towards its accomplishment.

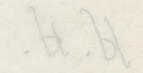
H. H.

R

The Court instructs the jury that if they have any reasonable doubt whether the accused is guilty of attempt to rape or of assault and battery, they must find him guilty of assault and battery; and in this connection, the Court further tells the jury that the guilt of Henry Thomas Yancey is not to be inferred merely because the facts are consistent with his guilt, but they must also be inconsistent with his innocence.

H.H.

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instruction no. 6

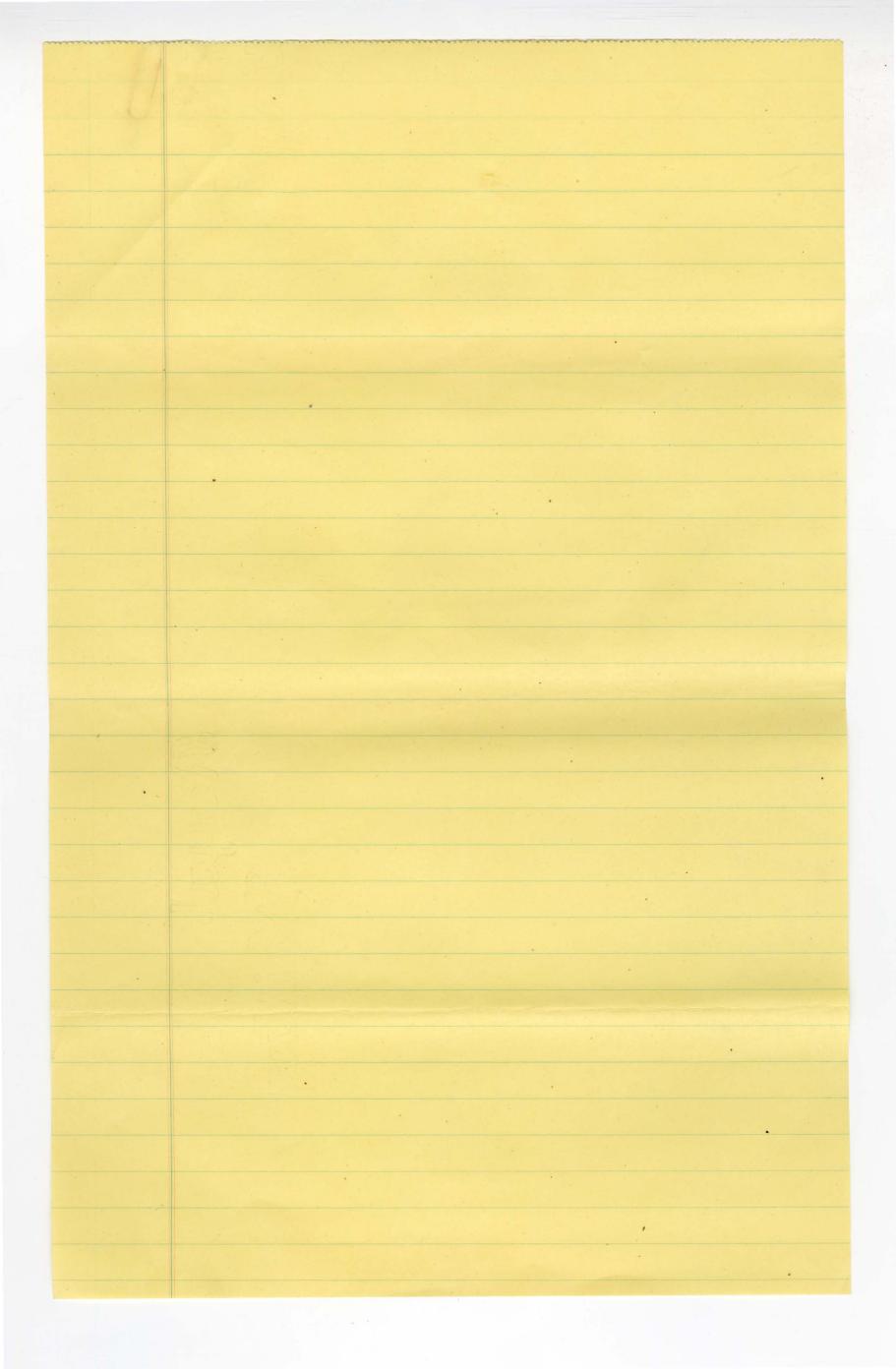
The Court instructs the jury that the fact that the accused, Henry Thomas Yancey, is a minor or a juvenile does not constitute a defense to the offense with which he is charged,

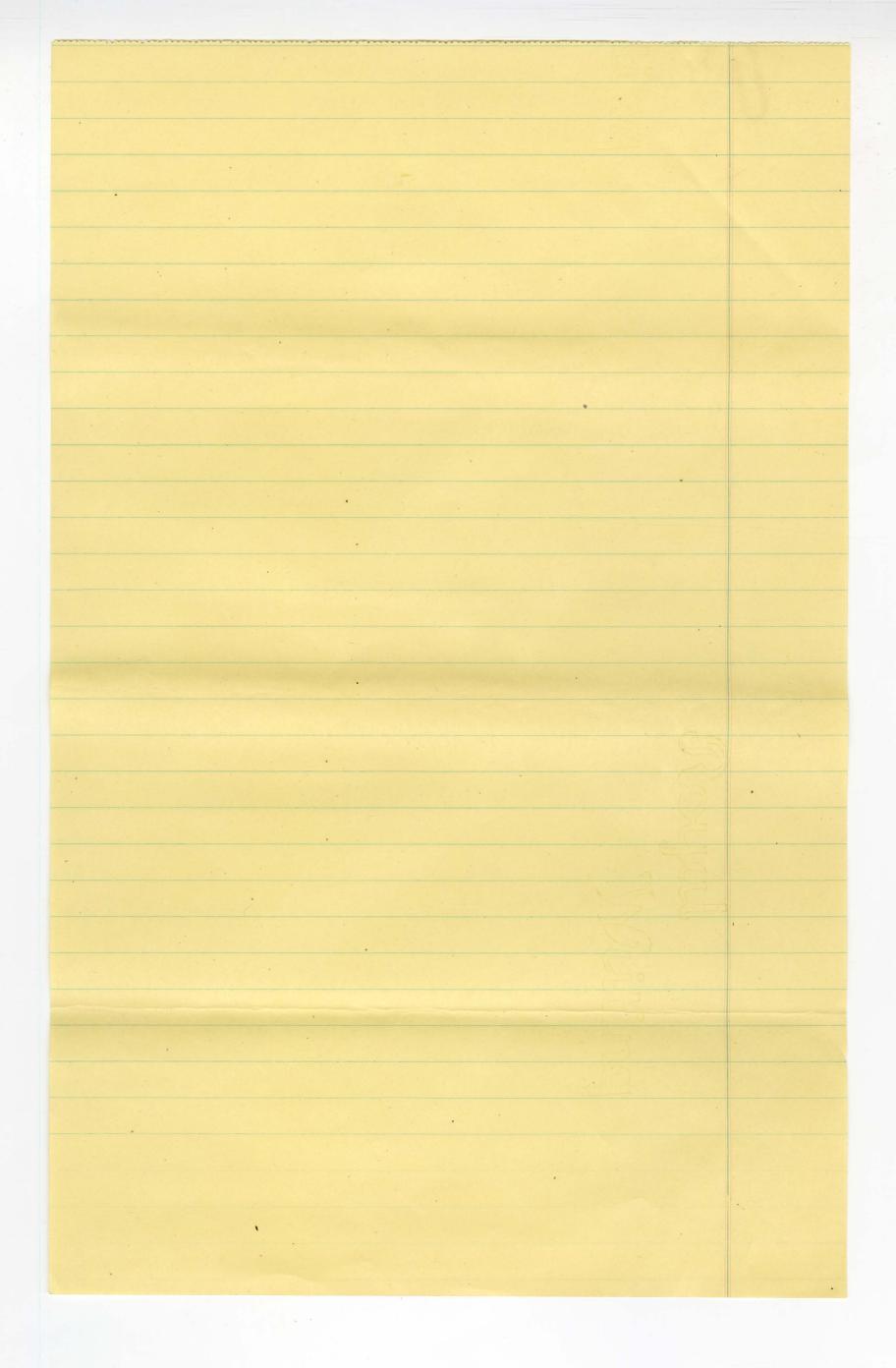
The court further instructs the jury that drunkenness or voluntary intoxication is no excuse for crime.

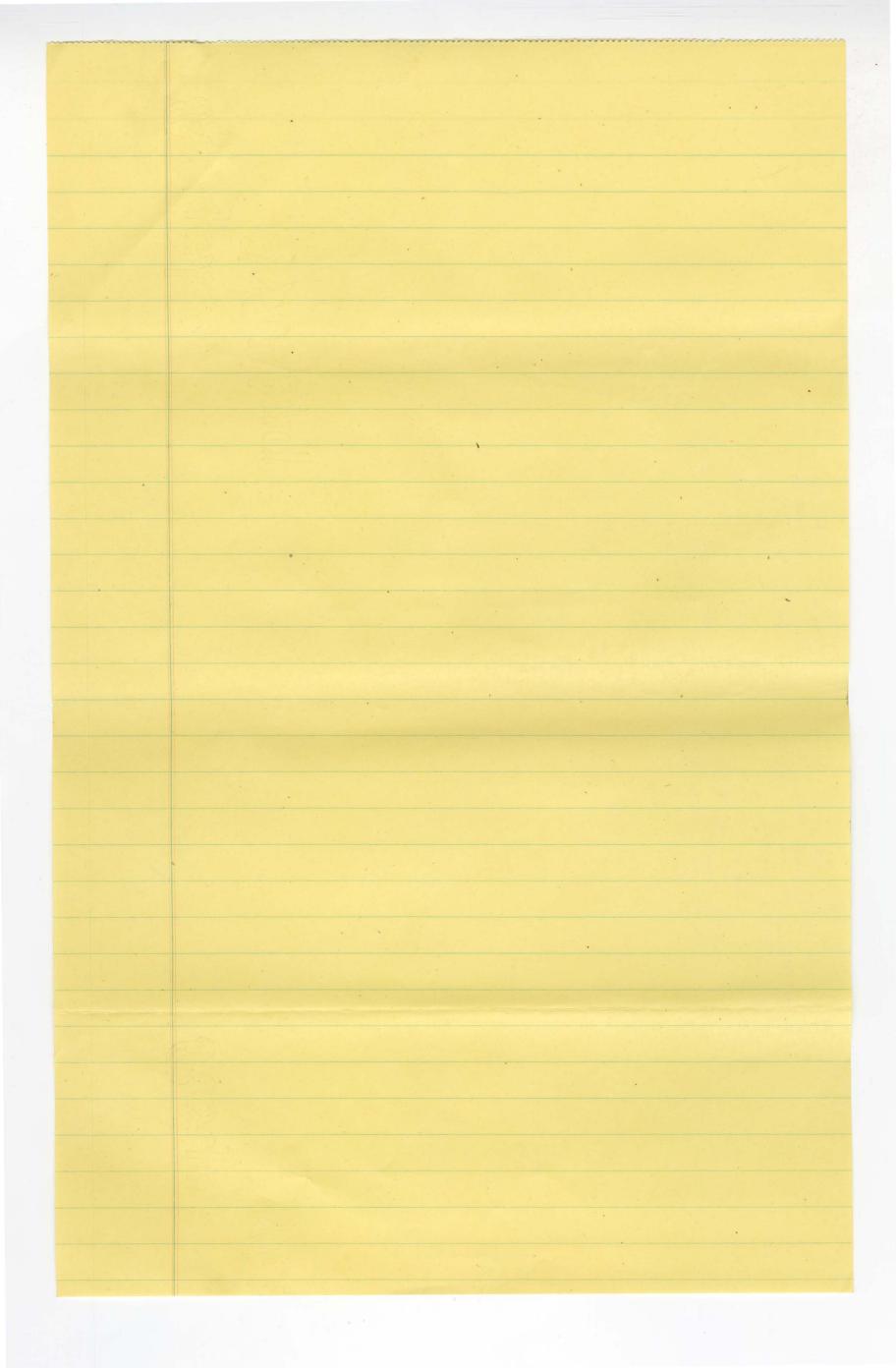
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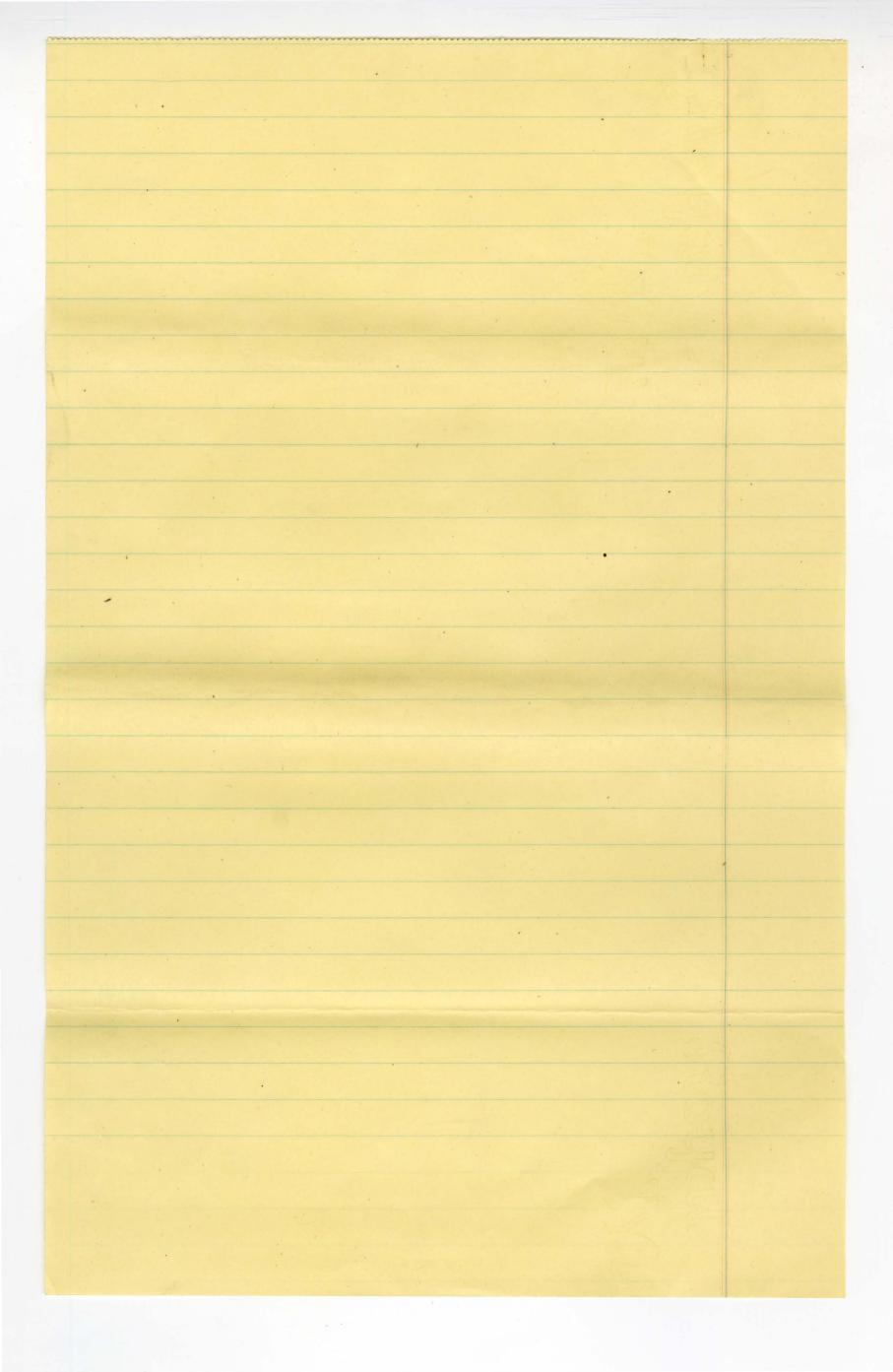
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STATE OF VIRGINIA COUNTY OF ROCKINGHAM

To-Wit:

No.__

TO ANY SHERIFF OR POLICE	OFFICE	R:		
Whereas, George D. Conra	ad, Con	monwealth's	Attorney	level, yet upon this condition
has this day made complaint and information	on oath be	efore me, J. C.	Swartz	
Clerk of the Trial Justice C	ourte	the said County the	+ HEMRY TE	(Name)
(little)				
The state of the s	50 PHS 33	FE 20 1128 USB		in the said County
did on the 17th day of April		, 19 <u>50</u> ;	Unlawfully wi	th force and
arms in and upon one Erma Ha	rrison	, she the sa	id Erma Ha	rrison then and
there being a female of the	age of	sixteen vear	es. violer	itly. unlawfully
and feloniously did make an	assaul	and her th	ne said Er	ma Harrison
did then and there felonious	ly str	ike and abuse	e with int	ent her, the sai
Erma Harrison feloniously to	ravis	h and carnal	ly know, s	gainst the peace
and dignity of the Commonwea	lth of	.Virginia.		
	10 to			
	888	1 1		
		-		
		B 81		
XX.	# 6 2	-9		
These are, therefore, to command you, in	the name	of the Commonwee	Ith to approha	ad and bring before the
	1 "			
Trial Justice Court of the said County, the	body (bo	dies) of the above ac	ecused, to answe	er the said complaint and
to be further dealt with according to law. Ar	nd you are	also directed to sum	nmon	
(<u>E. 10.4. 30.2. E.)</u>	. color	Address		
	color	Address		
	color	Address		
	color	Address		
	color	Address		
as witnesses.				
Given under my hand and seal, this_	18th	day of A	วท์]	, 19_50
Given under my name and sear, tins_	- Vis	I lo X	A)	01 00
	(Clerk	Title of Issuing Office	es)— (Seal)

STATE OF VIRGINIA—COUNTY OF	Trial Instice	
Ι,		e County aforesaid, State of Virginia, do certify
that		STATE OF VIRGINIA
		this day each acknowledged themselves indebted
		Dollars
be rendered, yet upon this condition: That the s		, shall appear before the Court
		day of
for the offense with which he is charged, and sha	I not depart thence without the leave of sa	times to which the proceedings may be continued tection with the charge in this warrant, to answer id court, the said obligation to remain in full force
and effect until the charge is finally disposed of	or until it is declared void by order of a co	mpetent court; and upon the further condition that
from the date hereof.	shall keep the peace and be of goo	d behavior for a period ofdays
Given under my hand, this	day of	
		T. J., J. P.
The same than the same of the	hear this Jury	
william of the Landon	Upon motion by hearing be waived this case is sent Jury. Given under mapril 1950.	to lot a lot of same
Fine	toused pon motion pon motion ting be waiv case is se Given under 1950.	Executed Executed
Fine Costs	mot mot be se i	
	nde nde	this, He
The State St	wed sent	COMM WARRANT C Henry Thor
	N O C TY	ANN COI
	han n fai	COMMON COMMON WARRANT OF J Henry Thomas
	Def d n or	E A A S
	waived, said motion is grais sent on for action by the under my hand this 18th day. R. A. A. A. T.J.	
	lion lion	EALTI EREST (lance)
	is a but have a standard to the standard to th	8 4
	da da	3 &
	Y o	5
I high bround good hits headening or	CANXANACIBA the Preliminate and the Grand	day of
Park billionity, supplied editions to be	motion by the Defendant that Preliminary be waived, said motion is granted; and se is sent on for action by the Grand on under my hand this 18th day of 50.	of the second se
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Mileage Clerk _ Jail Fee Witness Summor Common	Warra: Trial - Bail -	to app Virgini Virgini under
age Ree Fee Total	Warrant Trial	Virginia, at Varginia, at day of under penal
Mileage		The to appear before the Virginia, at day of under penalty of \$
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	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	following witner Circuit Trial Justice M., on the
		he
	12 12 12	The following witnesses were recognized Circuit Court of Trial Justice Court of County, M., on the, 19
1.25	1.50	Court of
		reco
		County
		zed lty,

DESCRIPTION OF PRISONER

Last known address_	Port 1	epibles		
Color W	Height 5-8	Eyes Br	Hair Br	Weight 150
Marks Of				
Age 1.7	Occupation	Fur la	love	
Date of Trial	- 3 - 50	/		
Result 3 yes	<u> </u>			

COMMONWEALTH VS. HELDY FLOWERS PRISONER

	Occupation		
		7-3	

In the Name of the Commonwealth of Virginia:
To the Sheriff of Rockingham County, Greeting:
You are hereby commanded to summon Mrs. Erma Harrison, Lester T.
Gooden, and B. L. Kiser
to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 10:00 o'clock, a.m., on the 3 day of July 1950,
to testify and the truth to say in behalf of the Commonwealth against
HENRY THOMAS YANCEY
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 28th
day of June , 19.50 , and in the 17.3rd year of the Commonwealth.
Je Lew Roterk
THE SERVICE PRESS, HARRISONBURG, VA.

In	the	Name	of	the	Commonwealth	of	Virginia:
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To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Earman	David Lee Harrison and Hobart
	et of Rockingham County, at the Court House thereof,
	July 19 50, ac Commonwealth against Henry Thomas
	felony misdemeanor. enalty of £100. And have then and there this Writ.
day of June , 19.50 , and in	the 17vear of the Commonwealth.
THE SERVICE PRESS, HARRISONBURG, VA.	Commonwealth's Attorney

his family above the a usual place of abode (place of abode, Excout Com. Henry Thomas Yancey Witness Spa David Lee Harrison Hobart Earman being a memi pr

Commonwealth of Virginia: To the Sheriff of Rockingham County, Greeting:
You are hereby commanded to summon
Esma Harrison + 13. L. Kisen
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 all day of fune 1950,
to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY
who stands charged with a felony misdemeanor.
And this you shall not omit under penalty of £100. And have then and there this Writ.
Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the Atlanta day of Manual 1950, and in the Atlanta Sunday, Clerk

Henry Thomas Janey ach in person who stands charged with a felony misdegreener. June 21 Sheriff fee \$ 80

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting: You are hereby commanded to summon Lester Thomas Gooden 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 3rd day of July, 19 50 to testify and the truth to say in behalf of the Defendant in the prosecution of the Commonwealth against..... Henry Thomas Yancey who stands charged with and indicted for a felony with and indicted for a felony 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 29th day of June, 1950, and in the 175th car of the Commonwealth.

Lawrence H. Hoover, p.d.

EXECUTED / SO IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE

COPY OF THE WITHIN LINE

TO Sester Thomas Hooden

IN PERSON.

Ey C. Leed plep for

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting: You are hereby commanded to summon Hobart M. Earman 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 3d day of July, 1950 to testify and the truth to say in behalf of the Defendant in the prosecution of the Commonwealth against..... Henry Thomas Yancey who stands charged with and indicted for a felony interpressor. 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 ... 1st day of July, 19.50, and in the 175thar of the Commonwealth,

You are briefly commenced to remove Hobert M. Barrance

at in o'clock, a we on the 3th day of July, 1950 to ready and the truth to

ray in balant of the Defendant in the protection of the Communicalth against

day of July, 19:50, and in the 175 tile of the Contingenged the

In the Name of the Commonwealth of Virginia:

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The second secon
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 3d day of July, 1950 to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against. Henry Thomas Yancey
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 1st
day of July, 19.50, and in the 175 thear of the Commonwealth. Clerk

Trial Justice Court

J. D. R. Docket No. 6-2235

Com'th

V.

Henry Thomas Yancey

AW Date Arraigned 4-18-50

Trial date 4-18-50

Preliminary Hearing Waived. 4-18-50



2 James a. Plealing
2 James M. Wearn
3 James M. Wearn
4 Russell H. Horoflood
5 M. a. Layuran
6 le crown connection
7 lebester lo Horosh
9 D. L. Thoden
9 Morris M. Kradford
10 J. Williams
11 J. March Melecha
11 J. March Melecha
12 John H. Agro

Docket No. 2400 VILLE DCCI COMMONWEALTH of VIRGINIA Felony (att.rape) VS. HENRY THOMAS YANCEY Lawrence H. Hoover Own (X) Appointed () 1950 June 21. Return of Grand Jury; & Arr., plea n.g. July 3. Juny emp. or werkeet - 3 year in Den: \$115

shufffer 7,60

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

