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 August Term, 1952, upon their oaths do present that LEONARD CALDWELL, on or about the 7th day of March, 1952, in said County, unlawfully and feloniously did kill and murder one John Rawley Carr against the peace and dignity of the Commonwealth of Virginia.

This indictment is found upon the testimony of A. L. Strawderman, a witness sworn in court and sent before the grand jury to give evidence.

True bill returned

Jos Zend Foreman

Murder

COMMONWEALTH

V. INDICTMENT

LEONARD CALDWELL

FELONY

August Term, 1952

A true bill:

Foreman

WITNESSES:

A. L. Strawderman

George D. Conrad
Commonwealth's Attorney

We, the jury, do find the accused, Leonard Caldwell, guilty of murder in the first degree as charged in the indictment and do fix his punishment by confinement in the State Penitentiary for a period of Fifty Years.

Foreman.

Filed at Amherst this 1951
Criminal Docket 50 page
confinement in State Penitentiary

Sheriff's Office
Court House
Harrisonburg, Virginia
March 7, 1952; 9:45 p.m.

My name is LEONARD CALDWELL and I am twenty-seven years of age. My residence is Hopkins Gap, Rockingham County, Virginia.

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 will be used against me in a criminal prosecution. Nevertheless, I do make the following statement this 7th day of March 1952 in the office of the Sheriff of Rockingham County, Court House, Harrisonburg, Virginia, in the presence of Sheriff A. L. Strawderman, Deputy Sheriff Dewey Haney, Deputy Sheriff Earl Turner, Commonwealth's Attorney George D. Conrad, State Trooper D. M. Slane, and court reporter C. Overton Lee:

Today, March 7, 1952, I met a man by the name of Swartz around the Court Square, in Harrisonburg, at about two o'clock in the afternoon. Swartz was drinking at that time but did not have anything with him. I got a fifth of wine. I wanted to go out to the Rockingham Construction Company to see about getting my old job back. He wanted to drive me out but I would not let him, and we walked out to the Construction Company. On the way out, we stopped at the diner and I told him to wait there until I went out to see about the job; and

Sheriff's Office
Court House
Harrisonburg, Virginia
March 7, 1952; 9:45 p.m.

My name is LEONARD CALDWELL and I am twenty-seven years of age. My residence is Hopkins Gap, Rockingham County, Virginia.

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 will be used against me in a criminal prosecution. Nevertheless, I do make the following statement this 7th day of March 1952 in the office of the Sheriff of Rockingham County, Court House, Harrisonburg, Virginia, in the presence of Sheriff A. L. Strawderman, Deputy Sheriff Dewey Haney, Deputy Sheriff Earl Turner, Commonwealth's Attorney George D. Conrad, State Trooper D. M. Slane, and court reporter C. Overton Lee:

Today, March 7, 1952, I met a man by the name of Swartz around the Court Square, in Harrisonburg, at about two o'clock in the afternoon. Swartz was drinking at that time but did not have anything with him. I got a fifth of wine. I wanted to go out to the Rockingham Construction Company to see about getting my old job back. He wanted to drive me out but I would not let him, and we walked out to the Construction Company. On the way out, we stopped at the diner and I told him to wait there until I went out to see about the job; and

he waited there until I came back. We then came on back down to where his truck was parked. Swartz said that he wanted to go out to see his father, who had the flu. His father lives out at the "gravels." We then went out to his father's and Swartz was driving the truck, but when we got there, his father was not at home. Swartz had a .22 rifle in the back of his truck and some cartridges in a box, so we shot target before leaving his father's home. After shooting target a while, Swartz suggested that we go to the Gap to get some wine to drink. We then got in the truck and started for the Gap. As we were leaving his father's home, Swartz was driving the truck and he got over too far and got hung up in a ditch alongside of the lane. We got Basil Brown pulled us out. I then told Swartz that he was pretty well on and that I would drive the truck, and I did take over the driving. I then drove up to the Gap to the home of James Shifflett's. That is the only place we went in the Gap. We did not ride up and down the road there a couple of times. We only went to James Shifflett's home once. There was nobody at his home but James and his wife. I did not see Frank Conley there. We stayed there about fifteen or twenty minutes. While I was there, I did not say anything to James about Carr; I did not say anything to him about what I was going to do to Carr. I did borrow fifty cents from James to get some wine. While we were at James Shifflett's

he waited there until I came back. We then came on back down to where his truck was parked. Swartz said that he wanted to go out to see his father, who had the flu. His father lives out at the "gravels." We then went out to his father's and Swartz was driving the truck, but when we got there, his father was not at home. Swartz had a .22 rifle in the back of his truck and some cartridges in a box, so we shot target before leaving his father's home. After shooting target a while, Swartz suggested that we go to the Gap to get some wine to drink. We then got in the truck and started for the Gap. As we were leaving his father's home, Swartz was driving the truck and he got over too far and got hung up in a ditch alongside of the lane. We got Basil Brown pulled us out. I then told Swartz that he was pretty well on and that I would drive the truck, and I did take over the driving. I then drove up to the Gap to the home of James Shifflett's. That is the only place we went in the Gap. We did not ride up and down the road there a couple of times. We only went to James Shifflett's home once. There was nobody at his home but James and his wife. I did not see Frank Conley there. We stayed there about fifteen or twenty minutes. While I was there, I did not say anything to James about Carr; I did not say anything to him about what I was going to do to Carr. I did borrow fifty cents from James to get some wine. While we were at James Shifflett's

1 home, Swartz did not get out of the truck; he was too drunk
2 to drive and I continued to do the driving. After we left
3 Shifflett's, I drove the truck on up towards Carr's and
4 Swartz was still laying on the seat and still pretty drunk.
5 I do not know what time it was when I got to Hopkins Gap, but
6 it was in the evening time, and I stayed at James Shifflett's
7 about fifteen or twenty minutes and then I drove on up towards
8 Carr's where the shooting occurred. When I arrived at Carr's,
9 it was dark and I had the lights of the truck on. I called
10 Carr, who was in the barn. I wanted to get some wine or
11 something to drink, as I had been getting it from him. As
12 soon as I stopped the truck, Carr started toward it. He came
13 right on out from the barn and when he got to about three or
14 four feet from me in the truck, I shot him. I only shot one
15 shot. The gun was the same .22 that we had used to shoot
16 target at Swartz's father's home, and it had been laying
17 back of the seat in the panel truck. When Carr was shot, he
18 said, "Oh, Lord!" I don't know what else he did. I throwed
19 the gun down on the ground and drove off. Swartz did not
20 say anything. I do not know whether he knew what was going
21 on or not. I did not have to get back in the truck to reach
22 the gun, I could reach it from the front seat. Swartz had
23 told me the gun was loaded. After leaving Carr's, I drove
24 on up to Rawley Springs where I got a pack of cigarettes at
25 Kyle's store. I reckon Swartz knew what was going on when I

home, Swartz did not get out of the truck; he was too drunk to drive and I continued to do the driving. After we left Shifflett's, I drove the truck on up towards Carr's and Swartz was still laying on the seat and still pretty drunk. I do not know what time it was when I got to Hopkins Gap, but it was in the evening time, and I stayed at James Shifflett's about fifteen or twenty minutes and then I drove on up towards Carr's where the shooting occurred. When I arrived at Carr's, it was dark and I had the lights of the truck on. I called Carr, who was in the barn. I wanted to get some wine or something to drink, as I had been getting it from him. As soon as I stopped the truck, Carr started toward it. He came right on out from the barn and when he got to about three or four feet from me in the truck, I shot him. I only shot one shot. The gun was the same .22 that we had used to shoot target at Swartz's father's home, and it had been laying back of the seat in the panel truck. When Carr was shot, he said, "Oh, Lord!" I don't know what else he did. I throwed the gun down on the ground and drove off. Swartz did not say anything. I do not know whether he knew what was going on or not. I did not have to get back in the truck to reach the gun, I could reach it from the front seat. Swartz had told me the gun was loaded. After leaving Carr's, I drove on up to Rawley Springs where I got a pack of cigarettes at Kyle's store. I reckon Swartz knew what was going on when I

shot Carr, because we was shooting mark there at his father's home. After we left Rawley Springs, Swartz took over the driving and he drove back to Harrisonburg and let me out at the diner at the mill. He did not say where he was going. I did not have it in for Carr. But the reason that I shot Carr was because he shot my brother. That occurred while Mr. Hoover was Commonwealth's Attorney. Carr was tried and given eighteen months. Carr and my brother had some difficulty over some land and my brother won out. That was the reason for Carr shooting him. At the trial, Carr pled self defense. I shot John Rawlings Carr because he shot my brother and I am going to plead guilty to it.

The above statement has been read to me by C. Overton Lee and in the presence of George D. Conrad, R. L. Strawderman, Dewey Harney and Earl Turner and the facts stated therein are true and correct to the best of my knowledge.

Witness
R. L. Strawderman

Leonard Caldwell

This statement was signed
[illegible] 3-6-52
[illegible] of my self & [illegible]

shot Carr, because we was shooting mark there at his father's home. After we left Rawley Springs, Swartz took over the driving and he drove back to Harrisonburg and let me out at the diner at the mill. He did not say where he was going. I did not have it in for Carr. But the reason that I shot Carr was because he shot my brother. That occurred while Mr. Hoover was Commonwealth's Attorney. Carr was tried and given eighteen months. Carr and my brother had some difficulty over some land and my brother won out. That was the reason for Carr shooting him. At the trial, Carr pled self defense. I shot John Rawlings Carr because he shot my brother and I am going to plead guilty to it.

The above statement has been read to me by C. Overton Lee and in the presence of George C. Cornell, R. A. Throckmorton, Henry Toney and Earl Turner

and the facts stated therein are true and correct to the best of my knowledge.

Commonwealth v Caldwell
11/5/52
Comm Ex #2
Elliott Washburn
Judge -

1. Herbert B. White
2. B. H. Gray
3. Janet E. Lauderback
4. J. H. Hollar
5. E. W. Leap
6. Raymond Willard
7. Julian A. Brock
8. Thomas M. Harrison
9. John H. Byrd
10. Meryl Laymon
11. Nelson Hawkins
12. C. W. Ewing

arrest 1.50
Jail .50
Ret of J 1.50
Writ 7.50
11.30

arrested Mar 5-1952

Mar 28 1952
Sept 3 - "

Keystone Envelope Co., Phila., Pa.

Docket No. 2614. OCT 1 1952

COMMONWEALTH of VIRGINIA

VS.) Felony (murder)
) ~~(on Warrant)~~
)

LEONARD CALDWELL

19-202 OCT 1952

Henry C. Clark p. d.
Own (X) Appointed ( )

1952
March 11. Indictment &c. waived; ~~xxxxxxxxxxxxxxxx~~ 8/331.

3/18/52 Here Jas. B. Petty W & H + Jos R. Reeves - S.W.H. written 15 days to report. Ctg to decide the exact day. 8/333

3/27/52. Order for prisoner to Marion 8/337

3/28/52. Accused taken to Marion.

8/27/52. Order for return to jail from S.W.St. 8/381

9/8/52. Indictment returned by G.J. + Corr. 8/382 + 383

11/5 & 6 - Jury

Sept. 30
Oct. 31
Nov. 6
243

Mar. 23
Apr. 30
May 31
June 30
July 31
Aug. 31

8/390 + 391

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

2.00
25.00
27.00

25

Commonwealth

vs. On an indictment for a felony (murder)

Leonard Caldwell

This day came the attorney for the commonwealth, assisted by Richard A. Jackson and the accused, Leonard Caldwell, ~~was brought into court by~~ came in the custody of the sheriff of this county and ~~came also~~ by his attorney, Henry C. Clark. And it appearing that from persons summoned by the sheriff under a writ of venire facias there are not a sufficient number of jurors in attendance to constitute a panel of twenty free from exception, thereupon the court ordered that four additional jurors, taken from the regular jury list, be summoned to supply such deficiency, and the following persons were thereupon selected by the court from such regular jury list and summoned by the sheriff, namely: John H. Byrd, Mervyl A. Layman, Nelson Hawkins, and C. W. Ewing. . And from persons heretofore summoned by the sheriff, together with additional persons this day summoned as aforesaid, twenty persons were thereupon found after examination to be duly qualified and free from exception; and a list containing the names of said twenty persons was handed to the attorneys for the commonwealth and the accused, who each alternately struck therefrom the names of four persons, the remaining twelve, namely: (insert names) , ~~xxx~~ selected as aforesaid to constitute the jury, were sworn to well and truly try and true deliverance make between the commonwealth and the prisoner at the bar and a true verdict render according to the law and the evidence. On motion of the attorney for the ~~commonwealth~~ ACCUSED, it ~~xxx~~ was ordered that all witnesses in this case be excluded from the court room during this trial. Having heard a portion of the evidence, this case is continued until tomorrow morning at ten o'clock. And the accused is remanded to jail.

8/390 11/5/52

Commonwealth

vs. On an indictment for a felony (murder)

Leonard Caldwell

This day came the attorney for the commonwealth, and the accused, Leonard Caldwell, was brought into court by the sheriff of this county and arraigned by his attorney, Henry C. Clark. And it appearing that the persons summoned by the sheriff under a writ of venire facias there are not a sufficient number of jurors in attendance to constitute a panel of twenty free from exception, therefore the court ordered that the additional jurors taken from the regular jury list, be summoned to supply such deficiency, and the following persons were therefore selected by the court from such regular jury list and summoned by the sheriff, namely: John H. Byrd, Mervyl A. Lewman, Nelson Hamblin, and C. W. Ewing. And the persons therefore summoned by the sheriff, together with additional persons selected as aforesaid, (insert names) , who were sworn to well and truly try and true deliver-ance make between the commonwealth and the prisoner at the bar and a verdict render according to the law and the evidence. On motion of the attorney for the commonwealth, it was ordered that all witnesses in this case be excluded from the court room during this trial.

Having heard a portion of the evidence, this case is continued until tomorrow morning at ten o'clock. And the accused is remanded to jail.

COMMONWEALTH

V.

LEONARD CALDWELL

CHARGE TO THE JURY

If you find the accused, Leonard Caldwell, guilty of murder, as charged in the indictment, and that the murder was committed with malice aforethought, and that it was willful, deliberate and premeditated you will find him guilty of murder in the first degree and fix his punishment at death, or by confinement in the penitentiary for life, or for any term not less than twenty years.

If you find him guilty of murder, as charged in the indictment, and that the same was committed with malice aforethought, but that it was not wilful, deliberate and premeditated, then you will find him guilty of murder in the second degree, and fix his punishment at confinement in the penitentiary for not less than five nor more than twenty years.

If you find him not guilty of murder in the first degree, nor of murder in the second degree, but that he killed John Rawley Carr without malice aforethought, actual or implied, upon sudden heat, on reasonable provocation, or in mutual combat, you will find him guilty of voluntary manslaughter and fix his punishment at confinement in the penitentiary for not less than one nor more than five years.

If you find him not guilty of murder in the first degree, nor of murder in the second degree, nor of voluntary manslaughter, but find him guilty of involuntary manslaughter, you will say so and fix his punishment at confinement in the penitentiary for not less than one nor more than five years, or, in your discretion, by a fine of not exceeding one thousand dollars, or by confinement in jail not exceeding one year, or by both such fine and imprisonment.

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

CHANGE OF THE TONE

FEORVED GUIDAEFT

A.

CONCORDATUM

Circuit Court of the County of Rockingham on Tuesday, the 18th day of March, in the year of our Lord, nineteen hundred and fifty-two.

Present: Hon. Hamilton Haas, Judge.

Commonwealth

vs. On a warrant charging a felony (murder)

Leonard Caldwell

This day came the attorney for the commonwealth, and the accused, Leonard Caldwell, was brought into court by the sheriff of this county and came also by his attorney, Henry C. Clark.

It having been suggested to the court that the accused has been within recent years an inmate of the Southwestern State Hospital, thereupon, the court, on motion of the attorney for the commonwealth, acting under Section 19-202 of the Code of Virginia of 1950, doth hereby appoint Dr. James B. Pettis, Superintendent of the Western State Hospital, and Dr. Joseph R. Blalock, Superintendent of the Southwestern State Hospital, to make such investigation as they may deem necessary as to the mental condition of the accused, the time of such examination to be fixed by them, and report to this court within fifteen days ~~thereafter~~ from the date hereof.

8/333

A COPY.

ATTESTE:_____, Clerk.

Circuit Court of the County of Rockingham on Tuesday, the 18th day of March, in the year of our Lord, nineteen hundred and fifty-two.

Present: Hon. Hamilton Hass, Judge.

Commonwealth

vs. On a warrant charging a felony (murder)

Leonard Caldwell

This day came the attorney for the Commonwealth, and the accused, Leonard Caldwell, was brought into court by the sheriff of this county and came also by his attorney, Henry C. Clark.

If he/she has been suggested to the court that the accused has been within recent years an inmate of the Southwestern State Hospital, therefore, the court, on motion of the attorney for the Commonwealth, acting under Section 19-505 of the Code of Virginia of 1950, doth hereby appoint Dr. James B. Ferris, superintendent of the Western State Hospital, and Dr. Joseph R. Blalock, superintendent of the Southwestern State Hospital, to make such investigation as they may deem necessary as to the mental condition of the accused, the time of such examination to be fixed by them, and report to this court within fifteen days xxxxxxxxxxx from the date hereof.

A COPY.

VIRGINIA: _____, CLERK.

Commonwealth

vs. On an indictment for a felony (murder)

Leonard Caldwell

This day came the attorney for the commonwealth, and the accused, Leonard Caldwell, was brought into court by the sheriff of this county and came also by his attorney, Henry C. Clark. And, notwithstanding the previous waiver of indictment by the accused on the warrant under which he was arrested, ~~and~~ it being made to appear to the court that the identical charge set forth in the warrant was this day considered by the special grand jury which returned an indictment in the form of a true bill, charging the identical offense originally charged under the warrant, thereupon, the said accused was arraigned on the indictment aforesaid and entered a plea of not guilty thereto. Whereupon, this case is set for trial on November 5 next, and the accused was remanded to jail.

8/383

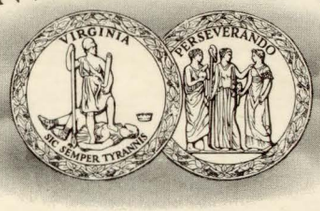
Com

v.

Leonard Caldwell

Order

COMMONWEALTH OF VIRGINIA



WESTERN STATE HOSPITAL
STAUNTON, VA.

JAMES B. PETTIS, M. D.
SUPERINTENDENT

DEPARTMENT OF
MENTAL HYGIENE AND HOSPITALS

24 March 1952

The Honorable Hamilton Haas, Judge
Twenty-Fifth Judicial Circuit of Virginia
Harrisonburg, Virginia

Re: Leonard Caldwell

Dear Judge Haas:

In accordance with an Order from the Circuit Court of Rockingham County, Virginia, dated 18 March 1952, we, the undersigned commission, have today examined the above-named Leonard Caldwell.

As a result of our examination and of our study of his history, we are of the opinion that further observation would be necessary before a report concerning his present mental condition can be made.

We, therefore, recommend commitment of this man to a mental hospital for observation and further study.

Respectfully,

Joseph R. Blalock M.D.
Superintendent
Southwestern State Hospital

James B. Pettis M.D.
Superintendent
Western State Hospital

JRB:ael
cc: Mr. George D. Conrad
Commonwealth's Attorney of
Rockingham County

COMMONWEALTH OF VIRGINIA

WESTERN STATE HOSPITAL
STAUNTON, VA.

JAMES B. PETTIS, M. D.
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Respectfully,

Joseph R. Hollaway M.D.
Superintendent
Southwestern State Hospital

James B. Pettis M.D.
Superintendent
Western State Hospital

JBP:ael
cc: Mr. George D. Conrad
Commonwealth's Attorney of
Rockingham County

COMMONWEALTH OF VIRGINIA

WESTERN STATE HOSPITAL
STAUNTON, VA.

JAMES B. PETTIS, M. D.
SUPERINTENDENT

DEPARTMENT OF
MENTAL HYGIENE AND HOSPITALS

March 24, 1952

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

Re: Commonwealth of Virginia
vs
Leonard Caldwell

Dear Mr. Switzer:

You will find with this letter two Criminal Forms No. 4. These vouchers cover travel expense, meals and per diem fees in connection with the examination of above-named defendant on this date. The original summons is also being sent herewith, together with copy of report to The Honorable Hamilton Haas, Judge.

One voucher is in favor of Dr. Joseph R. Blalock, Superintendent, Southwestern State Hospital, Marion, Virginia, in the amount of $30.80. The other is in favor of Dr. James B. Pettis, Superintendent, Western State Hospital, Staunton, Virginia, in the amount of $15.00.

Very truly yours,

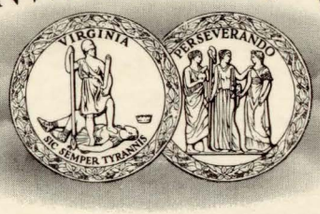
James B. Pettis

James B. Pettis, M. D.
Superintendent

JBP-h

Enclosures: 4

COMMONWEALTH OF VIRGINIA



WESTERN STATE HOSPITAL
STAUNTON, VA.

JAMES B. PETTIS, M. D.
SUPERINTENDENT

DEPARTMENT OF
MENTAL HYGIENE AND HOSPITALS

24 March 1952

The Honorable Hamilton Haas, Judge
Twenty-Fifth Judicial Circuit of Virginia
Harrisonburg, Virginia

Re: Leonard Caldwell

Dear Judge Haas:

In accordance with an Order from the Circuit Court of Rockingham County, Virginia, dated 18 March 1952, we, the undersigned commission, have today examined the above-named Leonard Caldwell.

As a result of our examination and of our study of his history, we are of the opinion that further observation would be necessary before a report concerning his present mental condition can be made.

We, therefore, recommend commitment of this man to a mental hospital for observation and further study.

Respectfully,

_____ M.D.
Superintendent
Southwestern State Hospital

_____ M.D.
Superintendent
Western State Hospital

JRB:acl
cc: Mr. George D. Conrad
Commonwealth's Attorney of
Rockingham County

COMMONWEALTH OF VIRGINIA

DEPARTMENT OF
MENTAL HYGIENE AND HOSPITALS

WESTERN STATE HOSPITAL
STAUNTON, VA.

JAMES B. PETTIS, M. D.
SUPERINTENDENT

24 March 1952

The Honorable Hamilton Hass, Judge
Twenty-Fifth Judicial Circuit of Virginia
Harrisonburg, Virginia

Re: Leonard Caldwell

Dear Judge Hass:

In accordance with an Order from the Circuit Court of Rockingham County, Virginia, dated 18 March 1952, we, the undersigned committee, have today examined the above-named Leonard Caldwell.

As a result of our examination and of our study of his history, we are of the opinion that further observation would be necessary before a report concerning his present mental condition can be made.

We, therefore, recommend commitment of this man to a mental hospital for observation and further study.

Respectfully,

M.D.
Superintendent
Southwestern State Hospital

M.D.
Superintendent
Western State Hospital

JHB:mel
cc: Mr. George D. Conrad
Commonwealth's Attorney of
Rockingham County

COMMONWEALTH OF VIRGINIA

WESTERN STATE HOSPITAL
STAUNTON, VA.

JAMES B. PETTIS, M. D.
SUPERINTENDENT

DEPARTMENT OF
MENTAL HYGIENE AND HOSPITALS

24 March 1952

The Honorable Hamilton Haas, Judge
Twenty-Fifth Judicial Circuit of Virginia
Harrisonburg, Virginia

Re: Leonard Caldwell

Dear Judge Haas:

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We, therefore, recommend commitment of this man to a mental hospital for observation and further study.

Respectfully,

Joseph R. Blalock M.D.
Superintendent
Southwestern State Hospital

James B. Pettis M.D.
Superintendent
Western State Hospital

JRB:ael
cc: Mr. George D. Conrad
Commonwealth's Attorney of
Rockingham County

COMMONWEALTH OF VIRGINIA

WESTERN STATE HOSPITAL
STAUNTON, VA.

JAMES B. PETTIE, M. D.
SUPERINTENDENT

DEPARTMENT OF
MENTAL HYGIENE AND HOSPITALS

24 March 1952

The Honorable Michael Wade, Judge
Twenty-fifth Judicial Circuit of Virginia
Harrisonburg, Virginia

Re: Leonard Caldwell

Dear Judge Wade:

In accordance with an order from the Circuit Court of Rockingham County, Virginia, dated 18 March 1952, we, the undersigned consultants, have today examined the above-named Leonard Caldwell.

As a result of our examination and of our study of his history, we are of the opinion that further observation would be necessary before a report concerning his present mental condition can be made.

We, therefore, recommend commitment of this man to a Mental Hospital for observation and further study.

Respectfully,

Joseph C. Blalock, M.D.
Superintendent
Southwestern State Hospital

[illegible], M.D.
Superintendent
Western State Hospital

JBP:sel
cc: Mr. George D. Conrad
Commonwealth's Attorney of
Rockingham County

Circuit Court of the County of Rockingham on Wednesday, the 27th day of August, in the year of our Lord, nineteen hundred and fifty-two.

Present: Hon. Hamilton Haas, Judge.

Commonwealth

vs. On a warrant charging a felony (murder)

Leonard Caldwell

It being made to appear from a report received from the Superintendent of the Southwestern State Hospital that the accused, Leonard Caldwell, heretofore committed to said institution for observation, is now sane, the sheriff is ordered to proceed forthwith to said hospital for the purpose of receiving the custody of the accused, whose previous commitment to said hospital shall thereupon stand terminated; and upon receiving the custody of said accused, the sheriff shall return and deliver him to the county jail, there to be held to await his trial.

* * * *

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

I, J. Robert Switzer, Clerk of the Circuit Court of Rockingham County, Virginia, do hereby certify that the foregoing is a true and correct copy of an order of the said Court entered on August 27, 1952, in the matter of Leonard Caldwell, charged with felony, as the same appears of record in my office as Clerk of the Court aforesaid.

Given under my hand and the seal of the said Court, at Harrisonburg, Rockingham County, Virginia, this 27th day of August, 1952.

J. Robert Switzer, Clerk.

Executed this 3rd day of September by delivering the said Leonard Caldwell to the Rockingham County Jail from Southwestern State Hospital.

R. L. Strawderman SRC

Order for return of prisoner to jail.

Circuit Court of the County of Rockingham on Wednesday, the 5th day of August, in the year of our Lord, nineteen hundred and fifty-two.

Present: Hon. Hamilton Hess, Judge.

Commonwealth

vs. On a written charge a felony (murder)

Leonard Caldwell

It being made to appear from a report received from the superintendent of the Southwestern State Hospital that the accused, Leonard Caldwell, heretofore committed to said institution for observation, is now sane, the sheriff is ordered to proceed forthwith to said hospital for the purpose of receiving the custody of the accused, whose previous commitment of said hospital shall, therefore, now be terminated; and upon receiving the custody of said accused, the sheriff shall return and deliver him to the county jail, there to be held to await his trial.

* * * *

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

I, J. Robert Switzer, Clerk of the Circuit Court of Rockingham County, Virginia, do hereby certify that the foregoing is a true and correct copy of an order of the said Court entered on August 5th, 1952, in the matter of Leonard Caldwell, charged with felony, as the same appears of record in my office.

Given under my hand this 5th day of August, 1952.

_____, Clerk.

Executed this 3rd day of September by delivering the said Leonard Caldwell to the Rockingham County Jail from Southwestern State Hospital.

_____, SRC

COMMONWEALTH OF VIRGINIA

SOUTHWESTERN STATE HOSPITAL
MARION, VIRGINIA

JOSEPH R. BLALOCK, M. D.
SUPERINTENDENT

DEPARTMENT OF
MENTAL HYGIENE AND HOSPITALS

August 15, 1952.

Hon. Hamilton Haas, Judge,
Circuit Court of Rockingham County,
Harrisonburg, Virginia.

Re: Leonard Caldwell.

Dear Judge Haas:

The above-named was received in our hospital on March 28, 1952, having been committed by your Court for further observation and report concerning his mental condition. Since that date, he has been carefully observed and I beg to report that he has not been insane or psychotic since that date and that he is not insane or psychotic at this time, but is mentally subnormal. On psychological examination, using the Wechsler-Bellevue Scale, he has an intelligence quotient of 67 and would be classified as a high grade moron. It is felt that he is mentally competent and capable of testifying in his own defense.

This man, at the time of his commitment to us for observation, was on parole from this hospital, having been paroled on August 26, 1951. He was transferred to our Criminal Insane Department while serving a sentence in the penitentiary on March 25, 1951. At the time of admission and for several months afterwards, he was found to be insane and our official diagnosis was "Dementia praecox, other types." His sentence expired August 13, 1950 and he was regularly committed as "mentally ill" on June 19, 1951. At the time of his parole on August 26, 1951, he was officially considered as "improved."

In view of the series of events in this particular case, I would preferto have one of the Superintendents of one of the other State Hospitals, designated by you and the Commissioner of the Department of Mental Hygiene and Hospitals, on your request,to serve with me as a Commission to pass upon whether this man is sane. The opinion expressed above represents my own opinion at this time. In this manner, therefore, the case will have been handled in the manner designated for insane persons charged with or convicted of a crime that is punishable by death and who are restored to sanity.

Respectfully,

Joseph R. Blalock

Joseph R. Blalock, M. D.,
Superintendent.

JRB/st

Corum v Caldwell

Sheriff -

Hopkins Hap - 6:15 got call
Carr in ditch near barn -
Road runs N & S -
Barn on E side of Rd - Carr's house
on W side of Rd -
Carr on E side of rd - rifle
there -
Held north - Refer ptd south.
Ex No 1 No Exc

Introduce rifle - 22 cal. rifle
Stevens - belonged to Ray Schwartz -
spotlight on Carr -
Carr cold & getting stiff
Spectators there -
Ross Wold panel truck went up road -
Apprehended Caldwell - about 7:15.
Caldwell admitted it had shot
Carr -

Ex # 2 No Exc

Confession -

22 bullets in truck on floorboard
& down between seats.
Caldwell went with sheriff
to Hopkins Hap - Rain -
"Sheriff where Carr lived he
killed my brother - His dogs
is unchained".

Ex # 3 No Exc

Picture.
X Exam
He was a drinking -

Security was pretty drunk —

2d W:

Elwood Joseph Robin Ufner

took photos —

Ex #4, 5, 6, 7 8 Photos — Exception in good stated.

#9 Diagram. no objection.

Exception to photo - because of face —
#4 prejudice

Wash. Jones

Head to south gun 19" to W of body —
Feet of body 9 steps from corr of barn —
identify location on pictures.

Roy Schwartz. 27

Known W several yrs —
not intimately

Met at C.H. about 1:00 on day of
asked S to go with him out rd,
Shot 36 Plymouth truck.

rode down to Jaffrey.
Got 1/5 wine in Hly -
S had been drinking whiskey.
Father not home started drinking
& shot at mark - Rifle was
in back of seat -
identifies Exh 1 Rifle.
Laid rifle in back
Don't know whether left gun loaded -
Got stuck - ran over in ditch
D drove from there on - Jerry
was drunk - Doesn't remember
after that, It was light when
the man pulled them out of ditch
Came to at Rockoe Mills it
was dark. Went to Diner -
Dfdt - said "I just shot R. Carr"
people in diner -
Police arrested him.

Dr. - Martigan

Autopsy - March 8, 1952
Hemorrhage & shock - from gun
shot wound -
Severed aorta - left lung.
22 cal. lead bullet - appears to be -
Came out 3rd left back rib -

Turner Officer.

Obtained bullet from Dr. Byers.

James Shifflett.

Knew D all his life - lives near Carr -

Saw D about 5:00 at home - Came in pounded truck with Swanty passed out on seat -

Asked if he had anything to drink - Them in house - let me have 50¢ to get beer - gone again -

Came back abt 20-25" later - S on seat drunk -

in House - Have you anybody that you want to bail - I'm going to do something to get life - Offered to throw him 22 rifle - Swanty never opened mouth -

Carr was laying by the road - Never stopped - looked like he was dead - went & called Sheriff -

X Evans

D was drinking -

Redirect -

In jail.

Said he should've done it but didn't give a damn now -

Dr Byers –

Dr. Gave basket him – he turned it over to Mr. Davis – Identifies envelope –

Gail Dove. 16

Knew both –

lived 150 yd from Carr –

Followed Caldwell S. to Carr's place – followed him 200 yds – about 6:00 o'clock – Paul truck – truck stopped at house –

Leonard got out – asked him where daddy was? out near barn – Said I'd like to see him – we used to be coon hunters – Asked if he had seen Carr or did he know where he was –

Stayed at house & then went on up to Mr. Carr's. Saw Carr in road. Pulled up beside him. went down and told Dad.

Arthur Dove.

Saw truck – passed truck – Stopped in front of house – Gail drove in behind him.

Sam Carr –
He was dead –

Known Caldwell since 1940
Carr some –

Wife lent gun to Carr which he
used to shoot Caldwell's boy with.

Miss Green.
Gave bullet to Turner –
Identified envelope – to Turner –

Comm
Ex #10 bullet & envelope

Exception on grounds
chain incomplete.

Frank Conley.
lives about 1½ miles from Carr's
Was at Shuffletts' (James)
Saw Dfdt at Shuffletts.
5:00 – 6:00
Caldwell said – (drinking coffee) –
"I'll kill some son of a bitch tonight".
Had had few drinks from
the way he acted – He was under
influence.

Mr. Kile.

Store & filling station —

7:30 Swanty & Dyfet at store —

came in truck.

Swanty was drinking —

~~Dc~~

Dyfet wanted beer 13¢

wouldn't sell him —

There 10-15" — Swanty drinking —

Caldwell didn't appear to be under the influence — Swanty was pretty full —

paid he was cool —

Elwood Smith.

Richards Filling Sta 1/2 W of Keyes —

saw S & C at Filling Sta —

Swanty was drinking — came in

stayed 5-6" —

Caldwell may have had a drink or two —

Swanty was drunk — very much so —

Caldwell asking for money —

Chased them out —

Norfuel Crawford.

Can come down street —

"Here's the s of that killed my bro. & I'm going to get him."

Gilbert: ~~Clark~~
Morris.

Knows both —
3½ mos. before shooting —
~~at Wolf~~
in Harrisonburg —
walked up to Morris' car —
Said:
"Where's Carr"
Said "Rowe"
Didn't know —
"Well I'll get him"

another time
said "I'm going to get him
because he killed my brother
& got all of them that
signed the paper".

venue in Rockingham County

Defence

Goarfield Crawford

Convicted of felony –

Clerk

Manufacture of illegal spirits,

Lgth at Marion –

March 25, 49 transfer from Pen remained till Aug 26, 1951, committed as mentally ill.

March 28 1952 – admitted for observation and report.

Sept 3, 1952.

Routine

Exam. mental illness. Dementia praecox – Defined –

D.P. is a disease

Heredity plays some part.

environment plays important part,

Paroled Aug 15, 1951 –

sentence expired Aug 30, 1950 –

Improved –

Lunacy committed June 19, 1951

2 mos later paroled to Mother Aug 26, 1951

Upon parol still D.P.
Condition: Could have proper supervision
& see that he was returned to
the Hosp. if necessary –

Other types

28 March 1952

Sept 3, 1952

Intelligence Test – Weyler-Bellevue Test –

Defective & borderline –
Moron level –

1943 3 tests I.Q. (33
46
52)

Feeble minded –
Needs supervision.
Mental age between 4 & 5 yrs –
Could not read or write.

Last Commitment –
24 March 1952
No evidence of psychosis or insanity –
Recommended further observation.
We did not think that he was
psychotic or insane legally –
Hydrate moron –

Capable of being tried and testifying in own defense –
He can premeditate.
Capable of planning –

X Examn.

10 – 11 yr. latest I.Q.

Rebuttal

Overton Lee –
No irrationality

Stover Jailer
Was discharged from Jail Jan 1, to Jan 7 –
appeared to be normal –
– no evidence of insanity –

Sheriff Strowderman.

No evidence of insanity before –

Dr. Blalock
Hypothetical question

Notes

Judge Marshall

11-5+6

August 11, 1952

Dr. Joseph R. Blalock, Sup't
Southwestern State Hospital
Marion, Virginia

In Re: Leonard Caldwell

Dear Sir:

Your attention is directed to the order entered by this court on March 27, 1952, committing the above named prisoner to your hospital for observation and report concerning his mental capacity.

After more than four months, it would seem that ample opportunity has been afforded for a determination of that question.

You will please make your report forthwith, that we may know what disposition should be made of the charge pending against him in this Court.

Should you find the accused to be insane, you should proceed with a regular commitment there, with a detainer for his return here upon restoration of his sanity.

Yours very truly,

Hamilton Haas, Judge

HH:mb

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Very truly yours

THE PENITENTIARY
RICHMOND, VA.

March 21, 1949

Joseph R. Blalock, M. D.
Superintendent
Southwestern State Hospital
Marion, Virginia

Re: 55913 - Leonard Caldwell (W)

Dear Dr. Blalock:

The above-named man was admitted to this institution for the second time on November 9, 1948.

While in the Receiving Cell, he became confused, disoriented, delusional, as well as hallucinatory. The symptomatology presented was that of a schizophrenic episode.

Since we do not give insulin treatments in coma doses here, I gave him two electroshock treatments. In view of the fact that his condition has not improved, also, since he refused to take any more electroshock treatments, I am obliged to transfer him to your institution for further therapy.

Very truly yours,

Harry Brick, M. D.

Enc.

HB:jm

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COMMONWEALTH OF VIRGINIA

DIVISION OF CORRECTIONS
THE PENITENTIARY
500 SPRING STREET
RICHMOND 19, VIRGINIA

DEPARTMENT OF WELFARE AND INSTITUTIONS

March 14, 1952

Mr. George D. Conrad,
Commonwealth's Attorney
Harrisonburg, Virginia

Dear Mr. Conrad:

Replying to your request of March 11, for a copy of the report on the mental condition of Leonard Caldwell, our #55913, I am attaching copies of report that we forwarded to Dr. Blalock at the time Caldwell was transferred to the Southwestern State Hospital at Marion.

Caldwell completed his penitentiary sentence on May 5, 1951, and the hospital was notified at that time. If there is any further information you desire, please advise.

Yours very truly,

W. F. Smyth, Jr.,
Superintendent

WFS.JR/la
Enc.

SOUTHWESTERN STATE HOSPITAL
MARION, VIRGINIA

COMMONWEALTH OF VIRGINIA

JOSEPH R. BLALOCK, M. D.
SUPERINTENDENT

DEPARTMENT OF
MENTAL HYGIENE AND HOSPITALS

August 15, 1952.

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

Re: Leonard Caldwell.

Dear Mr. Switzer:

I am enclosing in duplicate a report to the Court on the mental condition of the above-named. It will b e greatly appreciated if you will transmit the original to Judge Haas and retain the copy for your files.

Very truly yours,

Joseph R. Blalock

Joseph R. Blalock,M. D.,
Superintendent.

JRB/st

Encl.

HE PENITENTIARY HOSPITA

NEURO-PSYCHIATRIC REPORT

RICHMOND, VIRGINIA

RE: CALDWELL, LEONARD (White) REG. NO. 48412

(Copy of report on 8-11-43)

Summary of psychological examination.

(1) INTELLIGENCE EXAMINATION

Otis Group, Primary Form B	M.A.	5-0	IQ 33	
Our Revised Short Binet	M.A.	7-4	IQ 46	C.A. 19-2
Goodenough Drawing Test	M.A.	609	IQ 52	

Imbecile intelligence.

(2) Minnesota occupational Rating Scale -- possible to learn: carefully supervised labor.

(3) No history of nervous or mental disease reported in the family.

(4) Result of personality questionnaire:

Ambivert
No psychotic content
Not psychoneurotic

This man is sluggish in his responses, hesitant and easily confused. He is responds on a very simple level.

He is the youngest child who has six brothers and one half-sister. He reports no childhood diseases. He never attended school because his parents kept him on a farm and made him work.

His conception of time is faulty. He doesn't have any idea just how long he has worked at one place, but believes two months as an orchard hand was his longest single term of employment.

He reports that he was in a car stolen by another boy at the time of his arrest. They had driven to Richmond for his induction and he reports that the Army turned him down after asking him a few questions.

On the Pototzky Test, he failed two out of 12 pictures.

COMMENT: This man is definitely feebleminded and has inadequate moral discrimination because of this low mental level. He reacts on a very primitive social level and is in need of supervision.

8-11-43

A. E. Grigg,
Psychologist.

THE PENITENTIARY HOSPITAL

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HE PENITENTIARY HOSPITA

NEURO-PSYCHIATRIC REPORT

RICHMOND, VIRGINIA

RE: CALDWELL, LEONARD M-W (COPY dated 9-16-44) REG. NO. 48412

PAROLE VIOLATION:

Offender tells the following story of treatment and why he left Fishback: "Fishback put me and a negro in the same room to live. One morning the negro had off, so he got up and left his clothes laying on the bunk and his personal affects in a messed up condition, so Fishback came to the room and started to cussing me for the way the negro had left his clothes and bunk. Finally, I went to the barn and started to shovel some grain into bags. I hadn't more than started when Fishback came to the barn, snatched the shovel from my hand and started to do the job himself, but pretty soon, he threw the shovel down and told me to finish. When the negro came back I told him what had happened to me on account of the way he had left his things. He went to Fishback and told him what it was his clothes that were left in a messed up condition and if he had anything to say about it, to say it to him as Leonard had nothing to do with it. Fishback didn't open his mouth to the negro. I stayed there about a week after this and Fishback continued to fuss and cuss at me so I left and wrote the Parole Officer asking him to get me another job. He said that he could not do that so I quit and took another job. Later after a visit home, I was on the bus going back to my work when I was picked up and brought back to the Penitentiary." Offender states that he worked hard for Fishback and that he has always gotten along okay everyplace he has worked except there.

EMPLOYMENT:

December, 1943 - January, 1944.
John Fishback, Leesburg, Virginia on farm making $30 monthly plus room and board.

Clay Kimmel, Franklin, West Va., cutting logs making $65 monthly plus room and board. Offender claims he has never been discharged from a job.

During the interview, offender seemed truthful, friendly, sincere, polite, cooperative, stable, near and mild tempered. From this man's story, it appears that he was placed in a pretty tough spot in which to make good.

TENTATIVE TREATMENT PLAN:

While incarcerated, offender would like additional schooling in Reading, Writing and Arithmetic. He wants to attend religious services. Farming is his work choice. Playing indoor and outdoor games and attending movies are his recreational choices. A little friendly guidance and help by a good employer will probably make a man out of this boy.

TTM/egs

THE PENITENTIARY HOSPITAL

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TTM/ega

EXPERIENCE:

This man has worked for the most part of his life for his father as a farm hand and the father compensated by giving him room and board. Inmate states that he has worked as orchard helper for Mr. H. Flood Byrd at Timberville, Virginia and for various farmers in the neighborhood of Mt. Clinton, Virginia, as a farm hand. He cannot drive a truck.

FAMILY DATA:

This prisoner's parents were born and raised in an near Mt. Clinton, Va. They live at that address at the present time. His parents occupy a two room frame dwelling situated on twenty acres of land. Prisoner states that this is a two story house, a combination kitched and bedroom on the first floor and a bed room on the second floor. This home is the property of prisoner's father's stepson's son. This home is shared by the parents with four sons.

Prisoner states that his father has three hogs but no other stock, that he owns a 1929 ford. Father hires himself out as a farmer and works for heighboring farmers. He has also worked in Byrd's apple shed as a packer in Timberville, Virginia. Father has done this type of work all of his life. Says that his father is in poor health, suffering with rheumatism. Father has a police record, having been arrested in 1928 for selling whiskey and was sentenced to six months on the State Convict Road Force. According to prisoner, his father used to drink moderately but has stopped altogether. Father has no interest in church. Prisoner described his father as a quiet easy going individual who has little to say but he gets on well with his neighbors but "Lives to himself." The father is a poor mixer.

Prisoner's mother works doing days work for various families in the community. She is in poor health, suffering from kidney trouble. She has no history of drinking, has no police record, takes no interest in church. Prisoner described her as a good woman, quiet, she stays at home, is not sociable but is a good housekeeper. Man states that his parents are congenial, that they have never been on relief and there is no history of mental illness in the family.

Harry, a twenty-sic year old brother, is single, was sentenced to the Virginia State Penitentiary for housebreaking and given a one year sentence, time of offense not known. Prisoner described this brother as a friendly individual who has no other police record. Prisoner did not know the type of work this man is doing but he is residing in Baltimore at the present time. States that Harry is illiterate.

Frank, a twenty-four year old brother is single, has no police record, does not drink, works as a farm hand. He is able to read and write. Prisoner described him as an even tempered hard working individual.

Ruff, a twenty-one year old brother is single, works as a farm hand, has a police record for drunkeness, now works in a shoe factory in Harrisonburg, Virginia. Prisoner described this brother as an easy going, friendly person.

Elbert, a twenty year old brother is single, works in a shoe factory in Harrisonburg, Virginia, has a police record of arrest for drunkeness, is illiterate but friendly and even tempered, according to prisoner.

Bernson, a twenty-five year old brother is working in Baltimore, name of employer not known. He has a police record for excessive drinking. He is illiterate and even tempered according to prisoner.

(Cont. page 2)

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This prisoner's parents were born and raised in an near Mt. Clinton, Va. They live at that address at the present time. His parents occupy a two room frame dwelling situated on twenty acres of land. Prisoner states that this is a two story house, a combination kitchen and bedroom on the first floor and a bed room on the second floor. This home is the property of prisoner's father's stepson's son. This home is shared by the parents with four sons.

Prisoner states that his father has three hogs but no other stock, that he owns a 1929 ford. Father hires himself out as a farmer and works for neighboring farmers. He has also worked in Byrd's apple shed as a packer in Timberville, Virginia. Father has done this type of work all of his life. Says that his father is in poor health, suffering with rheumatism. Father has a police record, having been arrested in 1928 for selling whiskey and was sentenced to six months on the State Convict Road Force. According to prisoner, his father used to drink moderately but has stopped altogether. Father has no interest in church. Prisoner described his father as a quiet easy going individual who has little to say but he gets on well with his neighbors but "lives to himself." The father is a poor mixer.

Prisoner's mother works doing days work for various families in the community. She is in poor health, suffering from kidney trouble. She has no history of drinking, has no police record, takes no interest in church. Prisoner described her as a good woman, quiet, she stays at home, is not sociable but is a good housekeeper. Man states that his parents are congenial, that they have never been on relief and there is no history of mental illness in the family.

Harry, a twenty-six year old brother, is single, was sentenced to the Virginia State Penitentiary for housebreaking and given a one year sentence, time of offense not known. Prisoner described this brother as a friendly individual who has no other police record. Prisoner did not know the type of work this man is doing but he is residing in Baltimore at the present time. States that Harry is illiterate.

Frank, a twenty-four year old brother is single, has no police record, does not drink, works as a farm hand. He is able to read and write. Prisoner described him as an even tempered hard working individual.

Ruff, a twenty-one year old brother is single, works as a farm hand, has a police record for drunkenness, now works in a shoe factory in Harrisonburg, Virginia. Prisoner described this brother as an easy going, friendly person.

Elbert, a twenty year old brother is single, works in a shoe factory in Harrisonburg, Virginia, has a police record of arrest for drunkenness, is illiterate but friendly and even tempered, according to prisoner.

Benson, a twenty-five year old brother is working in Baltimore, name of employer not known. He has a police record for excessive drinking. He is illiterate and even tempered according to prisoner.

(Cont. page 2)

RE: 55913 - CALDWELL, LEONARD (Cont. from page 1)

FAMILY DATA: (Continued)

Leonard, a nineteen year old brother, is living at home with his parents, is single, has been arrested for drunkeness, is illiterate, prisoner described him as a friendly, easy going individual.

RELATIVES

Mother --- Bessie Knight Caldwell, age 43, Mt. Clinton, Va.
Father --- Hinton Caldwell, age 64, same address.
Brother -- Harry, age 26, Baltimore, Maryland, exact address unknown.
Brother -- Frank, age 24, same address as parents.
Brother -- Ruff, age 21, same address.
Brother -- Elbert, age 20, same address.
Brother -- Berson, age 25, Baltimore, Md., exact address unknown.
Brother -- Leonard, age 19, same address as parents.

OFFENDER'S VERSION:

Prisoner is charged with grand larceny for which he received a one year sentence. He pleaded guilty to grand larceny of a Ford roadster, property of a Mr. Frank Royster of Mt. Clinton, Virginia. The offense occurred on Friday, June 11, 1943 about 7:30 P.M. The automobile was stolen from a shed in Mr. Royster's yard. Prisoner was drinking and unarmed at the time and in company with John McDonald (placed on probation). Prisoner states that he and McDonald stole this car together, drove same from Mt. Clinton to Harrisonburg, Virginia, left the car there and then came on to Richmond to join the Army. Prisoner states that he did not drive this car, that the co-defendant persuaded him to commit this offense. Prisoner did not join the Army while in Richmond, he returned to Mt. Clinton and was arrested on the following Tuesday. He admits two prior arrests for drunkeness.

PERSONAL DATA:

This nineteen year old white man was born and raised in Mt. Clinton, Va. He was living with his parents there at the time of his arrest. He went on to say that his parents were good to him as a boy, that they punished him for any misbehavior, however, it appears that they were rather negligent in that they did not send him to school, Sunday school or church. He has worked hard all of his life, on his father's farm and on neighboring farms. It appears that he was raised in poverty, his parents are illiterate as are most of his brothers. His father and several of his brothers have police records. This prisoner has never married, has no dependents, has never suffered serious injuries. He has been drinking since he was 18 years of age. It appears that at times, he drinks excessively as he has been arrested twice for drunkeness. There is no history of juvenile delinquency, he has first been arrested at the age of 18, for being drunk. Denies that he is quick tempered or that he ever gets into fights. He does not appear to have any active interests, states that he cares nothing for sports. When asked what he did during his leisure time, he stated that "I never did nothing but work." This prisoner desires to attend school to learn to read and write. He has no desire to learn a trade, wants to attend church services while in the Penitentiary and he indicated that when released from the Penitentiary, he would like to work for a shoe factory in Harrisonburg, Va,, and it might be well to consider a period of training in the Penitentiary Shoe Shop in order to better fit him for this work. Quarantine adjustment to date is satisfactory.

RE: 55913 - CALDWELL, LEONARD (Cont. from page 1)

FAMILY DATA: (Continued)

Leonard, a nineteen year old brother, is living at home with his parents, is single, has been arrested for drunkenness, is illiterate, prisoner described him as a friendly, easy going individual.

RELATIVES

Mother --- Bessie Knight Caldwell, age 43, Mt. Clinton, Va.
Father --- Hinton Caldwell, age 64, same address.
Brother -- Harry, age 26, Baltimore, Maryland, exact address unknown.
Brother -- Frank, age 24, same address as parents.
Brother -- Ruff, age 21, same address.
Brother -- Filbert, age 20, same address.
Brother -- Barson, age 23, Baltimore, Md., exact address unknown.
Brother -- Leonard, age 19, same address as parents.

OFFENDER'S VERSION:

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Circuit Court of the County of Rockingham on Tuesday, the 18th day of March, in the year of our Lord, nineteen hundred and fifty-two.

Present: Hon. Hamilton Haas, Judge.

Commonwealth

vs. On a warrant charging a felony (murder)

Leonard Caldwell

This day came the attorney for the commonwealth, and the accused, Leonard Caldwell, was brought into court by the sheriff of this county and came also by his attorney, Henry C. Clark.

It having been suggested to the court that the accused has been within recent years an inmate of the Southwestern State Hospital, thereupon, the court, on motion of the attorney for the commonwealth, acting under Section 19-202 of the Code of Virginia of 1950, doth hereby appoint Dr. James B. Pettis, Superintendent of the Western State Hospital, and Dr. Joseph R. Blalock, Superintendent of the Southwestern State Hospital, to make such investigation as they may deem necessary as to the mental condition of the accused, the time of such examination to be fixed by them, and report to this court within fifteen days ~~xxxxxxxxxx~~ from the date hereof.

A COPY.

ATTESTE: Jessie Snyder, Clerk.

Circuit Court of the County of Rockingham, on Tuesday, the 18th day of March, in the year of our Lord, nineteen hundred and fifty-two.

Present: Hon. Hamilton Hass, Judge.

Commonwealth

vs. On a warrant charging a felony (murder)

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A COPY.

ATTESTE: _____, Clerk.

HE PENITENTIARY HOSPITA

NEURO-PSYCHIATRIC REPORT

RICHMOND, VIRGINIA

March 22, 1949

Copy

RE: REG. NO.

(COPY OF F.B.I. RECORD DATED 12-7-48)

SP, Richmond, Va.	Leonard Caldwell #48412	8-4-43	G.L.	1 Yr. Paroled 12-7-43.
SP, Richmond, Va.	Leonard Caldwell #48412	Returned 8-25-44	Vio. of Parole (GL)	1 Yr. Disch. 12-4-44.
St. Police, Charleston, W.Va.	Leonard Caldwell #____, St. Police, Moorefield, W.Va.	10-4-46	Fugitive from justice.	Turned over to St. of Va. Waived Extradition.
St. Police, Richmond, Va.	Leonard Caldwell #____, St. Police Harrisonburg, Va.	7-5-48	Fel. Asslt.	Pending
The Penitentiary, Richmond, Va.	Leonard Caldwell 55913	11-9-48	Fel. Asslt.	3 Yrs.

Served one jail sentence for shooting, Harrisonburg, Va. (C-26) since his disch. from SP, Richmond, Va. on 12-4-44.

Represents notations unsupported by fingerprints in FBI files.

THE PENITENTIARY HOSPITAL

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Represents notations unsupported by fingerprints in FBI files.

Commonwealth of Virginia

v.

Leonard Caldwell

INSTRUCTION NO. 1

The court instructs the jury that in this case, as in all criminal prosecutions, the accused is presumed to be innocent until his guilt is established by the evidence beyond a reasonable doubt, and to the exclusion of every reasonable hypothesis of innocence.

The burden of proof is upon the Commonwealth to establish every material fact necessary for conviction by the evidence beyond a reasonable doubt.

This presumption of innocence applies at every stage of the case until or unless the Commonwealth has established every material fact necessary for conviction by the evidence beyond a reasonable doubt.

If, after a fair and impartial consideration of all the evidence the jury entertain a reasonable doubt of the existence of any material fact necessary for conviction the jury must find the accused not guilty. If the jury are satisfied by the evidence beyond a reasonable doubt of the existence of every material fact necessary for conviction they must find the accused guilty.

If a set of facts or circumstances should be susceptible of two or more reasonable interpretations any one of which interpretations points to the innocence of the accused the jury must accept that interpretation pointing to his innocence in arriving at their conclusion to be drawn from such set of facts or circumstances.

The term "proof beyond a reasonable doubt" does not necessarily mean proof to an absolute certainty or proof beyond all possibility of mistake. A reasonable doubt is not one which might arise from sympathy or a dislike to assume the responsibility for conviction; but must be one which arises from the evidence or lack of evidence in the case. The jury must not go beyond the evidence to hunt up doubts. If, after a fair and impartial consideration of all the evidence in the case,

Commonwealth of Virginia

v.

Leonard Caldwell

INSTRUCTION NO. 1

The court instructs the jury that in this case, as in all criminal prosecutions, the accused is presumed to be innocent until his guilt is established by the evidence beyond a reasonable doubt.

This presumption of innocence applies at every stage of the case until it shall appear from the commonwealth has established every material fact necessary for conviction by the evidence beyond a reasonable doubt.

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the jury are convinced of the guilt of the accused to that degree of certainty that they would act upon such conviction in their own most critical and important affairs, then they are convinced of the guilt of the accused beyond a reasonable doubt. If upon such consideration of the evidence the jury are not satisfied of the guilt of the accused to the extend that they would act upon the strength of their conviction in their own most important and critical affairs, they are not satisfied of the guilt of the accused beyond a reasonable doubt.

granted
E.m.

Zimmer
Dr Wolfing

COMMONWEALTH
V.
LEONARD CALDWELL

INSTRUCTION 2.

To constitute murder in the first degree the accused must have been incited to the killing by MALICE, and such killing must have been a WILLFUL, DELIBERATE and PREMEDITATED act on his part; that is to say, he must have willed, deliberated, and premeditated that he would kill the deceased or do him some serious bodily injury, the necessary result of which would be his death and from which he died.

If the killing is proved and is unaccompanied with circumstances of extenuation, malice on the part of the killer is presumed as a matter of law, and the burden of overcoming that presumption or of disproving malice is thrown upon the killer.

Likewise, if the killing is willful, deliberate and premeditated, malice is inferred by law.

If a mortal wound is given with a deadly weapon, in the previous possession of the slayer, without any or upon very slight provocation, the law creates a presumption that such killing was willful, deliberate, and premeditated, and throws upon the killer the necessity of removing that presumption.

To constitute a premeditated killing, it is not necessary that the intention to kill should exist any particular length of time prior to the act of slaying, but such intention must have been formed at the time of the killing.

granted

To constitute murder in the first degree the accused must have been induced to the killing by MALICE, and such killing, when proved, the law creates a presumption that such killing was MILITARY, deliberate, and premeditated, and throws upon the killer the necessity of rebutting that presumption.

To constitute a premeditated killing, it is not necessary that the intention to kill should exist any particular length of time before the act of slaying, but such intention must have been formed at the time of the killing.

Likewise, if the killing is MILITARY, deliberate and premeditated, malice is inferred by law.

It is material which party to show any or more circumstances which dispose the slayer, although the burden of overcoming that presumption is upon the killer.

Malice may be inferred from the act of the killer is presumed as a matter of law, and the burden of overcoming that presumption or disproving malice is thrown upon the killer.

Likewise, if the killing is MILITARY, deliberate and premeditated, malice is inferred by law.

It is material which party to show any or more circumstances which dispose the slayer, although the burden of overcoming that presumption is thrown upon the killer.

If the killing is proved and is unaccompanied with circumstances of extenuation, malice on the part of the killer is presumed as a matter of law, and the burden of overcoming that presumption or disproving malice is thrown upon the killer.

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Likewise, if the killing is MILITARY, deliberate and premeditated, malice is inferred by law.

It is material which party to show any or more circumstances which dispose the slayer, although the burden of overcoming that presumption is thrown upon the killer.

Commonwealth of Virginia

v.

Leonard Caldwell

INSTRUCTION NO. 3

The court further instructs the jury that all murders are presumed in law to be murder in the second degree, and, in order to elevate the offense to murder in the first degree, the burden of proof is on the Commonwealth, and, in order to reduce the offense below murder in the second degree, the burden is on the prisoner.

granted
Gm.

Commonwealth of Virginia

v.

Leonard Caldwell

INSTRUCTION NO. 5

The court further instructs the jury that all murders are presumed in law to be murder in the second degree, and, in order to elevate the offense to murder in the first degree, the burden of proof is on the commonwealth, and, in order to reduce the offense below murder in the second degree, the burden is on the prisoner.

COMMONWEALTH

V

LEONARD CALDWELL

Instruction 4

The Court instructs the jury that malice may be either express or implied. The word "malice" is used in a technical sense, and includes not only anger, hatred and revenge, but every unlawful and unjustifiable motive. It is not confined to ill will to any one or more particular persons, but is intended to denote an action flowing from any wicked and corrupt motive, done with an evil mind and purpose and wrongful intention, where the act has been attended with such circumstances as to carry in them the plain indication of a heart regardless of social duty and deliberately bent on mischief.

granted
Gy.

COMMONWEALTH

V

LEONARD CALDWELL

Instruction 5

The Court instructs the jury that in order to excuse the commission of a crime on the ground of insanity it must be shown to the satisfaction of the jury: either,

(1) That at the time of the commission of the offence the accused was mentally incapable of knowing the nature and consequence of his act, or had insufficient mentality to distinguish between right and wrong; or,

(2) Although capable of distinguishing between right and wrong and knowing the nature and consequence of his act, the accused was forced to commit the crime by an impulse which he was powerless to control in consequence of an actual disease of the mind.

If the impulse to commit the crime was inspired by emotion, passion or frenzy produced by anger, jealousy or other emotion the accused could not be excused for the commission of crime if at the time of its commission he was mentally capable of knowing the nature and consequences of his act and distinguishing between right and wrong.

granted

RICHARD CARDINELL

A

CONCIDERATION

COMMONWEALTH

V

LEONARD CALDWELL

Instruction 6

The Court instructs the jury that if you believe from the evidence, beyond a reasonable doubt, that previous to the time of the killing there was a grudge on the part of the prisoner, Leonard Caldwell, toward the deceased, John Rawley Carr, that Caldwell had previously declared his purpose to kill Carr, and that he killed the said Carr because of such grudge, then such killing was wilful, deliberate, and premeditated, and is murder in the first degree, provided you further believe that defendant was sane at the time of the killing.

granted
Sg.

COMMONWEALTH

V

LEONARD CALDWELL

Instruction 7

The Court instructs the jury that even if you should believe from the evidence beyond a reasonable doubt that the accused killed John Rawley Carr as charged in the indictment; yet, if the jury should be satisfied from the evidence that at the time of the killing the accused did not have sufficient mentality to know the nature and consequence of his act or did not have sufficient mind to know whether such act was right or wrong, then you must find the accused not guilty by reason of insanity.

granted
C.

COMMONWEALTH

V

LEONARD DALGENEL.

Instruction 7

The court instructs the jury that even if you should believe from the evidence beyond a reasonable doubt that the accused killed John Hawley Gary as charged in the indictment; yet, if the jury should be satisfied from the evidence that at the time of the killing the accused did not have sufficient mentality to know the nature and consequence of his act or did not have sufficient mind to know whether such act was right or wrong, then you must find the accused not guilty by reason of insanity.

COMMONWEALTH

V

LEONARD CALDWELL

Instruction 8

The Court instructs the jury that even if you should believe from the evidence beyond a reasonable doubt that the accused killed John Rawley Carr as charged in the indictment; yet if the jury should be satisfied from the evidence that at the time of the killing, although capable of knowing the nature and consequence of his act and capable of distinguishing between right and wrong, the accused was forced to commit the crime by an impulse which he was powerless to control in consequence of an actual disease of the mind, then you must find the accused not guilty by reason of insanity.

granted

COMMONWEALTH
V.
LEONARD CALDWELL

INSTRUCTION 9

The Court instructs the jury that under the indictment in this case, if warranted by the evidence, they may find either of the following verdicts:

(1) Guilty of murder in the first degree, which is the killing of one human being by another, wilfully, deliberately and premeditately, with malice. Murder in the first degree is punishable by death or by confinement in the penitentiary for life or for any term of not less than 20 years.

(2) Guilty of murder in the second degree, which is the killing of one human being by another, with malice, but without being wilful, deliberate and premeditated. Murder in the second degree is punishable by confinement in the penitentiary for not less than 5 years , not more than 20 years ; or

(3) That the accused is not guilty.

(4) That the accused is not guilty by reason of insanity.

granted
F.M.

Page 9

Leonard Caldwell

7/7/43 grand larceny
(ind. with Johnny McDorman)
stole auto of Mrs. Frank Rolston
plea n. g. (jury waived)
one yr. in Pen.

1

Bk. 7/61

11/27/46. Sec 4473 unlawful shooting
(at auto of Gladys Knight,
Ralph Knight,
Hanson Ray)
plea of guilty
12 mo. in jail + $100.00 fine

5

Bk. 7/211

10/25/48. felonious assault
(of Alton Secrist)
plea of guilty
3 yrs. in Pen.

3

Bk. 7/392

ORDER OF COMMITMENT FOR THE MENTALLY ILL TO A STATE HOSPITAL OR A LICENSED PRIVATE INSTITUTION

COMMONWEALTH OF VIRGINIA

County of Smyth or city of _____ to-wit:

To the sheriff, sergeant, or other authorized officer of the said county or city and to Dr. Joseph R. Blalock superintendent of the Southwestern State Hospital (Name of state hospital or licensed private institution) Marion, Virginia (Address)

Greetings:

Whereas I, W. V. Birchfield, a judge, trial justice, police justice, or civil and police justice (Underscore which is applicable.) of the said county or city have read the certificate and findings of Doctor C. G. Thompson and Doctor J. A. Thompson, two physicians who are duly licensed to practice medicine in the Commonwealth of Virginia and actually practicing and who, together with W. V. Birchfield (Judge, trial justice, police justice, civil and police justice), constitute a commission of inquiry into the mental condition of Leonard Caldwell (Full given name and surname of person being committed) and have this day found Leonard Caldwell to be mentally ill and a suitable patient for admission to a hospital for the care and treatment of such persons and that the said person is not under criminal charge.

I, W. V. Birchfield (Judge, trial justice, police justice, civil and police justice) do, in the name of the Commonwealth command you, the said sheriff, sergeant, or other authorized officer, to make provision for the suitable and proper care and treatment of the said Leonard Caldwell (Full given name and surname of person being committed) and you, the superintendent of the hospital, are hereby authorized to receive into the said hospital, and into your care and charge, the said person to be cared for and treated as mentally ill, and I do hereby transmit to you, the said superintendent of the hospital, Part I containing the petition, and medical certificate of findings. Also attached hereto is Part II containing the interrogatories, answers thereto and medical history.

According to law, one copy of Part I has this day been delivered or transmitted by me to the clerk of the court of the said county or city where deeds are recorded.

Given under my hand and seal this 19 day of June 19 51.

W V Birchfield

Judge, Trial Justice, Police Justice, Civil and Police Justice (Indicate which.)

Street & No.	City	County	State
	Marion	Smyth	Virginia

Note:

For purpose of admission to state hospitals or licensed private institutions, this part of the proceeding is void unless accompanied by Part II, Interrogatories, answers thereto, and medical history.

Commwlth v Caldwell
Defendant's Exhibit #1
11/6/52
Elliott Marshall
Jr.

WARRANT

THE COMMONWEALTH OF VIRGINIA,

County of Smyth or city of _____ to-wit:

To the sheriff, sergeant, or other authorized officer of the said county or city:

Whereas, Mildred Barton (Name of petitioner) has this day alleged and given information, on oath, as set forth in the attached petition, before me, that, on the 19 day of June 19 51, in the said county or city Leonard Caldwell (Full given name and surname of person alleged to be mentally ill) is alleged to be mentally ill and in need of care and treatment:

These are, therefore, in the name of the Commonwealth of Virginia, to command you, forthwith, to apprehend and bring before me, if practicable, or some other judge, trial justice, police justice, or civil and police justice of the said county or city, the said Leonard Caldwell (Full given name and surname of person alleged to be mentally ill) for examination, by two physicians who are duly licensed to practice medicine in the Commonwealth of Virginia and actually practicing, on the 19 day of June 19 51, to answer to the said allegation and to be examined as to his mental condition and to be assisted further in accordance with the law.

And, moreover, by virtue of this warrant, I command you, in the name of the Commonwealth of Virginia, to summon Doctor C. G. Thompson and Doctor J. A. Thompson, neither of whom is in any way related to, nor has any interest in the estate or property of the said Leonard Caldwell (Full given name and surname of person alleged to be mentally ill) to then and there inquire as to whether HE, ~~SHE~~ is mentally ill.

And, also, summon the following witnesses, who bear the following relationship to the said person:

Name	Relationship	Address

and have then and there this warrant with you and return thereon.

Given under my hand and seal, this 19 day of June 19 51

W T Burchett (Seal)
Judge, Trial Justice, Police Justice, Civil and Police Justice (Indicate which.)

RETURN

Executed the above warrant by producing the said Leonard Caldwell (Full given name and surname of person alleged to be mentally ill) before the judge, trial justice, police justice, or civil and police justice named, at the time and place directed, and by summoning the two physicians and the witnesses named in said warrant to appear at the time and place fixed therein, except _____ who were not found in my county or city.

_____
Sheriff, Sergeant or Other Authorized Officer

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Walter McDorman.
MC DORMAN

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 5th day of November 19 52, to testify and the truth to say in behalf of the Commonwealth against

LEONARD CALDWELL

who stands charged with and indicted for a felony ~~misdemeanor~~.

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

Witness, ~~J. ROBERT SWITZER, Clerk of our said Court~~, at the Court House, the 31st day of October, 19 52, and in the 177th year of the Commonwealth.

Commonwealth's Attorney, ~~Clerk~~

THE SERVICE PRESS, HARRISONBURG, VA.

B

COMMONWEALTH

V.) Witness Subpoena

LEONARD CALDWELL

To November 5, 1952,
at 10:00 a.m.

EXECUTED 10/31/52 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Walter Mc Connan
IN PERSON.

D. D. Yancey Sheriff
Fee
.40
Rockingham Co.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Arthur Dove

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 5th day of November 1952, to testify and the truth to say in behalf of the Commonwealth against

LEONARD CALDWELL

who stands charged with and indicted for a felony ~~misdemeanor~~.

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 1st day of November, 19 52, and in the 177th year of the Commonwealth.

, Clerk

Commonwealth's Attorney

THE SERVICE PRESS, HARRISONBURG, VA.

Arthur Dove.

Not finding ~~[illegible]~~ at his usual place of abode, Executed 11/4/52 by delivering a true copy of this Summons to Mrs Arthur Dove his wife in person, at said Arthur Dove usual place of abode Mrs Arthur Dove being a member of his family above the age of 16 years, and explaining the purport thereof.

D. O. Thomas Dep. Sh.
For A. L. Strawderman Sheriff.

Arthur Dove

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Frank Conley

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 5th day of November 19 52, to testify and the truth to say in behalf of the Commonwealth against

LEONARD CALDWELL

who stands charged with and indicted for a felony ~~misdemeanor~~.

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

Witness, ~~J. ROBERT SWITZER, Clerk of our said Court~~, at the Court House, the 3rd day of November, 19 52, and in the 17 7th year of the Commonwealth.

, Clerk

THE SERVICE PRESS, HARRISONBURG, VA.

Commonwealth's Attorney

Frank. Conley

place of abode, Executed 11/4/52 at his

true copy of this Summons by delivering

his wife to Mrs Frank Conley

in person, at said Frank Conley

usual place of abode Mrs Frank Conley, being a membe

his family above the age of 16 years, and explaining the purport ther

to her.

D. S. Thompson D.R.C.

For A. L. Strawderman D.R.C.

Sheriff Fee

.40

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

C. Overton Lee when notified, 221 call until noon.

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 5th day of November 1952, to testify and the truth to say in behalf of the Commonwealth against

LEONARD CALDWELL

who stands charged with and indicted for a felony ~~misdemeanor~~.

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

Witness, ~~J. ROBERT SWITZER, Clerk of our said Court,~~ at the Court House, the 31st day of October, 1952, and in the 177th year of the Commonwealth.

Commonwealth's Attorney, ~~Clerk~~

THE SERVICE PRESS, HARRISONBURG, VA.

COMMONWEALTH

V.) Witness Subpoena

LEONARD CALDWELL

To November 5, 1952,
at 10:00 A.M.

EXECUTED 11/4/52 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summon
TO C. Counts Jr.
IN PERSON.
E. T. Turner Dep. Jr.
A. L. STRICKLER
SHERIFF
ROCKINGHAM COUNTY

Sheriff Fee
.40

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon A. L. Strawderman, Mrs. Mary Dove and Roy Swartz.

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 5th day of November 19 52, to testify and the truth to say in behalf of the Commonwealth against Leonard Caldwell.

who stands charged with and indicted for a felony ~~misdemeanor~~.

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

Witness, ~~J. ROBERT SWITZER, Clerk of our said Court~~, at the Court House, the 22nd day of October, 19 52, and in the 177th year of the Commonwealth.

~~, Clerk~~

Commonwealth's Attorney

THE SERVICE PRESS, HARRISONBURG, VA.

Not finding Roy Lunsty at his usual place of abode, Executed 10/15/52 by delivering a true copy of this Summons to Nellie McDonnan her mother in law in person, at said Roy Lunsty usual place of abode Nellie McDonnan, being a member of his family above the age of 16 years, and explaining the purport thereof to her.

D. O. Flynn D.S.R.C.
For A.L. Standerson S.R.C.

EXECUTED 10/15/52 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summons TO A.L. Standerson S.R.C. IN PERSON.

D. O. Flynn D.S.R.C.
For A.L. Standerson S.R.C.

Sheriff Fee 1.20

COMMONWEALTH
V.) Witness Subpoena
LEONARD CALDWELL

To November 5, 1952, at 10:00 a. m.

Not finding Mrs Mary Dove at his usual place of abode, Executed 10/15/52 by delivering a true copy of this Summons to Mrs Dove her Husband in person, at said Mrs Mary Dove usual place of abode Mr Dove, being a member of his family above the age of 16 years, and explaining the purport thereof to her.

D. O. Flynn D.S.R.C.
For A.L. Standerson S.R.C.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Gale Dove

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 5th day of November 19 52, to testify and the truth to say in behalf of the Commonwealth against Leonard Caldwell

who stands charged with and indicted for a felony ~~misdemeanor~~.

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 23rd day of October, 1952, and in the 177th year of the Commonwealth.

, ~~Clerk~~

Commonwealth's Attorney

THE SERVICE PRESS, HARRISONBURG, VA.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Gilbert Morris and Norfield Crawford

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 5th day of November 1952, to testify and the truth to say in behalf of the Commonwealth against

LEONARD CALDWELL

who stands charged with and indicted for a felony ~~misdemeanor~~.

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 3rd day of November, 1952, and in the 177th year of the Commonwealth.

, ~~Clerk~~

Commonwealth's Attorney

THE SERVICE PRESS, HARRISONBURG, VA.

Commonwealth
V.)
Witness Subpoena
Leonard Caldwell

To November 5, 1952
at 10:00 a. m.

Not finding Gilbert Morris at his usual place of abode, Executed 11/4/52 by delivering a true copy of this Summons to Mrs Gilbert Morris his wife in person, at said Gilbert Morris usual place of abode Mrs Gilbert Morris, being a member of his family above the age of 16 years, and explaining the purport thereof to her.

D. O. Flora DLPQ

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

Sheriff Fee
.80

EXECUTED 11/4/52
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Merrill Crawford
IN PERSON.

D. O. Flora DLPQ.

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Dr. L. J. Motyca

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 5th day of November 1952, to testify and the truth to say in behalf of the Commonwealth against Leonard Caldwell.

who stands charged with and indicted for a felony ~~misdemeanor~~.

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

Witness, ~~J. ROBERT SWITZER, Clerk of our said Court~~, at the Court House, the 22nd day of October, 1952, and in the 177th year of the Commonwealth.

~~, Clerk~~

Commonwealth's Attorney

THE SERVICE PRESS, HARRISONBURG, VA.

COMMONWEALTH

V.) Witness Subpoena

LEONARD CALDWELL

To November 5, 1952,
at 10:00 a. m.

Not finding Dr L. L. Mateyca at his usual place of abode, Executed 10/14/52 by delivering a true copy of this summons to Mrs L. L. Mateyca his wife in person, at said Dr L. L. Mateyca usual place of abode. Mrs L. L. Mateyca being a member of his family above the age of 16 years, and explaining the purpose thereof to her.

L. O. Hyer D.V.R.G.
for A. L. Sandlamm J.P.C.

Sheriff Fee
.40

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Earl Turner, James Shifflett, and Dr. F. L. Byers.

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 5th day of November 19 52, to testify and the truth to say in behalf of the Commonwealth against Leonard Caldwell.

who stands charged with and indicted for a felony ~~misdemeanor~~.

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 22nd day of October, 19 52, and in the 177th year of the Commonwealth.

, Clerk

Commonwealth's Attorney

THE SERVICE PRESS, HARRISONBURG, VA.

B

COMMONWEALTH

V.) Witness Subpoena

LEONARD CALDWELL

To November 5, 1952,
at 10:00 a. m.

EXECUTED 10/20/52 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summon TO Earl F. Turner IN PERSON.

W. A. Sliter Deputy

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 10-23-52 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summon TO L. F. L. Bowers IN PERSON.

E. F. Turner Dep

Sheriff Fee 1.20

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

Not finding Jones Sheriff at his usual place of abode, Executed 10/21/52 by delivering a true copy of this Summons to Austin T. Sheffett in person, at said usual place of abode Austin T. Sheffett being a member of mily above the age of 16 years, and explaining the purport thereof.

L. D. Hunt Jr. P.C.
Jr. P.C., Strawderman-Pro

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Trooper J. C. Hash and Gifford Joseph.

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 5th day of November 1952, to testify and the truth to say in behalf of the Commonwealth against LEONARD CALDWELL.

who stands charged with and indicted for a felony ~~misdemeanor~~.

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

Witness, ROBERT SWITZER, Clerk of our said Court, at the Court House, the 22nd day of October, 1952, and in the 177th year of the Commonwealth.

, ~~Clerk~~

Commonwealth's Attorney

THE SERVICE PRESS, HARRISONBURG, VA.

D

COMMONWEALTH

V.) Witness Subpoena

LEONARD CALDWELL

To November 5, 1952,
at 10:00 a. m.

EXECUTED 10/25/52 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Clifford Joseph.
IN PERSON.
L. O. Thomas D.S.R.C.
For A. L. Strickland S.R.C.

EXECUTED 10/29/52 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Trooper J. C. Heck.
IN PERSON.
L. O. Thomas D.S.R.C.
For A. L. Strickland S.R.C.

Sheriff Fee
.80

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon James Caricofe, Charlie Kite, and Elwood Smith.

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 5th day of November 1952, to testify and the truth to say in behalf of the Commonwealth against

LEONARD CALDWELL

who stands charged with and indicted for a felony ~~misdemeanor~~.

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

Witness, ~~J. ROBERT SWITZER, Clerk of our said Court~~, at the Court House, the 24th day of October, 1952, and in the 177th year of the Commonwealth.

~~Clerk~~, Commonwealth's Attorney

THE SERVICE PRESS, HARRISONBURG, VA.

COMMONWEALTH

V.) Witness Subpoena

LEONARD CALDWELL

To November 5, 1952
at 10:00 a. m.

EXECUTED 10/27/52 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN summons TO Elwood Smith IN PERSON.

L. O. Thomas DLRC.
For A. L. Strawderman DRC

EXECUTED 10/28/52 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN summons TO Charlie Hill IN PERSON.

L. O. Thomas DLRC.
For A. L. Strawderman DRC.

EXECUTED 10/28/52 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN summons TO James Conrad IN PERSON.

L. O. Thomas DLRC.
For A. L. Strawderman DRC.

Sheriff Fee
1.20

Dr. Blalock is out town and will not
return until the weekend of Nov. 8.

John T. Wolfe
D. Sheriff

Dr. Blalock is out town and will not return until the weekend of Nov. 8.

John T. Wolfe
D. Sheriff

Dr. James B. Pettis, Superintendent
Western State Hospital
Staunton, Virginia

Dr. Joseph R. Blalock, Superintendent
Southwestern State Hospital
Marion, Virginia

David C. Wilson
University of Virginia
Charlottesville, Virginia

Dr. C. G. Holland, Clinical Director
Western State Hospital
Staunton, Virginia

Dr. James B. Pettis, Superintendent
Western State Hospital
Staunton, Virginia

Dr. Joseph R. Blalock, Superintendent
Southwestern State Hospital
Marion, Virginia

David C. Wilson
University of Virginia
Charlottesville, Virginia

Dr. C. C. Holland, Clinical Director
Western State Hospital
Staunton, Virginia

Commwlth v Caldwell
Commwlth Ex #10
11/5/52
Elliot Wolkowitz
Jud.

Bullet taken
from John R. Cox

John P. Cant

COMMONWEALTH VS. Leonard Caldwell

DESCRIPTION OF PRISONER

Last known address: Hly Alan Rand

Color: W Height: 5-9 Eyes: Br Hair: Dark Weight: 150

Marks: O.K. Tatoo on hands

Age: 27 Occupation: Construction labor

Date of Trial: Nov. 5 & 6

Result: 50 yrs

COMMONWEALTH VS. _____

DESCRIPTION OF PRISONER

Last known address _____

Color _____ Height _____ Eyes _____ Hair _____ Weight _____

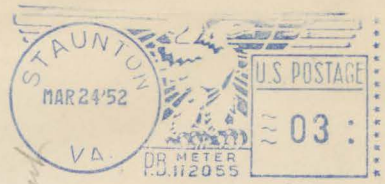
Marks _____

Age _____ Occupation _____

Date of Trial _____

Result _____

After 5 days, return to
DRAWER 1080,
STAUNTON, VIRGINIA



Com'th
v.
Caldwell

The Honorable Hamilton Haas, Judge

Twenty-Fifth Judicial Circuit of Virginia

Harrisonburg, Virginia

Can order be ent. that defendant present in Court? & can be committed to Western State Institution of Mental Hygiene?

I, Leonard Caldwell, the accused in the attached warrant, in open court before the Judge of the Circuit Court of Rockingham County, Virginia, this 11th day of March, 1952, do hereby voluntarily waive indictment on the said charge of murder.

Witness: Leonard Caldwell

Henry C. Clark
Attorney

I, Leonard Caldwell, the accused in the attached
warrant, in open court before the Judge of the Circuit Court of
Rockingham County, Virginia, this 11th day of March,
1959, do hereby voluntarily waive indictment on the said charge of
murder.

Witness:

Attorney

Form 18

STATE OF VIRGINIA
~~COUNTY~~ City OF Harrisonburg, Va. } To-Wit: No. 9131 A

TO ANY SHERIFF OR POLICE OFFICER:

Whereas, George D. Conrad, Commonwealth's Attorney

has this day made complaint and information on oath before me, George R. Price, J.P.
(Name)
(Title) of the said ~~County~~ City, that

LEONARD CALDWELL in the ~~XXX~~ Rockingham County

~~XXX~~ on the 7th day of March, 19 52: Unlawfully and feloniously

did kill and murder one John Rawley Carr, against the peace and

dignity of the Commonwealth of Virginia.

These are, therefore, to command you, in the name of the Commonwealth, to apprehend and bring before the Trial Justice Court of the ~~said~~ Rockingham County, the body ~~(bodies)~~ of the above accused, to answer the said complaint and to be further dealt with according to law. And you are also directed to summon

_____ color _____ Address _____ ☐

_____ color _____ Address _____ ☐

_____ color _____ Address _____ ☐

_____ color _____ Address _____ ☐

_____ color _____ Address _____ ☐

as witnesses.

Given under my hand and seal, this 7th day of March, 19 52

George R. Price, J.P. (Seal)
(Title of Issuing Officer)

STATE OF VIRGINIA—COUNTY OF _____, to-wit:

I, _____ a Trial Justice / Justice of the Peace in and for the County aforesaid, State of Virginia, do certify that _____

and _____, as his suret_____, have this day each acknowledged themselves indebted to the Commonwealth of Virginia in the sum of _____ Dollars ($_____), to be made and levied of their respective goods and chattels, lands, and tenements to the use of the Commonwealth to be rendered, yet upon this condition: That the said_____, shall appear before the Circuit / Trial Justice Court of _____ County, on the _____ day of_____, 19____, at _____ M., at _____, Virginia, and at any time or times to which the proceedings may be continued or further heard, and before any court thereafter having or holding any proceedings in connection with the charge in this warrant, to answer for the offense with which he is charged, and shall not depart thence without the leave of said 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 competent court; and upon the further condition that the said _____ shall keep the peace and be of good behavior for a period of_____days from the date hereof.

Given under my hand, this_____ day of_____, 19____.

_____ T.J., J.P.

DOCKET NO. 9131 A

COMMONWEALTH

vs. WARRANT OF ARREST

Leonard Caldwell

Executed this, the 8th day of March, 1952

G. T. Thurston

Judgment

Upon the examination of the within charge, ~~the accused~~ and upon a plea of guilty, and request that preliminary hearing be waived, the defendant Leonard Caldwell is held for action of the Grand Jury.

Given under my hand this 8th day of March 1952.

Richard A. Jackson
Subs. Trial Justice.

Fine $

Costs

Total $

The following witnesses were recog. to appear before the Circuit / Trial Justice Court of _____ County, Virginia, at _____, Virginia, at _____ M., on the _____ day of _____, 19____, under penalty of $_____

COSTS

Warrant	$1.00
Trial	2.00
Bail	
Arrest	1.50
Mileage	
Clerk	1.25
Jail Fee and Board	.50
Witness Attendance	
Summoning Witnesses	
Commonwealth Attorney	2.50
Total Costs	$8.75
Fine	
Total	$

TRIAL JUSTICE COURT

Criminal Docket № 9131 A

Com'th

V.

Leonard Caldwell

Defendant

Jail
Held over
in person & by
corporal mandate
indictment
Remanded

AW 1

Appearance date 3-8-52

Trial Date

Plea of Guilty - Preliminary hearing waived - Held for action of Grand Jury.

TJ 3

In the Name of the Commonwealth of Virginia: Smyth

To the Sheriff of ~~Rockingham~~ County, Greeting:

You are hereby commanded to summon Joseph R. Blalock, M. D.

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* 5th *day of* November, 19 52 *to testify and the truth to say in* ***behalf of the Defendant*** *in the prosecution of the Commonwealth against*

Leonard Caldwell

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* October, 1952, *and in the* 177th *year of the Commonwealth.*

J. Robert Switzer, *Clerk*

By Margie Bowers, D. C.

In the Name of the Commonwealth of Virginia: Smyth

To the Sheriff of ~~Rockingham~~ County, Greeting:

You are hereby commanded to summon Joseph R. Blalock, M. D.

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 5th *day of* November, 19 52 *to testify and the truth to say in* ***behalf of the Defendant*** *in the prosecution of the Commonwealth against*

Leonard Caldwell

who stands charged with and indicted for a felony ~~XXXXXXXX~~.

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* October, 1952, *and in the* 177th *year of the Commonwealth.*

J. Robert Switzer, *Clerk*
By Margie Bowers D. C.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Joseph R. Blalock, M. D.

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 5th day of November, 1952 to testify and the truth to say in behalf of the Defendant in the prosecution of the Commonwealth against

Leonard Caldwell

who stands charged with and indicted for a felony

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

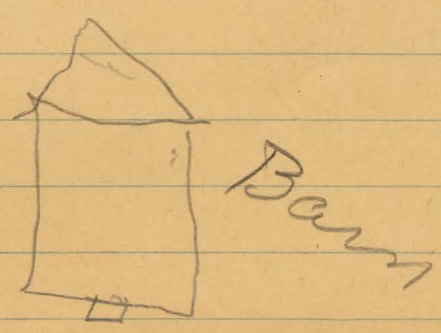
Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 28th day of October, 1952, and in the 177th year of the Commonwealth.

Clerk

AFTER 5 DAYS RETURN TO
DRAWER 670
MARION, VIRGINIA

MARION
AUG 15
5 30 PM
1952
VA.

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



Commonwealth v Caldwell
Commw Ex. # 9
11/5/52
Elliott Marshall
Judge -