

Commonwealth of Virginia,

County of Rockingham,

to-wit:

In the Circuit Court of said county, October Term, 1954

The grand jurors of the Commonwealth of Virginia, in and for the body of the County of Rockingham, now attending the Circuit Court of the said county,

upon their oath present that

ELMER D. CARR, JR.
or about

within twelve months prior to the finding of this indictment, to-wit, on the 7th day of

August, in the year one thousand nine hundred and fifty-four and in the

said county, did, feloniously in and upon the body of Virginia Hollar, a female child under sixteen years of age, to-wit, of the age of eight years, make an assault, and her the said Virginia Hollar, did attempt to carnally know,

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Virginia Hollar, Deputy Sheriff Warren Spitzer,
and Marcella Hollar,

witnesses sworn in open Court and sent to the grand jury to give evidence.

2912 Tokean

COMMONWEALTH

INDICTMENT FOR A

vs.

FELONY

ELMER D. CARR, JR.

A TRUE BILL

E. F. Denton

Foreman.

George D. Conrad
Commonwealth's Attorney

My name is Elmer D. Carr, Jr. My address is Bergton, Virginia. I am 29 years of age.

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. I have also been told that I am entitled to counsel. Nevertheless, I do make the following voluntary statement this 1st day of September, 1954 in the office of the Commonwealth's Attorney, Court House, Harrisonburg, Virginia, in the presence of Deputy Sheriff Warren Spitzer.

I have known Marcella Hollar since around 1950 or 1951. Charlie Sites took me to her house where they were living then. It was back of Timberville close to Campbells store. Both of us had intercourse with her that day up in an orchard. I have been having intercourse with her ever since, off and on, on the average of once a month.

She has been living at present address for around a year. We have had intercourse since she has lived there about 12 or 14 times. I would always pull up to the gate and blow the horn and she would come out and bring the children. Children would ~~usually~~ usually stay in car and we would go out somewhere ~~we~~; we would usually go to one place on up the creek from the bridge down under the bank. I have given children candy and chewing gum from time to time. Do not know names of any of them. I would usually go there around 1:00 o'clock p.m. Never went there at night.

last

Around first of ~~this~~ month--I know it was on a Saturday I went up there as always in my car, a 1950 Ford. I parked at the gate and blew the horn. The kids came out. I said where is your mother? They said in the house. I said well I will go up and park and tell her to come up along the creek. They said all right. I went up and parked. I don't know how many of children went in to tell Marcella. ~~but several of children met me at fence near~~ bridge. I know that little girl was one of those. Marcella didn't come so I went on down to the fence. Kids came on out there then. I asked them where their mother was and they said she is in there. I stood there awhile talking ^{along} and then Marcella came out. When she came out I was sitting ~~on~~ the fence, by the bank. The little girl was sitting by the fence near some honeysuckles.

Marcella asked me what I was doing. I said I was waiting there for her. She said "Have you been fooling with that girl?" I said, "No, indeed, I have not touched her in any shape or form." That is exactly what I said. We talked some more and she said she wasn't going with me and that she didn't like for me to be out there with the kids by themselves. I said "All right if you don't want to go, why then I will go home." I got in my car and went on home.

COMMONWEALTH EXHIBIT 1
RECEIVED: DEC. 22, 1954, H. H. JUDGE
(THREE SHEETS)

My name is Elmer D. Carr, Jr. My address is Berston, Virginia. I am 29 years of age.

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. I have also been told that I am entitled to counsel. Nevertheless, I do make the following voluntary statement this 1st day of September, 1954 in the office of the Commonwealth's Attorney, Court House, Harrisonburg, Virginia, in the presence of Deputy Sheriff Warren Spitzer.

I have known Marcelle Heller since around 1950 or 1951. Charlie Sites took me to her house where they were living then. It was back of Timberville close to Campbell's store. Both of us had intercourse with her that day up in an orchard. I have been having intercourse with her ever since, off and on, on the average of once a month.

She has been living at present address for around a year. We have had intercourse since she has lived there about 15 or 16 times. I would always pull up to the gate and blow the horn and she would come out and bring the children. Children would usually stay in car and we would go out somewhere; we would usually go to one place on up the creek from the bridge down under the bank. I have given children candy and chewing gum from time to time. Do not know names of any of them. I would usually go there around 1:00 o'clock p.m. Never went there at night.

Around first of this month--I know it was on a Saturday I went up there as always in my car, a 1950 Ford. I parked at the gate and blew the horn. The kids came out. I said where is your mother? They said in the house. I said well I will go up and park and tell her to come up along the creek. They said all right. I went up and parked. I don't know how many of children went in to tell Marcelle. I don't know. Marcelle didn't come so I went on down to the fence. Kids came on out there then. I asked them where their mother was and they said she is in there. I stood there awhile talking and then Marcelle came out. When she came out I was sitting at the fence, by the bank. The little girl was sitting by the fence near some honeysuckles.

Marcelle asked me what I was doing. I said I was waiting there for her. She said "Have you been fooling with that girl?" I said, "No, indeed. I have not touched her in any shape or form." That is exactly what I said. We talked some more and she said she wasn't going with me and that she didn't like for me to be out there with the kids by themselves. I said "All right if you don't want to go, why then I will go home." I got in my car and went on home.

(Continued on next page)
Page 2
10-1-54

The last time I was out there was Monday of this week; I went out there and parked at the gate and got out of the car and saw the boys and asked them if Marcella was there. They said she was and I told them to tell her to come out here. She came out on the porch and I asked her if she was going along and she said no. That is all that was said and I got in the car and left.

I have read the above statement and it is true and correct to the best of my knowledge.

Elmer Carr Jr.

WITNESS:

W.A. Baker

The following is an additional voluntary statement made by me on the 1st day of September, 1954 in the same office as referred to on page 1.

The first time I met Marcella I told her my name was Carl Elkins and that I lived at New Market, Virginia. I told the kids the same thing the last time I was there on Monday of this week when one of them asked me.

Elmer Carr Jr.

WITNESS:

W.A. Baker

The following is a supplemental statement, made voluntarily by me this 1st day of September, 1954 in the office of the Commonwealth's Attorney, Courthouse, Harrisonburg, Virginia. This statement supplements an earlier statement written on two pages made by me on this date.

About that time that Marcella accused me of messing with the girl I remember that I did give the little girl some chewing gum that day and that I had been drinking--but I just drank a beer or two, ~~or maybe~~ as much as three. I got the beer at Benny Carr's. I don't remember where I got the chewing gum. I gave all of the kids gum down there at the fence while I was waiting for Marcella to come out. I gave them a stick apiece.

Now that I think about it I am not absolutely sure that when Marcella accused me of messing with the girl that I didn't say "That's a goddam lie.

I have read the above statement and it is true and correct.

Elmer Carr Jr.

WITNESS:

W. A. Fisher

Commonwealth
v.
Carr

INSTRUCTION NO. 4

The words "reasonable doubt" as used in the instructions of this Court, have been defined as that state of mind which, after a full comparison and consideration of all the evidence, both of the Commonwealth and the defense, leaves the minds of the jury in that condition that they cannot say that they feel an abiding faith and belief from the evidence in the case, that the defendant is guilty of the charge.

Refused as covered by # 2.

12-23-54

H.H.

Lx.

Commonwealth
v.
Carr

INSTRUCTION NO. 2

The words "reasonable doubt" as used in the instructions of this Court, have been defined as that state of mind which, after a full comparison and consideration of all the evidence, both of the Commonwealth and the defense, leaves the minds of the jury in that condition that they cannot say that they feel an abiding faith and belief from the evidence in the case, that the defendant is guilty of the charge.

Referenced on covered # 2.
12-23-24
H. H.
24.

Commonwealth
v.
Carr

INSTRUCTION NO. 6

The Court instructs the jury that where a number of witnesses testify directly opposite each other, the jury has a right to consider the relationship of the witnesses, their interest, if any, in the result of the trial, and from all the other surrounding circumstances appearing on the trial, which witnesses are more worthy of credit, and to give credit accordingly.

Referred as covered by #3

12-23-54

H. H.

S. H.

Commonwealth
v.
Carr

INSTRUCTION NO. 7

The Court instructs the jury that mere preparation to commit an offense, unaccompanied by any act manifestly designed toward the consummation of the offense, does not amount to an overt act and is not sufficient to consummate an attempt; and, that therefore unless you believe beyond a reasonable doubt that the act or acts of the accused amounted to more than mere preparation he cannot be found guilty of attempted rape.

Refund as covered by #1
H.H.
H.

INSTRUCTION NO. 7

The Court instructs the jury that mere preparation to
commit an offense, unaccompanied by any act manifestly designed toward
the consummation of the offense, does not amount to an overt act
and is not sufficient to consummate an attempt; and, that therefore
unless you believe beyond a reasonable doubt that the act or acts
of the accused amounted to more than mere preparation he cannot
be found guilty of attempted rape.

Refused to answer p. 41
H.H. 7

Commonwealth

v.

Elmer D. Carr, Jr.

CHARGE TO JURY

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

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

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

Commonwealth

v.

Elmer D. Carr, Jr.

CHARGE TO JURY

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

If you do not find him guilty of attempted rape as charged in the indictment, but find him guilty of assault and battery, then you will say so and fix his punishment by confinement in jail for a period not exceeding twelve months, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment. If you find him not guilty, you will say so and no

more.

Commonwealth

v.

Elmer D. Carr, Jr.

INSTRUCTION

3

The Court instructs the jury that the credibility of witnesses is a question exclusively for the jury; and the jury have the right to determine from the appearance of the witnesses on the stand, their manner of testifying, the reasonableness and consistency of their testimony, their apparent candor and fairness, their apparent intelligence or lack of intelligence, the relationship of the witness to the parties, if any, the interest of the witness in the result of the trial, if any appear, and from all other surrounding circumstances appearing on the trial, determine which witnesses are more worthy of credit and what is the relative weight of any such testimony, and to give credit accordingly.

12-23-54

H. H.

Commonwealth

v.

Elmer D. Carr, Jr.

3 INSTRUCTION

The Court instructs the jury that the credibility of witnesses is a question exclusively for the jury; and the jury have the right to determine from the appearance of the witnesses on the stand, their manner of testifying, the reasonableness and consistency of their testimony, their apparent candor and fairness, their apparent intelligence or lack of intelligence, the relationship of the witness to the parties, if any, the interest of the witness in the result of the trial, if any appear, and from all other surrounding circumstances appearing on the trial, determine which witnesses are more worthy of credit and what is the relative weight of any such testimony, and to give credit accordingly.

15-23-24
H. H.

Commonwealth

v.

Elmer D. Carr, Jr.

INSTRUCTION 2

In considering whether or not the Commonwealth has met its burden of proving the guilt of the accused beyond reasonable doubt, the Court instructs the jury that you should not overlook the word "reasonable" nor its meaning. A reasonable doubt is a doubt which is founded on reason, and is not to be confused with imaginable or possible doubt, for the law does not say that a man must be proved guilty beyond every imaginable, conceivable, or possible doubt.

In passing upon the sufficiency of the proof of the charge, the jury must limit its consideration to the evidence presented at the trial of this case, including the natural and reasonable inferences to be drawn therefrom. The jury cannot go beyond such evidence to create doubt, nor can you go beyond such evidence to find inferences of guilt.

Furthermore, the jury should bear in mind that any such doubt arising from lack of evidence, from conflicting testimony, or from questionable proof of any particular fact, should be a doubt of a material fact essential to the proof of the guilt of the accused and not a mere doubt concerning immaterial and nonessential circumstances.

If, after a reasonable and honest consideration of all of the evidence, your minds are left in such a state of doubt as to prevent you from reaching a convinced belief of the guilt of the accused, then the commonwealth has failed to meet its burden.

If, on the other hand, after an impartial and reasonable consideration of all the evidence in the case, you have an abiding conviction of the truth of the charge, you are then satisfied beyond all reasonable doubt.

12-23-54

H. H. L.

INSTRUCTION 2

In considering whether or not the Commonwealth has met its burden of proving the guilt of the accused beyond reasonable doubt, the Court instructs the jury that you should not overlook the word "reasonable" nor its meaning. A reasonable doubt is a doubt which is founded on reason, and is not to be confused with imaginable or possible doubt, for the law does not say that a man must be proved guilty beyond every imaginable, conceivable, or possible doubt.

In passing upon the sufficiency of the proof of the charge, the jury must limit its consideration to the evidence presented at the trial of this case, including the natural and reasonable inferences to be drawn therefrom. The jury cannot go beyond such evidence to create doubt, nor can you go beyond such evidence to find inferences of guilt.

Furthermore, the jury should bear in mind that any such doubt arising from lack of evidence, from conflicting testimony, or from questionable proof of any particular fact, should be a doubt of a material fact essential to the proof of the guilt of the accused and not a mere doubt concerning immaterial and nonessential circumstances.

If, after a reasonable and honest consideration of all of the evidence, your minds are left in such a state of doubt as to prevent you from reaching a convinced belief of the guilt of the accused, then the Commonwealth has failed to meet its burden. If, on the other hand, after an impartial and reasonable consideration of all the evidence in the case, you have an abiding conviction of the truth of the charge, you are then satisfied beyond all reasonable doubt.

12-21-72

H. H.

Commonwealth
v.
Carr

INSTRUCTION NO. 5

The Court instructs the jury that the law presumes the accused to be innocent until he is proven guilty beyond a reasonable doubt, and if there is upon the minds of the jury any reasonable doubt of the guilt of the accused, the law makes it their duty to acquit him, and that mere suspicion or probability of his guilt, however, strong, is not sufficient to convict, nor is it sufficient if the greater weight or preponderance of the evidence supports the charge in the indictment, but to warrant his conviction his guilt must be proved so clearly that there is no reasonable theory consistent with the evidence upon which he can be innocent.

12-23-54

H. H.

Commonwealth
v.
Carr

INSTRUCTION NO. 2

The Court instructs the jury that the law presumes the accused to be innocent until he is proven guilty beyond a reasonable doubt, and if there is upon the minds of the jury any reasonable doubt of the guilt of the accused, the law makes it their duty to acquit him, and that mere suspicion of probability of his guilt, however strong, is not sufficient to convict, nor is it sufficient if the greater weight or preponderance of the evidence supports the charge in the indictment, but to warrant his conviction his guilt must be proved so clearly that there is no reasonable theory consistent with the evidence upon which he can be innocent.

12-23-24
H. H.

Commonwealth

v.

Elmer D. Carr, Jr.

INSTRUCTION 1

The Court instructs the jury that under the indictment in this case and depending upon your conclusions under the evidence and the instructions of the Court, the accused may be found guilty of either attempted statutory rape, or assault and battery, or not guilty.

The Court further instructs the jury that the crime of statutory rape is committed when an adult male has sexual relations with a female under sixteen years of age, whether with or without her consent, and whether or not force is used in accomplishing the act, and even though the child may consent to such act; and if you believe from the evidence beyond a reasonable doubt that Elmer D. Carr, Jr. intended to have sexual intercourse with Virginia Hollar and that he committed some overt act towards carrying out that purpose, then you should find him guilty of attempted rape as charged in the indictment even though you may further believe that he voluntarily abandoned his purpose before such offense of rape was completed.

The Court further instructs the jury that such an overt act must amount to more than mere preparation; it must be an act of such a nature as to demonstrate an intention to commit the offense in question, and directed towards accomplishing that purpose, but it need not be the last proximate act towards the consummation of the offense.

The Court further instructs the jury that if you believe from the evidence beyond a reasonable doubt that the accused took hold of Virginia Hollar, exposed his penis, and attempted to remove some of her clothing, or put his hand or fingers on her privates, with intent to have sexual intercourse with said child, and that such conduct amounted to an overt act on his part directed towards having such intercourse, then you should find the accused guilty of attempted rape as charged in the indictment.

INSTRUCTION I

The Court instructs the jury that under the indictment in this case and depending upon your conclusions under the evidence and the instructions of the Court, the accused may be found guilty of either attempted statutory rape, or assault and battery, or not guilty.

The Court further instructs the jury that the crime of statutory rape is committed when an adult male has sexual relations with a female under sixteen years of age, whether with or without her consent, and whether or not force is used in accomplishing the act, and even though the child may consent to such act; and if you believe from the evidence beyond a reasonable doubt that Elmer D. Carr, Jr. intended to have sexual intercourse with Virginia Holler and that he committed some overt act towards carrying out that purpose, then you should find him guilty of attempted rape as charged in the indictment even though you may further believe that he voluntarily abandoned his purpose before such offense of rape was completed.

The Court further instructs the jury that such an overt act must amount to more than mere preparation; it must be an act of such a nature as to demonstrate an intention to commit the offense in question, and directed towards accomplishing that purpose, but it need not be the last proximate act towards the consummation of the offense.

The Court further instructs the jury that if you believe from the evidence beyond a reasonable doubt that the accused took hold of Virginia Holler, exposed his penis, and attempted to remove some of her clothing, or put his hand or fingers on her privates, with intent to have sexual intercourse with said child, and that such conduct amounted to an overt act on his part directed towards having such intercourse, then you should find the accused guilty of attempted rape as charged in the indictment.

The Court further instructs the jury that a person may be guilty of attempted rape even though the completed act of intercourse between the parties involved would be impossible for physical reasons, as the law does not require that the parties be capable of completing the intended act.

The Court further instructs the jury that if you believe from the evidence beyond a reasonable doubt that the accused, Elmer D. Carr, Jr. committed assault and battery by unlawful touching or handling of Virginia Hollar, but that such act or acts on his part did not amount to an attempt to have sexual relations with said child, then you should find him guilty of assault and battery as charged in the indictment.

12-23-54

H. H.

The Court further instructs the jury that a person may be

guilty of attempted rape even though the completed act of intercourse between the parties involved would be impossible for physical reasons, as the law does not require that the parties be capable of completing the intended act.

The Court further instructs the jury that if you believe from the evidence beyond a reasonable doubt that the accused, Elmer D. Carr, Jr. committed assault and battery by unlawful touching or handling of Virginia Hollar, but that such act or acts on his part did not amount to an attempt to have sexual relations with said child, then you should find him guilty of assault and battery as charged in the indictment.

12-2-24
H. H.

December 23, 1954

COMMONWEALTH

V.

ELMER D. CARR, JR.

- - - -

THE COURT: All right, gentlemen, the Court is ready to resume with the trial of the case of Elmer D. Carr, Jr.

On motion of the accused, a view of the scene of this incident has been directed by the Court. That means that the jury, in company with several officers and the presiding Judge and the accused will go henceforth to the scene of the alleged crime just to afford the jurors an opportunity to view the area, the surrounding territory, merely for the purpose of enabling you possibly to better and more clearly appreciate the evidence that you have already heard on the trial of this case. On the conclusion of the view of the premises, the jury and the court attendants will immediately return to the courtroom for the resumption of the trial of the case.

What officers are going to go?

SHERIFF STRAWDERMAN: Those three.

SHERIFF STRAWDERMAN: Those three.
What officers are going to go?

the case.
return to the courtroom for the resumption of the trial of
premises, the jury and the court attendants will immediately
trial of this case. On the conclusion of the view of the
appreciate the evidence that you have already heard on the
purpose of enabling you possibly to better and more clearly
to view the area, the surrounding territory, merely for the
the alleged crime just to afford the jurors an opportunity
Judge and the accused will go henceforth to the scene of
the jury, in company with several officers and the presiding
incident has been directed by the Court. That means that
On motion of the accused, a view of the scene of this
Jr.

to resume with the trial of the case of Elmer D. Carr,
THE COURT: All right, gentlemen, the Court is ready

ELMER D. CARR, JR.
V.
COMMONWEALTH

December 23, 1954

1 THE COURT: Mr. Spitzer, Mr. Raynes, and Mr. Haney
2 are going to take the jury to view the premises.

3 Let me swear the three of you. Stand, please, and
4 hold up your right hands.

5 Do you, and each of you, solemnly swear, as three
6 sworn officially designated officers of this court, that
7 you will well and truly keep in your custody, together, the
8 twelve members of this jury, and that you will transport
9 them safely to the scene of the alleged crime out of which
10 the case in trial has arisen; and that you will permit
11 them to engage in no communication with others, nor will
12 you permit any others to engage in communication with them;
13 and, further, that you, Mr. Spitzer, will merely designate
14 by crossing the fence and standing stationary at the
15 point designated on the sketch or drawing, heretofore filed
16 as evidence by you in this case, at the point designated
17 with the formée cross.

18 MR. CONRAD: Do you want the plat to go with them?
19 It might be well.

20 THE COURT: I think it might be well.

21 The Court would further direct you, Mr. Spitzer, to
22 take this plat with you, and, as you stand at the point
23 indicated by the formée cross on the map, the jurors will
24 then be afforded an opportunity to compare the map with
25 the surrounding area on the ground; that no evidence will

THE COURT: Mr. Spitzer, Mr. Raynes, and Mr. Haney

are going to take the jury to view the premises.

Let me swear the three of you. Stand, please, and

hold up your right hands.

Do you, and each of you, solemnly swear, as three

sworn officially designated officers of this court, that

you will well and truly keep in your custody, together, the

twelve members of this jury, and that you will transport

them safely to the scene of the alleged crime out of which

the case in trial has arisen; and that you will permit

them to engage in no communication with others, nor will

you permit any others to engage in communication with them;

and, further, that you, Mr. Spitzer, will merely designate

by crossing the fence and standing stationary at the

point designated on the sketch or drawing heretofore filed

as evidence by you in this case, at the point designated

with the former cross.

MR. CONRAD: Do you want the plat to go with them?

It might be well.

THE COURT: I think it might be well.

The Court would further direct you, Mr. Spitzer, to

take this plat with you, and, as you stand at the point

indicated by the former cross on the map, the jurors will

then be afforded an opportunity to compare the map with

the surrounding area on the ground; that no evidence will

1 be heard, that no communication will be had between the
2 officers and the members of the jury, or between the
3 members of the jury and the officers, respecting matters
4 pertaining to the case in trial. Your only function will
5 be to transport the jury to the scene of the crime, and
6 for Mr. Spitzer to point out the point marked on the map
7 by the legend or symbol of the former cross.

8 Does that sufficiently cover it?

9 MR. WHARTON: Yes, sir.

10 THE COURT: May I ask where the transportation is?

11 SHERIFF STRAWDERMAN: It is right out on North Court
12 Square.

13 THE COURT: How many automobiles?

14 SHERIFF STRAWDERMAN: Three.

15 THE COURT: Do you have another car available to take
16 Carr?

17 SHERIFF STRAWDERMAN: Yes, sir.

18 THE COURT: Just take the accused by himself and
19 follow with the others and have him right there for the
20 view and then return him to the court. Where do you say the
21 cars are?

22 SHERIFF STRAWDERMAN: North Court Square.

23 THE COURT: Gentlemen, the jury is turned over in
24 your hands to keep together until their return.
25

be heard, that no communication will be had between the officers and the members of the jury, or between the members of the jury and the officers, respecting matters pertaining to the case in trial. Your only function will be to transport the jury to the scene of the crime, and for Mr. Spitzer to point out the point marked on the map by the legend or symbol of the former cross.

Does that sufficiently cover it?

MR. WHARTON: Yes, sir.

THE COURT: May I ask where the transportation is?

SHERIFF STRAWDERMAN: It is right out on North Court

Square.

THE COURT: How many automobiles?

SHERIFF STRAWDERMAN: Three.

THE COURT: Do you have another car available to take

Cars?

SHERIFF STRAWDERMAN: Yes, sir.

THE COURT: Just take the accused by himself and

follow with the others and have him right there for the

view and then return him to the court. Where do you say the

Cars are?

SHERIFF STRAWDERMAN: North Court Square.

THE COURT: Gentlemen, the jury is turned over in

your hands to keep together until their return.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

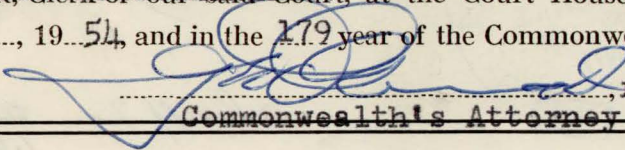
You are hereby commanded to summon Marcella Hollar, "Buddy"
Hollar, David Hollar, and Deputy Sheriff W.A. Spitzer

to appear before the Judge of the Circuit Court of Rockingham County, at the Court
House thereof, at ^{9:00} ~~10:00~~ o'clock, a. m., on the 22 day of December, 19 54
to testify and the truth to say in behalf of the Commonwealth against
ELMER D. CARR, JR.

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 said Court~~, at the Court House, the
14 day of December, 19 54, and in the 179 year of the Commonwealth.


Commonwealth's Attorney

Commonwealth

v) Witness Subpoena

Elmer D. Carr, Jr.

To Dec. 22, 1954
at 9:00 a.m.

EXECUTED 12/16/54 IN THE COUNTY OF ROCKINGHAM

BY DELIVERING A TRUE COPY OF THE WITHIN Shannon

TO Margella Haller

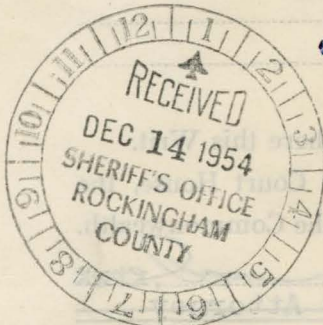
Buddy Haller

Donal Haller

Det. Sheriff W. A. Spitzer IN PERSON.

A. L. Thompson S. R. C.

BY W. A. Spitzer DEPUTY SHERIFF



Sheriff Fee 2.00
1.60

N. H. Wharton, P.d.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon.....

Charles Sites (works for Shen-Valley Produce, resides at
Bridgewater, Virginia)

David Dove, (Bergton, Virginia)

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 22d day of December, 19 54 to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against.....

Elmer D. Carr

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

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 18th
day of December, 19 54, and in the 179th year of the Commonwealth.

J. Robert Switzer, Clerk
My M. B. Jones, D.C.

Not finding Orville Dove at his usual
place of abode, Executed 12/21/37 by delivering a
true copy of this summon to Orville Dove
His Sister in person, at said Orville Dove
usual place of abode Orville Dove, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.

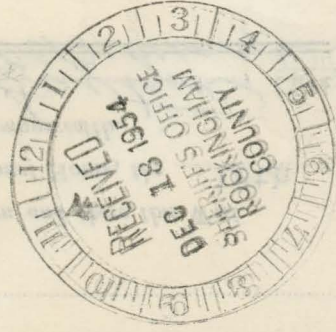
A. L. Strawderman S.R.C.
Deputy Sheriff W. A. Hester

12-18-54
EXECUTED IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summon
TO Charles Sites
IN PERSON.

By E. J. Turner Dep. for
A. L. STRAWDERMAN

SHERIFF

ROCKINGHAM COUNTY



B 80873

RECEIPT FOR FEES COLLECTED

County of Racheyham Virginia Dec. 18, 1954

Received of W. W. W. Horton \$.80

80/100 DOLLARS

For 2 mit Summ On _____ 19_____
Type of Service or Process Date of Service

In matter of Camith VS Carr

ORIGINAL—TO PAYEE

Deputy—Sheriff—Sergeant

ORIGINAL - 20 DOLLARS

DATE PAID - 1914

TO ORDER OF

12

FOR

PAID TO ORDER OF

ON

PAID TO ORDER

13

DOLLARS

RECEIVED

CASH

PAID

10

RECEIVED FOR DEBIT COLLECTED

13

80813

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon "Jimmy" Hollar

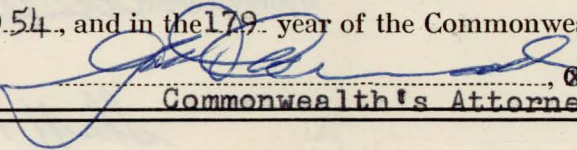
to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at ^{9:00}~~10:00~~ o'clock, a. m., on the 22 day of December, 1954, to testify and the truth to say in behalf of the Commonwealth against

ELMER D. CARR, JR.

who stands charged with and indicted for a felony ~~in Rockingham County~~.

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

Witness, J. ~~ROBERT SWITZER, Clerk of said Court~~, at the Court House, the 15 day of December, 1954, and in the 179 year of the Commonwealth.


Clerk
Commonwealth's Attorney

Commonwealth

v.) Witness Subpoena

Elmer D. Carr, Jr.

To Dec. 22, 1954
at 9:00 a.m.

Not finding

Jimmy Hallor

at his usual

place of abode, Executed

12/16/54

by delivering a

true copy of this

summon

to

Jeane Hallor

Via Father

in person, at said

Jimmy Hallor

usual place of abode

Jeane Hallor

, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.

A. L. Strouchman

S.R.C.

Deputy Sheriff

W. A. Butler

Sheriff Fee
40

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Virginia Hollar

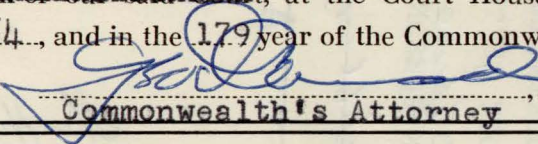
to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at ^{9:00}~~10:00~~ o'clock, a. m., on the 22 day of December, 1954 to testify and the truth to say in behalf of the Commonwealth against

ELMER D. CARR, JR.

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

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

Witness, ~~J. ROBERT SWITZER, Clerk of said Court~~, at the Court House, the 15 day of December, 1954, and in the 179 year of the Commonwealth.



Commonwealth's Attorney

Clerk

Commonwealth

v.) Witness Subpoena

Elmer D. Carr, Jr.

To Dec. 22, 1954
at 9:00 a.m

EXECUTED 12/16/54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN summons
TO Virginia Hollie
IN PERSON.

Willie Gabe Dike

A. L. STRAWDERMAN

SHERIFF

ROCKINGHAM COUNTY

Shirley Fee
HO

Witness Subpoena

Commonwealth of Virginia:

County of Rockingham, to-wit:

To the Sheriff of said County, Greeting:

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

Marcella M. Hollan

None claimed

Virginia Hollan

None claimed

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

24th

day of

Sept

, 1954,

at the hour of 3 P.M.

of that day

to give evidence in behalf of

Com. th

in the pending case of

Com. th

v.

Elmer D. Carr, Jr.

Given under my hand this

22nd

day of

Sept

, 1954.

Ad. C. Swartz

Clerk
Subs. Clerk

EXECUTED 9/22/54 IN THE COUNTY OF

ROCKINGHAM BY DELIVERING A TRUE

COPY OF THE WITHIN

TO Marcella m. Haller
IN PERSON.

W.A. Strawderman

A. L. STRAWDERMAN

SHERIFF

ROCKINGHAM COUNTY

Trial Justice Court

Docket No. 15792 A

Com. th.

V. { Witness Subpoena

Elmer D. Carr, Jr.

To Sept. 24, 1954 at 3 P.M.

Not finding Chrysanis Haller at his usual

place of abode, Executed 9/23/54 by delivering a

true copy of this subpoena to Marcella Haller

Haller in person, at said Chrysanis Haller

usual place of abode Marcella Haller, being a member of
his family above the age of 16 years, and explaining the purpose thereof.

W.A. Strawderman S.W.

W.A. Strawderman
A.L. Strawderman S.W.

Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Virginia Hollar, Deputy Sheriff
Warren Spitzer, and Marcella Hollar

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at ^{9:40}~~9:30~~ o'clock, a. m., on the 11th day of October 19 54,
to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY
v. ELMER D. CARR, JR.

who stands charged with a felony ~~misdemeanor~~.

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

Witness, I, ROBERT SWITZER, Clerk of our said Court, at the Court House, the 11th
day of October 19 54, and in the 179th year of the Commonwealth.

[Signature], Clerk
Commonwealth's Attorney

Commonwealth

v.) Grand Jury Summons

Elmer D. Carr, Jr.

To Oct. 11, 1954
at 9:40 a.m.

10-4-54
EXECUTED _____ IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Warren Spitzer
IN PERSON.

By E. Z. Zurnus Dep. for

A. L. STRAWDERMAN

SHERIFF

ROCKINGHAM COUNTY

Sheriff Fee
160

EXECUTED 10-4-54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Warren Spitzer
IN PERSON.

EXECUTED 10-4-54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Warren Spitzer
IN PERSON.

W. C. Spitzer
W. C. Spitzer
W. C. Spitzer

STATE OF VIRGINIA
COUNTY OF _____

To-Wit:

No. _____

TO ANY SHERIFF OR POLICE OFFICER:

Whereas, _____

has this day made complaint and information on oath before me, _____ (Name)

_____ of the said County, that _____ (Title)

_____ in the said County

did on the _____ day of _____, 19____: Unlawfully _____

These are, therefore, to command you, in the name of the Commonwealth, to apprehend and bring before the Trial Justice Court of the said 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 _____	<input type="checkbox"/>
_____ color _____	Address _____	<input type="checkbox"/>
_____ color _____	Address _____	<input type="checkbox"/>
_____ color _____	Address _____	<input type="checkbox"/>
_____ color _____	Address _____	<input type="checkbox"/>

as witnesses.

Given under my hand and seal, this _____ day of _____, 19____

(Title of Issuing Officer) (Seal)

STATE OF VIRGINIA, City OF Harrisonburg, to-wit:
I, James H. Luewener Trial Justice
Justice of the Peace in and for the City aforesaid, State of Virginia, do certify
that Elmer D Carr Jr.
and Elmer D Carr Jr., as his suret, have this day each acknowledged themselves indebted
to the Commonwealth of Virginia in the sum of One Thousand 20/100 Dollars
(\$ 1000.00), 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 Elmer D Carr Jr., shall appear before the Circuit Court
of Rockingham County, on the 24th day of Sept., 1954,
at 2 P. M., at Harrisonburg, 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 3rd day of Sept., 1954, James H. Luewener J. P.

Fine _____ \$ _____
Costs _____ \$ _____
Total _____ \$ _____

DOCKET NO. 15792A
COMMONWEALTH
WARRANT OF ARREST
vs. Elmer D. Carr Jr.
Executed this, the _____ day of _____, 19____
Upon the examination of the within charge, I find the accused _____

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

COSTS
Warrant _____ \$ _____
Trial _____
Bail _____
Arrest _____
Mileage _____
Clerk _____
Jail Fee and Board _____
Witness Attendance _____
Summoning Witnesses _____
Commonwealth Attorney _____
Total Costs _____ \$ _____
Fine _____ \$ _____
Total _____ \$ _____

STATE OF VIRGINIA
COUNTY OF ROCKINGHAM

To-Wit:

No. 15792-A

TO ANY SHERIFF OR POLICE OFFICER:

Whereas, Marcella M. Hollarhas this day made complaint and information on oath before me, J. C. Swartz

(Name)

Clerk of the Trial Justice Court of the said County, that

(Title)

ELMER D. CARR, JR.

in the said County

or about
did on the 7th day of August, 1954: Unlawfully and feloniously
in and upon the body of Virginia Hollar, a female child under 16
years of age, to-wit, of the age of eight years, make an assault
with intent the said child to carnally know, against her will, and
by force, against the peace and dignity of the Commonwealth

These are, therefore, to command you, in the name of the Commonwealth, to apprehend and bring before the
Trial Justice Court of the said 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 1st day of September, 1954

J. C. Swartz (Seal)
(Title of Issuing Officer)
bbh

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 surety _____, 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 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. 15792-A
COMMONWEALTH

WARRANT OF ARREST

vs.

Elmer A. Campbell, Jr.

Executed this, the 1st day of

Sept. 1954

W. A. Campbell, Jr.
Circuit Justice

Upon the examination of the within charge, I find

the accused
There being sufficient
probable cause to believe that
he will for active duty the
Grand Jury.

James Under my hand this
24th day of September 1954.
J. A. Campbell, Jr.
Circuit Justice

Bond 1000.00

Fine _____

Costs _____

Total _____

W. A. Campbell, Jr.
9-2-54
p. r. g. a. z.

The following witnesses were recognized
to appear before the Circuit Court of
Trial Justice _____ County,

Virginia, at _____

Virginia, at _____ M., on the _____

day of _____, 19____,

under penalty of \$ _____

COSTS

Warrant \$ 1.00

Trial 2.00

Bail _____

Arrest 4.00

Mileage 90 x 8 7.20

Clerk 1.25

Jail Fee and Board 4.00

Witness Attendance none claimed

Summoning Witnesses 1.00

Commonwealth Attorney 2.50

Total Costs 16.95

Fine _____

Total _____

We the members of the jury
find the defendant
Not Guilty

Edward Purcell ^{III}
Foreman

What is the meaning of the word

of the alphabet

of the alphabet

of the alphabet

TRIAL JUSTICE COURT

Criminal
Docket

Nº 15792 A

Com'th

V.

ELMER D. CARR, JR.
Defendant

AW-1

Appearance Date 9-2-54

Trial Date

To-9-24-54 3:PM.

Sufficient Probable Cause found,
To Grand Jury.

✓
To: GRAND JURY.

AW to WAS

W.S. - 2 Com. th -

1. A Russell Myers
2. L. S. Geil
3. John D. Patterson
4. Donald Eger
5. Ralph W. Cline
6. C. Owen Amentraut
7. E. Warren Denton, Jr.
8. C. W. Grimes
9. James A. Grandle
10. H. M. Daffinmyer, Jr.
11. Edmund Russell III
12. Edgar F. Shifflett

Keystone Envelope Co., Phila., Pa.

Docket No. 2912.

DEC

1954

COMMONWEALTH of VIRGINIA

VS.

} Felony (att. rape)
}

ELMER D. CARR, JR.

DEC

1954

Lawrence H. Hauer - H. H. Whanton p. d.
Own (X) Appointed ()

1954

Oct. 11. Return of Grand Jury. 9/80

Oct. 18. Arr. & plea n.g. &
set for Dec. 22. 9/85

Dec. 22. Jury imp. & 9
117

Dec. 23. Verdict - n.g. 9
117

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

