

Commonwealth of Virginia,

County of Rockingham,

} **to-wit:**

In the Circuit Court of said county, April 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 OSCAR WILLIAM FRED CUBBAGE or about within twelve months prior to the finding of this indictment, to-wit, on the 17th day of

February, in the year one thousand nine hundred and fifty four and in the

said county, feloniously a certain store building belonging to Archie Lam, said store building not then and there being a dwelling house or outhouse adjoining thereto or occupied therewith, situated in the County aforesaid, did break and enter in the night time with intent the goods and chattels of the said Archie Lam in said store building then and there being, feloniously to steal, take and carry away, and one Remington rifle, approximately 30 cartons of cigarettes, 2 wrist watches, 1 guitar and case, approximately 40 boxes of Remington 22 caliber cartridges, chewing tobacco, cakes, and other articles of the aggregate value of Two Hundred and Twenty Five Dollars (\$225.00) of the goods and chattels of the said Archie Lam, then and there being found, unlawfully and feloniously did steal, take, and carry away,

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Deputy Earl Turner, Trooper J. R. Failes, and Archie Lam,

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

2852

COMMONWEALTH

INDICTMENT FOR A

FELONY

Bail

L.H. Brown

OSCAR WILLIAM FRED CUBBAGE

N.Y.

A TRUE BILL

Wm. F. ...
Foreman.

George D. Conrad
Commonwealth's Attorney

Commonwealth of Virginia

10-111

TRIAL JUSTICE COURT

Criminal
Docket

Nº 14468 A

Com'th

v.

Arca William Fred Cabbage
Defendant

aw - Appearance Date 2-15-45

Trial Date 3-19-54

2 P/h

Sufficient probable cause found.
To Grand Jury.



To: Grand Jury



May 14 1954

We the jury find the
Defendant guilty of housebreaking,
as charged and fix his penalty
at 4 years in the penitentiary.

^B
C. S. Lively
Foreman

May 14 1925

The first part of the
document is a list of
the things that I
have done in the
past year.

It is
a list of
the things that I
have done in the
past year.

14468 A

Commonwealth of Virginia,
Rockingham County, To-wit:

BE IT REMEMBERED, that on the 21ST day of FEBRUARY, 1954,
OSCAR WILLIAM CUBBAGE MYRTLE CUBBAGE FLOYD CUBBAGE
principal and AND ADA CUBBAGE
THEIR
surety, who justified to ~~his~~ sufficiency, came before me, HARRY BLATT BAIL COMMISSIONER

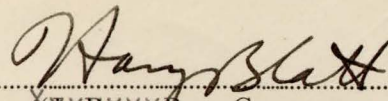
of the said county of Rockingham,
(J. P. or Bail Commissioner)

and acknowledged themselves to be indebted to the Commonwealth of Virginia each in the sum of.....
FIFTEEN HUNDRED----- Dollars, (\$1500.00),

to be levied of their respective goods and chattels, lands and tenements, for the use of the Commonwealth of Virginia rendered, and they each severally waived their homestead exemption to their recognizance; yet upon this condition:

That if the said OSCAR WILLIAM CUBBAGE shall personally appear before the
~~XXXXXX~~ of Rockingham County, at the Courthouse of said County, on ~~the XXXXXXXXXXXXX~~ day
Trial Justice's Court
~~XX~~ Term thereof, being the 19TH day of MARCH
1954 AT 2 PM
and at such other time or times to which the proceedings may be continued or further heard, and before
any court or judge hereafter having or holding any proceedings in connection with the said charge, and then
and there answer the Commonwealth of Virginia concerning a certain CHARGE OF BREAKING
AND ENTERING whereof the said OSCAR WILLIAM CUBBAGE stands
charged, and be bound under said recognizance until the charge is finally disposed of or until it is declared void
by order of a competent court, then the above recognizance shall be null and void; otherwise to remain in full
force and effect.

IN WITNESS WHEREOF, I hereunto affix my signature this 21ST day of
FEBRUARY, 1954


HARRY BLATT
(BAIL COMMISSIONER)

STATE OF VIRGINIA COUNTY OF ROCKINGHAM TO WIT

WE HEREBY CERTIFY ON OATH THAT THE VALUE OF OUR REAL ESTATE JOINTLY OWNED OVER AND ABOVE THE SUM TOTAL OF OUR JOINT AND SEVERAL DEBTS IS AT LEAST THE SUM OF \$2625.00 TO WIT JOINTLY OWNED THREE FOURTHS INTEREST IN 178 ACRES IN SHENANDOAH DISTRICT PAGE COUNTY VIRGINIA. GIVEN UNDER OUR HANDS THIS 21ST DAY OF FEBRUARY 1954.

WITNESS TO MARKS
OF FLOYD CUBBAGE
AND ADA CUBBAGE:

John D. Sumner

mystle Cabbage

FLOYD ^{HIS} MARK CUBBAGE

ADA ^{HER} MARK CUBBAGE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21ST DAY OF FEBRUARY 1954.

Harry Blatt
BAIL COMMISSIONER

H.B. BC

COMMONWEALTH
V
FEL
OSCAR WILLIAM CUBBAGE
BAIL BOND \$1500.00
TO 3-19-54 2 PM
TRIAL JUSTICE COURT

14468 A

21ST

FEBRUARY

Raymond E. Carr
 Waller J. Early
 George W. Abbott
 C. Leonard Harrison
 J. E. Kelliker
 L. E. Robinson
 John W. May
 Hermit Early
 M. B. Wood
 Leard B. Lacey
 Wm. L. Holston
 Graydon L. Pittman

Keystone Envelope Co., Phila., Pa.

May 14 APR 1954

Docket No. 2852

COMMONWEALTH of VIRGINIA

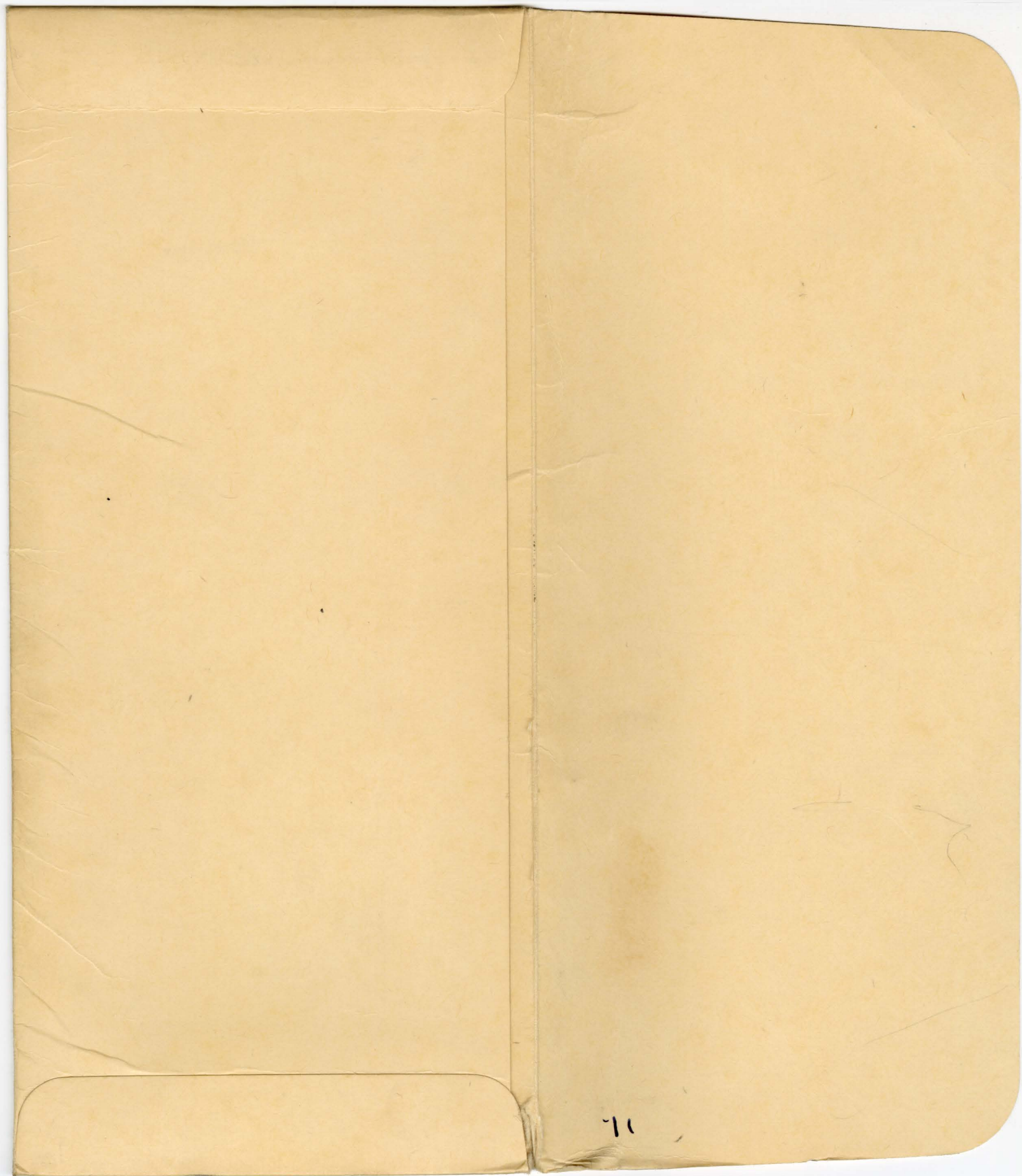
VS.) Fel. (hb)

OSCAR WILLIAM FRED CUBBAGE *hail n.g.*

Lawrence H. Hoover p. d.
 Own (x) Appointed ()

1954
 April 19. Return of Grand Jury. 9/40
 Apr. 19. Arr. + plea n.g. +
 set for May 14. 9/42
 May 14. Jury imp. r; verdict.
 4 yrs. in Pen. 9/51

Credit Feb 17 5 21 - 5 day



Commonwealth

v.

Oscar William Fred Cabbage

CHARGE TO JURY

If you find the accused, Oscar William Fred Cabbage, not guilty, you will say so and no more.

If you find him guilty of housebreaking, as charged in the indictment, then you will say so and fix his punishment at confinement in the penitentiary for a period of not less than one nor more than ten years, or, in your discretion, by confinement in jail for a period not exceeding twelve months and a fine not exceeding five hundred dollars (\$500.00).

If you do not find him guilty of housebreaking as charged in the indictment, but find him guilty of larceny of property of the value of Fifty Dollars (\$50.00) or more, constituting grand larceny, as charged therein, then you will say so and fix his punishment by confinement in the penitentiary for a period of not less than one nor more than ten years, or by confinement in jail not exceeding twelve months and a fine not exceeding five hundred dollars (\$500.00).

Commonwealth

v.

Oscar William Fred Cuppage

CHARGE TO JURY

If you find the accused, Oscar William Fred Cuppage, not guilty, you will say so and no more.

If you find him guilty of housebreaking, as charged in the indictment, then you will say so and fix his punishment at confinement in the penitentiary for a period of not less than one nor more than ten years, or, in your discretion, by confinement in jail for a period not exceeding twelve months and a fine not exceeding five hundred dollars (\$500.00).

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Commonwealth

v.

Oscar William Fred Cabbage

INSTRUCTION _____

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

Commonwealth

v.

Oscar William Fred Gubbins

INSTRUCTION

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

Commonwealth

v.

Oscar William Fred Cabbage

INSTRUCTION _____

The Court instructs the jury that one who is present at the scene of a crime aiding and abetting or participating therein is guilty as a principal in such crime, The Court further tells the jury that any encouragement or act of assistance constitutes participation in such crime.

The Court further instructs the jury that if you believe from the evidence beyond a reasonable doubt that the accused, Cabbage, was present at the scene of the breaking and entering of the Lam Store and voluntarily aided and abetted the other participants in committing the offense, then you shall find the said Cabbage guilty of housebreaking and fix his punishment in accordance with the charge to the jury in this case.

Commonwealth

v.

Oscar William Fred Gabbage

INSTRUCTION

The Court instructs the jury that one who is present at the scene of a crime aiding and abetting or participating therein is guilty as a principal in such crime. The Court further tells the jury that any encouragement or act of assistance constitutes participation in such crime.

The Court further instructs the jury that if you believe from the evidence beyond a reasonable doubt that the accused, Gabbage, was present at the scene of the breaking and entering of the Lam Store and voluntarily aided and abetted the other participants in committing the offense, then you shall find the said Gabbage guilty of housebreaking and fix his punishment in accordance with the charge to the jury in this case.

STATE OF VIRGINIA

~~CITY~~ OF Hamsonling

To-Wit:

No. _____

TO ANY SHERIFF OR POLICE OFFICER:

Whereas, Earl Turner, Deputy Sheriff of Rockingham County

has this day made complaint and information on oath before me,

James H. Sullivan
(Name)

Justice of the Peace of the said County that

Oscar William Fred Cabbage in the said County

did on the 17th day of February, 1954: Unlawfully and feloniously

in the night time break and enter into a Cement block store building on the Naked Creek road in Rockingham County near Shenandoah Va, said store being owned and operated by Archie Lam with intent the goods & Chattels of the said Archie Lam found therein to take steal and carry away, one Remington Automatic Rifle approximately 30 Cans of Cigarettes, 2 wrist watches, 1 guitar and case approximately 40 boxes of Remington 22 Caliber Cartridges, Chewing Tobacco, Cakes and other articles of the aggregate value of Two Hundred and Twenty five dollars (\$225.00) of the goods and Chattels of the said Archie Lam found therein steal and carry away against the peace & 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 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 18th day of February, 1954

James H. Sullivan (Seal)
(Title of Issuing Officer)
Justice of the Peace

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 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. 14468A

COMMONWEALTH

WARRANT OF ARREST

vs. *Richard William Fred Cullberg*

Executed this, the _____ day of _____, 19 _____.

Feb. 17 1954

By *P. J. [unclear] Dep. for A. S. [unclear] SR*

Upon the examination of the within charge, I find the accused—*John Henry [unclear]*

Defendant [unclear] found guilty of [unclear] in full. He is bound by the bond of \$1500.00. He will not have this bond until 2:00 P.M. 1954. [unclear]

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 _____ \$ 1.00

Trial _____ 7.00

Bail _____

Arrest _____ 1.50

Mileage _____

Clerk _____

Jail Fee and Board _____ 50

Witness Attendance _____

Summoning Witnesses _____

Commonwealth Attorney _____ 4.50

Total Costs _____ \$ _____

Fine _____

Total _____ \$ _____

To- 3-19-54 2: P.M. BOND \$1500.00

Total *Rem. Not paid by 2-15-54*

COMMONWEALTH VS. Oscar Wm Fred Cuthage

DESCRIPTION OF PRISONER

Last known address Stanley Va

Color W Height 5-6 Eyes B Hair B Weight 140

Marks O.K

Age 23 Occupation Poultry Plant

Date of Trial 3-14-54

Result 4 yrs

COMMONWEALTH VS *James Vernon Culligan*

DESCRIPTION OF PRISONER

Last known address _____ *Monty 70*

Color _____ *W* Height _____ *5-6* Eyes _____ *br* Hair _____ *br* Weight _____ *140*

Marks _____ *Q. 11*

Age _____ *23* Occupation _____ *Boat Plant*

Date of Trial _____ *5-14-21*

Result _____ *W*

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Deputy Earl Turner, Trooper

J. R. Failes, Archie Lam, and Oscar William Fred
Cubbage

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at ^{9:30} ~~10:00~~ o'clock, a. m., on the 14th day of May 19 54,
to testify and the truth to say in behalf of the Commonwealth against.....

OWEN SMELSER

Oscar Cubbage

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 10th
day of May, 19 54, and in the 17 8th year of the Commonwealth.

[Signature], Clerk
Commonwealth's Attorney

Commonwealth

v.) Witness Subpoena

Owen Smelser

To May 14, 1954

at 9:30 a.m.

EXECUTED 5/10/54 IN THE COUNTY OF

ROCKINGHAM BY DELIVERING A TRUE

COPY OF THE WITHIN Summons

TO J. R. Fails
IN PERSON.

George R. Prine

Deputy Sheriff

A. L. STRAWDERMAN

SHERIFF

ROCKINGHAM COUNTY

Sheriff's Fee

\$1.60

EXECUTED 5/14/54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons

TO Earl F. Leimer
IN PERSON.

George R. Prine

A. L. STRAWDERMAN

SHERIFF

ROCKINGHAM COUNTY

EXECUTED 6-11-54 IN THE COUNTY OF

ROCKINGHAM BY DELIVERING A TRUE

COPY OF THE WITHIN Summons

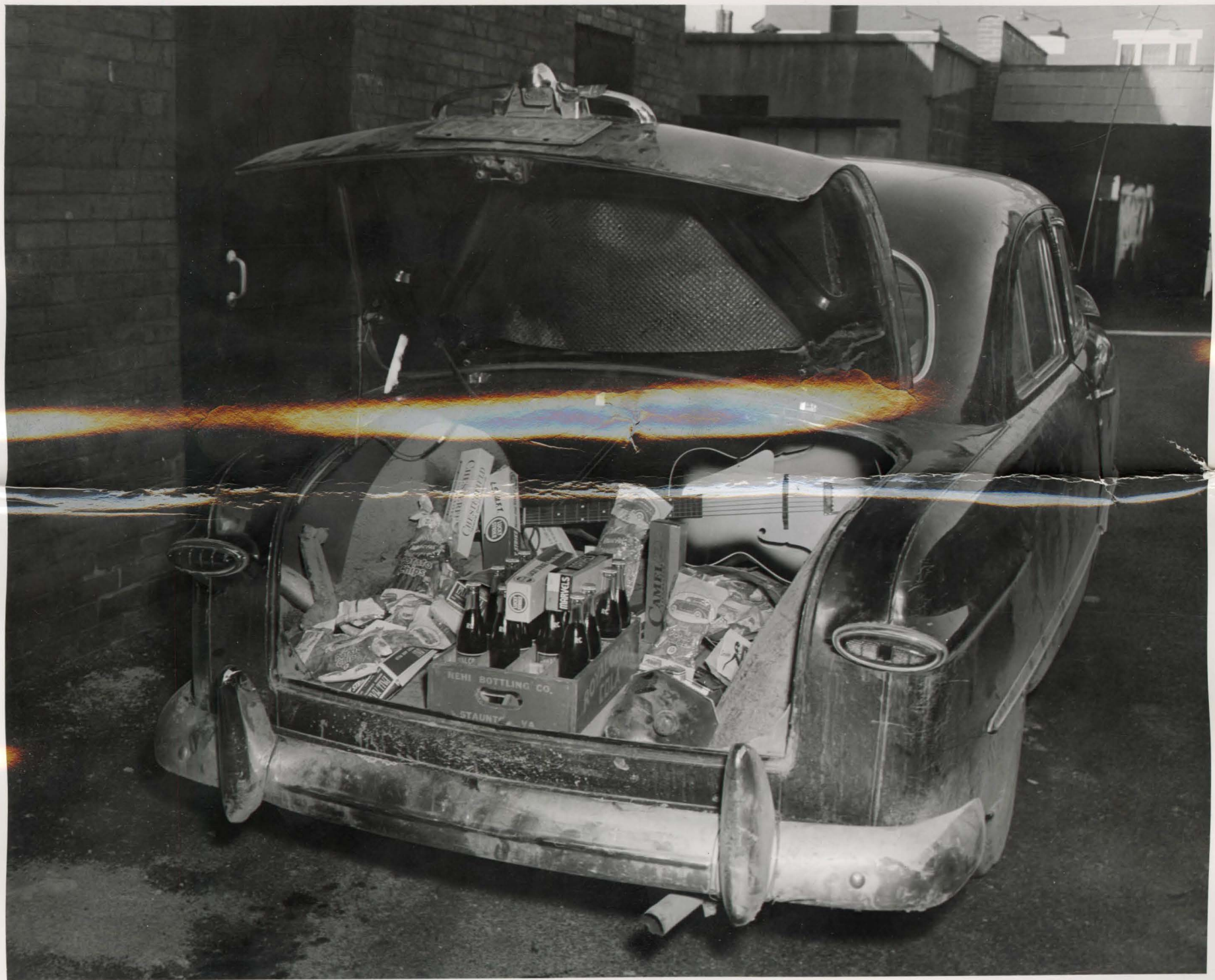
TO Archie Leno Oscar Cabbage
IN PERSON.

Dennis E. Hamy Dep.

A. L. STRAWDERMAN

SHERIFF

ROCKINGHAM COUNTY



3
Camm



Com
of 4

Com

v.

Oscar Cuddeys

5-14-54

H. H.



Case Ex 702

Com.

v.

Oras Cullbays

5-14-52

H. H.

[Handwritten signature]

REGISTER REG. NO.
F. J. PETERSON
ELTON, VIRGINIA



Box 4 3

Com.

v.

Great Cutlery

5-14-54

H. H.

REGISTERED MAIL
RANCOLIN H. FOR...
ELTON, WISCONSIN

2/2/59



Case of No 1

Com

v.
Chest Cabbage

5-14-54

H. H.

5-14-54
REORDER REG. NO.
MORNING
RECORDING
MORNING