

Sept. 21, 1954

Com'g

v.)

Lee M. Hackman

We the jury find the
accused not guilty.

Charles C. Brown
Foreman

Sept. 21, 1914

Let the Great
and Holy Spirit

Shall I pray
for you

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 LACY M. HALTERMAN or about within twelve months prior to the finding of this indictment, to-wit, on the 9th day of March, in the year one thousand nine hundred and fifty four and in the said county, did, feloniously make an assault on one Clyde Bishop and him, the said Clyde Bishop, unlawfully, feloniously, and maliciously did shoot and wound with a deadly weapon, to-wit: a .22 caliber pistol, with intent him, the said Clyde Bishop, then and there to maim, disfigure, disable, and kill,

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Deputy Warren Spitzer and Clyde Bishop,

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

COMMONWEALTH

INDICTMENT FOR A

FELONY

vs.

LACY M. HALTERMAN

W. M. W.

A TRUE BILL & M. W.

Foreman.

Bail

W. G.

not paid

9:30

George D. Conrad
Commonwealth's Attorney

Commonwealth of Virginia

Commonwealth

v.

Lacy M. Halterman

CHARGE TO JURY

If you find the accused, Lacy M. Halterman, guilty of wounding Clyde A. Bishop with malicious intent, as charged in the indictment, you will say so and fix his punishment by confinement in the penitentiary for a period of not less than one year nor more than ten years.

If you do not find him guilty of malicious wounding as charged in the indictment, but find him guilty of unlawful wounding as therein charged, you will say so and fix his punishment by confinement in the penitentiary for a period of not less than one year nor more than five years, or, in your discretion, by confinement in jail not exceeding twelve months and by a fine not exceeding five hundred dollars.

If you do not find him guilty of either of the felonies aforesaid, but find him guilty of assault and battery, as further charged in the indictment, 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.

Lacy M. Halterman

CHARGE TO JURY

If you find the accused, Lacy M. Halterman, guilty of wounding Clyde A. Bishop with malicious intent, as charged in the indictment, you will say so and fix his punishment by confinement in the penitentiary for a period of not less than one year nor more than ten years.

If you do not find him guilty of malicious wounding as charged in the indictment, but find him guilty of unlawful wounding as therein charged, you will say so and fix his punishment by confinement in the penitentiary for a period of not less than one year nor more than five years, or, in your discretion, by confinement in jail not exceeding twelve months and by a fine not exceeding five hundred dollars.

If you do not find him guilty of either of the felonies aforesaid, but find him guilty of assault and battery, as further charged in the indictment, 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.

Lacy M. Halterman

INSTRUCTION 1

The Court instructs the jury that the law presumes every person charged with crime to be innocent until his guilt is established by the Commonwealth beyond a reasonable doubt, and this presumption of innocence goes with the defendant through the entire case, and applies to every stage thereof; and they are instructed that should they have a reasonable doubt as to any fact or circumstances essential to prove the charges against the defendant, it is their duty to give the defendant the benefit of the doubt and find him not guilty.

The Court further instructs the jury that where the prisoner relies upon self-defense to excuse him, the burden is upon the accused to establish such defense or to at least raise in the minds of the jury from their consideration of all the evidence a reasonable doubt of his guilt by reason of that ground of defense, and the Court further instructs the jury that in order to establish self-defense, it must appear from the evidence that the accused, Lacy Halterman, believed, and had reasonable grounds to believe, at the time he fired the shots which resulted in the wounding of Clyde Bishop, that he was in imminent danger of death or serious bodily harm.

9-18-54

H. H.

SK.

INSTRUCTION

The Court instructs the jury that the law presumes every person charged with crime to be innocent until his guilt is established by the Commonwealth beyond a reasonable doubt, and this presumption of innocence goes with the defendant through the entire case, and applies to every stage thereof; and they are instructed that should they have a reasonable doubt as to any fact or circumstances essential to prove the charges against the defendant, it is their duty to give the defendant the benefit of the doubt and find him not guilty.

The Court further instructs the jury that where the prisoner relies upon self-defense to excuse him, the burden is upon the accused to establish such defense or to at least raise in the minds of the jury from their consideration of all the evidence a reasonable doubt of his guilt by reason of that ground of defense, and the Court further instructs the jury that in order to establish self-defense, it must appear from the evidence that the accused, Lacy Halterman, believed, and had reasonable grounds to believe, at the time he fired the shots which resulted in the wounding of Clyde Bishop, that he was in imminent danger of death or serious bodily harm.

9-18-22
H. H.
4

Commonwealth

v.

Lacy M. Halterman

INSTRUCTION 2

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.

9-18-54

H. H.

Commonwealth

v.

Lacy M. Halferman

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.

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H. H.

Commonwealth
v.
Halterman

INSTRUCTION NO. B-A

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.

9-18-54

H. H.

Commonwealth

v.

Instruction 3

Lacy M. Halterman

Any assault or wounding with a deadly weapon, with intent to maim, disfigure, disable or kill, if not justified on the ground of self defense, must be either a malicious wounding or an unlawful wounding, within the meaning of the charge to the jury.

The difference between a malicious assault or wounding with intent to maim, disfigure, disable or kill, and an unlawful assault or wounding, with the same intent, depends upon the presence or absence of malice on the part of the accused at the time of such wounding.

If committed in the heat of sudden passion arising on a sufficient provocation or in the heat of mutual combat, it is an unlawful wounding; otherwise, a malicious wounding.

The words "malicious" and "malice" as here used include not only anger and hatred but every unlawful and unjustifiable motive, denoting an action flowing from any wicked and corrupt motive, done with an evil mind and purpose, attended with such circumstances as carry in them the plain indication of a heart regardless of social duty and deliberately bent on mischief. Malice means a wrong act done intentionally without just cause or excuse.

The words "sudden passion" or "heat of passion", as applied to the crime of unlawful wounding, imply the mind of a man who, because of some grave provocation, inciting a sudden rage or extreme state of excitement, has been rendered deaf to the voice of reason and becomes lost to self control, so that although the act done might have been intentional of death, it was not the result of a wicked heart or malice, but imputable to human infirmity. In so recognizing the infirmity of human nature and the absence of genuine malice when the wounding is done in hot blood upon grave provocation, the law

Lacy M. Halterman

Instruction

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reduces the grade of the assault from malicious wounding to unlawful wounding. While the law so far has regard for human passion excited by a great wrong or by mutual combat as to allow it the effect of mitigation or partial excuse of an act of violence done under its influence, it never justifies or wholly excuses a man for taking the law into his own hands to right or avenge a wrong done by another, except in the lawful exercise of his right of self defense.

Even on receiving the gravest provocation, if a person is emotionally unmoved, is still conscious of the voice of reason and maintains his self control, but nevertheless wilfully wounds his adversary with a deadly weapon, otherwise than in defense of himself, he is guilty of malicious wounding, with intent to main, &c.

9-18-54
H. H.

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Even on receiving the gravest provocation, if a person is emotionally unmoved, is still conscious of the voice of reason and maintains his self control, but nevertheless willfully wounds his adversary with a deadly weapon, otherwise than in defense of himself, he is guilty of malicious wounding, with intent to maim, &c.

9-18-24
H. H.

Commonwealth

v.

Lacy M. Halterman

INSTRUCTION 4

The Court instructs the jury that on a charge of malicious shooting, malice is presumed from the fact of shooting with a deadly weapon, and when the shooting is proved, and is unaccompanied by extenuating circumstances, the burden of disproving malice is thrown upon the accused.

9-18-54
H. H.

Commonwealth
v.
Lacy M. Halterman

INSTRUCTION 5

The Court instructs the jury that if you believe from the evidence that Bishop threatened Lacy Halterman with serious bodily harm and that Lacy Halterman had reasonable grounds to believe that such threats would be carried into execution, he had the right to arm himself for his own necessary self-protection, and in such case no inference of malice can be drawn from the mere fact the accused had the pistol in his immediate possession.

9-18-54
H. H.

14. 41.
5-18-27

had the pistol in his immediate possession.

No inference of malice can be drawn from the mere fact the accused
was himself for his own necessary self-protection, and in such case
such threats would be carried into execution, he had the right to
have and that Percy Hatterman had reasonable grounds to believe that
evidence that Bishop threatened Percy Hatterman with serious bodily

The Court instructs the jury that if you believe from the

INDICATION 2

Percy M. Hatterman
A.
Commonwealth

Commonwealth

v.

Lacy M. Halterman

INSTRUCTION 6

The Court instructs the jury that the use of any dangerous weapon, in any angry or threatening manner, with the intent to alarm or strike another under circumstances calculated to affect that object is an assault, and if you believe from the evidence that Bishop had in his hand a knife, that he angrily cursed the defendant and acted in a threatening manner toward him, then the defendant was assaulted and had a right to use all force as to him seemed reasonably necessary to repel said assault; he was not compelled to retreat from the said Bishop, but could stand his ground and use such repelling force as appeared reasonably necessary for his own protection.

9-18-54
H. H.

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appeared reasonably necessary for his own protection,
but could stand his ground and use such repelling force as
assault; he was not compelled to retreat from the said Bishop,
force as to him seemed reasonably necessary to repel said
him, then the defendant was assaulted and had a right to use all
cursed the defendant and acted in a threatening manner toward
evidence that Bishop had in his hand a knife, that he suddenly
to effect that object is an assault, and if you believe from the
intent to alarm or strike another under circumstances calculated
dangerous weapon, in any sudden or threatening manner, with the
the Court instructs the jury that the use of any

INSTRUCTION

Lacy M. Halterman

v.

Commonwealth

Commonwealth

v.

Lacy M. Halterman

INSTRUCTION 7

The Court instructs the jury that a force which the defendant had the right to resist must itself have been within striking distance and that the right to kill or do bodily harm begins where the necessity begins and ends where it ends, and in this connection you are further instructed that although you may believe from the evidence that Bishop was the aggressor in the first instance, and the necessity to shoot him may have been apparent to accused when he drew his gun, yet if you further believe from the evidence, beyond a reasonable doubt that Bishop had abandoned the attack on the accused, and was attempting to flee or escape with the consequence that the accused was no longer in actual danger or that there was no reasonable ground for apprehending that such danger existed when he shot and wounded Bishop, then the accused's act was not upon any necessity, real or apparent, and you should find him guilty of either malicious or unlawful wounding as defined in Instruction No. 3.

9-18-54

H. H.

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19. H.
5-18-27
no. 3.

instructing or unlawfully molesting as defined in instruction
of apparent, and you should find him guilty of either
when the accused, a man was not upon any necessity, least
such danger existed when he shot and wounded Bishop,
there was no reasonable ground for apprehending that
that the accused was no longer in actual danger of that
and was attempting to flee or escape with the consequence
being that Bishop had abandoned the attack on the accused,
thereby relieving him from the evidence, beyond a reasonable
apprehension to accused when he drew his gun, let it be
inference, and the necessity to shoot him may have been
evidence that Bishop was the aggressor in the first
instructed that although you may relieve from the ev-
where it ends, and in this connection you are further
so readily seen being where the necessity being and ends
within striking distance and that the right to kill or
defendant had the right to resist what itself have been

The Court instructs the jury that a force which the

INSTRUCTION

Paul M. Halperman

A.

Commonwealth

Commonwealth

v.

Lacy M. Halterman

INSTRUCTION 8

The Court instructs the jury that in passing upon the danger, if any, to which Lacy Halterman was exposed at the time of the shooting you will consider the circumstances as they reasonably appeared to the accused and draw such conclusions from those circumstances as he could reasonably have drawn, and did draw, situated as he was at the time; in other words, the Court instructs you that Halterman is entitled to be tried and judged by facts and circumstances as they reasonably appeared to him and not by any intention that may or may not have existed in the mind of Bishop.

9-18-54

H. H.

Commonwealth

v.

Lacy M. Halterman

8 INSTRUCTION

The Court instructs the jury that in passing upon the danger, if any, to which Lacy Halterman was exposed at the time of the shooting you will consider the circumstances as they reasonably appeared to the accused and draw such conclusions from those circumstances as he could reasonably have drawn, and did draw, situated as he was at the time; in other words, the Court instructs you that Halterman is entitled to be tried and judged by facts and circumstances as they reasonably appeared to him and not by any intention that may or may not have existed in the mind of Bishop.

9-18-54
H. H.

Commonwealth

v.

Lacy M. Halterman

INSTRUCTION 9

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.

9-18-54
H.H.

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Give credit accordingly.

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

The Court instructs the jury that the credibility of

INSTRUCTION 8

Lacy M. Halferman

v.

Commonwealth

Commonwealth

v.

Lacy M. Halterman

INSTRUCTION _____

The Court instructs the jury that if you believe from the evidence beyond a reasonable doubt that both the accused, Lacy M. Halterman, and Clyde Bishop made threats one against the other, and that because of said threats each armed himself against the other, Halterman with a pistol, and Bishop with a knife, and that when they met near the public highway, Bishop attacked Halterman with said knife and Halterman began shooting at Bishop just as soon as each was able, resulting in Bishop being wounded by the accused, then the accused cannot rely upon the law of self-defense as a complete defense, and must be found guilty of either malicious wounding or unlawful wounding.

Referred
H.H.

7-8-54

H.H.

Commonwealth

Lacy M. Halferman

INSTRUCTION

The Court instructs the jury that if you believe from the evidence beyond a reasonable doubt that both the accused, Lacy M. Halferman, and Clyde Bishop made threats one against the other, and that because of said threats each armed himself against the other, Halferman with a pistol, and Bishop with a knife, and that when they met near the public highway, Bishop attacked Halferman with said knife and Halferman began shooting at Bishop just as soon as each was able, resulting in Bishop being wounded by the accused, then the accused cannot rely upon the law of self-defense as a complete defense, and must be found guilty of either malicious wounding or unlawful wounding.

Accepted
H.H.
7-8-24
H.H.

Commonwealth
v.
Lacy M. Halterman

INSTRUCTION 7

The Court instructs the jury that if they believe from the evidence that before the time of the shooting, Bishop had threatened to beat or kill Lacy Halterman, and that such threats had been communicated to Lacy Halterman; and if they further believe from the evidence that at the time of the encounter and before the shots were fired Bishop did some overt act from which Lacy Halterman could reasonably infer that Bishop was about to execute the said threats by killing him, or doing him some serious bodily harm, and that Lacy Halterman shot Bishop under the reasonable belief that such shooting was necessary to prevent Bishop from killing him or doing him some grave bodily harm, then the jury must find Lacy Halterman not guilty.

REFUSED AS COVERED BY #6

7-8-54

R.H.

Judge

Ex.

1-8-24
REFUSED AS COVERED BY 48

harm, then the jury must find Lacy Halferman not guilty.
prevent Bishop from killing him or doing him some grave bodily
under the reasonable belief that such shooting was necessary to
him some serious bodily harm, and that Lacy Halferman shot Bishop
was about to execute the said threats by killing him, or doing
act from which Lacy Halferman could reasonably infer that Bishop
encounter and before the shots were fired Bishop did some overt
further believe from the evidence that at the time of the
threats had been communicated to Lacy Halferman; and if they
had threatened to beat or kill Lacy Halferman, and that such
from the evidence that before the time of the shooting, Bishop

The Court instructs the jury that if they believe

INSTRUCTION

Lacy M. Halferman
v.
Commonwealth

Commonwealth
v.
Lacy M. Halterman

INSTRUCTION

8

The Court instructs the jury that if you believe from the evidence that Bishop threatened Lacy Halterman with serious bodily harm and that Lacy Halterman had reasonable grounds to believe that such threats would be carried into execution, he had the right to arm himself for his own necessary self-protection, and in such case no inference of malice can be drawn from the fact ^{mere accused} ~~the~~ ^{had the pistol} ~~prepared for it.~~

in his immediate possession.

To revision

H. H.

7-8-54

5-8-24
H. H.
Jr. to Winton

in his immediate possession.

inference of malice can be drawn from the fact that he was armed for self-protection, and in such case no such threats would be carried into execution, he had the right to arm himself and that Jack Halterman had reasonable grounds to believe that evidence that Bishop threatened Jack Halterman with serious bodily

the Court instructs the jury that if you believe from the

INSTRUCTIONS

8

JACK M. HALTERMAN
A.
COMMONWEALTH

Commonwealth

v.

Lacy M. Halterman

INSTRUCTION 9

The Court instructs the jury that although you may believe from the evidence that Clyde Bishop attempted to attack the accused with a knife, if you further believe from the evidence beyond a reasonable doubt that Bishop had abandoned such attempt and was trying to flee or escape when he was shot by Halterman ^{either} of malicious or unlawful wounding, then you should find the accused guilty as charged defined in ~~another instruction No. 5~~ ^{depending upon the your if} in the indictment,

7-8-54

H. H.

Σ.

Commonwealth

Lacy M. Helferman

INSTRUCTION 2

The Court instructs the jury that although you

may believe from the evidence that Clyde Bishop

attempted to attack the accused with a knife, if you

further believe from the evidence beyond a reasonable

doubt that Bishop had abandoned such attempt and was

trying to flee or escape when he was shot by Helferman

then you should find the accused guilty as charged defined in

Refused

1-8-74

H. H.

2

Commonwealth
v.
Lacy M. Halterman

INSTRUCTION 1

The Court instructs the jury that the law presumes every person charged with crime to be innocent until his guilt is established by the Commonwealth beyond a reasonable doubt, and this presumption of innocence goes with the defendant through the entire case, and applies to every stage thereof; and they are instructed that should they have a reasonable doubt as to any fact or circumstances essential to prove the charges against the defendant, it is their duty to give the defendant the benefit of the doubt and find him not guilty.

7-8-54

H. H.

Commonwealth

v.

Lacy M. Halterman

INSTRUCTION

2

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.

7-8-54

H. H.

Commonwealth

v.

Lacy M. Halterman

INSTRUCTION 3

✓ The Court instructs the jury that on a charge of malicious shooting, malice is presumed from the fact of shooting with a deadly weapon, and when the shooting is proved, (and is unaccompanied by extenuating circumstances, the burden of disproving malice is thrown upon the accused. ?

7-8-54

H H.

H H
5-8-24

upon the vessel.

Further, the reason of disturbing matter is to be
known, and is accompanied by extraordinary circumstances
growing out of a deadly war, and when the growing is
matters growing, matter is believed from the fact of
the same matter the fact that on a scale of

INDUSTRIAL

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and M. H. H. H.

A.

Commonwealth

Commonwealth

v.

Lacy M. Halterman

INSTRUCTION 4

The Court instructs the jury that malice as applied to this case is used in a technical sense. It may be either express or implied. It includes not only anger, hatred and revenge, but every unlawful and unjustifiable motive. It may be inferred or implied from any deliberate and cruel act done without reasonable provocation or excuse. Malice in law is every evil design in general; and by it is meant that the act has been attended with such circumstances as are ordinarily symptoms of a wicked, depraved and malignant spirit, and carries with them the plain indications of a heart regardless of social duty, and fatally bent upon mischief. It is not necessary that malice shall have existed for any particular length of time and it may first come into existence at the time of the wounding or injury, or at any time previous.

7-8-54

H. H.

H. H.
5-8-27

or at any time. Discharge
into existence at the time of the molding of the
for any particular reason of time and it may later come
order. It is not necessarily that matter shall have existed
regardless of matter and it may later be upon the
and matter may from the brain impressions of a matter
impression of a matter, developed and matter shall be
been organized matter and shall be as the ordinary
matter in the body and it is to be matter and the matter
development of matter. Matter in the matter shall
from any particular and shall not come without development
particular matter. It may be matter or matter
shall be matter and matter, but shall matter and
may be matter or matter. It may be matter
matter to the matter is matter in a particular sense. It
the matter matter the matter matter matter

INFORMATION

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1927 H. H. H. H.
A.
Commonwealth

Commonwealth

v.

Lacy M. Halterman

INSTRUCTION

5

The Court instructs the jury that if you believe from the evidence in this case, beyond a reasonable doubt, that the defendant, Lacy M. Halterman, shot and wounded Clyde Bishop with intent, then and there, unlawfully, feloniously and maliciously to maim, disfigure, disable or kill the said Clyde Bishop, then the jury should find the defendant guilty of malicious wounding, as charged in the indictment; but if the jury believe from the evidence that the act was done unlawfully, but not maliciously, with intent to maim, disfigure, disable or kill, then the jury should find the defendant guilty of unlawful wounding, as charged in the indictment, in which connection the Court further tells the jury that the difference between malicious and unlawful wounding depends upon the presence or absence of malice.

7-8-54

H. H.

Ex.

Commonwealth
v.
Lacy M. Halterman

INSTRUCTION 6

The Court instructs the jury that the use of any dangerous weapon, in any angry or threatening manner, with the intent to alarm or strike another under circumstances calculated to affect that object is an assault, and if you believe from the evidence that Bishop had in his hand a knife, that he angrily cursed the defendant and acted in a threatening manner toward him, then the defendant was assaulted and had a right to use all force as to him seemed reasonably necessary to repel said assault; he was not compelled to retreat from the said Bishop, but ^{could} might, (in his turn, become the assailant,) and use such repelling force as appeared reasonably necessary for his own protection, even to the taking of the life of the assailant.

7-8-54
H.H.

Commonwealth

v.

Lacy M. Halterman

INSTRUCTION 8-A

2
The Court instructs the jury that if you believe from the evidence that Bishop threatened Lacy Halterman with serious bodily harm and that Lacy Halterman had reasonable grounds to believe that such threats would be carried into execution, he had the right to arm himself for his own necessary self-protection, and in such case no inference of malice can be drawn from the mere fact the accused had the pistol in his immediate possession.

7-8-54
H. H.

Commonwealth

v.

Lacy M. Halterman

INSTRUCTION 9

The Court instructs the jury that although you may believe from the evidence that Clyde Bishop attempted to attack the accused with a knife, if you further believe from the evidence beyond a reasonable doubt that Bishop had abandoned such attempt and was trying to flee or escape when he was shot by Halterman then you should find the accused guilty of either malicious or unlawful wounding as defined in instruction No. 5.

7-8-54

H. H.

L.

5
H. H.
5-8-24

No. 2.

statements of witnesses concerning the accused in connection
then you should find the accused guilty of murder
if so they or escape when he was shot by witnesses
should that Hester had abandoned after attempt and was still
further before from the evidence beyond a reasonable
attempted to attack the accused with a knife. If you
and before from the evidence that since Hester
the court instructs the jury that although you

INSTRUCTIONS

WILLIAM H. HESTER

A.

COMMONWEALTH

Commonwealth
v.
Lacy M. Halterman

INSTRUCTION 9-A

The Court instructs the jury that in passing upon the danger, if any, to which Lacy Halterman was exposed at the time of the shooting, and as to whether Bishop had abandoned his attack, if any, you will consider the circumstances as they reasonably appeared to the accused and draw such conclusions from those circumstances as he could reasonably have drawn, situated as he was at the time; in other words, the Court instructs you that Halterman is entitled to be tried and judged by facts and circumstances as they reasonably appeared to him and not by any intention that may or may not have existed in the mind of Bishop.

7-8-54

H. H.

H. H.
58-24

of Bishop.

and not by any intention that may or may not have existed in the mind
judged by facts and circumstances as they reasonably appeared to him
the Court instructs you that Hutterman is entitled to be tried and
reasonably have drawn, situated as he was at the time; in other words,
ascertain and draw such conclusions from those circumstances as he could
you will consider the circumstances as they reasonably appeared to the
shooting, and as to whether Bishop had abandoned his attack, if any,
danger, if any, to which fact Hutterman was exposed at the time of the

The Court instructs the jury that in basing upon the

INSTRUCTION

A-4

Lucy M. Hutterman
A.
Commonwealth

Commonwealth
v.
Lacy M. Halterman

INSTRUCTION 10

The Court instructs the jury that in order to establish self defense, it must appear from the evidence that the accused, Lacy Halterman, believed, and had reasonable grounds to believe, at the time of the wounding, that he was in imminent danger of death or serious bodily harm.

7-8-54
H. H.

Commonwealth

v.

Lacy M. Halterman

INSTRUCTION 11

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.

7-8-54

H. H.

Commonwealth

v.

Lacy M. Hatterman

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.

1-8-24
H. H.

Commonwealth
v.
Lacy M. Halterman

INSTRUCTION

12

The Court instructs the jury that under the indictment in this case, if warranted by the evidence, you may find one of the four following verdicts, to-wit:

- 1) Malicious wounding or injury;
- 2) Unlawful wounding or injury;
- 3) Assault and battery;
- 4) Not guilty.

7-8-54

H.A.

Lacy M. Halferman
v.
Commonwealth

James v.

Comm.

INSTRUCTION

187/133

The Court instructs the jury that under the indictment in this case, if warranted by the evidence, you may find one of the four following verdicts, to-wit:

- 1) Malicious wounding or injury;
- 2) Unlawful wounding or injury;
- 3) Assault and battery;
- 4) Not guilty.

1st

Instructions
1st trial

7-8-34

12

96/113

86/55

127/83

until person was
out of papers

58/283

100/842

15634 14

Lorenzo Calderell came from \$10⁰⁰
Mallum W. Va 40 miles 1 way

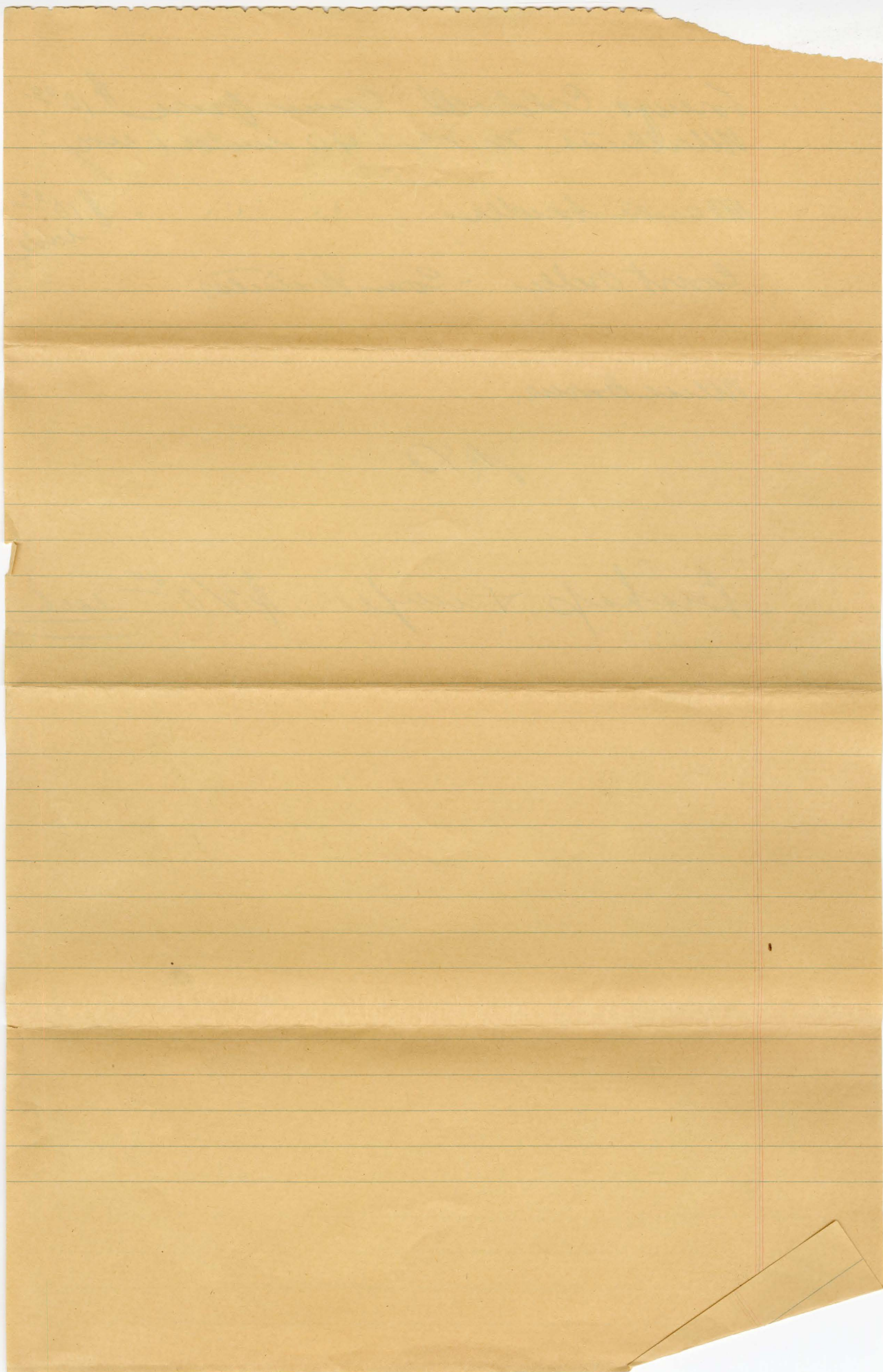
Marion Fowler " " " \$10⁰⁰
ride

Court order - Com. W. states

Miss Barnes,

240

Bishop + wife \$20⁰⁰ each



COMMONWEALTH EXHIBIT

8

Received:

SEP 17 1954

Case No.

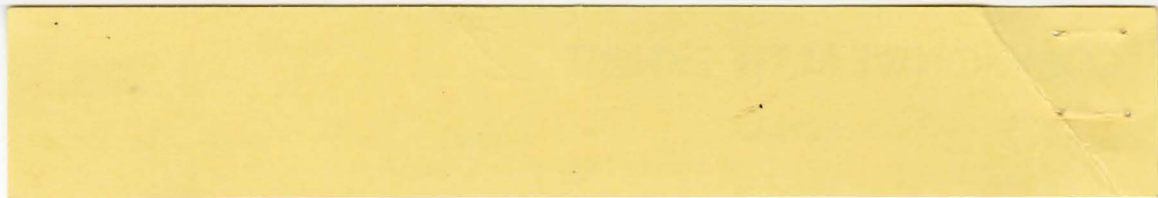
COM. v. HALTERMAN

ATTEST:

[Signature]

JUDGE

C. OVERTON LEE, Court Reporter



STATEMENT

My name is Lacy M. Halterman. My address is Fulks Run, Virginia. I am 33 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 statement voluntarily this 10th day of March, 1954, in the office of the Commonwealth's Attorney, Court House, Harrisonburg, Virginia in the presence of Deputy Warren Spitzer.

The Bishops came to my place around the 22nd of November, 1953. There was Wilbert, and Clyde, Clyde's wife and daughter, Bernice, age 10. They said they came from Pennsylvania. I needed somebody to cut some timber but told them I had no place for them to stay except the feed house. They looked it over and said it would do until they could get something better. I bought them mattresses, etc. at a total cost of around \$100.00. They worked a few days and kept asking for money, money, money. I gave them some money from time to time until I got to the place where I figured I had given them more than I owed them. The agreement was that they were to get paid something from time to time until the timber was all cut and then we would make final settlement. L.M.H.

After the 9th of January, 1954, I had paid Wilbert \$157.00 and he went away. Clyde stayed on with his family. I had a good idea as to how much timber had been cut and after Wilbert went away I figured something was wrong. Clyde asked me for money and I told him that I had paid him about all that I owed him. He got mad and pouted around for a day or two and then he was alright again. L.M.H.

One day I told him that I was going to be away and for him to spread the manure from the chicken house. Well, he worked there for awhile and went on out to ^{saw} cut some ^{wood} timber. He cranked up the tractor and in doing so he got hit on the head with the crank. I heard about it at the store when I got back. That evening he came up and wanted me to take him to the doctor. I said "All right, Clyde, if you got hurt in the chicken house, I will do it." *He got mad again; this was on a Saturday or Sunday. (about two days afterwards) L.M.H.

Later he came back and said he thought he was getting blood poisoning. I took him to the doctor this time and the doctor said it was just sawdust causing it and that it wouldn't be necessary to bring him back.

*and pay the bill, otherwise I will take you to the doctor and you pay the bill. L.M.H.

STATEMENT

My name is Lucy M. Halterman. My address is Frika Run, Virginia. I am 33 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 statement voluntarily this 10th day of March, 1954, in the office of the Commonwealth's Attorney, Court House, Harrisonburg, Virginia in the presence of Deputy Warren Spitzer.

The Bishop came to my place around the 22nd of November, 1953. There was Wilbert, and Clyde, Clyde's wife and daughter. They said they came from Pennsylvania. I needed somebody to cut some timber but told them I had no place for them to stay except the feed house. They looked it over and said it would be until they could get something better. I bought them mattresses, etc. at a total cost of around \$100.00. They worked a few days and kept asking for money, money, money. I gave them some money from time to time until I got to the place where I figured I had given them more than I owed them. The agreement was that they were to get paid something from time to time until the timber was all cut and then we would make final settlement.

After the 9th of January, 1954, I had paid Wilbert \$150.00 and he went away. Clyde stayed on with his family. I had a good idea as to how much timber had been cut and after Wilbert went away I figured something was wrong. Clyde asked me for money and I told him that I had paid him about all that I owed him. He got mad and pointed around for a day or two and then he was alright again.

One day I told him that I was going to be away and for him to spread the manure from the chicken house. Well, he worked there for awhile and went on out to cut some timber. He cranked up the tractor and in doing so he got hit on the head with the crank. I heard about it at the store when I got back. That evening he came up and wanted me to take him to the doctor. I said "All right, Clyde, if you got hurt in the chicken house, I will do it." He got mad again; this was on a Saturday or Sunday. (about two days afterwards) - Tim

Later he came back and said he thought he was getting blood poisoning. I took him to the doctor this time and the doctor said it was just a sweat causing it and that it wouldn't be necessary to bring him back.

and pay the bill, otherwise I will take you to the doctor and you pay the bill.

Statement--Lacy M. Halterman
March 10, 1954
Page Two

That was the last argument we had until the 4th of March. I wanted to go up to Batterman's where they were showing some farm movies and had to get some things in Harrisonburg anyway and told Clyde he could go along or stay and cut timber. He said well, he thought he would ride along. I had to go to Stickley's I remember. We both went down town and when I got back he was in the truck waiting for me. We went on to Batterman's. I remembered after I had been there awhile that my wife had told me to bring some feed so I got on up and went out; I couldn't find Clyde and since he had run off like that once before I went on without him. I stopped later at the store where I usually deal and then he came in, just a-rearing. He said "I will fix you, you knew I wanted to come back with you, you ran off on purpose." He kept calling me names after that for a couple of days; "liar" and names like of that. I got tired of it and told him he was fired and would have to leave. He said we will have to make final settlement.

*after looking for him twice. — JmH

I came up to Lawyer Wharton and we fixed up the settlement. He didn't like the settlement and I got papers to serve on him to move and not to trespass. He scared me--said "I will get you" "I will show you something you have never seen." This was before the papers were served. — JmH

My wife was afraid and she ~~we~~ ~~all~~ went up to my mother's place in ~~my mother's~~ ~~place~~ ~~on March 8, 1954~~. I knew the chickens had to be fed and Tuesday evening (March 9, 1954), my brother-in-law, Burlin Dove and my little boy, Carl Lee, went down to feed the chickens. I told my brother-in-law to keep his mouth shut if Clyde started anything. — JmH

I started into the building where the Bishops were staying and went in there like I always did. Clyde said "the sheriff was here." I told Clyde I didn't want any trouble, that I was going to feed the chickens and go away. In the presence of my brother-in-law he said "I am going to fix you." "You didn't pay me enough." I said that I was satisfied with the settlement. He said "the first time I catch you off your place I am going to fix you." We went on then and fed and got in the truck to leave. — JmH

Moyers

I thought about my neighbor, Raymond ~~Morris~~, and that I ought to tell him to be careful. I went across 259, parked the truck and went in to Moyers'. When we had left my house, Clyde was in his compartment. I told Raymond about the trouble and

That was the last argument we had until the 14th of March. I wanted to go up to Batterman's where they were showing some farm movies and had to get some things in Harrisonburg anyway and told Clyde he could go along or stay and cut timber. He said well, he thought he would ride along. I had to go to Stickley's I remember. We both went down town and when I got back he was in the truck waiting for me. We went on to Batterman's. I remembered after I had been there awhile that my wife had told me to bring some food so I got on up and went out; I couldn't find Clyde and since he had run off like that once before I went on without him. I stopped later at the store where I usually deal and then he came in, just a-reading. He said "I will fix you, you know I wanted to come back with you, you ran off on purpose." He kept calling me names after that for a couple of days; "liar" and names like of that. I got tired of it and told him he was tired and would have to leave. He said we will have to make final settlement.

After looking for him twice. I came up to Lawyer Wharton and we fixed up the settlement. He didn't like the settlement and I got papers to serve on him to move and not to trespass. He scared me--said "I will get you" "I will show you something you have never seen." This was before the papers were served.

My wife was afraid and she went up to my mother's place in Harrisonburg, on March 8, 1954. I knew the chickens had to be fed and Tuesday evening (March 9, 1954), my brother-in-law, Burlin Dove and my little boy, Carl Lee, went down to feed the chickens. I told my brother-in-law to keep his mouth shut if Clyde started anything.

I started into the building where the Bishop's were staying and went in there like I always did. Clyde said "the sheriff was here." I told Clyde I didn't want any trouble, that I was going to feed the chickens and go away. In the presence of my brother-in-law he said "I am going to fix you." "You didn't pay me enough." I said that I was satisfied with the settlement. He said "the first time I catch you off your place I am going to fix you." We went on then and fed and got in the truck to leave.

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Statement--Lacy M. Halterman
March 10, 1954
Page Three

warned him. My brother-in-law and my boy were in the truck. Then I saw Clyde coming and told Raymond I had better go--that I didn't want any trouble. I started to the truck which was out in the road. I was right outside Moyer's house in the lane and Clyde caught me. He said "you dirty son-of-a-bitch. I caught you off your place. I will fix you." Then he made for me. When he got about a foot or a foot and a half from me I saw that he had a knife. I jumped back when I saw it and grabbed my pistol out of the holster and shot at him--how many times I don't know. When I saw he couldn't hurt me any more I stopped shooting. When I shot the best I know he was still coming towards me. I was very excited and don't remember too much. After I shot he turned and blundered a couple of steps before he fell. I looked at the knife which he still had in his hand. I said "you were going to get me with my own knife." I recognized it as one of mine which had been missing for some time. When I said that he threw it away from him. I made sure nobody touched it after that until the sheriff came.

I had gotten my pistol when I was at the house just before we left for Moyer's. It had nine cartridges in it. I always kept it loaded. It was in a holster which I put around my waist. I also put several loose cartridges in a bag in my pocket. I had gotten a mandolin also to take with me back to my mother's place.

The shooting took place about dusk. It wasn't too dark--it was light enough for me to see the knife he had when he got close to me. After I shot him the only thing I heard him say was "I am dying."

I did it because I was afraid. I am deathly afraid of a knife. I thought he would get me and I have a family and everything.

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

Lacy M. Halterman

WITNESS:

W. A. Fisher
Donald H. Titterton

Statement--Lucy M. Halterman
March 10, 1934
Page Three

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The shooting took place about dusk. It wasn't too dark--it was light enough for me to see the knife he had when he got close to me. After I shot him the only thing I heard him say was "I am dying."

I did it because I was afraid. I am deathly afraid of a knife. I thought he would get me and I have a family and every-thing.

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

Lucy M. Halterman

WITNESS:

Raymond P. Halterman
W. A. Halterman

DEFENDANT EXHIBIT

Case No.

Comm. v. HALTERMAN

5 ~~*for*~~

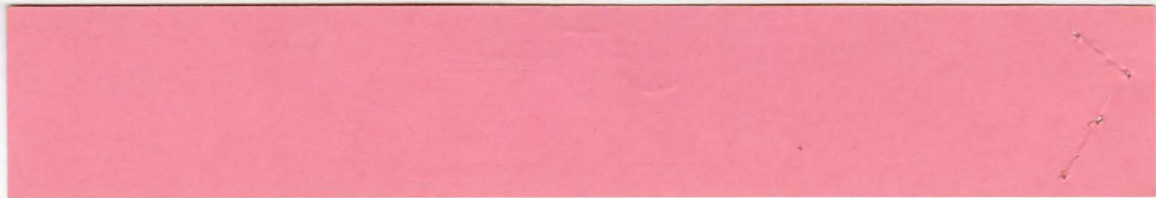
Received:

18. H.
SEP 17 1954

ATTEST:

JUDGE

C. OVERTON LEE, Court Reporter



42472

TO CLYDE A. BISHOP and ELLA BISHOP:

You and each of you are hereby notified that you will
be prosecuted for trespassing if you come within fifty (50) feet of
my dwelling house.

Dated: March 9, 1954.

Lacy M. Halterman

Lacy M. Halterman

ALSO IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN
TO
IN PERSON.

A. J. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

TO CLYDE A. BISHOP and ELLA BISHOP:

You and each of you are hereby notified that you will
be prosecuted for trespassing if you come within fifty (50) feet of
my dwelling house.

Dated: March 9, 1954.

Lacy M. Halterman
Lacy M. Halterman

EXECUTED 3/9/54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN notice
TO Clyde A Bishop & Ella Bishop
IN PERSON.

W. A. Shuler

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

Shuler
1954

B 42472

RECEIPT FOR FEES COLLECTED

County of Packhams Virginia March 9, 1954Received of Lee J. M. Hattom \$ 1.50.One 50/100 DOLLARSFor 2 notices On _____ 19____

Type of Service or Process

Date of Service

In matter of Hattom vs Bishop & Bishop

ORIGINAL—TO PAYEE

Deputy—Sheriff—Sergeant

43475

B

RECEIPT FOR FEES COLLECTED

County of _____

Received of _____

DOLLARS _____

For _____

In money of _____

DATE _____

ORIGINAL TO PAYEE

DEFENDANT EXHIBIT

4 ~~for 2d.~~

Received:

SEP 17 1954

Case No.

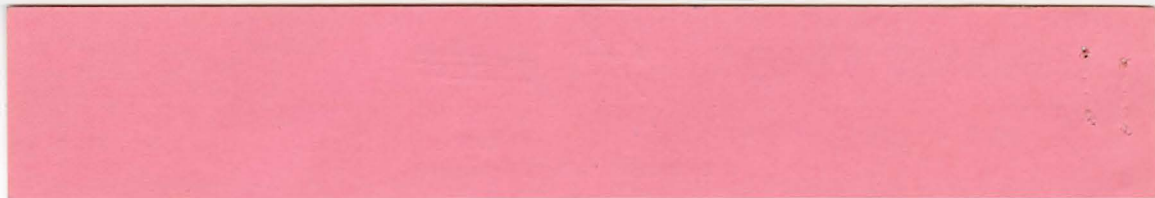
Com. v. HALTERMAN

ATTEST:

[Signature]

JUDGE

C. OVERTON LEE, Court Reporter



The Commonwealth of Virginia, County of Rockingham, to-wit:

To the Sheriff of Said County, Greeting:

In the name of the Commonwealth of Virginia, you are hereby commanded to summon

Clyde A. Bishop to appear before the Trial Justice Court for
the County of Rockingham, at Harrisonburg, Virginia, on the 15th day of
March, 1954, to answer the complaint of

Lacy M. Halterman

that the said defendant is in possession and unlawfully withholds from the said plaintiff certain premises, to-wit:—

That certain tenant house on the property of Lacy M. Halterman, situate
in the Brock's Gap section of Rockingham County, Virginia, on the east
side of Route #259.

which said possession has not been so withheld for a period of more than three years next preceding the suing out
of this summons. And have then and there this writ.

Given under my hand this 9th day of March, 1954.

Ad. C. Lantry
Sh. Clerk

T. J. or J. P.

EXECUTED 3/9/34 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN
TO Clayton A. Bishop
IN PERSON.

W. W. Halterman

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

Lacy M. Halterman
W. W. Halterman

SUMMONS
IN
UNLAWFUL DETAINER

Clayton A. Bishop

To March 15, 1934

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

The undersigned Lacy M. Halterman, on his oath says that Clyde A. Bishop is unlawfully and wrongfully detaining from him the following described premises, to-wit: That certain tenant house on the property of the undersigned, situate in the Brock's Gap section of Rockingham County, Virginia, on the east side of Route #259; for this, to-wit:

The undersigned allowed the said Clyde A. Bishop to use said premises as a tenant at will, without rent, while he was employed by the undersigned; that the said Clyde A. Bishop is no longer employed by the undersigned; and that notwithstanding the fact that he is no longer so employed, and the further fact that he has been notified to leave the premises, he continues to remain in possession of the same.

Given under my hand this 9th day of March, 1954.

Lacy M. Halterman

Subscribed and sworn to before me this 9th day of
March, 1954.

Gene Fahnestock
Notary Public

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

The undersigned Lucy M. Halterman, on his oath says
that Clyde A. Bishop is unlawfully and wrongfully detaining from him
the following described premises, to-wit: That certain tenant house
on the property of the undersigned, situate in the Brock's Gap section
of Rockingham County, Virginia, on the east side of Route #259; for
this, to-wit:

The undersigned allowed the said Clyde A. Bishop to
use said premises as a tenant at will, without rent, while he was em-
ployed by the undersigned; that the said Clyde A. Bishop is no longer
employed by the undersigned; and that notwithstanding the fact that
he is no longer an employee, and the further fact that he has been
notified to leave the premises, he continues to remain in possession
of the same.

Given under my hand this 9th day of March, 1954.

Lucy M. Halterman

Subscribed and sworn to before me this 9th day of

March, 1954.

Blair Johnston
Notary Public

COMMONWEALTH VS.

Lacy M. Hastenauer

DESCRIPTION OF PRISONER

Last known address

7. Melba Ave 7a

Color

W

Height

5-9 1/2

Eyes

Blue

Hair

LT

Weight

140

Marks

Age

32

Occupation

Farmer

Date of Trial

7-8-9

Result

DESCRIPTION OF PRISONER

COMMONWEALTH VS. JAMES M. HARTMAN

Last known address Franklin Ave. 70
Color W Height 5-9 1/2 Eyes Blue Hair Blk Weight 140
Marks _____
Age 32 Occupation Farmer
Date of Trial 7-8-27
Result _____

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Clyde A. Bishop, Mrs. Clyde
A. Bishop, Deputy Warren A. Spitzer, Officer Joseph,
Raymond Moyers, and Berlin Dove

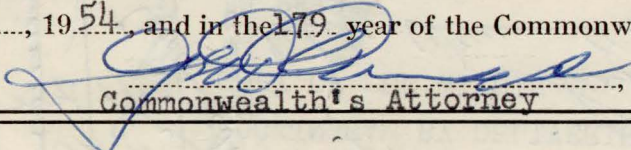
to appear before the Judge of the Circuit Court of Rockingham County, at the Court
House thereof, at ^{9:00}~~10:00~~ o'clock, a. m., on the 17 day of Sept., 19 54
to testify and the truth to say in behalf of the Commonwealth against

LACY M. HALTERMAN

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
4th day of September, 19 54, and in the 179 year of the Commonwealth.


Commonwealth's Attorney, ~~Clerk~~

EXECUTED 9/17/54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE

Commonwealth

COPY OF THE WITHIN Sumner v.) Witness Subpoena

TO one Clerk A Bishop Lacy M. Halterman
IN PERSON.

W. A. Bishop To Sept. 17, 1954
A. L. Shuchman at 9:00 a.m.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

EXECUTED 9/17 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE

COPY OF THE WITHIN Sumner

TO Clerk A Bishop
IN PERSON.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

W. A. Bishop
A. L. Shuchman s.e.

EXECUTED 9/17 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Sumner
TO Clerk A Bishop
IN PERSON.

EXECUTED 9/17 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Sumner
TO Clerk A Bishop
IN PERSON.

In the Name of the Commonwealth of Virginia:

Hardy County, W. Va.

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

You are hereby commanded to summon Marion Souder and Lorenza
Caldwell (Mathias)

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 17 day of Sept., 1954,
to testify and the truth to say in behalf of the Commonwealth against

LACY M. HALTERMAN

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
4th day of Sept., 1954, and in the 179 year of the Commonwealth.

Commonwealth's Attorney

Marion Sept 8-

N. Va.

Commonwealth

v.) Witness Subpoena

Lacy M. Halterman

To Sept. 17, 1954
at 9:00 a.m.

Served the within Summons in Hardy County West Virginia By delivering to Marion Lander in Person Sept 8th and Lanny Caldwell Sept 10th in Person this 10th day of September 1954

By G. A. Martin D. J.

8/2

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Raymond Moyers, Clyde Bishop,
and Mrs. Clyde Bishop, Officer Joseph, Berlin Dove,
and Deputy Warren Spitzer

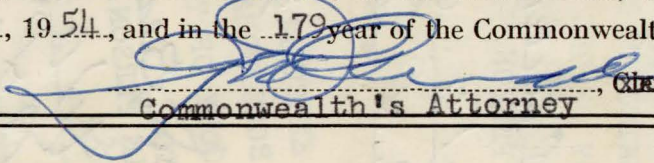
to appear before the Judge of the Circuit Court of Rockingham County, at the Court
House thereof, at ^{9:00}~~10:00~~ o'clock, a. m., on the 18th day of August, 1954,
to testify and the truth to say in behalf of the Commonwealth against

LACY HALTERMAN

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

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
31st day of July, 1954, and in the 179 year of the Commonwealth.


Commonwealth's Attorney

EXECUTED 8/3/54 IN THE COUNTY OF Commonwealth
ROCKINGHAM BY DELIVERING A TRUE) Witness Subpoena

COPY OF THE WITHIN Lacy Halterman

TO Raymond Halterman To August 18, 1954
IN PERSON. at 9:00 a.m.

W. A. Butler
A. L. Strawderman SOC

EXECUTED 8/2/54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Lacy Halterman
TO Raymond Halterman
IN PERSON.

W. A. Butler
A. L. Strawderman SOC

EXECUTED 8/2/54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Lacy Halterman
TO Raymond Halterman
IN PERSON.

W. A. Butler
A. L. Strawderman SOC

EXECUTED 8/2/54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Lacy Halterman
TO Raymond Halterman
IN PERSON.

George R. Butler
Raymond Halterman

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 Raymond Moyers, Clyde Bishop,
and Mrs. Clyde Bishop, Officer Joseph, Berlin Dove,
and Deputy Warren Spitzer

to appear before the Judge of the Circuit Court of Rockingham County, at the Court
House thereof, at 9:00 o'clock, a. m., on the 18th day of August, 1951,
to testify and the truth to say in behalf of the Commonwealth against

LACY HALTERMAN

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 July, 1951, and in the 172 year of the Commonwealth.

J. Robert Switzer Clerk

Commonwealth's Attorney

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greenham:

You are hereby commanded to summon

to appear before the Court of the Circuit Court of Rockingham County, at the Court House thereof, at 10 o'clock, a.m., on the 10th day of 1900, to testify and the oath to say in behalf of the Commonwealth against

who stands charged with and indicted for a felony against the Commonwealth. And this you shall not omit under penalty. And have taken and sworn this Well Witness my hand and the seal of the Court at the Court House, the 10th day of 1900, and in the 10th year of the Commonwealth.

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Raymond Moyers, Clyde Bishop,
and Mrs. Clyde Bishop, Officer Joseph, Berlin Dove,
and Deputy Warren Spitzer

to appear before the Judge of the Circuit Court of Rockingham County, at the Court
House thereof, at ~~10:00~~ ^{9:00} o'clock, a. m., on the 18th day of August, 1954,
to testify and the truth to say in behalf of the Commonwealth against

LACY HALTERMAN

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 July, 1954, and in the 172 year of the Commonwealth.

Commonwealth's Attorney

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon
and Mrs. Clyde Bishop, Officer Joseph Berlin Dove
and Deputy between Officer

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 18th day of August, 1921,
in testily and the truth to say in behalf of the Commonwealth against

JACK RAINBOWMAN

who stands charged with and indicted for a felony
And this you shall not omit under penalty. And have thee and there this With.
Witness, I, the undersigned, Clerk of the Court, at the Court House, the
18th day of August, 1921, and in the 11th year of the Commonwealth


Clerk of the Court

In the Name of the Commonwealth of Virginia:

Sgt., City of Charlottesville
To the Sheriff of Rockingham County, Greeting

You are hereby commanded to summon Dr. William I. Silvernail

to appear before the Judge of the Circuit Court of Rockingham County, at the Court
House thereof, at 12:00 noon o'clock, ~~xxx~~, on the 17 day of Sept., 1954,
to testify and the truth to say in behalf of the Commonwealth against

LACY M. HALTERMAN

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

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

Witness, J. ROBERT SWITZER, Clerk of Rockingham County, at the Court House, the
4th day of September, 1954, and in the 179 year of the Commonwealth.

[Signature]
Commonwealth's Attorney

Commonwealth

v.) Witness Subpoena

Lacy M. Halterman

To Sept. 17, 1954
at 12:00 o'clock noon

Not finding Dr. J. W. L. Sullivan at his home

place of abode within the City of Charlottesville, Va., nor any member of his
family there upon whom process might legally be served, I executed the within
subpoena on the 8 day of Sept, 1954
by leaving posted a true copy thereof, in writing, at front door of his
said name place of abode.

J. H. Hord
City of Charlottesville, Va. Sergeant

By: H. C. Pace, Deputy

380737
In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Curtis Lloyd Dove, Fulk's Run, Va., and

Bryan Moyers, Fulk's Run, Va.,

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 10 o'clock, a. m., on the 17th day of September, 1954, to testify and the truth to
say in behalf of the Defendant in the prosecution of the Commonwealth against

LACY M. HALTERMAN

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

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 16th
day of September, 1954, and in the 179th year of the Commonwealth.

J. Robert Switzer

Clerk

Not finding Carter Lloyd Dove at his usual

place of abode, Executed 9/16/54 by delivering a

true copy of this summons to Paula Dove

His wife in person, at said Carter Lloyd Dove

usual place of abode Paula Dove, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.

W. C. Baker Esq
A. L. Strachman soc

Paula Dove
Lelia Morgan

Not finding Bryan Morgan at his usual

place of abode, Executed 9/16/54 by delivering a

true copy of this summons to Lelia Morgan

His wife in person, at said Bryan Morgan

usual place of abode Lelia Morgan, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.

W. C. Baker Esq
A. L. Strachman soc

Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Clyde Bishop and Deputy Warren
Spitzer

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:30 o'clock, a. m., on the 11 day of May 1954,
to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY

v. LACY HALTERMAN

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 5th
day of May 1954, and in the 178 year of the Commonwealth.

[Signature], Clerk
Commonwealth's Attorney

Commonwealth

v.) Grand Jury Summons

Lacy Halterman

To May 11, 1954
at 9:30 a.m.

EXECUTED 5/5/54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Warren Spitzer
IN PERSON.

George R. Orrin

Deputy Sheriff for.

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 5/5/54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Cheryl Burkhead
IN PERSON.

Wm. L. Strawn

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

Sheriff Fee
80

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

Sergeant, City of Charlottesville

You are hereby commanded to summon

Dr. George C. Blanchard

(University Hospital)

112 Minor Rd

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at 9:00 o'clock, a. m., on the 8th day of July, 1954,

to testify and the truth to say in behalf of the Commonwealth against

LACY M. HALTERMAN

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 29th

day of June, 1954, and in the 17th year of the Commonwealth.

Clerk
Commonwealth's Attorney

not finding Dr. George C. Blanchard his
place of abode within the City of Charlottesville, Va., nor any member of his
family there upon whom process might legally be served, I executed the within
Subpoena on the 2 day of July 1954
by leaving posted a true copy thereof, in writing, at front door of his
aid usual place of abode.

L. H. Harding Sergeant
City of Charlottesville, Va.

By: R. C. Vane, Deputy

at 9:00 a.m.

To July 8, 1954

Lacy M. Halterman

() Witness Subpoena

Commonwealth

pp. 10 46

Keep this Mrs. Menzies

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Dr. William I. Silvernail

1534 Broadway
Charlottesville, Va.

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 8th day of July, 1954,
to testify and the truth to say in behalf of the Commonwealth against

LACY HALTERMAN

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 July, 1954, and in the 27th year of the Commonwealth.

Commonwealth's Attorney, Clerk

Not finding *Dr. William A. Silvernail* at his usual place of abode, *1534 Broad Ave*, the above mentioned papers attached to each other, were executed on the 6th day of *July*, 1934, at *Beverly Silvernail, wife* of *above a member of his family* above the information of its purport to her, and by giving

BY *L. C. Halterman*
SERGEANT, CITY OF CHARLOTTESVILLE, VA.
DEPUTY SERGEANT

Commonwealth

v.) Witness Subpoena

Lacy Halterman

To *July 8, 1954*
at *9:00 a.m.*

Wm Beverly Silvernail

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Clyde A. Bishop, Mrs. Clyde A.
Bishop, Deputy Warren Spitzer, Officer Joseph,
Raymond Moyers and Berlin Dove

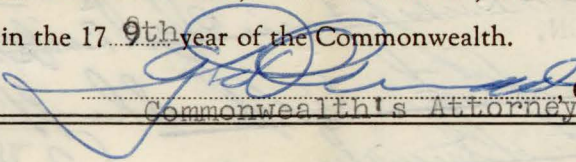
to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,
at ^{9:00}~~10:00~~ o'clock, a. m., on the 8th day of July, 19 54,
to testify and the truth to say in behalf of the Commonwealth against.....

LACY M. HALTERMAN

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 29th
day of June, 19 54, and in the 17 9th year of the Commonwealth.


Commonwealth's Attorney, Clerk

EXECUTED 7-1-54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO William Spitzer
IN PERSON.

Robert H. Brown & Sons, Inc.
C. S. Hume, Jr.

Commonwealth
v.) Witness Subpoena

Lacy M. Halterman
To July 8, 1954
at 9:00 a.m.

EXECUTED 7/1/54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN
TO William Spitzer
IN PERSON.

W. A. Spitzer
W. A. Spitzer
W. A. Spitzer
EXECUTED 7/1/54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN
TO William Spitzer
IN PERSON.

EXECUTED 7/1/54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN
TO Clyde A. Burk
IN PERSON.

W. A. Spitzer
W. A. Spitzer
W. A. Spitzer

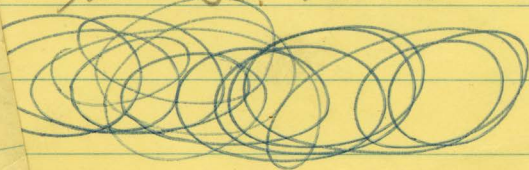
W. A. Spitzer
W. A. Spitzer
W. A. Spitzer
EXECUTED 7/1/54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN
TO Clyde A. Burk
IN PERSON.

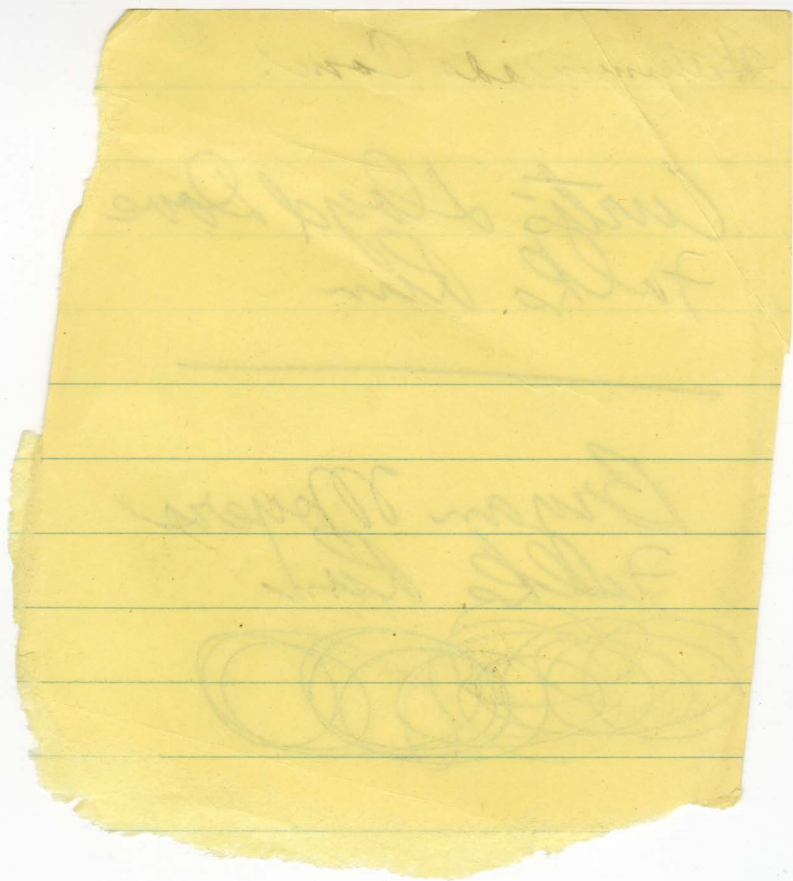
(2.00)

Hatheman ads Com.

Curtis Lloyd Dove
Falks Run

Bryan Meyers
Falks Run





Harry Blatt
~~(J. R. ROR~~ BAIL COMMISSIONER)

14628 A

COMMONWEALTH

v. D Fel (FA)

LACY HALTERMAN

Bail Bond \$5,000.00

To: April 29, 1954, 2 PM

Trial Justice Court

HB, BC

STATE OF VIRGINIA
 COUNTY OF HARRISONBURG
 CITY

To-Wit:

No. _____

TO ANY SHERIFF OR POLICE OFFICER:

Whereas, Warren Spitzer, Deputy Sheriff of Rockingham Countyhas this day made complaint and information on oath before me, James W. Lineweaver
 (Name)Justice of the Peace of the said City
 (Title) County, thatLACY M. HALTERMANRockingham
 in the said County

did on the 9th day of March, 1954: Unlawfully and feloniously
 make an assault on one Clyde Bishop and him, the said Clyde
 Bishop unlawfully, feloniously, and maliciously did shoot
 and wound with a deadly weapon, to-wit; a .22 caliber
 pistol, with intent him, the said Clyde Bishop, then and
 there to maim, disfigure, disable, and kill, 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 _____	<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 11th day of March, 1954

James W. Lineweaver (Seal)
 (Title of Issuing Officer)
Justice of the Peace

Commonwealth
v.
Lacy M. Halterman

Defense
INSTRUCTION B

The Court instructs the jury that the use of any dangerous weapon, in any angry or threatening manner, with the intent to alarm or strike another under circumstances calculated to affect that object is an assault, and if you believe from the evidence that Bishop had in his hand a knife, that he angrily cursed the defendant and acted in a threatening manner toward him, then the defendant was assaulted and had a right to use all force as to him seemed reasonably necessary to repel said assault; he was not compelled to retreat from the said Bishop, but ^{could stand his ground} might, in his turn, ~~become the assailant,~~ and use such repelling force as appeared reasonably necessary for his own protection, ~~even to the taking of the life of the assailant.~~

Refused a tendered -
Answered and from
as Inst. # 6.

9-18-54

H. H.

Ex.

Commonwealth
v.
Jacky M. Halterman

Defence
INSTRUCTION

The Court instructs the jury that the use of any dangerous
weapon in any angry or threatening manner, with the intent to
alarm strikes another under circumstances calculated to affect
that object is an assault, and if you believe from the evidence
that Bishop had in his hand a knife, that he angrily cursed the
defendant and acted in a threatening manner toward him, then the
defendant was assaulted and had a right to use all force as to
him seemed reasonably necessary to repel said assault; he was not
compelled to retreat from the said Bishop, but might, in his turn,
become the assailant, and use such repelling force as appeared
reasonably necessary for his own protection, even to the taking
of the life of the assailant.

Halterman

Case
✓ Sept 18-54

Refused a husband
unwed and for the
as that the

9-18-54

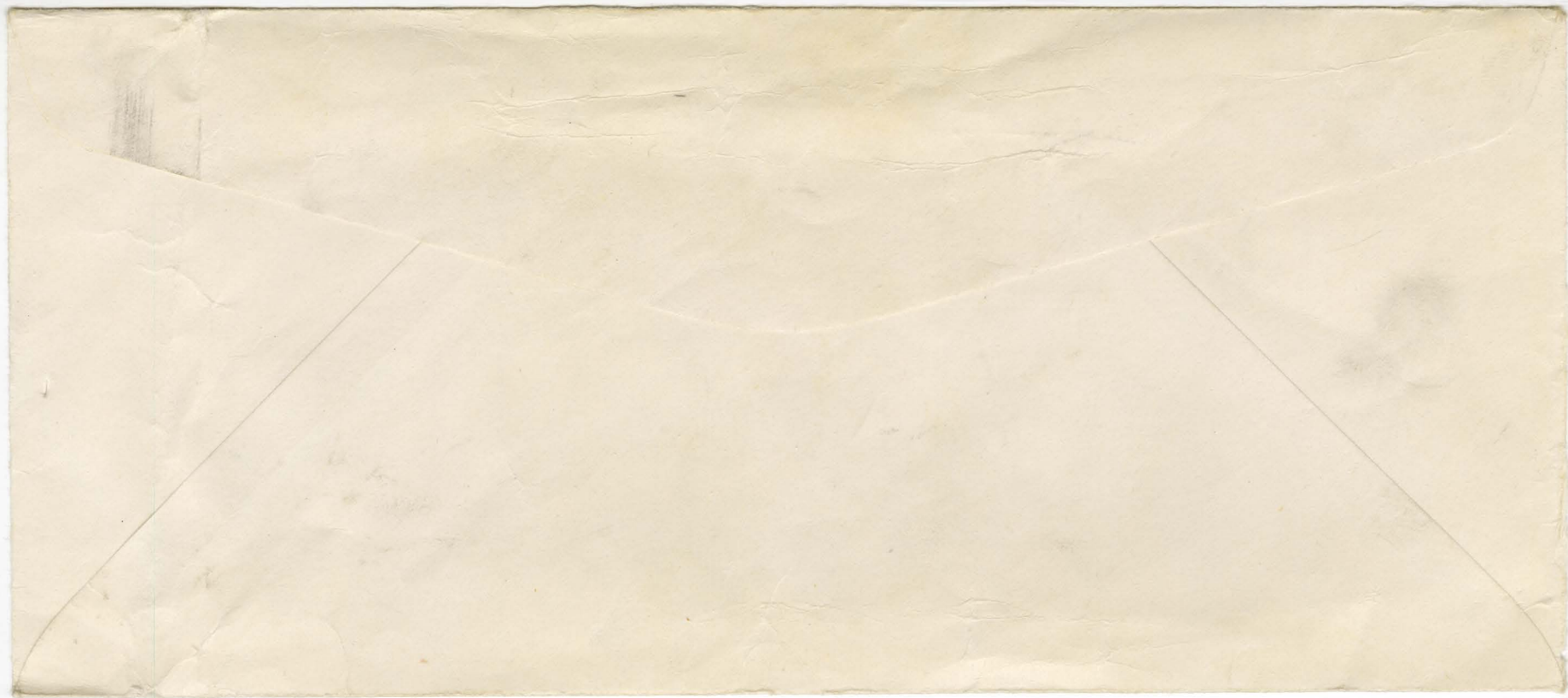
W. H.

24

A. L. STRAWDERMAN
SHERIFF ROCKINGHAM COUNTY
HARRISONBURG, VA.

Knife of Clyde A. Bishop

B



1. H. Ray Hollan
2. E. W. Armstrong
3. Gilbert F. Allen
4. Wendell Le Rufflett
5. Forest E. Lunderbach
6. J. Nelson Moore
7. Lester Miller
8. Paul H. Burroughs
9. Virgil H. Fricks
10. Joseph W. Miller Jr.
11. Mike S. Liskey Jr.
12. C. P. Leppard

Keystone Envelope Co., Phila., Pa.

1. v. Irving L. Key 9/17/54
2. v. Hinton M. Whitmer
3. v. Ray M. Hays
4. v. Dan J. Beard
5. v. Chas. E. Raines, Jr.
6. v. Walter C. Hampter
7. v. Charles C. Carver
8. v. H. Westbrook Hawkins
9. v. Joseph H. Crann
10. v. Beverly E. Wolfe
11. v. Clitus Bowman
12. v. S. O. Heatmole, Jr.

Docket No. 7862

aug 54

COMMONWEALTH of VIRGINIA

*exhibits in copy drawn
opposite C. L. Orders*

VS.

Felony (fa)

LACY M. HALTERMAN

hail

R. M. Weaver & W. W. Wharton

p. d.

Own (X) Appointed ()

1954

May 11. Return of Grand Jury. 9/50.

" "

Accused arraigned and
ent. plea of n.g.

set for July 8/54 9:30 am 9/51.

July 8: Jury. Atlys. for accused moved
for mis-trial. Court overruled
Evidence concluded. Continued
until July 9, 1954 - 9 am. 9/69

July 9 - Jury unable to agree on verdict.
let for Aug. 18, 1954. 9/69

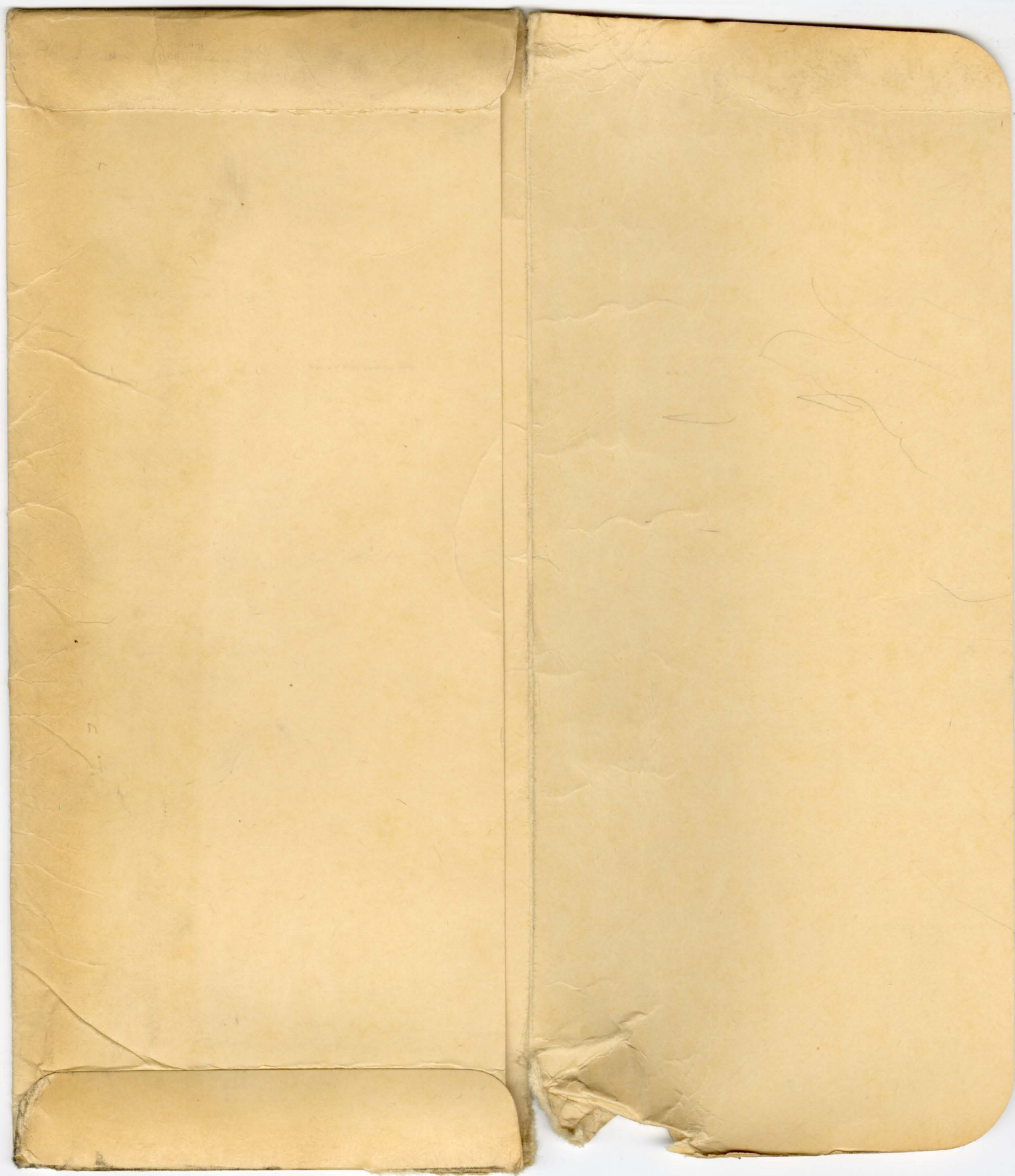
Sept. 17. Jury imp. v; evidence comp. 9/77

18. Instructions, argument of
counsel, + cont. to Tues, Sept. 21. 9/77

21. Verdict - not guilty. 9/78

Balance of Exhibits in
Crim. File "Z-2" (reptains)

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.





TRIAL JUSTICE COURT

Criminal
Docket

Nº 14628 A

Com'th

v.

Lacy M. Haltermas
Defendant

a w / Appearance Date 3-11-54 2 P.M.

Trial Date 4-29-54 2 P.M.

To 6-4-54 2 P.M.

5-11-54 This case taken direct to the
Circuit Court after a plea of
not guilty in T. J. Ct. 4-29-54.

✓