

OLIN GILMER KEPHART CONFESSION

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My name is Olin Gilmer Kephart; I am 44 years of age; and I live on Route 2, Harrisonburg, Virginia, in a one-room house that I built five or six years ago on the James Baugher farm <sup>about two M. les from</sup> ~~at~~ the foot of Shand's hill. I make this statement of my own free will and accord and I understand that everything I say can and will be used against me in a criminal prosecution. Nevertheless, I do make the following statement this 19th day of September 1954, in the office of the Commonwealth's Attorney, Courthouse, Harrisonburg, Virginia, in the presence of Commonwealth's Attorney George D. Conrad, Sheriff A. L. Strawderman, Deputy Sheriff Robert H. Raynes, and Court Reporter C. Overton Lee:

My wife, Dorothy Kephart, and I were living together in this one-room building at the time of the shooting. Our six children have been put in homes by the Welfare Department and I am paying the Welfare people. I work for the Freelin company who is building the addition to the Waterman School.

The trouble I had with my wife started on Saturday afternoon, September 18. I had been off from work all of that day. In the morning, we came to Harrisonburg where we drank a couple of beers and purchased two fifths of wine, which we took home. I ate a sandwich in town and my wife and I returned home about noon. I don't know exactly what

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D. Conrad, Sheriff A. L. Strawderman, Deputy Sheriff Robert

H. Raynes, and Court Reporter C. Overton Lee:

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1 time the trouble commenced, but it was some time after we  
2 arrived home where we had continued our drinking and had  
3 consumed one of the fifth bottles of wine and part of the  
4 second. We were both pretty drunk.

5 While we were in the house, my wife got to cussing and  
6 raising the devil and I told her to keep quiet. She grabbed  
7 up a hammer and struck me at the back of my head and on the  
8 shoulder, and then picked up a butcher knife and cut me down  
9 over the head, which brought the blood that was on me, but  
10 none of the blows required medical attention for me. The  
11 blow from the hammer knocked me down and I reckon knocked me  
12 crazy. I just don't remember exactly what happened after  
13 that. Some things I can remember and some I can't; it looks  
14 like things come and go.

15 After she had struck and cut me, she started to leave  
16 the house and I grabbed a single-barreled shotgun that was  
17 setting at the side of the bed, and which I had bought at  
18 Paul's Trading Post back in the summer, and also a handful  
19 of cartridges with No. 5 shot. When I shot at her, we were  
20 both outside. She was about 24 feet from me when I shot,  
21 and I was about halfway from the house to her when I shot.

22 I have not done much shooting and very little hunting.  
23 The first time I shot at her, I missed, and she turned  
24 around and started back towards me. I reloaded the gun  
25 and fired at her again and missed the second time, and she



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1 kept coming towards me. The third time, I reloaded and  
2 shot and hit her. She was still carrying the hammer and  
3 butcher knife at the time she fell. I shot her because she  
4 had knocked me down with the hammer and I didn't know  
5 whether she wanted to kill me or what she wanted to do.

6 When she fell to the ground, I left her laying there,  
7 I did not go up to where she was, and I went back in the  
8 house and locked the gun up in my tool box. I stayed in  
9 the house until the sheriff came after me and at that time  
10 I turned my shotgun over to him. In the meantime, my wife  
11 had gotten up and gone somewheres, but I don't know where.

12 I don't know if she left the house because I got the  
13 gun or not, but she was wanting to come back to Harrisonburg  
14 and I kept telling her that she had no business back in  
15 town. The fight was still going on when I grabbed the gun,  
16 but, as I remember, she did not say anything when I got it;  
17 and while I would not be too sure about it, I do not think  
18 she tried to take the gun away from me. She was drinking  
19 right smart.

20 My wife and I were married about 1934. She is several  
21 years <sup>younger</sup> ~~older~~ than me. We had been having trouble for a long  
22 time before this, mostly about her coming to town and running  
23 around, but it never got to be anything serious. I had told  
24 her a couple of times to leave, but she would go off and  
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I have never been in any trouble before for cutting or shooting anybody, or anything like that; the only trouble I have had has been caused by drunkenness.

We were to move from this house on the day of this trouble, but I could not get a truck. I had already paid a week's rent on a house here in Harrisonburg.

I have <sup>had</sup> ~~read~~ the above statement, <sup>read to me</sup> and the facts stated therein are true and correct to the best of my knowledge.

Signed: September 20, 1954.

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Olin Gilmer Kephart

WITNESSES:

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 or shooting anybody, or anything like that; the only trouble  
 I have had has been caused by drunkenness.  
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In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

James Baugher, R. #2, Harrisonburg,

vs.

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,

at Rockingham, Va., on the 18th day of October 1924 to testify and the truth to

say in behalf of the Defendant in the prosecution of the Commonwealth against

Olin Gilmer Keppert

who stands charged with and indicted for a felony.

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 15th

day of October 1924 and in the 13th year of the Commonwealth.

Clerk

*[Handwritten signature]*



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In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon..... James Baugher, R.#2, Harrisonburg,  
Va.

.....

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.....

.....

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,  
at <sup>9:30</sup>~~10~~ clock, a. m., on the 18th day of October..... 19 54 to testify and the truth to  
say in *behalf of the Defendant* in the prosecution of the Commonwealth against.....

Olin Gilmer Kephart

.....

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

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 15th  
day of October..... 19 54, and in the 179th year of the Commonwealth.

*J. Robert Switzer*, Clerk  
*My Comm. Expires, Dec.*

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In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon James Sawyer, R. 2, Hartsville,

to appear before the Judge of the Circuit Court of Rockingham County in the Court House thereof, at Rocksville, Va., on the 15th day of October, 1924, to testify and the truth to say in behalf of the Defendant in the prosecution of the Commonwealth against

Oliver Wilson Sawyer

who stands charged with and indicted for a felony, to wit: And this you shall not count penalty of \$100. And have then and there the Writ.

Witness J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 15th day of October, 1924, and in the presence of the Commonwealth.

*[Handwritten Signature]*  
Clerk



COMMONWEALTH VS. Armen Gilman Kephart

DESCRIPTION OF PRISONER

Last known address Hwy Rt 2  
Color W Height 5-5 Eyes Blu Hair Blk Weight 125  
Marks Q. 1X  
Age 44 Occupation Laborer  
Date of Trial 12-20-54  
Result 4 yrs

COMMONWEALTH VS *George William Johnson*

DESCRIPTION OF PRISONER

Result *4 yrs*  
Date of Trial *10-20-24*  
Age *24*  
Marks *0-11*  
Color *N*  
Height *5-7*  
Eyes *Bl*  
Hair *Blk*  
Weight *125*  
Last known address *My St 2*



In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

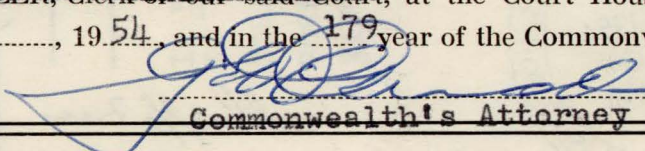
You are hereby commanded to summon Dorothy Kephart, James  
Baughner, (Rt. 2, Harrisonburg), Sheriff A.L.  
Strawderman, Deputy Sheriff Earl Turner, and  
Deputy Sheriff W.A. Spitzer

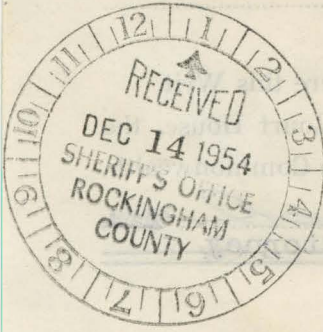
to appear before the Judge of the Circuit Court of Rockingham County, at the Court  
House thereof, at <sup>7:00</sup>~~10:00~~ o'clock, a. m., on the 20 day of December, 1954,  
to testify and the truth to say in behalf of the Commonwealth against OWEN GILMER KEPHART

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. ROBERTS SWITZER, Clerk of our said Court~~, at the Court House, the  
14 day of December, 1954, and in the 179 year of the Commonwealth.

  
Clerk  
Commonwealth's Attorney



EXECUTED 12-15/54 IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN Sumner  
TO James Byrd  
IN PERSON.

A. L. Hawthorne S.R.C.

EXECUTED \_\_\_\_\_ IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN \_\_\_\_\_  
TO \_\_\_\_\_  
IN PERSON \_\_\_\_\_

Sheriff's Fee

~~1.00~~  
2.00

Commonwealth

v.) Witness Subpoena

Owen Gilmer Kephart

To Dec. 20, 1954  
at 9:00 a.m.

EXECUTED 12/14/54 IN THE COUNTY OF ROCKINGHAM

BY DELIVERING A TRUE COPY OF THE WITHIN Sumner

TO Owen Gilmer Kephart

Shirley A. L. Hawthorne

Deputy Sheriff Carl Turner

Deputy Sheriff J. C. Byrd IN PERSON.

A. L. Hawthorne S. R. C.

BY W. C. Byrd DEPUTY SHERIFF



**In the Name of the Commonwealth of Virginia:**

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Mrs. James Baugher

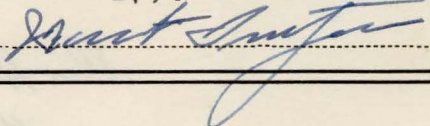
to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at ~~10:00~~<sup>9:00</sup> o'clock, a. m., on the 20 day of December, 1954 to testify and the truth to say in behalf of the Commonwealth against

OWEN GILMER KEPHART

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 15 day of December, 1954, and in the 179 year of the Commonwealth.

 Clerk

Commonwealth

v.) Witness Subpoena

Owen Gilmer Kephart

To Dec. 20, 1954  
at 9:00 a.m.

EXECUTED 2/15/54 IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN Summons  
TO Miss James Baughen  
IN PERSON.

A. L. Stroud ssc

Sheriff's Fee

.40



I, Olin Gilmer Kephart, the accused in the  
attached warrant, in open court before the Judge of the Circuit  
Court of Rockingham County, Virginia, this 21st day of  
September, 194, do hereby voluntarily waive  
indictment on the said charge of felonious assault.

Olin G Kephart

Witness:

Attorney

Oldtimer Kephart  
September  
State  
Information

Oldtimer Kephart

\_\_\_\_\_



STATE OF VIRGINIA  
COUNTY OF HARRISONBURG  
CITY

To-Wit: \_\_\_\_\_ No. \_\_\_\_\_

TO ANY SHERIFF OR POLICE OFFICER:

Whereas, A. L. Strawderman, Sheriff of Rockingham County

has this day made complaint and information on oath before me, James W. Lineweaver  
(Name)

Justice of the Peace of the said City, that Rockingham  
(Title) OLIN GILMER KEPHART in ~~Rockingham~~ County

or about  
did on the 18th day of September, 1954: Unlawfully and feloniously  
make an assault on one Dorothy Kephart and her, the said Dorothy  
Kephart, unlawfully, feloniously, and maliciously did shoot and  
wound with a deadly weapon, to-wit: a shotgun, with intent, her,  
the said Dorothy Kephart, then and there to maim, disfigure,  
disable, or 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 Rockingham County, the body (bodies) of the above accused, to answer the said complaint and  
to be further dealt with according to law. And you are also directed to summon

- \_\_\_\_\_ color \_\_\_\_\_ Address \_\_\_\_\_
- \_\_\_\_\_ color \_\_\_\_\_ Address \_\_\_\_\_
- \_\_\_\_\_ color \_\_\_\_\_ Address \_\_\_\_\_
- \_\_\_\_\_ color \_\_\_\_\_ Address \_\_\_\_\_
- \_\_\_\_\_ color \_\_\_\_\_ Address \_\_\_\_\_

as witnesses.

Given under my hand and seal, this 20th day of September, 1954

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



STATE OF VIRGINIA—COUNTY OF \_\_\_\_\_, to-wit:

I, \_\_\_\_\_ a Trial Justice Justice of the Peace in and for the County aforesaid, State of Virginia, do certify

that \_\_\_\_\_

and \_\_\_\_\_, as his surety \_\_\_\_\_, have this day each acknowledged themselves indebted

to the Commonwealth of Virginia in the sum of \_\_\_\_\_ Dollars

(\$ \_\_\_\_\_), to be made and levied of their respective goods and chattels, lands, and tenements to the use of the Commonwealth to

be rendered, yet upon this condition: That the said \_\_\_\_\_, shall appear before the Circuit Court

of \_\_\_\_\_ County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

at \_\_\_\_\_ M., at \_\_\_\_\_, Virginia, and at any time or times to which the proceedings may be continued

or further heard, and before any court thereafter having or holding any proceedings in connection with the charge in this warrant, to answer

for the offense with which he is charged, and shall not depart thence without the leave of said court, the said obligation to remain in full force

and effect until the charge is finally disposed of or until it is declared void by order of a competent court; and upon the further condition that

the said \_\_\_\_\_ shall keep the peace and be of good behavior for a period of \_\_\_\_\_ days

from the date hereof.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

T.J., J.P.

DOCKET NO. 15936 A

COMMONWEALTH

WARRANT OF ARREST

vs. *George Nelson Kephart*

Executed this the 20<sup>th</sup> day of \_\_\_\_\_, 1934

*W.A. [Signature]*  
*W.D. [Signature]*

Upon the examination of the within charge, ~~that~~ *the accused*

*upon motion by the defendant that preliminary hearing be waived & the default be entered & the action by the grand jury be taken as of September 1934.*  
*W.D. [Signature]*

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 2.00

Bail \_\_\_\_\_

Arrest *4.00* 1.50

Mileage *4* .32

Clerk \_\_\_\_\_ 1.25

Jail Fee and Board *2.00* .50

Witness Attendance \_\_\_\_\_

Summoning Witnesses \_\_\_\_\_

Commonwealth Attorney \_\_\_\_\_ 2.50

Total Costs \$ 9.07

Fine \_\_\_\_\_

Total \$ \_\_\_\_\_

*Rec'd N. 9-20-34*  
Total \$ \_\_\_\_\_



TRIAL JUSTICE COURT

Criminal  
Docket

Nº 15936 A

*7a.*

Com'th

*Jail*

*Waived*

*9/30/54*

v.

*F.K.H. capt*

Owen Gilmer Kephart

*Plea vs*

Defendant

*set Oct 18 -*

AW-1

Appearance Date 9-20-54

Trial Date

Prelim. Hearing waived.

Defendant held for action of Grand Jury.

✓





Docket No. 2886

DEC

1954

COMMONWEALTH of VIRGINIA

VS.

)  
) Felony (fa)  
) On Warrant

OWEN GILMER KEPHART *Jul*

Julian K. Hickman

p. d.

Own ( ) Appointed (X)

1954

Sept. 20. Indictment &c. waived;  
arraigned & plea n.g. & set for  
trial October 18.

9/18

*Oct. 18. Cont. to Dec. 20. 9/18*  
*Dec. 20. 4 yrs. in Pen. 9/16*

*Sept.*

*11 da.*

*Oct.*

*31*

*Nov.*

*30*

*Dec.*

*20*

*92 da. cr.*

DEC

1954

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

*Jury*

