Eisenhower 'Little Tire

19-Year-Old Wife Slain Here By Estranged Mate

Shot To Death In Parents' Home On Water Street

Mrs. Fred Shifflett's Husband Is Held Without Bail

An attractive young mother was shot to death by her estranged husband in the kitchen of her parent's home here yesterday morning shortly before eleven o'clock. A [illegible] the young husband, who fled the scene following the slaying, gave himself up to authorities.

Dead from three bullet wounds in her body is Mrs. Marlene Yvonne Shifflett, 19, mother of a three-year old child, and daughter of Mr. and Mrs. Marcus Bowman, of 277 West Water St., Harrisonburg, at whose home the tragedy occurred.

Held Without Bond

Held without bond at Rockingham County Jail is her husband, Fred Gilbert Shifflett, 23, of Bridgewater, an employee of a local auto appliance store, who has confessed to the slaying.

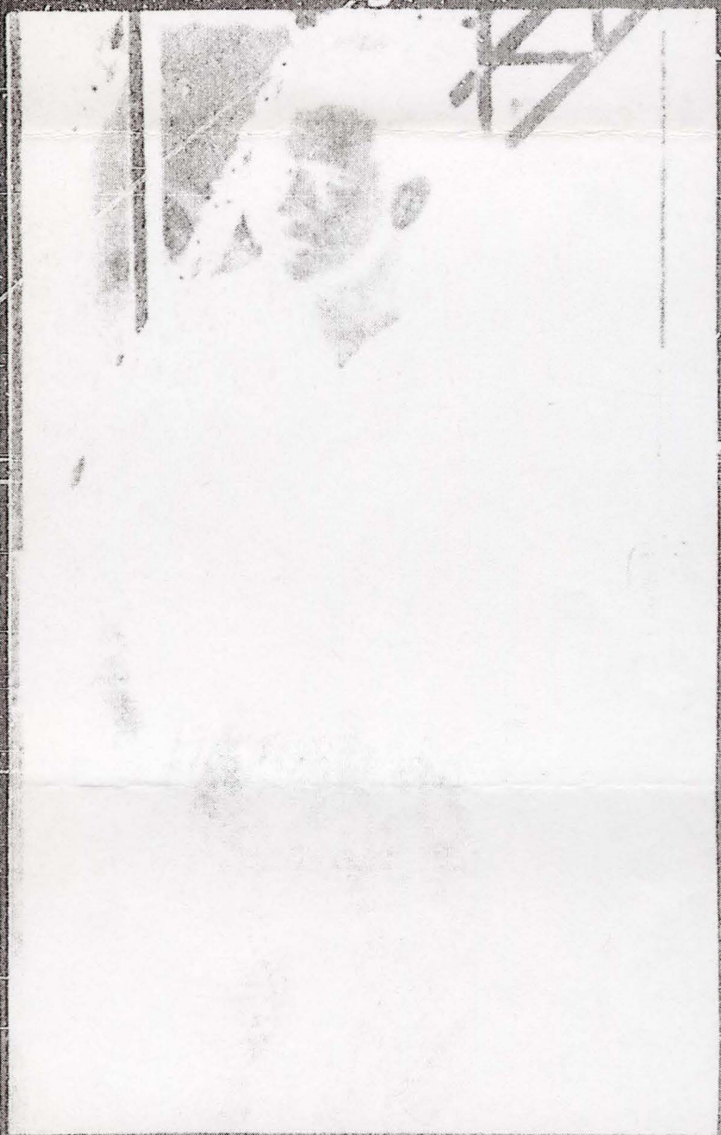
According to investigating officers, the slaying grew out of domestic troubles.

The youthful wife, a pretty brunette, was struck by three of the four bullets fired at her. She was struck twice in the breast and once in the abdomen. Authorities say she died almost instantly.

Police quoted Dr. F. L. Byers, county medical examiner, as stating that one bullet hit the heart.

The couple, married for four years, had been living at Bridgewater but since Wednesday the young woman, who was reared in the Broadway section, had been staying at the home of her parents in Harrisonburg. The husband and their three-year-old daughter, Dianne, had been staying at the home of his father, Emory Shifflett, on Lawyer Road near

Held On Charge Of Murder



FRED GILBERT SHIFFLETT, who has been charged with the murder of his estranged wife, Mrs. Marlene Yvonne Shifflett, at the home of her parents here yesterday morning, walks toward a cell in Rockingham County Jail after giving a statement to investigating officers.

Poultry Strike In Fourth Week

Remodeling At National Bank

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Young Woman Is Slain Here

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his calm manner, the slain woman's mother said, she did not become alarmed at Shifflett's presence in the home or over the discussion he and her daughter were having.

Children In Home

In the home at the time were the slain girl's 16-year-old sister and several small children.

Mrs. Bowman stated that while Shifflett was talking to her daughter, she came to her (Mrs. Bowman) and asked if she wanted a cup of coffee. Shifflett followed his wife to the kitchen as she went to get the cup of coffee and continued to talk. There, she said, their conversation continued in calm tones.

Mrs. Bowman had walked into a bedroom off of the front room of the home, she said, when she heard the reports of the pistol.

Runs From Home

As she ran into the front room and to the telephone to call police, Mrs. Bowman related, Shifflett came from the kitchen brandishing a pistol and threatened her. He then ran out the front door, got into his car and drove away.

The grief-stricken mother of the shooting victim said that Shifflett had threatened her daughter several times, but that she had no idea he would carry out the threats or she would have never allowed him into the home.

The young woman's father was downtown when the shooting occurred. He was informed of the tragedy by Chief Ritchie who saw him returning home and gave him a lift in the squad car. The chief was returning from the police station to the scene of the shooting after instructing Action Desk Sergeant Hubert B. Myers to put out a general alarm for Shifflett's apprehension.

Surrendered At Jail

A short while after the alarm was sent out, however, Shifflett, who was accompanied by his father, surrendered to Deputy Sheriff R. H. Raynes at Rockingham County Jail, and turned over to Raynes the .38 caliber Ivor Johnson revolver he had used in the shooting.

At the jail, Shifflett, who appeared calm, made a statement to Chief of Police Julius F. Ritchie and Commonwealth's Atty. George D. Conrad.

Came Here Wednesday

Officers quoted Shifflett as saying that his wife, who had been living with him in a trailer in Bridgewater, had come with him to her parents' home on Water Street Wednesday and then had refused to return to Bridgewater with him that evening.

He said that there had been "trouble" when he tried to get her to return Wednesday evening and that when he had called her on the phone Thursday or Friday she had told him that she had consulted a lawyer about getting a divorce. He said that he then consulted a lawyer on Saturday morning and quoted the lawyer as telling him that his wife would be unable to get a divorce.

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The young husband told officers that yesterday morning he obtained the pistol which belonged to the family and went to Hensley's Service Station at Penn Laird, where he purchased a box of shells. After purchasing the shells, he said, he went out with a friend and shot at a tin can for a while.

He then came into town, went to the Bowman home and after knocking on the door was let into the home by his wife.

He told officers his wife wouldn't talk to him and after some effort to get her to talk, he called her back into the kitchen. There, he said, he pulled out the gun which he had been carrying in his right-hand coat pocket.

Said Wife Screamed

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After leaving the Bowman home, the accused related, he jumped into his car and drove at high speed to his father's home on Lawyer Road near Penn Laird.

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While driving to his father's home, Shifflett took the cartridges from the pistol and put the empty ones in the ash tray of his car, he related. The empty cartridges were found in the tray of the car after Shifflett had made his statement.

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She was a member of the Harrisonburg EUB Church.

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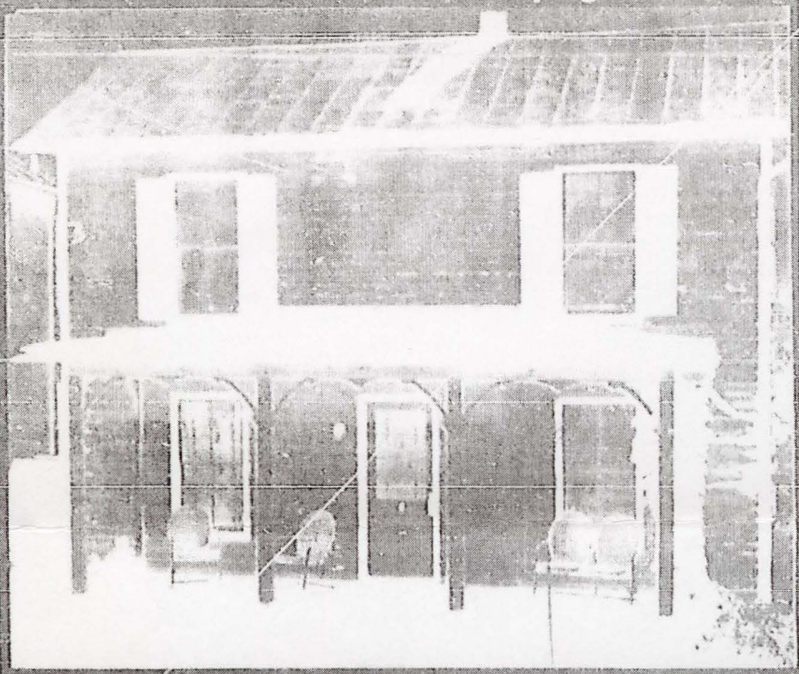
Besides her parents and husband, she is survived by one daughter, Dianne; four sisters, Mrs. Thomas (Bonnie) Grandle, of Holyoke, Mass.; Miss Virginia Jean Bowman, Sheila Rae Bowman and Deborah Kay Bowman, all at home; and three brothers, Clarence W. Bowman of Los Angeles; Gary Wayne Bowman of Holyoke, Mass.; and Keith Myers Bowman, at home.

She is also survived by her grandparents, Mr. and Mrs. Will Bowman, of Timberville; Mr. and Mrs. George Hiser, of Broadway; three uncles and one aunt.

Funeral arrangements had not been completed last night, pending word from her sister and brothers.

The body is now at the Lindsay Funeral Home in Harrisonburg.

Water Street Home Where Slaying Occurred



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Moroccan Rebels,

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Peron Starts His

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Homecoming At Linville Church

LINVILLE, Oct. 2—A large crowd attended the annual Home Coming services at the Congregational Christian church. Former members and friends were there from Washington, Arlington, Annandale, Stephens City, Charles Town, W. Va., and Pueblo, Colorado.

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(Continued From

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By coincidence, Fo ter V. M. Molotov of had supported the eff Algerian question be sembly, landed at O the way home last arrived. He offered

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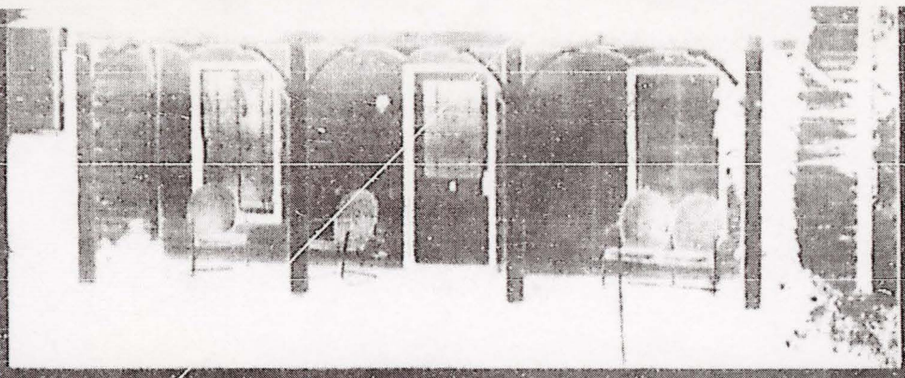
TV Programs



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Native of Broadway

A native of Broadway, Mrs. Shifflett was born Sept. 3, 1936. She was a daughter of Marcus E. Bowman, an employe of Good's Transfer, and Mrs. Velma Hiser Bowman.

She spent her early life at Broadway and attended the Broadway High School. Following her marriage in February of 1952, she and her husband made their home at Penn Laird and had more recently been living at Bridgewater.

She was a member of the Harrisonburg EUB Church.

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WTTG—Ch. 5	WMAL—Ch. 7
6:00 Hop. Skip.	5:45 Gibbons
6:45 Looney Tunes	6:15 Daly News
7:00 News	6:30 Topper
7:10 Weather	7:00 R. Digest
7:15 Newsreel	7:30 Firestone
7:30 Movie	8:00 F'ball H'lights
8:00 Boxing	8:30 Medic. H'zons
9:45 Workshop	9:00 Eddie Cantor
10:00 Studio 57	
10:30 Theater	

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Until now the anti-French revolt in Morocco has been largely a city affair. Rebel groups campaigned actively only in Tunisia and Algeria to the east.

London Police

(Continued from Page One)

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Harrisonburg, Hinton, Mt. Clinton, Cherry Grove and other nearby communities were also represented. A profusion of lovely Fall flowers were placed in the church.

The morning speaker was Dr. Warren Bowman, president of Bridgewater College. Melton Wright, of Harrisonburg, spoke in the afternoon. There was special music at each service, consisting of a solo by Paul Rohart, duet by Miss Elizabeth and Miss Marjorie Koontz, several numbers by the Sunday School quartet. Paul Rohart, Gene Cooper, Mrs. Gene Cooper and Miss Garnette Fane-

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Survivers Listed

Besides her parents and husband, she is survived by one daughter, Dianne; four sisters, Mrs. Thomas (Bonnie) Grandle, of Holyoke, Mass.; Miss Virginia Jean Bowman, Sheila Rae Bowman and Deborah Kay Bowman, all at home; and three brothers, Clarence W. Bowman of Los Angeles; Gary Wayne Bowman of Holyoke, Mass., and Keith Myers Bowman, at home.

She is also survived by her grandparents, Mr. and Mrs. Will Bowman, of Timberville; Mr. and Mrs. George Hiser, of Broadway; three uncles and one aunt.

Funeral arrangements had not been completed last night, pending word from her sister and brothers.

The body is now at the Lindsey Funeral Home in Harrisonburg.

Water Street Home Where Slaying Occurred

IT WAS IN THIS HOME at 377 West Water Street that Fred Gilbert Shiffett, 22, an employe of a Harrisonburg auto appliance store, shot to death his young estranged wife, Marlene Yvonne Shiffett yesterday morning. The home is that of the young woman's parents, Mr. and Mrs. Marcus Bowman. (News-Record Photo)

Moroccan Rebels,

(Continued from Page One)

area of Immouzer-des Marmouchas, about 65 miles southeast of Fez.

Earlier reports said attacks were made against Immouzer-des-Marmouchas and Berkine, high in the Atlas Mountains. Some buildings were said to have been burned at Berkine.

A French national at Bou Zineb, inside the Spanish Moroccan frontier, also is surrounded by rebellious. The international road linking this post with French Morocco was cut by the rebels, officials said.

The scope of the clashes and their full significance was not immediately clear. Despite the friction in Morocco, French officials here declined to give any figures on the number of soldiers involved.

An indication of the seriousness with which the French regard the situation was an order issued tonight by the commander of the Fez zone banning travel on all roads and trails other than main roads for an indefinite period.

Peron Starts His

(Continued from Page One)

population. Asuncion still retains much of the aspect it had in the 17th and 18th centuries, when it was a Spanish colonial center.

No Hint On Stay

There has been no hint as to how long Peron might stay in Paraguay. Argentina's provisional government is not too happy about having him just across the river from Argentine territory for very long. There have been suggestions that he might find a haven in Spain or Switzerland.

The Argentine provisional government is headed by Lt. Gen. Eduardo Lonardi, leader of the revolt that ended the decade of Peronista rule.

Peron left his native country six days before his 68th birthday. Certainly his departure was as contrived as the hectic final days of his power.

The two-engined plane flew from Asuncion to Buenos Aires earlier today. It circled the Paraguayan gunboat carrying Peron and landed on the water about two miles away, taxiing across the estuary to the warship's side.

Two Argentine torpedo boats hovered nearby. A cluster of newsmen and curious passersby watched from shore. A small boat carrying several persons put out from the warship to the plane. Watchers were unable to identify anyone aboard, but there was every indication that Peron was among them.

Homecoming At Linville Church

LINVILLE, Oct. 2—A large crowd attended the annual Homecoming services at the Pleasant Grove Church near Linville Saturday and Sunday with Rev. Walter Wampler, Rev. Tom Washington, Arlington, Sandy Stepheas, Elk Creek, Tom W. Va., and Pastor Orville Wade.

Harrisonburg, Route 3, Oct. 2—A large crowd attended the annual Homecoming services at the Pleasant Grove Church near Linville Saturday and Sunday with Rev. Walter Wampler, Rev. Tom Washington, Arlington, Sandy Stepheas, Elk Creek, Tom W. Va., and Pastor Orville Wade.

French De

(Continued from

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Cabinet Fail

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TV Programs

Com
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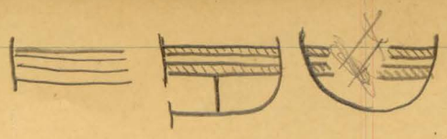
Suffolk

Sat. 11/19

xx at the conclusion of the evidence of the Commonwealth, the accused, by counsel, out of the presence of the jury but in the presence of the accused, moved the Court to strike all the evidence of the Commonwealth, insofar as the graver offense of first degree murder is concerned, on the ground that such evidence is insufficient to support a conviction of ~~[illegible]~~ murder in the first degree, which motion the Court denied, and to such ruling the accused, by counsel, excepted. xxxx

9/231



Friday, November 18, 1955

Commonwealth

v. On an indictment for a felony (murder)

Fred Gilbert Shifflett

This day came the attorneyfor the commonwealth, and the accused, Fred Gilbert Shifflett, came in the custody of the sheriff of this county and by his attorneys, Charles A. Hammer and Russell M. Weaver. And from persons summoned by the sheriff of this county under writs of venire facias, twenty persons were examined by the court and found duly qualified and free from exception; whereupon, a list containing the names of said twenty persons was handed to the attorney for the commonwealth and counsel for the accused, each alternately striking therefrom the names of four persons, the remaining twelve being:

whereupon, said twelve persons were sworn to well and truly try and true deliverance make between the commonwealth and the prisoner at the bar and a true verdict render according to the law and the evidence. Thereupon, the attorney for the commonwealth moved the court that the jury be segregated at all times during the trial of this case; ~~and~~ but the court ~~thereupon~~ ordered that the jury be ~~kept together~~ sequestered except during ~~any~~ overnight ~~periods~~ adjournment during this trial, and the jury was thereupon placed in the custody of A. L. Strawderman, Sheriff, and W. A. Spitzer, Deputy Sheriff, who were sworn to well and truly, to the best of their ability, keep the jury together, except during overnight ~~periods~~ adjournment, ~~during this trial~~, and neither speak to them nor suffer any other person to speak to them, touching any matter relative to this trial.

Friday, November 18, 1955

Commonwealth

v. On an indictment for a felony (murder)

Fred Gilbert Shifflett

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And having heard a portion of the evidence, thereupon this case is recessed until tomorrow morning at nine o'clock. ~~and the jury was thereupon~~

~~the jury being allowed to separate for such adjournment after being first cautioned and enjoined by the court to be particularly careful to~~

the jury being allowed to separate for such adjournment after being first cautioned and enjoined by the court to exercise particular care to refrain from being exposed to any outside influence touching or concerning the matter in trial and in particular from discussing with others such matter or from allowing others to discuss the same in their presence

9/230

And having heard a portion of the evidence, thereupon this case is recessed until tomorrow morning at nine o'clock.

COMMONWEALTH VS. Fred G. Duffett

DESCRIPTION OF PRISONER

Last known address Penn Laird

Color W Height 5-10 1/2 Eyes Blue Hair Br Weight 230

Marks 0

Age 23 Occupation B7-Goodrich

Date of Trial 11-18-19-23 Sentenced 11-30-1923

Result 30 yrs

COMMONWEALTH VS _____

DESCRIPTION OF PRISONER

Last known address _____

Color _____ Height _____ Eyes _____ Hair _____ Weight _____

Marks _____

Age _____ Occupation _____

Date of Trial _____

Result _____

We the Jury find the defendant Fred Tilman Shiffett guilty of murder in the first degree, as indicted, and fix his penalty at 30 years in the State Penitentiary

S. Raymond Authrey
Foreman

G. H. Parent Co. Ashland, Va. Form No. 777

Commonwealth of Virginia,

COUNTY **of** ROCKINGHAM, **to-wit:**

In the Circuit *Court of* said county, October *Term, 19* 55

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 FRED GILBERT SHIFFLETT within twelve months prior to the finding of this indictment, to-wit, on ~~the~~ or about the 2nd day of October, in the year one thousand nine hundred and fifty-five and in the City of Harrisonburg in the said county, did, feloniously kill and murder one Marlene Yvonne Shifflett,

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Chief of Police Julius F. Ritchie, a

witness~~es~~ sworn in open Court and sent to the grand jury to give evidence.

3053

COMMONWEALTH

vs. { INDICTMENT FOR A FELONY

FRED GILBERT SHIFFLETT

A TRUE BILL

D. Harry Porter
Foreman.

George D. Conrad
Commonwealth's Attorney

Commonwealth
v.
Shifflett

INSTRUCTION NO. ~~16~~ 17

The Court instructs the jury that the law presumes the accused to be innocent until he is proved guilty beyond a reasonable doubt, and if there is upon the minds of the jury any reasonable doubt of the guilt of the accused, the law makes it their duty to acquit him, and that mere suspicion or probability of his guilt, however strong, is not sufficient to convict; nor is it sufficient if the greater weight of a preponderance of the evidence supports the charge in the indictment; but to warrant his conviction, his guilt must be proved so clearly and the evidence thereof must be so strong as to exclude every reasonable hypothesis of his innocence.

But, in this connection, the Court further tells the jury that in cases like this where the defendant sets up the defense of insanity, he cannot rely simply on having raised a reasonable doubt in the minds of the jury as to whether he was insane at the time he committed the crime as not to be responsible therefor, but the burden is upon him to prove this fact to the satisfaction of the jury as fairly results from all evidence.

Refused + Ex. – 1st par. covered
2nd unsupported

11-23-55

H. H.

Commonwealth
v.
Shiffett

INSTRUCTION NO. 17

The Court instructs the jury that the law presumes the accused to be innocent until he is proved guilty beyond a reasonable doubt, and if there is upon the minds of the jury any reasonable doubt of the guilt of the accused, the law makes it their duty to acquit him, and that mere suspicion or probability of his guilt, however strong, is not sufficient to convict; nor is it sufficient if the greater weight of a preponderance of the evidence supports the charge in the indictment; but to warrant his conviction, his guilt must be proved so clearly and the evidence thereof must be so strong as to exclude every reasonable hypothesis of his innocence.

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Refused & 5th - 1st Par. Granted
2 - 3rd Par. Modified
11-23-22
W.K.

Commonwealth
v.
Shifflett

INSTRUCTION NO. 18

The Court instructs the jury that if they should find from the evidence that the killing was done without malice, in the heat of passion on sufficient provocation, such killing amounts to voluntary manslaughter.

Refused + Ex. — undupirated
11-23-55
H. H.

3

Commonwealth
v.
Shifflett

INSTRUCTION NO. 8

The Court instructs the jury that if they should find from the evidence that the killing was done without malice, in the heat of passion on sufficient provocation, such killing amounts to voluntary manslaughter.

INSTRUCTION NO. 18

The Court instructs the jury that if they shall find, from the evidence, that the killing was done without malice, in the heat of passion, on a sufficient provocation such killing amounts to manslaughter only; if, however, they find the killing was done in the heat of passion, but on a slight and insufficient provocation such killing may amount to murder in the second degree

Refused + Ex. — unsupported
11-23-55
H. H.

6

INSTRUCTION NO. 12

The court instructs the jury that if they shall find, from the evidence, that the killing was done without malice, in the heat of passion, on a sufficient provocation such killing amounts to manslaughter only; if, however, they find the killing was done in the heat of passion, but on a slight and insufficient provocation such killing was amount to murder in the second degree

INSTRUCTION NO. 20

The Court instructs the jury that if they believe, from the evidence, that Fred Shifflett committed the homicide charged in the indictment in the heat of passion, excited by a reasonable provocation which caused him to do the act without premeditation and yet which was insufficient to deprive him of the power of self control, in that case he is guilty of murder in the second degree, but if the provocation which he received was such as to reasonably deprive him of power of self control at the time the homicide was committed then they should find him not guilty of murder but manslaughter.

Refused + Ex. — unsupported —
11-23-55
H. H.

R

7

INSTRUCTION NO. 20

The Court instructs the jury that if they believe, from the evidence, that Fred Shifflett committed the homicide charged in the indictment in the heat of passion, excited by a reasonable provocation which caused him to do the act without premeditation and yet which was insufficient to deprive him of the power of self control, in that case he is guilty of murder in the second degree, but if the provocation which he received was such as to reasonably deprive him of power of self control at the time the homicide was committed then they should find him not guilty of murder but manslaughter.

COMMONWEALTH

V.

SHIFFLETT

INSTRUCTION NO. 24

The court instructs the jury that if you believe from the evidence in this case that the deceased and the accused had been having marital difficulties, and that the accused, as a result of the same, went to the home of the deceased to seek a reconcilation, and that while seeking such reconcilation the deceased refused to heed his plea, as a result of which passion, anger, or rage overtook his state of mind to such an extent that there may be a reasonable doubt as to his having done the act deliberately and premeditatedly; then the court tells the jury that they cannot find him guilty of murder in the first degree.

Refused + Ex. — unsupported
11-23-55
HH

Lexington - 23 x

Refused
11-13-11
H.P.

COMMONWEALTH

V.

SHIFFLETT

22

INSTRUCTION NO. ~~22~~

The court instructs the jury that if at the time of the homicide the prisoner's ~~state of~~ mind ~~caused by~~ ~~was in such~~ a state of tension as to give ~~passion, anger, or rage, was such that a reasonable doubt could exist as to his having acted~~ deliberately and with premeditation, they cannot find him guilty of murder in the first degree.

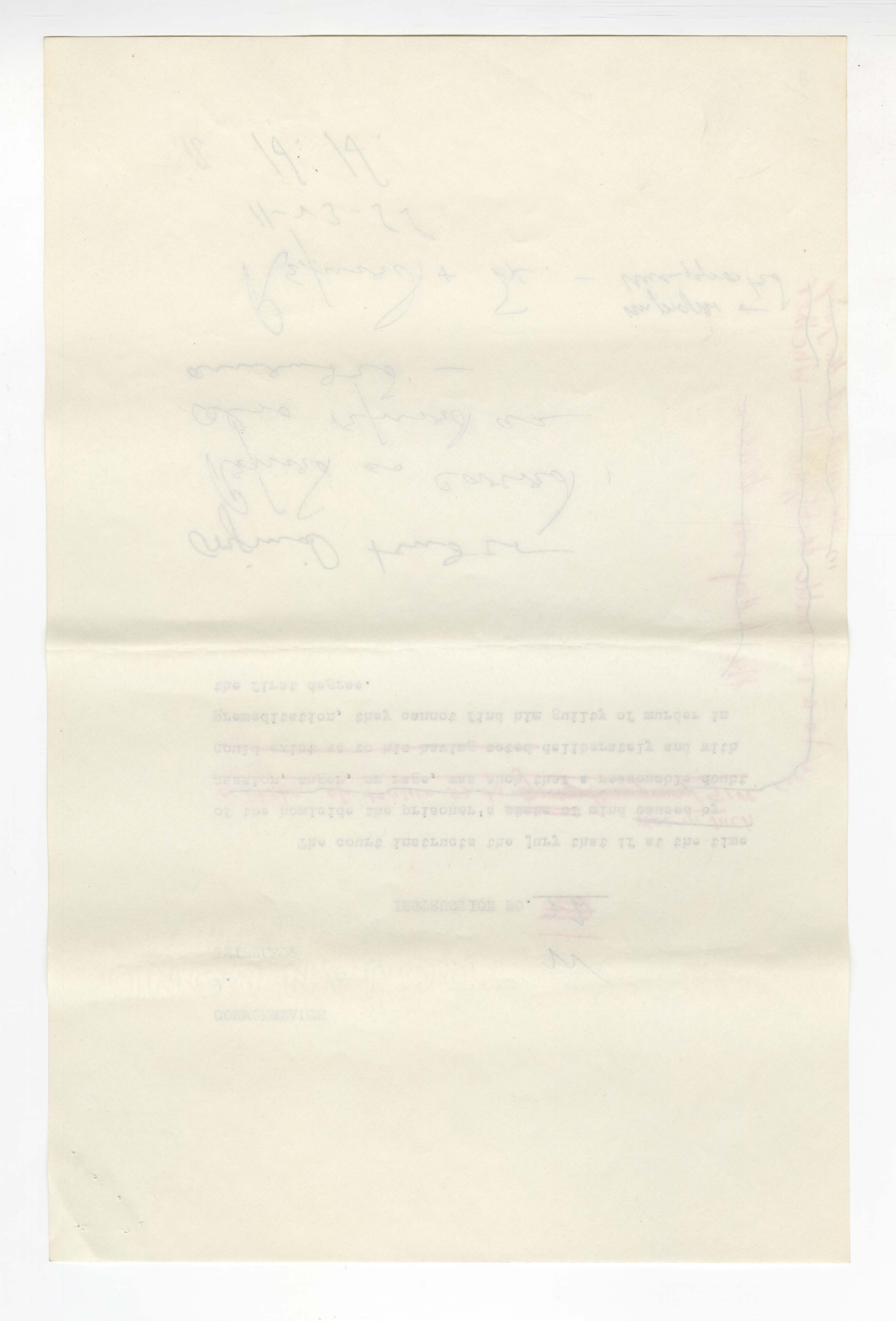
"In the mind of the jury a reasonable doubt as to whether the killing was done in a fit of passion or to a tension

original tender
Refused as covered,
also refused as
amended —

Refused + Ex. — improper + unsupported

11-23-55

18 Id. Id.



COMMONWEALTH

V.

SHIFFLETT

INSTRUCTION NO. 23

The court instructs the jury that every unlawful homicide is presumed by law to be murder in the second degree. If the Commonwealth would elevate the offense to murder in the first degree, she must improve the characteristics of that offense; that is, that such offense was committed by the defendant by a willful, deliberate, and premeditated act prior to the shooting of the deceased; and if the prisoner would reduce the offense, the burden of proof is on him.

Covered

19 Refused + Ex.

11-23-55

H. H.

14/14

11-23-77

Bishop & Co.

Charles

COMMONWEALTH

V.

SHIFFLETT

INSTRUCTION NO. 24

The court instructs the jury that if the killing of a human being be malicious but not willful, deliberate, and premeditated, then such killing is murder in the second degree.

Covered

Refused + Ex.

11-23-55

20 H. H.

COMMONWEALTH

V.

SHIFFLETT

INSTRUCTION NO. 25

The jury are instructed that, to constitute murder in the first degree, there must be a premeditated, or previously formed design to kill but it is not necessary that this premeditated design to kill should have existed for any particular length of time. It is only necessary that it should have a course determinately fixed on, before the act done, and not brought about by provocation at the time of the act or so recently before, as not to give time for reflection.

Refused + Ex.
11-23-55
H. H.

21

H. H.
11-13-77
J. Gerald

COMMONWEALTH

V.

SHIFFLETT

INSTRUCTION NO. 26

The court instructs the jury that to constitute murder in the first degree the prisoner must have been incited to the killing by malice, and the killing must have been wilful, deliberate, and premeditated on the part of the prisoner; that is to say, that the prisoner must have willed, deliberated, and premeditated that he should kill the deceased and then must have killed her.

Refused & Ex.
11-23-55
H. H.

Refused

Commonwealth

v.

Fred Gilbert Shifflett

CHARGE TO JURY

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

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

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

If you find him not guilty of murder in the first degree, nor of murder in the second degree, nor of voluntary manslaughter, but find him guilty of involuntary manslaughter, you will say so and fix his punishment at confinement in the penitentiary for not less than one nor more than five years, or, in your discretion, by a fine of not exceeding $1,000.00, or by confinement in jail

COMMONWEALTH

v.

Fred Gilbert Smilleff

CHARGE OF BURGLARY

If you find the accused, Fred Gilbert Smilleff, guilty of burglary, as charged in the indictment, and that the burglary was committed with malice aforethought, and that it was willful, deliberate and premeditated, you will find him guilty of murder in the second degree, and fix his punishment at confinement in the penitentiary for not less than one nor more than five years, or, in your discretion, by a fine of not exceeding $1,000.00, or by confinement in jail not less than five nor more than twenty years.

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

If you find him not guilty of murder in the first degree, nor of murder in the second degree, nor of voluntary manslaughter, but find him guilty of involuntary manslaughter, you will fix his punishment at confinement in the penitentiary for life, or for any term not less than one nor more than five years, or, in your discretion, by a fine of not exceeding $1,000.00, or by confinement in jail

not exceeding one year, or by both such fine and imprisonment.

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

not exceeding one year, or by both such fine and imprisonment.

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

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 1

The Court instructs the jury that murder in the first degree is any wilful, deliberate and premeditated killing of one human being by another with malice.

Murder in the second degree is the killing of one human being by another with malice but without being deliberate and premeditated.

Voluntary manslaughter is the killing of one human being by another without malice, in the heat of sudden passion engendered or brought about by reasonable provocation.

11-23-55

H. H.

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 2

The Court instructs the jury that malice as applied to the law of homicides and used in the definitions of murder is used in a technical sense. It may be either express or implied. It includes 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. It may be inferred or implied from any deliberate and cruel act done without reasonable provocation or excuse, however sudden.

The Court further instructs the jury that 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 killing or at any previous time.

11-23-55

H. H. Sx.

H. H.

COMMONWEALTH

v.

Fred Gilbert Smillie

INSTRUCTION 1

The court instructs the jury that malice as applied to the law of homicides and used in the definitions of murder is used in a technical sense. If you be either express or implied. If malice means a wrong act done intentionally without just cause or excuse. It may be inferred or implied from any deliberate and cruel act done without reasonable provocation or excuse, however sudden.

The court instructs the jury that it is not necessary that malice shall have existed for any particular length of time but it may first come into existence at the time of the killing or at any previous time.

Commonwealth
v.
Shifflett

INSTRUCTION NO. 3

The Court instructs the jury that in this case, as in all other criminal cases, the accused's denial of guilt raises a presumption of innocence in his favor and puts upon the Commonwealth the burden of proving his guilt beyond a reasonable doubt. If, therefore, upon consideration of the whole case, the testimony of the witnesses and the circumstances proven in evidence, there exists in the minds of the jury a reasonable doubt of the guilt of the accused, they should find him not guilty.

11-23-55
H. H.

H. H.

Commonwealth
v.
Shifflett

INSTRUCTION NO. 3

The Court instructs the jury that in this case, as in all other criminal cases, the accused's denial of guilt raises a presumption of innocence in his favor and puts upon the Commonwealth the burden of proving his guilt beyond a reasonable doubt. If, therefore, upon consideration of the whole case, the testimony of the witnesses and the circumstances proven in evidence, there exists in the minds of the jury a reasonable doubt of the guilt of the accused, they should find him not guilty.

11-23-22
H.W.

H.W.

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 4

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.

11-23-55

H. H.

Commonwealth

v.

Fred Gilbert Shiflett

INSTRUCTION

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

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 5

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

1) That the accused is guilty of murder in the first degree which is punishable by death or confinement in the penitentiary for life or for any term not less than 20 years, or

2) That the accused is guilty of murder in the second degree which is punishable by confinement in the penitentiary not less than 5 nor more than 20 years, or

3) That the accused is guilty of voluntary manslaughter which is punishable by confinement in the penitentiary not less than 1 nor more than 5 years, or

4) That the accused is not guilty.

11-23-55

H. H.

Commonwealth

v.

Fred Gilbert Shilflett

INSTRUCTION 3

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

1) That the accused is guilty of murder in the first degree which is punishable by death or confinement in the penitentiary for life or for any term not less than 20 years, or

2) That the accused is guilty of murder in the second degree which is punishable by confinement in the penitentiary not less than 5 nor more than 20 years, or

3) That the accused is guilty of voluntary manslaughter which is punishable by confinement in the penitentiary not less than 1 nor more than 5 years, or

4) That the accused is not guilty.

H-43-55

G.H.

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 6

The Court instructs the jury that a man is presumed to intend that which he does, or which is the immediate or necessary consequence of his act, and if the prisoner, with a deadly weapon in his previous possession, without any, or upon very slight provocation shot and killed his wife, there is a prima facie presumption that the prisoner is guilty of wilful, deliberate and premeditated killing, and the necessity rests upon him of showing extenuating circumstances, and unless he proves such extenuating circumstances, or such circumstances appear from the case made by the Commonwealth, he is guilty of murder in the first degree.

11-23-55

H. H.

Ex.

Commonwealth

v.

Fred Gilbert Smithett

INSTRUCTION 2

The court instructs the jury that a man is presumed to intend that which he does, or which is the immediate or necessary consequence of his act, and if the prisoner, with a deadly weapon in his previous possession, without any, or upon very slight provocation shot and killed his wife, there is a prima facie presumption that the prisoner is guilty of willful, deliberate and premeditated killing, and the necessity rests upon him of showing extenuating circumstances, or such provoke such extenuating circumstances, or such circumstances appear from the case made by the commonwealth, he is guilty of murder in the first degree.

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 7

The Court instructs the jury that on a charge of murder, malice is presumed from the fact of killing. When the killing is proved, and is unaccompanied with circumstances of extenuation, the burden of disproving malice is thrown upon the accused.

11-23-55

H. H.

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 7

The Court instructs the jury that on a charge of murder, malice is presumed from the fact of killing. When the killing is proved, and is unaccompanied with circumstances of extenuation, the burden of disproving malice is thrown upon the accused.

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 8

The Court instructs the jury that to constitute a wilful, deliberate, and premeditated killing, it is not necessary that the intention to kill should exist for any particular length of time prior to the actual killing; it is only necessary that such intention should have come into existence for the first time at the time of such killing, or at any time previously.

11-23-55

HH.

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 8

The Court instructs the jury that to constitute a willful, deliberate, and premeditated killing, it is not necessary that the intention to kill should exist for any particular length of time prior to the actual killing; it is only necessary that such intention should have come into existence for the first time at the time of such killing, or at any time previously.

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 9

The Court instructs the jury that in a case of homicide deliberation or premeditation by the accused may be proved like any other fact, by either direct or circumstantial evidence or by a combination of both; and if facts, surrounding circumstances and conditions are proven which warrant and justify an inference therefrom beyond a reasonable doubt of the existence of such deliberation or premeditation, then the same may be so inferred.

11-23-55

H. H.

Commonwealth

v.

Fred Gilbert Bailliett

INSTRUCTION 2

The Court instructs the jury that in a case of homicide deliberation or premeditation by the accused may be proved like any other fact, by either direct or circumstantial evidence or by a combination of both; and if facts, surrounding circumstances and conditions are proven which warrant and justify an inference therefrom beyond a reasonable doubt of the existence of such deliberation or premeditation, then the same may be so inferred.

H.W.
11-23-22

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 10

The Court instructs the jury that every homicide in Virginia is presumed, in the absence of other evidence, to be murder in the second degree, and in order to elevate the offense to murder in the first degree the burden is upon the Commonwealth; and in order to reduce the offense to manslaughter or to show justification or excuse for the killing, the burden is upon the accused to introduce evidence to show extenuating circumstances, or justification, unless it appears from the evidence of the Commonwealth.

11-23-55

H. H.

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 10

The Court instructs the jury that every homicide in Virginia is presumed, in the absence of other evidence, to be murder in the second degree, and in order to elevate the offense to murder in the first degree the burden is upon the Commonwealth; and in order to reduce the offense to manslaughter or to show justification or excuse for the killing, the burden is upon the accused to introduce evidence to show extenuating circumstances, or justification, unless it appears from the evidence of the Commonwealth.

H-25-55

H.M.

INSTRUCTION NO. 11

The Court instructs the jury that to constitute murder in the first degree the evidence must clearly and distinctly prove, beyond any reasonable doubt, that the prisoner was not only incited to the killing of the deceased by malice, and desperate wickedness of heart; but such killing must have been a willful, deliberate, and premeditated act on the part of the defendant; in other words at the time of the killing the defendant must have distinctly understood what he willed and intended to do; he must have also reflected and deliberated and premeditated that he would kill the deceased, or do her some serious bodily injury the probable result of which would be death. And if there be a reasonable doubt whether he had willed, deliberated and premeditated to kill the deceased or do her some serious bodily injury which would probably occasion her death, they ought not to find him guilty of murder in the first degree.

11-23-55

A. A.

5

INSTRUCTION NO. 11

The Court instructs the jury that to constitute murder in the first degree the evidence must clearly and distinctly prove, beyond any reasonable doubt, that the prisoner was not only incited to the killing of the deceased by malice, and desperate wickedness of heart; but such killing must have been a willful, deliberate, and premeditated act on the part of the defendant; in other words at the time of the killing the defendant must have distinctly understood what he willed and intended to do; he must have also reflected and deliberated and premeditated that he would kill the deceased, or do her some serious bodily injury the probable result of which would be death. And if there be a reasonable doubt whether he had willed, deliberated and premeditated to kill the deceased or do her some serious bodily injury which would probably occasion her death, they ought not to find him guilty of murder in the first degree.

11-23-77
M.M.

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 12

The Court instructs the jury that in determining the question of the guilt or innocence of the accused, you may take into consideration the flight of the prisoner after the commission of the crime, if the same is proven, along with all the other facts and circumstances introduced in evidence in the case.

11-23-55

H. H.

Ex.

Commonwealth

v.

Fred Gilbert Shillitoe

INSTRUCTION 12

The Court instructs the jury that in determining the question of the guilt or innocence of the accused, you may take into consideration the flight of the prisoner after the commission of the crime, if the same is proven, along with all the other facts and circumstances introduced in evidence in the case.

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 13

The Court instructs the jury that the character of a prisoner, when proven, whether good or bad, is a fact to be considered by the jury, but its weight as affecting the guilt or innocence of a prisoner is a matter for the determination of the jury, in connection with the other facts proven in the case.

11-23-55

H. H.

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 23

The Court instructs the jury that the character of a prisoner, when proven, whether good or bad, is a fact to be considered by the jury, but its weight as affecting the guilt or innocence of a prisoner is a matter for the determination of the jury, in connection with the other facts proven in the case.

Commonwealth

v.

Fred Gilbert Shifflett

INSTRUCTION 14

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.

11-23-55

H. H.

Commonwealth

v.

Fred Gilbert Sutliffe

INSTRUCTION 24

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.

H-23-77

A/A/A

COMMONWEALTH

V.

SHIFFLETT

INSTRUCTION NO. 15

The court instructs the jury that if they have a reasonable doubt as to the grade of offense of which the prisoner may be guilty, that they shall resolve that doubt in his favor, and find him guilty of the lower grade; to illustrate, if they have reasonable doubt as to whether he is guilty of murder in the first degree or the second degree, they should find him guilty in the second degree. If they have reasonable doubt as to whether he is guilty of murder in the second degree or manslaughter, they should find him guilty of manslaughter, and if they have a reasonable doubt as to whether he be guilty at all, they must resolve that doubt in favor of the accused and acquit him.

11-23-55

H. H.

COMMONWEALTH

V.

SHIFFLETT

INSTRUCTION NO. 16

The court instructs the jury that upon the trial of a criminal case by a jury the law contemplates a concurrence of twelve minds in the conclusion of guilt before a conviction can be had. Not only is this true with respect to the guilt of the accused, but is likewise true with respect to the degree of the crime. Therefore, if any individual member of the jury, after having duly considered all the evidence in this case, and after consultation with his fellow jurors, should entertain a reasonable doubt as to the guilt of the accused, or as to the degree of the guilt of the accused, it is his duty not to surrender his own convictions as to the guilt or innocence of the accused, or as to the degree of guilt, simply because the rest of the jury entertain different convictions as to the guilt or innocence or as to the degree. The jury are further instructed that the jury room is no place for pride of opinion or obstinacy, but that it is the duty of the jurors to discuss the evidence in a spirit of fairness and candor with each other, and with open minds to give careful consideration to the views of their fellows, and, if it can be done without sacrifice of conscientious convictions, agree upon a verdict.

11-23-55

H. H.

11-3-57
W.A.

Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Chief Julius F. Ritchie

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* 17 *day of* October 19 55, *to testify and the truth to say in behalf of the Commonwealth before the GRAND JURY*

vs. FRED GILBERT SHIFFLETT

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, J. ROBERT SWITZER, *Clerk of our said Court, at the Court House, the* 10 *day of* October 19 55, *and in the* 180th *year of the Commonwealth.*

Commonwealth's Attorney, *Clerk*

THE SERVICE PRESS, HARRISONBURG, VA.

Commonwealth

v.) Grand Jury Subpoena

Fred Gilbert Shifflett

To Oct. 17, 1955
at 10:00 a.m.

EXECUTED 10/11/55 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summon TO Julius Ritchie IN PERSON.

By E. F. Turner Dep. for

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

RECEIVED
OCT 10 1955
SHERIFF'S OFFICE
ROCKINGHAM
COUNTY

1 Wit. Summ. .40

In the Name of the Commonwealth of Virginia:

To the ~~Sheriff of Rockingham County~~ Sgt. of the City of Richmond, Greeting:

You are hereby commanded to summon C. Overton Lee (Craig & Lee 910 Mutual Building)

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 18 day of November, 19 55, to testify and the truth to say in behalf of the Commonwealth against FRED GILBERT SHIFFLETT

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 10 day of November, 19 55, and in the 180 year of the Commonwealth.

~~Clerk~~ Commonwealth's Attorney

THE SERVICE PRESS, HARRISONBURG, VA.

Executed in the City of Richmond, Virginia,
this 17 day of Nov 19 51 by delivering
a true copy of the within C. Dunton Lee in person.
in writing to

FRANK A. CAVEDO
Sergeant City of Richmond, Va.
By C W Adler
Duly Ex Sergt

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Sergeant Allen Harvey
Bridgewater, Va.

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at ~~10~~ 9:30 *o'clock, a. m., on the* 18th *day of* November, 1955 *to testify and the truth to say* ***in behalf of the Defendant*** *in the prosecution of the Commonwealth against*
Fred Shifflett

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

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* November, 19 55, *and in the* 180th *year of the Commonwealth.*

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

EXECUTED 11-17-55 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Writ Summ.

TO Sergeant Allen Harvey

IN PERSON.

Edward A. Byrd, Dep. Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

RECEIVED
NOV 16 1955
SHERIFF'S OFFICE
ROCKINGHAM
COUNTY

Writ. Summ. .40

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Lacey Foltz, Leroy Foltz, Gilbert Shifflett, Mrs. Gilbert Shifflett, Emory Shifflett, and Jeanetta Shifflett,

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at ~~10~~ 9:30 *o'clock, a. m., on the* 18th *day of* November, 19 55 *to testify and the truth to say in behalf of the Defendant in the prosecution of the Commonwealth against* Fred Shifflett,

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

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

Witness, J. ROBERT SWITZER, Clerk of our said Court, at the Court House, the 15th *day of* November, 19 55, *and in the* 180th *year of the Commonwealth.*

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

Chas. A. Hammer, P. Q.

RECEIVED
NOV 15 1955
SHERIFF'S OFFICE
ROCKINGHAM
COUNTY

EXECUTED 11-15-55 IN THE COUNTY OF ROCKINGHAM

BY DELIVERING A TRUE COPY OF THE WITHIN Summons

TO Lacey Foltz, Leroy Foltz,
Ondra Shifflett, Gilbert Shifflett,
Jeanette Shifflett, and
Mrs. Gilbert Shifflett IN PERSON.

C. S. Strauderman S. R. C.

BY Denny E. Haney DEPUTY SHERIFF

6 wit. Summ. .40 = $2.40

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Kenneth Bowman and Vernor Bowman, with Beatie Garber

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 November, 19 55, to testify and the truth to say in behalf of the Commonwealth against

Fred Shifflett

who stands charged with and indicted for a felony ~~or 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 17th day of November, 19 55, and in the 180th year of the Commonwealth.

J. Robert Switzer, Clerk
By Virgie Bowman, D.C.

THE SERVICE PRESS, HARRISONBURG, VA.

RECEIVED
NOV 17 1955
SHERIFF'S OFFICE
ROCKINGHAM
COUNTY

11-17/55

EXECUTED _____ IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summon TO Kenneth Bowman IN PERSON.

By E. F. Turner Dep. for

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 11/17/55 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summon TO Kenneth Bowman IN PERSON.

W. W. - Scribe Wyke

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

2 Wit. Summ. .40 = .80

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Kenneth Bowman and Vernor Bowman, with Beatie Garber

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 November, 19 55, to testify and the truth to say in behalf of the Commonwealth against

Fred Shifflett

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 17th day of November, 19 55, and in the 180th year of the Commonwealth.

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

THE SERVICE PRESS, HARRISONBURG, VA.

RECEIVED
NOV 17 1955
SHERIFF'S OFFICE
ROCKINGHAM
COUNTY

11-17/55

EXECUTED _____ IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summon TO Kenneth Bowman IN PERSON.

By E. F. Turner Dep. for

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 11/17/55 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summon TO Herman Bowman IN PERSON.

A.L.U. - Schiber Sgt.

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

2 Wit. Summ. 40 = .80

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Lacey Foltz

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 18 day of Nov, 1955, to testify and the truth to say in behalf of the Commonwealth against Fred Gilbert Shiffler

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 17 day of Nov, 1955, and in the 180 year of the Commonwealth.

..., Clerk

Commonwealth's Attorney

THE SERVICE PRESS, HARRISONBURG, VA.

EXECUTED 11-12-45 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summons

TO Lacey Foltz

IN PERSON.

Dewey E. Haney Dep.

for 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 Edward Saylor

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 18 day of November, 19 55, to testify and the truth to say in behalf of the Commonwealth against FRED GILBERT SHIFELETT,

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 17 day of November, 19 55, and in the 180 year of the Commonwealth.

Commonwealth's Attorney, ~~Clerk~~

THE SERVICE PRESS, HARRISONBURG, VA.

EXECUTED 11-17-55 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summon TO Edward Saylor IN PERSON.

By E. F. Turner Dep-Sh

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

Executed on the 12 day of Nov., 1955, in the County of Rockingham, Virginia, by delivering a true copy of the above mentioned papers attached to each other, to Elizabeth Green in person, who is the Secretary of the within named Corporation in the County of Rockingham, Virginia in which Office

Office

the said Elizabeth Green resides.

the said Dr. F. L. Bowers place of business is.

the principal office of the said ~~Corporation~~ Dr. F. L. Bowers is located.

A. L. STRAWDERMAN S. R. C.

BY E. F. Turner DEPUTY SHERIFF

Executed on the 12 day of May, 1957, in the County of Rockingham, Virginia, by delivering a true copy of the above mentioned papers attached to each other, to Elizabeth Green in person, who is the Secretary of the named Office in the County of Rockingham, Virginia, in which

the said Elizabeth Green resides,
the said Dr. E.L. Bowers place of business is,
the principal office of the said Dr. E.L. Bowers is located

A.L. STRAWDERMAN S.R.C.

BY E.J. Turner DEPUTY SHERIFF

Not finding Virginia Jean Bowman at his usual
lace of abode, Executed 11-10-55 by delivering a
rue copy of this Summon to Marcus Bowman
her father in person, at said Virginia Jean Bowman
isual place of abode Marcus Bowman, being a member of
his family above the age of 16 years, and explaining the purport thereof
o her.

A. L. STRAWDERMAN
S. R. C.

Deputy Sheriff E. J. Durney

Not finding Virginia Jean Bowman at his usual place of abode, Executed 11-10-65 by delivering a true copy of this Summons to Marcus Bowman her father in person, or said Virginia Jean Bowman usual place of abode Marcus Bowman, being a member of his family above the age of 16 years, and explaining the purport thereof to her.

A. L. STRAWDERMAN S.R.C.

Deputy Sheriff E. J. Durham

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon 1. Chief of Police Julius Ritchie; 2) Deputy Sheriff Robert H. Raynes; 3) Virginia Jean Bowman; 4) Marcus Bowman; 5) Mrs. Marcus Bowman; 6) Sgt. E.E. Martin; 7) Deputy Sheriff M. L. Hoover; 8) Officer Gifford Joseph; 9) Dr. F.L. Byers; 10) Emory Shifflett

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 November, 19 55, to testify and the truth to say in behalf of the Commonwealth against

FRED GILBERT SHIFFLETT

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 9th day of November, 19 55, and in the 180 year of the Commonwealth.

Commonwealth's Attorney, ~~Clerk~~

THE SERVICE PRESS, HARRISONBURG, VA.

EXECUTED 11-10-55 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summon TO Julios Ritchie IN PERSON.

Robert H. Raynes
Marcus Bowman
Sgt. E.E. Martin
M. L. Hoover
Gifford Joseph
Emory Shiffkett

By E. F. Turner Dep. for
A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

RECEIVED
NOV 9 1955
SHERIFF'S OFFICE
ROCKINGHAM COUNTY

Not finding Mrs. Marcus Bowman at his usual place of abode, Executed 11-10-55 by delivering a true copy of this Summon to Mr Marcus Bowman her husband, a person, at said Mrs. Marcus Bowman usual place of abode Mr. Marcus Bowman, being a member of his family above the age of 16 years, and explaining the purport thereof to her.

A. L. STRAWDERMAN

Deputy Sheriff E. F. Turner S. R. C.

Serv. Summ. .40 = 4.00

TRIAL JUSTICE COURT

Criminal Docket **Nº 19129 A**

Com'th

V.

Fred Gilbert Shifflett
Defendant C.A.H.

a.w. Appearance Date 10-3-55

Continued generally 10-3-55
P.R.g. 18

Trial Date

Indicted by Grand Jury and case disposed of October Term 1955.

Comp. Form 18-A

STATE OF VIRGINIA
~~COUNTY~~ City OF Harrisonburg } To-Wit: No.

TO ANY SHERIFF OR POLICE OFFICER:

Whereas, Julius F Ritchie - Chief of Police

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

Justice of the Peace (Title) of the said ~~County~~ City, that

Fred Gilbert Shifflett in the said ~~County~~ City

did on the 2nd day of October, 1955: Unlawfully & feloniously

~~did~~ kill and murder one MARLENE YVONNE SHIFFLETT,

against the peace and dignity of the Commonwealth

of Virginia.

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

_____ color _____ Address _____ ☐

_____ color _____ Address _____ ☐

_____ color _____ Address _____ ☐

_____ color _____ Address _____ ☐

_____ color _____ Address _____ ☐

as witnesses.

Given under my hand and seal, this 2nd day of October, 1955

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

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

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

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

Given under my hand, this _____ day of _____, 19____.

_____ T. J., J. P.

DOCKET NO. 19129A

COMMONWEALTH

vs.

WARRANT OF ARREST

Fred Gilbert Shifflett

Executed this, the 2nd day of October, 1955

Julius F. Rutherfoe

Upon the examination of the within charge, I find the accused

Indicted by Grand Jury and case disposed of October term 1955.

Bond Denied R.R. 9.7.55

10-3-55

Fine $

Costs

Total $

Bond N.G. 10-3-55 R.R. 9.7.

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

COSTS

Warrant	$ 1.00
Trial	2.00
Bail	—
Arrest	—
Mileage	—
Clerk	1.25
Jail Fee and Board	.50
Witness Attendance	
Summoning Witnesses	
Commonwealth Attorney	2.50
Total Costs	$ 7.25
Fine	
Total	$

✓ J H Spitler
✓ Joe a Leap
✓ B Lewis Clemmer
✓ Raymond Mallinger
✓ Kenneth Harmon
✓ Wilmer Lee Heckert
✓ Roger Milne
✓ O L Flory Jr
✓ J Wilson Lee
✓ Ernest le Lisky
✓ O W Vanpelt
✓ Harry R Taylor

Docket No. 3053.

COMMONWEALTH of VIRGINIA

VS.) Felony (murder)
) INDICTMENT

~~FRED GILBERT SHIFFLETT~~ jail

Charles A. Hammer p. d.
Own (x) Appointed ( )

1955
Oct. 17. Return of Grand jury. 9/210

Arraigned; plea n.g. and set for Nov. 18. 9/212

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

1. J. H. Spitler
2. Joe A. Leap
3. G. Lewis Clemmer
4. D. Raymond Aldhizer
5. Kenneth Hamer
6. Wilmer Lee Duckert
7. Boyd Cline
8. S. L. Flary, Jr.
9. J. Wilson Lee
10. Ernest C. Liskey
11. O. N. Van Pelt
12. Harry R. Kaylor

Keystone Envelope Co., Phila., Pa.

Docket No. 3053. OCT 1955

OCT 1955

COMMONWEALTH of VIRGINIA

VS.) Felony (murder)
) INDICTMENT

FRED GILBERT SHIFFLETT jail

Charles A. Hammer--R.M.Weaver p. d.
Own (x) Appointed ( )

1955
Oct. 17. Return of Grand Jury. 9/210

Arraigned, plea n.g. and set for Nov. 18. 9/212

Nov. 18. Jury imp. &c 9/230
portion of evidence heard &

Nov. 19. Evidence 9/231

Nov. 23. Evidence comp. & verdict of jury - 30 yrs. in St. Pen. & motion to set aside cont. to Nov. 30. 9/232

Nov. 30. Motion to set aside withdrawn & accused sentenced. 9/234.

Oct. 2 - 30 da
Nov 30 da
60 da

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.