

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of Rockingham County, August Term, 1957.

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 Matthew J. Barber, <sup>"OR ABOUT"</sup> on the 30th day of January, 1957, in the City of Harrisonburg, Virginia, unlawfully and feloniously did break and enter in the night-time a certain building belonging to one E. L. Klingstein, the legal possession of which was in one Joe Kimmel, said building not then and there being a dwelling house or outhouse adjoining thereto or occupied therewith, situated in the City aforesaid, with the intent to then and there unlawfully and feloniously to take, steal and carry away the goods and chattels of the said Joe Kimmel then and there being in said building; and forty-eight (48) batteries of the approximate value of Ninety-six Dollars (\$96.00), of the goods and chattels of the said Joe Kimmel in said building in the City aforesaid, then and there being found, which the said Matthew J. Barber then and there unlawfully and feloniously did take, steal and carry away, against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Jesse J. Sager and David Rubin, witnesses sworn in open Court and sent to the Grand Jury to give evidence.

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of Rockingham County, August Term, 1957.

The Grand Jurors of the Commonwealth of Virginia, in and for

COMMONWEALTH

v.

MATTHEW J. BARBER

INDICTMENT

A TRUE BILL

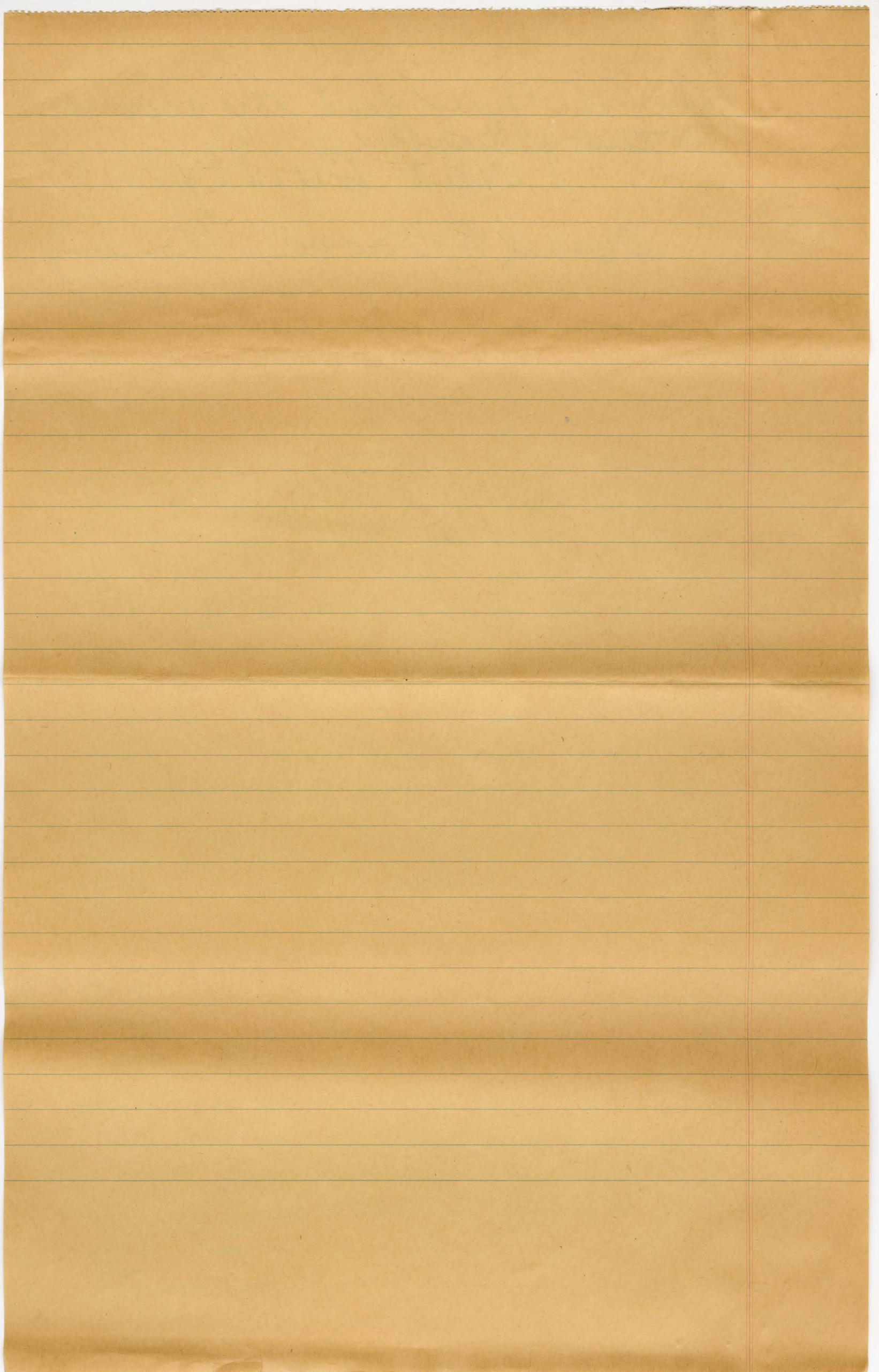
*Handwritten signature*  
Foreman

Charles F. Farman, Jr.  
Commonwealth's Attorney

*Aug. 24 # 3294*

we, the jury, find the accused  
Matthew J. Barber  
NOT Guilty

Wynard Hoover (Foreman)



COMMONWEALTH

v.

MATTHEW J. BARBER

INSTRUCTION            /

The Court instructs the jury that the indictment in this case is a mere accusation or charge against the defendant, and is not, of itself, any evidence of the defendant's guilt; and no juror should permit himself to be influenced against the defendant because or on account of the indictment in this case.

9-10-57

H. H.



COMMONWEALTH

v.

MATTHEW J. BARBER

INSTRUCTION                      ✓

The Court instructs the jury that the law presumes the defendant to be innocent until he is proved guilty as charged in the indictment by the Commonwealth by evidence beyond all reasonable doubt, and to the exclusion of every reasonable hypothesis or theory consistent with his innocence. This presumption of innocence goes with the defendant throughout the entire case, and applies at every stage thereof, and if, after having heard all of the evidence in the case, the jury have a reasonable doubt of the guilt of the accused upon the whole case, or as to any fact essential to prove the charge made against him in the indictment, it is their duty to give the defendant the benefit of the doubt and find him not guilty. Mere suspicion, or the probability of the guilt of the defendant, however strong, is not sufficient to convict, nor is it sufficient if the greater weight or preponderance of the evidence supports the charge in the indictment, unless such evidence amounts to proof beyond every reasonable doubt.

9-10-57  
H.H.

INSTRUCTION

The Court instructs the jury that the law presumes the defendant to be innocent until he is proved guilty as charged in the indictment by the Commonwealth by evidence beyond all reasonable doubt, and to the exclusion of every reasonable hypothesis or theory consistent with his innocence. This presumption of innocence goes with the defendant throughout the entire case, and applies at every stage thereof, and it, after having heard all of the evidence in the case, the jury have a reasonable doubt of the guilt of the accused upon the whole case, or as to any fact essential to prove the charge made against him in the indictment, it is their duty to give the defendant the benefit of the doubt and find him not guilty. Mere suspicion, or the probability of the guilt of the defendant, however strong, is not sufficient to convict, nor is it sufficient if the greater weight or preponderance of the evidence supports the charge in the indictment, unless such evidence amounts to proof beyond every reasonable doubt.

9-10-17  
A.A.



COMMONWEALTH

V.

MATTHEW BARBER

INSTRUCTION 3

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

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

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

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

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

9-10-57

✓✓



Commonwealth  
v.  
Barber

INSTRUCTION NO. 4

The Court instructs the jury that the exclusive possession of recently stolen property unaccompanied by a reasonable account of how the possession of the stolen property was acquired, creates a presumption that the possessor is the one who stole the property, and if you find from the evidence, beyond a reasonable doubt that Matthew Barber was in exclusive possession of the batteries recently stolen from Joseph Kimmel and that Matthew Barber has not given a reasonable account of the possession of the batteries, then you will find the said Barber guilty of larceny.

9-10-57

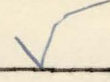
H.H.



COMMONWEALTH

V.

MATTHEW J. BARBER

INSTRUCTION 

The Court instructs the jury that although one found in possession of stolen goods is presumed to be the thief, this presumption is only prima facie and if the defendant makes such an explanation of how he came into possession of the goods as would leave a reasonable doubt in your minds as to whether or not he actually stole or received them, knowing at the time that they were stolen, it would be your duty to acquit.

9-10-57

H.H.

COMMONWEALTH

v.

MATTHEW J. BARBER

INSTRUCTION

The Court instructs the jury that although one found in possession of stolen goods is presumed to be the thief, this presumption is only prima facie and if the defendant makes such an explanation of how he came into possession of the goods as would leave a reasonable doubt in your minds as to whether or not he actually stole or received them, knowing at the time that they were stolen, it would be your duty to acquit.

9-10-27  
H.A.

COMMONWEALTH

V.

MATTHEW J. BARBER

INSTRUCTION 6

The Court further instructs the jury that circumstantial evidence is just as legal and may be just as effective as direct evidence, provided that the attending circumstances proven are of such character and force as to satisfy the minds of the jury of the defendant's guilt beyond reasonable doubt.

9-10-57

H. H.

COMMONWEALTH

v.

MATTHEW J. BARBER

2  
INSTRUCTION

The Court further instructs the jury that circumstantial evidence is just as legal and may be just as effective as direct evidence, provided that the attending circumstances proven are of such character and force as to satisfy the minds of the jury of the defendant's guilt beyond reasonable doubt.

9-10-17  
H. H.



COMMONWEALTH

V.

MATTHEW J. BARBER

INSTRUCTION 7

The Court instructs the jury that circumstantial evidence must always be scanned with great caution and can never justify a verdict of guilty unless the circumstances proved are of such a character and tendency as to produce upon fair and unprejudiced minds a moral certainty of the guilt of the accused.

9-10-57

H. H.



COMMONWEALTH

V.

MATTHEW BARBER

INSTRUCTION 8

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 witnesses 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.

9-10-57

A. H.



August 24, 1957.

Commonwealth

v. On an indictment for a felony (breaking and entering)

Matthew J. Barber

This day came the attorney for the commonwealth, and the accused, Matthew J. Barber, came pursuant to his recognizance and by his attorney, Harry Blatt. And from persons summoned by the sheriff under a writ 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 the accused, who each alternately struck therefrom the names of four persons, and the remaining twelve, namely, Irene Hedrick, Stanley Davis, C. A. Clark, Galen Kagey, Bonnie Shaver, James E. Comer, Joseph D. Grim, Robert Y. Frazier, Harry F. Bowman, Iva C. Gordon, Myrle Hulvey, and Maynard E. Hoover, selected as aforesaid to constitute the jury, 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. And having then proceeded with the hearing of the evidence, the attorney for the commonwealth, during the examination of witnesses, moved the court to amend the indictment ~~xxxxxx~~ by inserting in the fourth line thereof the words "or about" so that same will read: "on or about the 30th day of January, 1957..", ~~xxxxix~~ which motion the court granted over the objection of the accused, ~~by counsel~~, and the indictment was accordingly amended, to which action said accused, by counsel, excepted. Thereupon, the accused, by counsel, moved the court to require the attorney for the commonwealth to file a bill of particulars, ~~xxxxix~~ and further, for a <sup>perpetuance</sup> ~~continuance~~ because he was taken by surprise, both of which motions the court granted; and the attorney for the commonwealth is required to file herein a bill of particulars, and further proceedings herein were continued until Tuesday, September 10 next, and said accused was released on his said recognizance.

9 / 454

Commonwealth

v. On an indictment for a felony (breaking and entering)

Matthew J. Barber

This day came the attorney for the Commonwealth, and the accused,

Matthew J. Barber, came pursuant to his recognizance and by his attorney,

Harry Blatt. And from persons summoned by the sheriff under a writ of

venue 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

the accused, who each alternately struck therefrom the names of four per-

sons, and the remaining twelve, namely, Irene Hedrick, Stanley Davis, C. A.

Clark, Galen Kasey, Bonnie Shaver, James E. Comer, Joseph D. Grim, Robert Y.

Frazier, Harry P. Bowman, Iva C. Gordon, Myrtle Hulvey, and Maynard E.

Hoover, selected as alternate to constitute the jury, 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. And having then proceeded with the hearing of the evidence,

the attorney for the Commonwealth, during the examination of witnesses,

moved the court to amend the indictment xxxxxx by inserting in the

fourth line thereof the words "or about" so that same will read. Upon or

about the 30th day of January, 1957.,", xxxxxx which motion the court

granted over the objection of the accused, by counsel, and the indictment

was accordingly amended, to which action said accused, by counsel, except-

ed. Thereupon, the accused, by counsel, moved the court to require the

attorney for the Commonwealth to file a bill of particulars, xxxix and

further, for xxxix because he was taken by surprise, both of

which motions the court granted; and the attorney for the Commonwealth is

required to file herein a bill of particulars, and further proceedings

herein were continued until Tuesday, September 10 next, and said accused

was released on his said recognizance.

Handwritten signature or initials, possibly "P 4/24".

COMMONWEALTH OF VIRGINIA  
IN THE CIRCUIT COURT FOR THE COUNTY OF ROCKINGHAM

COMMONWEALTH

V.

MATTHEW J. BARBER

BILL OF PARTICULARS

Comes now the Attorney for the Commonwealth this 27th day of August, 1957, and for the particulars of the charge against Matthew J. Barber upon an indictment returned against him by the Grand Jury of this Court at its August Term, 1957, says that the Commonwealth expects to prove that Matthew J. Barber did unlawfully and feloniously, sometime between noon of Sunday, January 27, 1957, and the afternoon of Wednesday, January 30, 1957, in the City of Harrisonburg, Virginia, break and enter a certain building or warehouse owned by E. L. Klingstein and rented by Joe Kimmel with the intent to take, steal and carry away used motor vehicle batteries, the property of the said Joe Kimmel, located in said building, and did take, steal and carry away forty-eight (48) batteries, the property of the said Joe Kimmel, the value of which exceeded \$88.80.

I hereby certify that a copy of the foregoing pleading was served upon Harry Blatt, counsel of the defendant, by delivering a copy thereof to counsel in person, or by mailing a copy thereof to counsel on or before the day of filing.

Charles E. Earman, Jr.

Charles E. Earman, Jr.  
Commonwealth's Attorney

Filed in the Clerk's Office  
Rockingham County, Va.

Aug 27 1957

J. Robert Smithey Clerk

COMMONWEALTH OF VIRGINIA  
IN THE CIRCUIT COURT FOR THE COUNTY OF ROCKINGHAM

COMMONWEALTH

v.

MATTHEW J. BARBER

BILL OF PARTICULARS

Comes now the Attorney for the Commonwealth this 27th day of August, 1957, and for the particulars of the charge against Matthew J. Barber upon an indictment returned against him by the Grand Jury of this Court at its August Term, 1957, says that the Commonwealth expects to prove that Matthew J. Barber did unlawfully and feloniously, sometime between noon of Sunday, January 27, 1957, and the afternoon of Wednesday, January 30, 1957, in the City of Harrisonburg, Virginia, break and enter a certain building or warehouse owned by B. L. Kinstein and rented by Joe Kimmel with the intent to take, steal and carry away used motor vehicle batteries, the property of the said Joe Kimmel, located in said building, and did take, steal and carry away forty-eight (48) batteries, the property of the said Joe Kimmel, the value of which exceeded

\$85.00.

*[Handwritten signatures and stamps]*  
Filed in the Clerk's Office  
Rockingham County, Va.  
Aug 27 1957  
*[Signature]*  
Clerk



COMMONWEALTH

V.

MATTHEW BARBER

CHARGE TO JURY

If you find the accused guilty of breaking and entering as charged in the indictment, you will say so and fix his punishment by confinement in the penitentiary for not less than one year nor more than ten years, or, in your discretion, by confinement in jail for a period not exceeding twelve months and by a fine not exceeding Five Hundred Dollars.

If you do not find the accused guilty of breaking and entering, as charged in the indictment, but find him guilty of grand larceny, then you will say so and fix his punishment by confinement in the penitentiary for not less than one year nor more than ten years, or, in your discretion, by confinement in jail for a period not exceeding twelve months and by a fine not exceeding Five Hundred Dollars.

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

COMMONWEALTH

V.

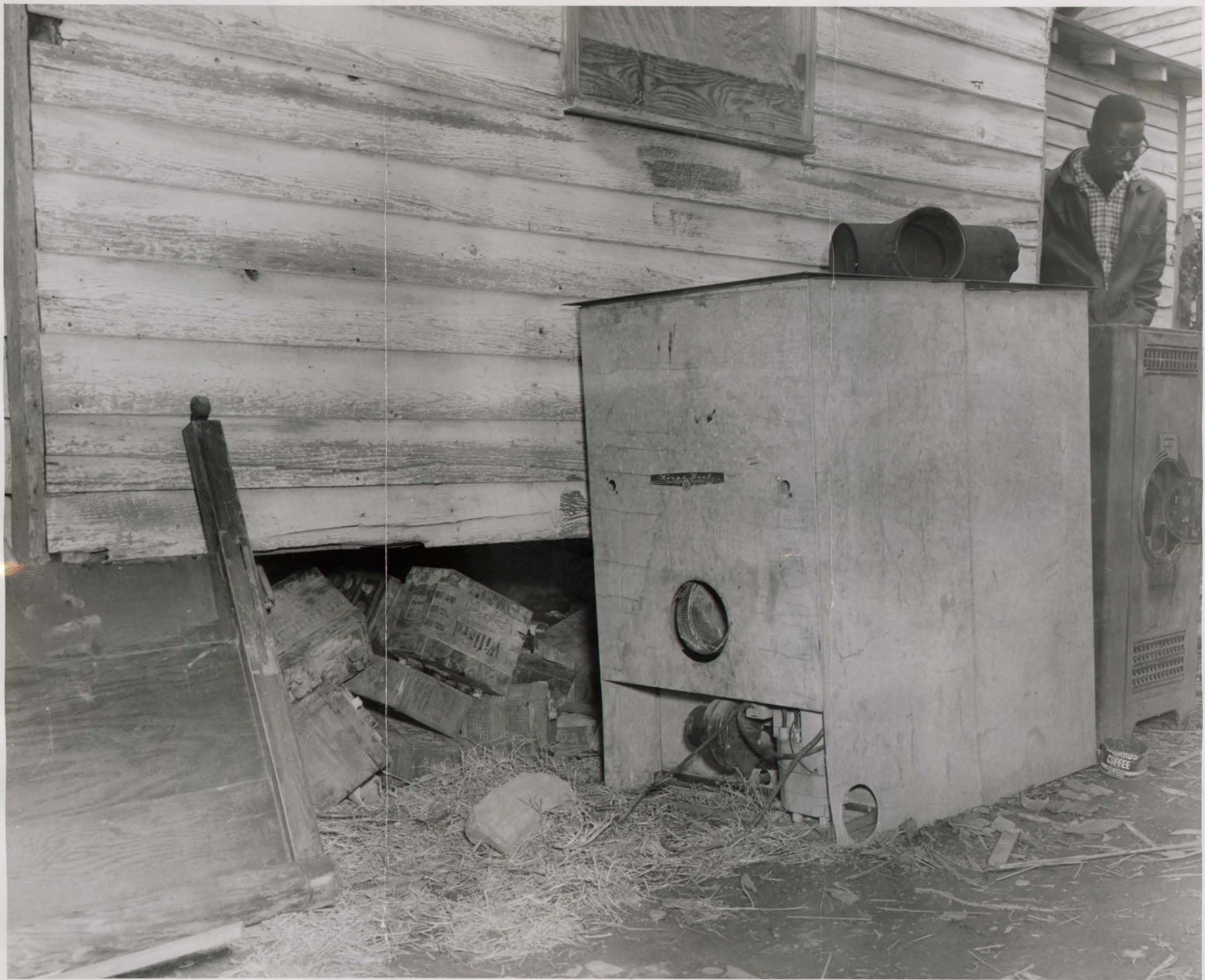
MATTHEW HARRIS

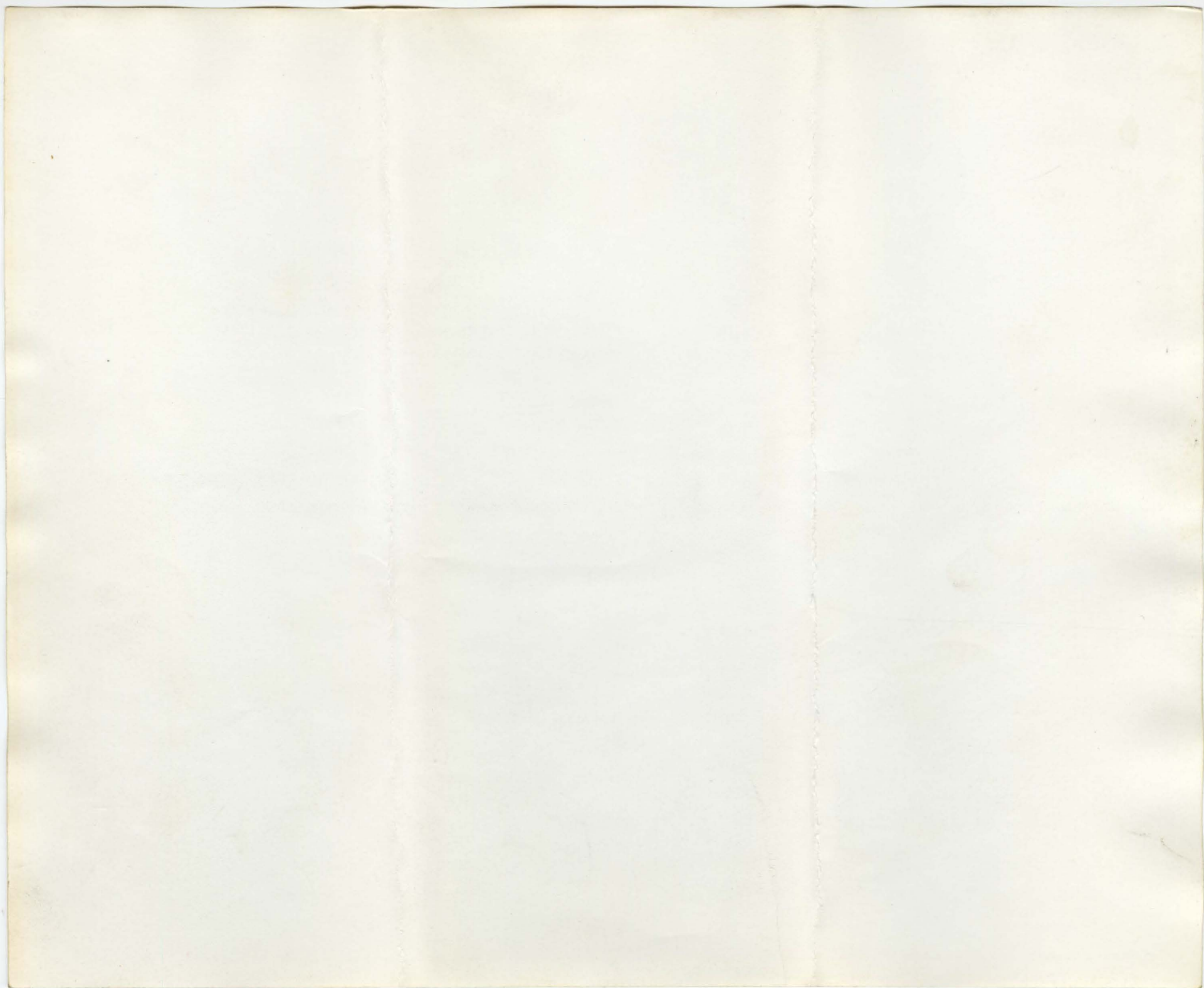
CHARGE TO JURY

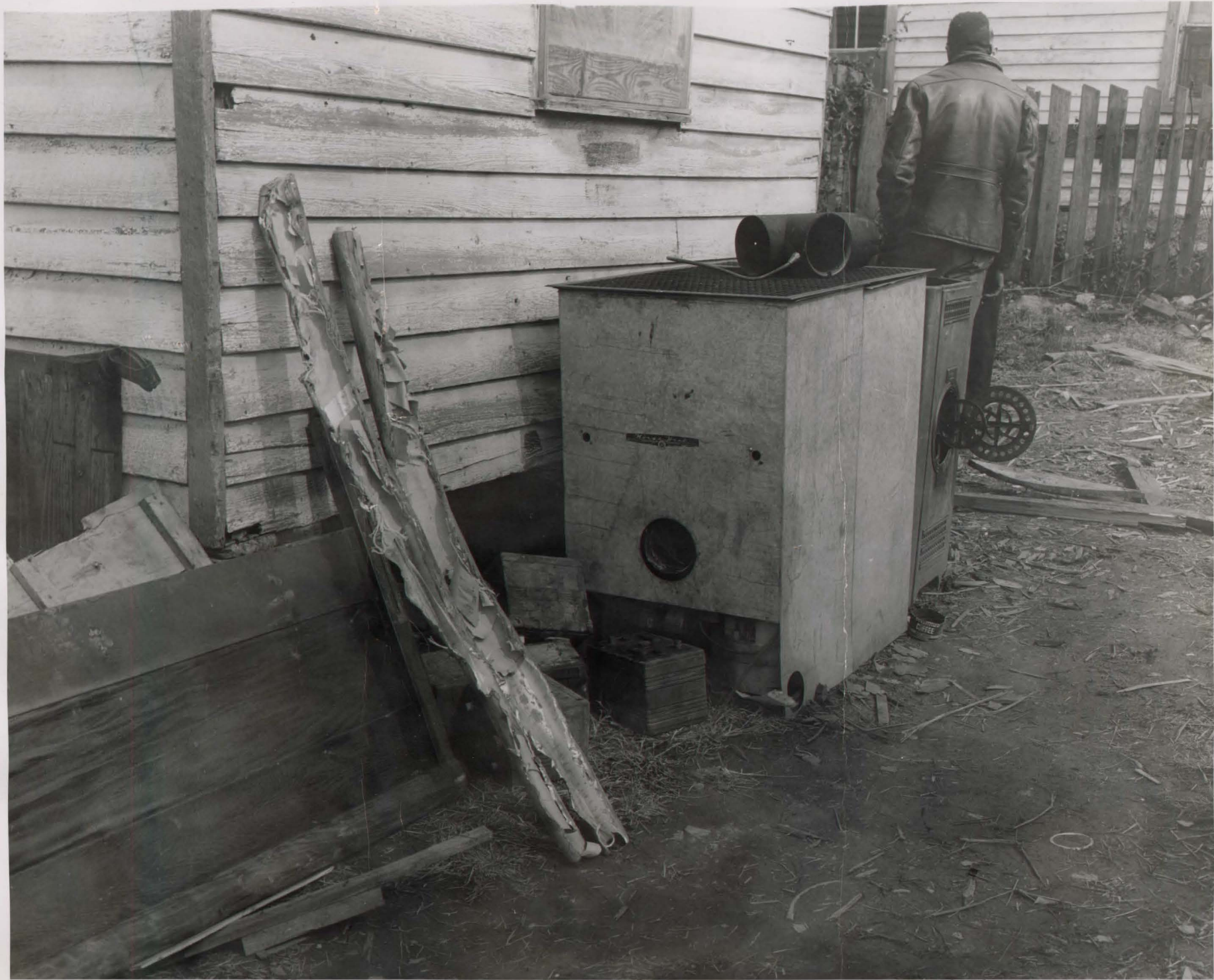
If you find the accused guilty of breaking and entering as charged in the indictment, you will say so and fix his punishment by confinement in the penitentiary for not less than one year nor more than ten years, or, in your discretion, by confinement in jail for a period not exceeding twelve months and by a fine not exceeding Five Hundred Dollars.

If you do not find the accused guilty of breaking and entering, as charged in the indictment, but find him guilty of grand larceny, then you will say so and fix his punishment by confinement in the penitentiary for not less than one year nor more than ten years, or, in your discretion, by confinement in jail for a period not exceeding twelve months and by a fine not exceeding Five Hundred Dollars.

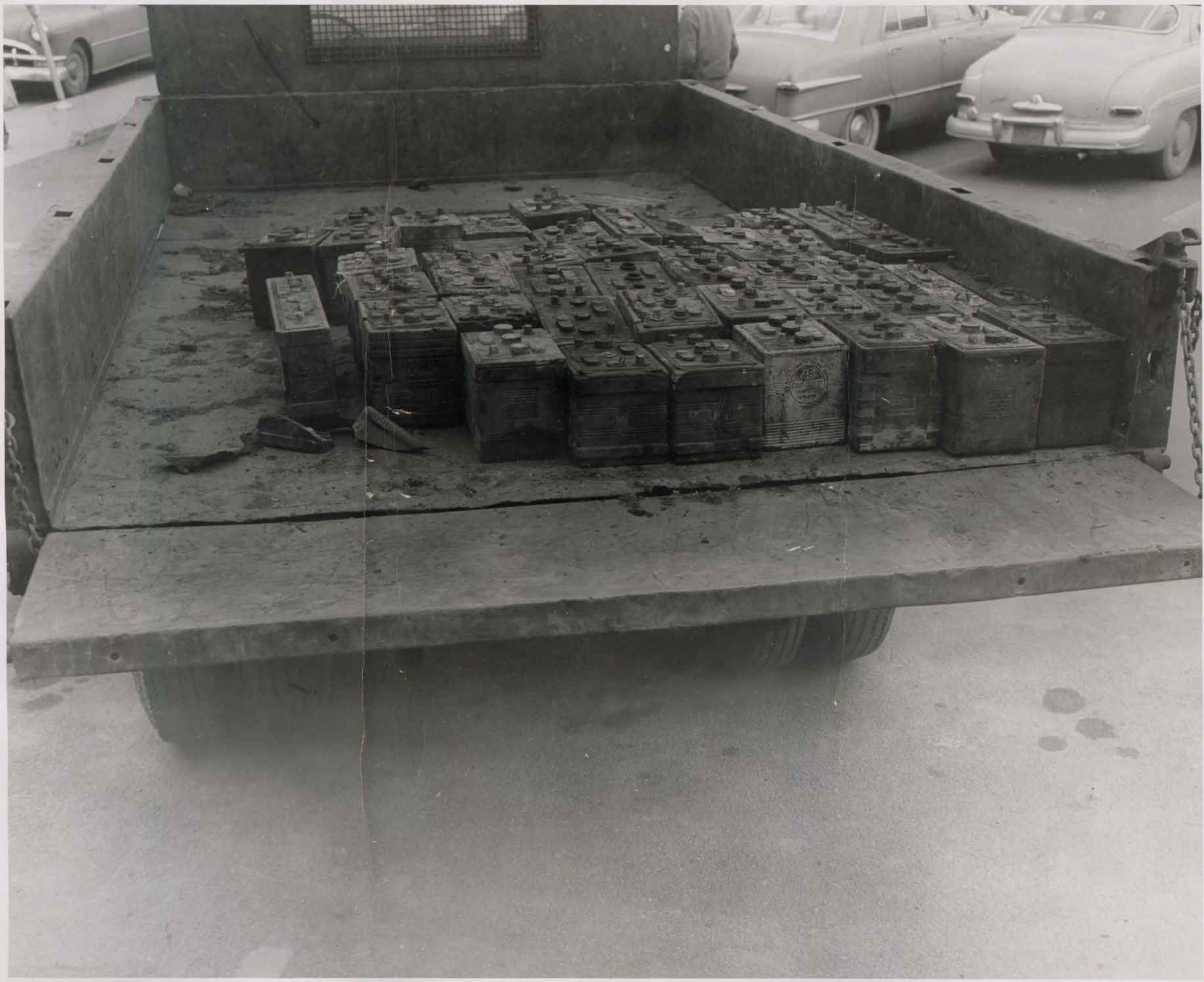
If you find him not guilty, you will say so and no more.











Cwlth

v.

Ormsode Williams

Mathew Barber

Boxler 9/10/57



• *Conrad v. Barber* - accused moved for  
continuance because of absence of Houghton & cells  
who was regularly summoned to court 7/4  
to appear on aug 7/4 & told to appear  
on sept 10-57 & did not appear - overruled -  
exception - evidence - completion of ev. of  
Conrad - - accused moved to strike evi-  
dence of Conrad overruled - exception - accused  
then moved to strike all evidence in case  
as it charges the offense of breaking & entering -  
granted -



*Felony*

TRIAL JUSTICE COURT

Criminal  
Docket

**Nº 23519 A**

Com'th

v.

Matthew J. Barber  
Defendant *H.B.*

*aw* Appearance Date 4-5-57

Trial Date 5-3-57

- To - 6-7-57 2: P.M*
- To - 6-20-57 2: P.M.*
- To - 7-19-57 2: P.M*

*To: GRAND Jury 7-19-57 PR 9 July*



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

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon *Conrad Ave* St. Clair Barber, Huey Jones, Ruth Jones,

*147 Johnson St*  
and Catherine Barber,  
*James Watson*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,  
at <sup>9:30</sup> ~~10~~ o'clock, a. m., on the 24th day of August, 1957 to testify and the truth to  
say in behalf of the Defendant in the prosecution of the Commonwealth against

Matthew J. Barber

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

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 21st  
day of August 1957, and in the 182d year of the Commonwealth.

*J. Robert Switzer*, Clerk  
*By Margie Bouman* *we*

Executed on the 22 day of Aug., 1957, in the County of Rockingham, Virginia, by calling at the usual place of abode Cassad Area of Huey Jones - Ruth Jones and not finding them there, or any other person upon whom service could be made, I left a true copy of the above mentioned papers attached to each other, posted on the front door of their usual place of abode.

A. L. Strawderman S. R. C.  
BY George K. Orr DEPUTY SHERIFF

Not finding Catherine Barber at <sup>her</sup> his usual place of abode, Executed Aug. 22, 1957 by delivering a true copy of this Summons to James Watson in person, at said Catherine Barber

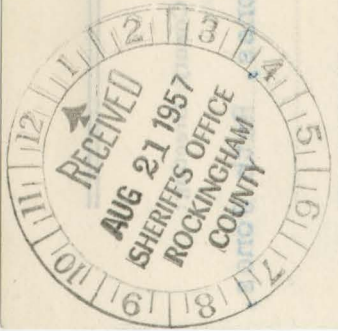
usual place of abode 147 Johnson St., being a member of <sup>her</sup> his family above the age of 16 years, and explaining the purport thereof to her.

A. L. Strawderman S. R. C.  
Deputy Sheriff George K. Orr

EXECUTED 8/22/57 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summons TO St Clair Barber IN PERSON.

George K. Orr  
Deputy Sheriff

A. L. STRAWDERMAN  
SHERIFF  
ROCKINGHAM COUNTY



081

Not finding David Rubin at his usual  
place of abode, Executed 9/3/57 by delivering a  
true copy of this Summons to Mildred  
Rubin in person, at said David Rubin's  
usual place of abode Vine St., being a member of  
his family above the age of 16 years, and explaining the purport thereof  
to her.

G. L. Standring S. R. C.  
Deputy Sheriff George P. Quinn

Not finding \_\_\_\_\_ at his usual

place of abode, Executed \_\_\_\_\_ 9/23/27 by delivering a

true copy of this \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_ in person, at said \_\_\_\_\_

\_\_\_\_\_ usual place of abode \_\_\_\_\_ being a member of

his family above the age of 16 years, and explaining the purport thereof

to her \_\_\_\_\_ S.R.C.

Deputy Sheriff \_\_\_\_\_



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

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

DAVID RUBIN Junk Yard

JOE KIMMEL "

OFFICER SAGER 8/28 P.S.

ORMRODE WILLIAMS

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 10th day of September, 1957, to testify and the truth to say in behalf of the Commonwealth before the Grand Jury, against MATTHEW BARBER

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, CHARLES E. EARMAN, JR., Commonwealth's Attorney for Rockingham County and the City of Harrisonburg, Virginia, at the Court House, the 26th of August, 1957, and in the 182nd year of the Commonwealth.

*Charles E. Earman Jr.*

Commonwealth's Attorney

EXECUTED 8/24/57 IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN Summons  
TO Officer J. J. Sayer  
IN PERSON.

George P. Quinn  
Deputy Sheriff

**A. L. STRAWDERMAN**  
**SHERIFF**  
ROCKINGHAM COUNTY

~~EXECUTED 9/3/57 IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN Summons  
TO \_\_\_\_\_  
IN PERSON.~~

~~\_\_\_\_\_~~

**A. L. STRAWDERMAN**  
**SHERIFF**  
ROCKINGHAM COUNTY

*[Faint signature]*  
Commonwealth's Attorney

EXECUTED 8-27-57 IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN Summons  
TO Lee Humble  
IN PERSON.

T. L. Martin Del.  
**A. L. STRAWDERMAN**  
**SHERIFF**  
ROCKINGHAM COUNTY

EXECUTED 8-28-57 IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN Summons  
TO Granob Williams  
IN PERSON.

T. L. Martin Del.  
**A. L. STRAWDERMAN**  
**SHERIFF**  
ROCKINGHAM COUNTY

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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 .....

.....  
OFFICER J. J. SAGER

.....  
DAVID RUBIN (Junk Yard)

.....  
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 19th day of August, 1957, to testify and the truth to say in behalf of the  
Commonwealth before the Grand Jury, against MATTHEW J. BARBER

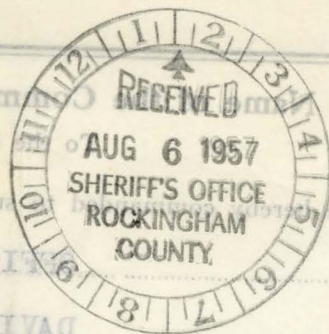
.....  
who stands charged with ~~and indicted for~~ a felony misdemeanor.

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

Witness, CHARLES E. EARMAN, JR., Commonwealth's Attorney for Rockingham County and the City of  
Harrisonburg, Virginia, at the Court House, the 5th of August, 1957, and in the 181st year  
of the Commonwealth.

*Charles E. Earmann Jr.*  
.....  
Commonwealth's Attorney

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EXECUTED 8-2-57 IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN Summons  
TO J. J. Sager  
IN PERSON.

George R. Price  
Deputy Sheriff  
**A. L. STRAWDERMAN**  
**SHERIFF**  
**ROCKINGHAM COUNTY**

EXECUTED 8-8-57 IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN Summons  
TO David Ruben  
IN PERSON.

A. L. Strawderman  
**A. L. STRAWDERMAN**  
**SHERIFF**  
**ROCKINGHAM COUNTY**

Sherriff's Fee 80 \$

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

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

OFFICER JESSE J. SAGER

DAVID RUBIN, Junk Yard

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 24th day of August, 1957, to testify and the truth to say in behalf of the Commonwealth before the Grand Jury, against MATTHEW BARBER

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, CHARLES E. EARMAN, JR., Commonwealth's Attorney for Rockingham County and the City of Harrisonburg, Virginia, at the Court House, the 20th of August, 1957 and in the 182nd year of the Commonwealth.

*Charles E. Earmann, Jr.*  
Commonwealth's Attorney

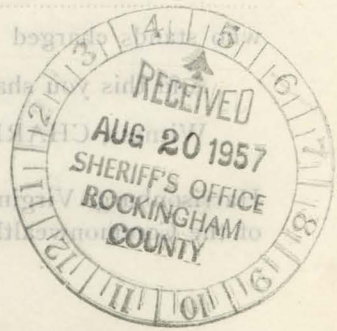
EXECUTED 8/21/57 IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN Summons  
TO Jesse J. Sage  
IN PERSON.

George R. Rain  
Deputy Sheriff for

**A. L. STRAWDERMAN**  
**SHERIFF**  
**ROCKINGHAM COUNTY**

David Rubin  
262 W. View St.  
Melrose Rubin 8/23/57  
In the Name of the Commonwealth of Virginia:  
To the Sheriff of Rockingham County, Virginia:  
You are hereby commanded to summon  
Not finding David Rubin at his usual  
place of abode, Executed Aug. 23, 1957 by delivering a  
true copy of this Summons to Melrose Rubin  
in person, at said David Rubin  
usual place of abode W. View St., 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 George R. Rain





In the Name of the Commonwealth of Virginia:  
To the Sheriff of Rockingham County, Greeting:

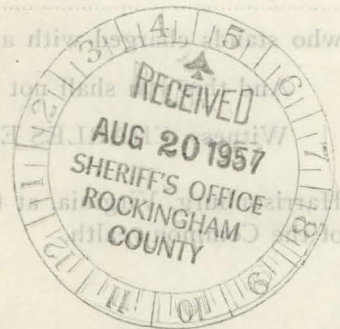
You are hereby commanded to summon

ORRORDE WILLIAMS

EXECUTED 8/22/57 IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN Summons  
TO Orrorde Williams  
IN PERSON.

George R. Quinn  
Deputy Sheriff

**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 .....

JOE KIMMEL, Junk Yard

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 24th day of August, 1957, to testify and the truth to say in behalf of the Commonwealth ~~before the Grand-Jury~~, against MATTHEW BARBER

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, CHARLES E. EARMAN, JR., Commonwealth's Attorney for Rockingham County and the City of Harrisonburg, Virginia, at the Court House, the 20th of August, 1957, and in the 182nd year of the Commonwealth.

*Charles E. Earman, Jr.*  
Commonwealth's Attorney

RECORDED & INDEXED IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN TO THE SHERIFF IN ROCKINGHAM

EXECUTED 8/22/57 IN THE COUNTY OF

ROCKINGHAM BY DELIVERING A TRUE

COPY OF THE WITHIN Summary

TO Joe Kimmel  
IN PERSON.

George W. Bous  
Deputy Sheriff for

**A. L. STRAWDERMAN**  
**SHERIFF**

ROCKINGHAM

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Virginia

You are hereby commanded to summon

JOE KIMMEL, Junk Yard

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 24th day of August, 1957, to testify and the truth to say in behalf of the

Commonwealth against the grand-jury, against MATTHEW BARBER

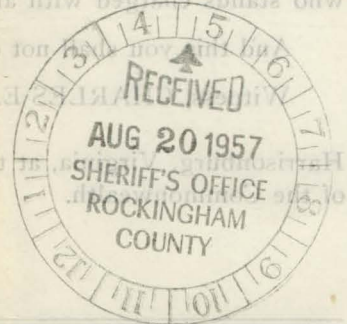
who stands charged with and indicted for a felony - manslaughter.

And have then and there this writ

of the Sheriff of the Commonwealth of Virginia, A. L. STRAWDERMAN, Jr., Commonwealth's Attorney for Rockingham County and the City of

Rockingham, Virginia, on the 20th day of August, 1957, and in the presence of

Charles E. Campbell  
Commonwealth's Attorney



STATE OF VIRGINIA  
~~COUNTY~~ OF Harrisonburg  
City

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

TO ANY SHERIFF OR POLICE OFFICER:

J.J. Sager

Whereas, \_\_\_\_\_

has this day made complaint and information on oath before me, John G. Leake

Justice of The Peace \_\_\_\_\_ City \_\_\_\_\_ (Name)

\_\_\_\_\_ of the said ~~County~~ that \_\_\_\_\_

(Title) Matthew J. Barber \_\_\_\_\_ City \_\_\_\_\_ in the said ~~County~~

did on the 30th day of January, 19 57: Unlawfully and feloniously,  
break and enter in the night-time a certain building, not occupied as a dwelling,  
the property of E.L. Klingstein, with intent the goods and chattels found therein  
to take, steal and carry away and forty eight (48) batteries of the approximate  
value of \$96.00, the property of Joe Kimmel found therein did unlawfully and  
feloniously take, steal and carry away, 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  
County Rockingham  
that Justice Court of the ~~County~~ County, the body (~~body~~) 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 28th day of March, 19 57

John G. Leake \_\_\_\_\_ (Seal)  
(Title of Issuing Officer)  
JUSTICE OF THE PEACE

STATE OF VIRGINIA—~~CITY~~ City Harrisonburg OF Harrisonburg, to-wit:  
 I, John G. Leake a Judge of the County Court City in and for the County aforesaid, State of Virginia, do certify

that Matthew J. Barber  
 and A. Frank Cline, as his suret Y, have this day each acknowledged themselves indebted to the Commonwealth of Virginia in the sum of One Thousand Dollars (\$ 1000.00), to be made and levied of their respective goods and chattels, lands, and tenements to the use of the Commonwealth to be rendered, yet upon this condition: That the said Matthew J. Barber, shall appear before the County Court of Rockingham County, on the 5th day of April, 19 57, at 2 P. M., at Harrisonburg, Virginia, and at any time or times to which the proceedings may be continued or further heard, and before any court thereafter having or holding any proceedings in connection with the charge in this warrant, to answer for the offense with which he is charged, and shall not depart thence without the leave of said court, the said obligation to remain in full force and effect until the charge is finally disposed of or until it is declared void by order of a competent court; and upon the further condition that the said \_\_\_\_\_ shall keep the peace and be of good behavior for a period of \_\_\_\_\_ days from the date hereof. Nonappearance shall be deemed to constitute a waiver of trial by jury.

Given under my hand, this 29th day of March, 19 57  
John G. Leake Judge J.P.

DOCKET NO. 28019A

COMMONWEALTH

WARRANT OF ARREST

Matthew J. Barber

Executed this, the 29th day of March, 19 57

Sgt. M. J. Tomason

Upon the examination of the within charge, ~~it~~ was found that the accused there being no probable cause the defendant is released with no further action and is to appear at the next court date to be held at Harrisonburg Virginia on the 5th day of April 1957.  
John G. Leake Judge

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	
Mileage	
Clerk	1.25
Jail Fee and Board	.50
Witness Attendance	
Summoning Witnesses	
Commonwealth Attorney	5.00
Total Costs	
Fine	
Total	

10-5-3-57 2 P.M.  
 Total 10-4-5-56 P.M. 2.00

✓ Irene Hedrick  
✓ Henry Leavie  
✓ C. D. Leach  
✓ Helen Hayes  
✓ Bonnie Stewart  
✓ Joe E. Conner  
✓ Joe H. Green  
✓ Robert G. Frazer  
✓ Harry F. Bowman  
✓ Eva L. Gordon  
✓ Myrtle Hulog  
✓ Maynard E. Hoover  
8/24/57 Jury # 104.30  
12 above also 9-10-57

Docket No. 3294

<sup>Aug 24</sup>  
AUG = 1957.

COMMONWEALTH of VIRGINIA

VS. Indictment ) Felony (breaking &  
                          ) entering)

MATTHEW J. BARBER bond.

Harry Blatt

p. d.

Own (x) Appointed ( )

1957

Aug. 19. Return of Grand Jury. 9/440

Aug. 19. Arr. & plea n.g. &  
case set for Aug. 24.  $\frac{9}{448}$

Aug. 24. Jury. imp. n + motion to  
amend. indict. granted over  
objection of accused; motion by  
accused for bill of part. & a  
continuance granted. & cont. to  
Sept. 10, 1957.  $\frac{9}{454}$

Sept. 10. Verdict - not guilty.  $\frac{9}{461}$

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

Keystone Envelope Co., Phila., Pa.