

COMMONWEALTH

v.

EMERSON

INSTRUCTION # 7

The court instructs the jury that before you can convict the accused, the burden is upon the Commonwealth to prove beyond a reasonable doubt that at the time of the accident, the defendant, Emerson, knew or was aware that he had struck Betty Lou Landes and that knowing he had struck the said Betty Lou Landes, he then and there failed to stop at the scene of the accident. ~~or that~~

~~He was involved in an accident resulting even in injuries or death to some person, ~~known~~ to him then unknown, and that, with such knowledge, the accused failed to stop ~~at~~ <sup>in close proximity to</sup> the scene of such accident, or as close thereto as was <sup>conformably</sup> possible without obstructing traffic, ~~failed to~~ identify himself to the injured person, and also or failed to give or render reasonable assistance to such injured person.~~

Revised as tendered & Lt.

3-1-57

H. H.

Redrawn by court and  
given as # 6

COMMERCIAL

RECEIVED

1887 FEB 10 4

The court instructs the jury that before you can  
convict the accused, the burden is upon the prosecution  
to prove beyond a reasonable doubt that at the time of  
the accident, the defendant, Pearson, knew or was aware  
that the car owned by Betty Lou Landis and that moving in

was in fact at the corner of the road.

~~The court instructs the jury that before you can  
convict the accused, the burden is upon the prosecution  
to prove beyond a reasonable doubt that at the time of  
the accident, the defendant, Pearson, knew or was aware  
that the car owned by Betty Lou Landis and that moving in  
was in fact at the corner of the road.~~

*Amel Brinkman*  
*3-1-57*  
*Replied*

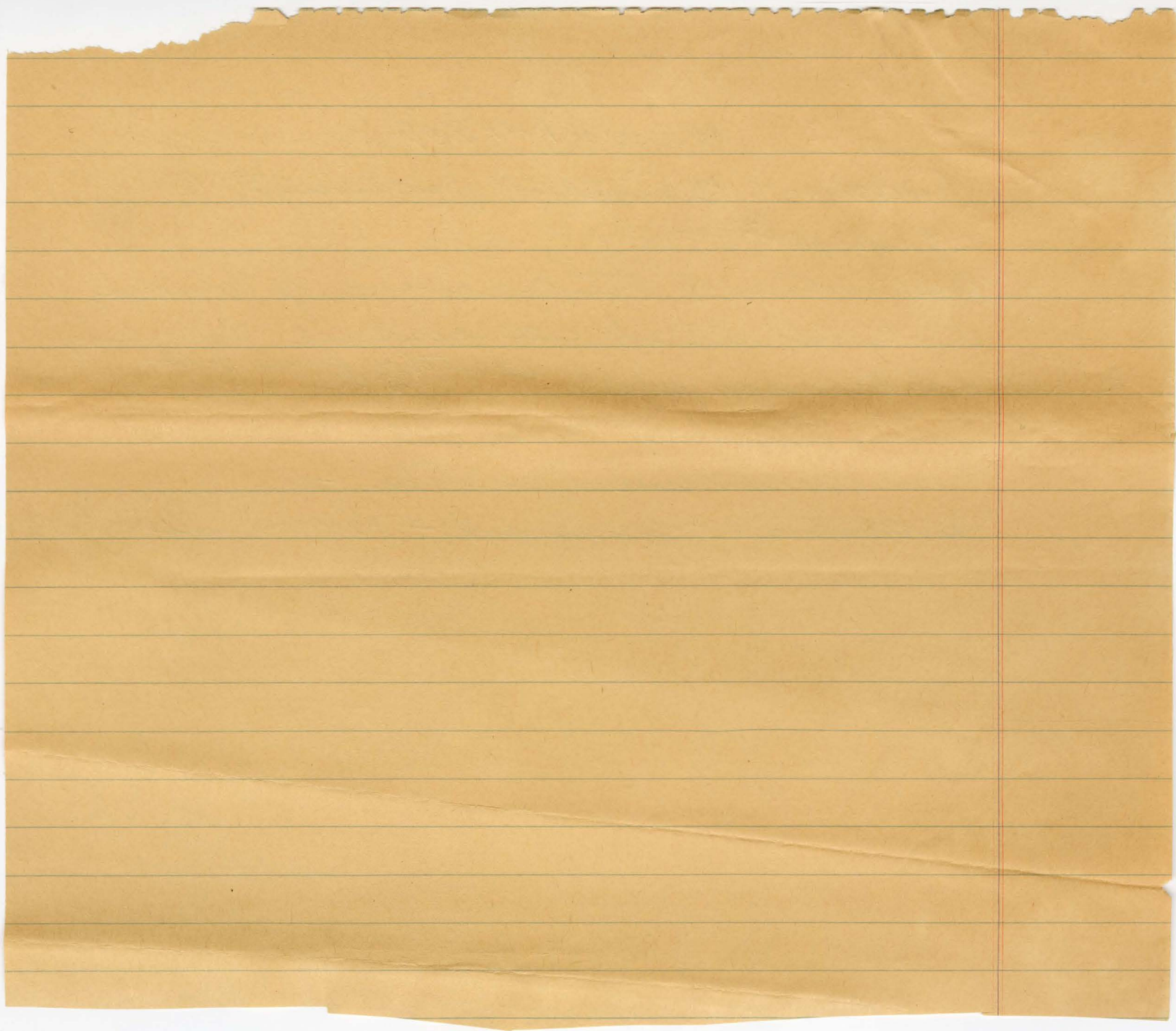
~~The court instructs the jury that before you can  
convict the accused, the burden is upon the prosecution  
to prove beyond a reasonable doubt that at the time of  
the accident, the defendant, Pearson, knew or was aware  
that the car owned by Betty Lou Landis and that moving in  
was in fact at the corner of the road.~~

March 1-1957

Emerson - Counsel pursuant to  
agreement -

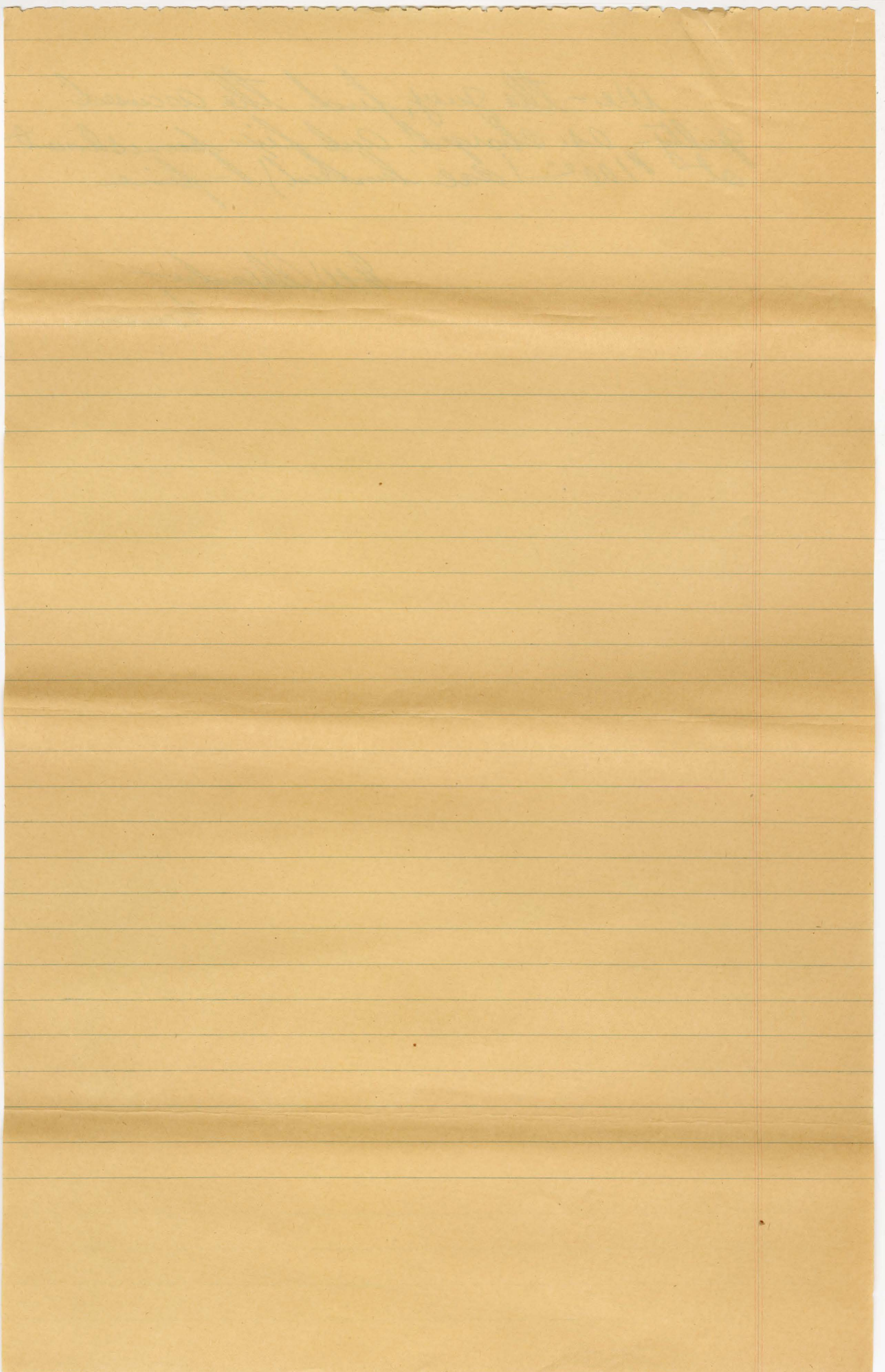
On motion of the accused by counsel,  
the Court struck all evidence concerning  
the part that the accused failed to identify <sup>himself as</sup> ~~the injured~~  
child, the said child being then in  
an unconscious condition -

Instructions - argument - 100.00 plus costs

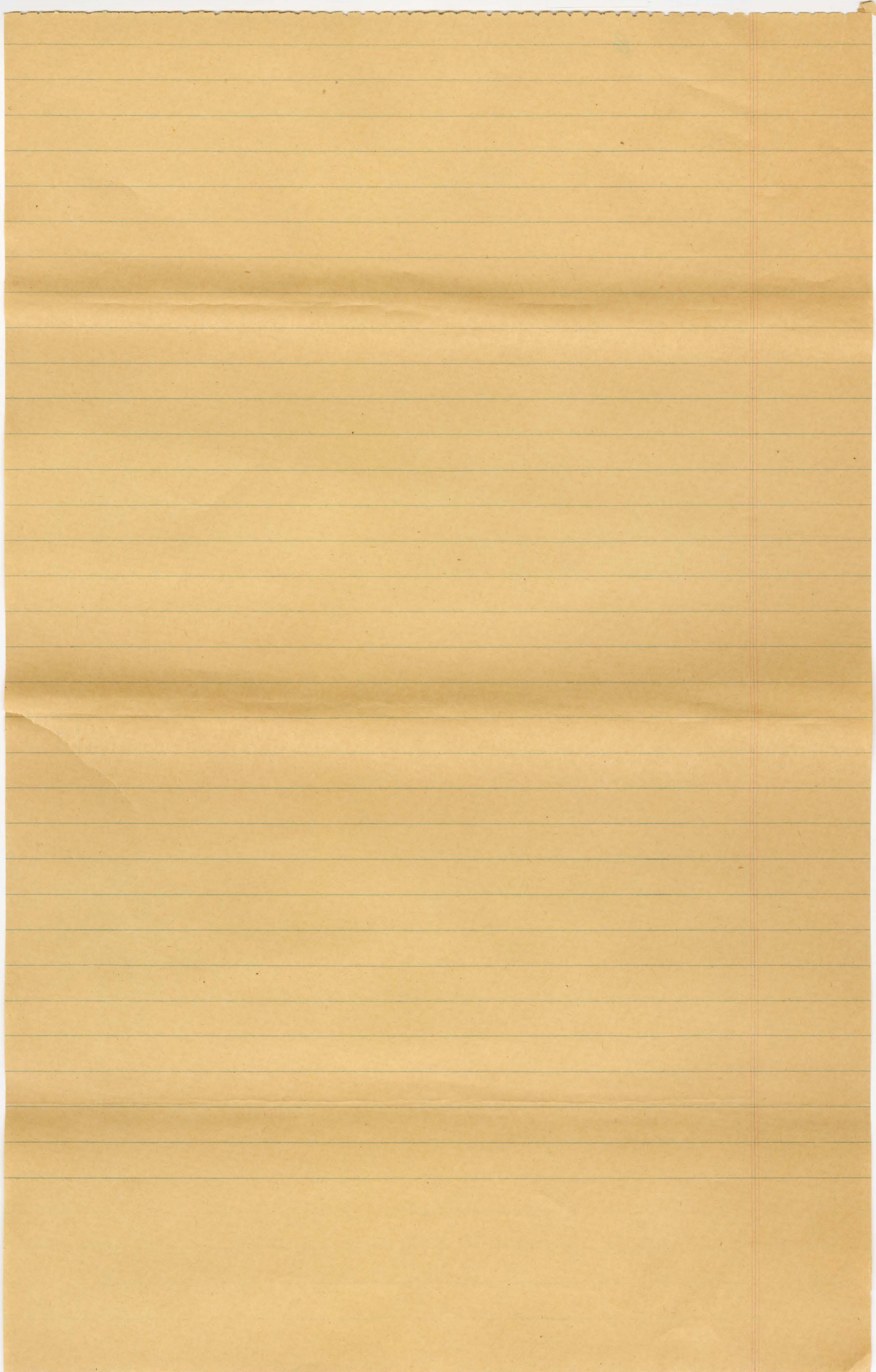


We - the jury, find the accused  
guilty - as charged, and fix punishment  
at \$100<sup>00</sup> (one hundred) - fine

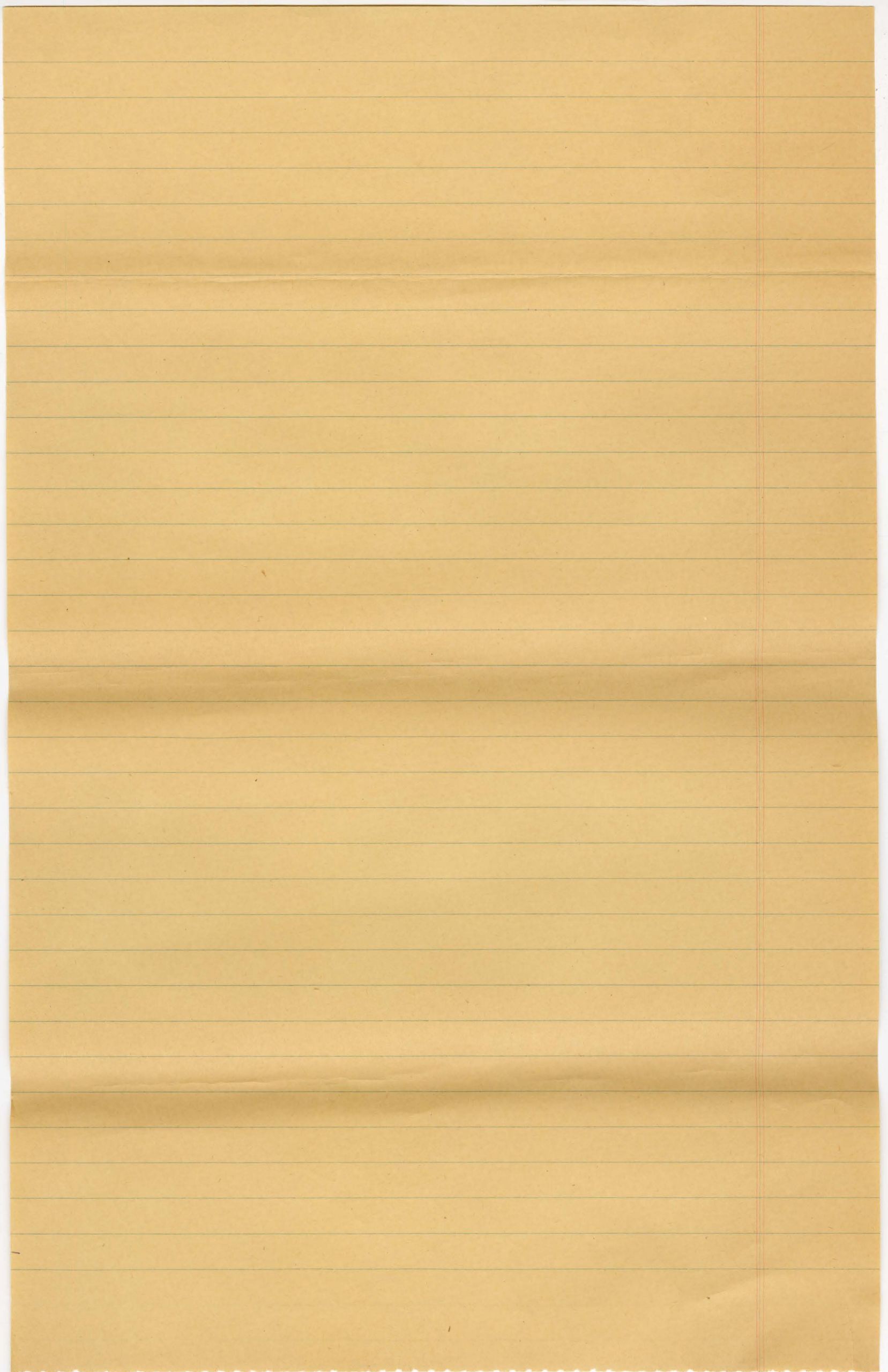
G. W. Alexander  
Foreman

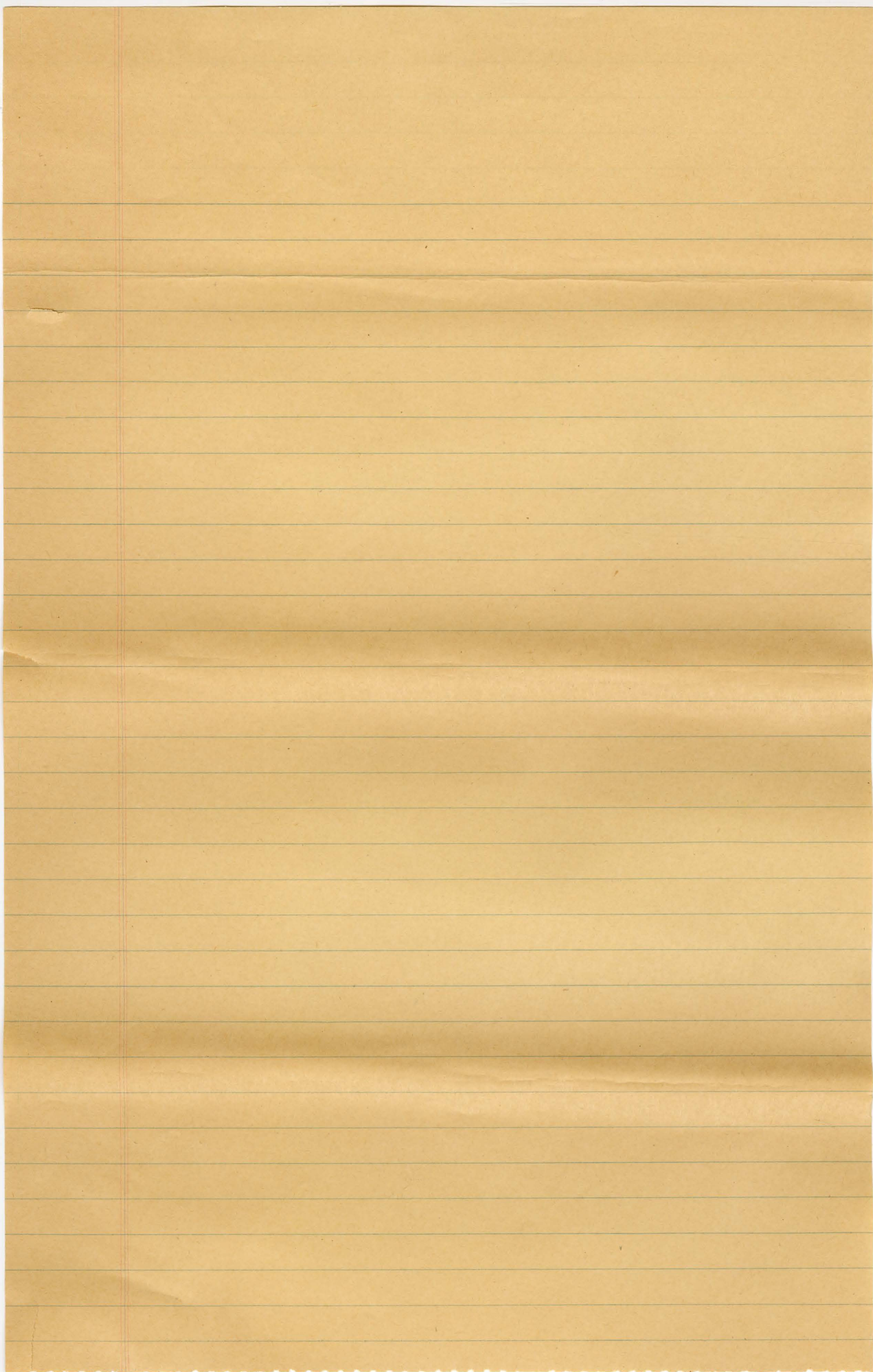


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COMMONWEALTH

V.

MICHAEL HERMAN EMERSON

#  
INSTRUCTION 1

The gravamen of the charge here being tried is the flight of the accused from the scene of the accident without stopping or without giving succor and aid to the party injured.

While knowledge by the accused of the injury is an essential element of the crime, this does not mean that he shall have positive knowledge of the extent of the injury inflicted, but the accused must have been aware, at the time of such omission, that harm had been done, or injury inflicted.

3-1-57

H. H. S.



COMMONWEALTH

v.

EMERSON

I N S T R U C T I O N # 2

The Court instructs the jury that the law presumes every person charged with crime to be innocent until his guilt is established by the Commonwealth, beyond all reasonable doubt, and this presumption of innocence goes with the accused through 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 warrant, it is their duty to give the defendant the benefit of the doubt and find him not guilty.

3-1-57

H. H.

COMMONWEALTH

IN SENATE

The Court instructs the jury that the law presumes every person charged with crime to be innocent until his guilt is established by the Commonwealth. Beyond all reasonable doubt, and this presumption of innocence goes with the accused through the entire case, and is placed at every stage thereof; and it never having found all of the evidence in the case, the jury have a reasonable doubt of the guilt of the accused upon the facts here, or as to any fact essential to prove the charge. The burden of proof is upon the Commonwealth, and it is their duty to

3-1-17  
H. H.

COMMONWEALTH

V.

MICHAEL HERMAN EMERSON

*\* 3*  
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.

3-1-57  
H. H.





COMMONWEALTH

v.

EMERSON

I N S T R U C T I O N # 4

The Court instructs the jury that in determining whether or not the accused knew that he had been involved in an accident resulting in an injury, that you may take into consideration his actions immediately following the alleged accident, such as the manner in which he continued to operate his automobile after the accident occurred and whether or not it appeared therefrom that he was attempting to leave the scene in an effort to avoid detection.

3-1-57

H. H.

COMMUNIST

MEMORANDUM

MEMORANDUM

The Court's statement is that it is determining whether or not the accused knew that he had been involved in an accident resulting in an injury, that you may have into consideration his actions immediately following the alleged accident, such as the manner in which he continued to operate his automobile after the accident occurred and whether or not he stopped therefrom that he was attempting to leave the scene in an effort to avoid detection.

4.4

4.4

COMMONWEALTH

V.

MICHAEL HERMAN EMERSON

INSTRUCTION                      #5

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.

3-1-57

A. H.

COMMONWEALTH

v.

MICHAEL MERRIN PARSONS

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.

3-1-17  
H. H.

COMMONWEALTH

V.

MICHAEL HERMAN EMERSON

INSTRUCTION #6

The Court instructs the jury that before you can convict the accused, you must believe from the evidence beyond a reasonable doubt:

(1) That, at the time of the accident, the accused, Emerson, knew or was aware that his automobile had struck Betty Lou Landes or that he was involved in an accident resulting in injuries or death to a person to him then unknown, and that with such knowledge, the accused willfully failed to stop at, or as close to as conveniently possible, the scene of such accident; or,

(2) that, after learning of such accident or injury, the accused, having a reasonable opportunity to do so, deliberately failed to render such assistance to said injured child as reasonably appeared to him to be necessary at the time, under all the circumstances then existing, including the carrying of such child to a physician, surgeon, or hospital for treatment.

3-1-57

H. H.

S.

INSTRUCTION

The Court instructs the jury that before you can convict the accused, you must believe from the evidence beyond a reasonable doubt:

(1) That, at the time of the accident, the accused, Emerson, knew or was aware that his automobile had struck Betty Lou Landes or that he was involved in an accident resulting in injuries or death to a person to him then unknown, and that with such knowledge, the accused willfully failed to stop at, or as close to as conveniently possible, the scene of such accident; or,

(2) That, after learning of such accident or injury, the accused, having a reasonable opportunity to do so, deliberately failed to render such assistance to said injured child as reasonably appeared to him to be necessary at the time, under all the circumstances then existing, including the carrying of such child to a physician, surgeon, or hospital for treatment.

8-1-27  
H. H.  
3

6

COMMONWEALTH

V.

MICHAEL HERMAN EMERSON

CHARGE TO JURY

If you find the accused guilty of hit and run driving involving personal injury <sup>or death</sup> as charged in the warrant, you will say so and fix his punishment by: Confinement in the penitentiary for not less than one year nor more than five years; by confinement in jail for not less than thirty days nor more than one year; by a fine of not less than Twenty-five Dollars nor more than Five Thousand Dollars; or, by both such confinement in the penitentiary or in jail and such fine.

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

COMMONWEALTH

v.

MICHAEL HERMAN BERSON

CHARGE TO JURY

If you find the accused guilty of hit and run driving involving personal injury <sup>or death</sup> as charged in the warrant, you will say so and fix

his punishment by: Confinement in the penitentiary for not less than one year nor more than five years; by confinement in jail for not less than thirty days nor more than one year; by a fine of not less than Twenty-five Dollars nor more than Five Thousand Dollars; or, by both such confinement in the penitentiary or in jail and such fine.

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



I, Michael Herman Emerson, the accused in the attached warrant, in open court, before the Judge of the Circuit Court of Rockingham County, Virginia, do voluntarily waive indictment on the said charge of hit and run, personal injury.

Given under my hand this 18th day of January, 1957.

Michael H. Emerson

Witness:

Charles H. Hamner

I, Michael Herman Emerson, the accused in the attached  
warrant, in open court, before the Judge of the Circuit Court of  
Rockingham County, Virginia, do voluntarily waive indictment on  
the said charge of hit and run, personal injury.

Given under my hand this 18th day of January, 1957.

*M. H. Emerson*

Witness:

*Charles H. ...*



S. P. 82 - REV. 7-15-54

# DEPARTMENT OF STATE POLICE

**B678402**

County or City Rockingham

Date 11-16-56

M MICHAEL HERMAN EMERSON

You are hereby summonsed to appear before:

Judge Trial Justice G. RAVES of HARRISBURG VA.

on 12-7-56 at 2 o'clock P M.

to answer for violating the Motor Vehicle Laws of Virginia, to wit: Reckless Driving  Exceeding Speed Limit  No Operators License  Chauffeurs License  Improper HIT & RUN (FATAL)

I hereby promise to appear at the time and place specified above (Defendant's Signature) \_\_\_\_\_ Summons required under Title 46--Section 193, Code of Virginia. Failure to comply with this summons constitutes a separate offense.

### ABSTRACT OF CONVICTION OF WITHIN NAMED DEFENDANT

ADDRESS						JURISDICTION, COUNTY, CITY OR TOWN		NAME OF COURT						
CITY <u>KEEZZLETOWN</u>				STATE <u>VA.</u>		PLEA <input type="checkbox"/> GUILTY <input type="checkbox"/> NOT GUILTY		CONVICTED OF		DATE				
RACE <u>W</u>		SEX <u>M</u>	WEIGHT <u>117</u>		HEIGHT <u>5</u> FT. <u>3</u> IN.	OPR. OR CHAUF. LICENSE <u>NON</u>		STATE <u>VA.</u>		PENALTY IMPOSED	APPEAL TAKEN <input type="checkbox"/> YES <input type="checkbox"/> NO			
EYES <u>BLUE</u>		HAIR <u>MIXED</u>	MO. BORN <u>MAY</u>	YR. BORN <u>1895</u>	LICENSE PLATE NO. <u>722-121</u>		STATE <u>VA.</u>		IF DEFENDANT CONVICTED OF SPEED- ING—		SPEED TRAVELED	SPEED ZONE	MPH	MPH
STATE POLICE <u>J. C. Haack</u>						SHIELD NO. <u>308</u>		IF CONVICTED OF CARELESS AND RECKLESS DRIVING OR SPEEDING—		<input type="checkbox"/> YES <input type="checkbox"/> NO	LICENSE SUSPENDED		PERIOD SUSPENDED	
SIGNATURE OF JUDGE OR CLERK								TITLE		DATE				

This abstract is filed by the Judge or the Clerk of the Court having jurisdiction of this case as required by Section 46-414 of the Code of Virginia of 1950.

8878405

DEPARTMENT OF STATE POLICE



### TRAFFIC VIOLATIONS DO CAUSE ACCIDENTS

Main violations indicated from Virginia Accident Analysis are:

<input type="checkbox"/> Speed too fast for conditions <input type="checkbox"/> Did not yield right of way <input type="checkbox"/> Improper passing		<input type="checkbox"/> Following too closely <input type="checkbox"/> Failed to signal turn or stop <input type="checkbox"/> Disregarded stop sign <input type="checkbox"/> Operating wrong side of road—not overtaking	
DATE _____	CONVICTED BY _____	PLEA <input type="checkbox"/> GUILTY <input type="checkbox"/> NOT GUILTY	CITY KEESLE TOWN
OFFICIAL TAKEN <input type="checkbox"/> YES <input type="checkbox"/> NO	PENALTY IMPOSED _____	STATE VA	MAKE, MAKE AND MODEL, WEIGHT, HEIGHT W/M 17 5 3 170
IF DEFENDANT CONVICTED OF VIOLATION SPEED TRAVELED SPEED ZONE MPH _____	IF DEFENDANT CONVICTED OF VIOLATION LICENSE STATE NO. 103-131 VA	LICENSE STATE NO. 103-131 VA	BLUE MIPID MIPID 2
IF CONVICTED OR CATELISHED LICENSES SUSPENDED PERIOD SUSPENDED REQUIRES DRIVING OR SERVICE <input type="checkbox"/> YES <input type="checkbox"/> NO	IF CONVICTED OR CATELISHED LICENSES SUSPENDED PERIOD SUSPENDED REQUIRES DRIVING OR SERVICE <input type="checkbox"/> YES <input type="checkbox"/> NO	SIGNATURE OF JUDGE OR CLERK J. G. Neal 308	STATE POLICE



S. P. 82 - REV. 7-15-54

# DEPARTMENT OF STATE POLICE

**B678402**

County or City

*Rockingham*

Date

*11-16-56*

M

Judge  
Trial Justice

*MICHAEL HERMAN EMERSON*

You are hereby summonsed to appear before:

*G. RAVES*

of *HARRIS VA*

on *12-1-56*

at *2* o'clock

M.

to answer for violating the Motor Vehicle Laws of Virginia, to wit: Reckless Driving  Exceeding Speed Limit  No Operators License  Improper  *HIT & RUN (FATAL)*

I hereby promise to appear at the time and place specified above  
(Defendant's Signature)

Summons required under Title 46--Section 193, Code of Virginia.  
Failure to comply with this summons constitutes a separate offense.

### ABSTRACT OF CONVICTION OF WITHIN NAMED DEFENDANT

ADDRESS							JURISDICTION, COUNTY, CITY OR TOWN		NAME OF COURT			
CITY <i>KEEZZLE TOWN</i>							STATE <i>VA</i>		PLEA <input type="checkbox"/> GUILTY <input type="checkbox"/> NOT GUILTY		CONVICTED OF	DATE
RACE	SEX	WEIGHT	HEIGHT		OPR. OR CHAUF. LICENSE	STATE	PENALTY IMPOSED		APPEAL TAKEN			
<i>W</i>	<i>M</i>	<i>111</i>	<i>5-3</i>		<i>NON</i>	<i>VA</i>			<input type="checkbox"/> YES <input type="checkbox"/> NO			
EYES		HAIR	MO. BORN	YR. BORN	LICENSE PLATE NO.	STATE	IF DEFENDANT CONVICTED OF SPEED- ING—		SPEED TRAVELED	SPEED ZONE		
<i>BLUE</i>		<i>BROWN</i>	<i>11/20</i>	<i>11/1893</i>	<i>122-121</i>	<i>VA</i>			MPH	MPH		
STATE POLICE							SHIELD NO.		IF CONVICTED OF CARELESS AND RECKLESS DRIVING OR SPEEDING—		LICENSE SUSPENDED	PERIOD SUSPENDED
<i>F. C. NASH</i>							<i>308</i>		<input type="checkbox"/> YES <input type="checkbox"/> NO			
SIGNATURE OF JUDGE OR CLERK								TITLE		DATE		

This abstract is filed by the Judge or the Clerk of the Court having jurisdiction of this case as required by Section 46-414 of the Code of Virginia of 1950.

8278A05

DEPARTMENT OF STATE POLICE

REV. 7-1-64



You are hereby summoned to appear before the Court at the County of City Date

TRAFFIC VIOLATIONS DO CAUSE ACCIDENTS

Main violations indicated from Virginia Accident Analysis are:

<input type="checkbox"/> Speed too fast for conditions <input type="checkbox"/> Did not yield right of way <input type="checkbox"/> Improper passing		<input type="checkbox"/> Following too closely <input type="checkbox"/> Failed to signal turn or stop <input type="checkbox"/> Disregarded stop sign <input type="checkbox"/> Operating wrong side of road—not overtaking	
IF DEFENDANT CONVICTED OF SPEED—PERIOD TRAVELED SPEED ZONE YES <input type="checkbox"/> NO <input type="checkbox"/>		IF CONVICTED OF CARELESS AND RECKLESS DRIVING OR SPEEDING— YES <input type="checkbox"/> NO <input type="checkbox"/>	
APPEARAL TAKEN YES <input type="checkbox"/> NO <input type="checkbox"/>		STATE POLICE SHIELD NO.	
IF DEFENDANT CONVICTED OF SPEED—PERIOD TRAVELED SPEED ZONE YES <input type="checkbox"/> NO <input type="checkbox"/>		EYES HAIR HIG. HORN V. HORN LICENSE PLATE NO.	
APPEARAL TAKEN YES <input type="checkbox"/> NO <input type="checkbox"/>		STATE ORR OR CHAUF. LICENSE HEIGHT	
IF DEFENDANT CONVICTED OF SPEED—PERIOD TRAVELED SPEED ZONE YES <input type="checkbox"/> NO <input type="checkbox"/>		CITY ADDRESS	
IF DEFENDANT CONVICTED OF SPEED—PERIOD TRAVELED SPEED ZONE YES <input type="checkbox"/> NO <input type="checkbox"/>		JURISDICTION COUNTY CITY CONVICTION OF WITHIN NAME DEFENDANT	
IF DEFENDANT CONVICTED OF SPEED—PERIOD TRAVELED SPEED ZONE YES <input type="checkbox"/> NO <input type="checkbox"/>		STATE STATE	
IF DEFENDANT CONVICTED OF SPEED—PERIOD TRAVELED SPEED ZONE YES <input type="checkbox"/> NO <input type="checkbox"/>		FILED CONVICTED OR COURT DUTY <input type="checkbox"/> DUTY <input type="checkbox"/>	
IF DEFENDANT CONVICTED OF SPEED—PERIOD TRAVELED SPEED ZONE YES <input type="checkbox"/> NO <input type="checkbox"/>		SIGNATURE OF JUDGE OR CLERK TITLE DATE	

STATE OF VIRGINIA  
COUNTY OF Harrisonburg

To-Wit:

No. \_\_\_\_\_

City

TO ANY SHERIFF OR POLICE OFFICER:

Whereas, J.C. Hash

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

Justice of The Peace City (Name)

(Title) of the said County, that

Michael Herman Emerson Rockingham  
in the said County

did on the 16th day of November, 19 56: Unlawfully and feloniously  
while operating a motor vehicle on and over a public highway in Rockingham  
County, and after having struck and killed one Betty Lou Landes, a child  
3 years of age, fail to stop at the scene of such accident and give his  
name, address, operators license number and the registration number of  
his vehicle, and did (unlawfully and feloniously) fail (to make a reasonable  
effort to locate the parent of said child or leave a note in a  
conspicuous place giving such information and did fail) to render reasonable  
assistance to said child, in violation of section 46-189 of the 1950  
Code of Virginia, 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  
~~Trial Justice~~ Court of ~~the said~~ 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 16th day of November, 19 56

John G. Leake (Seal)  
(Title of Issuing Officer)

JUSTICE OF THE PEACE

STATE OF VIRGINIA—COUNTY OF Rockingham Judge of the County Court Porter R. Graves, to-wit:  
 I, Porter R. Graves a Trial Justice Justice of the Peace in and for the County aforesaid, State of Virginia, do certify that Michael Herman Emerson and J. Edwin Armintrout, as his surety, have this day each acknowledged themselves indebted to the Commonwealth of Virginia in the sum of Twenty Five Hundred Dollars (\$ 2500.00), 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 Michael Herman Emerson shall appear before the Circuit Court of Rockingham County, on the 3rd day of December County, 1934, 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 Michael Herman Emerson shall keep the peace and be of good behavior for a period of 16 days from the date hereof. Nonappearance shall be deemed to constitute a waiver of trial by jury.

Given under my hand, this 16th day of November, 1934.  
Porter R. Graves Judge Clk J.P.

DOCKET NO. 22835A

COMMONWEALTH

WARRANT OF ARREST

vs.

Michael Herman Emerson

Executed this, the 16th day of Nov. 1934

T. E. Slack  
(USD)

Upon the examination of the within charge, I find the accused Warranted by the Court to be held for trial for a period of 16 days from the date hereof and to be of good behavior for a period of 16 days from the date hereof and to keep the peace and to be of good behavior for a period of 16 days from the date hereof and to constitute a waiver of trial by jury.

Porter R. Graves  
Clk J.P.

The following witnesses were recognized to appear before the Circuit Court of Rockingham 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	
Witness Attendance	
Summoning Witnesses	
Commonwealth Attorney	2.50
Total Costs	\$ 6.75
Fine	
Total	\$ 6.75

Costs \_\_\_\_\_  
 Fine BAND \$2500.00  
 Total Nov. 19. 12-34 284.88



Com v Emerson

Came att. for com., accused pursuant to recognizance and by CAH  
his attorney; accused, by counsel, moved to strike in warrant ~~xx~~  
// to // court overruled motion in part and ~~skatedxxxxxx~~  
amended by striking....  
(see part struck in warrant ( to )

Accused then moved court to take out "unlawfully and feloniously",  
whihh motion court overruled, and exception thereto.

Accused then moved court to exclude all witnesses....granted.

At the conclusion of opening statement of att. for com. accused, by  
counsel, moved for mistrial because atty. for com. had stated to the  
jury that the accused did not have a permit to operate motor vehicle,  
which motion court overruled, and exception thereto.

Evidence.....(see attached sheet hereafter).

Don v. Emerson

Case set for com., accused pursuant to recognizance and by CAH

his attorney; accused, by counsel, moved to strike in warrant &

to // court overruled motion in part and ~~granted~~ amended by striking...

(see part struck in warrant ( to )

Accused then moved court to take out "unlawfully and feloniously"

which motion court overruled, and exception thereto.

Accused then moved court to exclude all witnesses... granted.

At the conclusion of opening statement of att. for com. accused, by

counsel, moved for mistrial because att. for com. had stated to the

jury that the accused did not have a permit to operate motor vehicle,

which motion court overruled, and exception thereto.

Evidence.....(see attached sheet hereafter).

at the conclusion of the evidence  
of C. - the accused by counsel moved  
to strike evidence of C. - overruled -  
exception

accused again moved for a mistrial  
because of evidence introduced concerning  
the fact that the accused had not been  
a permit - overruled - court therefore  
directed the jury to disregard all  
evidence introduced as to the fact that  
the accused had no permit to drive  
a car - & accused excepted because  
the remarks of the court did not  
cure the fact that said evidence was  
in fact heard. Jury fore here ad-  
mitted

Completion of all the evidence of C. -  
& the accused, the accused again moved  
to strike the evidence of the C. -  
overruled - exception - court adjourned  
until tomorrow at 10 o'clock

2-28-57

22336 A

#3224

TRIAL JUSTICE COURT

Criminal  
Docket

Nº 22335 A

Com'th

v.

Michael Herman Emerson  
Defendant

T.J. Kaw.  
J.C.H.

Appearance Date 12-3-56

Trial Date

To - 12-18-56 2.P.M

To - 1-18-57 2.P.M

At the Grand Jury  
1-18-57 PRG. Jones

W.S. - 2 Com. th

.00 T

.00 T

.00 T

5 .60 ✓

6 .02 ✓

6 .30 ✓

4 .48 ✓

5 .74 ✓

5 .04 ✓

5 .60 ✓

3 .50 ✓

5 .60 ✓

6 .58 ✓

6 .16 ✓

3 .50 ✓

4 .48 ✓

5 .74 ✓

4 .48 ✓

4 .20 ✓

4 .20 ✓

6 .30 ✓

3 .50 ✓

4 .48 ✓

5 .88 ✓

4 .48 ✓

3 .50 ✓

1 1 5 .36 T

5 .04 ✓

5 .60 ✓

6 .16 ✓

4 .48 ✓

5 .74 ✓

4 .48 ✓

4 .20 ✓

4 .20 ✓

3 .50 ✓

4 .48 ✓

4 .48 ✓

3 .50 ✓

5 5 .86 T

1 1 5 .36

5 5 .86

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.00 T

1 2.50

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3.50

2.00

1.00

1 7 1.22

5.50

2 0 8.22 T



MICHAEL H. EMERSON

HIT & RUN (FATAL)

JAN. 18, 1957 - 2 P.M.

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WITNESSES:

MRS. JOANNE MICHAEL

MRS. EDITH E. HEATWOLE

KEEZLETOWN, Va.

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Michael H. Emerson  
Hit & Run (Fatal)  
Jan. 18, 1924 - 2 P.M.

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Witnesses:  
Mrs. Joanne Michael  
Mrs. Edith E. Heatwole  
Keeseletown, Va.

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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..... Franklin White (R.#1, Broadway, Va.)

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof,  
at ~~10~~<sup>9:30</sup> o'clock, a. m., on the 28th day of February, 1957 to testify and the truth to  
say in behalf of the Defendant in the prosecution of the Commonwealth against.....

M. H. Emerson

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

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 26th  
day of February, 1957, and in the 81st year of the Commonwealth.

J. Robert Switzer, Clerk  
By Margie W. Bowen,  
D.C.

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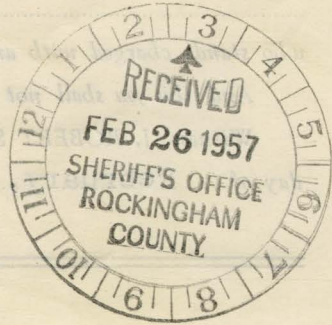
You are hereby commanded to summon  
Franklin White (R. W. Broadway, Va.)  
To the Sheriff of Rockingham County, Virginia:  
In the Name of the Commonwealth of Virginia:

EXECUTED 2-27-57 IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN Summons  
TO Franklin White  
IN PERSON.

W. L. Strawderman

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

*Sheriff's Fee*  
.40



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

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon .....

..... ✓ SGT. BIRCKHEAD

..... ✓ TROOPER HASH

..... 2:00  
to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at ~~9:30~~  
**P. M.**  
o'clock, ~~xxx~~, on the 28th day of February, 1957, to testify and the truth to say in behalf of the  
Commonwealth before the Grand Jury, against MICHAEL HERMAN EMERSON

.....  
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 February, 1957, and in the 181st year  
of the Commonwealth.

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

*Burthead  
Hask*

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

You are hereby commanded to summon

EXECUTED 2/21/57 IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN Summons  
TO J.C. Hask  
IN PERSON.

George R. Brice  
Deputy Sheriff

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

EXECUTED 2/22/57 IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN Summons  
TO Sgt. N.C. Burthead  
IN PERSON.

George R. Brice  
Deputy Sheriff

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



*Sheriff's Fee  
80*



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

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon .....

✓ MRS. JOANNE MICHAEL, Keezletown, Va. ....

✓ MRS. EDITH HEATWOLE " .....

..... 2:00  
to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at ~~9:30~~  
P. M.  
o'clock, ~~xxx~~, on the 28th day of February, 1957, to testify and the truth to say in behalf of the  
Commonwealth ~~before the Grand Jury~~, against MICHAEL HERMAN EMERSON .....

.....  
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 15th of February, 1957, and in the 181st year  
of the Commonwealth.

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

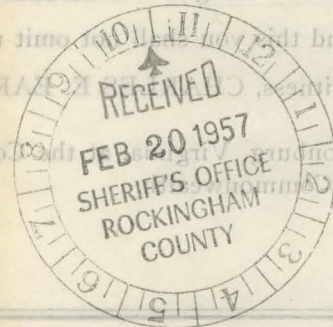
In the Name of the Commonwealth of Virginia:  
To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

EXECUTED ~~2-20-57~~ IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE  
COPY OF THE WITHIN  
TO Jeanne Michael and Edith Beatawale  
IN PERSON.

for Dewey E. Hany Dept.  
**A. L. STRAWDERMAN**  
**SHERIFF**

**ROCKINGHAM COUNTY,**



*Sherriff Fee*  
80

Witness Subpoena

Commonwealth of Virginia:

County of Rockingham, to-wit:

To the Sheriff of said County, Greeting:

You are hereby commanded, in the name of the Commonwealth of Virginia to summon

~~Mrs. Joanne Michael, Keezletown, Va.~~

~~Mrs. Edith E. Heatwole, Keezletown, Va.~~

to appear before The County Court of said County, sitting at Harrisonburg, Virginia, in said County, on

18th day of January, 1957, at the hour of 2:00 P. M. of that day

to give evidence in behalf of Com'th

in the pending case of Com'th

v. Michael Herman Emerson

Given under my hand this 12th day of December, 1956

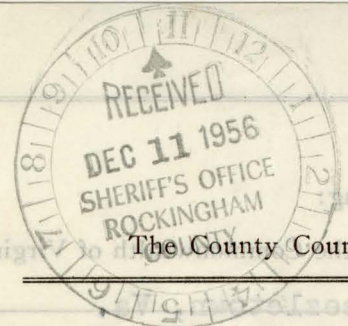
*Lain K. Whitmer, Dep. Clerk*

Clerk  
Asst. Clerk

EXECUTED 12-13-56 IN THE COUNTY OF  
ROCKINGHAM BY DELIVERING A TRUE

COPIY OF THE WITHIN Summons  
TO Joanne Michael, Edith Heathcote  
IN PERSON.

Deputy E. Haney Dep.  
**A. L. STRAWDERMAN**  
SHERIFF  
ROCKINGHAM COUNTY



The County Court

Docket No. 22336-A

Com'th

V. ( Witness Subpoena

Michael Herman Emerson

To Jan. 18, 1957, at 2:P. M.

Witness Subpoena

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

To the Sheriff of said County, Greeting

You are hereby commanded, in the name of the County Court

Joanne Michael, Kezia

Edith Heathcote

to appear before The County Court of said County, sitting at Harrisonburg, Virginia,

on the 18th day of January, 1957 at the hour of 2:00 P. M.

to give evidence in behalf of

in the pending case of Com'th

Michael Herman Emerson

Given under my hand this 13th day of December, 1956

- ✓ W. S. Elmer
- ✓ S. W. Alexander
- ✓ Paul Bursong Jr
- ✓ A. E. Frankmiller
- ✓ Chas. M. Hixon
- ✓ R. L. Lebeck
- ✓ Gordon Le. Egel
- ✓ Harold H. Miller
- ✓ Wagon M. Bicklin
- ✓ H. A. Cunkard
- ✓ Bernard W. Potter
- ✓ L. L. Winters

C. aty	12.50	
Lebeck	12.50	
Miller	3.50	
T. J.	2.00	
Leake	1.00	
Jury	171.22	
Witness	5.00	
	<hr/>	
	208.22	
Jury	100.00	160
	<hr/>	200
	308.22	

Docket No. 3224 FEB - 1957.

COMMONWEALTH of VIRGINIA

VS. WARRANT } Felony (hit and run)

MICHAEL HERMAN EMERSON *hand*

Charles A. Hammer

p. d.

Own (x) Appointed ( )

1957

February 18. Indictment &c. waived;  
accused arraigned and plea of n.g.;  
set for trial Feb. 28.

Feb. 28. Jury imp. n	9/377
evidence completed	9
	<hr/>
Mar. 1. Verdict of guilty	390
+ \$100.00 fine	9
	<hr/>
	390

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

Keystone Envelope Co., Phila., Pa.