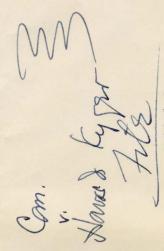
I, <u>Howard Kyger</u>, the accused in the attached warrant, in open court, before the Judge of the Circuit Court of - Rockingham County, Virginia, do voluntarily waive indictment on the said charge of bestiality 20th 195 6 . Given under my hand this 18th day of July Howard ? CEEamange. Witness:

I, <u>Howard Evger</u>, 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 <u>bestiality</u> Given under my hand this <u>stin</u>day of July OE Eamoungt.

| mp. Form 18-A | | |
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| | endly one to special | |
| TATE OF VIRGINIA | | |
| CHENER OF Harrisonburg | To-Wit : | No |
| City TO ANY SHERIFF OR POLICE OFF | ICER : | |
| Whereas, | R.H. Raynes | |
| the same operation and thinks or anoth to some the | John G. Leak | 9 |
| as this day made complaint and information on oa Justice of The Peace | ith before me, City | (Name) |
| (Title) | of the said Gonory, that | Rockingham |
| Howard Kyger | AND IS PARTY I PARTY A COMPANY OF SALE | in the said County |
| d on the 16th day of July | , 19 56 : Unlawfully and | d feloniously, |
| arnally know a brute animal; to-wit; | a female Pony, in violation o | f section 18-98 |
| f the 1950 Code of Virginia, against | the peace and dignity of the | Commonwealth of |
| irginia | LANK P | |
| TI S HILL O | VAL MAL | |
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| | 7.9 | |
| | K.R. L. MA | |
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| | ASP NU MILL | |
| | 18 3 7 7 | 1.1 |
| | | |
| | 19.00 C | |
| These are, therefore, to command you, in the | name of the Commonwealth, to apprehe | nd and bring before the |
| County Rockingham ratxinstice Court of the said County, the body | (1933) of the above accused, to answe | r the said complaint and |
| be further dealt with according to law. And you | | . the said complaint and |
| be further deale with according to have find you | | |
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| | TATE OF VIRGINIA—COUNTY OF, to-wit: | cres from |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| l, tha | a Trial Justice in and for the County aforesaid, State of V. Justice of the Peace in and for the County aforesaid, State of V. | irginia, do certify |
| | nd, as his suret, have this day each acknowledged t | hemselves indebted |
| | the Commonwealth of Virginia in the sum of | Dollars |
| | e rendered, yet upon this condition: That the said | Circuit Court |
| of | f County, on the day of | ial Justice, 19, |
| at | M., at, Virginia, and at any time or times to which the proceedings | may be continued |
| for | and effect until the charge is finally disposed of or until it is declared void by order of a competent court; and upon furth | nain in full force her condition that |
| fre | ne said shall keep the peace and be of good behavior for a period of rom the date hereof. Nonappearance shall be deemed to constitute a waiver of trial by jury. | days |
| | Given under my hand, this day of, 19, 19, | Тттр |
| | le inny a brute actual: to-wit: a forale row, in violation of mobion 16-98 | I. J., J. P. |
| Ihro. N.g. 7-16-56 P.Rg. J.S. | Prevend this, the | DOCKET NO. $2/457-A$ COMMONWEALTH WARRANT OF ARREST |
| • | Virginia, arM, on the | The following witnesses were recognize to appear before the Circuit Court of County |

After 5 days return to DRAWER 1080, STAUNTON, VIRGINIA







The Honorable Hamilton Haas, Judge Twenty-Fifth Judicial Circuit of Virginia Rockingham County Court House Harrisonburg, Virginia



Circuit Court of the County of Rockingham on Friday, the 20th day of July, in the year of our Lord, nineteen hundred and fifty-six. Present: Hon. Hamilton Haas, Judge.

Commonwealth

v. On anxindictmentxfor a felony (Bestiality) Howard Kyger

This day came the attorney for the commonwealth, and the accused, Howard Kyger, came in the custody of the sheriff of this county; and said accused being without counsel and having requested the court to appoint an attorney on his behalf, thereupon, Sam; P. Conrad was appointed as attorney for the said accused. Thereupon, the said Howard Kyger, by writing this day signed before the court in accordance with the provisions of Section 19-136 of the Code of Virginia of 1950, waived indictment or presentment on and the court proceeded to hear this case on the warrant. the charge set out in the warrant,/ Thereupon, on the motion of the attorney for the accused, and it beingmade to appear that there is such doubt as to the mental sufficiency of the accused that his confinement in a hospital for the insane is necessary for his proper care and observation, the said Kyger is committed to the Western State Hospital, at Staunton, for such observation and a determination and report to this court of the sufficiency of the mental capacity of the said prisoner to stand trial on the charge against him. Pending a determination of his mental sufficiency, and on the further motion of the accused, his arraignment thereon is deferred. And the sheriff is directed to deliver the said Kyger forthwith to the Superintendent of said hospital, with an attested copy of said warrant.

A COPY

Atteste: Jour Sulu Clerk.

Executed this 23 day of fully 1956 by delivering the said Howard Kyger to the Western State Hospital at Staunton, Virginia.

A. L. Strawderman, S.R.C. BY Robert H Rayne D.S.R.C.

Circuit Court of the Countyrof Rockingham on Friday, the 20th day of July, in the year of our Lord, nineteen hundred and fifty-six. Present: Hon. Hamilton Haas, Judge.

> er varrent charging, On muindistaatixiss a folony (Bestiality)

This day care the attorney for the commonstry, and the neutral, Howard Eyrer, case in the outrody of the sheriff of this county; and said seconds being without counsel and having represend the court to appoint an attorney on his behalf, thereoren, the court is and the appoint as attorney for the said accurat. Therewore, the said Howard Eyrer, by writing this day signed before the court in accordance with the morisions of Sociion 19-136 of the court in accordance with the morisions of sociion 19-136 of the court in accordance with the morisions of socian 19-136 of the court is accordance with the morisions of socian 19-136 of the court is accordance with the morisions of socian 19-136 of the court is accordance with the inversions of socian 19-136 of the top of the accurate of the strateging the second of the table attracts of the accurate, and it beingmade to appear that there is such both as to the social sufficiency of the second the determination of the inversion, for such the second of the western of the sociated for the insense is mocentary and a determination and the said interfore the insense is mocentary of the second the sociation of the social prior the according against the fonding a determination of the social and there against the fonding a determination of the accurate infitermine, and on the further fortion of the accurated in attration of the avertice forther fortion of the accurated in attratermine, and the further fortion of the accurated in a strategment and a determine to the Buserintendent of and negative the stand apprend. And the sheriff is directed to defined with the acturated cory of add wards of the acture.

Atteste: n Galler Judice . Clerk.

Executed this 23 day of the 1956 by delivering the said Howard Hyger to the Western State Hospital at Staunton, Virginia.

A. E. Strawderman, S.R. C.

COPY

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, November 7, 1956.

Commonwealth

v. On a warrant charging a felony (buggery) Howard Kyger

It appearing from the report heretofore made by the Superintendent of the Western State Hospital, where the accused is held under a previous commitment for observation, that the said Howard Kyger, charged with the offense of buggery, is feebleminded and in need of institutional care, it is accordingly ORDERED that the said Howard Kyger be committed and transferred to the Lynchburg Training School (department for criminal insame), for further care and treatment, until such time as he may be restored to sanity, in which latter event he shall be returned to this Court for trial, the said Kyger to be retained at the Western State Hospital until such time as his removal to the Lynchburg Training School can be accomplished.

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

I, J. Robert Switzer, Clerk of the Circuit Court of Rockingham County, Virginia, do hereby certify that the foregoing is a true and correct copy of an order entered in said Court on the 7th day of November, 1956, in the case of <u>Commonwealth of Virginia v. Howard Kyger</u>, charged with buggery, as the said order appears of record in my office as Clerk aforesaid.

> IN WITNESS WHEREOF, I hereunto set my hand and affix the seal of the said Court, at Harrisonburg, Rockingham County, Virginia, this 7th day of November, 1956.

> > ., Clerk.

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, November 7, 1956.

di lesvaoano)

V. On a warrant charging a felony (buggery) Howard Kyger

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IN WITHERS WHEREOF, I herounto set my hand and affix the seel of the said Court, at Harrisonburg, Hockinghem County, Virginia, this 7th day of November, 1956.

Clork.

November 7, 1956

Dr. James B. Pettis, Superintendent Western State Hospital Staunton, Virginia

Dear Sir:

Re: HOWARD KYGER - F-43276

Your earlier letter of September 28th was referred on its receipt to the Commonwealth's Attorney for his enlightenment and comment. In the meanwhile the matter has escaped attention, for which you have my apology.

I believe the enclosed order will take care of the matter for the time being.

As to the suggested sterilization, I don't believe I would have any responsibility in that respect, for it is my understanding such procedure is conducted where the patient is held.

Very truly yours,

Hamilton Haas, Judge

HH:mb Encs 3 November 7, 1956

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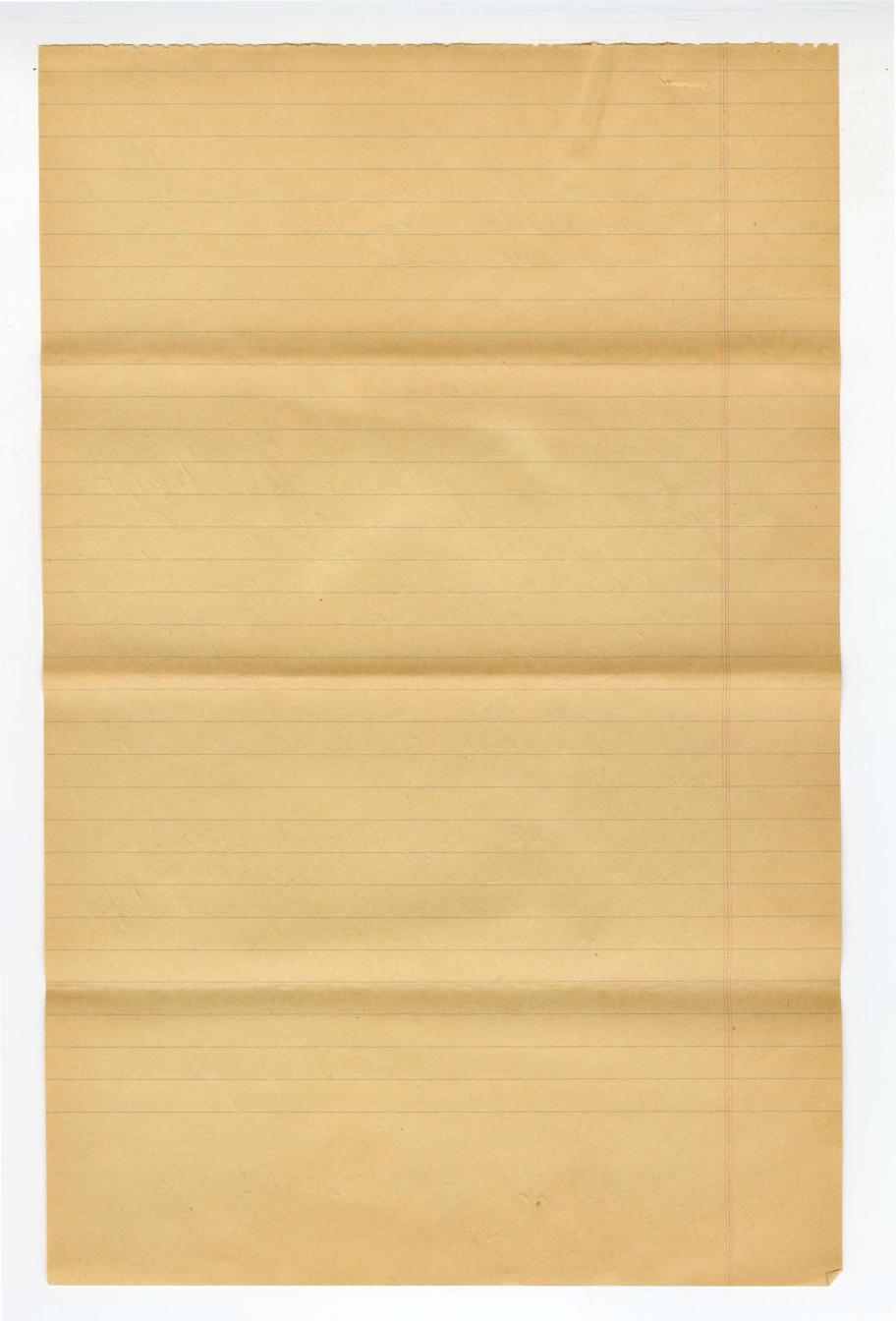
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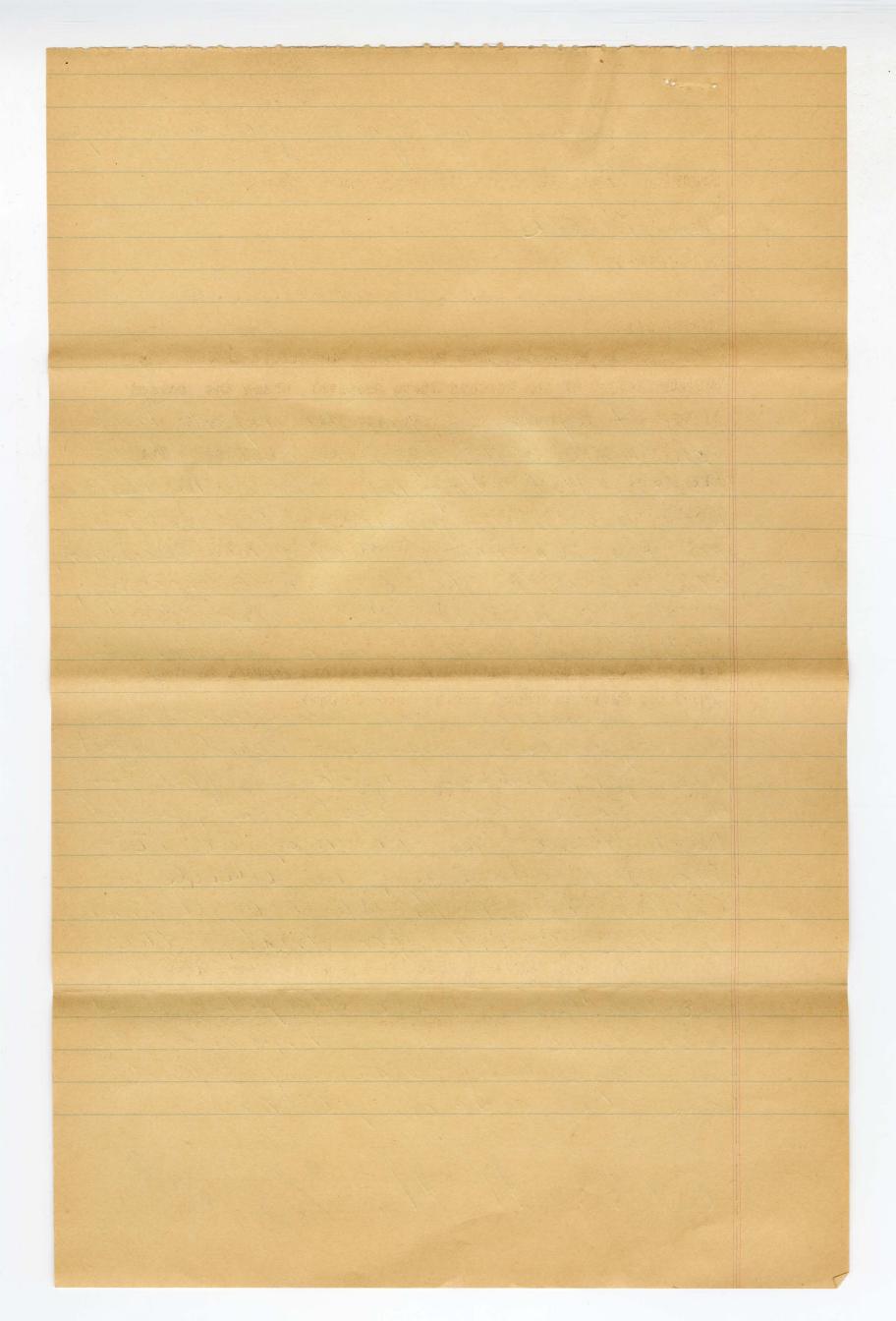
Hamilton Hass, Judge

HH:mb Encs 3

Dr. Janes B. Pettie, Superintendent Western State Hospital Hauta, Virginia DEag In : NE: Haven Kyger F= 43276 your carlier letter of Deptimber 28th was referred de its recipt to the common writting attomer for his Enlightenment and comment. In the mean while the matter has Escaped attention for which you have my gology. I betwee the melored ador Will take case of the matter for Que to the Jugshted Atrilization, I don't bilitie & would have an repartitlety in that respect, for it is my understanding buch her patient is held. beg buy gain, (And 2/ attisted copies



& the Circuit Can't & Rockinfrom Cauf, Virjune: Commanwealth v_i Havard tygs for mare by the sysimtendent give Western State Storpital, where the accused shed under a princing commitmen and Kyggs, clayed with the opening Jonggsty, institutional Case, it is accordingly ard weat the said Havaid Ky 285 be committed and transferred. to the Lynchburg Francing Perool (orpartment for criminal instand, for fit-mero care and tratment, until Duch time as he may be restorek to Danity, in Which latter wout he shall or returned said tyger to be retained at the lots tem Date stagetal with Auch time as his Moval to the Lynchong training theol 11/7/56 Ruter: H. H. 9/ 344





WESTERN STATE HOSPITAL STAUNTON, VA. JAMES B. PETTIS, M. D. SUPERINTENDENT

F-43276

DEPARTMENT OF MENTAL HYGIENE AND HOSPITALS 2 November 1956

The Honorable Hamilton Haas, Judge Twenty-Fifth Judicial Circuit of Virginia Rockingham County Court House Harrisonburg, Virginia

Re: Howard Kyger

Dear Judge Haas:

The above-named patient continues in this hospital. Your records will show that he was sent to us by Order of the Circuit Court of Rockingham County, Virginia, for observation and report to you on his mental condition.

On 28 September 1956, we wrote you of our findings in the case, and asked that you advise us of the disposition you wish made in regard to Mr. Kyger. We shall appreciate your letting us hear from you.

Very truly yours,

ament tais

James B. Pettis, M. D. Superintendent

7/20/56 Com. on mo. Com aty for com observation + a determinant + report to ct. Josephinen J mentel copients to stand trial

COMMONWEALTH OF VIRGINI

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MENTAL HYDERE AND HOEFTALE

The Honorable Hawilton Haas, Judge Twenty-Fifth Judicial Circuit of Virginia Reckingham County Court House Marrisonburg, Virginia

Tenvil brawoH :st

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JAMES B. PETTIS, M. D. SUPERINTENDENT

F-43276

DEPARTMENT OF MENTAL HYGIENE AND HOSPITALS 27 November 1956

The Honorable Hamilton Haas, Judge Twenty-Fifth Judicial Circuit of Virginia Rockingham County Court House Harrisonburg, Virginia

Re: Howard Kyger (Court Order)

Dear Judge Haas:

WESTERN STATE HOSPITAL STAUNTON, VA.

Thank you for your letter of 23 November 1956, subject as above.

Since it meets with your approval for this hospital to retain Mr. Kyger here, and the Commissioner of Mental Hygiene and Hospitals also feels this would be best at present, we shall do so. Our present plan for him is to present him to the hospital's Sterilization Board, recommending sexual sterilization. After that has been accomplished, we could then consider moving him to the Colony, contingent upon facilities available at that time.

You are correct in your belief that there is no "cure" for mental deficiency. The institutions for the care of such persons are largely concerned with methods of training the mental defectives to do something gainful.

Very truly yours,

James B. Pettis, M. D. Superintendent

WESTERN STATE HOSPITAL

THINRY S STATE

F-113276

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James B. Fettis, N. D. Super mendert

ISB

November 23, 1956

Dr. James B. Pettis, Superintendent Western State Hospital Staunton, Virginia

Dear Sir:

Re: Howard Kyger

At the time the order of November 7th was entered and without examining the confusing statutes on the subject (titles 19 and 37), I was of the impression that one held for trial on a lesser felony and suspected of being feeble-minded might be committed to the Lynchburg Colony for further observation and care, and also erroneously assumed that some sort of security provision existed there to safeguard the custody of such prisoner.

On further reflection I am inclined to believe that there is no cure or recovery from a feeble-minded status of mental defectiveness. If that is so, it seems that the pending prosecution should be abandoned and that you should proceed there with a regular commitment to Lynchburg.

On the other hand, if you feel that Kyger will be restored to mental sufficiency for trial, possibly he should be held at Marion (Southwestern); however, it will also meet with my approval for him to remain at Western State.

Awaiting your further word, I remain

Very truly yours,

Hamilton Haas, Judge.

HH:mb

November 23, 1956

Dr. Jemes B. Pettis, Superintendent Western State Hospital Staunton, Virginia

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Very truly yours.

Hamilton Hass, Judge.

dm: HH



WESTERN STATE HOSPITAL STAUNTON, VA.

JAMES B. PETTIS, M. D. SUPERINTENDENT

F-43276

MENTAL HYGIENE AND HOSPITALS 19 November 1956

The Honorable Hamilton Haas, Judge Twenty-Fifth Judicial Circuit of Virginia Rockingham County Court House Harrisonburg, Virginia

Re: Howard Kyger

Dear Judge Haas:

This hospital is in receipt of order dated 7 November 1956 from the Rockingham County Circuit Court, regarding the above-named patient. In this Order, it is stated that Mr. Kyger should be moved to the department for criminally insame patients at the Lynchburg Training School and Hospital, but retained here until such a move can be accomplished.

There is no department for criminal patients at the Lynchburg institution. It appears that you feel the patient should be in a hospital where security precautions can be taken, and this cannot be provided at the Lynchburg Training School and Hospital. The Commissioner of Mental Hygiene and Hospitals, whom we have consulted about this case, feels that under the circumstances of this case, the patient should be retained at the Western State Hospital.

If the foregoing meets with your approval, we should like to hear from you, stating your concurrence in this. We are willing to provide the care and treatment Mr. Kyger may require, in the hope that it may benefit him; however, if you prefer that we have him committed to the Lynchburg Training School merely to be treated for his epilepsy, we shall of course abide by your wishes.

We shall appreciate hearing from you in this matter.

Very truly yours,

James B. Pettis, M. D. Superintendent

JAVISZON STATE MEGTERN

A MATTER LE STMAL

F-13876

HENTAL HYDIENE AND HOSPITALS

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Howard Xyger

Bear Judge Haast

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vianas 3. Poltis, An D. Superintenlient



WESTERN STATE HOSPITAL STAUNTON, VA. JAMES B. PETTIS, M. D. SUPERINTENDENT

F-43276

DEPARTMENT OF MENTAL HYGIENE AND HOSPITALS

28 September 1956

The Honorable Hamilton Haas, Judge Twenty-Fifth Judicial Circuit of Virginia Rockingham County Court House Harrisonburg, Virginia

Re: Howard Kyger

Dear Judge Haas:

The above-named man of Grottoes, Virginia, was received into this hospital on 23 July 1956, by Order of the Circuit Court for Rockingham County, Virginia, for observation of and report on his mental condition. Mr. Kyger is now charged with crime (violation of Section 18-98, Code of Virginia, 1950).

During Mr. Kyger's stay in this hospital, observation and thorough study of him have been done. As a result, the diagnosis, Chronic Brain Syndrome with Convulsive Disorder, with Severe Mental Deficiency, has been established by our Staff. This diagnosis indicates that while Mr. Kyger is not mentally ill (not insane), he does have a convulsive disorder, and his mental deficiency (feeblemindedness) is of such severity that he is considered incompetent. We have found that he has an extremely low I. Q., presently functioning in the Imbecile Grouping.

This hospital takes cognizance of the fact that it is not within our jurisdiction to make recommendations as to action the court might take in cases such as this. We feel compelled, however, to pass on to you the opinion of our Staff regarding this young man. It is felt that he should be sexually sterilized, and that he is the type individual who properly belongs in an institution for the mentally defective and epileptics. We are aware of the overcrowding at the Lynchburg institution, and should hospitalization have to be sought elsewhere, this hospital would cooperate in the case, upon receipt of a subsequent order for the retention of this patient.

We shall appreciate your advising us of the disposition you wish made in this case.

Very truly yours,

Tames Steris

James B. Pettis, M. D. Superintendent

WESTERN STATE MOSPIYAL STAUNTON, YA.

MMMONWEALTH OF VIRGINI

ALMES B. PETTID. N. D. SUPERINGENT

F-43276

MENTAL MYGIENE AND HOEPITALS

28 September 1956

The Honorable Hamilton Hans, Judge Denty-Fifth Judicial Circuit of Virgini Rockinghan County Court House Harrisonburg, Virginia

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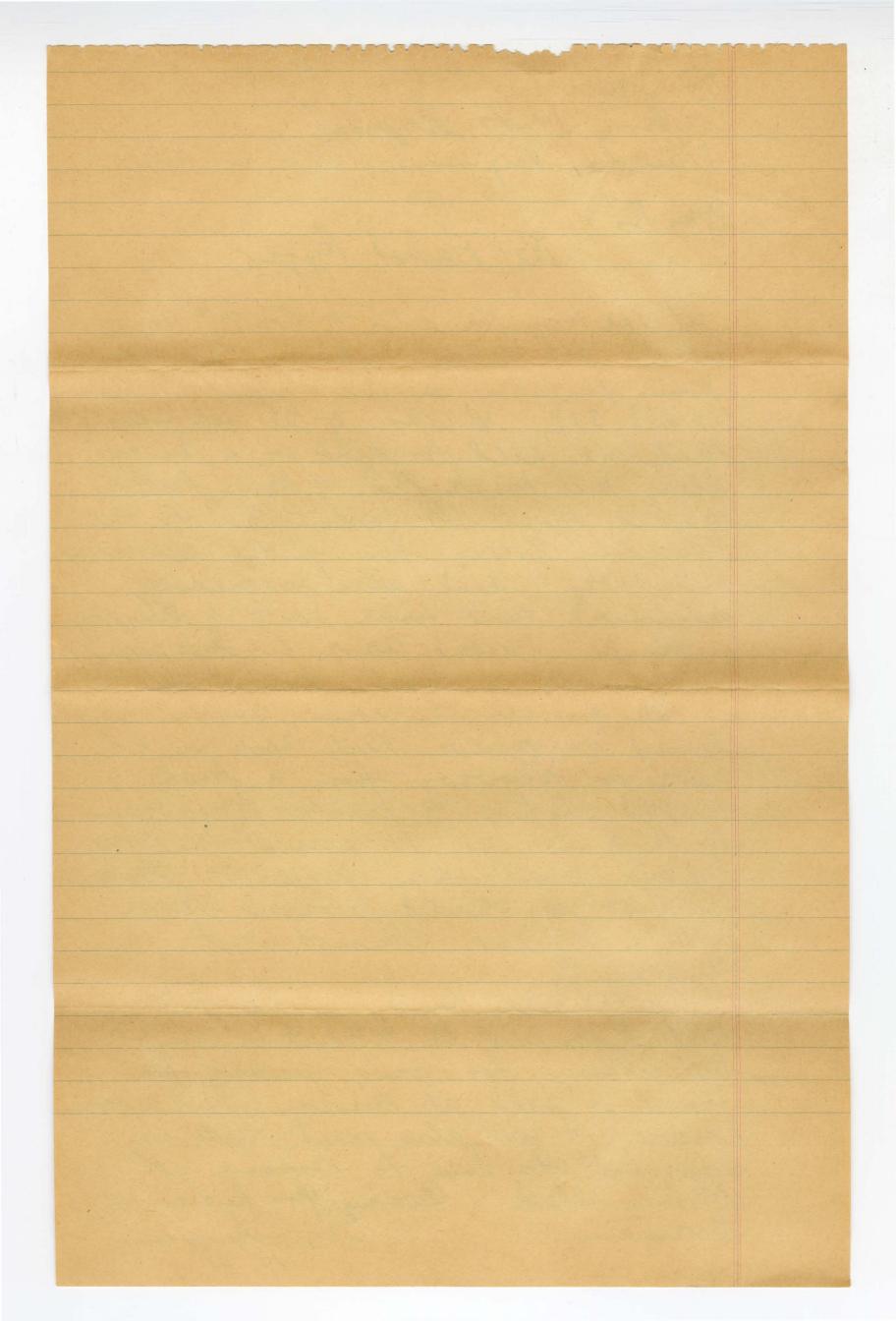
Alamas B. Pettis, M. D. Superintendent

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Comith Kyper This toy - tyger was traffet The shiriff and came also Sam P. Conal the priviously appointed offense cannot for said prisoner, together with the attorney for the canmonwealth. Heripan, on the motion of the attenty for the accased and It thing made to appear that there is such doubt as to the mental sufpeisney of the accurat that his confinant in a hospital for the insant is maneray for his proper care and observation, The said kyger is committed to the Western State Hopetal, at Stamton, for such obertoation and and a ortromination and report to this cauit of the sufficiency g the mental Capacity of the Sail prisoner to stand trial on the charge against him. Pending a determination of his mental Sufficiency, and a tax further motion I har accure, who has waived th Dietment on the charge made in the warrant under which

he is held, his arraignment and the samiff i directed to rever the Staid Eggst Jathint to the Superint that Sid loggital with an Histel Copy of Said warrant. mki: H.H. 9/2 1/0/56

Dr. James B. Pettis, Rupt. Wiskin State Hopital Staunta, Vinginia RO. Drawer 1080 De fin - Ra: Havar Kyger at the time the order of Nor. 7th Was Entert and inthat Framining the Con-firing statute a the subject (titles 19 and 37) I was g the impression that are held for trial on a lever plany and my reted of bing farble minord might to committed to the Lynchburg Colony for fin the observation and case and also Erronzansly assumed that some sort of stairing provision Hister to Safe friend Her custody of such prisoners. In further referetion I am inclined to believe that there is no cure a reaver from a firdle minded statue 3 mental depetionere. If that is so, it seems that the pruding proceeding thank be abandoned and that you shall proceed to a the with a repular commitment to Agnetiting. On the other hand, if you for that Kyper will be restored to mental sufficience for trial possible her shared be wild at marin (Farhwesten); haven't will also mat with my approval for him to Kmain at Obstron State. Quaiting per further word, I muin Vin the your, H. t.



TRIAL JUSTICE COURT

Criminal Nº 21457 A

Com'th Bestiality & Place

Howard Kyger Defendant

Appearance Date 7-16-56

Trial Date

7/16/56 Preliminary hearing waioed. Held for Frand Jury



DEC - 1956 Docket No. 3158 **COMMONWEALTH of VIRGINIA** VS. ON WARRANT Felony (Bestiality) Howard Kyger Sam P. Conrad _p. d. Own () Appointed (x) 7/20 /56 - Indictment waived, and committed to Western State Hospital for observation. 9 11/7/56- Onder Committing 318 to Synchlung Inining School (dyst. for criminal insome) 1957 Jul. 14. Rolle pros. 9 345

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

