

I, Howard Kyger, 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.

Given under my hand this ~~18th~~^{20th} day of July, 1956.

C E Eaman, Jr.

Howard ^{his} Kyger
mark

Witness:

I, Howard Kyser, 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.

Given under my hand this 15th day of July, 1956.

Howard Kyser
Howard Kyser

W. E. [Signature]

Witness:

STATE OF VIRGINIA

COUNTY OF Harrisonburg
City

To-Wit: _____ No. _____

TO ANY SHERIFF OR POLICE OFFICER:

R.H. Raynes

Whereas, _____

John G. Leake

has this day made complaint and information on oath before me, _____

Justice of The Peace

City

(Name)

_____ of the said County, that _____

(Title)

Howard Kyger

Rockingham

in the said County

did on the 16th day of July, 19 56: Unlawfully and feloniously,

carnally know a brute animal; to-wit; a female Pony, in violation of section 18-98

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
County Justice Court of the said County, the body (~~1846~~) 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 July, 19 56

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

(Seal)

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

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

and _____, as his suret _____, have this day each acknowledged themselves indebted to the Commonwealth of Virginia in the sum of _____ Dollars

(\$ _____), to be made and levied of their respective goods and chattels, lands, and tenements to the use of the Commonwealth to be rendered, yet upon this condition: That the said _____, shall appear before the Circuit Court

of _____ County, on the _____ day of _____, 19____, at _____ M., at _____, Virginia, and at any time or times to which the proceedings may be continued

or further heard, and before any court thereafter having or holding any proceedings in connection with the charge in this warrant, to answer for the offense with which he is charged, and shall not depart thence without the leave of said court, the said obligation to remain in full force and effect until the charge is finally disposed of or until it is declared void by order of a competent court; and upon 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 _____ day of _____, 19____.

T. J., J. P.

DOCKET NO. 21457-A

COMMONWEALTH

WARRANT OF ARREST
vs.
Howard Kyger

Executed this, the 16 day of

1956

Robert T. Pagan
Atty. Gen. for
State of Virginia

Upon the examination of the within charge, ~~find the~~ accused is not guilty

Dependant that Probation
seems he would it is do
order + the dependant is
held for action by the grand
jury.
16th day of July 1956.
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 \$ _____

Warrant _____ \$ 1.00
Trial _____ \$ 2.00
Bail _____
Arrest _____ \$ 1.50
Mileage 57 x 8 \$ 4.32
Clerk _____ \$ 1.25
Jail Fee and Board _____ \$.50
Witness Attendance _____
Summoning Witnesses _____
Commonwealth Attorney _____

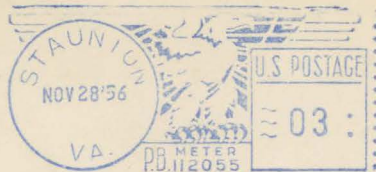
Fine _____ \$ _____
Costs _____ \$ _____
Total _____ \$ _____

Total Costs _____ \$ 10.57
Fine _____ \$ _____
Total _____ \$ _____

How. Ky. 7-16-56 P.P. Judge

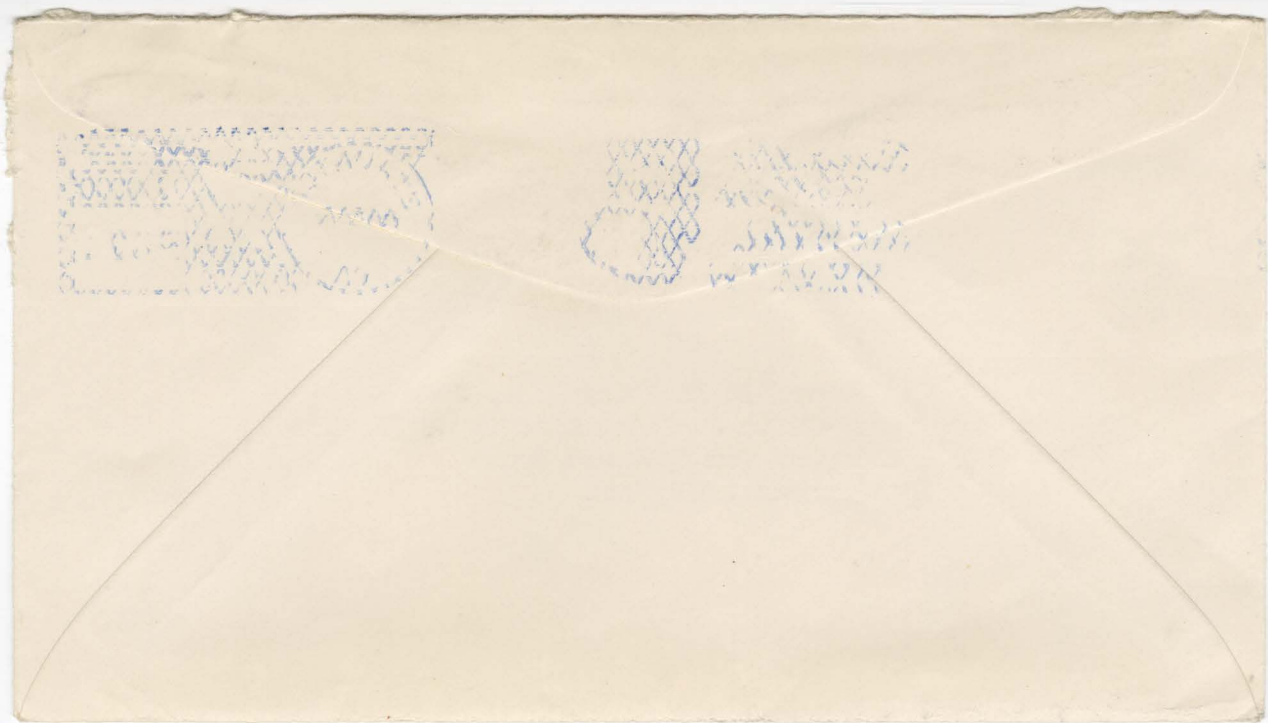
After 5 days return to
DRAWER 1080,
STAUNTON, VIRGINIA

Ring the
Bell for
MENTAL
HEALTH



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

Com.
v.
Haas & Kyser
File



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. a warrant charging
On ~~an indictment for~~ 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 being made 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: *Robert H. Raymond*, Clerk.

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

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

BY *Robert H. Raymond* D.S.R.C.

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. Howard Kyger
On indictment charging a felony (Bestiality)

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, said 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 the charge set out in the warrant. Thereupon, on the motion of the attorney for the accused, and it being made 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 Stanton, 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.

To
Martin Miller

A COPY

Attested: _____ Clerk.
Executed this 23 day of July 1956 by delivering the said Howard Kyger to the Western State Hospital at Stanton, Virginia.
A. L. Strawserman, S.R.C.
BY _____ D.S.R.O.

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 feeble-minded 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 insane), 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 Commonwealth of Virginia v. Howard Kyger, 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.

Commonwealth

v. On a warrant charging a felony (burglary)

Howard Kyger

If 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 burglary, is feeble-minded 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 insane) 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 Commonwealth of Virginia v. Howard Kyger, charged with burglary, as the said order appears of record in my office as Clerk aforesaid.

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

Clerk.

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

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

Dear Sir:

Re: HOWARD KYGER - F-43276

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Very truly yours,

Hamilton Haas, Judge

HH:mp
Page 3

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

Dear Sir:

Re: Harold Bygges F-43276

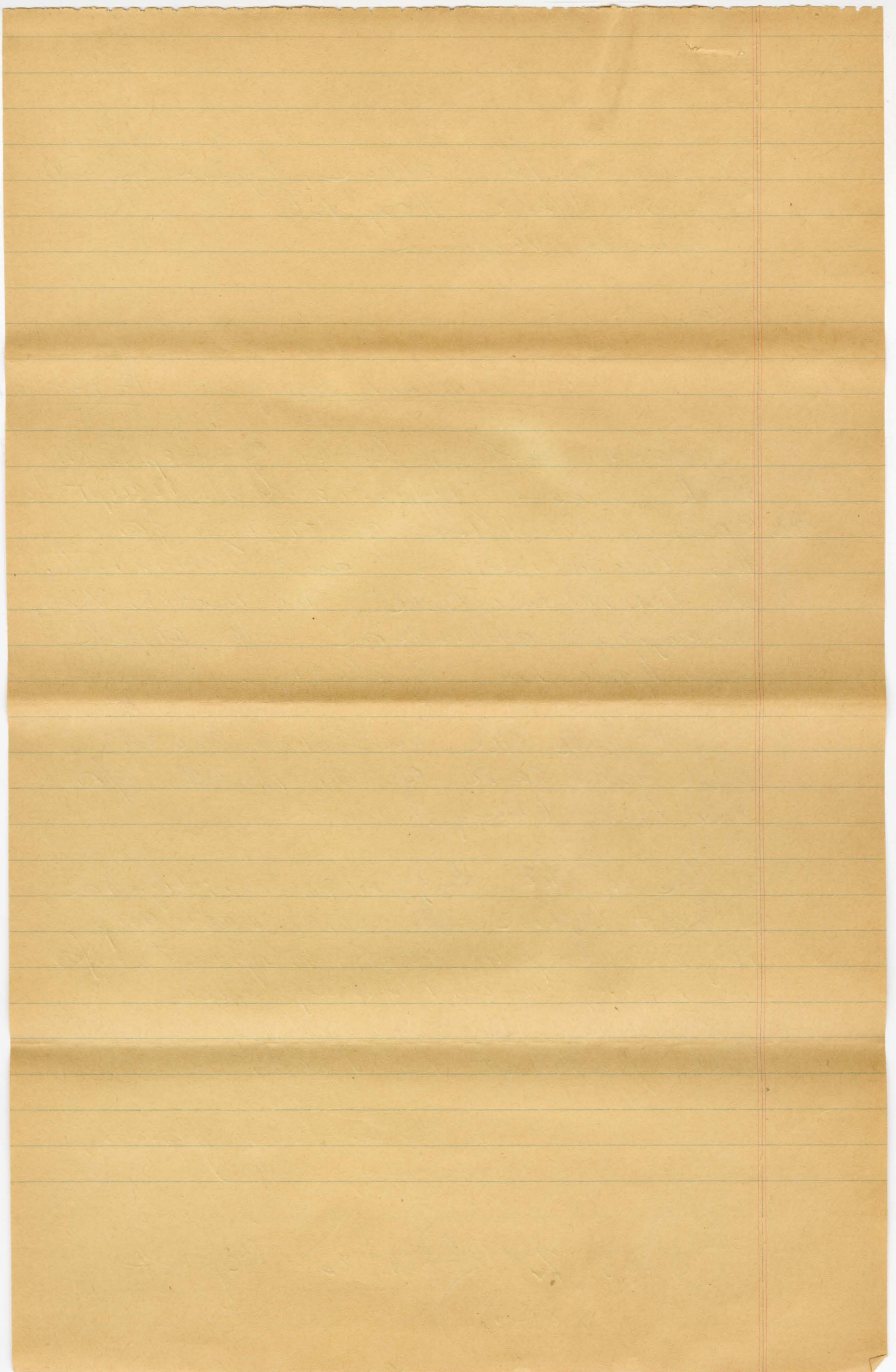
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I believe the enclosed order will take care of the matter for the time being.

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,

(Send 2 attested copies
of order)



In the Circuit Court of Rockingham County, Virginia

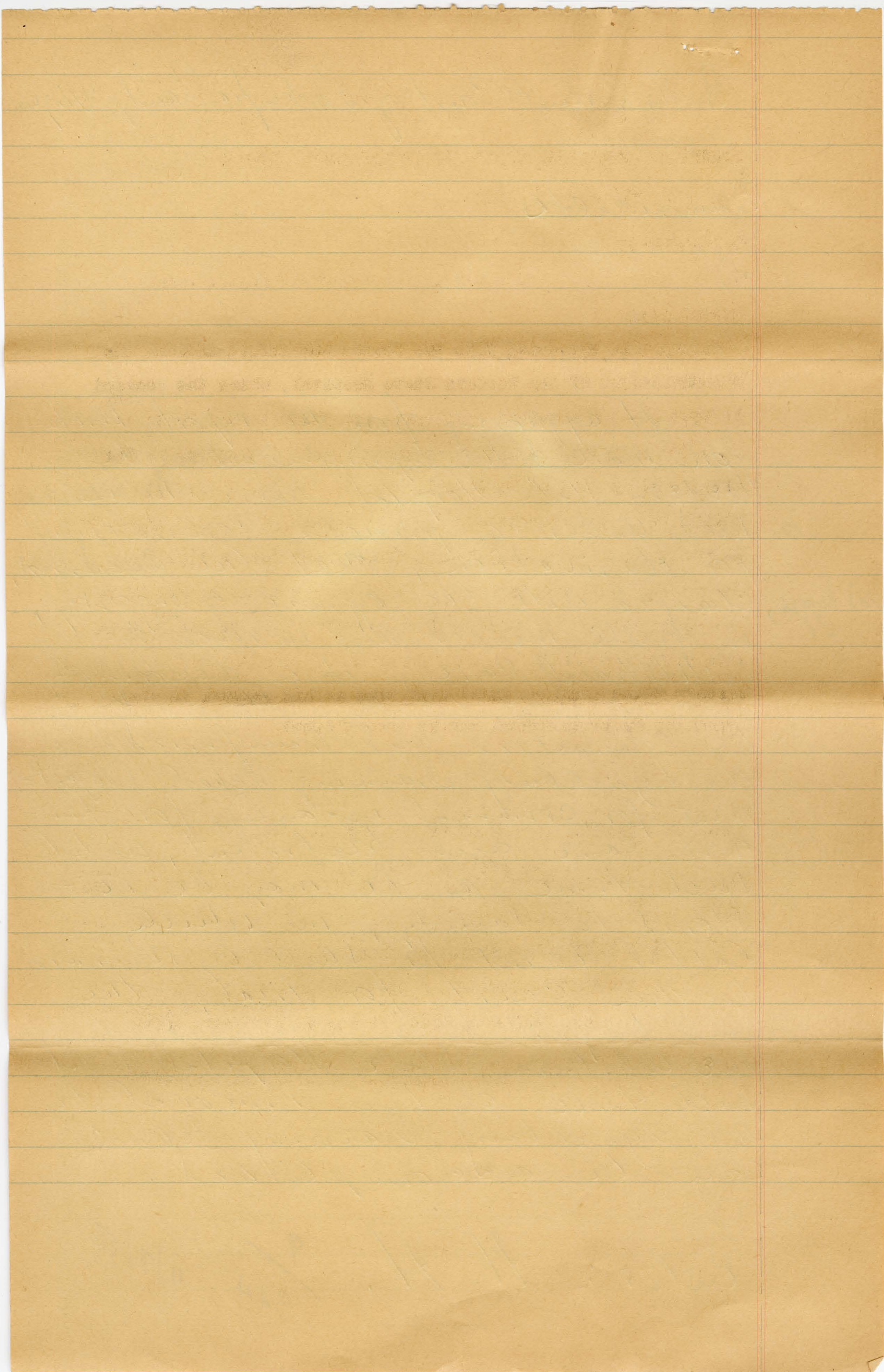
Commonwealth

v.)

Harold Kyger

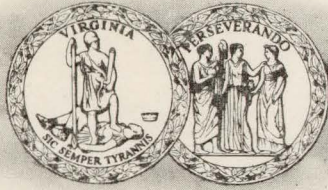
It appearing from the report heretofore made by the Superintendent of the Western State Hospital, where the accused is held under a previous commitment for observation, that the said Harold Kyger, charged with the offense of burglary, is full minded and in need of institutional care, it is accordingly ordered that the said Harold Kyger be committed and transferred to the Lynchburg Training School (Department for Criminal Insane), 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.

Enter: H. H. $\frac{9}{344}$ 11/7/56



COMMONWEALTH OF VIRGINIA

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,

James B. Pettis, M. D.
Superintendent

ael

7/20/56

Com. on mo. Com. att
for ~~com~~ observation + a determination +
report to ct. of sufficiency of mental capacity
to stand trial

COMMONWEALTH OF VIRGINIA

JAMES B. PETTIS, M. D.
SUPERINTENDENT

WESTERN STATE HOSPITAL
RICHMOND, VA.

5-13376

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 Hyer

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
intend to make in regard to the patient. We shall appreciate your
reply as soon as possible.

Very truly yours,

James B. Pettis, M. D.
Superintendent

221

Handwritten notes:
Can we see the
in our records - a
copy of the report
to the court

COMMONWEALTH OF VIRGINIA

WESTERN STATE HOSPITAL
STAUNTON, VA.



JAMES B. PETTIS, M. D.
SUPERINTENDENT

DEPARTMENT OF
MENTAL HYGIENE AND HOSPITALS

F-43276

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)

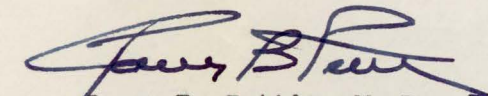
Dear Judge Haas:

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

ael

COMMONWEALTH OF VIRGINIA



JAMES B. PETTIE, M. D.
SUPERINTENDENT

WESTERN STATE HOSPITAL
STANFORD, VA.

F-10376

DEPARTMENT OF
MENTAL HYGIENE AND HOSPITALS

27 November 1956

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

Re: Howard Kyger (Court Order)

Dear Judge Hans:

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

above.

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

You are correct in your belief that there is no "cure" for
mental delinquency. The institutions for the care of such persons are
largely concerned with methods of treating the mental delinquents to
do something helpful.

Very truly yours,

James B. Pettie, M. D.
Superintendent

101

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. 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 within
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On the other hand, if you feel that Kyger will be restored
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approval for him to remain at Western State.

Awaiting your further word, I remain

Very truly yours,

Hamilton Hess, Judge.

HH:md

COMMONWEALTH OF VIRGINIA

WESTERN STATE HOSPITAL
STAUNTON, VA.



JAMES B. PETTIS, M. D.
SUPERINTENDENT

F-43276

DEPARTMENT OF
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:

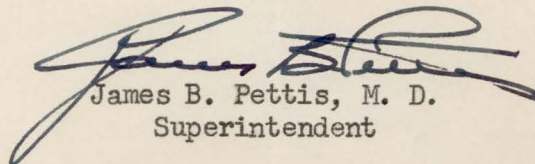
This hospital is in receipt of order dated 7 November 1956 from the Rockingham County Circuit Court, regarding the above-named patient. In this Order, it is stated that Mr. Kyger should be moved to the department for criminally insane patients at the Lynchburg Training School and Hospital, but retained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

ael

COMMONWEALTH OF VIRGINIA



JAMES B. FORTY, M. D.
SUPERINTENDENT

WESTERN STATE HOSPITAL
Lynchburg, VA

7-13378

DEPARTMENT OF
MENTAL HYGIENE AND HOSPITALS

19 November 1958

The Honorable Justice
Lynchburg County Court House
Lynchburg, Virginia

Re: Howard Eger

Dear Judge Bass:

This hospital is in receipt of order dated 7 November 1958 from the Honorable Justice Lynchburg County Court, regarding the above-named patient. In this order, it is stated that Mr. Eger should be moved to the department for criminally insane patients at the Lynchburg Training School and Hospital, and retention 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 Commission 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 moving order is not approved, we should like to hear from you, stating your concurrence in this. We are willing to provide the care and treatment Mr. Eger may require, in the hope that it may benefit him; however, if you prefer that we have him committed to the Lynchburg Training School and Hospital, we will of course abide by your wishes.

We shall appreciate hearing from you in this matter.

Very truly yours,

James B. Forty, M. D.
Superintendent

201

COMMONWEALTH OF VIRGINIA

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:

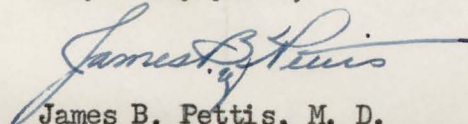
The above-named man of Grottoes, Virginia, was received into this hospital on 23 July 1956, by Order of the Circuit Court for Rockingham County, Virginia, for observation of and report on his mental condition. Mr. Kyger is now charged with crime (violation of Section 18-98, Code of Virginia, 1950).

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 (feble-mindedness) 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,


James B. Pettis, M. D.
Superintendent

ael

COMMONWEALTH OF VIRGINIA

JAMES B. PETTIS, M. D.
SUPERINTENDENT

WESTERN STATE HOSPITAL
STAVUK AV

T-43276

DEPARTMENT OF
MENTAL HYGIENE AND HOSPITALS

28 September 1950

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

Re: Howard Kyger

Dear Judge Hans:

The above-named man of Groveton, Virginia, was received into this hospital on 23 July 1950, 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 18-26, 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 (feeble-mindedness) 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,

James B. Pettis, M. D.
Superintendent

Com'th

v.

Kyger

This day — Kyger was brought before the bar of the court in the custody of the sheriff and came also Sam P. Komak, the previously appointed defense counsel for said prisoner, together with the attorney for the Commonwealth.

Thereupon, on the motion of the attorney for the accused and it being made 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 Hampton, 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, who has waived indictment on the charge made in the warrant under which

he is held, his arraignment
return 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.

Enter: H. H.

9/3/56 7/20/56

Dr. James B. Pettis, Dept.
Western State Hospital
Staunton, Virginia P.O. Drawer 1080

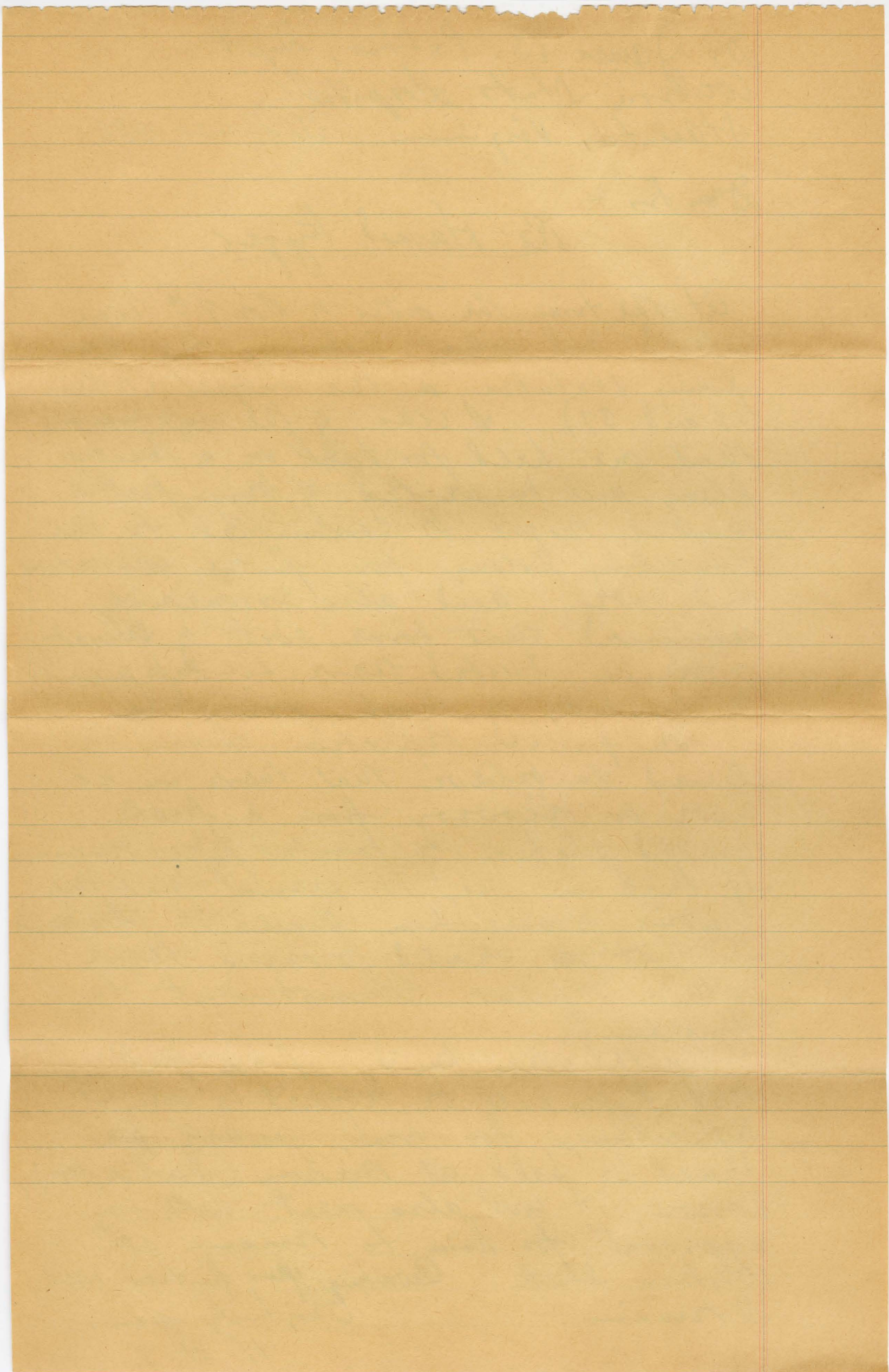
Dear Sir -

Re: Harold Kyger

At the time the order of Nov. 7th was entered and without examining the confusing statute 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 prisoners.

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 Mason (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,
H. S.



TRIAL JUSTICE COURT

Criminal
Docket

N^o 21457 A

Com'th

Bestiality

*2ail
Spleaft*

v.

HOWARD KYGER
Defendant

Appearance Date 7-16-56

Trial Date

*7/16/56 Preliminary hearing
waived. Held for Grand
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 - Order committing 318
to Lynchburg Training School
(dept. for criminal insane)

1957
Sub. 14. Rolle pres. 9
345

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

Keystone Envelope Co., Phila., Pa.