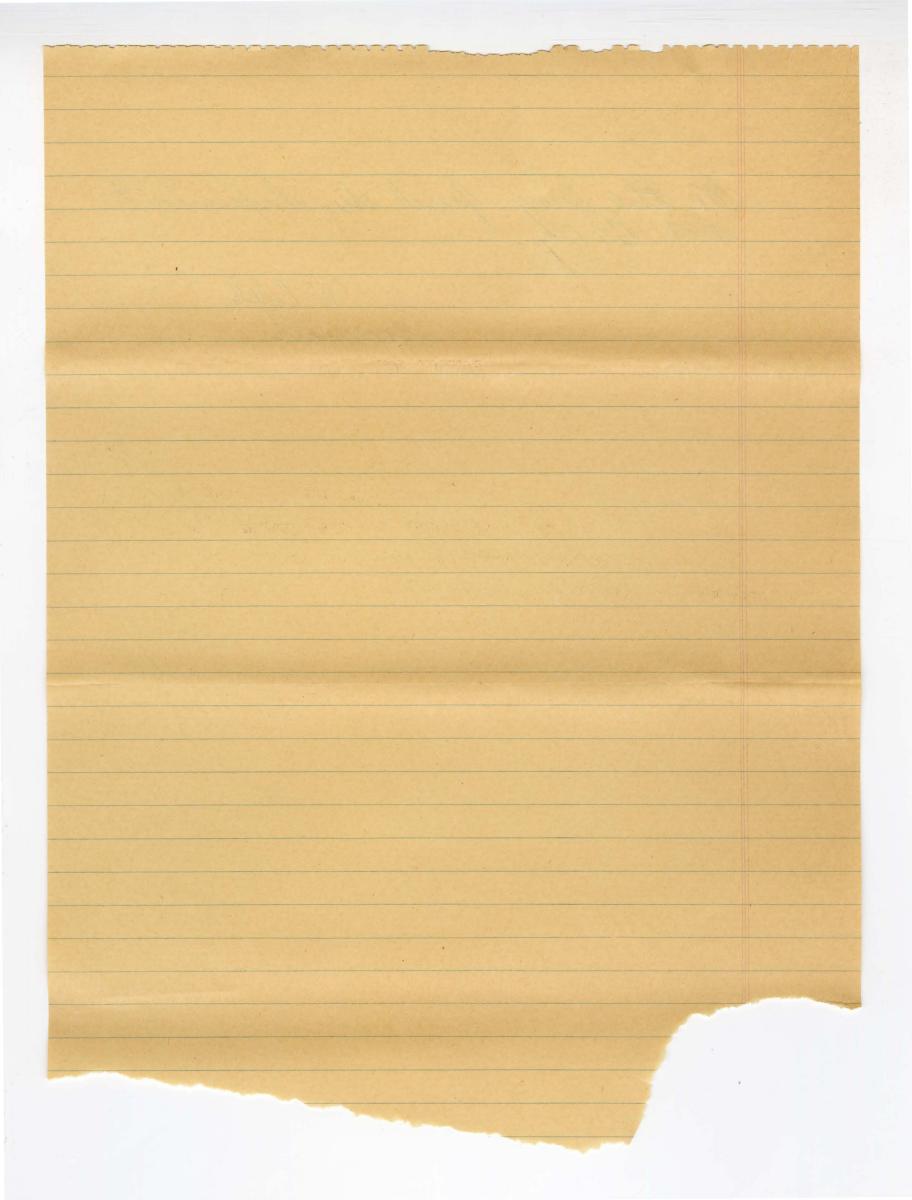


We the Juny fried the Sefendant D. E. M. Lorele Joreman



V.

IRVIN WILLIAM LINEBAUGH

INSTRUCTION ____

The Court instructs the jury that reckless driving is the driving of a vehicle at a speed, or in a manner so as to endanger or likely to endanger life, limb or property.

12-19-57 H. D.,

tord F

The Court instructs the jury that reckless driving is the or likely to endanger like, thub or property. Entractachecker -ANGELET CONTRACTOR STORY OF ST a distance distributed only and defend the sound literate the self-ensured ALTERIAR DESCRIPTION OF THE TOTAL PROPERTY OF A SECRETARY OF A SEC

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA:

INSTRUCTION NO. 2

The Court instructs the jury that the law presumes the defendant to be innocent until he is proved guilty as charged by evidence beyond all reasonable doubt, and to the exclusion of every reasonable hypothesis consistent with his innocence. This presumption of innocence goes with 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.

12-15-57 Hith

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA:

INSTRUCTION NO.

defendant to be innocent until he is proved guilty as charged by evidence beyond all reasonable doubt, and to the exclusion of every reasonable hypothesis consistent with his innocence. This presumption of innocence goes with 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.

15-12-23

V.

IRVIN WILLIAM LINEBAUGH

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 the 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 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.

12-18-57 H. H.

. W

HEVIN WILLIAM LINEBAUGH

INSTRUCTION 2

In considering whether or not the Commonwealth has not 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 the 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 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 tokeet 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.

> 12-31-31 H. H.

V.

IRVIN WILLIAM LINEBAUGH

INSTRUCTION ____

The Court instructs the jury that when overtaking and passing a vehicle travelling in the same direction, the driver of the overtaking vehicle, when in a rural area, is required as a matter of law to give an audible signal of his intention to pass. However, the violation of this traffic regulation, or any act of mere negligence, is not alone sufficient to constitute the offense of reckless driving; for the crime of reckless driving includes the added necessary element of endangerment of life, limb or property.

12-19-57 H. H.

IRVIN WILLIAM LINGBAUCH

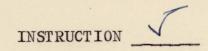
INSTRUCTION +

The Court instructs the jury that when overtaking and passing a vehicle travelling in the same direction, the driver of the overtaking vehicle, when in a rural area, is required as a matter of law to give an audible signal of his intention to pass. However, the violation of this traffic regulation, or any act of more configence, is not alone sufficient to constitute the offense of reckless driving for the crime of reckless driving includes the added notessary clasent of consmission of law, that or property.

12-11-21

V.

IRVIN WILLIAM LINEBAUGH



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.

12-19-57 Hd, S,

COMMENTAL

. V

HOUASSKILL MALLITM MIVSE

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.

12-19-51

V.

IRVIN WILLIAM LINEBAUGH

INSTRUCTION 6

The Court instructs the jury that the credibility of witnesses is a question exclusively for the jury; and the jury have the right to determine from the appearance of the witnesses on the stand, their manner of testifying, the reasonableness and consistency of their testimony, their apparent candor and fairness, their apparent intelligence or lack of intelligence, the relationship of the witness to the parties, if any, the interest of the witness in the result of the trial, if any appear, and from all other surrounding circumstances appearing on the trial, determine which witnesses are more worthy of credit and what is the relative/weight of any testimony and to give credit accordingly.

12-15-57

. V

IRVIN WILLIAM LINEBAUCH

INSTRUCTION (O.

The Court instructs the jury that the credibility of witnesses is a question exclusively for the jury; and the jury have the right to determine from the appearance of the witnesses on the stand, their manner of testifying, the reasonableness and consistency of their testimony, their apparent candor and fairness, their apparent intelligence or lack of intelligence, the relationship of the witness to the parties, if any, the interest of the witness in the result of the trial, if any appear, and from all other surrounding circumstances appearing on the trial, determine which witnesses are more worthy of credit and what is the relative/weight of any testimony and to give credit accordingly.

12-19-19

V.

IRVIN WILLIAM LINEBAUGH

CHARGE TO JURY

If you find the accused guilty of reckless driving, as charged in the warrant, you will say so and fix his punishment by a fine of not less than Ten Dollars nor more than One Hundred Dollars, or by imprisonment in jail for not more than thirty days, or, in your discretion, by both such fine and imprisonment.

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

COMMENTALE

CHARGE TO JURY

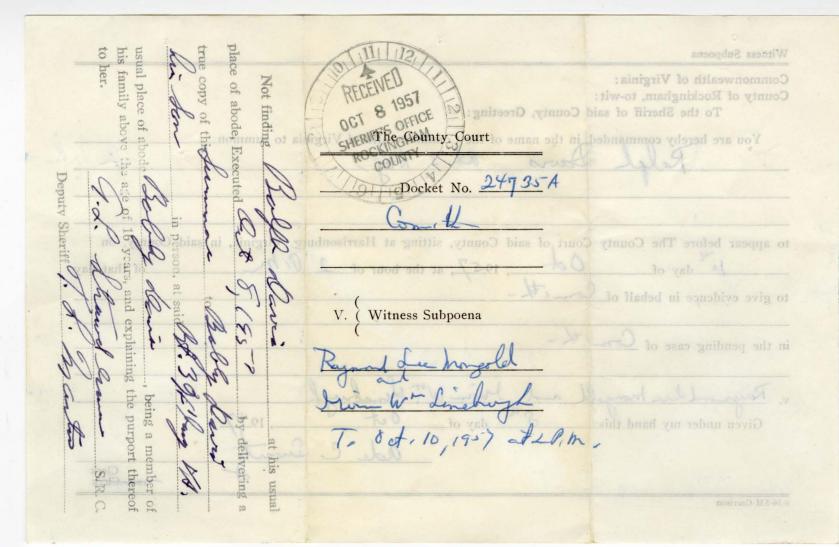
If you find the accused guilty of reckless driving, as charged in the warrant, you will say so and fix his punishment by a fine of not less than Ten Dollars nor more than One Hundred Dollars, or by imprisonment in jail for not more than thirty days, or, in your discretion, by both such fine and imprisonment.

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

L	C. A. S. No. 4 OFFICE OF THE CLERK OF THE CO ROCKINGHAM COUNTY HARRISONBURG, VA., Received of South	Nav. 1		Nº 13660
RECEIPT	IN SETTLEMENT OF THE FOLLOWING	ACCOUNT	Dollars	
	Cash leand of	ACCOUNT	AMOUNT	
CIAI	Juin William Lineburgh	#8a	54 28	5
OFFICE				
				2 Clerk
				Margie Bauers Deputy Clerk

Nº 13660	1922	THU	C.A.S. No.4 OFFICE OF THE CIERK OF THE COUNTY HARRISONBURG, VA.
00002			Received of Chemical Control of Chemical Control of Chemical Chemi
	Dollars	***************	For the account of
	Аморит	ACCOUNT	IN SETTLEMENT OF THE FOLLOWING
			Carlo hamberloon
	5478	# 18 as	Quin Williams director and
Clerk			
Wester Down			
Deputy Clerk			

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
Docket No. 24131 A
W D Balle
to appear before The County Court of said County, sitting at Harrisonburg, Virginia, in said County, on day of
V. (Witness Subpoena
in the pending case of Conit
v. Raymond Lee mongell and Irvin Windshopf Given under my hand this 8th day of Oct , 19 7 Ade C Swarty Clerk
Asst. Clerk



OFFICE OF

THE TRIAL JUSTICE Hey VIRGINIA				
I Hand you Herewith my Check No 393 In settlement of my account as follows:				
	Cal Bond for 24659A Irvin Wm. Lineburgh	5-425		
٠				
	Yours very truly,			
	Trial Justice.			

OFFICE OF

THE TRIAL JUSTICE

autious anii	11	
VIRGINIA has 12 1957		
	& Relet Sunter	
	0	

I Hand you Herewith my Check No. 29.2 In settlement of my account as follows:

Date Descriptions Descriptions

CHOIL LIAUGHU		
Wm. Sinstruck	alter of except In	
Y		

Yours very truly,

Trial Jastice.

OFFICIAL RECEIPT FOR CASH DEPOSIT IN LIEU OF RECOGNIZANCE WITH SURETY

COUNTY OF Thereson buyy VIRGINIA	Nº 59984 L
RECEIVED OF Javin william Line bough	FOR THE APPEARANCE
OF Awin william Lendburgh	BEFORE
THE Courty Court of Chocking	
ON THE 19 DAY OF Lettembre 1957 AT 2 A.M. TO ANSWER OF	CHARGE MADE AGAINST HIM-
HER UNDER OATH BY CONTRACTOR ON THE DAY OF	Dollars \$ 56.25
WHICH INCLUDES FEE OF THE JUSTICE FOR TAKING THIS RECOGNIZANCE	
Section 19-107, 1950 Code of Virginia	2. Leafe
	Justice of the Peace

OFFICIAL RECEIPT FOR CASH DEPOSIT IN LIEU OF RECOGNIZANCE WITH SURETY

COUNTY OF Themson by VIRGINIA, NO.	59984 L
RECEIVED OF Joven wilfigam Line bough , F	OR THE APPEARANCE
OF Awin william Lendburgh	BEFORE
THE County Court of Crocking hun	COUNTY
ON THE 19 DAY OF Letterby 1957 AT 2 A.M. TO ANSWER CHARGE	MADE AGAINST HIM-
HER UNDER OATH BY E TUSEN ON THE DAY OF Septen	19 1957 Rs \$ 56.25
WHICH INCLUDES FEE OF THE JUSTICE FOR TAKING THIS RECOGNIZANCE	1
Section 19-107, 1950 Code of Virginia John 2.	Leve
ODICINAL TO PASED	Justice of the Peace

	To the Sheriff of Rockingham County, Greeting:
You are hereby comma	unded to summon
	TROOPER E. E. KISER
V miles	RALPH DAVIS, Route 3, Harrisonburg
	to her A Land Many in S.R.C.
	Deputy Shoriff Cold Suffer
to appear before the J	udge of the Circuit Court of Rockingham County, at the Court House thereof, at 9:30
o'clock, a. m., on the 1	9th . December 10 57
	.9th day of December , 1957 to testify and the truth to say in behalf of the
	the Grand-Jury, against IRV IN WILLIAM LINEBAUGH
Commonwealth before	
Commonwealth before -	the Grand-Jury, against IRVIN WILLIAM LINEBAUGH
Commonwealth before— who stands charged wi And this you shall	the Grand-Jury, against IRVIN WILLIAM LINEBAUGH th and indicted for a felony misdemeanor.

Not finding Balfil Muhamman at his usual ommo of the Mame of the North State of the Common laws at his usual ommo of the Mame of the Common laws at his usual ommo of the Common laws at his usual of the Common la
place of abode, Executed /2 /2 3 7 med by delivering and end of
You are hereby commanded to summon Davin Davinos eight fo years are
in person, at said Rulfh Day 37009T
usual place of abod pri Paulin, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her. A Lawlung S.R.C.
Deputy Sheriff (1) Ca Saffin
ROCKINGHAM BY DELIVERING A TRUE TO A
ROCKINGHAM BY DELIVERING A TRUE TO OF THE WITHIN TO True to the control of the co
COPY OF THE WITHIN TO TANKE C.C. THE MILLIM MIVE SAME COMMON COMM
Commonwealth between the transfer against LIVIL WILLIAM Commonwealth between the transfer against the common way of the common was a common way of the commo
a La Sulan Dusch
The state of the s
who stands charged with and indicted for a folone 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 the County and the County a
A TO
of the Commonwealth.
of the Commonwealth. Second of the Commonwealth Attorney Second of the Commonwealth
ROCKINGHAM COUNTY AND SHEET FEE
7,00

B 990415 DEPARTMENT OF STATE POLICE S. P. 82 - REV. 7-18-54 You are hereby summonsed to appear before: Trial Justice No Operators License to answer for violating the Motor Vehicle Laws of Virginia, to wit; Reckless Driving 🔲 Exceeding Speed Limit 🗌 PAUSING ACCI Improper I hereby promise to appear at the time and place specified above Summons required under Title 46---Section 193, Code of Virginia. Failure to comply with this summons constitutes a separate offense. (Defendant's Signature) **ABSTRACT OF CONVICTION OF** WITHIN NAMED DEFENDANT ADDRESS NAME OF COURT JURISDICTION, COUNTY, CITY OR TOWN STATE CITY PLEA DATE GUILTY X GUILTY STATE PENALTY IMPOSED APPEAL TAKEN STATE IF DEFENDANT CONVICTED OF SPEED- SPEED TRAVELED MPH MPH STATE POLICE SHIELD NO. IF CONVICTED OF CARELESS AND LICENSE SUSPENDED PERIOD SUSPENDED

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.

RECKLESS DRIVING OR SPEEDING-

SIGNATURE OF JUDGE OR CLERK

X NO

TITLE

1 990415

TRAFFIC VIOLATIONS DO CAUSE ACCIDENTS

Main violations indicated from Virginia Accident Analysis are:

Speed too fast for conditions

Did not yield right of way

Improper passing

Following too closely

Failed to signal turn or stop

Disregarded stop sign

Operating wrong side of road—not overtaking

APA-104 JP-100M-4-56

OFFICIAL RECEIPT FOR CASH DEPOSIT IN LIEU OF RECOGNIZANCE WITH SURFTY

COUNTY OF The result of VIRGINIA NO. 59984 L
RECEIVED OF deven willgam Line bounds FOR THE APPEARANCE
OF BEFORE
THE County Court of Crocking hum County
ON THE PAY OF Letternber 1057 AT 2 A.M. TO ANSWED CHAPCE MADE ACAINST HIM-
HER UNDER OATH BY E. & Trusch ON THE DAY, OF September 14 1957
Lify fix and DOLLARS \$ 56.25
WHICH INCLUDES FEE OF THE JUSTICE FOR TAKING THIS RECOGNIZANCE
September 17 1957 South 2. Leads
SECTION 19-107, 1950 CODE OF VIRGINIA Justice of the Peace
DUPLICATE—TO COURT OR JUSTICE

OFFICIAL RECEIPT FOR CASH DEPOSIT IN LIEU OF RECOGNIZANCE WITH SURETY

Vincinum Nº 59984 L	COURTY OF Theretion for
FOR THE APPEARANCE	RECEIVED OF John william
at $\stackrel{\mathcal{S}}{-}$ N.M. to answer charge hade against him-	
Tiona are S	They are like
Sixual Source Still Sular	WHICH INCLUDES FEE OF THE JUSTICE FOR T
Junice of the Peace	SECTION 19-107, 1950 CODE OF VIRGINIA
TO COURT OR JUSTICE	

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

DEPARTMENT OF STATE POLICE

B 990415

County or City County or City You are hereby summonsed to appear before: Trial Justice Trial Justice Off High School County or City On The State of Clock M. To answer for violating the Motor Vehicle Laws of Virginia, to wit: Reckless Driving Dexceeding Speed Limit No Chauffeurs Improper The State of Chauffeurs License Driving Descenting Desc						
I hereby promise to appear at the time and place specified above	Summons required under Title 46Section 193, Code of Virginia.					
(Defendant's Signature)	Failure to comply with this summons constitutes a separate offense.					
ABSTRACT OF CONVICTION OF WITHIN NAMED DEFENDANT						
ADDRESS 213 CARLINGER AVE	JURISDICTION, COUNTY, CITY OR TOWN NAME OF COURT					
STATE AND STATE	PLEA CONVICTED OF DATE					
RACE SEX WEIGHT HEIGHT OPR. OR CHAUF, LICENSE STATE	PENALTY IMPOSED APPEAL TAKEN					
W 14 198 5 FT. 1/ IN. 126313 MID	YES NO					
Star Star WALL 1906 11 83 45 MAI	IF DEFENDANT CONVICTED OF SPEED- SPEED TRAVELED SPEED ZONE ING					
STATE POLICE 8 8 SHIELD NO.	IF CONVICTED OF CARELESS AND LICENSE SUSPENDED PERIOD SUSPENDED RECKLESS DRIVING OR SPEEDING— YES NO					
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.						

TRAFFIC VIOLATIONS DO CAUSE ACCIDENTS

Main violations indicated from Virginia Accident Analysis are:

Speed too fast for conditions Did not yield right of way

Improper passing

Following too closely

Failed to signal turn or stop

Disregarded stop sign

Operating wrong side of road—not overtaking

TATE OF VIRGINIA		us liet as		
CONNEX OF Harrisonburg		To-Wit:	to man adt at No	V la dilessancian
City to see set at themens has at				
TO ANY SHERIFF OR POLICE				
Whereas,	E.E.	Kiser		
		Virginia,	John G. Jeaks	M, 8
as this day made complaint and information	on on oath be	fore me,	(Name)	table that south
Justice of The Peace	of t	he said Execut y, that_		Agrico de 1900
(Title) Irvin Willi	am Lineba	ugh	Louish of lists some Ro	ckingham theosxid Count
d on the lith day of Septe	mber	, 19 <u>57</u> : Ur	nlawfully operate a	moter
rehicle on and over a public hi	ghway in	Rockingham Count	y in a careless a	and reckless
nanner, involving an accident,	against t	he peace and dia	nity of the Comm	nonwealth
of Virginia	447	14 5	<u> </u>	<u> </u>
	8 4 17	1300	1 4772	(1)
24 200 1	X.	1 MAY	5 6 4 V.	
	100	<i>为 郑澄"</i>	的 数据 30	
	1760	10 40	* Parlie	
3 7 2 3	311	VAR UTTER	生	7
99	3/1	1 19 / 19/	,据了方法以	
		1 271 10	中有限	
These are, therefore, to command you	, in the name	of the Commonwea	Ith, to apprehend and 1	bring before th
Rockingham ounty Court of the Sad County, the bod				and the same
rther dealt with according to law. And				
	color	Address		
	color	Address	1 1 1 1 1	
witnesses.		11447600		
Given under my hand and seal, th	is Lith	_day of	September	57
Sinon and my name and seat, in		John	ったり	11/2
		JUSTICE OF	Citle of Issuing Officer)	(Seal

STATE OF VIRGINIA—COUNTY OF I, that and	a Judge of the County Court Justice of the Peace	in and for the County aforesaid, Se	
to the Commonwealth of Virginia in the sum of	heir respective goods and char	tels, lands, and tenements to the use	Dollars of the Commonwealth to
at M., at or further heard, and before any court thereafter for the offense with which he is charged, and shall and effect until the charge is finally disposed of or the said from the date hereof. Nonappearance shall be deemed Given under my hand, this de	, Virginia, and a having or holding any procee not depart thence without th until it is declared void by	t any time or times to which the pr dings in connection with the charge e leave of said court, the said obligat order of a competent court; and t	oceedings may be continued in this warrant, to answer ion to remain in full force upon further condition that
rejon a ejerede	10 57 . 116	h September	Judge. J. P.
Hine State of Manual Costs Total No. 18 Manual Costs of the State of the Costs of t	The peace and die	Executed this, the day of Secured this, the day of Secured this, the day of Secured this day of the within charge, I find the accused that the day of	manner, invo
Mileage Clerk Jail Fee and Board Winness Attendance Summoning Witnesses Commonwealth Attorney Total Costs Fine Total	WarrantCO Warrant CO Arrest	under penalty of \$	ia, at
4.75 56.00.	COSTS SHIP OF OF		The following witnesses were recognize Circuit County County County

TRIAL JUSTICE COURT

Criminal Docket

Nº 24689

Com'th

V.

Defendant Holliam Linchugh

T.S. +aW
Appearance Date 9-19-57

Trial Date

Set 10/10/57 - 2P.M.

Set 10/31/17-2P.M.



Docket No. 3335 .

se 3 min carble country & Bakes Walter L. Hampon A. Frenett Brown

le ath 5 33 - 17.75 lelud 6.33 17.75 17.75 17.75 17.75 17.75 17.75 17.75 17.75 17.75 18.75 18.75 18.75 18.75 18.75

COMMONWEALTH of VIRGINIA

VS. Misdr. (appeal)

IRVIN WILLIAM LINEBURGH

Henry C. Clark

Own (x) Appointed ()

1957 November 14. Docketed. December 19. Juny imp. or Defendant acquitted.

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

