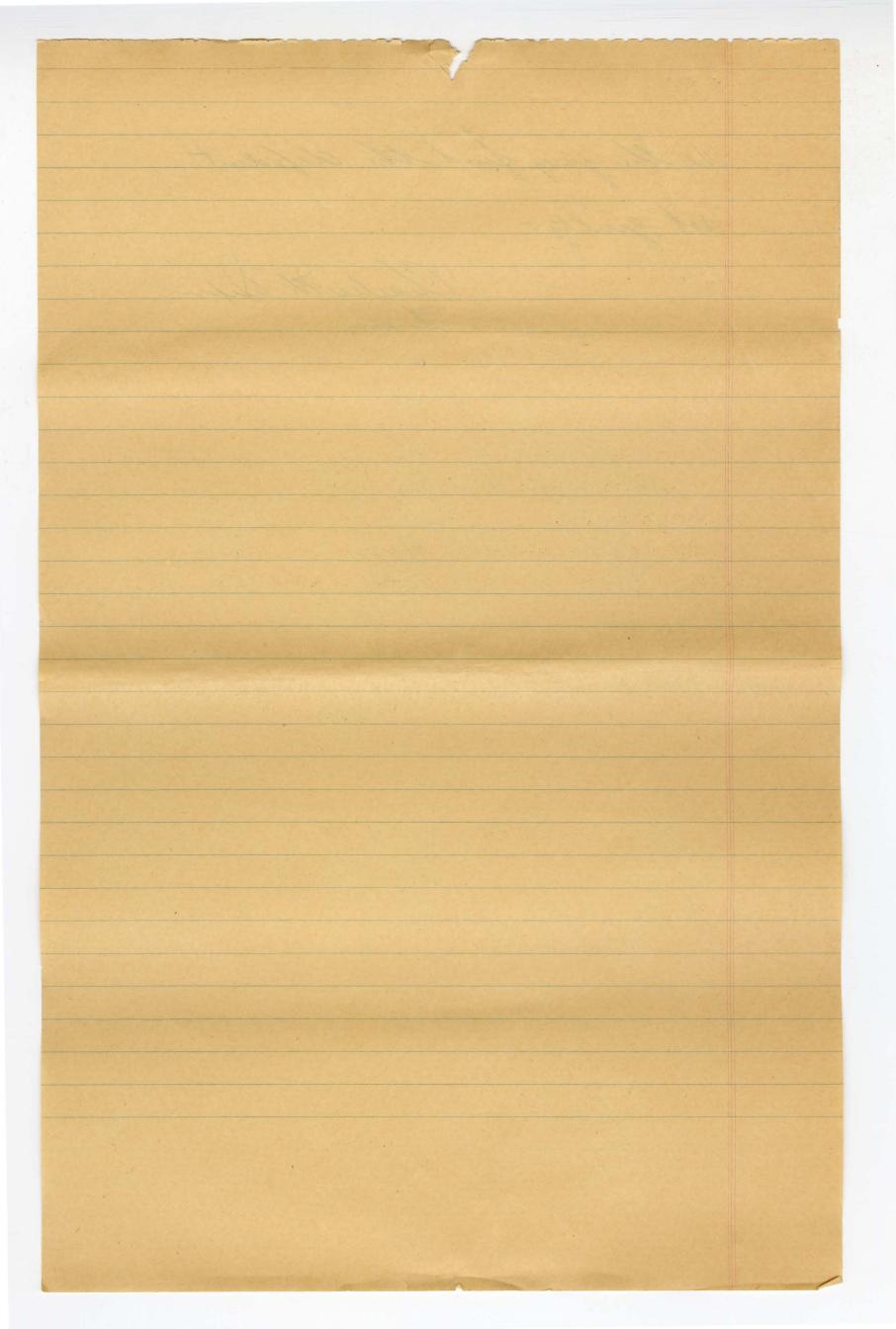
We the juny find the defedent Not guilty -Charles M. Wifine



V.

WILLIAM FRANK MAUPIN

#### INSTRUCTION \_\_\_1

Every malicious killing is murder. If, in addition to the presence of malice on the part of the slayer, such killing be done willfully, with deliberation and premeditation, it is murder in the first degree.

Without such element of deliberation or premeditation, a malicious killing is limited to the grade of murder in the second degree.

3-9-57 H. H. Sx.

V

WILLIAM PRANK MAUPIN

#### INSTRUCTION 1

Every malicious milling is morder. If, in addition to the presence of malice on the part of the slayer, such milling be done willfully, with deliberation and premeditation, it is smrder in the first degree.

Without such element of deliberation or premeditation, a malicious killing is limited to the grade of nurder in the second degree.

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V.

WILLIAM FRANK MAUPIN

#### INSTRUCTION 2

The Court instructs the jury that the word "malice" or "malicious", as applied to the law of homicide and used in the definition of murder, is used in a technical sense. It may be either express or implied. It includes not only anger and hatred but every unlawful and unjustifiable motive. Malice denotes an action flowing from any wicked and corrupt motive, done with an evil mind and purpose, attended with such circumstances as carry in them the plain indication of a heart regardless of social duty and deliberately bent on harm. Malice means a wrong act done intentionally, without just cause or excuse. It may be inferred or implied from any deliberate and cruel act done without reasonable provocation or excuse.

The Court further instructs the jury that it is not necessary that malice shall have existed for any particular length of time, and it may first come into existence at the time of the killing or at any previous time.

3-9-57 H. H.

COMMENTAL

Y

WILLIAM BRANK MALLED

#### INSTRUCTION 2

The Court instructs the jury that the word "malice" or "malicious", as applied to the law of homicide and used in the definition of murder, is used in a technical sense. It may be either express or implied. It includes not only anger and hatred but every unlawful and unjustifiable motive. Malice denotes an action flowing from any wicked and corrupt wotive, done with an evil mind and purpose, attended with such circumstances as carry in them the plain indication of a heart regardless of social duty and deliberately bent on harm. Malice means a wrong act done intentionally, without just cause or excuse. It may be inferred provocation or excuse.

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V.

WILLIAM FRANK MAUPIN

## INSTRUCTION 3

The Court instructs the jury that on a charge of murder, malice is presumed from the fact of killing. When the killing is proved, and is unaccompanied with circumstances of extenuation, the burden of disproving malice is thrown upon the accused.

3-9-57 H.H.

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WILLIAM PRANC MAURIN

## INSTRUCTION 3

The Court instructs the jury that on a charge of murder, malice is presumed from the fact of killing. When the killing is proved, and is unaccompanied with circumstances of extenuation, the burden of disproving malice is thrown upon the accused.

3.8-52

V.

WILLIAM FRANK MAUPIN

INSTRUCTION 4

The Court instructs the jury that in a case of homicide, deliberation or premeditation by the accused may be proved, like any other fact, by either direct or circumstantial evidence or by a combination of both; and if facts, surrounding circumstances and conditions are proven which warrant and justify an inference therefrom beyond a reasonable doubt of the existence of such deliberation or premeditation, then the same may be so inferred.

3-9-59 H. H.

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WILLIAM FRANK HAUPIN

### INSTRUCTION 4

The Court instructs the jury that in a case of homicide, deliberation or promeditation by the accused may be proved, like any other fact, by either direct or circumstantial evidence or by a combination of both; and if facts, surrounding circumstances and conditions are proven which warrant and justify an inference therefrom beyond a reasonable adoubt of the existence of such deliberation or promeditation, then the same may be so inferred.

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V.

WILLIAM FRANK MAUPIN

## INSTRUCTION 5

The Court instructs the jury that to constitute a willful, deliberate, and premeditated killing, it is not necessary that the intention to kill should exist for any particular length of time prior to the actual killing; it is only necessary that such intention should have come into existence for the first time at the time of such killing, or at any time previously.

3-8-57 H. H.

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WILLIAM FRANK MAUPIN

### INSTRUCTION V

The Court instructs the jury that to constitute a willful, deliberate, and premeditated kilking, it is not necessary that the intention to kill should exist for any particular length of time prior to the actual killing; it is only necessary that such intention should have come into existence for the first time at the time of such killing, or at any time previously.

2-9-E

V.

WILLIAM FRANK MAUPIN

#### INSTRUCTION 6

The Court instructs the jury that a man is presumed to intend that which he does, or which is the immediate or probable consequence of his act, and if the jury believes from the evidence beyond reasonable doubt that the prisoner suffocated and asphyxiated his wife, there raises a presumption that the prisoner is guilty of willful, deliberate and premeditated killing, and the burden rests upon him of showing extenuating circumstances, and without such a showing of extenuating circumstances, he is guilty of murder in the first degree.

3-9-57 H. H.

COMMEALTH

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WILLIAM PRANK NAUPIN

#### INSTRUCTION 8

The Court instructs the jury that a man is presumed to intend that which he does, or which is the immediate or probable consequence of his act, and if the jury believes from the evidence beyond reasonable doubt that the prisoner suffocated and asphyxiated his wife, there raises a presumption that the prisoner is guilty of willful, deliberate and premeditated milling, and the burden rests upon him of showing extenuating circumstances, and without such a showing of extendating circumstances, he is guilty of murder in the first degree.

3-8-8

V.

WILLIAM FRANK MAUPIN

## INSTRUCTION 7

The Court instructs the jury that every homicide in Virginia is presumed, in the absence of other evidence, to be murder in the second degree, and in order to elevate the offense to murder in the first degree the burden is upon the Commonwealth; and in order to reduce the offense to manslaughter or to show justification or excuse for the killing, the burden is upon the accused to introduce evidence to show extenuating circumstances, or justification, unless it appears from the evidence of the Commonwealth.

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WILLIAM FRANK MAHPIN

## INSTRUCT ION 7

The Court instructs the jury that every howicide in Virginia is presumed, in the absence of other evidence, to be murder the second degree, and in order to elevate the offense to murder in the first degree the burden is upon the Commonwealth; and in order to reduce the offense to manslaughter or to show justification or excuse for the hilling, the burden is upon the accused to introduce evidence to show extenuating circumstances, or justification, unless it appears from the evidence of the Commonwealth.

3-8-8-8

V.

MAUPIN

## INSTRUCTION

The Court instructs the jury that should they believe from the evidence beyond a reasonable doubt that Mary Jo Maupin, died as a result of criminal violence of another, their next inquiry is to determine if Willam Frank Maupin committed the offense.

The Court therefore instructs the jury that unless they believe from the evidence beyond all reasonable doubt that William Frank Maupin, was present in the apartment on the night of November 30, 1956, and that he did and there smother the said Mary Jo Maupin to death as charged, they must find the defendant not guilty.

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INSTRUCTION

MAUPIN

The Court instructs the jury that in law the accused is presumed to be innocent of the crime with which he is charged, and that presumption follows him throughout every stage of the trial; moreover the plea of "not guilty" denies every essential allegation of the charged and puts upon the Commonwealth the burden of proving every element of the guilt of the crime charged and the accused to beyond a reasonable doubt. There is no shifting of this burden, as it remains upon the Commonwealth throughout the whole trial. The accused is not required to prove his innocence, and if, after considering the evidence for the Commonwealth and the defense you entertain a reasonable doubt of the guilt of the accused, the constant is your duty and you must acquit him.

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MAUPIN

INSTRUCTION /C

The court instructs the jury that the accused, William Frank Maupin, is presumed to be innocent of the death of Mary Jo Maupin, and that the burden is on the Commonwealth to prove his guilt by clear, distinct and reliable evidence beyond all reasonable doubt, and until this is done, the presumption of Maupin's innocence is sufficient for his protection, and the law requires the jury in such cases, to find him not guilty.

The jury can not presume that Maupin is guilty because the Commonwealth has not pointed out any other criminal agency or person who may have caused Mrs.

Maupin's death; nor is the accused, William Franklin

Maupin, called upon to prove his own innocence by naming or identifying a guilty party; neither is the failure of evidence to point out any other person as a guilty party or agency a circumstance that the jury can consider in determining whether or not William Franklin

Maupin is guilty or not guilty of the crime charged.

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WILLIAM FRANK MAUPIN

INSTRUCTION	11
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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.

3-9-57 H.H. Z.

COMMENTAL

WILLIAM PRANK HAUPIN

#### INSTRUCTION //

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WILLIAM FRANK MAUPIN

INSTRUCTION	12

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.

3-9-57 H.H.

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WILLIAM FRANK MAUPIN

## INSTRUCTION / Y

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 deubt.

3-9-6

V.

WILLIAM FRANK MAUPIN

#### INSTRUCTION 13

The jury are further instructed that circumstantial evidence must always be scanned with great caution, and can never justify a verdict of guilty, unless the circumstances proved are of such a character and tendency as to produce in a fair and unprejudiced mind a moral conviction of the guilt of the accused beyond all reasonable doubt.

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V

WILLIAM WRANK MAUPIN

#### INSTRUCTION 13

The jury are further instructed that circumstantial evidence must always be scanned with great caution, and can never justify a verdict of guilty, unless the circumstances proved are of such a character and tendency as to produce in a fair and unprejudiced mind a moral conviction of the guilt of the accused beyond all reasonable doubt.

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MAUPIN

INSTRUCTION 14

The court instructs the jury that it is not sufficient that the evidence in this case creates a suspicion or probability of guilt on the part of the prisoner; nor can the guilt of the accused be inferred because the facts proven are consistent with his guilt. To justify a verdict of guilty in this case the evidence must not only be inconsistent with the prisoner's innocence, but it must be of such a character as to exclude every reasonable hypothesis save that of guilt.

3-9-57 H.H.

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# INSTRUCTION 15

MAUPIN

The court instructs the jury that if , after considering the evidence introduced by the prosecution, and all evidence introduced by the defense, they entertain any reasonable doubt as to whether the defendant has been identified as the person who committed the offense charged in the indictment, then the jury are instructed that they should find the defendant not guilty.

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the court instructs the jury that if, after considering the evidence introduced by the prose-cution, and all evidence introduced by the defense, they cution, and all evidence introduced by the defense, they cutertain any reasonable doubt as to abether the descent and the beautified as the person who cormitated the officers charged in the indictment, then the jury are integrated that they should find the descent dot galliy.

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WILLIAM FRANK MAUPIN

INSTRUCTION	16
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The Court further instructs the jury that evidence tending to show that the accused was not at the scene of the crime need not be sufficient to establish his absence or alibi as a completely proven fact, but if its effect has been such as to create in your minds any reasonable doubt of his presence at the scene when the crime was committed, it is your duty to acquit.

3-9-51 H. K

COMMENTAL

WILLIAM FRANK MAUPIN

INSTRUCTION 18

The Court further instructs the jury that evicence tending to show that the accused was not at the scene of the crime need not be sufficient to establish his absence or alibi as a completely proven fact, but if its effect has been such as to create in your minds any reasonable doubt of his presence at the scene when the crime was committed, it is your duty to acquit.

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3-9-E

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WILLIAM FRANK MAUPIN

## INSTRUCTION /7

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.

3-9-57 H.H.

COMMENTAL

WILLIAM FRANK MAUPIN

INSTRUCTION //

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, the relative weight of any testimony, and to give credit accordingly.

3-9-5 H.H.

V.

MAUPIN

INSTRUCTION 18

The court instructs the jury, that in the case at bar the defendant, William Franklin Maupin, is a competent witness in his own behalf, and you should weigh and consider his evidence in accordance with the same primiples that should actuate you in weighing the evidence of the other witnesses in the case, and the jury are instructed that you cannot arbitrarily disregard or reject his testimony because he is charged with an offense.

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INSTRUCTION

rise court incorporate tre jury, with in the case of the bor the defendent, William Franklin Haupin, is a competent bor the defendent, William Franklin Haupin, is a competent witness of his own behalf, and you should weigh end consider his evidence in accordance with the case primiples that checked actuate yet in weighing the evidence of the other witnesses in the ease, and the jury are instructed that you cannot arbitrarily disregard or reject his testi-

#### WILLIAM FRANK MAUPIN

#### CHARGE TO JURY

If you find the accused, William Frank Maupin, guilty of murder, as charged in the indictment, and that the murder was committed with malice aforethought, and that it was willful, deliberate and premeditated, you will find him guilty of murder in the first degree and fix his punishment at death, or by confinement in the penitentiary for life, or for any term not less than twenty years.

If you find him guilty of murder, as charged in the indictment, and that the same was committed with malice aforethought, but that it was not willful, deliberate and premeditated, then you will find him guilty of murder in the second degree, and fix his punishment at confinement in the penitentiary for not less than five nor more than twenty years.

If you find him not guilty of murder in the first degree, nor of murder in the second degree, but that he killed Mary Jo Maupin without malice aforethought, actual or implied, upon sudden heat, on reasonable provocation, or in mutual combat, you will find him guilty of voluntary manslaughter and fix his punishment at confinement in the penitentiary for not less than one nor more than five years.

If you find him not guilty of murder in the first degree, nor of murder in the second degree, nor of voluntary manslaughter, but find him guilty of involuntary manslaughter, you will say so and fix his punishment at confinement in the penitentiary for not less than one nor more than five years, or, in your discretion, by a fine of not exceeding One Thousand Dollars, or by confinement in jail not exceeding one year, or by both such fine and imprisonment.

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

#### WILLIAM FRANK NAUPIN

#### CHARGE TO JURY

If you find the accused, William Frank Maupin, guilty of murder, as charged in the indictment, and that the murder was committed with malice aferethought, and that it was willful, deliberate and preseditated, you will find him guilty of murder in the first degree and fix his punishment at death, or by confinement in the penitentiary for life, or for any term not less than twenty years.

If you find him guilty of murder, as charged in the indictment, and that the same was committed with malice aforethought, but that it was not willful, deliberate and premeditated, then you will find him guilty of murder in the second degree, and fix his punishment at confinement in the penitentiary for not less than five nor more than twenty years,

If you find him not guilty of murder in the first degree, nor of murder in the second degree, but that he killed Mary Jo Maupin without ealice aforethought, actual or implied, upon sudden host, od responsble provocation, or in mutual combut, you will find him guilty of voluntary enastaughter and fix his punishment at confinement in the penitentiary for not less than one nor more than five years.

If you find him not guilty of murder in the first degree, nor of surder in the second degree, nor of voluntary manufactor, but find his quilty of involuntary manufactor, you will say so and fix his punishment at confinement in the penitentiary for not less than one nor more than five years, or, in your discretion, by a fine of not exceeding one thousand Dollars, or by confinement in jail not exceeding one year, or by both such fine and imprisonment.

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

#### COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

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

The Grand Jurors of the Commonwealth of Virginia, in and for the body of the County of Rockingham, now attending the Circuit Court of the said County, upon their oath present that William Frank Maupin, on or about the 30th day of November, 1956, in the City of Harrisonburg, Virginia, feloniously, willfully, maliciously, deliberately and unlawfully did kill and murder one Mary Jo Maupin, against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Chief Ritchie, Dr. Motyca and Mae Pirkey, witnesses sworn in open Court and sent to the Grand Jury to give evidence.

COUNTY OF ROCKINGHAM, to-wit:

COMMONWEALTH

WILLIAM FRANK MAUPIN

INDICTMENT

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sworn in open Court and sent to the Grand Jury to give

V.

MAUPIN

INSTRUCTION 13-A

The jury are further instructed that circumstantial evidence must always be scanned with great caution, and can never justify a verdict of guilty, especially of an offense, the penalty of which may be death, unless the circumstances proved are of such a character and tendency as to produce in a fair and unprejudiced mind a moral conviction of the guilt of the accused beyond all reasonable doubty and unless the jury believe from the evidence that each and every circumstance essential to the conviction of the accused has been made out and established beyond a reasonable doubt, then the accused should be acquitted.

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3-9-57
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INSTRUCTION /9

MAUPIN

The Court instructs the jury that in the application of circumstantial evidence to the determination of the case, the utmost caution and vigilance should be used.) Such evidence is always insufficient where, assuming all to be true which the evidence tends to prove, some other reasonable hypothesis may still be true, for it is the actual exclusion of every other reasonable hypothesis which invests mere circumstances with the force of truth. Where the evidence leaves it indifferent which of several hypotheses is true, or establishes only some finite probability in favor of one hypothesis, such evidence cannot amount to proof, however great the probability may be.

Therefore, although the jury may believe from the evidence in this case that there is a strong probability that Maupin is guilty of the offense charged in the warrant, still, if upon the whole evidence, there is any other reasonable hypothesis consistent with his innocence, they cannot find him guilty, and this is true, although it may appear from the evidence that the probabilities of his guilt are greater than the probabilities of his innocence.

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MAUPIN

#### INSTRUCTION

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The court instructs the jury that the presumption of innocence is not a mere form to be disregarded by the jury at pleasure, but it is an essential part of the law of the land, and binding on the jury in this case, and it is the duty of the jury to give to William Franklin Maupin in this case the full benefit of the presumption unless and until the Commonwealth has overcome this presumption by prooving the guilt of William Franklin Maupin beyond a reasonable doubt.

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INSTRUCTION 2/

MAUPIN

The court further instructs the jury that the presumption of innocence is not a mere form, to be disregarded by the jury at pleasure, but is an essential and substantial part of the law of the land, and binding on the jury in this case; and it is the duty of the jury to give the defendant in this case the full benefit of the presumption and to acquit the defendant, unless they feel compelled to find him guilty as charged by the laws of the land and the evidence in this case, convincing them of his guilt as charged, beyond all reasonable doubt.

Refused 3-5-57 H. H.

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be disregarded by the jumy or pleasure, out is an essential and end of the disregarded by the jumy or pleasure, out is an essential and substantial part of the law of the land, and binding on the jumy in this case; and it is the ditty-of the jumy to give the deignant in this case is in the ditty-of and the gray in this and to acquit the case the first of the pressurption and to acquit the callenge an analyse of the land that the substantial of the land that and the acquit as a charge an analyse case, beyond all

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INSTRUCTION 2V

MAUPIN

The law presumes the prisoner to be always innocent of the charge alleged against him till he is proved to be guilty, and the burden rests upon the Commonwealth to prove the guilt of the accused beyond all reasonable doubt. Nothing is to be presumed or taken by implication against him. No mere preponderance of evidence will suffice, as in the trial of a civil case, nor is it enough that by conjecture or speculation he may be supposed to be guilty, but the jury must be satisfied by the evidence that he is guilty beyond a reasonable doubt.

Refused 3-9-57

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INSTRUCTION 23

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The court instructs the jury that the law presumes every person charged with a crime to be innocent until the Commonwealth has established his guilt by evidence so strong, so clear, and so conclusive, that there is left in the minds of the jury no reasonable doubt as to his guilt. This presumption is an abiding presumption, and goes with the accused through the entire case and applies at every stage thereof until repelled by proof. And in this connection the jury is instructed that it is never sufficient that the accused, upon speculative theory or conjecture, may be guilty; or that by preponderance of the testimony his guilt is more probably than his innocence; for until his guilt has been proved beyond all reasonable doubt in the precise and narrow terms as charged in the warrant, the presumption of innocence still applies, and they must acquit him.

> Refused 3-5-87 H. H.

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INSTRUCTION

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MAUPIN

# INSTRUCTION W

The court instructs the jury that to warrant a conviction on circumstantial evidence each fact necessary to the conclusion sought to be established must be proven by competent evidence beyond a reasonable doubt, and all the facts necessary to such conclusion must be consistent with each other, and with the main fact sought to be proved; and the circumstances taken together must be of a conclusive nature, leading the whole to a satisfactory conclusion, and producing, in effect, a reasonable and moral certainty that the accused, and no other person committed the offense charged. The mere union of a number of independent circumstances, each of an imperfect and inconclusive character, will not justify a conviction. They must be such as to generate and justify full belief according to the standard rule of certainty. It is not sufficient that they coincide with and render probable the guilt of the accused, but they must exclude every other reasonable hypothesis. No other conclusion but that of the guilt of the accused must fairly and reasonably grow out of the evidence, but the facts must be incompatible with innocence, and incapable of explanation upon any other reasonable hypothesis than that of guilt.

Refused 3-7-57 H. H.

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MAUPIN

## INSTRUCTION

The court instructs the jury that in the application of circumstantial evidence to the determination of the case, the utmost caution and vigilance should be used. Such evidence is always insufficient where, assuming all to be true which the evidence tends to prove, some other reasonable hypothesis may still be true, for it is the actual exclusion of every other reasonable hypothesis which invests mrere circumstances with the force of truth. Where the evidence leaves it indifferent which of several hypotheses is true, or establishes only some finite probability in favor of one hypothesis, such evidence cannot amount to proof, however great the probability may be.

And the court further instructs the jury that all the evidence in this case which tends to establish that the accused is guilty of the crime with which he is charged, is circumstantial and not positive evidence.

Therefore, although the jury may believe, from the evidence in this case, that there is a strong probability that the accused is guilty of the offense charged in the warrant, still, if upon the whole evidence, there is any other reasonable hypothesis consistent with his innocence, they cannot find the accused guilty, and this is true, although it may appear from the evidence that the probabilities of his guilt are greater than the probabilities of his innocence.

Refused 3-5-57

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evidence, there is any other reasonable hypothesis consistent with his innecessary, and the conjust of the copyright of the copyright of the true of the copyright of the copyri

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#### INSTRUCTION

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V.

MAUPIN

The court instructs the jury that in this case the Commonwealth relies wholly upon circumstantial evidence to establish the guilt of the accused, and therefore in determining his guilt or innocence, the jury must be governed by the following rules of law, which are binding upon you in the case:

- 1. It is essential that all the circumstances from which the conclusion of the defendant's guilt is to be drawn by the jury shall be established by full proof, and the Commonwealth is bound to prove every single circumstance which is essential to the conclusion of guilt, in the same manner and to the same extent as if the whole issue had rested upon the proof of each individual and essential circumstance.
- 2. All the facts and circumstances, when established by full proof, must be consistent with the hypothesis of the guilt of the accused.
- 3. It is also essential that the circumstances should be of a conclusive nature and tendency. Evidence is always indefinite and inconclusive when it raises no more than a mere or limited probability in favor of the guilt of the accused, as compared with some definite probability of his innocence, whether the precise proof can or cannot be ascertained. Such evidence is always insufficient where, assuming all to be proved which the evidence tends to prove, some other hypothesis may still be true; for it is the actual exclusion of every other hypothesis which invests mere circumstances with the force of proof. Whenever, therefore, the evidence leaves it indifferent which of several hypotheses is true, or merely establishes some finite probability in favor of one hypothesis rather than another, such evidence cannot amount to proof, however great the probability may be.

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the court increased and character evidence to essentian the guilt of colorance to establish the guilt of the colorance, the state accused, and therefore in determining his guilt or innocence, the just must be governed by the following mules of law, saids are blading

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3. It is also escential that the alreadstances should be of a conclasive nature and tendency. Evidence is always indefinite and incorclasive atom in ratios no move then a new or insisted probability in
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4. It is likewise essential that the circumstances relied upon to prove the guilt of the accused shall to a moral certainty exclude every hypothesis but that of his guilt.

Refused 3-9-57 H. K.

b. It is likewise ensured that fair the circumstances and I to a prove the guilt of the accused shall to a third open to the control of the c

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V.

# INSTRUCTION >7

MAUPIN

The court instructs the jury that in arriving at a verdict in this case they are the sole and exclusive judges of the evidence and the credibility of each and every witness testifying before them, and that they have the right to disregard the testimony of any witness who in their opinion may have knowingly testified falsely as to any material fact in the case, or to give to his testimony such weight as in the opinion of the jury the same may be entitled to under all the circumstances of the case; and in ascertaining such weight the jury may take into consideration the character, motive, or any other circumstances surrounding the witness or his testimony, as disclosed by the evidence; and in passing upon the credit of any witness so testifying before them the jury may take into consideration the reasonableness or unreasonableness of his statements, his interest, bias or prejudice in the matter, if any appear, his frankness and fairness, his apparent intelligence, as well as his demeanor upon the witness stand, and from all these and other facts and circumstances appearing at the trial, give the evidence of such witness such credit as the jury may think it entitled to, the jury being the sole judges of the evidence and the weight thereof, as well as the credibility of the witnesses who have testified in the case.

(Cofured 3-9-57 H. A.

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#### INSTRUCTION

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V.

INSTRUCTION 28

MAUPIN

The court instructs the jury that the absence of all evidence of an inducing cause or motive to commit the crime, when the fact is in reasonable doubt as to who committed it, affords a strong presumption of innocence.

Refused 3-9-17 H, H.

sumption of Limboones.

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF Dinwiddie COUNTY, GREETING:

Knicely (U.S. 52391887, Hq. & Hq. Co., 9135 T.U., Fort Lee, Va.),

and Delores K. Rock (c/o Mrs. Catherine Bevinghouse, 220 A, Apt.#2,

High Street, Petersburg, Va.), to appear before the Judge of the

Circuit Court of Rockingham County, Virginia, at the Court House

thereof, at 9:30 o'clock, a. m., on the 8th day of March, 1957,

to testify and the truthto say in behalf of the Defendant, William

Frank Maupin, in the prosecution of the Commonwealth against

William Frank Maupin, who stands charged with and indicted for a

felony. And this you shall not omit. And have then and there

this writ.

Witness, J. Robert Switzer, Clerk of our said Court, at the Court House, this 22nd day of February, 1957, and in the 181st year of the Commonwealth.

Prierobarg, Virginia, by delivering a true capy of the above mentioned papers at-

and Delores K. Rock 1 21 in person

SERGEANT, CITY OF PETERSBURG, VA

Charles A. Hammer, Atty. for Defendant Spotswood Building Harrisonburg, Virginia TO THE SHERIFF OF DIGHELLE COUNTY, CREETING:

You are hereby commanded to summon Put, Tenneth C.
Knicely (U.S. 52391887, Eq. & Eq. Co., 9135 T.U., Fort Lee, Va.),
sad Delares K. nook (e/o Mrs. Cetherine Beringhrose, 223 A. 19t. T.
High Street, Petersburg, Va.), to appear before the Judge of the
Chrouit Court of Rockingham County, Virginia, at the Court House
thereof, at 9:30 oldock, a. m., on the Stin dev of March, 1957,
to testify and the truthito say in behalf of the Peterdant, William
Trank Maupin, in the prescrition of the Commenwealth against
Villiam Trank Maupin, who stands charged with and indicted for a
felony. And that you shall not omit. And have then and there
this writ.

witness, J. Robert Suitser, Cherk of our said Court, at the would this 22nd day of Pobrusty, 1957, and in the 1818% year of the Commonwealth.

SERGEANT, CITY OF PETRESSING, VA

Charles A. Hawner, Atty. for Defendant .Sobterood Bullding .Amtriconsury, Virginia Mundley

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF Rockingham COUNTY, GREETING:

You are hereby commanded to summon:

Robert Elgin Hopkins 425 Sterling St. Harrisonburg, Va.

Julius Robinson c/o Thompson's Buick Harrisonburg, Va.

Winifred Elaine Cupp c/o George's Soda Shop Harrisonburg, Va.

Paul Franklin Ritter 335 N. Liberty St. Harrisonburg, Va.

Mrs. Paul Franklin Ritter 335 N. Liberty St. Harrisonburg, Va.

Mrs. Mary Crawford c/o Clarendon Hotel Harrisonburg, Va.

Leo Mosby Harrisonburg, Va.

Augustus Julias Julias' Restaurant Harrisonburg, Va. Beulah Olivia Fix 929 Jefferson St. Harrisonburg, Va.

Keith J. Fix 929 Jefferson St. Harrisonburg, Va.

Louise Martin 384 W. Bruce St. Harrisonburg, Va.

V Allen Hensley Elkton, Va.

Gifford W. Joseph Police Department Harrisonburg, Va.

Mrs. Agnes J. Dean Apt. #4 85 S. Main St. Harrisonburg, Va.

to appear before the Judge of the Circuit Court of Rockingham County, Virginia, at the Court House thereof, at 9:30 o'clock, a.m., on the 8th day of March , 19 57, to testify and the truth to say in behalf of the Defendant, William Frank Maupin, in the prosecution of the case of Commonwealth v. William Frank Maupin, who stands charged with and indicted for a felony. And this you shall not omit. And have then and there this writ.

Witness, J. Robert Switzer, Clerk of our said Court, at the Court House, this 22nd day of February, 1957, and in the 181st year of the Commonwealth.

FEB 22 1957
SHERIFF'S OFFICE
ROCKINGHAM
COUNTY

J. Robert Switzen, Clerk. By Margiel Bowers, D. C.

EXECUTED 2-32-57 IN THE COUNTY OF	
ROCKINGHAM BY DELIVERING A TRUE	H-AD - A
COPY OF THE WITHIN Summer	Not finding Keith J. Fix at his usual
TO pelin Bohimson	place of abode, Executed Fel. 22, 1957 by delivering a
IN PERSON.	true copy of this Summer to Berlal O. Fix
Theodere L. Martin Deffer	Listlife in person, at said Harrishy 26
A L STRAWDERMAN	m person, at said Paragraphy 20
SHERIFF	usual place of abookerlah O. Fix, being a member of
ROCKINGHAM COUNTY	his family above the age of 16 years, and explaining the purport thereof
EXECUTED -23-57 IN THE COUNTY OF	40 her. G. L. Strawelerum S. R. C.
ROCKINGHAM BY DELIVERING A TRUE	Deputy Sheriff Plender L. Bates
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SHERIFF . + 38 991178	0 9 m
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COPY OF THE WITHIN Summer	to her.
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IN PERSON.	Depucy Shering Reader of Barts
Theodor L. martin delle	P 2 man part would wrote and
A. L. STRAWDERMAN	Not finding to Bally at his usual
SHERIFF	place of abode, Executed Fel. 22 1987 by delivering a
A DESCRIPTION OF THE PROPERTY	
ROCKINGHAM COUNTY	
ROCKINGHAM COUNTY  EXECUTED 12-57 IN THE COUNTY OF	true copy of this Summer to Louise Bouly
	Les Lester in person, at said Harris Lag 24
ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN ALL MANNES	true copy of this Summer to Lower Books Les Lester in person, at said Karreyan bay 24 usual place of abode and Books heing a mambar of
CXECUTED 12-17 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN ALL MANNEY TO MAN YEAR WELL	usual place of abode and his family above the age of 16 years, and explaining the purport thereof
ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHINGLEMENT TO MAN Agree Ween IN PERSON.	usual place of abode and his family above the age of 16 years, and explaining the purport thereof
CXECUTED 12-17 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN ALL MANNEY TO MAN JAMES WELL	usual place of abode age of 16 years, and explaining the purport thereof to her.  Les Lestes in person, at said Karras lag 22  usual place of abode age of 16 years, and explaining the purport thereof to her.  S.R.C.
ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHINGLEMENT TO MAN Agree Ween IN PERSON.	usual place of abode and his family above the age of 16 years, and explaining the purport thereof
ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHINGLEMENT TO MAN Agree Ween IN PERSON.	usual place of abode was Boshy, being a member of his family above the age of 16 years, and explaining the purport thereof to her.  Deputy Sheriff Heeslee L. Bats
ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHINGTONIAN TO MAN Agent County IN PERSON.  A. L. STRAWDENNIAN  SHERIFF ROCKINGHAM COUNTY	usual place of about and Book being a member of his family above the age of 16 years, and explaining the purport thereof to her.  Deputy Sherifillee Sere L. Bath  Not finding Ashert Elgen Kashen at his panel
ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHINGTONIAN TO MAN Agent County IN PERSON.  A. L. STRAWDENMAN  SHERIFF ROCKINGHAM COUNTY  EXECUTED 2/22/57 IN THE COUNTY OF	usual place of about and Book being a member of his family above the age of 16 years, and explaining the purport thereof to her.  Deputy Sherifillee Sere L. Bath  Not finding Ashert Elgen Kashen at his usual place of abode, Executed Fibr. 22 1957 health.
ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHINGTONIAN TO MAN Agent Ween IN PERSON.  A. L. STRAWDENMAN  SHERIFF ROCKINGHAM COUNTY  EXECUTED 2/22/57IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE	usual place of abode and Back height being a member of his family above the age of 16 years, and explaining the purport thereof to her.  Deputy Sheriff Lee See L. Back  Not finding Ashert Elgen Laften at his usual place of abode, Executed Feb. 22 1957 by delivering a
ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHINGTONIAN TO MAN Agent Ween IN PERSON.  A. L. STRAWDENMAN  SHERIFF ROCKINGHAM COUNTY  EXECUTED 2/22/57IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE	usual place of abode and Back height being a member of his family above the age of 16 years, and explaining the purport thereof to her.  Deputy Sheriff Lee See L. Back  Not finding Ashert Elgen Laften at his usual place of abode, Executed Feb. 22 1957 by delivering a
ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHINGTONIA TO MA James about IN PERSON.  A. L. STRAWDENMAN  SHERIFF ROCKINGHAM COUNTY  EXECUTED 2/22/57 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Jumps of TO Comment of the County of the Copy of the Within Jumps of the Copy of the	usual place of abode and Books, at said Ranca lag 200 usual place of abode and Books, being a member of his family above the age of 16 years, and explaining the purport thereof to her.  Deputy Sheriffille line L. Bato  Not finding Ashert Elgan Kashen at his usual place of abode, Executed the 22 1957 by delivering a true copy of this Learner to Booket & Hophins at his usual place of abode, and the second to Booket & Hophins are copy of this Learner to Booket & Hophins and the second to Booket & Hophins are copy of this Learner to Booket & Hophins are copy of this Learner to Booket & Hophins at his usual place of abode, and the second to Booket & Hophins are copy of this Learner to Booket
ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN ALL BORGE  IN PERSON.  A. L. STRAWDENMAN  SHERIFF  ROCKINGHAM COUNTY  EXECUTED 2/22/57 IN THE COUNTY OF  ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN ALL BORGE  TO Caugustus Julius  IN PERSON.	usual place of abode was being a member of his family above the age of 16 years, and explaining the purport thereof to her.  Deputy Sheriff Resche L. Bats  Not finding Ashert Elgen Kashen at his usual place of abode, Executed Febr. 22 1957 by delivering a true copy of this Learner to Bashet Elgen in person, at said Marrison by the usual place of abode Bashet Elgen at Said Marrison by the usual place of abode Bashet Elg
ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN Summer  TO MAN Agent Dean  IN PERSON.  A. L. STRAWDERMAN  SHERIFF  ROCKINGHAM COUNTY  EXECUTED 2/2/57 IN THE COUNTY OF  ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN Summer  TO Caugustus Julius  IN PERSON.	usual place of abode with the state of the purport thereof to her.  Not finding Ashert Egyan Kashen at his usual place of abode, Executed the 22 years by delivering a true copy of this decrease to Boshet Egyan by delivering a true copy of this decrease to Boshet Egyan by delivering a true copy of this decrease to Boshet Egyan by delivering a true copy of this decrease to Boshet Egyan by delivering a true copy of this decrease to Boshet Egyan by delivering a true copy of this decrease to Boshet Egyan by delivering a true copy of this decrease to Boshet Egyan by delivering a true copy of this decrease to Boshet Egyan by delivering a true copy of this decrease to be a said decrease by the said decrease by the said decrease the purport thereof to her.
ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN LEMAN  TO MAN James Wear  IN PERSON.  A. L. STRAWDENMAN  SHERIFF  ROCKINGHAM COUNTY  EXECUTED 2/22/57 IN THE COUNTY OF  ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN LEMAN  TO Cheguitus Julius  IN PERSON.  Aleorge R. Orice  Deputy Sheiff for	usual place of abode was hold the purport thereof to her.  Deputy Sheriff Leader L. Bath  Not finding Abert Elgin Lafter at his usual place of abode, Executed Feb. 22, 1927 by delivering a true copy of this face to the said Research of the purport thereof to her.  The said Research of the purport thereof to her.  S.R.C.  Deputy Sheriff Leader L. Bath  Not finding Abert Elgin Lafter at his usual place of abode, Executed Feb. 22, 1927 by delivering a true copy of this face to the said Research of the said Research of the family above the age of 16 years, and explaining the purport thereof of her.  S.P.C.
ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN ALL BOOK IN PERSON.  A. L. STRAWDERMAN  SHERIFF ROCKINGHAM COUNTY  EXECUTED 2/22/57IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN ALL BOOK IN PERSON.  PERSON.  PERSON.  PERSON.	usual place of abode the age of 16 years, and explaining the purport thereof to her.  Deputy Sheriff Resolve L. Bake  Not finding Aslest Elgen Kaplein at his usual place of abode, Executed the 22 1957 by delivering a true copy of this Levent to Market Elgen by delivering a true copy of this Levent to Market Elgen by delivering a true copy of abode to her.  In person, at said I were being a member of his family above the age of 16 years, and explaining the purport thereof to her.  A Manualeum S.R.C.
ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN LEMAN  TO MAN James Wear  IN PERSON.  A. L. STRAWDENMAN  SHERIFF  ROCKINGHAM COUNTY  EXECUTED 2/22/57 IN THE COUNTY OF  ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN LEMAN  TO Cheguitus Julius  IN PERSON.  Aleorge R. Orice  Deputy Sheiff for	usual place of abode the age of 16 years, and explaining the purport thereof to her.  Deputy Sheriff Leader L. Bate  Not finding Abert Elgin Lafter at his usual place of abode, Executed Feb. 22, 1927 by delivering a true copy of this Leave to Bobet Elgin by delivering a true copy of this Leave to Bobet Elgin at his usual place of abode and place of abode to be age of 16 years, and explaining the purport thereof oner.  La Landau Leave to Bobet Elgin at his usual place of abode Bobet Elgin by delivering a true copy of this Leave to Bobet Elgin at his usual place of abode Bobet Elgin by being a member of his family above the age of 16 years, and explaining the purport thereof o her.  La Landau Leave S. P. C.
ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHINGTONIAN TO MAN A GRAND COUNTY IN PERSON.  A. L. STRAWDENMAN  SHERIFF ROCKINGHAM COUNTY  EXECUTED 2/22/57 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN ACCOUNTY IN PERSON.  Leonge R. Orice  A. L. STRAWDERMAN, Shop	usual place of abode and his family above the age of 16 years, and explaining the purport thereof to her.  Deputy Sheriff Lee Lee Lee Lee at his usual place of abode, Executed Lee Lee Lee at his usual place of abode, Executed Lee Lee Lee at his usual place of abode, Executed Lee Lee Lee at his usual place of abode, Executed Lee Lee Lee at his usual place of abode. In person, at said Lee Lee Lee and his family above the age of 16 years, and explaining the purport thereof on her.  Deputy Sheriff Reader Lee S. R. C.  Deputy Sheriff Reader Lee Lee and S. R. C.  Deputy Sheriff Reader Lee and S. R. C.  De
ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN AND TO MAKE A L. STRAWDENMAN  SHERIFF  ROCKINGHAM COUNTY  EXECUTED 2/22/57 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN AND TO COUNTY OF THE WITHIN AND THE THE WIT	usual place of about a serial standard some some some some some some some some
EXECUTED 20 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  TO MA James Dear IN PERSON.  A. L. STRAWDENMAN  SHERIFF  ROCKINGHAM COUNTY  EXECUTED 2/2/57IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  TO Caugustus Julius  IN PERSON.  A. L. STRAWDERMAN, Sharp  EXECUTED 2/25/57IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  TO Caugustus Julius  IN PERSON.  EXECUTED 2/25/57IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN LEARNING  TO Leffond W. Jaseph	usual place of abode services and explaining the purport thereof to her.  Deputy Sheriff Leader by delivering a true copy of this family above the age of 16 years, and explaining the purport thereof to her.  Not finding Ashert Elgen Laplan at his usual place of abode, Executed the 22 by delivering a true copy of this decimal to the standard of the purport thereof on her.  Laplace of abode Ashert Paplan being a member of his family above the age of 16 years, and explaining the purport thereof on her.  Deputy Sheriff Reader S.R.C.  TO ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN Maker  TO Reader S.R.C.
COPY OF THE WITHIN ALL DE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  A. L. STRAWDENMAN  SHERIFF  ROCKINGHAM COUNTY  EXECUTED 2/2/57 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN ALL DE COUNTY OF PERSON.  A. L. STRAWDERMAN, Share  A. L. STRAWDERMAN, Share  EXECUTED 2/25/57 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN ALL DE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN ALL DE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN ALL DE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN ALL DE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN ALL DE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN ALL DE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE	usual place of about a serial standard some some some some some some some some
EXECUTED 20 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  TO MA James Dear IN PERSON.  A. L. STRAWDENMAN  SHERIFF  ROCKINGHAM COUNTY  EXECUTED 2/2/57IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  TO Caugustus Julius  IN PERSON.  A. L. STRAWDERMAN, Sharp  EXECUTED 2/25/57IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  TO Caugustus Julius  IN PERSON.  EXECUTED 2/25/57IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN LEARNING  TO Leffond W. Jaseph	usual place of abode services and explaining the purport thereof to her.  Deputy Sheriff Leader by delivering a true copy of this family above the age of 16 years, and explaining the purport thereof to her.  Not finding Ashert Elgen Laplan at his usual place of abode, Executed the 22 by delivering a true copy of this decimal to the standard of the purport thereof on her.  Laplace of abode Ashert Paplan being a member of his family above the age of 16 years, and explaining the purport thereof on her.  Deputy Sheriff Reader S.R.C.  TO ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN Maker  TO Reader S.R.C.
ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN LANGE IN PERSON.  A. L. STRAWDENMAN  SHERIFF ROCKINGHAM COUNTY  EXECUTED 2/2/52 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN LANGE IN PERSON.  LEGILLE LANGE A. L. STRAWDERMAN, Shape EXECUTED 2/25/57 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN LANGE EXECUTED 2/25/57 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN LANGE TO LIGHT WITHIN LANGE IN PERSON.  LEGILLE WITHIN LANGE IN PERSON.  LEGILLE WITHIN LANGE TO LIGHT WITHIN LANGE IN PERSON.  LEGILLE LANGE LE	usual place of abode age of 16 years, and explaining the purport thereof to her.  Deputy Sheriff Lee Lee L. Back  Not finding Askert Elgen Lyllers at his usual place of abode, Executed L. J. J. by delivering a brue copy of this Lee Lagran Lyllers in person, at said Lagran Lyllers in person at said Lyllers in pers
EXECUTED 20 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  TO MA James Dear IN PERSON.  A. L. STRAWDENMAN  SHERIFF  ROCKINGHAM COUNTY  EXECUTED 2/2/57IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  TO Caugustus Julius  IN PERSON.  A. L. STRAWDERMAN, Sharp  EXECUTED 2/25/57IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  TO Caugustus Julius  IN PERSON.  EXECUTED 2/25/57IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN LEARNING  TO Leffond W. Jaseph	usual place of abode and his family above the age of 16 years, and explaining the purport thereof to her.  Deputy Sheriff Lee Lee L. Back  Not finding Askert Elgen Lylin at his usual place of abode, Executed to 2, 1957 by delivering a brue copy of this Lee Land in person, at said Landship lace of abode age of 16 years, and explaining the purport thereof on her.  Deputy Sheriff Readen & S. R. C.  Deputy Sheriff Readen & S. R. C.  Deputy Sheriff Readen & Back  EXECUTED 2-235 IN THE COUNTY OF  ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN Makes  TO PERSON.

Not finding Paul Franklen Retter at his usual place of abode, Executed 2 - 25 - 5 7 by delivering a true copy of this Summon to Mrs Paul F Retter eft in person, at said Paul Franklen Rotte usual place of abode Mrs Paul F Bottle, being a member of his family above the age of 16 years, and explaining the purport thereof to her. ROCKINGHAM

LAECUTED 22 57 IN THE COUNTY OF Los abode to exclude ROCKINGHAM BY DELIVERING A TRUE
TO MENSON.  IN PERSON.  A. L. STRAWDERMAN  SHERIFF  ROCKINGHAM COUNTY  COPY OF THE WITHIN Summer  TO MAN SHERIFF  ROCKINGHAM COUNTY

In the Name of the Commonwealth of Virginia:	ROCKINGHAM BY DELIVERING A
To the Sheriff of Rockingham County, Greeting:	COPY OF THE WITHIN
You are hereby commanded to summon	( )   sundans un
DR. MOTYCA 2/27/57	
V DR. F. L. BYERS	
BILLY HUMES, Fire Co. No. 1	A. L. STRAWDERMAN
ROCKINGHAM COJANTY	ROCKINGHAM COUNTY
o'clock, a. m., on the8th day ofMarch, 19.57, to testify an Commonwealth before the Grand-Jury, againstWILLIAM FRANK MAUPIN	To P Par
	WALLST MILLS
who stands charged with and indicted for a felony misdemeanor.	
And this you shall not omit under penalty. And have then and there this V	Writ. 1900 MARBADIOOR
Witness, CHARLES E. EARMAN, JR., Commonwealth's Attorney for Ro	ckingham County and the City of
Harrisonburg, Virginia, at the Court House, the 26th of February of the Commonwealth.	onwealth's Attorney

ROCKINGHAM BY DELIVERING A TRUE  COPY OF THE WITHIN Survey  TO Billy Humes  IN PERSON.  Leory R. Prince  Leory R. Prince  Leory R. Prince	EXECUTED 2/21/57 IN THE COUNTY OF  ROCKINGHAM BY DELIVERING A TRUE TO aman and and all  COPY OF THE WITHIN Surveyor  TO Malyen Horizon  To Person  Leonge A. Chicae  Leonge A. Chicae  Reputy Sheriff.
A. L. STRAWDERMAN	A. L. STRAWDERMAN
SHERIFF	SHERIFF
ROCKINGHAM COUNTY	ROCKINGHAM COUNTY
TO DE THE WITHIN SCIENCE TO DE LA CONTRACTOR DE LA CONTRACTOR DE LA CONTRACTOR DE LA CONTRACTOR DE LA LA STRAWDERMAN	to appear before the Judge of the Circuit Court of Rockingham Co'clock, a, m, on the8tin day of March, 19.57, to Commonwealth before the Grand July, against MILLLAM FRAME
SHERIFF	who stands charged with and indicted for a felony misdomananar.
ey for Rockingham County and the City of	Top of the Court House, the 26th of February of Februa
	1.20

### In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Sheriff Melvin Hoover
to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, Forthwith AND Court of Rockingham County, at the Court House thereof, AND Court of the Court of the County, at the Court House thereof, AND Court of the Court of the County, at the Court House thereof, and the Court of
who stands charged with and indicted for a felony misdemeanor.
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 Sth  day of March 19 57, and in the 181 stear of the Commonwealth,  Clerk

ROCKINGHAM BY DELIVERING A TRUE

GOPY OF THE WITHIN Summers

TO Melvin S. Vaour

IN PERSON.

Deonge R. Sheriff.

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

Sheriff Free not Paid.

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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
MAE PIRKEY, Garment Factory, Bridgewater
8-8-8-99/A-1
o'clock, a. m., on the Sth.day of March
Commonwealth before the Grand Jury, against WILLIAM FRANK MAUPIN
who stands charged with and indicted for a felony misdemeaner.
And this you shall not omit under penalty. And have then and there this Writ.
Witness, CHARLES E. EARMAN, JR., Commonwealth's Attorney for Rockingham County and the City of
Harrisonburg, Virginia, at the Court House, the 26th of February , 1957, and in the 1815 tyear of the Commonwealth.  Commonwealth's Attorney

	In the Name of the Commonwealth of Virginia:  To the Sheriff of Rockingham County, Greeting:
	You are hereby commanded to summon
	ANE PRINCEY, Cormont Factory, Bridges
ROCKINGH COPY OF TO LIN PERSO ROCKINGH	
Z LO MOZINEZ NO	to appear before the Judge of the Circuit Court of Rockingham County,
STE N	o'clock, a. m., on the Stinday of March 19.57, to testify Commonwealth before the Grant Jury, against
NG A	who stands charged with and indicted for a felony misdemeanor.
	And this you shall not omit under penalty. And have then and there this Witness, CHARLES E. EARMAN, JR., Commonwealth's Attorney for
19.57, and in the 1818 year commonwealth's Attorney	Harrisonburg, Virginia, at the Court House, the ACLAof
	Sheriff Fear 40

In the Name of the Commonwealth of Virginia:	
To the Sheriff of Rockingham County, Greeting:	
You are hereby commanded to summon	TO (2/2/2)
CHIEF RITCHIE	Mostaga MT
WWW OFFICER JOSEPH	
BOCKINGHAM COURTY	THUU MARAMINOON
to appear before the Judge of the Circuit Court of Rockingham County, at the	Court House thereof, at 9:30
o'clock, a. m., on the 8th day of March , 19 57, to testify and the	he truth to say in behalf of the
Commonwealth before the Grand-Jury, against WILLIAM FRANK MAUPIN	
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 Rocking	gham County and the City of
Harrisonburg, Virginia, at the Court House, the 26th of February, of the Commonwealth.	19.57, and in the 181styear

EXECUTED 2/28/57IN THE COUNTY OF EXECUTED 3/1/57 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Security COPY OF THE WITHIN Seemme IN PERSON IN PERSO A. L. STRAWDERMAN ROCKINGHAM COUNTY ROCKINGHAM COUNTY WILLARM FRANK MAUPIN Commonwealth before the Commenter against who stands charged with and indicted for a felony misdomocanor. you shall not omit under penalty. And have then and there this Writ. Shirly Fee

In the Name of the Commonwealth of Virginia:
To the Sheriff of Rockingham County, Greeting:
You are hereby commanded to summon
MAE PIRKEY, Garment Factory, Bridgewater
to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 9:30
o'clock, a. m., on the 18th day of February , 1957, to testify and the truth to say in behalf of the
Commonwealth before the Grand Jury, against WILLIAM FRANK MAUPIN
who stands charged with anxinding that a felony mission cause
who stands charged with anxinding that a felony mission causes
who stands charged with and xindix extror a felony mission earen.  And this you shall not omit under penalty. And have then and there this Writ.

MAR OF SELECTION O

	In the Name of the Commonwealth of Virginia:  To the Sheriff of Rockingham County, Greeting:
	You are hereby commanded to summon
	MAR PIRKEY, Carment Pactory, Bridgewater
	to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 9:30
	o'clock, a. m., on the 18th day of February, 1957, to testify and the truth to say in behalf of the
	Commonwealth being the Grand Gues against WILLIAM FRANK NAUPIN
1	Commonwealth being the Grand English WILLIAM FRANK MAUPIN
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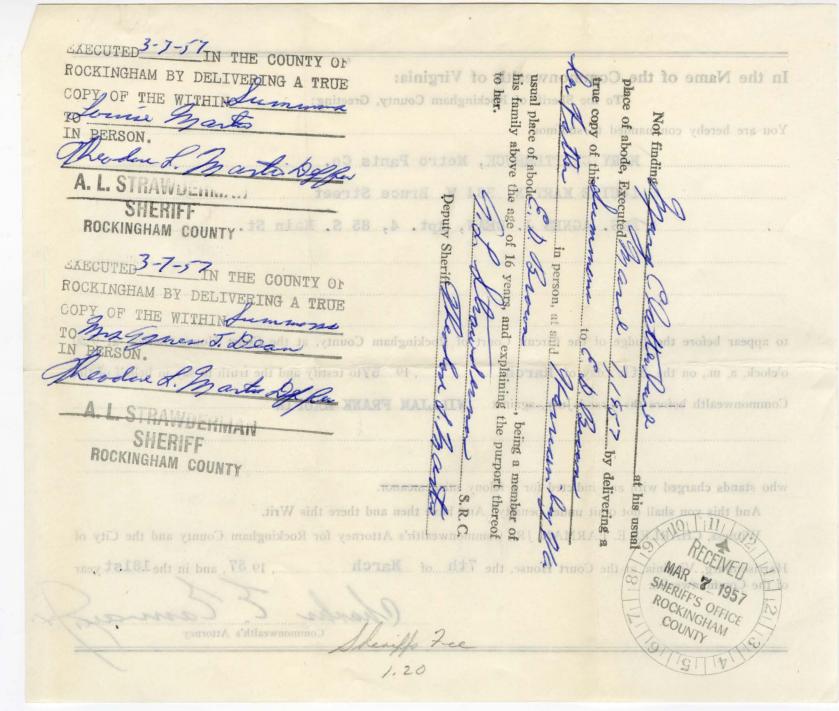
In the Name of the Commonwealth of Virginia:  To the Sheriff of Rockingham County, Greeting:	ROCKINGHAM BY DELIVERING A
You are hereby commanded to summon	TO OF THE WITHIN
CHIEF RITCHIE	IN PERSON.
	Eleany I. Viere
DR. MOTYCA, 1255 Hillcrest Drive	Sold of the second
MANNEGWANTS .3 .P	SHERNER
ROCKING AND COMPANY	
to appear before the Judge of the Circuit Court of Rockingham County, at	the Court House thereof, at 9:30
o'clock, a. m., on the 18th day of February , 19.57, to testify a	and the truth to say in behalf of the
Commonwealth before the Grand Jury, against WILLIAM FRANK MAUPJ	N
commonwealth before the Grand July, against	
who stands charged with xxxxixixxxxixx a felony xxixxxxixx	
And this you shall not omit under penalty. And have then and there this	Writ.
Witness, CHARLES E. EARMAN, JR., Commonwealth's Attorney for R	
Harrisonburg, Virginia, at the Court House, the 8th of February of the Commonwealth.	1957 and in the 181styear
Comm	nonwealth's Attorney

EXECUTED 2/8/57 IN THE COUNT	TY OI EXECUTED 2/8/57IN THE COUNTY OF THE OIL
ROCKINGHAM BY DELIVERING A	- Internal winter Managing IV Managing IV
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A. L. STRAWDERMAN	A I CTDAWDED
SHERIFF	A. L. STRAWDERMAN
ROCKINGHAM COUNTY	SHERIFF ROCKINGHAM COUNTY
the Court II	to appear before the Judge of the Circuit Court of Rockingham County, at
inc court from thereof, at 9:30	o'clock, a. m., on the 18th day of February . 19 57, to testify a
ad the truth to say in behalf of the	Commonwealth before the Grand Jury, against WILLIAM FRANK MAUPT
	TOUAN JEKANY MALLLIAM ISHINGS , VIII)
(101)11	Who stands charged with west took
RECEIVED	who stands charged with and judicred for a felony mistern and.  And this you shall not omit and.
TER 8 1957	And this you shall not omit under penalty. And have then and there this V
FEB 8 1957 SHERIFF'S OFFICE	Witness, CHARLES E. EARMAN, JR., Commonwealth's Attorney for Roc
ROCKINGHAM COUNTY	Harrisonburg, Virginia, at the Court House, the Sih of Pebruary of the Commonwealth,
COUNT	1/1
· Jana	- 11. On Marken
awealth's Attorney	Shriffs Feel
	.80

Witness Subpoena	
Commonwealth of Virginia: County of Rockingham, to-wit: To the Sheriff of said County, Greeting:	AL STATE
You are hereby commanded, in the name of the Commonwealth of Virginia to summon	10 14 15
Chief J. F. Ritchie	LYS
Dr. L. J. Motyca 1255 Hillcrest Dr.	10186
Mae Pirkey % Garment Factory Bridgewater	B E P
to appear before The County Court of said County, sitting at Harrisonburg, Virginia, in said C	ounty, on
5th day of February , 19 57, at the hour of 2:00 P. M.	of that day
to give evidence in behalf of	* 1
in the pending case ofCom¹th	B I W
and the state of t	B-
v. William Frank Maupin	T Post
Given under my hand this 30 day of January , 19 57	
Lais X. Whitney	Deg:
	Clerk Asst. Clerk

JAN 30 1957  SHERIFF'S Office County Court  COUNTY  V. (Witness Subpoena  V. (Witness Subpoena  V. (Witness Subpoena  William Frank Maunin	
William Frank Maupin	ERMA
The copy of this family bove the age of 16 yes to hee.  The copy of this family bove the age of 16 yes to hee.  The copy of this family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.  The family bove the age of 16 yes to hee.	A. L. STRAWD SHERIF ROCKINGHAM

In the Name of the Commonwealth of Virginia:
To the Sheriff of Rockingham County, Greeting:
You are hereby commanded to summon
MARY CLATTERBUCK, Metro Pants Co.
LOUISE MARTIN, 384 W. Bruce Street
MRS. AGNES J. DEAN, Apt. 4, 85 S. Main St.
TOTAL A MANAGEMENT SET TO L'ELLE
to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 9:30
o'clock, a. m., on the 8th day of March, 1957to testify and the truth to say in behalf of the
Commonwealth before the Grand-Jury, against WILLIAM FRANK MAUPIN
The state of the s
who stands charged with and indicted for a felony misdenreamor.
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 7th of March , 19 57, and in the 181st year
of the Commonwealth.
(harks & camay)
Commonwealth's Attorney



Com V Macefin - accounted by toursel model the terest to require that a celt to file and a more exergete bill of by which winter users conspersed - sounded instead V/ Vend herry forwalenkle roludefrace Corridand by ckned



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

COMMONWEALTH

V.

WILLIAM FRANK MAUPIN

#### BILL OF PARTICULARS

Comes now the Attorney for the Commonwealth this 28th day of February, 1957, and for the particulars of the charge against William Frank Maupin, upon an indictment returned against him by the Grand Jury of this Court at its February Term, 1957, for the murder of Mary Jo Maupin, says that the Commonwealth expects to prove that on the 30th day of November, 1956, at her residence in the Taliaferro Apartment Building, South Main Street, Harrisonburg, Virginia, between the hours of 7 o'clock, P. M., and 10 o'clock, P. M., the said William the said Mary Jo Maupin Frank Maupin did asphyxiate and kill,/by suffocation, from which suffocation the said Mary Jo Maupin died on the same date and between the same hours at such place in Harrisonburg, Virginia.

Commonwealth's Attorney for the County of Rockingham and City of Harrisonburg, Virginia.

served upon Charles H. Warmer, counsel of record for delivering a ppy thereof to counsel in record, or by mitting a copy thereof to counsel in record for delivering a copy thereof to counsel on a refore the day of filing.

Filed Feb. 28, 1954. Margie Bowers, D.C.

# CONSIGNATION VIRGINIA IN THE CIRCUIT COURT FOR THE COUNTY OF ROCKINGHAM

COMMONWEALTH

WILLIAM PRANK MAIIPIN

#### BILL OF PARTICULARS

Comes now the Artorney for the Commonwealth this 28th day of February, 1957, and for the particulars of the charge against William Frunk Maupin, upon an indictment returned against him by the Grand Jury of this Court at its February Term, 1957, for the murder of Mary Jo Maupin, says that the Commonwealth expects to prove that on the 30th day of November, 1956, at her residence in the Taliaferro Apartment Building, South Main Street, Marrisonburg, Virginia, between the hours of 7 o'clock, P. M., and 10 o'clock, P. M., the said Milliam Frank Maupin did asphyxiate and kill, by suffocation, from which suffocation the said Mary Jo Maupin died on the same date and between the same hours at such place in Harrisonburg, Virginia.

Commission of Attorney for the County of Rockingham and City of Harrisonburg, Virginia:

Charle E Campy

Lever Brusser, J. C.

STATE OF VIRG	INIA	touth last				
COUNTY OF	Harrisonburg		To-Wit:	No		
City to any set of sharetests has plant already but above princeton back to being has above of as I						
TO ANY SHERIFF OR POLICE OFFICER:						
Whereas,	V Secretaria	J.F. Ritch	1e			
has this day made	complaint and information	on oath before	John G. Leake	of the beautiful and believe any		
The same of the same	hate them bettermen a by	tology and head	City	Name)		
Justice of The Peace of the said County, that						
William Frank Maupin						
or about 30t	h day of November	r	, 1956 : Unlawfully and fe	loniously		
kill and m	urder one Mary Jo M	aupin, again	st the peace and dignity	of the		
Commonwealth	of Virginia					
				17/04		
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3 5 8 13			7-7-8-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-	4 2		
<b>自然意味</b>	ALBERT BERT			200		
4 1		7 4 1	1999 2			
These are, therefore, to command you, in the name of the Commonwealth, to apprehend and bring before the County Rockingham  **PROTOSING** Court of the Exercise County, the body (brackes) of the above accused, to answer the said complaint and						
	with according to law. As					
DR. L. J.	40 Tyc4	_ color	_ Address 1255 Nielo	rest Dr.		
MAE PIR	KEY	_ color	_ Address 10 Harment J	actory		
		_ color	Address 1255 Will a  Address of Harment of  Bridgewate  Address			
			Address			
		_ color	Address			
as witnesses.		11/1				
	ler my hand and seal, this-	2nd day	of December	, 19 56		
			John 7. Leak	(Seal)		
			JUSTICE OF THE PRACE	(Scar)		

STATE OF VIRGINIA—COUNTY OF, to-wit:	
I, a Trial Justice in and for the County aforesaid, State of Justice of the Peace	Virginia, do certify
and, as his suret, have this day each acknowledged	1 1 1 1 1
and, as his suret, have this day each acknowledged to the Commonwealth of Virginia in the sum of	
(\$), to be made and levied of their respective goods and chattels, lands, and tenements to the use of the	Commonwealth to
per rendered, yet upon this condition. That the said	Circuit Court
of day of	, 19,
at, Virginia, and at any time or times to which the proceedings or further heard, and before any court thereafter having or holding any proceedings in connection with the charge in this for the offense with which he is charged, and shall not depart thence without the leave of said court, the said obligation to re-	Warrant to answer
and effect until the charge is finally disposed of or until it is declared void by order of a competent court; and upon fur	ther condition that
the said shall keep the peace and be of good behavior for a period of from the date hereof. Nonappearance shall be deemed to constitute a waiver of trial by jury.	days
Given under my hand, this day of, 19	
end murder one Mary Jo Marpin, against the peace and dignity of the	
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Me Board of the Board of the Bear of the B	<u>,                                     </u>
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TO MES III DOS	The following witnesses were recognized Circuit Court of Trial Justice County.
	ses were Court of
19	recog
	County

3239

TRIAL JUSTICE COURT

Criminal Nº 22477 A Docket

Com'th

V.

William Frank Maupen

a W Appearance Date /2-3-5-6

Trial Date 12-13-56
Continued generally projude

To- 2-5-57 2.P.M.

To: GRAND JURY - 2-557

W. & 3 Conith 2-5-57 W. B. 3 dow'de

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I Remail Alankensluf

Docket No. 3239

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FEL

- 1357

COMMONWEALTH of VIRGINIA

VS. Indictment } Felony (murder)

WILLIAM FRANK MAUPIN Ja

Charles A. Hammer

\_p. d

Own (x) Appointed ()

1957

Feb. 18. Return of Grand Jury. 9/3/6

by accused

Motion/for bill of particulars
granted, to be filed within
10 days; arraignment deferred;
case set for trial March 8.

Man. 8. Pertion of enchine hind a 395 9. Herdich of n.g. 396

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

