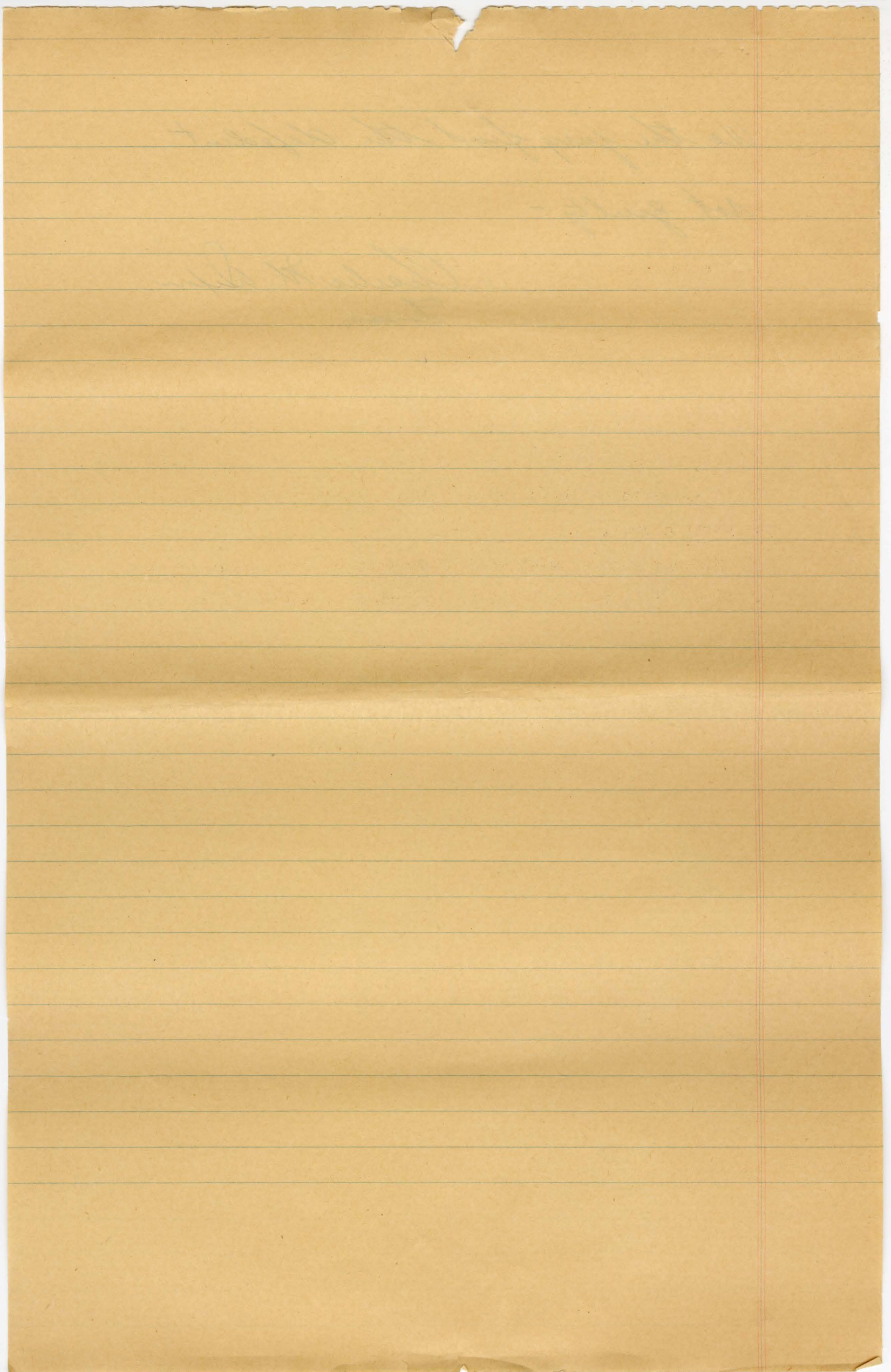


We the jury find the defendant
not guilty -

Charles M. Dixon
Foreman



COMMONWEALTH

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.

Ex.

COMMONWEALTH

v.

WILLIAM FRANK MURKIN

INSTRUCTION

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.

3-9-17
H.W.
K

COMMONWEALTH

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.

J.

COMMONWEALTH

v.

WILLIAM FRANK MAUPIN

INSTRUCTION

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.

3-2-21
H. K. B.

COMMONWEALTH

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.

Ex.

COMMONWEALTH

v.

WILLIAM FRANK MAUPIN

3 INSTRUCTION

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.

3-9-27
H.H.

84

COMMONWEALTH

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.

3-9-57

H. H.

Ex.

v

COMMONWEALTH

v.

WILLIAM FRANK MAUPIN

4 INSTRUCTION

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.

3-2-27
H.A.
C.F.

COMMONWEALTH

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.

3-9-57

H. H.

24.

✓

COMMONWEALTH

v.

WILLIAM FRANK MAUPIN

INSTRUCTION

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.

8-8-27
A. H.
24

COMMONWEALTH

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.

L.

COMMONWEALTH

v.

WILLIAM FRANK MURPHY

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 arises 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.

8-2-27
H. H.
J.

COMMONWEALTH

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.

3-9-57

H. H.

S.

✓

COMMONWEALTH

V.

MAUPIN

I N S T R U C T I O N *8*

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 ^{then} _A and there smother the said Mary Jo Maupin to death as charged, they must find the defendant not guilty.

3-9-57
H. H.

✓

COMMONWEALTH

V.

MURKIN

The Court therefore instructs the jury that unless they believe from the evidence beyond all reasonable doubt that William Frank Murkin, was present in the apartment on the night of November 30, 1956, and that he did not commit the crime with which he is charged, they must find the defendant not guilty.

The Court therefore instructs the jury that unless they believe from the evidence beyond all reasonable doubt that William Frank Murkin, was present in the apartment on the night of November 30, 1956, and that he did not commit the crime with which he is charged, they must find the defendant not guilty.

2-2-57
H. H.

COMMONWEALTH

v.

I N S T R U C T I O N [#] 9

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 ~~charge~~^{charge} and puts upon the Commonwealth the burden of proving every element of the crime charged and the ^{guilt of the} accused ~~guilty~~ 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, ~~you are to acquit~~, then it is your duty and you must acquit him.

3-9-57
H. H.

49

INSTRUCTIONS

COMMONWEALTH

COURT

The Court instructs the jury that in 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 indictment and puts upon the
 Commonwealth the burden of proving every element of the
 crime charged and the accused ~~guilty~~ 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 to be required to prove his innocence, and it
 is the duty of the Commonwealth to prove the guilt of the
 accused beyond a reasonable doubt. If the Commonwealth fails
 to do so, the accused is entitled to a verdict of acquittal.
 If the Commonwealth does so, then it is your duty and you
 must return a verdict of guilty.

Page 4

COMMONWEALTH

v.

MAUPIN

I N S T R U C T I O N

10

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.

3-9-57

H. H.

COMMONWEALTH

10

IN SENATE

The court instructed the jury that the accused,
 William Frank Knight, is presumed to be innocent of
 the death of Mary Jo Knight, and that the burden is
 on the Commonwealth to prove his guilt by clear, dis-
 tinct and reliable evidence beyond all reasonable doubt,
 and until this is done, the presumption of Knight's in-
 nocence 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 Knight is guilty be-
 cause the Commonwealth has not pointed out any other
 criminal agency or party who may have committed
 Knight's death; but in the absence of other evidence,
 Knight, called upon to prove his own innocence by naming
 or identifying a culpable party, is to be treated
 as evidence to point out any other person as a guilty
 party or agency is incompetent and the jury can not
 infer from the evidence whether a culpable party
 Knight is guilty or the guilt of the other party.

2-1-2
H.A.

COMMONWEALTH

V.

WILLIAM FRANK MAUPIN

INSTRUCTION 11

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.

24

COMMONWEALTH

V.

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.

COMMONWEALTH

v.

WILLIAM FRANK MAUPIN

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.

8-2-27
H.A.

COMMONWEALTH

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.

3-9-57
H.H.

COMMONWEALTH

v.

WILLIAM FRANK MURPHY

INSTRUCTION 18

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.

3-2-27
A.H.

COMMONWEALTH

v.

MAUPIN

I N S T R U C T I O N

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.

COMMONWEALTH

INSTRUCTION

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 defendant; 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 of innocence.

3-1-17
11/11

COMMONWEALTH

v.

I N S T R U C T I O N ¹⁵

MAUPIN

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

3-9-57
H. H.

COMMONWEALTH

V.

WILLIAM FRANK MAUPIN

INSTRUCTION 16

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.

3-9-57
H. H.

COMMONWEALTH

V.

WILLIAM FRANK MAUPIN

INSTRUCTION 17

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.

COMMONWEALTH

V.

MAUPIN

I N S T R U C T I O N

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 principles 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.

COMMONWEALTH

INSTRUCTION

MASS.

The court instructs the jury that in the case
of the defendant, William Franklin Hough, in a case-
that witness for his own behalf, and you should weigh and
consider his evidence in accordance with the same principles
that should govern 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 testi-
mony because he is charged with an offense.

COMMONWEALTH

V.

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.

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.

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.

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

3239

Man. 8

La Rown

COMMONWEALTH

v.

WILLIAM FRANK MAUPIN

INDICTMENT

A TRUE BILL

C. A. Stanton
Foreman

Charles F. Earman, Jr.
Commonwealth's Attorney

COMMONWEALTH

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 doubt, ~~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.)~~

Revised as indicated + H.

3-9-57

H. H.

Revised with printed lines eliminated, as #13.

COMMONWEALTH

v.

I N S T R U C T I O N 19

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.

Referred

3-5-57
H. H.

INSTRUCTIONS

1947

The Court instructs the jury that in the application of circumstantial evidence to the determination of guilt, the weight of the evidence and the probability of its truth are the primary considerations. It is the duty of the jury to weigh the evidence and to determine whether it is more probable than not that the defendant is guilty. The fact that the evidence is circumstantial does not make it less reliable than direct evidence. The jury should consider all the evidence and determine whether it is more probable than not that the defendant is guilty. The fact that the evidence is circumstantial does not make it less reliable than direct evidence. The jury should consider all the evidence and determine whether it is more probable than not that the defendant is guilty.

Handwritten:
 1947
 3-2-77
 H.A.

COMMONWEALTH

v.

MAUPIN

I N S T R U C T I O N

20

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 proving the guilt of William Franklin Maupin beyond a reasonable doubt.

Referred 3-9-57
H. H.

R

COMMUNICATION

MAY 1914

26

INSTRUCTION

The court instructed the jury that the presence of a person in a room is not a crime to be regarded as the fact of the case, but it is an essential part of the case, and it is the duty of the jury to give to William Franklin the same weight as they give to the testimony of the witnesses, and until the State has proved beyond a reasonable doubt that the defendant is guilty of the crime charged, the jury must acquit.

A. K.

COMMONWEALTH

V

I N S T R U C T I O N

21

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 3-9-57
H. H.

R

COMMONWEALTH

INSTRUCTION

V

CRIME

The court should instruct the jury that the prosecution of this case is not a mere technical one, but 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 the defendant in this case the full benefit of the presumption and to accept the defendant's version of the facts unless they feel compelled to find him guilty as charged by the law of the land and the evidence in this case, convicting him of his guilt as charged, beyond all reasonable doubt.

Handwritten signature and text, likely a name and date, appearing at the bottom of the page.

COMMONWEALTH

V.

I N S T R U C T I O N 22

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.

Referred 3-9-57
H. H.

R

COMMONWEALTH

v.

I N S T R U C T I O N

23

Maupin

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 3-5-57
H. W.

Rc

COMMONWEALTH

v.

MAUPIN

I N S T R U C T I O N *24*

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.

R

Referred 3-5-57
H. H.

COMMONWEALTH

v.

MAUPIN

I N S T R U C T I O N 25

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.

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.

R.

Referred 3-9-57
H. H.

IN THE SUPREME COURT

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 unless it is so strong as to exclude every other reasonable hypothesis which is consistent with the facts of the case. 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 feeling and believing from the evidence in this case that the accused is guilty, the court is unable to say that the accused is guilty beyond a reasonable doubt. If the evidence is so strong as to exclude every other reasonable hypothesis which is consistent with the facts of the case, and the facts of the case are such that the accused is guilty, and that is the only hypothesis which is consistent with the facts of the case, the evidence is sufficient to establish the guilt of the accused.

Handwritten:
 3-7-11
 H. W.

COMMONWEALTH

I N S T R U C T I O N

26

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.

10

INSTRUCTIONS

COMMONWEALTH

MAINTENANCE

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 to the Commonwealth's case that the facts and circumstances which it alleges to be true, and which are necessary to establish its guilt, be proved by a preponderance of the evidence. It is the duty of the jury to determine whether or not the facts and circumstances are proved by a preponderance of the evidence.

2. All the facts and circumstances, when established by a preponderance of the evidence, 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 tends to establish a mere or limited probability in favor of the guilt of the accused, or when it tends to establish a mere or limited probability in favor of the innocence of the accused. In such cases, the jury should acquit the accused.

4. In all cases, the evidence must be consistent with the hypothesis of the guilt of the accused, and it must be consistent with the hypothesis of the innocence of the accused. If the evidence is consistent with both hypotheses, the jury should acquit the accused.

5. If the evidence is consistent with the hypothesis of the guilt of the accused, but is inconsistent with the hypothesis of the innocence of the accused, the jury should convict the accused.

6. If the evidence is consistent with the hypothesis of the innocence of the accused, but is inconsistent with the hypothesis of the guilt of the accused, the jury should acquit the accused.

7. If the evidence is consistent with both hypotheses, the jury should acquit the accused.

8. If the evidence is inconsistent with both hypotheses, the jury should acquit the accused.

9. If the evidence is consistent with the hypothesis of the guilt of the accused, but is inconsistent with the hypothesis of the innocence of the accused, and the jury is satisfied that the evidence is consistent with the hypothesis of the guilt of the accused, the jury should convict the accused.

10. If the evidence is consistent with the hypothesis of the innocence of the accused, but is inconsistent with the hypothesis of the guilt of the accused, and the jury is satisfied that the evidence is consistent with the hypothesis of the innocence of the accused, the jury should acquit the accused.

11. If the evidence is consistent with both hypotheses, the jury should acquit the accused.

12. If the evidence is inconsistent with both hypotheses, the jury should acquit the accused.

13. If the evidence is consistent with the hypothesis of the guilt of the accused, but is inconsistent with the hypothesis of the innocence of the accused, and the jury is satisfied that the evidence is consistent with the hypothesis of the guilt of the accused, the jury should convict the accused.

14. If the evidence is consistent with the hypothesis of the innocence of the accused, but is inconsistent with the hypothesis of the guilt of the accused, and the jury is satisfied that the evidence is consistent with the hypothesis of the innocence of the accused, the jury should acquit the accused.

15. If the evidence is consistent with both hypotheses, the jury should acquit the accused.

16. If the evidence is inconsistent with both hypotheses, the jury should acquit the accused.

17. If the evidence is consistent with the hypothesis of the guilt of the accused, but is inconsistent with the hypothesis of the innocence of the accused, and the jury is satisfied that the evidence is consistent with the hypothesis of the guilt of the accused, the jury should convict the accused.

18. If the evidence is consistent with the hypothesis of the innocence of the accused, but is inconsistent with the hypothesis of the guilt of the accused, and the jury is satisfied that the evidence is consistent with the hypothesis of the innocence of the accused, the jury should acquit the accused.

19. If the evidence is consistent with both hypotheses, the jury should acquit the accused.

20. If the evidence is inconsistent with both hypotheses, the jury should acquit the accused.

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.

Referred 3-9-57
H. N.

It is likewise essential that the circumstances
be stated upon which the guilt of the accused shall be
shown beyond a reasonable doubt.

3-2-11
H. H.

COMMONWEALTH

V.

I N S T R U C T I O N

27

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.

?

Refused 3-9-57 H. H.

COMMONWEALTH

v.

I N S T R U C T I O N

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

3-9-57

H. H.

R

COMMONWEALTH

85 INSTRUCTION

The court instructs the jury that the absence of all evidence of an intent to commit the crime, when the fact is in reasonable doubt as to the defendant, affords a strong presumption of innocence.

Referred

3-9-57

Referred 3-9-57
H. W.

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF Dinwiddie COUNTY, GREETING:

You are hereby commanded to summon Pvt. Kenneth C. 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 truth to 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.

J. Robert Switzer, Clerk.
By Margie Owens, D.C.

executed on the 4th day of March, 1957, in the City of Petersburg, Virginia, by delivering a true copy of the above mentioned papers attached to each other, to Pvt. Kenneth C. Knicely and Delores K. Rock in person.

Donald H. Joel
SERGEANT, CITY OF PETERSBURG, VA
BY.....
DEPUTY SHERIFF

Charles A. Hammer, Atty. for Defendant
Spotswood Building
Harrisonburg, Virginia

IN THE NAME OF THE COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF _____ COUNTY, CRESTING:

You are hereby commanded to summon Evil Kenneth C.
Kalcely (U.S. 52391887, Hq. & Hd. Co., 9132 T.U., Fort Lee, Va.),
and Delores E. Cook (e/o Mrs. Catherine Beveridge, 2305 A, Apt. 41,
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 23rd day of March, 1957,
to testify and the truth to say in behalf of the Defendant, William
Frank Mearin, in the prosecution of the Commonwealth against
William Frank Mearin, who stands charged with and indicted for a
felony. And that you shall not omit. And have them and there
this writ.

Handwritten signature

Witness, J. Robert Sawyer, Clerk of our said Court.

at the Court House, this 22nd day of February, 1957, and in the
181st year of the Commonwealth.

Handwritten signature
J. Robert Sawyer
Clerk of the Court
City of Petersburg, VA

Charles A. Sawyer, Atty. for Defendant
Spotswood Building
Harrisburg, Virginia

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. | ✓ Beulah Olivia Fix
929 Jefferson St.
Harrisonburg, Va. |
| ✓ Julius Robinson
c/o Thompson's Buick
Harrisonburg, Va. | ✓ Keith J. Fix
929 Jefferson St.
Harrisonburg, Va. |
| ✓ Winifred Elaine Cupp
c/o George's Soda Shop
Harrisonburg, Va. | ✓ Louise Martin
384 W. Bruce St.
Harrisonburg, Va. |
| ✓ Paul Franklin Ritter
335 N. Liberty St.
Harrisonburg, Va. | ✓ Allen Hensley
Elkton, Va. |
| ✓ Mrs. Paul Franklin Ritter
335 N. Liberty St.
Harrisonburg, Va. | Gifford W. Joseph
Police Department
Harrisonburg, Va. |
| ✓ Mrs. Mary Crawford
c/o Clarendon Hotel
Harrisonburg, Va. | ✓ Mrs. Agnes J. Dean
Apt. #4
85 S. Main St.
Harrisonburg, Va. |
| ✓ Leo Mosby
Harrisonburg, Va. | |
| ✓ Augustus Julias
Julias' Restaurant
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.



J. Robert Switzer, Clerk.
By Margie Bowens, d.c.

EXECUTED 2-22-57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Jehus Robinson
IN PERSON.

Theodore L. Martin Deffen

A. L. STRAWDERMAN

SHERIFF

ROCKINGHAM COUNTY

EXECUTED 2-23-57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Beulah Elaine Fix
IN PERSON.

Theodore L. Martin Deffen

A. L. STRAWDERMAN

SHERIFF

ROCKINGHAM COUNTY

EXECUTED 2-23-57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Mr. May Crawford
IN PERSON.

Theodore L. Martin Deffen

A. L. STRAWDERMAN

SHERIFF

ROCKINGHAM COUNTY

EXECUTED 2-22-57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Mr. Ivan Dean
IN PERSON.

Theodore L. Martin Deffen

A. L. STRAWDERMAN

SHERIFF

ROCKINGHAM COUNTY

EXECUTED 2/22/57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Augustus Julius
IN PERSON.

George R. Price

Deputy Sheriff for
A. L. STRAWDERMAN, Sheriff

EXECUTED 2/25/57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Lifford W. Joseph
IN PERSON.

George R. Price

Deputy Sheriff for
A. L. STRAWDERMAN, Sheriff

Not finding Keith J. Fix at his usual
place of abode, Executed Feb. 22, 1957 by delivering a
true copy of this Summons to Beulah O. Fix

his wife in person, at said Harrisonburg, Va.

usual place of abode Beulah O. Fix, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.

G. L. Strawderman S.R.C.

Deputy Sheriff Theodore L. Martin

Not finding Louise Martin at her usual
place of abode, Executed Feb. 22, 1957 by delivering a
true copy of this Summons to Mr. Martin

her mother in person, at said W. Bruce St.

usual place of abode Mr. Martin, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.

G. L. Strawderman S.R.C.

Deputy Sheriff Theodore L. Martin

Not finding Leo Masby at his usual
place of abode, Executed Feb. 22, 1957 by delivering a
true copy of this Summons to Louis Masby

his sister in person, at said Harrisonburg, Va.

usual place of abode Louis Masby, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.

G. L. Strawderman S.R.C.

Deputy Sheriff Theodore L. Martin

Not finding Robert Elgin Hopkins at his usual
place of abode, Executed Feb. 22, 1957 by delivering a
true copy of this Summons to Mr. Robert E. Hopkins

his wife in person, at said Harrisonburg, Va.

usual place of abode Mr. Robert E. Hopkins, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.

G. L. Strawderman S.R.C.

Deputy Sheriff Theodore L. Martin

EXECUTED 2-23-57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Notice
TO Allen Hensley
IN PERSON.

Dwight E. Hammy Dpt.
for **A. L. STRAWDERMAN**
SHERIFF

Not finding Paul Franklen Better at his usual
place of abode, Executed 2-25-57 by delivering a
true copy of this summon to Mrs Paul F Better
his wife in person, at said Paul Franklen Better
usual place of abode Mrs Paul F Better, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.

A. L. Strawderman S.R.C.
Deputy Sheriff M. L. Hason D/S

EXECUTED 2-25-57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN summon
TO Mrs Paul F Better
IN PERSON.

M. L. Hason
A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

ROCKINGHAM COUNTY
SHERIFF

V. G. STRAWDERMAN

IN PERSON

TO

COEY OF THE MICHIGAN

ROCKINGHAM

WYECOLE

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

Therese L. Watts Esq.
IN PERSON.

TO Missal Cuff

COPY OF THE WITHIN Summons

EXECUTED 2-26-57 IN THE COUNTY OF

ROCKINGHAM BY DELIVERING A TRUE

Deputy Sheriff

his family above the age of 16 years, and being a member of
usual place of abode Mr Paul F. Watts

in person, at said place

true copy of this summons

place of abode, executed 2-26-57

Not finding Paul Frederick Watts at his usual

EXECUTED 2/27/57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Billy Humes
IN PERSON.

George R. Price
Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 2/27/57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Dr. Matyeu
IN PERSON.

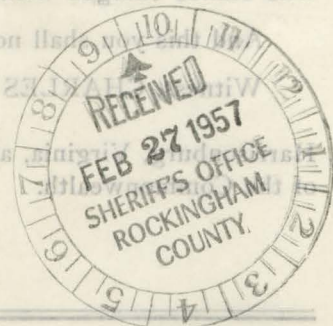
George R. Price
Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 2-11-57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Dr. F. L. B...
IN PERSON.

A. L. Strawderman
Sheriff
ROCKINGHAM COUNTY

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY



Sheriff Fee

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,
~~at ten o'clock, a. m.~~ ^{forthwith} on the 8th day of March..... 19 57. to testify and the truth to
say *in behalf of the Defendant* in the prosecution of the Commonwealth against.....

William Franklin Maupin.....

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 8th.....
day of March..... 19 57, and in the 181st year of the Commonwealth.

J. Robert Switzer, Clerk
By Margie Sawyer

EXECUTED 3/8/57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Melvin S. Hoover
IN PERSON.

George R. Orice
Deputy Sheriff.

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

Sheriff Fee not Paid.

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 8th day of March, 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 and indicted for a felony misdemeanor.

And this you shall not omit under penalty. And have then and there this Writ.

Witness, CHARLES E. EARMAN, JR., Commonwealth's Attorney for Rockingham County and the City of
Harrisonburg, Virginia, at the Court House, the 26th of February, 1957, and in the 181st
year of the Commonwealth.

Charles E. Earmann Jr.
Commonwealth's Attorney

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

MAR RIDGEY, General Factory, Bridgewater

EXECUTED *2-27-57* IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN *Summons*
TO *Mar Ridgey*
IN PERSON.
Charles E. Eakman, Jr.

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

Sheriff Fees

.40

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

✓ CHIEF RITCHIE

✓ ~~ERR~~ OFFICER JOSEPH

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 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 Rockingham County and the City of

Harrisonburg, Virginia, at the Court House, the 26th of February, 19.57, and in the 181st year of the Commonwealth.

Charles E. Earmann Jr.
Commonwealth's Attorney

EXECUTED 2/28/57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Chief Ritchie
IN PERSON.

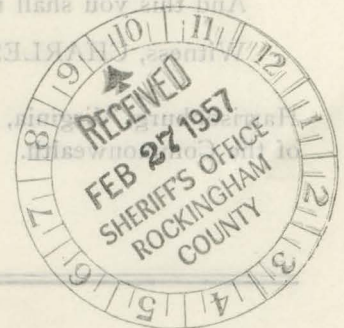
George R. Pruitt
Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 3/1/57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Officer Joseph
IN PERSON.

George R. Pruitt
Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY



Shirley Fee
80

Mal Pirkey



Sherriff Fee
.40

EXECUTED 2-12-57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN summar
TO Mal Pirkey
IN PERSON.

W. L. Hoover pp7
A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

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

MAN PIRKEY, Garment Factory, Bridgewater

You are hereby commanded to summon

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 12th day of February, 1957, to testify and the truth to say in behalf of the
Commonwealth of Virginia against WILLIAM FRANK MURKIN

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

CHIEF RITCHIE

DR. MOTYCA, 1255 Hillcrest Drive

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 ~~and indicted for~~ a felony ~~and indicted for~~

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 8th of February, 1957, and in the 181st year of the Commonwealth.

Charles E. Earmann, Jr.
Commonwealth's Attorney

EXECUTED 2/8/57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Chief Ritchie
IN PERSON.

George R. Price
Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 2/8/57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Dr. Matyca
IN PERSON.

George R. Price
Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY



Sherriff Fee
.80

Witness Subpoena

Commonwealth of Virginia:

County of Rockingham, to-wit:

To the Sheriff of said County, Greeting:

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

Chief J. F. Ritchie

Dr. L. J. Motyca 1255 Hillcrest Dr.

Mae Pirkey % Garment Factory Bridgewater

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

5th day of February, 19 57, at the hour of 2:00 P. M. of that day

to give evidence in behalf of Com'th

in the pending case of Com'th

v. William Frank Maupin

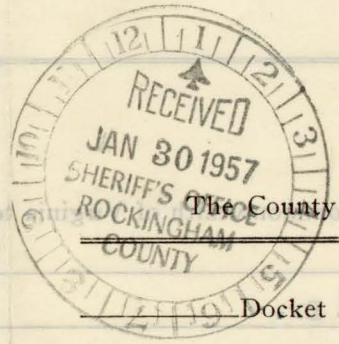
Given under my hand this 30 day of January, 19 57

Louis K. Whitner, Dep.

Clerk
Asst. Clerk

Not finding Dr. S. J. Matysa at his usual
place of abode, Executed Feb. 2nd 1957 by delivering a
true copy of this Summons to Mrs. S. J. Matysa
his wife in person, at said Dr. S. J. Matysa
usual place of abode 1255 Hillcrest Dr., being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.

A. L. Strawderman S.S.
Deputy Sheriff George R. Bruce



Docket No. 22477 A

V. (Witness Subpoena

William Frank Maupin

To Feb. 5, 1957, at 2:00 P. M.

EXECUTED 1/30/57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Chief J. F. Ritchie
IN PERSON.

George R. Bruce
Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 2-4-57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Subpoena
TO Mal Purkey
IN PERSON.

M. L. Hoover
A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

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.

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 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 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.

Charles E. Earmann, Jr.
Commonwealth's Attorney

EXECUTED 3-7-57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Leinie Martz
IN PERSON.

Theodore L. Martz Deppa

A. L. STRAWBERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 3-7-57 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Marguerite J. Dean
IN PERSON.

Theodore L. Martz Deppa

A. L. STRAWBERMAN
SHERIFF
ROCKINGHAM COUNTY

Deputy Sheriff Theodore L. Martz S.R.C.

usual place of abode E. D. Brown, being a member of
his family above the age of 16 years, and explaining the purport thereof
to her.

Not finding Leinie Martz
place of abode, Executed March 7, 1957 by delivering a
true copy of this Summons to E. D. Brown
Leinie Martz in person, at said Lawman by De

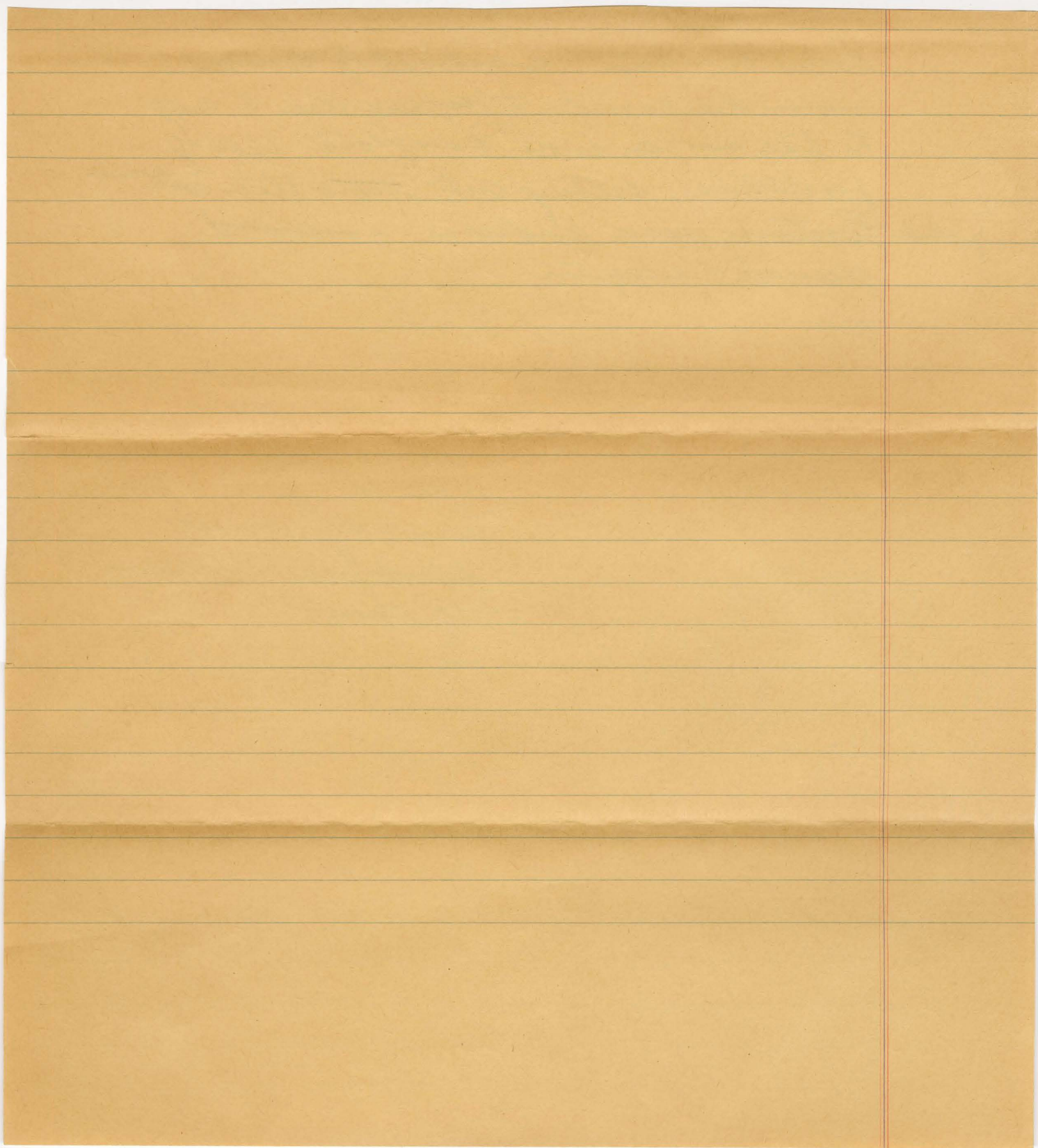


Sheriff's Fee

1.20

Cover & Mearns - accused by counsel
moved the court to require the E. city
to file ~~and~~ a more complete bill of
particulars, setting out ^{the} ~~the~~ means
by which ^{the} vectors were influenced - ~~submitted~~
denied - exception

instead of
being ~~been~~ available
would ~~was~~ considered
by court



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 Frank Maupin did asphyxiate and kill, ^{the said Mary Jo Maupin} 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.

Charles E. Earmay, Jr.
Commonwealth's Attorney for the
County of Rockingham and
City of Harrisonburg, Virginia.

I hereby certify that a copy of the foregoing pleading was served upon *Charles A. Hammer*, counsel of

record for *defendant*, by delivering a copy thereof to counsel in person, or by mailing a copy thereof to counsel on or before the day of filing.

Charles E. Earmay, Jr.

Filed Feb. 28, 1957.
Margie Bowers, D.C.

STATE OF VIRGINIA

COUNTY OF Harrisonburg

City

To-Wit:

No. _____

TO ANY SHERIFF OR POLICE OFFICER:

Whereas, J.F. Ritchie

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

Justice of The Peace

(Title)

City

(Name)

of the said ~~County~~ County, that

William Frank Maupin

City

in the said ~~County~~ County

did ~~or~~ ^{or about} the 30th day of November, 1956: Unlawfully and feloniously

kill and murder one Mary Jo Maupin, against the peace and dignity of the

Commonwealth of Virginia

These are, therefore, to command you, in the name of the Commonwealth, to apprehend and bring before the ~~County~~ Rockingham Court of the ~~said~~ County, the body (~~body~~) of the above accused, to answer the said complaint and to be further dealt with according to law. And you are also directed to summon:

- Dr. L. J. Motyka color _____ Address 1255 Hillcrest Dr.
- MAE PIRKEY color _____ Address 90 Harment Factory
- _____ color _____ Address Bridgewater
- _____ color _____ Address _____
- _____ color _____ Address _____

as witnesses.

Given under my hand and seal, this 2nd day of December, 19 56

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

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

I, _____ a Trial Justice Justice of the Peace in and for the County aforesaid, State of Virginia, do certify that _____ and _____, as his suret _____, have this day each acknowledged themselves indebted to the Commonwealth of Virginia in the sum of _____ Dollars (\$ _____), to be made and levied of their respective goods and chattels, lands, and tenements to the use of the Commonwealth to be rendered, yet upon this condition: That the said _____, shall appear before the Circuit Court Trial Justice of _____ County, on the _____ day of _____, 19____, at _____ M., at _____, Virginia, and at any time or times to which the proceedings may be continued or further heard, and before any court thereafter having or holding any proceedings in connection with the charge in this warrant, to answer for the offense with which he is charged, and shall not depart thence without the leave of said court, the said obligation to remain in full force and effect until the charge is finally disposed of or until it is declared void by order of a competent court; and upon further condition that the said _____ shall keep the peace and be of good behavior for a period of _____ days from the date hereof. Nonappearance shall be deemed to constitute a waiver of trial by jury.

Given under my hand, this _____ day of _____, 19____.

T. J., J. P.

DOCKET NO. 22477A

COMMONWEALTH

WARRANT OF ARREST
vs. William Frank Maupin

Executed this, the _____ day of _____, 19____

John E. Smith

Upon the examination of the within charge, I find the accused _____

Probably since having been shown the defendant is ordered held for action by the grand jury.

Sumner who may have this 5th day of February 1957.

County Judge

The following witnesses were recognized to appear before the Circuit Court of _____ County, Virginia, at _____ M, on the _____ day of _____, 19____, under penalty of \$ _____

Warrant	\$ 1.00
Trial	2.00
Bail	
Arrest	
Mileage	1.25
Clerk	
Jail Fee and Board	.50
Witness Attendance	
Summoning Witnesses	
Commonwealth Attorney	5.00
Total Costs	
Fine	
Total	

To - 12-13-56 2.P.M. - BOND - DENIED 12-3-56 449. gabe.

MAN 9.12-3-56 2.P.M.

3239

TRIAL JUSTICE COURT

Criminal
Docket

Nº 22477 A

Com'th

v.

William Frank Maupin
Defendant

A W Appearance Date 12-3-56

Trial Date 12-13-56

Continued generally.
RRJ Judge

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

To: GRAND JURY - 2-5-57
RRJ Judge.

W. 8 3 Com' to 2-5-57

W. 8. 3 Com' to

Mar 8 - 57

✓ Edward Lee Tinsley
 ✓ Helen H. Wellinger
 ✓ Albert E. Wood
 ✓ Paul Bushong, Jr.
 ✓ Charles M. Lyon
 ✓ R. J. LeClark
 ✓ H. A. Crawford
 ✓ G. H. Hornberger
 ✓ Edward H. Keller
 ✓ Clarence F. Leisner
 ✓ Cecil F. Gilkerson
 ✓ Bernard Blankenship

Docket No.

3239

FEB

1957

COMMONWEALTH of VIRGINIA

FEB - 1957

VS. Indictment } Felony (murder)

WILLIAM FRANK MAUPIN *gail*

Charles A. Hammer

p. d.

Own (x) Appointed ()

1957

Feb. 18. Return of Grand Jury. 9/376
by accused

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

Mar. 1. Motion for more ^{9/381}
 complete bill of particulars denied. +
 exception. $\frac{9}{390}$
 Mar. 8. Portion of evidence heard $\frac{9}{395}$
 9. Verdict of n.g. $\frac{9}{396}$

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

Keystone Envelope Co., Phila., Pa.