

PRE-SENTENCE INVESTIGATION

Staunton, Virginia
February 12, 1957

NAME: Edward Austin Michael	CITIZENSHIP: American
ADDRESS: 1426 - 21st Street, N.W. Washington 6, D. C.	MARITAL STATUS: Single
AGE: 22 (Born 9-19-34)	NO. OF DEPENDENTS: None
SEX: Male	OFFENSE: Contributing to Delinquency of a Minor
RACE: White	DEFENSE COUNSEL: Julian K. Hickman (Employed)

OFFENSE:

On December 28, 1956, Edward Austin Michael was brought before the Rockingham County Circuit Court with Judge Hamilton Haas presiding. This man was represented by his own employed counsel, Mr. Julian K. Hickman. Michael was charged with sodomy, but inasmuch as the evidence showed that this man had merely made a proposition to a thirteen-year-old boy and did not lay hands on him, the evidence on behalf of the Commonwealth was stricken and Michael then entered a plea of guilty to having used language tending to contribute to the delinquency of a minor. The Court found Michael guilty of the lesser offense, but deferred imposition of sentence and ordered a Pre-Sentence Investigation and Report.

It is reported that on May 1, 1956, at approximately 10:30 p.m. the subject, while driving north on Main Street in Harrisonburg in his automobile, observed a young boy proceeding in the same direction near Cline's Frozen Custard Stand. It is reported that the subject pulled over to the curb and called Roscoe Turner, white male, age 13, over to his car and made a proposition to the lad offering him \$3.00 to participate in an unnatural sex act. The lad refused and later reported the incident which resulted in the subject's arrest.

PRIOR RECORD:

The only prior record is reported by the Delaware Interstate Compact which states that around Christmas 1951 this man was picked up by the Wyoming, Delaware, Police on a charge of sodomy and was given one year on probation. They indicate that he had lived up to his conditions of probation.

FAMILY HISTORY:

Edward Austin Michael was born September 19, 1934, at Dover, Delaware. The subject is the second of four children born to Whitney T. and Esther Austin Michael. The father, who is now 50 years of age, was born in Elkton, Virginia. The father was employed as a Director of Physical Education in the Smyrna High School at Wyoming, Delaware for seventeen years. He left this employment and entered the restaurant business where he was so employed for seven years, but returned to the teaching profession in 1956. It is reported that the father enjoys an excellent reputation, does not use alcoholic beverages and has no police record. The mother, who is now 48 years of age, was born near Delmar, Delaware. The mother has been employed by the Delaware State Department of Health for the past two years. Prior to this, she was employed by the Delaware State Highway Department. The mother has no police record and does not use alcoholic beverages. It is also reported that this is a very congenial family.

RE: Edward Austin Michael
Page 2

The subject has the following brothers and one sister:

Whitney Theodore Michael, age 26, Dover, Delaware
The subject
Marjorie Michael, age 18, Wyoming, Delaware
Carl Small Michael, age 16, Wyoming, Delaware

Neither the brothers nor the sister have police records.

It is reported that the subject during his adolescence was very much overweight and did not reach complete puberty until he was approximately 18 years of age. It is also reported that the other members of the family were very athletic, but that the subject had a talent for music. Therefore, the subject was moreorless rejected by his father and brothers, but is reported to have been moreorless dominated by his mother. This lad left home at the age of seventeen at which time he enrolled in Madison College at Harrisonburg, Virginia, where he would have graduated in June 1956 if this offense had not occurred in May. It is reported that Michael established a very high scholastic record while at Madison, having been on the Deans' List six out of eight semesters. This man was also President of the School Orchestra, Vice-President of the Band and Vice-President of the Y.M.C.A. As a result of this offense, the subject was dismissed from Madison College afterwhich he secured employment in June 1956 with the Music Educators National Conference of Washington, D. C., where he is presently employed.

HOME AND NEI-
GHBORHOOD:

It is reported that the subject was raised in a small town. The parents own a twelve-room frame house located on Pine Street in Wyoming, Delaware. This home is located in a better-class white residential section.

RELIGION:

It is reported that the subject is a member of the Calvary Baptist Church at Wyoming, Delaware, and while living at home was employed as a paid soloist in this church.

INTERESTS AND
ACTIVITIES:

The subject's leisure-time pursuits consist of attending sporting events, music, reading and editorial work. He lists his outstanding skills as music, voice and piano.

HEALTH:

It is reported that the subject now enjoys excellent health. However, during his adolescence he was treated for approximately five years due to the improper function of his thyroid glands. As a result of this offense, the subject has been taking psychiatric treatment under Dr. David C. Wilson, University of Virginia Hospital, Charlottesville, Virginia. Copies of Dr. Wilson's reports, which are made a part of this report, indicate that the subject has made considerable progress since being under treatment. Dr. Wilson also indicates that there is no reason why this man should not remain in the community as he feels there is every reason to expect that he will get along as far as his relationships to his own sex are concerned. Dr. Wilson also recommended that the subject continue reporting to his office throughout this year.

The subject has the following brothers and one sister:
Whitney Theodore Michael, age 26, Dover, Delaware
The subject
Walter Michael, age 18, Wyoming, Delaware
Carl Emil Michael, age 16, Wyoming, Delaware

Neither the brothers nor the sister have police records.

It is reported that the subject is a very tall, thin, light-colored man with a high forehead, light eyes, and a thin nose. He is reported to be a very good athlete, but that the subject had a talent for music. Therefore, the subject was nevertheless rejected by his father and brothers, but is reported to have been somewhat dominated by his mother. This fact has been at the center of several of which time he attended in various colleges of Washington, where he said he was graduated in June 1935. In June 1935, he was reported to be in the United States Army, where he was reported to be a very good athlete. It is reported that Michael established a very high record in the Army, having been in the Army for six out of eight years. This man was also President of the School of Music, Vice-President of the Band and Vice-President of the Y.M.C.A. as a result of this success, the subject was discharged from military service in August 1935. In June 1935, the subject was reported to be in the United States Army, where he is presently employed.

It is reported that the subject was raised in a small town. The parents own a two-room frame house located on the street in Wyoming, Delaware. This home is located in a better-class white residential section.

It is reported that the subject is a member of the Calvary Baptist Church at Wyoming, Delaware, and while living at home was employed as a paid soloist in this church.

The subject is reported to be a very good athlete, and is reported to be a very good athlete. He is reported to be a very good athlete, and is reported to be a very good athlete. He is reported to be a very good athlete, and is reported to be a very good athlete.

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RE: Edward Austin Michael
Page 3

EMPLOYMENT: Since June 1956 the subject has been regularly employed by the Music Educators National Conference, Washington, D. C., at an annual salary of \$3,250.00. The subject has had no Military experience.

RESOURCES: The subject has no resources.

RECOMMENDATION AND PLAN: In view of the favorable report by Dr. Wilson and also from the Delaware Probation Authorities and our own Office at Arlington, Virginia, it is this Officer's opinion that a suspended sentence in this man's case would be compatible with public interest.

Respectfully yours,

Wm H Ralston

William H. Ralston
Probation and Parole Officer

WHR:ABM

UNIVERSITY OF VIRGINIA HOSPITAL

Department of Neurology and Psychiatry
Charlottesville, Virginia

May 17, 1956

Mr. Julian K. Hickman
Hostetter Building
Harrisonburg, Virginia

Dear Mr. Hickman:

Mr. Edward Michael reported to me on May 12 and told me of his difficulty. After talking to him I had him examined by Dr. William Parson, the professor of internal medicine and also an endocrinologist, and had psychological studies made by Dr. Arthur Bachrach who is in charge of our clinical psychology division. After they had seen him, I saw Mr. Michael again. I have now talked to Dr. Parson and Dr. Bachrach regarding their findings.

The outstanding findings in the case are first, that this man is very well developed. He may be a little overweight but otherwise he is in excellent physical condition. There is no question but that he is a very normal man in all respects. The second finding was his story of his development. He undoubtedly had a delayed puberty. He was overweight and short and did not reach complete sexual change until 17 or 18 years of age. The next finding was his story. He was born in a family which was quite athletic. His father is an athletic coach and his two brothers are definitely natural athletes. He also has quite a dominating mother who was very ambitious for her children and has been especially ambitious for Edward. He has shown a good deal of talent in music and she has been especially persistent in her efforts to guide him in every detail of his development. The father on the other hand, has given him only passing notice while he has been very enthusiastic over the accomplishments of his other two sons. I think we can say very definitely from the history of this family that Edward has had definite rivalries with his brothers and also has had mixed feelings and relations with his parents and that this confusion has had a good deal to do with his present difficulties.

In his history also is the story of his homosexual relationships of three years ago when he was caught up in a gang of adolescents. The majority of them were older than he in the beginning, but apparently they later exploited younger boys and at that time were caught by the law and he was put on probation. He has maintained his control since that time up until now, and his present solicitation is apparently the first time that he has manifested openly any of his homosexual trends.

Fourth, Edward presents a front of charm and unconcern which impresses one as being somewhat assumed. This artificiality disturbs us somewhat, although it is easy to understand that he is forced to assume some such method of defense if he is to continue in the community. Nevertheless it is disturbing to us when we attempt to prognosticate regarding the future.

UNIVERSITY OF VIRGINIA HOSPITAL

Department of Neurology and Psychiatry
Charlottesville, Virginia

May 17, 1956

Mr. Julian K. Hickman
Hester Building
Harrisonburg, Virginia

Dear Mr. Hickman:

Mr. Edward Michael reported to me on May 17 and told me of his difficulty after talking to him I had him examined by Dr. William H. Hester, the manager of the hospital, and Dr. Hester, who is in charge of our clinical psychology division, after they had seen him, I saw Dr. Michael again. I have now talked to Dr. Hester and Dr. Hester regarding their findings.

The outstanding findings in this case are that, that this man is very well developed. He may be a little overweight but otherwise he is an excellent physical condition. There is no question but that he is a very normal man in all respects. The second finding was the story of his development. He undoubtedly had a delayed puberty. He was overweight and short and did not reach complete sexual change until 17 or 18 years of age. The next finding was his story. He was born in a family which was quite athletic. His father is an athletic coach and his two brothers are definitely natural athletes. He also has a fascinating mother who was very athletic for her children and has been especially ambitious for Edward. He has shown a good deal of talent in sports and she has been especially persistent in her efforts to guide him in every detail of his development. The father on the other hand, has given him only passing notice while he has been very enthusiastic over the accomplishments of the other two sons. I think we can say very definitely from the history of this family that Edward has had definite rivalries with his brothers and also has had mixed feelings and relations with his parents and that this condition has had a good deal to do with his present difficulties.

In the history also is the story of his homosexual relationships of three years ago when he was caught up in a gang of adolescents. The majority of them were of the type which is usually called "gay" but they were caught up in the law and he was put on probation. He was sentenced to a period of time and then up until now, and his present condition is apparently the first time that he has manifested openly any of his homosexual trends.

Fourth, Edward presents a front of charm and unconcern which impresses one as being somewhat unusual. This artificially disturbs us somewhat, although it is easy to understand that he is forced to assume some such method of defense if he is to continue in the company. Nevertheless it is disturbing to us when we attempt to projectable regarding the future.

UNIVERSITY OF VIRGINIA HOSPITAL

Department of Neurology and Psychiatry
Charlottesville, Virginia

-2-

My conclusions regarding the whole picture are as follows: in the first place this man is by no means fixed in the homosexual role by any physical or glandular handicap. He has been forced to relate to a certain degree through homosexuality by his delayed puberty and by other circumstances in his environment. At the present time it is most important not to overemphasize his homosexuality and to lift as much as possible any taboo that there might be on his relating in other ways. Naming or condemning him as a homosexual will prevent him from making normal relationships and also heterosexual relations, and I should add here that he seems to be perfectly capable of normal relationships with women and apparently has a very close girl friend at this time. If he is not graduated or if he is excluded from the group, it will go far to isolate him and certainly will make it very difficult for him to carry on relationships. This man is quite mixed up. He needs psychiatric help and he should have it right away and in an intensive fashion over the next year or two. I believe that arrangements should be made for this to get underway before he takes up his job in Fairfax next fall and then it should be decided by his doctor whether he could go ahead with the work in that community. Undoubtedly he should be given sympathetic understanding and support rather than punishment and so-called corrective confinement. Nevertheless, this facade of unconcern which he presents makes it necessary for him to be definitely impressed with the seriousness of his situation, with his need to continue in therapy until he has worked out many of his conflicts.

I understand that the whole situation has been discussed with his parents. I believe the sympathetic support of his father and mother would go a long ways toward helping him to work through this very difficult time. If they would like to talk to me I would be glad to do so, or if there is anything else I can add to this letter to help out in the situation, please let me know.

Sincerely yours,

/s/ David C. Wilson
David C. Wilson, M.D.

dcw/d
WHR:ABM

STATE OF VIRGINIA, COUNTY OF ROCKINGHAM, to-wit: This is to certify that the foregoing is a true and exact copy of a letter dated May 17, 1956. My commission as Notary Public will expire on February 1, 1958

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UNIVERSITY OF VIRGINIA HOSPITAL

Department of Neurology and Psychiatry
Charlottesville, Virginia

January 16, 1957

Mr. William H. Ralston, Probation and Parole Officer
County Office Building
Staunton, Virginia

Dear Mr. Ralston:

Edward Austin Michael has been reporting to my office on an average of twice a month since our first studies on him. Since that time he has shown a good deal of evidence of more maturity. He has gone along with his job in Washington and has taken part in a great many different activities in and around that city. We have gone over his relationship to his family and his relationship to friends and also to boys and girls. He is still having some difficulty with his maturing process but certainly there is no reason why he should not be in the community and I feel that there is every reason to expect that he will get along well as far as his relationships to his own sex are concerned.

I would like very much to talk to you about him if you wish to come over at any time. I expect to continue working with him. I would like to have it understood that he should continue coming to this office throughout the year.

Sincerely yours,

(Signed)

David C. Wilson, M. D.

dcw/d
WHR:ABM

UNIVERSITY OF VIRGINIA HOSPITAL
Department of Neurology and Psychiatry
Charlottesville, Virginia

January 16, 1957

Mr. William H. Belmont, Probation and Parole Officer
County Office Building
Staunton, Virginia

Dear Mr. Belmont:

Edward Austin Mitchell has been reporting to my office on an average of twice a month since our first studies on him. Since that time he has shown a good deal of evidence of more maturity. He has gone along with his probation and has taken part in a great many different activities in and around that city. We have gone over his relationship to his family and his relationship to friends and also to boys and girls. He is still having some difficulty with his reading progress but certainly there is no reason to expect that he will get along well as far as his relationship to his family and friends are concerned.

I would like very much to talk to you about him if you wish to come over at any time. I expect to continue working with him. I would like to have it understood that he should continue coming to this office throughout the year.

Sincerely yours,

(Signed)

*Report filed
3-11-57*

WHL
JAN 21 1957

COMMONWEALTH OF VIRGINIA

V.

MEMORANDUM OF AUTHORITY

EDWARD AUSTIN MICHAEL

The defendant is charged, in a warrant with "Unlawfully and feloniously attempt to carnally know by or with the mouth, one Roscoe Turner, a minor male child thirteen years of age, in violation of section 18-98 of the 1950 Code of Virginia, against the peace and dignity of the Commonwealth of Virginia".

Section 18-98 of the Code of Virginia deals with the actual commission of sodomy and buggery. Of course, under this Section the defendant can be found guilty of the attempt, if warranted by the evidence.

The evidence in this case shows that the defendant was asked by the boy in question if he, the defendant, wanted a drag, and the defendant replied, "No. Do you want a blow job?". Both of the parties continued on their way without any further comment or statement. The defendant did not touch the boy, did not approach him, and made no statement to him other than that just quoted.

We respectfully submit that the evidence falls far short of proving that an attempt to commit the crime of sodomy was made.

An attempt to commit a crime consists of two main and vital elements, both of which must be proved by the Commonwealth beyond a reasonable doubt, namely, (1) The intent to commit the crime in question, (2) An attempt to carry out the intent. An attempt to commit a crime must go further than mere preparation. To illustrate, one may have an intent to commit murder, and in furtherance of that intent may purchase poison with which to commit the crime. No one, I feel sure, would contend that the purchase of the poison is an attempt towards the commission of the intended crime. There must be some physical act to set in motion the com-

crime. There must be some physical act to set in motion the commission of the crime. No one, I feel sure, would contend that the purchase of the poison is an attempt towards the commission of the intended furtherance of that intent may purchase poison with which to commit the crime. To illustrate, one may have an intent to commit murder, and in attempt to commit a crime must go further than mere preparation. crime in question, (2) An attempt to carry out the intent. An beyond a reasonable doubt, namely, (1) The intent to commit the vital elements, both of which must be proved by the Commonwealth. An attempt to commit a crime consists of two main and of proving that an attempt to commit the crime of sodomy was made. We respectfully submit that the evidence falls far short of proving that an attempt to commit the crime of sodomy was made.

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Section 18-98 of the Code of Virginia deals with the actual commission of sodomy and buggery. Of course, under this Section the defendant can be found guilty of the attempt, if peace and dignity of the Commonwealth of Virginia". tion of section 18-98 of the 1950 Code of Virginia, against the Roscoe Turner, a minor male child thirteen years of age, in violation of section 18-98 of the 1950 Code of Virginia, against the defendant is charged, in a warrant with "unlawfully and feloniously attempt to carnally know by or with the mouth, one

EDWARD AUSTIN MICHAEL

MEMORANDUM OF AUTHORITY

COMMONWEALTH OF VIRGINIA

mencement of the consummation before one can be convicted of the attempt to commit a felony. Certain it is that mere preparation or an offer is insufficient to set such motion in effect.

In Mullens v. Commonwealth 5 SE 2d 491, the Court held that the defendant was not guilty of an attempt to commit rape. In that case the defendant induced a little girl to accompany him into the woods by the offer of candy. After they had "gotten into the woods he seated her upon a rock and suggested that they have sexual intercourse, at the same time snatching a button from her snow suit". The child protested and the defendant discontinued molesting the child and left the scene. The Court stated "the evidence was, we think, insufficient to convict the accused of an attempted rape. While it showed a desire on the part of the assailant to commit the crime, there was no overt act which demonstrated a present intention to accomplish it. Certainly there was no overt act which reached "far enough towards the accomplishment of the desired result to amount to the commencement of the consummation."

In the case under discussion, the boy in question was not even within the power of the accused. The boy was on a bicycle and the defendant was in an automobile, so there could not have been an overt act which could be construed as a commencement of the consummation of the crime in question.

In West v. Commonwealth 157 SE Page 538, the Court had this to say at Page 539, "the most that can be said of the evidence in the instant case viewing it in a light unfavorable to the accused, is that he was making preparation for an attempt to commit the crime of manufacturing ardent spirits. There is quite a difference between preparation for the attempt and the attempt itself. Preparation consists of arranging the means necessary for the commission of the crime. The attempt is the direct movement towards its commission, after the preparations have been made."

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assailant to commit the crime, there was no overt act which demonstrated a present intention to accomplish it. Certainly there was no overt act which reached "far enough towards the accomplishment of the desired result to amount to the commencement of the consummation."

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In *West v. Commonwealth*, 157 SE Page 538, the Court had

this to say at Page 539, "the next fact can be said of the evidence in the instant case viewing it in a light unfavorable to the accused, is that he was making preparation for an attempt to commit the crime of manufacturing ardent spirits. There is quite a difference between preparation for the attempt and the attempt itself. Preparation consists of arranging the means necessary for the commission of the crime. The attempt is the direct movement towards its commission, after the preparations have been made."

JULIAN K. MCKIMAN
ATTORNEY AT LAW
HARRISONBURG, VIRGINIA

The evidence in this case does not even go so far as to show that Michael made any preparation whatsoever for the commission of the crime. He merely asked a question, the meaning of which question is obscure. I venture the opinion that there are very few people who know what was meant by the question. I am sure I did not know.

The Supreme Court of Appeals has had before it for decision a number of cases involving attempts to commit rape, and in every one of them where this matter was presented at all the Court has held that there must be a direct ineffectual overt act towards the commission of the crime in order to convict the accused.

In the case of Hicks v. Commonwealth 9 SE 1024, 86 VA 223, the intent to commit the crime was clearly shown, "but the conduct of the accused got no further than the preparation and solicitation of a third party who failed to take any steps towards carry out the criminal design." The conviction of the defendant in the lower court was reversed.

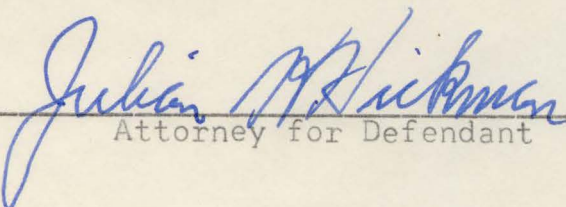
The Hicks case has not been reversed or modified by subsequent decisions.

See Martin v. Commonwealth 81 SE2d 574; 195 VA 1109; decided May 3, 1954.

We think no useful purpose can be served by citing the great number of cases dealing with this subject.

We respectfully submit that the defendant cannot be convicted of the crime with which he has been charged, and there is no probable cause to show that a crime has been committed which must be certified by the Grand Jury; therefore, we request dismissal of the warrant.

Respectfully,


Attorney for Defendant

JULIAN K. WICKMAN
ATTORNEY AT LAW
HOSPITAL BUILDING
HARRISONBURG, VIRGINIA

Respectfully,


Attorney for Defendant

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8-1-56
PR. 9-7-56

Filed

Commonwealth

v. On a warrant charging a felony (attempted sodomy)
Edward Austin Michael

This day came the attorney for the commonwealth, and the accused, Edward Austin Michael, came pursuant to his recognizance and by his attorney, Julian K. Hickman. Thereupon, said accused, in person, after consulting with his counsel, waived trial by jury and agreed to submit all matters of law and fact to the court for hearing and determination, the attorney for the commonwealth consenting thereto, and the court proceeded to hear and determine this case without the intervention of a jury.

~~Thereupon~~ ^{then} the attorney for the commonwealth introduced as evidence herein an agreed statement of facts, and ^{thereupon} the accused, by

counsel, moved the court to strike such evidence of the commonwealth.*

~~whereupon the court sustained said motion as to the felony charged herein but retained the lesser charge of contributing to the delinquency of a minor; thereupon, the court proceeded to hear the evidence introduced on behalf of the accused, after which, said accused on advice of his counsel, pleaded guilty to said lesser offense,~~

~~found guilty & referred on motion of accused
accused found guilty at first
for appeal before the court on~~

*as being insufficient to support the felony charge of sodomy, which motion the court sustained, but retained for further consideration the lesser included offense of contributing to the delinquency of a minor, to which misdemeanor the accused plead guilty, with advice of his counsel, and was thereupon found guilty of such misdemeanor. On further motion of the accused, by counsel, the fixing and imposition of punishment was deferred to await a report of a pre-sentence investigation by the Probation and Parole Officer for this Parole District, to whom the matter was referred for such purpose. Thereupon, the

9
362

TRIAL JUSTICE COURT

Criminal
Docket

Nº 20885 A

Com'th

V.

Edward Austin Michael
Defendant J.K.#

Cash Bond J.G.L. 19376 K ~~\$~~ 2,500.00

a.w. Appearance Date 5-4-56

Trial Date

To- 6-1-56 2: P.M.

Sufficient cause found.

852
22

To- GRAND JURY 6-1-56 PRQ.TJ

W.S. - 2 Com. H.

Docket No. 3198.

FEB - 1957.

COMMONWEALTH of VIRGINIA

VS. WARRANT)
Felony (attempted
sodomy)

EDWARD AUSTIN MICHAEL *hand*

Julian K. Hickman

p. d.

Own (x) Appointed ()

1956

November 12. Indictment &c. waived;
accused arraigned and plea of n.g.

December 28. Jury ⁹/₃₄₅
waived by accused; motion to
strike Com. evidence sustained
as to major offense & lesser
charge retained; plea of
guilty as to misd., accused
found guilty; imp. of sent.
deferred for filing of pre-
sentence report by Prob. Off.

1957

Jan. 11. Report of P.D. filed r; ⁹/₃₆₂
punishment filed at 12 mo. in jail &
\$50.00 fine; susp. cond. upon good
behavior r. for five years. ⁹/₄₀₁

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

12.50

12.50

2.00

1.00

1.50 *new*

50 *new*

30.00

50.00 *fine*

80.00

Keystone Envelope Co., Phila., Pa.

OFFICIAL RECEIPT FOR CASH DEPOSIT IN LIEU OF RECOGNIZANCE

WITH SURETY

CITY Harrisonburg
COUNTY OF Virginia N^o 19376 KRECEIVED OF Anne B. Lincoln FOR THE APPEARANCEOF Edward Austin Michael BEFORETHE Trin Justice COURT OF Rockingham COUNTYON THE 4th DAY OF May 1956 AT 2 ~~A.M.~~ P.M. TO ANSWER CHARGE MADE AGAINST HIM-~~HER~~ UNDER OATH BY J. F. Ritchie ON THE 2nd DAY OF May 1956Two Thousand Five Hundred DOLLARS \$ 2,500.00
WHICH INCLUDES FEE OF THE JUSTICE FOR TAKING THIS RECOGNIZANCEMay 3 1956
SECTION 19-107, 1950 CODE OF VIRGINIA

DUPLICATE—TO COURT OR JUSTICE

John T. Leake
Justice of the Peace

DUPLICATE—TO COURT OR JUSTICE

Justice of the Peace

Section 19-107, 1950 Code of Virginia

May 3 1952

WHICH INCLUDES FEE OF THE JUSTICE FOR TAKING THIS RECOGNIZANCE

DOLLARS \$ 2.50 00

HER UNDER OATH BY

ON THE 2nd DAY OF May 1952

ON THE 2nd DAY OF May 1952 AT 2 P.M.

TO ANSWER CHARGE MADE AGAINST HIM-

COURT OF

COUNTY

BEFORE

OF

RECEIVED OF

FOR THE APPEARANCE

CITY OF

WITH SURETY

OFFICIAL RECEIPT FOR CASH DEPOSIT IN LIEU OF RECOGNIZANCE

APR-104 17-1281-2-52

APR-104 17-1281-2-52

OFFICIAL RECEIPT

C. A. S. No. 4

OFFICE OF THE CLERK OF THE COURT
ROCKINGHAM COUNTY

HARRISONBURG, VA.,

June 6, 1956

Received of

For the account of

Twenty-five hundred & 00/100 Dollars

IN SETTLEMENT OF THE FOLLOWING

ACCOUNT

AMOUNT

Com. v. Edward Austin Michael

Cash bond deposited 5/3/56
by Anne B. Lincoln

#8a \$500.00

No 12659

Clerk

Margie Bowers

Deputy Clerk

BERRY HADLEY CO., RICHMOND, VA.

OFFICIAL RECEIPT

C. A. S. No. 1

OFFICE OF THE CLERK OF THE COURT
ROCKINGHAM COUNTY

HARRISONBURG, VA.,

19

Received of

For the account of

Dollars

In Settlement of the Following

Amount

Account

#801 4500.00

No 13623

Clerk

Deputy Clerk

COMMONWEALTH VS. Edward Austin Medford

DESCRIPTION OF PRISONER

Last known address 1426 21st St. N.W., Washington 6, D.C.

Color White Height 6'4" Eyes Brown Hair Brown Weight 218

Marks None

Age 22 Occupation Employee - National Education Association

Date of Trial 3-11-57

Result _____

COMMONWEALTH VS *James Earl Ray*

DESCRIPTION OF PRISONER

Last known address 1456 21st St. N.W., Washington, D.C.
Color White Height 5'4" Eyes Brown Hair Brown Weight 158
Marks None
Age 34 Occupation Employer - National Education Association
Date of Trial 3-11-57
Result _____

I, Edward Austin Michael, the accused in the attached warrant, in open court, before the Judge of the Circuit Court of Rockingham County, Virginia, do voluntarily waive indictment on the said charge of attempted sodomy.

Given under my hand this 8th day of October, 1956.

Witness:

I, Edward Austin Michael, the accused in the attached
warrant, in open court, before the Judge of the Circuit Court of
Rockingham County, Virginia, do voluntarily waive indictment on
the said charge of attempted sodomy.

Given under my hand this 8th day of October, 1956.

Witness:

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

Julius T. Ritchie, Chief of Police
Roscoe Turner

to appear before the Trial Justice Court of said County, sitting at Harrisonburg, Virginia, in said County, on
1st day of June, 1956, at the hour of 2 P.M.
to give evidence in behalf of Com. #

in the pending case of

v.

Edward Austin Michaelson, et al.

Given under my hand this 25th day of May, 1956

Ad Cr Swartz

Clerk
Subs. Clerk

Sub. Clerk

V. { Witness Subpoena

Edward Austin Michael

To June 1, 1956

Trial Justice Court

Docket No. 20225A

Comm. K

EXECUTED 5-26-56 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE

COPY OF THE WITHIN Summons
TO Julius Ed Ritchie
IN PERSON

Rosecoe Turner

B. E. Turner Dep. for
A. L. STRAWDERMAN

SHERIFF
ROCKINGHAM COUNTY

Hannoverburg, Va.
May 2, 1956

On the night of May 1, 1956 I was riding
by Klein's Dairy Cream and I passed a boy
riding on his bicycle. He asked me "if I
wanted to drag?" and I said "no, but do you
want to ride?" He said he was riding and
I said "If you want a blow-job, I'll give you
three dollars". I do not know what caused
this intention, but it was my intention to
have an abnormal sexual act with this boy.

Edward A. Michael.

Witness
Luther J. Ritchie
Chief of Police

Thursday, May 1, 1902

On the night of May 1, we were riding
by the Cape Cod Canal, and I was
told that the "Cape Cod Canal" was
the best place to go to see the
"Cape Cod Canal" and the "Cape Cod Canal".
I was told that the "Cape Cod Canal" was
the best place to go to see the "Cape Cod Canal".
I was told that the "Cape Cod Canal" was
the best place to go to see the "Cape Cod Canal".

Thank & Goodnight

Wm. H. H. H. H.
Wm. H. H. H. H.
Wm. H. H. H. H.

I, Edward Austin Michael, the accused in the attached warrant, in open court, before the Judge of the Circuit Court of Rockingham County, Virginia, do voluntarily waive indictment on the said charge of attempted sodomy.

Given under my hand this 12th day of November, 1956.

Edward A. Michael

Witness:

Julian M. Hickman

I, Edward Austin Michael, the accused in the attached
warrant, in open court, before the Judge of the Circuit Court of
Rockingham County, Virginia, do voluntarily waive indictment on
the said charge of attempted sodomy.

Given under my hand this 12th day of November, 1956.

Edward A. Michael

Witness:

Richard W. McKeen

STATE OF VIRGINIA

COUNTY OF Harrisonburg
City

To-Wit:

No. _____

TO ANY SHERIFF OR POLICE OFFICER:

J.F. Ritchie

Whereas, _____

John G. Leake

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

Justice of The Peace

City

(Name)

of the said County, that

(Title)

Edward Austin Michael

City

in the said County

did on the 1st day of May, 19 56: Unlawfully and feloniously

attempt to carnally know by or with the mouth, one Roscoe Turner, a minor male child

thirteen years of age, in violation of section 18-98 of the 1950 Code of Virginia,

against the peace and dignity of the Commonwealth of Virginia

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

_____	color _____	Address _____	<input type="checkbox"/>
_____	color _____	Address _____	<input type="checkbox"/>
_____	color _____	Address _____	<input type="checkbox"/>
_____	color _____	Address _____	<input type="checkbox"/>
_____	color _____	Address _____	<input type="checkbox"/>

as witnesses.

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

John G. Leake
(Title of Issuing Officer)

(Seal)

JUSTICE OF THE PEACE

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

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

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

(\$ _____), to be made and levied of their respective goods and chattels, lands, and tenements to the use of the Commonwealth to
be rendered, yet upon this condition: That the said _____, shall appear before the Circuit Court
of _____ County, on the _____ day of _____, 19____,

at _____ M., at _____, Virginia, and at any time or times to which the proceedings may be continued
or further heard, and before any court thereafter having or holding any proceedings in connection with the charge in this warrant, to answer
for the offense with which he is charged, and shall not depart thence without the leave of said court, the said obligation to remain in full force
and effect until the charge is finally disposed of or until it is declared void by order of a competent court; and upon the 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. 26885-A

COMMONWEALTH

WARRANT OF ARREST

vs. Edward Austin Michael

Executed this, the 2nd day of _____, 1956

James T. Rutledge

Upon the examination of the within charge, _____

There being sufficient probable cause the Defendant is held for action by the Grand Jury.
Given under my hand this 1st day of June 1956.

Orlando Q. Brown
T.J.

10-6-1-56 2:PM

Fine _____ \$ _____

Costs _____ \$ _____

Total _____ \$ _____

Pho. N.Y. 5-4-56 P. 189.78-

The following witnesses were recognized
to appear before the Circuit Court of _____ County,

Virginia, at _____

Virginia, at _____ M., on the _____, 19____,

day of _____, 19____,

under penalty of \$ _____

COSTS

Warrant _____ \$ 1.00

Trial _____ 2.00

Bail _____

Arrest _____

Mileage _____

Clerk _____ 1.25

Jail Fee and Board _____ .50

Witness Attendance Roscoe Turner .50

Summoning Witnesses _____ 1.00

Commonwealth Attorney _____ 2.50

Total Costs _____ \$ 8.75

Fine _____

Total _____ \$ _____

COMMONWEALTH

V.

EDWARD AUSTIN MICHAEL

STIPULATION AS TO THE EVIDENCE OF ROSCOE TURNER

It is stipulated that Roscoe Turner would testify that at approximately 10:30 P.M. on May 1, 1956, he was riding his bicycle in the middle of North Main Street; that when he was a short distance north of Kline's Frozen Custard, Edward Austin Michael, traveling in the same direction, pulled up on his right hand side; that Roscoe Turner asked the defendant if the defendant wanted a drag, to which the defendant replied, "No. Do you want a blow job? I will give you \$3.00." To which Roscoe Turner replied, "No." ~~I get all I want every night.~~ That the defendant did not stop his vehicle; that Turner continued on his bike; that the defendant did not attempt to crowd Turner into the curb; that the defendant did not touch or in any way molest Turner; and the defendant made no statement to Turner other than the quoted statement.

H. H.

COMMONWEALTH

V.

EDWARD AUSTIN MICHAEL

STIPULATION AS TO THE EVIDENCE OF ROSCOE TURNER

It is stipulated that Roscoe Turner would testify that at approximately 10:30 P.M. on May 1, 1956, he was riding his bicycle in the middle of North Main Street; that when he was a short distance north of Kline's Frozen Custard, Edward Austin Michael, traveling in the same direction, pulled up on his right hand side; that Roscoe Turner asked the defendant if the defendant wanted a drag, to which the defendant replied, "No. Do you want a blow job? I will give you \$3.00." To which Roscoe Turner replied, "No." ~~That the defendant did not stop his vehicle; that he continued on his way; that the defendant did not attempt to crowd Turner into the curb; that the defendant did not touch or in any way molest Turner; and the defendant made no statement to Turner other than the quoted statement.~~

stipulations as to evidence

A. H.