

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of Rockingham County,

August Term, 1958.

The Grand Jurors of the Commonwealth of Virginia, in and for the body of the County of Rockingham, now attending the Circuit Court of said County, upon their oath present that Elwood Herring, on the 11th day of May, 1958, in said County, unlawfully and feloniously did kill and slay one Judith Ann Odham, against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Virginia Schaaf, Trooper Failes, Charles M. See and Sgt. Birckhead, witnesses sworn in open court and sent to the Grand Jury to give evidence.

#9457

2
cc 2
aff

Basil

Oct 4-44-5

COMMONWEALTH

v.

PRESENTMENT

ELWOOD HERRING

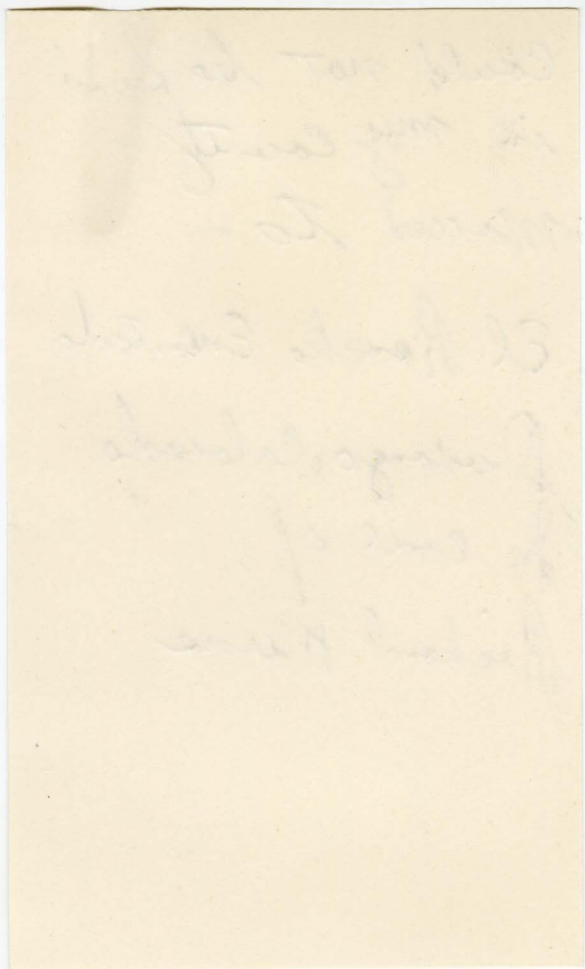
A TRUE BILL

Paul P. Hui
Foreman

Charles E. Earman, Jr.
Commonwealth's Attorney

Could not be found
in my County -
Moved to -

El Rancho Encantado
Durango, Colorado
In care of
Richard Kuns



Witness Subpoena

Commonwealth of Virginia:

County of Rockingham, to-wit: **Charlotte**

To the Sheriff of ~~XXX~~ County, Greeting:

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

Beverly Kiser; Abilene, Va.

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

1st day of **July**, 19 **58**, at the hour of **2: PM** of that day

to give evidence in behalf of **Com'th**

in the pending case of **Com'th**

v. **Malcolm Ray Morris and Elwood Herring**

Given under my hand this **11th** day of **June**, 19 **58**

Patricia Ann Phillips

Dep. Clerk
~~XXXXXX~~

Witness Subpoena

Commonwealth of Virginia:
County of Rockingham, to-wit: Charlotte
To the Sheriff of XXXX County, Greeting:

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

Beverly Kaiser; Adlene, Va. 26569 A

Docket No. 26571 A

to appear before The County Court of said County, sitting at Harrisonburg, Virginia, in said County, on
the _____ day of _____, 1958, at _____ o'clock _____ of that day
Com'th _____ 2: PM

to give evidence in behalf of Com'th _____
V. (Witness Subpoena)

Malcolm Ray Morris
Elwood Herring

July 1, 1958; at 2: PM

Dep. Clerk
XXXXXX

6-20-58-Carlson

Witness Subpoena

Commonwealth of Virginia:

County of Rockingham, to-wit: Charlotte

To the Sheriff of ~~said~~ County, Greeting:

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

Beverly Kiser; Abilene, Va.

to appear before The County Court of said County, sitting at Harrisonburg, Virginia, in said County, on
1st day of July, 19 58, at the hour of 2: PM of that day
to give evidence in behalf of Com'th

in the pending case of Com'th

v. Malcolm Ray Morris and Elwood Herring

Given under my hand this 11th day of June, 19 58

Patricia Ann Phillips

Dep. Clerk
Asst. Clerk

Witness Subpoena

Commonwealth of Virginia:
County of Rockingham, to-wit: Charlottesville
To the Sheriff of Rockingham County, Greeting:

You are hereby commanded, in the name of The County Court of Rockingham County, Virginia, to summon

26569 A

Docket No. 26571 A

to appear before The County Court of said County, sitting at Harrisonburg, Virginia, in said County, on
Com'th day of July, 1958, at the hour of 2: PM of that day

V. (Witness Subpoena)

Malcolm Ray Morris

Elwood Herring

July 1, 1958; at 2: PM

Given under my hand this

day of

19 58

Notary Clerk
Notary Clerk

6-36-58-Garrison

STATE OF VIRGINIA CITY OF HARRISONBURG, to wit:
I, JOHN G. LEAKE a Judge of the County Court in and for the City aforesaid, State of Virginia, do certify
that ELWOOD HERRING
and GEO. L. NALLS & HANORA NALLS
BY JAMES W. LINEWEAVER as his surety, have this day each acknowledged themselves indebted
to the Commonwealth of Virginia in the sum of Twelve hundred and Fifty Dollars
(\$ 1250.00), 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 Elwood Herring, shall appear before the Circuit Court
of Rockingham County, on the 27th day of JUNE, 1958,
at 2P M., at NARRISONBURG, 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 Elwood Herring shall keep the peace and be of good behavior for a period of 10 days
from the date hereof. Nonappearance shall be deemed to constitute a waiver of trial by jury.
Given under my hand, this 10th day of JUNE, 1958,
GEO. L. NALLS & HANORA NALLS
BY James W. Lineweaver (SEAL) Elwood Herring John G. Leake J. P.

DOCKET NO. 26571A

COMMONWEALTH

WARRANT OF ARREST

vs.

Executed this, the 27th day of JUNE, 1958

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

The following witnesses were recognized
to appear before the Circuit Court of Rockingham County, Virginia, at 2P M., on the 27th day of JUNE, 1958,
under penalty of \$ 1000.00

COSTS

Fine _____
Costs _____
Total _____

Warrant _____
Trial _____
Bail _____
Arrest _____
Mileage _____
Clerk _____
Jail Fee and Board _____
Witness Attendance _____
Summoning Witnesses _____
Commonwealth Attorney _____
Total Costs _____
Fine _____
Total _____

STATE OF VIRGINIA
COUNTY OF _____

To-Wit:

No. _____

TO ANY SHERIFF OR POLICE OFFICER:

Whereas, _____

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

(Name)

(Title)

of the said County, that _____

in the said County

did on the _____ day of _____, 19____: Unlawfully _____

These are, therefore, to command you, in the name of the Commonwealth, to apprehend and bring before the County 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 _____ day of _____, 19____

(Title of Issuing Officer)

(Seal)



S. P. 62 - REV. 4-4-57

DEPARTMENT OF STATE POLICE

C122621

County or City of

Rockingham

Date

6-2-58

M

ELWOOD (NMN) HERRING

You are hereby summoned to appear in County Court before:

City

Judge

at

HARRISON GURRY

on 6-9-58 at 2:00 AM PM, to answer for violating the motor vehicle laws of Virginia, to wit:

Reckless Driving ☐

Speeding

MPH in a

MPH Zone ☐

Chauffeurs

No Operators License ☐

Illegal

☐

Other

MANSLAUGHTER

I hereby promise to appear at the time and place specified above

Summons issued under Title 46—Section 193, Code of Virginia. Failure to comply with this summons constitutes a separate offense.

Defendant's
Signature

Trooper

Shield No.

J. R. FAILE 256

All traffic fines for State violations are paid into the Literary Fund for Educational purposes.

COMMONWEALTH OF VIRGINIA
DIVISION OF MOTOR VEHICLES
RICHMOND

If this abstract relates to a conviction of exceeding a speed limit, the Court is requested to state rate of speed and zone.

DEFENDANT		RACE	SEX	WEIGHT	HEIGHT	CODE
ELWOOD (NMN) HERRING		W	M	135	5' 6"	
ADDRESS		EYES	HAIR	MONTH BORN	YEAR BORN	
G.D.		BL	LIGHT	SEPT	1921	
CITY		OPER. OR CHAUF. LICENSE NO.			STATE	
ELKTON VA		CL 244881			VA	
JURISDICTION, COUNTY, CITY OR TOWN		VEHICLE	YEAR	MAKE	TYPE	
		H440	58	CHEV	3DN	
		VEHICLE LICENSE NO.		YEAR	STATE	
		H440		58	VA	
		OCCUPATION				
		TAXI DRIVER				
NAME OF COURT						
OFFENSE DATE	PLEA	CONVICTED OF			DATE	
	GUILTY <input type="checkbox"/>					
	NOT GUILTY <input type="checkbox"/>					
PENALTY IMPOSED				LICENSE SUSPENDED?		
				YES <input type="checkbox"/> NO <input type="checkbox"/>		
PERIOD SUSPENDED	LICENSE SURRENDERED?	SIGNATURE OF JUDGE OR CLERK				
	YES <input type="checkbox"/> NO <input type="checkbox"/>					
NAME OF ARRESTING OFFICER		TITLE OF COURT OFFICIAL			DATE	

C122621

This abstract is filed by the Judge or Clerk of the Court having jurisdiction of this case as required by Section 46-414, of the Code of Virginia, as amended.

TRAFFIC VIOLATIONS DO CAUSE ACCIDENTS

Main violations indicated from Virginia Accident Analysis are:

Speed too fast for conditions

Did not yield right of way

Improper passing

Following too closely

Failed to signal turn or stop

Disregarded stop sign

Operating wrong side of road—not overtaking

RECEIVED BY THE VIRGINIA
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAY CONSTRUCTION
AND MAINTENANCE
FEBRUARY 10 1964

THIS IS A PRELIMINARY REPORT AND IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN FOR THE INFORMATION OF THE DIVISION OF HIGHWAY CONSTRUCTION AND MAINTENANCE.

10000000

STATE OF VIRGINIA

COUNTY OF Harrisonburg
City

To-Wit:

No. _____

TO ANY SHERIFF OR POLICE OFFICER:

Whereas, J.R. Faileshas this day made complaint and information on oath before me, John G. Leake

City

(Name)

Justice of The Peace

(Title)

of the said County, thatElwood HerringRockingham

in the said County

did on the 11th day of May, 1958: Unlawfully and feloniously,
kill and slay one Judith Ann Odham, 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
 County Court of Rockingham 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:

_____	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 27th day of May, 19 58

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

(Seal)

STATE OF VIRGINIA - CITY OF HARRISONBURG, to-wit:
I, JOHN G. LEAKE a Justice of the Peace in and for the Rockingham County, State of Virginia, do certify
that ELWOOD HERRING
and JAMES W. WINEWEAVER as his surety Y, have this day each acknowledged themselves indebted
to the Commonwealth of Virginia in the sum of ONE THOUSAND TWO HUNDRED AND FIFTY Dollars
(\$ 1250.00), 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 Elwood Herring, shall appear before the Circuit Court
of Rockingham County, on the 9th day of June, 1958,
at 2 P. M., at Harrisonburg, 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 James W. Wineweaver shall keep the peace and be of good behavior for a period of 2nd days
from the date hereof. Nonappearance shall be deemed to constitute a waiver of trial by jury.
GIVEN UNDER MY HAND AND SEAL OF OFFICE this 2nd day of June, 1958
BY John G. Leake (SEAL) Elwood Herring John G. Leake Judge J. P.

DOCKET NO. 265714
COMMONWEALTH
WARRANT OF ARREST
vs. Elwood Herring

Executed this, the 2 day of June, 1958

Spa. J. R. Still

Upon the examination of the within charge, I find
no cause

There being sufficient and probable
cause this case is hereby held for
action by the Grand Jury.

Given under my hand this 1st day of
July, 1958.

W. Jackson
Subst. Judge

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

COSTS

Warrant \$ 1.00

Trial 2.00

Bail _____

Arrest _____

Mileage 1.25

Clerk _____

Jail Fee and Board _____

Witness Attendance 5.00

Summoning Witnesses 6

Commonwealth Attorney 5.00

Total Costs \$ 15.25

Fine _____

Total \$ 15.25

Total \$ 15.25
Paid 10-4-1-58 2:11 PM

Docket No. 3457.

Sept. 24
AUG

1958

COMMONWEALTH of VIRGINIA

VS. Indictment } Felony (inv. mans.)
#2 }

Orham
ELWOOD HERRING bond

Donald D. Litten

p. d.

Own () Appointed (x)

1958

August 18. Return of Grand Jury. 10/72

*Aug. 18. Arr. & plea n.g. & set
for Sept. 24. 10/76*

*Sept. 24. Jury imp. &
verdict not guilty. 10/99*

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

Keystone Envelope Co., Phila., Pa.

26572

3457

COUNTY COURT

Criminal
Docket

Nº 26571 A

Com'th

V.

Elwood Herring
Defendant

T. J. Law.
J. R. F.

Appearance Date

6-9-58

Trial Date

7-1-58

Grand Jury

4 W. S. Com^{rs} ^{Rockingham}
1 W. S. " ^{Sher.} Charlotte Co
1 W. S. " City Sgt. Hapewell

See 26569 notes