

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of Rockingham County, June 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 the said County, upon their oath present that Harold Kenneth Moyers, on the 5th day of April, 1958, in the said County, unlawfully and feloniously did kill and slay one Ray Asa Miller, against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Trooper Arrington and Radford Miller, witnesses sworn in open court and sent to the Grand Jury to give evidence.

We the jury find a true bill

Weydet Ewing Forman

3434

Notary
ad curia

COMMONWEALTH
V.
HAROLD KENNETH MOYERS
INDICTMENT
A TRUE BILL

W. H. D. Jones
Foreman

Charles E. Hartman, Jr.
Commonwealth's Attorney

PRE-SENTENCE INVESTIGATION

Staunton, Virginia
September 8, 1958

NAME: Harold Kenneth Moyers

CITIZENSHIP: American

ADDRESS: Route #2, Harrisonburg, Virginia

MARITAL STATUS: Married

AGE: 35 (1-16-23)

NO. OF DEPENDENTS: 5

SEX: Male

OFFENSE: Manslaughter

RACE: White

OFFENSE:

On August 20, 1958, Harold Kenneth Moyers was brought before the Rockingham County Circuit Court with the Honorable Hamilton Haas presiding. This man had been indicted on a charge of manslaughter; and upon being arraigned on this date, he entered a plea of guilty. This man was represented by his own employed attorney, Mr. Charles A. Hammer. The subject was found guilty; but on motion of the accused, the Court deferred imposition of sentence and referred the case to the Probation Officer for a Pre-Sentence Report.

It is reported that on the morning of April 5, 1958, at approximately 3:00 a.m., the subject who was operating a 1950 Buick automobile collided with a 1951 Plymouth in the village of Lacey Springs on U.S. Route 11. As a result of this accident, Mr. Ray Asa Miller, white male, age 50, was killed. The subject received a fractured left arm and injury to his pelvis and left leg.

This accident was investigated by Tropper R. C. Arrington, whose investigation indicates that the subject's car struck the Miller vehicle in the south-bound lane. Persons contacted at Lacey Springs claim that this accident occurred in the subject's north-bound lane; but photographs taken at the scene of the accident by the Tropper clearly indicate that their impression is wrong.

PRIOR RECORD:

The only prior record found against the subject was two traffic offenses, which occurred in the Rockingham County.

5-25-54 - Improper passing - \$14.25 fine and costs

1-17-56 - Speeding - \$53.25 fine and costs

FAMILY HISTORY:

Harold K. Moyers is the second of five children born to Zellie and Bertha Weese Moyers on January 16, 1923, at Bayard, West Virginia. The subject's father was killed in a coal mine accident in 1930. The mother, who is now 54 years of age, is living in Liberty, Pennsylvania with her father and her 13-year old son, Robert. The subject has the following brothers and sisters:

Walter, age 40, Detroit, Michigan

Sylvin, killed or died in Korea at the age of 23

Mrs. Edna Wilfong, age 21, Frank, West Virginia

Robert, age 13, Liberty, Pennsylvania

PRE-SENTENCE INVESTIGATION

Stamton, Virginia
September 8, 1938

CITIZENSHIP: American
MARITAL STATUS: Married
NO. OF DEPENDENTS: 2
OFFENSE: Manslaughter

NAME: Harold Kenneth Moyers
ADDRESS: Route 45, Harrisonburg, Virginia
AGE: 35 (1-16-23)
SEX: Male
RACE: White

CRIME:

On August 30, 1938, Harold Kenneth Moyers was brought before the Rockingham County Circuit Court with the Honorable Hamilton Hays presiding. This man had been indicted on a charge of manslaughter; and upon being arraigned on this date, he entered a plea of guilty. This man was represented by his own employed attorney, Mr. Charles A. Hanner. The subject was found guilty; but on motion of the accused, the Court deferred imposition of sentence and referred the case to the Probation Officer for a Pre-Sentence Report.

It is reported that on the morning of April 5, 1938, at approximately 3:00 a.m., the subject who was operating a 1930 Buick automobile collided with a 1931 Plymouth in the village of Lacey Springs on U.S. Route 11. As a result of this accident, Mr. Ray Lee Miller, white male, age 30, was killed. The subject received a fractured left arm and injury to his pelvis and left leg.

This accident was investigated by Trooper R. C. Arlington, whose investigation indicated that the subject's car struck the Miller vehicle in the south-bound lane. Persons contacted at Lacey Springs claim that this accident occurred in the subject's north-bound lane; but photographs taken at the scene of the accident by the Trooper clearly indicate that their impression is wrong.

CRIMINAL RECORD:

The only prior record found against the subject was two traffic offenses, which occurred in the Rockingham County.

5-25-34 - Improper passing - \$14.25 fine and costs
1-17-36 - Speeding - \$53.25 fine and costs

FAMILY HISTORY:

Harold K. Moyers is the second of five children born to Nellie and Herbert Hesse Moyers on January 16, 1903, at Bayard, West Virginia. The subject's father was killed in a coal mine accident in 1930. The mother, who is now 54 years of age, is living in Liberty, Pennsylvania with her father and her 13-year old son, Robert. The subject has the following brothers and sisters:

Walter, age 40, Detroit, Michigan
Sylvia, killed or died in fire at the age of 23
Mrs. Edna Wilcox, age 31, Frank, West Virginia
Robert, age 13, Liberty, Pennsylvania

RE: Harold Kenneth Moyers
page - 2

On April 8, 1946, the subject married Anna Mae Conley at Blue Grass, Virginia. To this union, which appears to have been congenial, four children have been produced.

Doris Ann, age 9
Patricia Kay, age 8
Kenneth Franklin, age 4
Harold, age 2

HOME AND NEIGHBORHOOD:

The subject owns a frame home which he constructed approximately eight years ago. This home has four rooms which are completed and two unfinished rooms upstairs. This home is situated on approximately one acre of land located approximately one mile West of Lacey Springs, Va.

EDUCATION:

This man entered school when he was seven. This man attended the Middle Mountain School near Blue Grass, Virginia, where he completed the first year of high school.

RELIGION:

The subject is not a member of any church. His wife is a member of the Mennonite Church but seldom attends.

INTEREST AND ACTIVITIES:

This man's chief leisure-time pursuits are reading and shooting pool.

HEALTH:

Moyers is subject to attacks of pneumonia. This man also received a shrapnel wound in his knee, arm, and head while in the U.S. Army. As a result of the automobile accident, this man received injury to his neck and back, a broken arm, and an injured pelvis. As a result of this accident, his left leg is now approximately 1½" shorter than his right leg, which would require an additional operation at the University of Virginia Hospital.

EMPLOYMENT:

This man entered the U.S. Army on May 8, 1943, and received an honorable discharge on February 8, 1946. As a result from injuries received while in service, this man receives \$19.00 per month government compensation. After this man's release from the Army, he was employed for approximately seven years by Mr. Bud Zirk on a saw mill in Rockingham County. In 1954 this man went to work for M. A. Layman and Sons, Harrisonburg, Virginia, where he continues to be regularly employed. This man is assistant manager of Layman's black-top plant.

RESOURCES:

This man owns real estate and personal property having a value of approximately \$5500.00 and reports liabilities in the amount of approximately \$1000.00.

On April 8, 1946, the subject married Anna Mae Conley at Blue Grass, Virginia. To this union, which appears to have been congenial, four children have been produced.

Doris Ann, age 9
Patricia Kay, age 8
Kenneth Franklin, age 4
Harold, age 2

HOME AND NEIGHBORHOOD:

The subject owns a frame home which he constructed approximately eight years ago. This home has four rooms which are completed and two unfinished rooms upstairs. This home is situated on approximately one acre of land located approximately one mile west of Lacey Springs, Va.

EDUCATION:

This man entered school when he was seven. This man attended the Middle Mountain School near Blue Grass, Virginia, where he completed the first year of high school.

RELIGION:

The subject is not a member of any church. His wife is a member of the Mennonite Church but seldom attends.

INTERESTS AND ACTIVITIES:

This man's chief leisure-time pursuits are reading and shooting pool.

HEALTH:

Moyers is subject to attacks of pneumonia. This man also received a surgical wound in his knee, arm, and head while in the U.S. Army. As a result of the automobile accident, this man received injury to his neck and back, a broken arm, and an injured pelvis. As a result of this accident, his left leg is now approximately 1 1/2" shorter than his right leg, which would require an additional operation at the University of Virginia Hospital.

EMPLOYMENT:

This man entered the U.S. Army on May 8, 1943, and received an honorable discharge on February 8, 1946. As a result from injuries received while in service, this man receives \$12.00 per month government compensation. After this man's release from the Army, he was employed for approximately seven years by Mr. Bud Eirk on a saw mill in Rockingham County. In 1954 this man went to work for M. A. Jayman and Sons, Harrisonburg, Virginia, where he continues to be regularly employed. This man is assistant manager of Jayman's black-top plant.

WEALTH:

This man owns real estate and personal property having a value of approximately \$2500.00 and reports liabilities in the amount of approximately \$1000.00.

RE: Harold Kenneth Moyers
page - 2

RECOMMENDATION AND PLAN:

Inasmuch as the subject displays an excellent attitude, has a minor prior record, and a stable employment record; I am of the opinion that he would adjust satisfactorily if he should be given an opportunity to do so under probation supervision.

Respectfully submitted.

Wm H Ralston

William H. Ralston
Probation and Parole Officer

WHR:as

RECOMMENDATION AND PLAN:

Inasmuch as the subject displays an excellent attitude, has a minor prior record, and a stable employment record; I am of the opinion that he would adjust satisfactorily if he should be given an opportunity to do so under probation supervision.

Respectfully submitted,

Wm H. Palston

William H. Palston
Probation and Parole Officer

*Report filed
9-11-58*

thereafter
(X) and if such pet to be
so filed by Oct. 20, 1958,
~~such suspension to stand~~
~~further extended~~ until 10
days after the Supreme Court

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA:

COMMONWEALTH

V.

HAROLD MOYERS

)
)
)
)
)
)
)

*Appellate has made disposi-
tion thereof,*

O R D E R

The said defendant, Harold Moyers, this day appeared be-
fore the bar of this Court and the said defendant now signify-
ing his intention of applying to the Supreme Court of Appeals
of Virginia for a writ of error, the sentence pronounced against
him on the 11th day of September, 1958, is suspended ~~for a~~ *until Oct.*
~~period of sixty (60) days from this date upon condition that~~
20, 1958 and thereafter (X)
the said defendant enter into a recognizance in the sum of \$ 2500⁰⁰
with good and sufficient security, conditioned for the defendant
to make his appearance before this Court *to so abide by such*
sentence or by any order of the or judgment of said
18th day of November, 1958, *court of appeals*
~~against him by this Court on the 11th day of September, 1958,~~
~~in case a writ of error is refused by the Supreme Court of Appeals~~
~~of Virginia, or should the said defendant fail to present his pe-~~
~~tition for a writ of error, or should the Supreme Court of Appeals~~
~~grant a writ of error and afterwards affirm the sentence of this~~
~~Court, then for the appearance of the said defendant in this~~
~~Court within ten days from the day on which said sentence is~~
~~affirmed.~~

And thereupon the said Harold Moyers, by leave of the Court
and with Mervyl A. Layman, his surety, entered into a recogni-
zance and acknowledged themselves indebted to the Commonwealth
of Virginia in the sum of \$ 2500⁰⁰, conditioned as above;
provided, that should the said Harold Moyers make his appearance
in this Court in keeping with the above conditions, then the

*10/9/58
9/15/58*

Handwritten notes at top of page, including a circled 'X' and various illegible scribbles.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA:

COMMONWEALTH

V.

HAROLD MOYERS

ORDER

The said defendant, Harold Moyers, this day appeared before the bar of this Court and the said defendant now signifying his intention of applying to the Supreme Court of Appeals of Virginia for a writ of error, the sentence pronounced against him on the 11th day of September, 1938, is suspended for a period of sixty (60) days from this date upon condition that the said defendant enter into a recognizance in the sum of \$2500 with good and sufficient security, conditioned for the defendant to make his appearance before this Court at 9:30 A.M. on the 18th day of November, 1938, to abide by the sentence pronounced against him by this Court on the 11th day of September, 1938, in case a writ of error is refused by the Supreme Court of Appeals of Virginia, or should the said defendant fail to present his petition for a writ of error, or should the Supreme Court of Appeals grant a writ of error and afterwards affirm the sentence of this Court, then for the appearance of the said defendant in this Court within ten days from the day on which said sentence is affirmed.

And thereupon the said Harold Moyers, by leave of the Court and with Mervyl A. Layman, his surety, entered into a recognizance and acknowledged themselves indebted to the Commonwealth of Virginia in the sum of \$2500, conditioned as above; provided, that should the said Harold Moyers make his appearance in this Court in keeping with the above conditions, then the

Handwritten red date stamp: 10/10/38

said recognizance to be void, otherwise to remain in full force and virtue.

The said Harold Moyers and Mervyl A. Layman jointly and severally waive the benefit of their homestead exemptions as to this obligation.

10
97



S. P. 82 - REV. 4-4-57

DEPARTMENT OF STATE POLICE

C121940

County or City of

Rockingham

Date

4-29-58

City

MR. HAROLD KENNETH MOYERS

You are hereby summoned to appear in County Court before:

Judge

at

HARRISONBURG

on 5-13-58 at 2:00

AM

PM, to answer for violating the motor vehicle laws of Virginia, to wit:

Chauffeurs

Reckless Driving ☐

Speeding

MPH in a

MPH Zone ☐No Operators License ☐

Illegal

☐

Other

INVOLUNTARY 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

R.C. ARRINGTON

Shield No.

519

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
HAROLD KENNETH MOYERS		W	M	155	5' 4"	
ADDRESS		EYES	HAIR	MONTH BORN	YEAR BORN	
Route #2		BRN	BRN	JAN	1923	
CITY		OPER. OR CHAUF. LICENSE NO.		STATE		
HARRISONBURG, VA.		DA 492449		VA.		
JURISDICTION, COUNTY, CITY OR TOWN		VEHICLE	YEAR	MAKE	TYPE	
		818-476	57	BUICK	SDN.	
		VEHICLE LICENSE NO.		YEAR	STATE	
		818-476		57	VA.	
		OCCUPATION				
		LABORER				
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	

C121940

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

STATE OF VIRGINIA }
COUNTY OF Rockingham

To-Wit: No. _____

TO ANY SHERIFF OR POLICE OFFICER:

Trooper R.C. Arrington

Whereas, _____

Donald S. Evans

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

(Name)

Justice of the Peace

(Title)

of the said County, that _____

Harold Kenneth Moyers

in the said County

did on the 5th day of April, 1958: Unlawfully and feloniously
kill and slay one Ray Asa Miller, 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 Court of the said County, the body (~~those~~) 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 20th day of April, 1958

Donald S. Evans

(Title of Issuing Officer)
Justice of the Peace

(Seal)

City
STATE OF VIRGINIA—~~Circuit~~ OF Harrisonburg, to-wit:
I, John G. Leake a ~~Justice of the Peace~~ City in and for the County aforesaid, State of Virginia, do certify
that Harold Kenneth Moyers
and Mervyl A. Layman, as his suret Y, have this day each acknowledged themselves indebted
to the Commonwealth of Virginia in the sum of TWO THOUSAND FIVE HUNDRED Dollars
(\$ 2500.00), 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 Harold Kenneth Moyers, shall appear before the Circuit Court
of Rockingham County, on the 13th day of May, 19 58,
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 _____ 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 29th day of April, 19 58
John G. Leake Judge, J. P.

DOCKET NO. 26324 A
COMMONWEALTH
WARRANT OF ARREST
vs. Harold Kenneth Moyers
Executed this, the 29th day of April, 19 58
J. P. C. Livingston
(VSP)
Upon the examination of the within charge, I find
the accused

Total
10-6-12-58 2:PM
Fine
Costs
Plas. N.Y. 5-13-58 1:14. JWC

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

COSTS
Warrant \$ 1.00
Trial 2.00
Bail _____
Arrest _____
Mileage _____
Clerk 1.25
Jail Fee and Board _____
Witness Attendance _____
Summoning Witnesses _____
Commonwealth Attorney 5.00
Total Costs \$ 9.25
Fine _____
Total _____

COMMONWEALTH VS. Harold Kenneth Meyers

DESCRIPTION OF PRISONER

Last known address 754y Rt 2
Color W Height 5-4 Eyes B Hair B Weight 150
Marks Crippled left leg
Age 35 Occupation Salvage
Date of Trial 9-11-58
Result Guilty & 250.00 fine

DESCRIPTION OF PRISONER

Reside _____
Date of Trial _____
Age _____
Occupation _____
Mark _____
Color _____
Height _____
Eyes _____
Hair _____
Weight _____
Last known address _____

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

TROOPER ARRINGTON

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 20th day of August, 1958, to testify and the truth to say in behalf of the
Commonwealth before the Grand Jury, against HAROLD MOYERS

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 12th of August, 1958, and in the 183rd year
of the Commonwealth.

Charles E. Earmann, Jr.
Commonwealth's Attorney

7-14-58
EXECUTED IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN
TO Frederic Wright
IN PERSON.

A. L. Strawderman
A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY



Fee 40

26325 A

COUNTY COURT

Criminal
Docket

Nº 26324 A

Com'th

V.

Harold Kenneth Moyers
Defendant

T.J. Law -
R.F. Q

Appearance Date 5-13-58

Trial Date 6-12-58



OCT

1958

1958

Docket No. 3434Aug. 20
to be assigned

COMMONWEALTH of VIRGINIA

VS. Indictment

Felony (manslaughter)

HAROLD KENNETH MOYERS *hand*Charles T. Hammer

p. d.

Own (X) Appointed ()

1958

June 16. Return of Grand Jury. 10/61

Aug. 20. Arr. & plea of guilty;
plea explained to; evidence
heard, accused found guilty
& comm. of accused
case ref. to Prob. Aff. for pre-
sentence report & imp. of sent.
defendant & accused release on recog.

Sept. 11. Report Prob. Aff. $\frac{10}{80}$
filed in; punishment fixed
at 2 mo. in jail + \$250.00 fine.

Sept. 18. Accused released $\frac{10}{94}$
on bond in penalty of
\$250.00 until appeal filed and/or
disposition of this case by
Supreme Court. 10/97

Oct. 21. Appeal abandoned

10/103

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

c. acty 15.00
 l. c. acty 12.50
 T-2 2.00
 grand 1.00
 Sheriff 40
W. L. Miller } 50.00 +
 (Radford Miller)
 Nov. 20/58
 July 21 123.97
 not used 204.87

Keystone Envelope Co., Phila., Pa.