Melvyle de Long
Virgil B. Mearlatte
Donald W. Brubaker
Melvin Bodkin
Stanford E. Gray

C. atty 5.00
recd 5.00
T. J. 24.25
[illegible] .50
1.00
1.00
sent 3.50
Witness 2.32 5.00
1.82
2.32
Jury 45.98
Fast 8

Keystone Envelope Co., Phila. 33, Pa.
No 99378

FEB 1959

Docket No. 3511.

COMMONWEALTH of VIRGINIA

VS. } Misdr. (appeal from Dom.Rel.Court)

WILLIE COAKLEY

Charles A. Hammer p. d.
Own (X) Appointed ( )

1958
December 11. Docketed.
1959
Feb. 9. Order for bill of part. by Feb. 14. 10/155
Feb. 17. Jury imp. r; verdict of guilty & $100.00 fine; execution susp. for 60 da. to allow appeal 10/165

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

5480C

TRIAL JUSTICE COURT

J. D. R.
Docket **No. 5335 C**

Commonwealth

V.

Willie Coakley
Defendant. CAH

Appearance Date 8-14-58

Trial Date

12-5-58

N. J. 1

For Non-Support Warrant
issued August, 1958

STATE OF VIRGINIA—~~COUNTY~~ City OF Harrisonburg, to-wit:

I, John G. Leake a ~~Judge of the County Court~~ Justice of the Peace in and for the ~~County~~ City aforesaid, State of Virginia, do certify that W illiam A. Coakley C. L. NALLS & MARGARET NALLS and BY James W. Lineweaver ATTORNEY-IN-FACT, as his sureties, have this day each acknowledged themselves indebted to the Commonwealth of Virginia in the sum of FIVE HUNDRED------------------------------ Dollars ($500.00), 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 William A. Coakley, shall appear before the Circuit ~~County~~ Court of Rockingham County, on the 15th day of December, 1958, at 9:30 A.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 10th day of December, 1958

C. L. NALLS & MARGARET NALLS
James W Lineweaver
ATTORNEY-IN-FACT

John G. Leake ~~Judge~~. J. P.

(SEAL) William A. Coakley

DOCKET NO. _____

COMMONWEALTH

vs.

WARRANT OF ARREST

Executed this, the _____ day of _____, 19___

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

Fine		$
Costs		
Total		$

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

Virginia, at _____,

Virginia, at _____ M., on the _____

day of _____, 19___,

under penalty of $_____

COSTS

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

Comp. Form 18

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 _____ ☐

_____ color _____ Address _____ ☐

_____ color _____ Address _____ ☐

_____ color _____ Address _____ ☐

_____ color _____ Address _____ ☐

as witnesses.

Given under my hand and seal, this _____ day of _____, 19____

_____ (Seal)
(Title of Issuing Officer)

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

MR. PAGE FOLTZ, Merck & Co., Elkton

MISS CHARLOTTE CRAWLEY, County Welfare Dept.

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 17th day of February, 19 59, to testify and the truth to say in behalf of the Commonwealth ~~before the Grand Jury~~, against WILLIE COAKLEY

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 9th of February, 19 59, and in the 183rd year of the Commonwealth.

Charles E. Earman, Jr.
Commonwealth's Attorney

26 7 4
1959

COAKLEY

EXECUTED 2-12-59 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Page Foltz and Charlott Crawley
IN PERSON.

Kenny E. Haney Dept.
for A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

RECEIVED
FEB 10 1959
SHERIFF'S OFFICE
ROCKINGHAM
COUNTY

1.00

G. H. Parent — Legal Forms
Ashland, Virginia

Form No. DNS-2—Non-Support Summons

No. 5335-C

Commonwealth of Virginia,

To any one of the Police Officers of the City of Harrisonburg, Va.:

I COMMAND YOU, in the name of the Commonwealth of Virginia, that you summon Willie Coakley, who lives at 345 Myrtle Street, to appear before our Juvenile and Domestic Relations Court, located at Harrisonburg, Va. on the 14 day of August, 1958, at 3 o'clock P.M., to answer a petition by Ethel Sipe, alleging desertion and non-support of his wife, child or children; and this you shall in no wise omit, and have then there this writ, with your return thereon.

WITNESS, Porter R. Graves, Judge of the Juvenile and Domestic Relations Court of the said County/City, this 4th day of August, 1958

Patricia Ann Phillips, Dep. Clerk
~~Judge~~ *of the Juvenile and Domestic Relations Court.*

EXECUTED 8-6-58 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summons TO Willie Coakley IN PERSON.

R. L. Martin Dep

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

Juvenile and Domestic Relations Court

COMMONWEALTH

vs.

SUMMONS TO ANSWER
CHARGE OF DESERTION—
NON-SUPPORT

.....

Issued.....19.....

.....
Clerk.

Executed by delivering a copy of the within summons to the within-named

.....

this.....day of.....19.....

.....P. C.

.....P. C.

Return received this.....

day of.....19.....

.....
Clerk.

COMMONWEALTH

V.

WILLIE COAKLEY

INSTRUCTION NO. 1

The Court instructs the jury that before the accused can be convicted of the offense charged against him, you must believe from the evidence, beyond a reasonable doubt, that after reasonably providing for his own immediate family and himself, that he has a sufficient earning capacity or income with which to assist in providing for the support and maintenance of his aged or infirm father, who is being then and there in necessitous circumstances.

W. H.

Commonwealth
vs.
Willie Coakley

INSTRUCTION NO. 2

The Court instructs the jury that though a child may be held to be liable for the maintenance and support of his parent who is in ~~xxxxxxxxxxxx~~ necessitous circumstances, yet, if the jury believe from the evidence in this case that the defendant was willing to take the said Wade H. Coakley into his own home and there to maintain and support him and that the said Wade H. Coakley refused to live with the defendant, then the court tells the jury that unless there appears good cause for the parent to refuse to live with the defendant in his home you should find the defendant not guilty.

H. H.

Commonwealth
vs.
Willie Coakley

INSTRUCTION NO. 7

The Court instructs the jury that though a child may be held to be liable for the maintenance and support of his parent who is in [redacted] necessitous circumstances, yet, if the jury believe from the evidence in this case that the defendant was willing to take the said Wade H. Coakley into his own home and there to maintain and support him and that the said Wade H. Coakley refused to live with the defendant, then the court tells the jury that unless there appears good cause for the parent to refuse to live with the defendant in his home you should find the defendant not guilty.

Pre-Trial Report

Rockingham County Department of Public Welfare

February 11, 1959

Name:	Wade Coakley	vs.	Name:	Willie Coakley
Address:	Huffer Nursing Home Staunton, Virginia		Address:	345 Myrtle Street Harrisonburg, Va.
Charge:	Non-support of father		Attorney:	Charles Hammer

Trial Date: February 17, 1959

Present Problem:
Appeal from decision of Judge Graves on August 14, 1958 to continue support of $40.00 per month. See JDR 5335 and 5480.

Previous Problem:
See Non-support petition number 4461C. Hearing on this petition was held on 11-2-56 and defendant was ordered to pay $40.00 per month to Rockingham County Department of Public Welfare for support of his father.

Family Background:
Wade Coakley, a widower, age 80, is entirely dependent. His wife died in 1950 leaving him life right in property near Sangersville. It is in run down condition. When he could no longer live in it alone and could not rent it, he went to live in the home of Hiram Dove of same community. He was in this home when he first received Old Age Assistance. He stayed there until August 1956 when he went to Smithland Nursing Home following his discharge from the University Hospital after a serious operation for cancer on his face. Mr. Coakley lived continuously at Smithland until December 30, 1958 when he was moved to the Huffer Nursing Home in Staunton.

Children:
Wade Coakley has two children. Leroy, Route 1, Bridgewater, is employed by the Virginia State Highway Department. His income was verified on 11-20-58 by personnell classification showing effective 5-1-58 monthly gross income of $300.00. He has a wife and 4 children dependent. The Welfare income scale exempted him from support.

Willie Coakley has been an employee of Merck and Company for the past 15 years. He has always refused to furnish verification of his income or to give support voluntarily. Court ordered support of $40.00 per month on 11-2-56 was given for 13 months only to present time.

Willie Coakley is estranged from his wife, Delona Coakley, who lives with their only child, Dennis, age 19, in her husband's home, Rt. 2, Bridgewater. On

Pre-Trial Report

Rockingham County Department of Public Welfare

February 11, 1959

Name: Wade Coakley vs. Name: Willie Coakley

Address: Hoffer Nursing Home
Staunton, Virginia

Address: 245 Myrtle Street
Harrisonburg, Va.

Charge: Non-support of father

Attorney: Charles Hammer

Trial Date: February 17, 1959

Present Problem:

Parole from decision of Judge Graves on August 11, 1958 to continue support of $20.00 per month. See VPI 5735 and 5980.

Previous Problem:

Non-support petition number 14019. Hearing on this petition was held on 11-27-58 and defendant was ordered to pay $20.00 per month to Rockingham County Department of Public Welfare for support of his father.

Family Background:

Wade Coakley, a widower, age 80, is entirely dependent. His wife died in 1950 leaving him life right in property near Harrisonville. It is in run down condition. When he could no longer live in it alone and could not rent it, he went to live in the home of Miran Dove of same community. He was in bed some when he first received old age assistance. He stayed there until August 1956 when he went to Waitland Nursing Home following his discharge from the University Hospital after a serious operation for cancer on his face. Mr. Coakley lived continuously at Waitland until December 30, 1958 when he was moved to the Hoffer Nursing Home in Staunton.

Children:

Wade Coakley has two children. Leroy, Route 1, Bridgewater, is employed by the Virginia State Highway Department. His income was verified on 11-20-58 by payment verification showing effective 5-1-58 monthly gross income of $00.00. He has a wife and 4 children dependent. The Welfare income scale computed $0. from support.

Willie Coakley has been on payroll of Frank and Company for the past 15 years. He has always refused to furnish verification of his income or to give support voluntarily. Court ordered support of $20.00 per month on 11-4-50 was given for 23 months only to present time.

Willie Coakley is separated from his wife, Delana Coakley, who lives with their only child, Bernie, age 19, in her husband's home, Rt. 2, Bridgewater. On

2-17-58 Willie Coakley was ordered to pay his wife $15.00 per week plus utilities. See petition number 5116C. It is rumored that Willie Coakley has lived with Lillian McCurdy for several years of same address as his.

Health:
Wade Coakley is in a weakened condition and senile. Surgery for cancer in June 1956 removed his left ear. He does not have a good sense of balance and is in danger of falling when he tries to walk. He does not have free use of his left arm and needs help in personal care, dressing and cutting up his food. Cancer appears arrested, but on account of conditions described above continued nursing care is indicated. Due to lack of support from Willie while case is pending in court, it was necessary to move Mr. Coakley from Smithland to the Huffer Nursing Home on 12-30-58 where the cost is less. Smithland rates are $100.00 per month and Huffer rates are $60.00 per month. We hope to return Mr. Coakley to Smithland where he would rather be.

Signed Ethel Sipe
Case Worker

ES/md
CAC/Supt.
C.A.C.
February 11, 1959

JDR-5335
DPW-3332

Pre-Trial Report

Rockingham County Department of Public Welfare

August 14, 1958

Name:	Wade Coakley	vs.	Name:	Willie Coakley
Address:	Smithland Homes Route 3, Harrisonburg, Va.		Address:	345 Myrtle Street Harrisonburg, Va.
Charge:	Non-support of father		Trial Date:	August 14, 1958

Present Problem:
See Non-support petition filed by Ethel Sipe, Case Worker Rockingham County Department of Public Welfare, stating Wade Coakley is in destitute circumstances and receives Old Age Assistance for nursing care in Smithland Nursing Home. Willie Coakley is in arrears eight months in making Court ordered support of $40.00 per month. See Juvenile Domestic Relations Petition No. 4461C.

Previous Problems:
See Non-support petition no. 4461C filed by Rockingham County Welfare against Willie Coakley charging that his father, Wade Coakley, is in destitute circumstances and receives Old Age Assistance for nursing care at Smithland Nursing Home, also that Willie Coakley refuses to give financial information or support to his father. Hearing on this petition was held on 11-2-56 and defendant was ordered to pay to the Rockingham County Department of Public Welfare $40.00 per month with payments to begin immediately.

See Non-support petition no. 5116C filed by Delona Coakley against her husband, Willie Coakley. Hearing on this petition was held on 2-17-58 and defendant was ordered to pay to Mrs. Coakley $15.00 per week plus utilities.

A son of Willie and Delona Coakley, Dennis Coakley, was placed on probation by this Court in December 1956 and continues under probation.

Family Background:
Wade Coakley, a widower, age 80, is entirely dependent. He has received Old Age Assistance since 1951 and has been a patient at Smithland Nursing Home since August 1956 with the rate of $100 per month. His present Old Age Assistance grant is $65.50 with $5.50 allowance for clothes and personal care items.

Children:
Wade Coakley has two children, Leroy and Willie. Leroy, Route 1, Bridgewater, is employed by the Virginia State Highway Department. His income, verified on 11-9-57, was $3168 per year. He has a wife and four children dependent. Our income scale exempted him. At the same time we were unable to secure

JDR-5335
DPM-3332

Pre-Trial Report

Rockingham County Department of Public Welfare

August 14, 1958

Name: Wade Coakley vs. Name: Willie Coakley

Address: Smithland Home
Route 3, Harrisonburg, Va.

Address: 345 Myrtle Street
Harrisonburg, Va.

Charge: Non-support of father Trial Date: August 14, 1958

Present Problem:
See non-support petition filed by Ethel Sipe, Case Worker Rockingham County Department of Public Welfare, stating Wade Coakley is in destitute circumstances and receives Old Age Assistance for nursing care in Smithland Nursing Home. Willie Coakley is in arrears eight months in making Court ordered support of $10.00 per month. See Juvenile Domestic Relations Petition No. 14616.

Previous Problems:
See non-support petition no. 14616 filed by Rockingham County Welfare against Willie Coakley charging that his father, Wade Coakley, is in destitute circumstances and receives Old Age Assistance for nursing care at Smithland Nursing Home, also that Willie Coakley refuses to give financial information or support to his father. Hearing on this petition was held on 11-2-56 and defendant was ordered to pay to the Rockingham County Department of Public Welfare $10.00 per month with payments to begin immediately.

See Non-support petition no. 31100 filed by Delona Coakley against her husband, Willie Coakley. Hearing on this petition was held on 2-17-58 and defendant was ordered to pay to Mrs. Coakley $5.00 per week pendente lite.

A son of Willie and Delona Coakley, Dennis Coakley, was placed on probation by this Court in December 1956 and continues under probation.

Family Background:
Wade Coakley, a widower, age 80, is entirely dependent. He has received Old Age Assistance since 1951 and has been a patient at Smithland Nursing Home since August 1956 with the rate of $100 per month. His present Old Age Assistance grant is $65.50 with $5.50 allowance for clothes and personal care items.

Children:
Wade Coakley has two children, Leroy and Willie. Leroy, Route 1, Bridgewater, is employed by the Virginia State Highway Department. His income, verified on 11-9-57, was $3168 per year. He has a wife and four children dependent. Our income scale exempted him. At the same time we were unable to secure

financial information from Willie. At Court hearing upon petition brought by his wife in February 1958, it appeared his financial circumstances were unchanged.

Willie Coakley, age about 43, and wife, Delona Coakley, age about 42, were born and raised in the Sangersville area. They have one child, Dennis Dean Coakley, born 11-30-39. At present time Dennis is at home with his mother and unemployed. Willie Coakley owns a home near Sangersville where his wife lives. Marital troubles arose during the past year over Mr. Coakley's alleged affair with a woman by the name of Lillian McCurdy. Both lived in the same apartment house at 345 Myrtle Street, Harrisonburg. This affair led to the separation of Mr. Coakley and wife and the filing of the Non-support petition.

Employment:
Willie Coakley has been employed by Merck and Company for 15 years. His present earnings (gross) according to his statement are regularly about $383 per month. In addition there is some overtime pay. He said he claims only his wife a dependent for income tax purposes.

Finances:
Willie Coakley stated he is under financial strain. He says he makes $86.00 a month payment on a new Ford and has not paid his 1957 County taxes. Also, he said he is under Court order to pay $15.00 per week to his wife. We presume his living arrangement is the same as it was in February 1958 at which time he said his room rent was $5.00 per week.

Our DPW records show that since the Court order on 11-2-56 to 8-1-58 (21 months) defendant has made 13 $40.00 payments on behalf of his father which leaves him delinquent eight months, or $320. He stated the reason he stopped with his last payment on 2-28-58 was that he learned when preparing his Federal income tax report that he could not claim his father a dependent.

Health:
Willie Coakley said he has trouble with his back and doesn't always feel like working.

Defendant's Story:
Willie Coakley said he does not feel he owes his father any support as his father never did anything for him. He has given support begrudgingly and only because he was under Court order. He feels his brother should give some support, too. At first he said he would rather go to jail than give support, but later he seemed to realize that the easiest way out for him might be to comply with the Court order and pay all in arrears within a reasonable time. He said it would be impossible to pay the $320 in arrears at once, but he believed he might if given sufficient time. He said he would offer a plan for the amount in arrears. He did not indicate his refusal to resume the present Court order payments of $40.00 per month.

Summary:
A broken home, for which it seems defendant is partly responsible, has placed additional financial strain on defendant. His attitude for acceptance of social and legal responsibility toward his dependents is not good. We recognize the Court order of $15.00 per week to his wife places defendant in somewhat

Financial information from MILLIE. At court hearing upon petition promptly by his wife in February 1950. It appeared his financial circumstances were unchanged.

MILLIE COCKLEY, age about 45, and wife, Lorraine COCKLEY, age about 45, were married and raised in the Sunbeamville area. They have one child, Bonnie born COCKLEY, born 11-30-35. At present time Bonnie is at home with her mother and stepfather. MILLIE COCKLEY owns a home near Sunbeamville where his wife abandoned home at 345 Myrtle Street, Harrisonburg. This action led to the separation of Mr. COCKLEY and wife and the filing of the non-support petition.

Employment:

MILLIE COCKLEY has been employed by Marsh and Cossey for 15 years. His present employment (Marsh) terminated on 8-1-58 because of lack of work. In addition there is some overtime pay. He said he obtains only his month. In addition there is some overtime pay. He said he obtains only his wife's dependent for income tax purposes.

Finances:

MILLIE COCKLEY stated he is under financial strain. He says he makes $60.00 a month payment on a new ford and has not paid his 1957 County taxes. Also he said he is under court order to pay $15.00 per week to his wife. We presume his income statement is the same as it was in February 1958 at which time he said his room rent was $5.00 per week.

Court DEM records show that since the court order on 11-3-58 to 8-1-58 (15 months) defendant has made 13 $10.00 payments on penalty of his income which leaves him delinquent eight months at $150. He stated the reason he stopped was that he learned when presenting his regular income tax payment on 5-25-58 he claimed he claimed a dependent.

Tax report that he could not claim his father a dependent.

Health:

MILLIE COCKLEY said he has trouble with his back and doesn't always feel like working.

Defendant's Story:

MILLIE COCKLEY said he does not feel he owes his father any support as his father never did anything for him. He has taken support payments and never worked. He says his father owns property and has some money. He feels his property should give some support too. At first he said he would support 50 to 60 dollars a month but later he decided to realize that the greatest was one for him might be to get back with the court order and pay all in arrears within a reasonable time. He said he would be somewhat a hardship to pay the $150 in arrears at once. But he believed he might it given sufficient time. He said he would offer a plan for the court to arrears. He did not indicate his interest to resume the present court order payments of $10.00 per month.

Summary:

A broken home for which it seems defendant is partly responsible. Has brought additional financial strain on defendant. His attitude for acceptance of social and legal responsibility toward his dependents is not good. We recommend the court order of $15.00 per week to his wife be made defendant in amount

of a less favorable financial situation than if he and his wife maintained a home together. However, we believe he could still continue support to his father according to the original order of 11-2-56.

Plan:
We recommend that Willie Coakley be ordered to offer an acceptable plan for paying the $320 in arrears and to continue monthly payments of $40.00 per month.

Ethel Sipe

(Miss) Ethel Sipe, RSW
Case Worker

ES/md
CAC/Supt.
C.G.C.

COMMONWEALTH

V.

WILLIE COAKLEY

CHARGE TO JURY

If you find the accused guilty of failing to support his father, as charged in the petition, you will say so and fix his punishment by a fine not exceeding Five Hundred Dollars or imprisonment in jail for a period not exceeding twelve months, or by both such fine and imprisonment.

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

2-17-59

Evidence - no evidence by defendant
Defendant moved to strike ev.
of Com. to dismiss because of no
jurisdiction and because complained
to provided Wade County did not
have sufficient funds to support
himself - all overruled - exceptions
instructions - argument - $100.00 - defendant
moved to set aside & grant a new trial
c to law & to ev. & contrary to
law & evidence overruled
Order of judgment but on motion
of defendant suspended for 60 days
in order for defendant to apply for
a writ of error.

Statement of Costs

Trial Fee - - - - - - - - - - - $ 2.00

Warrant 1.00

FILING FEE 1.25

Service and Arrest - - - - - - .....

1 Summons at .50 each .50

Serving same at ..... each .....

Bail Bond .....

Non-Support Bond ....

Total - - - - - - - - $ 4.75

Witnesses: (Give Names and Addresses)

Juvenile and Domestic Relations Court

of the .....

COMMONWEALTH, AT THE REL OF

..... *Complainant*

vs.

..... *Defendant*

Petition of .....
alleging desertion and non-support.

Received and filed .....,

19 .....

.....
Clerk.

Petition referred to Judge

....., 19 .....

Petition Denied/Granted
Investigated.

.....
Probation Officer.

Docketed for trial

....., 19 .....

.....

Summons/Warrant issued

....., 19 .....

DISPOSITION: See Juvenile and Domestic Relations Court Docket, page .....,
year .....

.....
Clerk.

COMMONWEALTH OF VIRGINIA:

In the Juvenile and Domestic Relations Court of County of Rockingham

The defendant, Willie Coakley who was charged on petition ~~with desertion and/or~~ non-support as set forth on reverse side, upon trial is hereby found ..... guilty of said misdemeanor:

Further, upon consideration of the circumstances of the case, the *imposition of sentence is suspended* and the defendant is placed on probation and under support order.

SUPPORT ORDER

The defendant is hereby ordered and directed to pay to RC Department of Pub. Wel. toward the support and maintenance of his dependents as set forth on reverse side ~~weekly~~/monthly the sum of $ 40.00 for a period of one year ending 14th day of August, 19 59, and is further required to enter into a recognizance, with/~~without~~ surety in the sum of $ 500.00 to faithfully comply with the terms of probation and the support order or any subsequent modification of amendment thereof and shall make his personal appearance in Court on the 14th day of August, 19 59, or whenever in the meantime he may be ordered to do so.

Further, upon consideration of the circumstances of the case, the defendant is hereby fined the sum of $ ..... and costs of $ 4.75 and order~~ed to pay same to the Court in weekly~~/monthly ~~installments of $ ..... with/without surety.~~

Further, upon consideration of the circumstances of the case, the defendant be and hereby is *sentenced to ~~the State Convict~~ Road Force ~~at hard labor for a period of~~* 12 months. in jail.

~~Upon further consideration the execution of the sentence to the State Convict Road Force is hereby suspended and the defendant is placed on probation and under support order as set forth above.~~

Failure to comply with the terms of probation and support order or any breach of the peace will cause revocation of the suspension of imposition/execution of sentence.

Given under my hand at Harrisonburg Virginia, this 14th day of August, 19 58.

Peter R. Gunn, Judge.

On motion of the defendant an appeal is granted to the December term of the Circuit Court, on this the 14th day of August, 19 58.

Peter R. Gunn, Judge

G. H. Parent Co.
Ashland, Va. Form No. DNS-1—V. C. 1954, 20-61—Petition to be Filed in Desertion and Non-Support Cases. No. 5335 C

COMMONWEALTH OF VIRGINIA:

In the Juvenile and Domestic Relations Court of the County of Rockingham

THE COMMONWEALTH OF VIRGINIA, *at the rel, of*

Ethel Sipe, Case Worker — Rockingham County Welfare Department — *Complainant*
Name — Address

vs.

Willie Coakley — 345 Myrtle Street, Harrisonburg, Va. — *Defendant*
Name — Address

To the Honorable Porter Graves *Judge of said Court:*

Your petitioner, Ethel Sipe, Case Worker, respectfully represents:

1. That on the ____ day of ____, 19__, the said defendant, ____, and ____ (Give Maiden Name) were lawfully married by ____, in the ____ of ____, State of ____.

2. That on or about the 28th day of February, 1958, the said defendant did, without just cause, ~~desert~~ and willfully neglect and refuse and fail to provide for the support and maintenance of ~~his said wife, and the following male children under the age of seventeen years, to wit~~: his father, Wade Coakley.

____ Born ____, 19__, ____ Born ____, 19__
____ Born ____, 19__, ____ Born ____, 19__

and the following *female children under the age of seventeen years*, to-wit:

____ Born ____, 19__, ____ Born ____, 19__
____ Born ____, 19__, ____ Born ____, 19__

and the following children above said ages who are *crippled or otherwise incapacitated for earning a living*, to wit:

____ Born ____, 19__, ____ Born ____, 19__

such wife, child or children being then and there in necessitous circumstances, as by law provided

3. That Your Honor has jurisdiction in the premises, ~~Sec. 20-61~~, Va. Code, 1954, by reason of the fact:

a. ~~That at the time of desertion such wife, child or children were living in~~ the said parties reside in Rockingham County, Va. (County/City and State)

b. That such child or children are now living in ____ (County/City and State) in necessitous condition and have remained therein in such condition with the knowledge and acquiescence of said defendant; or

c. That the defendant is now, and may be found, living in ____. (County/City and State)

4. That the facts and circumstances of the case are as follows:
Wade Coakley is in ~~destitute~~ necessitous circumstances and receives Old Age Assistance for nursing care in Smithland Nursing Home. Willie Coakley is in arrears 8 months in making court ordered support of $40.00 a month. See Juvenile Domestic Relations petition no. 4461C.

WHEREFORE, your petitioner prays that proper process may issue; that the Court may make all proper and necessary inquiries into the matters herein set forth and enter such judgment or orders in the premises as to the Court may seem meet; and your petitioner will ever pray, etc.

Ethel Sipe — 824 N Main Harrisonburg Va
Petitioner sign here — Address

none
Relation to Complainant or Defendant — Date

COMMONWEALTH OF VIRGINIA, TO-WIT:

This day personally appeared before me, Patricia Ann Phillips, Dep. Clerk of the Court—a Notary Public—Justice of the Peace—in and for the County and State aforesaid, the above-named petitioner who, upon being duly sworn makes oath that the facts stated in the foregoing petition are true to the best of his knowledge, information and belief.

Give under my hand, this 30th day of July, 1958.

Patricia Ann Phillips, Dep.
Clerk of the Court—Notary Public—Justice of the Peace.

I have reviewed the above petition and direct the following:

1. ☐ Petition denied.
2. ☑ Investigation order returnable the 14th day of August, 1958.
3. ☐ That summons/warrant be issued and served on the defendant and the matter brought to trial on the 14th day of August, 1958. Also all witnesses be summoned to appear on the date of trial.

Date 8-14-58 By order of Porter R. Graves, Judge.

We, the jury find the accused guilty of failing to support his father, as charged and punish him by one hundred dollars fine.

Mrs. Va. Heatwole
foreman

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, February 17, 1959.

Commonwealth

v. On an appeal from a judgment of the Judge of the Juvenile and Domestic Relations Court.

Willie Coakley

This day came the attorney for the commonwealth, and the accused, Willie Coakley, came pursuant to his recognizance and by his attorney, Charles A. Hammer. Thereupon, the attorney for the commonwealth moved that said defendant be denied hearing on his appeal until he has purged himself of his contempt of the order of the Judge of the Juvenile and Domestic Relations Court, which motion the court overruled. Said defendant by counsel, then moved the court to dismiss the petition in this case on the ground that the said petition was brought under the wrong statute and alleges no offense; and the attorney for the commonwealth thereupon moved the court that said petition be amended as follows: that any reference in the petition to desertion be deleted; that the reference to "Sec. 20-61" be deleted and the words "as by law provided" be inserted; that the word "destitute" be deleted and the word "necessitous" be inserted in its place, which motion the court granted, and said petition was accordingly amended, to which action of the court said defendant, by counsel, objected and excepted. And the court thereupon overruled the motion of defendant's counsel to dismiss the petition ~~on the ground heretofore stated~~, to which action of the court said defendant, by counsel, excepted.

(1)

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, February 17, 1959.

Commonwealth

v. On an appeal from a judgment of the Judge of the Juvenile and Domestic Relations Court.

Willie Oakley

This day came the attorney for the commonwealth, and the accused, Willie Oakley, came pursuant to his recognizance and by his attorney, Charles A. Hammer. Thereupon, the attorney for the commonwealth moved that said defendant be denied hearing on his appeal until he has purged himself of his contempt of the order of the Judge of the Juvenile and Domestic Relations Court, which motion the court overruled. Said defendant by counsel, then moved the court to dismiss the petition in this case on the ground that the said petition was brought under the wrong statute and alleges no offense; and the attorney for the commonwealth thereupon moved the court that said petition be amended as follows: that any reference in the petition to desertion be deleted; that the reference to "Sec. 20-61" be deleted and the words "as by law provided" be inserted; that the word "desertion" be deleted and the word "necessitous" be inserted in its place, which motion the court granted, and said petition was accordingly amended, to which action of the court said defendant, by counsel, objected and excepted. And the court thereupon overruled the motion of defendant's counsel to dismiss the petition [illegible] to which action of the court said defendant, by counsel, excepted.

And thereupon, came a jury, to-wit: Clyde C. Long, Virginia B. Heatwole, Daniel W. Brubaker, Cleta Bodkin, and Stanford E. Arey, who were selected according to law to constitute the jury, and who were sworn to well and truly try and true deliverance make between the commonwealth and the prisoner at the bar and a true verdict render according to the law and the evidence. And on motion of the defendant, by counsel, it was ordered that the witnesses in this case be excluded from the court room during the trial hereof. And having heard the evidence introduced on behalf of the commonwealth, ~~said defendant not having offered any evidence in his behalf,~~ thereupon, said defendant, by counsel, moved the court to strike the evidence introduced by the commonwealth, (and to dismiss said petition because the same was brought under the wrong statute), and, because of lack of jurisdiction of this court, and, further, because the attorney for the commonwealth failed to prove that Wade Coakley did not have sufficient funds to support himself, which motions the court overruled, to which action of the court said defendant, by counsel, excepted. And said defendant having offered no evidence in his behalf, the court proceeded to instruct the jury, and having heard ~~And having received the instructions of the court and heard~~ the argument of counsel, the jurors retired to their room to consider their verdict, and after some time they came again into court and returned the following verdict: "We, the jury, find the accused guilty of failing to support his father, as charged, and punish him

And therefore, came a jury to-wit: Clyde C. Lone, Virginia B. Heatwole, Daniel W. Brubaker, Clara Bodkin, and Spencer E. Tay, who were sworn to well and truly try and the deliverance make between the commonwealth and the prisoner at the bar and a true verdict according to the law and the evidence. And on motion of the defendant, by counsel, it was ordered that the witnesses in this case be excluded from the court room during the trial thereof. And hereupon the evidence introduced on behalf of the commonwealth, being duly recorded and signed by counsel, moved the court to strike the evidence introduced by the commonwealth, and to dismiss said petition because the same was brought under the wrong statute and because of lack of jurisdiction of this court, and further, because the evidence for the defendant, by counsel, contrary to law to constitute the jury, and who were sworn to well and truly try and the deliverance make between the commonwealth and the prisoner at the bar and a true verdict according to the law and the evidence. And on motion of the defendant, by counsel, ex-cepted. And hereupon the instructions of the court endorsed thereon, the evidence introduced on behalf of the commonwealth, being duly recorded and signed by counsel, moved the court to strike the evidence introduced by the commonwealth, and to dismiss said petition because the same was brought under the wrong statute and because of lack of jurisdiction of this court, and, further, because the evidence for the defendant, by counsel, contrary to law to constitute the jury, and who were sworn to well and truly try and the deliverance make between the commonwealth and the prisoner at the bar and a true verdict according to the law and the evidence. And on motion of the defendant, by counsel, ex-cepted. And hereupon the instructions of the court endorsed thereon, the evidence introduced on behalf of the commonwealth, being duly recorded and signed by counsel, moved the court to strike the evidence introduced by the commonwealth, and to dismiss said petition because the same was brought under the wrong statute and because of lack of jurisdiction of this court, and, further, because the evidence for the defendant, by counsel, contrary to law to constitute the jury, and who were sworn to well and truly try and the deliverance make between the commonwealth and the prisoner at the bar and a true verdict according to the law and the evidence. And on motion of the defendant, by counsel, it was ordered that the witnesses in this case be excluded from the court room during the trial thereof. And hereupon the evidence introduced on behalf of the commonwealth, being duly recorded and signed by counsel, moved the court to strike the evidence introduced by the commonwealth, and to dismiss said petition because the same was brought under the wrong statute and because of lack of jurisdiction of this court, and, further, because the evidence for the defendant, by counsel, contrary to law to constitute the jury, and who were sworn to well and truly try and the deliverance make between the commonwealth and the prisoner at the bar and a true verdict according to the law and the evidence. And on motion of the

by one hundred dollars fine. Mrs. Va. Heatwole, foreman." Thereupon, the defendant, by counsel, moved the court to set aside the verdict of the jury and grant a new trial on the following grounds: 1. Because said verdict is contrary to the law. 2. Because said verdict is contrary to the evidence. 3. Because said verdict is contrary to the law and the evidence and is without evidence to support it. 4. Because of the court's refusal to sustain the motion of defendant to dismiss the petition on the ground that said petition was brought under the wrong statute. 5. Because of the court's refusal to sustain the motion of defendant to dismiss the petition for lack of jurisdiction. 6. Because of the court's refusal to strike the evidence of the commonwealth on the ground that such evidence failed to prove that Wade Coakley did not have sufficient funds to support himself. 7. The court thereupon overruled said motion to set aside the verdict, to which action of the court the defendant, by counsel, excepted. And it is therefore considered by the court that the commonwealth recover of the said Willie Coakley one hundred dollars, the fine aforesaid, and the costs incident to this prosecution in this court and in the Juvenile and Domestic Relations Court.

On motion of the defendant, by counsel, execution of said sentence is suspended for sixty (60) days to afford said Coakley ooportunity to apply to the Supreme Court of Appeals of Virginia for a writ of error to the judgment of this court, and the said Coakley is released on his recognizance.

by one hundred dollars fine. Mrs. V. Hearmole, foreman." Thereupon, the defendant, by counsel, moved the court to set aside the verdict to set aside the verdict, to which action of the court the defendant, by counsel, excepted. And it is therefore considered by the court that the commonwealth recover of the said Willie Coakley one hundred dollars, the fine aforesaid, and the costs incident to this prosecution in this court and in the Juvenile and Domestic Relations Court.

On motion of the defendant, by counsel, execution of said sentence is suspended for sixty (60) days to allow said Coakley opportunity to apply to the Supreme Court of Appeals of Virginia for a writ of error to the judgment of this court.

Petition for Rehearing denied.

To strike the evidence of the commonwealth on the ground that said verdict is contrary to the law. 2. Because said verdict is contrary to the evidence. 3. Because said verdict is contrary to the law and the evidence. 4. Because of the court's refusal to sustain the motion of defendant to dismiss the petition on the ground that said petition was pronounced under the wrong style. 5. Because of the court's refusal to sustain the motion of defendant to dismiss the petition for rehearing. 6. Because of the court's refusal to set aside the verdict because the court finding overruled said motion to support himself. The court thereupon overruled said motion to set aside the verdict, to which action of the court the defendant, by counsel, excepted. And it is therefore considered by the court that the commonwealth recover of the said Willie Coakley one hundred dollars, the fine aforesaid, and the costs incident to this prosecution in this court and in the Juvenile and Domestic Relations Court.

On motion of the defendant, by counsel, execution of said sentence is suspended for sixty (60) days to allow said Coakley opportunity to apply to the Supreme Court of Appeals of Virginia for a writ of error to the judgment of this court.

2