v. DUANE E. SAM

INSTRUCTION NO. 6

The Court instructs the jury that the mere violation of one or more of the statutes prescribing "The Rules of the Road" or mere negligence is not sufficient to constitute the offense of reckless driving, and unless the proof discloses beyond a reasonable doubt that the act charged is of such reckless, wanton or flagrant nature as to show utter disregard of the safety of others under circumstances likely to cause injury then you must find the accused not guilty.

Refuerd FZL. H.H.

COMMONWEALTH v. DUANE B. SAM

The Court instructs the jury that the mere violation of one or more of the statutes prescribing "The Rules of the Road" or mere negligence is not sufficient to constitute the offense of reckless driving, and unless the proof discloses beyond a reasonable doubt that the act charged is of such reckless, wanton or flagrant nature as to show utter disregard of the safety of others under circumstances likely to cause injury then you must find the accused not guilty.

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INSTRUCTION NO.

COMMONWEALTH v. DUANE E. SAM

INSTRUCTION NO.

The Court instructs the jury that the mere violation of one or more of the statutes prescribing "The Rules of the Road" or mere negligence is not sufficient to constitute the offense of reckless driving, and unless you believe beyond a reasonable doubt that the defendant was driving his vehicle carelessly and heedlessly in willful or wanton disregard of the rights and safety of others under circumstances likely to cause injury then you must find the accused not guilty.

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DUANE E. SAM

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INSTRUCTION NO.

The Court instructs the jury that the mere violation of one or more of the statutes prescribing "The Rules of the Road" or mere negligence is not sufficient to constitute the offense of reckless driving, and unless you believe beyoud a reasonable doubt that the defendant was driving his vehicle carelessly and heedlessly in willful or wanton disregard of the rights and safety of others under circumstances likely to cause injury then you must find the accused not guilty. COMMONWEALTH V. DUANE EMIL SAM

CHARGE TO JURY

If you find the accused guilty of reckless driving, as charged in the warrant, you will say so and fix his punishment by a fine of not less than Ten Dollars nor more than One Hundred Dollars, or by imprisonment in jail for not more than thirty days, or, in your discretion, by both such fine and imprisonment.

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

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DUANE ENIL SAM

CHARGE TO JURY

If you find the accused guilty of reckless driving, as charged in the warrant, you will say so and fix his punishment by a fine of not less than Ten Dollars nor more than One Hundred Dollars, or by imprisonment in jail for not more than thirty days, or, in your discretion, by both such fine and imprisonment.

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

COMMONWEALTH V. DUANE EMIL SAM

INSTRUCTION

The Court instructs the jury that reckless driving is the driving of a vehicle at a speed, or in a manner so as to endanger or be likely to endanger life, limb or property.

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INSTRUCTION _

The Court instructs the jury that reckless driving is the driving of a vehicle at a speed, or in a manner so as to endanger or be likely to endanger Life, limb or property. COMMONWEALTH v. DUANE E. SAM

INSTRUCTION NO.____

The Court instructs the jury that the law presumes every person charged with crime to be innocent until the Commonwealth has established his guilt by evidence so strong, so clear, and so conclusive, that there is left in the minds of the jury no reasonable doubt as to his guilt. This presumption is an abiding presumption, and goes with the accused through the entire case and applies at every stage thereof until repelled by proof. And in this connection the jury is instructed that it is never sufficient that the accused, upon speculative theory or conjecture may be guilty; or that by the preponderance of the testimony his guilt is more probable than his innocence; for until his guilt has been proved beyond all reasonable doubt, the presumption of innocence still applies, and they must acquit him.

H.H.

COMMONWEALTH v. DUANE B. SAM

INSTRUCTION NO.

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V. DUANE EMIL SAM

INSTRUCTION 3

In considering whether or not the Commonwealth has met its burden of proving the guilt of the accused beyond reasonable doubt, the Court instructs the jury that you should not overlook the word "reasonable" nor its meaning. A reasonable doubt is a doubt which is founded on reason, and is not to be confused with imaginable or possible doubt, for the law does not say that a man must be proved guilty beyond every imaginable, conceivable or possible doubt.

In passing upon the sufficiency of the proof of the charge, the jury must limit its consideration to the evidence presented at the trial of this case, including the natural and reasonable inferences to be drawn therefrom. The jury cannot go beyond such evidence to create doubt, nor can you go beyond such evidence to find inferences of guilt.

Furthermore, the jury should bear in mind that any doubt arising from lack of evidence, from conflicting testimony or from questionable proof of any particular fact, should be a doubt of a material fact essential to the proof of the guilt of the accused and not a mere doubt concerning immaterial and nonessential circumstances.

If, after a reasonable and honest consideration of all of the evidence, your minds are left in such a state of doubt as to prevent you from reaching a convinced belief of the guilt of the accused, then the Commonwealth has failed to meet its burden.

If, on the other hand, after an impartial and reasonable consideration of all the evidence in the case, you have an abiding conviction of the truth of the charge, you are then satisfied beyond all reasonable doubt.

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DUANE BILL SAM

doubt, the Court instructs the jury that you should not overlook the word "reasonable" nor its meaning. A reasonable doubt is a possible doubt.

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If, on the other hand, after an impartial and reasonable consideration of all the evidence in the case, you have an abiding conviction of the truth of the charge, you are then satisfied beyond all reasonable doubt. COMMONWEALTH V. DUANE B. SAM

INSTRUCTION _____

The Court instructs the jury that the violation of one or more of the rules of the road or mere negligence is not sufficient to constitute the offense of reckless driving, and unless you believe beyond a reasonable doubt that the defendant was driving his vehicle recklessly in disregard of the rights and safety of others under circumstances likely to cause injury, then you must find the accused not guilty.

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The Court instructs the jury that the violation of one or more of the rules of the road or mere negligence is not sufficient to constitute the offense of rockless driving, and unless you believe beyond a reasonable doubt that the defendant was driving his vehicle recklessly in disregard of the rights and safety of others under circumstances likely to cause injury, then you must find the accused not guilty. COMMONWEALTH V. DUANE EMIL SAM

INSTRUCTION

The Court instructs the jury that the credibility of witnesses is a question exclusively for the jury; and the jury have the right to determine from the appearance of the witnesses on the stand, their manner of testifying, the reasonableness and consistency of their testimony, their apparent andor and fairness, their apparent intelligence or lack of intelligence, the relationship of the witnesses to the parties, if any, the interest of the witness in the result of the trial, if any appear, and from all other surrounding circumstances appearing on the trial, which witnesses are more worthy of credit and what is the relative weight of any such testimony and to give credit accordingly.

H.H.

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INSTRUCTION

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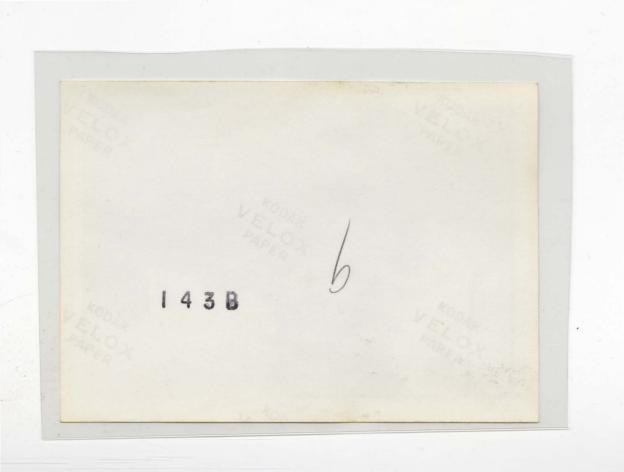




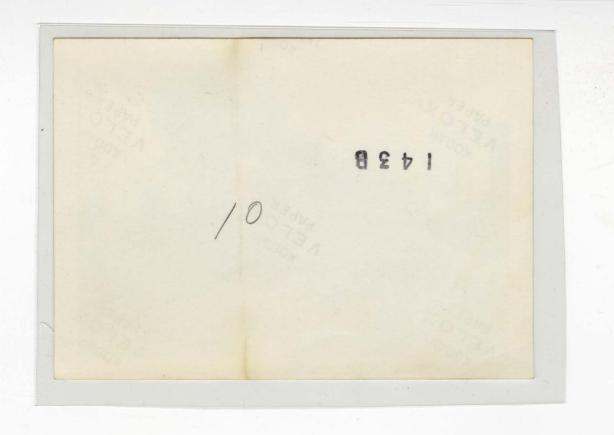
















C153447 DEPARTMENT OF STATE POLICE 82 REV 11-12-57 Rockingham Date 7-3-59 County or City of You are hereby summoned to appear in the SAM 109/1 Min County Court at HARRISONDURG -AM-PM, to answer for violating the motor vehicle laws of Virginia, to wit: 00 Chauffeurs Reckless Driving Speeding____ MPH in a MPH Zone No Operators License Illegal -Other_ 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 Defendant's offense. Signature_ Trooper Shield No. All traffic fines for State violations are paid into the Literary 111EK .N. W 40 Fund for Educational purposes. RACE SEX WEIGHT HEIGHT CODE DEFENDANT 191 111 FT/CIN. a speed limit, zone. EYES HAIR MONTH BORN YEAR BORN VIRGINIA RA BRA VEHICLES molecale 934 OPER, OR CHAUF, LICENSE NO. STATE UC ·27 1 2 TYPE YFAR MAKE VEHICLE 56 2 Me VEHICLE LICENSE NO. exceeding and YEAR STATE -5 ele OCCUPATION to state rate of speed COMMONWEALTH OF OF MOTOR CHMOND NAME OF COURT JURISDICTION, COUNTY, CITY OR TOWN to conviction OFFENSE DATE PLEA CONVICTED OF DATE GUILTY 8 E 9 NOT GUILTY is requested abstract relates PENALTY IMPOSED LICENSE SUSPENDED? NOISIVIO YES NO D PERIOD SUSPENDED LICENSE SURRENDERED? SIGNATURE OF JUDGE OR CLERK Court this YES NO D the -NAME OF ARRESTING OFFICER TITLE OF COURT OFFICIAL DATE 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.

C 153447

Guilty and fine the defendant twenty dollars and costs. 8-25-59.

Majacleson, Subst. Judge

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Appeal noted and granted this 25th day of August, 1959, to the Circuit Court of Rockingham County.

Jackson, Subst. Judge

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In the Name of the Commonwealth of Virginia:
To the Sheriff of Rockingham County, Greeting:
You are hereby commanded to summon
TO T N WITMED
TR. J. N. WIMER
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
Commonwealth before the-Grand Jury, against DUANE EMIL SAM
ABUUTED A COUNTY OF THE COUNTY OF
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

201

Commonwealth's Attorney

Harrisonburg, Virginia, at the Court House, the 13thof October , 19.59, and in the 184th year of the Commonwealth.

In the Name of the Commonwealth of Virginia:

You are hereby commanded to summon

TR. J. N. WINER

Commonwealth before the Grand Law, against DUANE FMIL SAM EXECUTED 0-6 THE COUNTY OF RÖCKINGHAM BY DELIVERING A TRUE who stands charged with and indicted for a felony misdemeanor. And this you shall not omit under penalty. And have then and in many ATHTIW HIT FO Y903 Gona 164, CHARLES E. EARMAN, JR., Commonweard's Attorne ROCKINGHAM COUNTY . 50

Commonwealth V Duone Emil Som Not quily Se Bownen & Jong

3610 COUNTY COURT Criminal Nº 29716 A Com'th V. Duane Emil Jam Defendant J. N.W. Appearance Date 7 - 21 - 59 Trial Date 8-25-5-9 agged noted



TOO :359 Docket No. 3610. Edward M. allison Julian Hannison Cecili Simmens **COMMONWEALTH of VIRGINIA** Misdr. (appeal) mechlus liming VS. Emany a. Bolton Jal C. Bauman DUANE EMIL SAM le. aly 5.00 lelest 5:00 shert - 2.00 7-9. 3.75 Huny C. Clark Own (X) Appointed () Keystone Eavelope Co., Phila. 33, Pa. No 99378 1959 September 14. Docketed. October 26. Juny imp. or; nendich " not guilty" 1%238 Jugy 11 **CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.**

