

COMMONWEALTH

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.

Refused F.S.
H.H.

COMMONWEALTH

v.

DUANE B. SAM

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*Referenced to J.C.
H.A.*

COMMONWEALTH

v.

DUANE E. SAM

INSTRUCTION NO. 7

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.

*Referred to Sec.
H. H.*

Re drawn + given as # 4

COMMONWEALTH

v.

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Referred
10/26/59

Referred to J.C.
H.H.

Referred to J.C.

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.

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.

H. H.

COMMONWEALTH

v.

DUANE E. SAM

INSTRUCTION NO. 2

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 E. SAM

2 INSTRUCTION NO.

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A. A.

COMMONWEALTH

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.

H. H.

COMMONWEALTH

V.

DUANE B. SAM

INSTRUCTION 4

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.

H. H.

COMMONWEALTH

V.

DUANE EMIL SAM

INSTRUCTION 5

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 candor 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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APPEALED

Handwritten signature on a piece of aged, yellowish paper with a scalloped edge.



S. P. 82 REV. 11-12-57

DEPARTMENT OF STATE POLICE

C153447

County or City of RockinghamDate 7-3-59M Duane Emil Sam You are hereby summoned to appear in theRockingham County Court at HARRISONBURGon July 21, 1959 at 8:00 ~~AM~~ PM, to answer for violating the motor vehicle laws of Virginia, to wit: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

Defendant's
SignatureDuane E. SamSummons issued under Title 46—Section 193, Code of Virginia.
Failure to comply with this summons constitutes a separate
offense.

Trooper

Shield No.

J. N. Wimer 546All traffic fines for State violations are paid into the Literary
Fund for Educational purposes.COMMONWEALTH OF VIRGINIA
DIVISION OF MOTOR VEHICLES
RICHMONDIf 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
<u>Duane Emil Sam</u>		<u>W</u>	<u>M</u>	<u>155</u>	<u>5 FT 10 IN.</u>	
ADDRESS		EYES	HAIR	MONTH BORN	YEAR BORN	
<u>140 East Gay St.</u>		<u>BRN</u>	<u>BRN</u>	<u>JUNE</u>	<u>1934</u>	
CITY		OPER. OR CHAUF. LICENSE NO.		STATE		
<u>HARRISONBURG, Va.</u>		<u>CL 303093</u>		<u>Va.</u>		
JURISDICTION, COUNTY, CITY OR TOWN		VEHICLE	YEAR	MAKE	TYPE	
		<u>56</u>	<u>59</u>	<u>INT.</u>	<u>TRUCK</u>	
		VEHICLE LICENSE NO.		YEAR	STATE	
		<u>YH5-231</u>		<u>59</u>	<u>Va.</u>	
		OCCUPATION				
		<u>TRK. DRIVER</u>				
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	

C 153447

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.

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

Rufaelson,

Subst. Judge

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

Rufaelson,

Subst. Judge

Appeal noted & granted

20 09 + costs.
3 75

To - 8-25-59 2:10 P.M.

NAME OF COURT		JURISDICTION, COUNTY, CITY OR TOWN	
DATE	CONVICTED OF	PLEA	OFFENSE DATE
		<input type="checkbox"/> GUILTY	
		<input type="checkbox"/> NOT GUILTY	
LICENSE SURRENDERED	NAME OF DEFENDANT		
YES <input type="checkbox"/>			
NO <input type="checkbox"/>			
SIGNATURE OF JUDGE OR CLERK		BUSINESS & RESIDENCE	
TITLE OF COURT OFFICIAL		DATE OF APPEARANCE	
DATE			

RECORDED
DAVID L. CLAWSON, CLERK
COUNTY CLERK'S OFFICE
ROCKINGHAM COUNTY, VIRGINIA

153447

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

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 26th day of October, 1959 to testify and the truth to say in behalf of the Commonwealth before the Grand Jury, against DUANE EMIL SAM

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 13th of October, 1959, and in the 184th year of the Commonwealth.

Charles E. Earmann, Jr.
Commonwealth's Attorney

In the Name of the Commonwealth of Virginia:
To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

TR. J. N. WINNER

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 28th day of October, 1959, to testify and the truth to say in behalf of the Commonwealth before the Grand Jury against

DUANE EMIL SAM

EXECUTED ¹⁰⁻¹⁶⁻⁵⁹ IN THE COUNTY OF

ROCKINGHAM BY DELIVERING A TRUE

COPY OF THE WITHIN *Summons*

TO *J.P. J. N. Winner*

IN PERSON.

W. A. Strawderman

A. L. STRAWDERMAN

SHERIFF

ROCKINGHAM COUNTY

.50



Commonwealth ✓
Duane Emil Lorn

Not guilty

Joe Bowman
Foreman of Jury

✓
Gammawort ✓
Pave Ein Jan

~~Let's go~~

Let's go
Gammawort ✓

3610

COUNTY COURT

Criminal Docket No 29716 A

Com'th

v.

Duane Emil Sam
Defendant

J. H. M.: Appearance Date 7-21-59

Trial Date 8-25-59

appeal noted



OCT 1959

Docket No. 3610.

COMMONWEALTH of VIRGINIA

VS.

) Misd. (appeal)
) *includes hearing*

DUANE EMIL SAM

Henry C. Clark

p. d.

Own (X) Appointed ()

1959

September 14. Docketed.

*October 26. Jury imp. or;
verdict "not guilty" 10/238*

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

Edmund M. Allison

Julian Harrison

Cecil Simmons

Emory A. Bolton

Joe C. Bowman

*to city 5.00
lelesky 5.00
Merrill - 2.00
T-J 3.75*

July 11

*not Probation
" Baldwin*

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

