COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of Rockingham County, October Term, 1959.

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 James W. Taylor, Jr., on the 4th day of October, 1959, in the City of Harrisonburg, Virginia, feloniously, willfully, maliciously, deliberately and unlawfully did kill and murder one Calvin Hill, against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Julius Ritchie, Woodrow Johnson, Harry Holly, C. S. Leake and Officer Joseph, witnesses sworn in open court and sent to the Grand Jury to give evidence.

#3625 murder

Jail Nov. 19

COMMONWEALTH

V. Donald D. Letton appt.

JAMES W. TAYLOR, JR.

A TRUE BILL

C. H. Price

Foreman

Charles E. Earman, Jr.
Commonwealth's Attorney

COMMONWEALTH OF VIRGINIA

IN THE CIRCUIT COURT FOR THE COUNTY OF ROCKINGHAM

COMMONWEALTH

V. BILL OF PARTICULARS

JAMES TAYLOR, JR.

Comes now the Attorney for the Commonwealth, Charles E. Earman, Jr., and for the Commonwealth's bill of particulars in the criminal proceeding of Commonwealth against James Taylor, Jr., states as follows:

That on the evening of October 4, 1959, at approximately 10:30 o'clock, P. M., at or near the front of Unca Lou's Restaurant, near East Wolfe Street and Community Street in the City of Harrisonburg, Virginia, the said Taylor shot and murdered one Calvin (Pete) Hill by shooting him three times in the body with ball ammunition from a .25 calibre automatic pistol.

Charles E. Earman, Jr.
Commonwealth's Attorney

I hereby certify that a copy of the above was delivered to Donald D. Litten, attorney for the defendant this 6th day of November, 1959.

Charles E. Earman, Jr.
Commonwealth's Attorney

Filed in the Clerk's Office
Rockingham County, Va.

NOV 6 1959

J. Palmer Switzer Clerk

IN THE CIRCUIT COURT FOR THE COUNTY OF ROCKINGHAM

COMMONWEALTH OF VIRGINIA

COMMONWEALTH

v.

BILL OF PARTICULARS

JAMES TAYLOR, JR.

COMES NOW the Attorney for the Commonwealth, CHARLES E. EARMAN, JR., and for the Commonwealth's bill of particulars in the criminal proceeding of Commonwealth against James Taylor, Jr., states as follows:

That on the evening of October 4, 1959, at approximately 10:30 o'clock, P. M., at or near the front of Dave Lon's Restaurant, near East Wolfe Street and Community Street in the City of Harrisonburg, Virginia, the said Taylor shot and killed one Charles Lee Wright, Jr., a 22 calibre Ruger pistol.

Respectfully,

Charles E. Earman, Jr.

Commonwealth's Attorney

Filed in the Clerk's Office

Rockingham County, Va.

NOV 9 1959

Harold C. Clark, Clerk

Commonwealth

v.

Taylor

INSTRUCTION 1

The Court instructs the Jury that murder in the first degree is any willful, deliberate and premeditated killing of one human being by another with malice.

Murder in the second degree is the killing of one human being by another with malice but without being willful, deliberate and premeditated.

Voluntary manslaughter is the intentional killing of one human being by another without malice, in the heat of sudden passion engendered or brought about by reasonable provocation or in mutual combat.

[illegible]

V.H.

Commonwealth

v.

Taylor

INSTRUCTION

The Court instructs the jury that murder in the first degree is any willful, deliberate and premeditated killing of one human being by another with malice.

Murder in the second degree is the killing of one human being by another with malice but without being willful, deliberate and premeditated.

Voluntary manslaughter is the killing of one human being by another without malice, in the heat of sudden passion engendered or brought about by reasonable provocation or in mutual combat.

COMMONWEALTH

V.

JAMES TAYLOR, JR.

INSTRUCTION 2

The Court instructs the jury that the word "malice" or "malicious", as applied to the law of homicide and used in the definition of murder, is used in a technical sense. It may be either express or implied. It includes not only anger and hatred but every unlawful and unjustifiable motive. Malice denotes an action flowing from any wicked and corrupt motive, done with an evil mind and purpose, attended with such circumstances as carry in them the plain indication of a heart regardless of social duty and deliberately bent on harm. Malice means a wrong act done intentionally without just cause or excuse. It may be inferred or implied from any deliberate and cruel act done without reasonable provocation or excuse.

The Court further instructs the jury that it is not necessary that malice shall have existed for any particular length of time and it may first come into existence at the time of the killing or at any previous time.

INSTRUCTION

The court instructs the jury that the word "malice" or "malicious," as applied to the law of homicide and used in the definition of murder, is used in a technical sense. It may be defined to imply either express or implied. It includes not only anger and hatred and every unlawful and unjustifiable motive. Malice denotes an evil mind and purpose, attended with such circumstances as call in question the existence of a heart regardless of social duty in them the proximate indication of a heart regardless of social duty and deliberately bent on harm. Malice means a wrong act done intentionally without just cause or excuse. It may be inferred from any deliberate act done without reasonable provocation or excuse.

The court instructs the jury that it is not necessary that malice shall have existed for any particular length of time but it may first come into existence at the time of the killing or at any previous time.

Commonwealth

v.

Taylor

INSTRUCTION 3

The Court instructs the jury that every unlawful homicide in Virginia is presumed in law to be murder in the second degree. In order to elevate the offense to murder in the first degree, the burden of proof is on the Commonwealth; and in order to reduce the offense to manslaughter or to show a justification or excuse, the burden is on the accused. However, you are further instructed that, if upon a consideration of all the evidence, you have a reasonable doubt whether the killing was done with malice or not you should not find the defendant guilty of murder.

H. H.

INSTRUCTION

The court instructs the jury that every criminal prosecution

in Arkansas is prosecuted in the name of the State of

Arkansas. In order to establish the offense of murder in the

first degree, the burden of proof is on the Commonwealth;

and in order to reduce the offense to manslaughter or to

show a justification or excuse, the burden is on the accused.

However, you are instructed that, if upon a consider-

ation of all the evidence, you have a reasonable doubt whether

the killing was done with malice or not you should not

find the defendant guilty of murder.

Commonwealth

v.

Taylor

INSTRUCTION 4

The Court instructs the jury that the accused is presumed to be innocent of the crime with which he is charged, and, that this presumption follows the accused throughout every stage of the trial. By his plea of "not guilty" the accused has denied every essential allegation of the indictment and has put upon the Commonwealth the burden of proving every element of the crime charged and the accused's guilt beyond every reasonable doubt.

This burden, as so imposed on the Commonwealth, does not shift but remains throughout the entire trial. The accused is under no requirement to prove or establish his innocence, and, if, after considering the evidence you entertain a reasonable doubt of the accused's guilt, you must give him the benefit of such doubt and find him not guilty.

This presumption of innocence is not a mere form to be disregarded by you at pleasure but it is an essential and binding part of the law of the land, and you must give the defendant the full benefit of such presumption.

You are further instructed that while you may be suspicious that the accused committed the crime with which he is charged,

COMMONWEALTH

v.

TAYLOR

INSTRUCTION 4

The court instructs the jury that the accused is presumed to be innocent of the crime with which he is charged, and that this presumption follows the accused throughout every stage of the trial. By the plea of "not guilty" the accused has denied every essential allegation of the indictment and has put upon the Commonwealth the burden of proving every element of the crime charged and the accused's guilt beyond every reasonable doubt.

This burden, as so imposed on the Commonwealth, does not shift but remains throughout the entire trial. The accused is under no requirement to prove or establish his innocence, and, it, after considering the evidence you entertain a reasonable doubt of the accused's guilt, you must give him the benefit of such doubt and find him not guilty.

This presumption of innocence is not a mere form to be disregarded by you as frivolous but it is an essential and primary part of the law of the land, and you must give the defendant the full benefit of such presumption.

You are further instructed that while you may be satisfied that the accused committed the crime with which he is charged,

this is not sufficient to convict nor is it sufficient if you feel that he is probably guilty or more likely guilty than not guilty, but to warrant the conviction of this accused, his guilt must be proved so clearly that there remains not one reasonable theory consistent with the evidence upon which he can be innocent.

H. H.

COMMONWEALTH

V.

JAMES TAYLOR, JR.

INSTRUCTION 5

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.

JAMES TAYLOR, JR.

INSTRUCTION 5

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.

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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.

Taylor

INSTRUCTION 6

The Court instructs the jury that to constitute murder in the first degree the evidence must clearly and distinctly prove, beyond any reasonable doubt, that the prisoner was not only incited to the killing of the deceased by malice, and desperate wickedness of heart; but such killing must have been a willful, deliberate, and premeditated act on the part of the defendant; in other words at the time of the killing the defendant must have distinctly understood what he willed and intended to do; he must have also reflected and deliberated and premeditated that he would kill the deceased, or do him some serious bodily injury the probable result of which would be death. And if there be a reasonable doubt whether he had willed, deliberated and premeditated to kill the deceased or do him some serious bodily injury which would probably occasion him death, you ought not to find him guilty of murder in the first degree.

H. H

Commonwealth

v.

Taylor

INSTRUCTION 6

The Court instructs the jury that to constitute murder in the first degree the evidence must clearly and distinctly prove, beyond any reasonable doubt, that the prisoner was not only incited to the killing of the deceased by malice, and desperate wickedness of heart; but such killing must have been a willful, deliberate, and premeditated act on the part of the defendant; in other words at the time of the killing the defendant must have distinctly understood what he willed and intended to do; he must have also reflected and deliberated and premeditated that he would kill the deceased, or do him some serious bodily injury the probable result of which would be death. And if there be a reasonable doubt whether he had willed, deliberated and premeditated to kill the deceased or do him some serious bodily injury which would probably occasion him death, you ought not to find him guilty of murder in the first degree.

COMMONWEALTH

V.

JAMES TAYLOR, JR.

INSTRUCTION 7

The Court instructs the jury that to constitute a willful, deliberate and premeditated killing, it is not necessary that the intention to kill should exist for any particular length of time prior to the actual killing; it is only necessary that such intention should have come into existence for the first time at the time of such killing, or at any time previously.

H. H.

COMMONWEALTH

V.

JAMES TAYLOR, JR.

INSTRUCTION

The court instructs the jury that to constitute a malicious, deliberate and premeditated killing, it is not necessary that the intention to kill should exist for any particular length of time prior to the actual killing; it is only necessary that such intention should have come into existence for the first time at the time of such killing, or at any time previously.

COMMONWEALTH

V.

JAMES TAYLOR, JR.

INSTRUCTION 8

The Court instructs the jury that in a case of homicide, deliberation or premeditation by the prisoner may be proved like any other fact, by either direct or circumstantial evidence or by a combination of both; and if facts, surrounding circumstances and conditions are proven which warrant and justify an inference therefrom, beyond a reasonable doubt, of the existence of such deliberation or premeditation, then the same may be so inferred.

A. A.

Ex.

COMMONWEALTH

v.

JAMES TAYLOR, JR.

INSTRUCTION 8

The court instructs the jury that in a case of homicide, certification or premeditation by the prisoner was no proved certification or premeditation by the prisoner, direct or circumstantial evidence like any other fact, by either direct or circumstantial evidence to be a conclusion of fact; but it lacks, nevertheless, circumstances and conditions are proven which warrant and justify an inference inferior, beyond a reasonable doubt, of the existence of such deliberation or premeditation, then the same may be so inferred.

COMMONWEALTH

V.

JAMES TAYLOR, JR.

INSTRUCTION 9

The Court instructs the jury that if they believe from the evidence in this case that Hill, or Hill with others, did any act or that there were circumstances brought about by them of such a character as to afford the accused a reasonable ground for believing that the said Hill, or he in conjunction with others, designed to kill him, the said James Taylor, or to inflict on him great bodily harm, and there was imminent danger of carrying such design into immediate execution, then, under these circumstances, the killing was excusable and the jury must acquit the accused, although it may have turned out afterwards that the appearances were deceptive, and there was no design on the part of Hill to kill the accused or to do him great personal injury.

H. H.

COMMONWEALTH

v.

JAMES TAYLOR, JR.

INSTRUCTION 8

The court instructs the jury that if they believe from the evidence in this case that HILL, or HILL with others, did any act or that there were circumstances present upon which they or such a character as to allow the accused a reasonable ground for believing that the said HILL, or he in conjunction with others, designed to KILL him, the said James Taylor, or to inflict on him great bodily harm, and there was imminent danger of carrying such design into immediate execution, then, under these circumstances, the killing was excusable and the jury must acquit the accused.

Although it has been shown that the appearances were deceptive, and there was no design on the part of HILL to KILL the accused or to do him great personal injury.

COMMONWEALTH

V.

JAMES TAYLOR, JR.

INSTRUCTION 10

The Court instructs the jury that where a homicide is proved to be caused by the use of a firearm and the prisoner relies upon the plea of self defense, the burden of proving such defense rests upon the prisoner; the burden resting upon an accused relying upon the right of self defense is to establish such defense, not beyond reasonable doubt, nor even by the greater weight of the evidence, but [redacted] to the extent of raising in the minds of the jury a reasonable doubt as to whether or not he acted in the lawful exercise of such right. And, in determining whether or not such defense has been established, the jury should consider all of the evidence and circumstances in the case, that for the Commonwealth as well as that for the accused.

The Court further tells the jury that before the prisoner can rely upon self defense there must be some present peril or something in the attending circumstances indicative of a present purpose by Hill to make the ~~[illegible]~~ apprehended attack. The act so done, or the circumstances thus existing, must have been of such a character as to afford the prisoner reasonable grounds for believing there was a design on the part of Hill to do him some serious bodily harm and that there existed imminent danger of carrying such design into immediate execution.

H.H.

2

Commonwealth

v.

Taylor

INSTRUCTION 11

The court instructs the jury that in passing upon the danger, if any, to which the accused was exposed, you will consider the circumstances as they reasonably appeared to the accused and draw such conclusion from those circumstances as he could reasonably have drawn, situated as he was at the time; in other words, the Court instructs you that the accused is entitled to be tried and judged by facts and circumstances as they reasonably appeared to him, and not by any intent that may or may not have existed in the mind of the ~~alleged~~ victim.

H. H.

COMMONWEALTH

v.

Taylor

INSTRUCTION

The court instructs the jury that in passing upon the danger, if any, to which the accused was exposed, you will consider the circumstances as they reasonably appeared to the accused and draw such conclusion from those circumstances as he could reasonably have drawn, situated as he was at the time; in other words, the court instructs you that the accused is entitled to be tried and judged by facts and circumstances as they reasonably appeared to him, and not by any instant that may or may not have existed in the mind of the attacker.

Adopted.

Commonwealth

v.

Taylor

INSTRUCTION 12

The Court instructs the jury that if you have a reasonable doubt as to the grade of offense of which the prisoner may be guilty, ~~that~~ you shall resolve that doubt in his favor, and find him guilty of the lower grade; to illustrate if you have reasonable doubt as to whether he is guilty of murder in the first degree or the second degree, you should find him guilty in the second degree. If you have reasonable doubt as to whether he is guilty of murder in the second degree or manslaughter, you should find him guilty of manslaughter, and if you have a reasonable doubt as to whether he be guilty at all, you must resolve that doubt in favor of the accused and acquit him.

A.H.

Commonwealth

v.

Taylor

INSTRUCTION 12

The Court instructs the jury that if you have a reasonable doubt as to the grade of offense of which the prisoner may be guilty, ~~that~~ you shall resolve that doubt in his favor, and find him guilty of the lower grade; to illustrate if you have reasonable doubt as to whether he is guilty of murder in the first degree or the second degree, you should find him guilty in the second degree. If you have reasonable doubt as to whether he is guilty of murder in the second degree or manslaughter, you should find him guilty of manslaughter, and if you have a reasonable doubt as to whether he be guilty at all, you must resolve that doubt in favor of the accused and acquit him.

COMMONWEALTH

V.

JAMES TAYLOR, JR.

INSTRUCTION 13

The Court instructs the jury that the credibility of witnesses is a question exclusively for the jury. 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, the jury has the right to determine which witnesses are more worthy of credit and what is the relative weight of any such testimony and to give credit accordingly.

R. H.

COMMONWEALTH

V.

JAMES MATLON, JR.

INSTRUCTION 13

The court instructs the jury that the credibility of wit-
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pearance of the witnesses on the stand, their manner of tes-
tifying, the reasonableness and consistency of their testimony,
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cumstances appearing on the trial, the jury are the right to de-
termine which witnesses are more worthy of credit and to give credit accord-
ingly.

COMMONWEALTH

V.

JAMES TAYLOR, JR.

INSTRUCTION 14

The Court instructs the jury that a previous conviction of a felony shall not render a witness incompetent to testify, but the fact of such conviction may be considered by the jury in passing upon the credibility of his testimony.

H.H.

COMMONWEALTH

V.

JAMES TAYLOR, JR.

INSTRUCTION 14

The Court instructs the jury that a previous conviction of a felony shall not render a witness incompetent to testify, but the fact of such conviction may be considered by the jury in passing upon the credibility of his testimony.

COMMONWEALTH

V.

JAMES TAYLOR

INSTRUCTION 15

The Court instructs the jury that in determining the question of the guilt or innocence of the accused, you may take into consideration the flight of the prisoner after the commission of the crime, if the same is proven, along with all the other facts and circumstances introduced in evidence in the case.

H. H.

COMMONWEALTH

V.

JAMES TAYLOR

INSTRUCTION 46

The Court instructs the jury that in determining the question of the guilt or innocence of the accused, you may take into consideration the flight of the prisoner after the commission of the crime, if the same is proven, along with all the other facts and circumstances introduced in evidence in the case.

COMMONWEALTH

V.

JAMES TAYLOR

INSTRUCTION 16

The Court instructs the jury that a man is taken to intend that which he does or which is the immediate or necessary consequences of his act.

R. H.

COMMONWEALTH

V.

JAMES TAYLOR

INSTRUCTION 17

The Court instructs the jury that if the prisoner, with a deadly weapon which he had previously taken into his possession, gave to the deceased a mortal wound, if upon very slight provocation or without any provocation, such killing is presumed to have been willful, deliberate and premeditated, and the necessity rests upon the accused to show extenuating circumstances to remove or rebut such presumption, and unless he shows such extenuating circumstances, or such circumstances appear from the case made by the Commonwealth, he is guilty of murder in the first degree.

A. H.,

S.L.,

COMMONWEALTH

v.

JAMES EATON

INSTRUCTION 27

The court instructs the jury that if the prisoner, with a deadly weapon which he had previously taken into his possession, gave to the deceased a mortal wound, and killing is presumed to have been willful, deliberate and premeditated, and the necessity rests upon the accused to show extenuating circumstances sufficient to remove or repel such presumption, and unless he shows such extenuating circumstances, or such circumstances appear from the case made by the commonwealth, he is guilty in the first degree.

COMMONWEALTH

V.

JAMES TAYLOR

INSTRUCTION 18

The Court instructs the jury that upon the trial of a criminal case by a jury the law contemplates a concurrence of twelve minds in the conclusion of guilt before a conviction can be had. Not only is this true with respect to the guilt of the accused, but is likewise true with respect to the degree of the crime. Therefore, if any individual member of the jury, after having duly considered all the evidence in this case, and after consultation with his fellow jurors, should entertain a reasonable doubt as to the guilt of the accused, or as to the degree of the guilt of the accused, it is his duty not to surrender his own convictions as to the guilt or innocence of the accused, or as to the degree of guilt, simply because the rest of the jury entertain different convictions as to the guilt or innocence or as to the degree. The jury are further instructed that it is the duty of the jurors to discuss the evidence in a spirit of fairness and candor with each other, and with open minds to give careful consideration to the views of their fellows, and, if it can be done without sacrifice of conscientious convictions, agree upon a verdict.

A. H.

COMMONWEALTH

v.

JAMES TAYLOR

INSTRUCTION

The court instructs the jury that upon the trial of a criminal case by a jury the law contemplates a conference of twelve minds in the conclusion of guilt before a conviction can be had. Not only is this true with respect to the guilt of the accused, but it likewise true with respect to the degree of the crime. Therefore, if any individual member of the jury, after fairly considered all the evidence in this case, has after consultation with his fellow jurors, should entertain a reasonable doubt as to the guilt of the accused, or as to the degree of the guilt of the accused, or as to the sufficiency of his own convictions accused, it is his duty not to surrender his own convictions as to the guilt or innocence of the accused, or as to the degree of guilt, simply because the rest of the jury entertain different convictions as to the guilt or innocence or as to the degree. The jury are further instructed that it is the duty of the jurors to discuss the evidence in a spirit of deliberation and cannot with each other, and with open minds to listen and consider each other's views of their letters, and if they can do done without sacrifice of convictions convinced.

Use what you need

ON AN INDICTMENT ~~CHARGE OF~~ For a FELONY
(HOMICIDE)

This day came the attorney for the Commonwealth and the accused, James Wesley Taylor, came in the custody of the Sheriff of this County and by his counsel heretofore appointed, Donald D. Litten. And from persons summoned by the Sheriff under writs of venire facias twenty persons were examined by the Court and defendant and found duly qualified and free from exception; Whereupon a list containing the names of said twenty persons was handed to the attorney for the Commonwealth and the accused who each alternately struck therefrom the names of four persons and the remaining twelve, namely

who were selected as aforesaid to constitute the jury and who were sworn to well and truly try and true deliverence make between the Commonwealth and the person at the bar and a true verdict render according to the law and the evidence. On motion of the accused, it was ordered that all witnesses in this case by excluded from the room of the court trial. And after evidence was offered by the Commonwealth and the defendant, the jury received the written instructions of the Court and having heard the argument of counsel; during the opening argument of the attorney for the Commonwealth the following having occurred: the attorney for the Commonwealth remarked that James Wesley Taylor should be punished severely so that his punishment ~~should~~ would serve "as a detriment to others; and if he is allowed to go free with only slight punishment, whenever a murder is deemed necessary it will be committed in Rockingham County because the murderer will know that his punishment will be slight"; the accused having moved the Court to discharge the jury and to declare a mistrial, ~~that~~ based such argument was

ON AN INDICTMENT ~~CHARGING~~ FELONY
(HOMICIDE)

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August 31, 1960

Mr. James W. Taylor, Jr. #77038
State Penitentiary
Richmond, Virginia

Dear Sir:

Your letter of August 29, 1960, has been received. Please disregard the request made for the original petition mentioned therein. The same is on file in this office, and will be submitted at the proper time to the Supreme Court of Appeals.

Yours very truly,

Margie Bowers, Acting Clerk

August 31, 1960

Mr. James W. Taylor, Jr. #77038
State Penitentiary
Richmond, Virginia

Dear Sir:

Your letter of August 29, 1960, has been received. Please disregard the request made for the original petition mentioned therein. The same is on file in this office, and will be submitted at the proper time to the Supreme Court of Appeals.

Yours very truly,

Margie Bowers, Acting Clerk

500 Spring Street
Richmond 19, Virginia
August 29, 1960

Miss M. Bower, Acting Clerk

Circuit Court of Rockingham County

Harrisonburg, Virginia

Re: James W. Taylor, Jr., #77038
v.
W. K. Cunningham, Jr., Sup't.

Dear Miss Bower:

Your letter to Mr. W. K. Cunningham, Jr., Sup't., was received on the 24th of August 1960. Whereas, he has submitted a copy of same to me.

It appears that you contended that the petition for the Writ of Habeas Corpus was denied on August 11, 1960, and when a copy of the order was forwarded to me, you also sent the "original petition".

I have not receive the petition, and it is shown here on the record of the incoming mail, that it did not enter this institution, however the Order was received on the 11th day of August 1960. Therefore, it is impossible for me to submit the "Original copy", as you have requested. However, I do have a copy of the petition, which I am now typing up, and will get it to you in a few days. I am sure that you are aware that it will not bear the original notaries date, because I did not have my copy notarized. Therefore I am hoping that you will explain the matter to the Supreme Court of Appeals. And again you can obtain a full copy from the Attorney General Office, whereas he is the Counsel for the Respondent.

You also stated, that the petition was denied on the 11th of August 1960. In that case there have been another error maded. If the petition was denied on the 11th of August, "How could it be entered on record on the 9th of August 1960. In other words, you are saying that the petition was entered on record denied, before it was heard? And in regard to the petition solely, such petition was suppose to become a part of the Court records, at lest until the period of appealing has expired. And see, "Rules of Supreme Court of Appeals, Va:, Rule 1:10; 2:22; § 5 (a); and § 6 (a). Therefore according thereto, if such petition was sent back to me, such Office is acting contrary to law and the Rules of the Supreme Court of Appeals of Virginia.

I am also sending a letter to the U. S. Postmaster General, at Richmond, trying to locate such mail.

I would like very much to have an answer to the questions above.

Thanking in advance for an early reply, and your affableness extended to this matter. I remain,

Respectfully yours,

James W Taylor

AFTER 5 DAYS RETURN TO
500 SPRING STREET
RICHMOND 19, VIRGINIA

RICHMOND
AUG 30 '60
VA.
U.S. POSTAGE
04
P.B. METER 153957

Miss M. Bower, Acting Clerk
Circuit Court of Rockingham County
Harrisonburg, Virginia

Attention please

February 18, 1960

Mr. John W. Taylor, Jr. 77038
500 Spring Street
Richmond 19, Virginia

Dear Sir:

The time allowed you for appeal was within sixty (60) days from the time you were sentenced, that being November 20, 1959, which was the date of final judgment. The fact that execution of sentence was suspended for thirty (30) d ays does not give you ninety (90) days to appeal but only allowed you to stay here in jail for thirty days.

The sixty days having expired last month, I can not accept your letter as notice of appeal. Sorry--but that is the way it is.

Yours very truly,

J. Robert Switzer, Clerk

JRS:mb

February 18, 1960

Mr. John W. Taylor, Jr. 77038
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JRS:mb

AFTER 5 DAYS RETURN TO
500 SPRING STREET
RICHMOND 19, VIRGINIA

The Clerk of Court
Circuit Court
Rockingham County
Harrisonburg, Virginia

wll

500 Spring Street
Richmond 19, Virginia
F ebruary 16, 1960

The Clerk Of Court
Circuit Court
Rockingham County

Dear Mr. Switzer:

On the 20th day of November, 1959, I was convicted in this Court and sentenced to twenty years in the penitentiary. Execution of the sentence was suspended for a period of 30 days, making the final date of judgment December 20th, 1959.

I am asking by this letter, that I be allowed an appeal from this judgment. I have not finished the Petition for appeal, assignments of error, etc., and it is necessary that I file notice of appeal before the statutory time limit expires. Accordingly, I am asking that this letter be accepted as Notice of Appeal. I will send the "formal petition" just as soon as it has been completed.

Thanking you, I remain,

Respectfully yours,

James W Taylor

James W. Taylor, Jr., 77038

P.S. Would you please advise me if this letter is sufficient notice of appeal and if it can and will be accepted as such.

VIRGINIA STATE PENITENTIARY

GENERAL INFORMATION FOR FAMILIES OF PRISONERS

MAIL

Inmates are allowed to write only one letter each week, postage being paid by the State. They may write to members of their families or friends whom they knew before coming to prison. They cannot correspond with prisoners in other institutions, or relatives of other prisoners at the Virginia State Penitentiary, or persons they have never met, except lawyers and religious advisors. They are not allowed to have stamps, which should not be sent to the institution. Permission is granted for special letters for business or urgent reasons. Letters are written for inmates who cannot write.

All communications to inmates should be addressed to 500 Spring Street, Richmond, Virginia WITH THE INMATE'S NUMBER ON THE LOWER LEFT CORNER OF THE ENVELOPE. Name and address of sender should also be on the envelope.

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All out going and incoming mail is censored.

PACKAGES

Inmates may receive snapshots and photographs without frames, candy, home cooked food. Wearing apparel is also permitted, such as sweaters (must be solid color brown, not two-toned), socks, shoes, underwear, handkerchiefs, and pajamas. No other clothing is allowed. No canned goods, toothpaste or shaving cream, talcum powder, or any articles consisting of powders or in tubes, are permitted; no medicine, drugs, or liquids; no dried fruits and no fresh ones except apples; and no packages of any [redacted] that cannot be readily censored. No tobacco in any form.
kind

Quantities of items permitted should be held down to a reasonable amount.

Watches, musical instruments, and portable typewriters are allowed by special permission, but must be registered on arrival and may not be transferred from one inmate to another.

VISITS

Members of the inmate's immediate family may visit him twice monthly. Visits must be two weeks apart and between the hours of 9:00 a.m. and 11:30 a.m. and from 12:30 p.m. to 4:00 p.m., Sundays and Holidays only. Inmates may be seen for business reasons any date provided advance permission has been obtained from the authorities. No inmate may receive a visit from anyone until he has spent 30 days in the institution.

NOTE: On and after March 14, 1959, visits will also be permitted on Saturdays. Same hours as Sundays and Holidays will apply.

August 24, 1960

Mr. W. K. Cunningham, Jr.
Superintendent State Penitentiary
Richmond, Virginia

Re: James W. Taylor, Jr. 77038
v.
W. K. Cunningham, Jr., Sup't

Dear Sir:

The petition for a writ of habeas corpus received some time ago from the above named Penitentiary prisoner was denied on August 11, 1960, and when a copy of the court order was forwarded to the prisoner for his information, the original petition was inadvertently returned to him. The prisoner has now filed objections to the order with notice of his intention to appeal, with request that the record in the matter be prepared. Of course, no record beyond the order itself can be made, unless the original petition is returned to this office where it should be permanently on file.

Will you please procure from the prisoner such petition and forward same to this office at your earliest convenience?

If the original is not available, possibly the prisoner could provide a true copy. We are not interested in the other document which accompanied the petition, representing the prisoner's brief or memorandum of argument on the subject which was also returned with the petition itself.

Thanking you for your attention to this, I am

Yours very truly,

Margie Bowers, Acting Clerk

mb

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Superintendent State Penitentiary
Richmond, Virginia

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v.
W. K. Cunningham, Jr., Sup't

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Thanking you for your attention to this, I am

Yours very truly,

Margie Bowers, Acting Clerk

mb

August 23, 1960

Mr. Reno S. Harp III
Assistant Attorney General
Richmond, Virginia

Re: James W. Taylor
v.
W. K. Cunningham, Jr., Sup't, etc.

Dear Mr. Harp:

Your letter addressed to the Honorable George W. Kemper, Clerk of this Court, was received. Mr. Kemper has not yet qualified but will probably do so September first.

However, I am enclosing herewith a copy of the order dismissing the writ for habeas corpus.

After this order was entered, the petition and copy of the order was returned to the prisoner, James W. Taylor, at the State Penitentiary, at the suggestion of Judge Haas. Do you have a copy of the Petition and are you able to furnish this office with same? I shall appreciate your reply in regard to such copy.

Yours very truly,

Deputy Clerk.
~~J. Robert Barr~~

mb
Enc. 1.

August 23, 1960

Mr. Reno S. Harp III
Assistant Attorney General
Richmond, Virginia

Re: James W. Taylor
v.
W. K. Cunningham, Jr., Sup't, etc.

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Your letter addressed to the Honorable George W. Kemper, Clerk of this Court, was received. Mr. Kemper has not yet qualified but will probably do so September first.

However, I am enclosing herewith a copy of the order dismissing the writ for habeas corpus.

After this order was entered, the petition and copy of the order was returned to the prisoner, James W. Taylor, at the State Penitentiary, at the suggestion of Judge Hess. Do you have a copy of the Petition and are you able to furnish this office with same? I shall appreciate your reply in regard to such copy.

Yours very truly,

Deputy Clerk.

mb
Enc. 1.

Commonwealth of Virginia

A. S. HARRISON, JR.
ATTORNEY GENERAL

KENNETH C. PATTY
FIRST ASSISTANT

OFFICE OF THE ATTORNEY GENERAL
RICHMOND

D. GARDINER TYLER
FRANCIS C. LEE
ROBERT D. McILWAINE, III
RENO S. HARP, III
MANDLEY RAY JOHNSTON
MOSES HARRIS PARKER
FRANK V. EMMERSON, JR.
HAROLD V. KELLY
J. COLEMAN BEAN
WILLIAM P. BAGWELL, JR.
ASSISTANTS

August 22, 1960

Honorable George W. Kemper, Clerk
Circuit Court of Rockingham County
Harrisonburg, Virginia

Re: James W. Taylor
v.
W. K. Cunningham, Jr., Superintendent, etc

Dear Mr. Kemper:

This office is advised that the above-entitled matter was dismissed by the Judge of the Circuit Court of Rockingham County on August 9, 1960. It would be appreciated if you would furnish me with a copy of that order.

Sincerely yours,

Reno S. Harp, III
Assistant Attorney General

RSH/h

COMMONWEALTH

V.

JAMES TAYLOR, JR.

CHARGE TO JURY

If you find the accused guilty of murder, as charged in the indictment, and that the murder was committed with malice aforethought and that it was willful, deliberate and premeditated, you will find him guilty of murder in the first degree and fix his punishment at death, or by confinement in the penitentiary for life, or for any term not less than twenty years.

If you find him guilty of murder, as charged in the indictment, and that the same was committed with malice aforethought, but that it was not willful, deliberate and premeditated, then you will find him guilty of murder in the second degree, and fix his punishment at confinement in the penitentiary for not less than five nor more than twenty years.

If you find him not guilty of murder in the first degree, nor of murder in the second degree, but that he killed Calvin Hill without malice aforethought, actual or implied, upon sudden heat, on reasonable provocation, or in mutual combat, you will find him guilty of voluntary manslaughter and fix his punishment at confinement in the penitentiary for not less than one year nor more than five years.

If you find him not guilty of murder in the first degree, nor of murder in the second degree, nor of voluntary manslaughter, but find him guilty of involuntary manslaughter, you will say so and fix his punishment at confinement in the penitentiary for not less than one year nor more than five years, or, in your discretion, by a fine not exceeding One Thousand Dollars, or by confinement in jail not exceeding one year, or by both such fine and imprisonment.

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

COMMONWEALTH

v.

JAMES TAYLOR, JR.

CHARGE TO JURY

If you find the accused Guilty of murder, as charged in the indictment, and that the murder was committed with malice aforethought, and that it was not willful, deliberate and premeditated, then that the same was committed with malice aforethought, and that the murder was committed in the second degree, and if you find him Guilty of murder in the second degree and fix his punishment at confinement in the Penitentiary for not less than one year nor more than twenty years.

If you find him Guilty of murder in the first degree and fix his punishment at death, or at confinement in the Penitentiary for life, or for any term not less than twenty years.

If you find him not Guilty of murder in the first degree, but that he killed CHIATU MILL without malice aforethought, either in the heat of passion upon sudden provocation, or in the mutual combat, you will find him Guilty of voluntary manslaughter and fix his punishment at confinement in the Penitentiary for not less than one year nor more than five years.

If you find him not Guilty of murder in the first degree, nor of murder in the second degree, nor of voluntary manslaughter, nor of murder in the second degree, but that he killed CHIATU MILL without malice aforethought, either in the heat of passion upon sudden provocation, or in the mutual combat, you will find him Guilty of involuntary manslaughter and fix his punishment at confinement in the Penitentiary for not less than one year nor more than five years.

If you find him not Guilty of murder, as charged in the indictment, and that the same was committed with malice aforethought, and that it was not willful, deliberate and premeditated, then find him Guilty of murder in the second degree, and fix his punishment at death, or at confinement in the Penitentiary for life, or for any term not less than twenty years.

If you find him not Guilty of murder, as charged in the indictment, and that the murder was committed with malice aforethought, and that it was not willful, deliberate and premeditated, you will find him Guilty of murder in the first degree and fix his punishment at confinement in the Penitentiary for not less than twenty years nor more than fifteen years.

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11/20/59.

Commonwealth

v. On an indictment charging felony (murder)

James W. Taylor, Jr.

This day came again the attorney for the commonwealth, the accused, James W. Taylor, Jr., came in the custody of the sheriff of this county and by his counsel heretofore appointed, Donald D. Litten; and the jury impanelled and sworn for the trial of this case came pursuant to adjournment. And having received the instructions of the court, and proceeded with the argument of counsel, the accused, by counsel, moved the court to declare a mistrial because the remark by the attorney for the commonwealth in his opening argument that "James Wesley Taylor should be punished severely so that his punishment would serve as a detriment to others, and if he is allowed to go free with only slight punishment, whenever a murder is deemed necessary it will be committed in Rockingham County because the murderer will know that his punishment will be slight" was inflammatory and not based upon any evidence in the case, which motion the court overruled, to which action of the court the accused, by counsel excepted; and having completed the argument of counsel, thereupon the jury retired to consider a verdict, and after some time they came again into court and returned the following verdict: "November 20th 1959. We, the jury, find the defendant, James W. Taylor, Jr., guilty of murder in the second degree as charged in the indictment, and fix his punishment at twenty years in the penitentiary. Thomas Leap, foreman." Thereupon, the accused, by counsel, moved the court to set aside the verdict of the jury on the following grounds: (1) Because said verdict is contrary to the law and is without evidence to support it. (2) Because the Court erred in refusing to allow the defendant to ask certain questions on the voir dire examination of the jury. (3) Because the Court erred in granting certain instructions tendered by the Commonwealth. (4) Because the remarks of the attorney for the Commonwealth in his opening argument were inflammatory and constituted grounds for

mistrial, and the Court err ed in refusing to grant the motion of accused to declare a mistrial. (5) On such other grounds as may later be assigned in writing. And the Court overruled said motion, to which action of the court the accused, by counsel, excepted. It then being inquired of the accused if anything he had or knew to say why the court should not pronounce sentence on him and nothing being offered or alleged in delay thereof, it is therefore considered by the court that the commonwealth recover of the said James W. Taylor, Jr., the costs incident to this prosecution, and that he be confined in the penitentiary of this state for the term of twenty (20) years at hard labor in accordance with the verdict of the jury. And he is remanded to jail until he can be delivered to an officer of the State Penitentiary, to be removed and conveyed to the public jail and penitentiary house of this commonwealth, therein to be held and kept imprisoned and treated in the manner directed by law for the term aforesaid. The term of imprisonment of said Taylor is to be subject to a credit of 47 days, time he has been held in jail awaiting trial. On motion of the accused, by counsel, execution of this sentence is hereby suspended for a period of thirty (30) days in order to allow him opportunity to apply to the Supreme Court of Appeals of Virginia for a writ of error to the judgment of this court, if he be so advised.

10/251

11/20/59

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11/10/24

misfeint, and the Court ett ed in refusing to grant the motion of accused to declare a mistrial. (2) On such other grounds as may later be assigned in writing. And the Court overruled said motion, to which ruling of the court the accused, by counsel, excepted. If then being informed of the accused it entirely be ed, by counsel, execution of the sentence is hereby suspended for a period of fifty (50) days in order to allow him opportunity to apply to the Supreme Court of Appeals of Virginia for a writ of error to the judgment of this court, it is so adjudged.

Judge of a circuit of the 5th days, time he has been held in jail awaiting trial. On motion of the accused, by counsel, execution of this sentence is hereby suspended for a period of fifty (50) days in order to allow him opportunity to apply to the Supreme Court of Appeals of Virginia for a writ of error to the judgment of this court, it is so adjudged.

The clerk of this court shall not pronounce sentence on him and nothing being offered or alleged in delay thereof, it is therefore considered by the court that the commonwealth recover of the said James W. Taylor, Jr., the costs incident to this prosecution, and that he be confined in the penitentiary of this state for the term of twenty (20) years at hard labor in accordance with the verdict of the jury. And he is remanded to jail until he can be delivered to an officer of the State Penitentiary, to be removed and conveyed to the public jail and penitentiary house of this commonwealth, therein to be held and kept im-

.00 T

2d day

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205.71
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500 Spring Street

Richmond 19, Virginia

July 25, 1960

Mr. J. Robert Switzer, Clerk

Circuit Court of Rockingham County

Harrisonburg, Virginia

Dear Sir:

In receipt of the record which I requested July 25th. And therewith I was infromed that the cost for same is one (1) dollar.

Enclosed herewith you will find a check for the amount of one ($1.00) for the record in regard to the witnessess summoned .

Thank you very much for your affableness extended to me on such early date.

I remain,

Respectfully yours,

James W. Taylor

James W. Taylor, #77o38

JWT/we

VIRGINIA STATE PENITENTIARY

GENERAL INFORMATION FOR FAMILIES OF PRISONERS

MAIL

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NOTE: On and after March 14, 1959, visits will also be permitted on Saturdays. Same hours as Sundays and Holidays will apply.

DIVISION OF CORRECTIONS
THE PENITENTIARY
500 SPRING STREET
RICHMOND 19, VIRGINIA

COMMONWEALTH OF VIRGINIA

DEPARTMENT OF WELFARE AND INSTITUTIONS

August 25, 1960

Mrs. Margie Bowers, Deputy Clerk
Circuit Court of Rockingham County
Harrisonburg, Virginia

Dear Madam:

In response to your letter of August 24th I have contacted James W. Taylor, Jr., our #77038, in regard to the petition to which you refer.

Taylor says that no copy of the petition was returned to him, and we have given him a special letter to write you concerning the matter.

Very truly yours,

W K Cunningham

W. K. Cunningham, Jr.
Superintendent

WKCjr/vh

COMMONWEALTH OF VIRGINIA

DEPARTMENT OF WELFARE AND INSTITUTIONS

DIVISION OF CORRECTIONS
THE PENITENTIARY
600 SPRING STREET
RICHMOND 19, VIRGINIA

August 25, 1960

Mrs. Vargie Rogers, Deputy Clerk
Circuit Court of Rockingham County
Harrisonburg, Virginia

Dear Madam:

In response to your letter of August 24th I have contacted James W. Taylor, Jr., our #77038, in regard to the petition to which you refer.

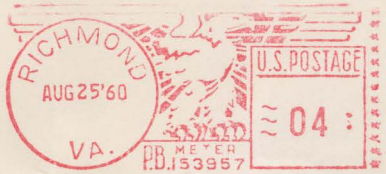
Taylor says that no copy of the petition was returned to him, and we have given him a special letter to write you concerning the matter.

Very truly yours,

W. K. Cunningham, Jr.
Superintendent

WKC:jr/vh

AFTER 5 DAYS RETURN TO
500 SPRING STREET
RICHMOND 19, VIRGINIA



Mrs. Margie Bowers, Deputy Clerk
Circuit Court of Rockingham County
Harrisonburg, Virginia

Henry Stuart not found

in my bailiwick. 11-19, 1955

G. L. Strandberg S. R. C.

BY T. L. Marks DEPUTY SHERIFF

Emily Mody Johnson not found

in my bailiwick. Nov. 19 19 57

G. L. Strandemo S. R. C.

BY G. L. Marks DEPUTY SHERIFF

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon DS Frances Holly (Effinger St.); PS Shirley Tuckson (also ~~known as Shirley Evans~~); PS Fannie Scott; DS Bootie Madden (Effinger St.); PS Emily Mosby Johnson, Grover Curry (Bridgewater); ~~Shirley Edwards~~; Emmett Lee; Henry Stuart (Kelly St.); DS 215 Hay St. Bobby Lee Harper; PS

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 19th day of N ovember, 1959, to testify and the truth to say in behalf of the Defendant in the prosecution of the Commonwealth against

James W. Taylor, Jr.,

who stands charged with and indicted for a felony ~~misdemeanor~~.

In witness whereof I hereunto set my hand, as the Clerk of the Circuit Court of Rockingham County, Va., at the Court House thereof, this, the 16th day of November, 1959, and in the 184th year of the Commonwealth.

J. Robert Switzer, Clerk
By Marjorie Bowers, D.C.

Executed on the 17 day of Nov., 1959, in the County of Rockingham, Virginia, by calling at the usual place of abode, Effinger St. Frances Holley, and not finding her there, or any other person upon whom service could be made, I left a true copy of the above mentioned papers attached to each other, posted on the front door of her usual place of abode.

G. L. Strawderman S.R.C.

BY T. L. Martin DEPUTY SHERIFF

Executed on the 17 day of Nov., 1959, in the County of Rockingham, Virginia, by calling at the usual place of abode, Effinger St. Bertie Mackey, and not finding her there, or any other person upon whom service could be made, I left a true copy of the above mentioned papers attached to each other, posted on the front door of her usual place of abode.

G. L. Strawderman S.R.C.

BY T. L. Martin DEPUTY SHERIFF

Executed on the 17 day of Nov., 1959, in the County of Rockingham, Virginia, by calling at the usual place of abode, 350 Hy St Baby La Harper, and not finding him there, or any other person upon whom service could be made, I left a true copy of the above mentioned papers attached to each other, posted on the front door of his usual place of abode.

G. L. Strawderman S.R.C.

BY T. L. Martin DEPUTY SHERIFF

EXECUTED 11-18-59 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summons TO Emmett Lee IN PERSON.

T. L. Martin

Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

4.00

EXECUTED 11-17-59 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summons TO Shirley Fincher IN PERSON.

T. L. Martin

Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 11-17-59 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summons TO Fannie Scott IN PERSON.

T. L. Martin

Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 11-17-59 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summons TO Grover Cuny IN PERSON.

T. L. Martin

Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

COMMONWEALTH VS. James Taylor Jr

DESCRIPTION OF PRISONER

Last known address 103 Gambell St Alg

Color Col Height 6-1 Eyes Br Hair Br Weight 225

Marks 2 fingers right hand off

Age 37 Occupation Laborer

Date of Trial 11-19-20-59

Result

COMMONWEALTH VS _____

DESCRIPTION OF PRISONER

Last known address _____

Color _____ Height _____ Eyes _____ Hair _____ Weight _____

Marks _____

Age _____ Occupation _____

Date of Trial _____

Result _____

Witness Subpoena

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

You are hereby commanded, in the name of the Commonwealth of Virginia to summon J. F. Ritchie

to appear before The County Court of said County, sitting at Harrisonburg, Virginia, in said County, on 19th day of Nov., 1959, at the hour of 2 P.M. of that day to give evidence in behalf of Com'th

in the pending case of Com'th

v. James W. Taylor, Jr.

Given under my hand this 10th day of Nov., 1959

Ada C. Swartz

Clerk
~~Asst. Clerk~~

6-56-5M-Garrison

The County Court

Docket No. 30261

Com. th

V. (Witness Subpoena

James W. Taylor, Jr.

EXECUTED 7-13-54 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN summons
TO
IN PERSON.

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

Comp. Form 18

STATE OF VIRGINIA
~~COUNTY~~ City OF Harrisonburg } To-Wit: No.

TO ANY SHERIFF OR POLICE OFFICER:

Whereas, J.F. Ritchie

has this day made complaint and information on oath before me, John G. Leake (Name)

Justice of The Peace (Title) of the said ~~County~~ City, that James W. Taylor, Jr. in the said ~~County~~ City

did on the 4th day of October, 19 59: Unlawfully and feloniously,

kill and murder Calvin Hill, 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 ~~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 4th day of October, 19 59

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

STATE OF VIRGINIA—COUNTY OF _____, to-wit:

I, _____ a Judge of the County Court / Justice of the Peace in and for the County aforesaid, State of Virginia, do certify that _____

and _____, as his suret_____, have this day each acknowledged themselves indebted to the Commonwealth of Virginia in the sum of _____ Dollars ($_____), 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_____, shall appear before the Circuit / County Court of _____ County, on the _____ day of_____, 19____, at _____. M., at _____, 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_____ day of_____, 19____.

_____ Judge. J. P.

DOCKET NO. 80261

COMMONWEALTH

vs.

WARRANT OF ARREST

James W. Taylor, Jr.

Executed this, the 5th day of October, 1959

R. E. Cassidy

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

The within named defendant has been indicted by the Grand Jury, therefore the warrant was sent to the Circuit Court without a Preliminary hearing.

Given under my hand this 13th day of November 1959

R. E. Cassidy
Justice of Peace

To: 11-13-59 2:PM.

Fine $

Costs

Total $

BOND $10,000.00 Peace Condition.

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	$ 1.50
Trial	2.00
Bail	
Arrest	
Mileage	
Clerk	1.25
Jail Fee and Board	.50
Witness Attendance	
Summoning Witnesses	
Commonwealth Attorney	5.00
Total Costs	$
Fine	
Total	$

7-1a (Rev. 12-31-56)

"L"

REPORT of the

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

To: Mr. Charles E. Earman, Jr.
Commonwealth's Attorney
Rockingham County
Harrisonburg, Virginia

October 15, 1959

This examination has been made with the understanding that the evidence is connected with an official investigation of a criminal matter and that the Laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of the Laboratory report in connection with a civil proceeding.

J. Edgar Hoover
John Edgar Hoover, Director

Re: JAMES W. TAYLOR, JR., SUSPECT;
CALVIN HILL, VICTIM;
MURDER

YOUR FILE NO.
FBI FILE NO.
LAB. NO. PC-58711 IJ

Examination requested by: Addressee

Reference: Letter 10/6/59; personally delivered by Mr. Gifford Joseph on 10/8/59

Examination requested: Firearms

Specimens:

Q1 - Q3	Three bullets
Q4 - Q6	Three cartridge cases
Q7	White shirt
Q8	White T shirt
K1	6.35 mm (caliber .25 Auto) Beretta automatic pistol, Serial No. 62295A

Results of examination:

The bullets, Q1 through Q3, were identified as having been fired from K1.

The three cartridge cases, Q4 through Q6, were all identified as having been fired in K1.

Microscopic examination and chemical processing of the areas surrounding the two holes in Q7 and the three holes in Q8 revealed a pattern of gunpowder residues about the hole in the central chest area of Q7 and on the exposed area of the T shirt, Q8, closest to this hole in Q7. This pattern of gunpowder residues is consistent

Continued on next page

REPORT
of the

FBI
LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

To: Mr. Charles E. Berman, Jr.
Commonwealth's Attorney
Rockingham County
Harrisonburg, Virginia

October 15, 1959

This examination has been made with the understanding that the evidence is submitted with an official investigation or a criminal matter and that the Laboratory report will be used for official purposes only, related to the investigation or a subsequent criminal prosecution. Authorization cannot be granted for the use of the Laboratory report in connection with a civil proceeding.

Re: JAMES W. TAYLOR, JR., SUSPECT;
CALVIN HILL, VICTIM;
MURDER

John Edgar Hoover, Director

YOUR FILE NO.
FBI FILE NO.
LAB. NO. PC-58711 I1

Examination requested by: Addressee

Reference: Letter 10/6/59; personally delivered by Mr. Gifford Joseph on 10/6/59

Examination requested: Firearms

Specimens:

Q1 - Q3 Three bullets
Q4 - Q6 Three cartridge cases
Q7 White shirt
Q8 White T shirt

K1 6.35 mm (caliber .25 Auto) Beretta automatic pistol, Serial No. 62295A

Results of examination:

The bullets, Q1 through Q3, were identified as having been fired from K1.

The three cartridge cases, Q4 through Q6, were all identified as having been fired in K1.

Microscopic examination and chemical processing of the areas surrounding the two holes in Q7 and the three holes in Q8 revealed a pattern of gunpowder residues about the hole in the central chest area of Q7 and on the exposed area of the T shirt, Q8, closest to this hole in Q7. This pattern of gunpowder residues is consistent

 Continued on next page

with that produced at a muzzle-to-target distance of approximately twelve inches.

No gunpowder residues were located or developed about the remaining holes in Q7 or Q8.

The evidence, listed above, is being returned under separate cover by registered mail to Chief of Police Julius F. Ritchie, Harrisonburg, Virginia.

with that produced at a muzzle-to-target distance of approximately twelve inches.

No gunpowder residues were located or developed about the remaining holes in 97 or 98.

The evidence, listed above, is being returned under separate cover by registered mail to Chief of Police Julius F. Ritchie, Harrisonburg, Virginia.

VIRGINIA STATE PENITENTIARY DETACH BEFORE CASHING ITEMIZATION OF CHECK Nº 49138

ITEM NUMBER	DESCRIPTION OF PAYMENT	AMOUNT PER ITEM	TOTAL
77038	J. W. Taylor		1.00

THIS CHECK MUST BE CASHED AT ONCE

UNITED STATES POST OFFICE
RICHMOND 19, VIRGINIA

OFFICIAL BUSINESS
P-17

PENALTY FOR PRIVATE USE TO AVO
PAYMENT OF POSTAGE, $300

RICHMOND
AUG 31
5 30PM
1960
VA.

25
SOCIAL
IN A

Miss Margie Bowers

Circuit Court of Rockingham County

Harrisonburg, Virginia.

VIRGINIA STATE PENITENTIARY

GENERAL INFORMATION FOR FAMILIES OF PRISONERS

MAIL

Inmates are allowed to write only one letter each week, postage being paid by the State. They may write to members of their families or friends whom they knew before coming to prison. They cannot correspond with prisoners in other institutions, or relatives of other prisoners at the Virginia State Penitentiary, or persons they have never met, except lawyers and religious advisors. They are not allowed to have stamps, which should not be sent to the institution. Permission is granted for special letters for business or urgent reasons. Letters are written for inmates who cannot write.

All communications to inmates should be addressed to 500 Spring Street, Richmond, Virginia WITH THE INMATE'S NUMBER ON THE LOWER LEFT CORNER OF THE ENVELOPE. Name and address of sender should also be on the envelope.

The institution cannot be responsible for cash sent to prisoners through the mail. Money should be sent in by Post Office Money Order, Registered Letter, Express Money Order or Certified Personal Check. All money sent to an inmate is credited to his account and he may order whatever he desires from the prison commissary at regular intervals, not to exceed the value of $20.00 per month.

All out going and incoming mail is censored.

PACKAGES

Inmates may receive snapshots and photographs without frames, candy, home cooked food. Wearing apparel is also permitted, such as sweaters (must be solid color brown, not two-toned), socks, shoes, underwear, handkerchiefs, and pajamas. No other clothing is allowed. No canned goods, toothpaste or shaving cream, talcum powder, or any articles consisting of powders or in tubes, are permitted; no medicine, drugs, or liquids; no dried fruits and no fresh ones except apples; and no packages of any kind that cannot be readily censored. No tobacco in any form.

Quantities of items permitted should be held down to a reasonable amount.

Watches, musical instruments, and portable typewriters are allowed by special permission, but must be registered on arrival and may not be transferred from one inmate to another.

VISITS

Members of the inmate's immediate family may visit him twice monthly. Visits must be two weeks apart and between the hours of 9:00 a.m. and 11:30 a.m. and from 12:30 p.m. to 4:00 p.m., Sundays and Holidays only. Inmates may be seen for business reasons any date provided advance permission has been obtained from the authorities. No inmate may receive a visit from anyone until he has spent 30 days in the institution.

NOTE: On and after March 14, 1959, visits will also be permitted on Saturdays. Same hours as Sundays and Holidays will apply.

500 Spring Street
Richmond 19, Virginia
August 29, 1960

United State Post Office

Postmaster General

Richmond, Virginia

Dear Sir:

The acting clerk, Miss Margie Bowers, for the Circuit Court of Rockingham County, Harrisonburg, Virginia, has contended that an "order" from the aforesaid Court was forward to me along with a "petition in full". I received the "Order" post marked the 11th of August 1960. (But not the petition, or any parts thereof)

It is said here, that the record of the incoming mail does not show that such "petition or docketment enter".

This petition is of the most important, will you please check into this matter; and I would like very much for you to come over, so that I may render the full detail, respective.

Please grant this matter your earlies attandance, whereas the Circuit Court of Rockingham County, and the Supreme Court of Appeals of Virginia, is awaiting my reply to matters of importance.

I also have in my possession a letter from the said Clerk, to Mr. W. K. Cunningham, Jr., Supt., informing that such petition was sent.

Thanking you in advance for earliest attandance, and affable-extended to me in this matter. I remain,

Respectfully yours,

James W. Taylor, #77038

James W. Taylor

POD Form 1510 **POST OFFICE DEPARTMENT**
Original—Part I Post Office at _____

ADDRESSEE: Date _____

Please state in the spaces below whether the article described on Part II has been delivered to you and then return both parts of this form in the enclosed OFFICIAL SELF-ADDRESSED ENVELOPE WHICH REQUIRES NO POSTAGE. Your response will help to improve the postal service.

POSTMASTER.

REPLY OF ADDRESSEE (Check one): ( ) REFUSED.
My records show that the article was: ( ) NOT RECEIVED. ( ) RECEIVED.

If any contents missing, list them: _____

_____

_____ Value of missing articles, $_____

_____
(Date of reply) 16—23385-12 (Signature of addressee or agent)

POD Form 1510—Original—Part II Date _____

INQUIRY FOR THE LOSS OR RIFLING OF MAIL MATTER

Registered No. _____ ( ) Special Delivery
( ) Letter Certified No. _____ ( ) Special Handling
( ) Parcel Insured No. _____ ( ) Air Mail
(Insert "Unnumbered" if 10¢ fee)
( ) Ordinary C. O. D. No. _____ Charges, $_____

Envelope: ( ) Long. ( ) Short. ( ) Business reply (Postage to be paid by addressee.)

Complaint _____ Date mailed _____
(Loss or rifling) (Mo.) (Date) (Yr.) (Hr.) (Day of week)

Mailed at _____
(City and State)

Where deposited _____
(Main office, station, branch, or location of collection box)

Contents (describe fully) and value _____

_____

_____

Sender: Addressee:

_____ _____
(Name) (Name)

_____ _____
(St. or P. O. Box or Rural Route No.) (St. or P. O. Box or Rural Route No.)

_____ _____
(City) (Zone) (State) (City) (Zone) (State)

16—23385-12

POD Form 1510—Original—Part III

POSTMASTER, OFFICE OF ADDRESS: Date _____

Please show disposition of the above-described article.

_____
(Postmaster at mailing office)

REPLY:

Date _____, 19____ Has addressee received article? _____
(Yes or No)

(If delivered, show date; if no record, so state _____;

If delivered to firm, state accepting employee's name _____;

If not intact, what was missing? _____;

If C. O. D., give money order No. _____, date _____, 19____)

If undelivered and on hand, state reason _____

If received but not delivered and not on hand, state disposition _____

_____

_____
16—23385-13 (Postmaster at address office)

POD FORM APR. 1959 1510

SENDER:

( ) Investigation has disclosed that the article described on the other side, part II, was received by the addressee.

( ) Investigation of your inquiry concerning the {letter / parcel} mailed by you on

----------, 19-----, addressed to ----------

---

did not locate the article. The matter has been referred to a postal inspector for consideration, and you will be advised, without making further inquiry, in the event the article is later located or responsibility for the loss is established.

If the loss or rifling of registered, insured, or C. O. D. mail is involved and indemnity is claimed, please present this notice with the mailing receipt and evidence of value (such as receipted bills, etc.) at the post office or nearest postal station.

POSTMASTER.

GPO 16—23385-13 (Please see reverse side)

FOR USE OF POSTAL SERVICE ONLY IN CASES OF LOST OR RIFLED UNREGISTERED LETTERS AND ALL LOST OR RIFLED REGISTERED AND CERTIFIED MAIL

The article described on the reverse of this form, if mailed at the time and place stated by the sender, was dispatched at ---------- on ----------
(Hour) (Date)

to ---------- (Name and No. of R. P. O. or C. P. train, or H. P. O.; name of star route; air mail flight No., etc.) **in package of letters bearing facing slip reading ----------** (Name of office, R. P. O., etc.)

and in pouch labeled to ---------- (Name of office, R. P. O., etc.)

or, IF REGISTERED, in ---------- (Jacket or rotary locked pouch, AND No.; iron locked pouch, hand piece, etc.)

receipted for by ---------- (Name and title of person who receipted for dispatch)

(The following spaces must be filled in at city delivery offices only.)

The letter was due to be collected by ---------- (Name of employee)

and deposited at ---------- (Name of office or station) **on ----------** (Date) **at ----------** (Hour)

If dispatched from a station to main office, show time ----------

If for local delivery, show name of delivering employee ----------

---
(Initials of clerk)

GPO 16—23385-11

SENDER:

( ) Investigation has disclosed that the article described on the other side, part II, was received by the addressee.

( ) Investigation of your inquiry concerning the {letter / parcel} mailed by you on

----------, 19-----, addressed to ----------

---

did not locate the article. The matter has been referred to a postal inspector for consideration, and you will be advised, without making further inquiry, in the event the article is later located or responsibility for the loss is established. (See note below.)

If the loss or rifling of an *unnumbered* insured parcel is involved and indemnity is claimed, please present this notice with the mailing rceeipt and evidence of value (such as receipted bills, etc.) at the post office or nearest postal station.

POSTMASTER.

NOTE.—Insure parcels, indemnity up to $200. Register valuable and important mail, indemnity up to $10,000. Purchase postal money orders as a safe, cheap, and convenient method of mailing remittances. All reports by the public of loss, rifling, delay, or damage of mail are of the greatest value to the Post Office Department in locating and correcting faults in the postal service. 16—23385-13

POD Form 1510—Duplicate

INSTRUCTIONS

1. **This form must be used only for reports of LOSS OR RIFLING.**
2. **Part II must be submitted to your Inspector in Charge in DUPLICATE if delivery cannot be established.**
3. **Dispatch particulars must be shown for ALL LETTERS and all registered and certified mail.**
4. **Be sure to make CLEAR COPIES—Use good carbon. Use typewriter whenever possible.**

(SEE PART 314, POSTAL MANUAL)

GPO 16—23385-11

POD Form 1510—Duplicate **Date** _____

INQUIRY FOR THE LOSS OR RIFLING OF MAIL MATTER

Registered No. _____ **( ) Special Delivery**

( ) Letter **Certified No.** _____ **( ) Special Handling**

( ) Parcel **Insured No.** _____ **( ) Air Mail**
(Insert "Unnumbered" if 10¢ fee)

( ) Ordinary **C. O. D. No.** _____ **Charges, $**_____

Envelope: ( ) Long. **( ) Short.** **( ) Business reply** (Postage to be paid by addressee.)

Complaint _____ **Date mailed** _____
(Loss or rifling) (Mo.) (Date) (Yr.) (Hr.) (Day of week)

Mailed at _____
(City and State)

Where deposited _____
(Main office, station, branch, or location of collection box)

Contents (describe fully) and value _____

_____

(Fold here)

Sender: **Addressee:**

_____ _____
(Name) (Name)

_____ _____
(St. or P. O. Box or Rural Route No.) (St. or P. O. Box or Rural Route No.)

_____ _____
(City) (Zone) (State) (City) (Zone) (State)

16—23385-12

POD Form 1510 mailed to addressee or

postmaster at office of address _____ **Date** _____

Referred to city or mailing section for trace _____ **Date** _____

Complainant advised of no loss or rifling _____ **Date** _____

Form 1518 sent to complainant _____ **Date** _____

_____

GPO 16—23385-11

(If delivered, show date; if no record, so state _____**;**

If delivered to firm, state accepting employee's name _____**;**

If not intact, what was missing? _____**;**

If C. O. D., give money order No. _____**, date** _____**, 19**_____**)**

If undelivered and on hand, state reason _____

If received but not delivered and not on hand, state disposition _____

_____

_____
16—23385-13 (Postmaster at address office)

POD FORM 1510
APR. 1959

SENDER:

( ) Investigation has disclosed that the article described on the other side, part II, was received by the addressee.

( ) Investigation of your inquiry concerning the {letter / parcel} mailed by you on

_____, 19_____, addressed to _____

_____

FOR USE OF POSTAL SERVICE ONLY IN CASES OF LOST OR RIFLED UNREGISTERED LETTERS AND ALL LOST OR RIFLED REGISTERED AND CERTIFIED MAIL

The article described on the reverse of this form, if mailed at the time and place stated by the sender, was dispatched at _____ on _____
(Hour) (Date)

to _____ in
(Name and No. of R. P. O. or C. P. train, or H. P. O.; name of star route; air mail flight No., etc.)

package of letters bearing facing slip reading _____
(Name of office, R. P. O., etc.)

and in pouch labeled to _____
(Name of office, R. P. O., etc.)

or, IF REGISTERED, in _____
(Jacket or rotary locked pouch, AND No.; iron locked pouch, hand piece, etc.)

receipted for by _____
(Name and title of person who receipted for dispatch)

(The following spaces must be filled in at city delivery offices only.)

The letter was due to be collected by _____
(Name of employee)

and deposited at _____ on _____ at _____
(Name of office or station) (Date) (Hour)

If dispatched from a station to main office, show time _____

If for local delivery, show name of delivering employee _____

_____
(Initials of clerk)

GPO 16—23385-11

TRACER—MISSING MAIL MATTER

DATE

RETURN TO

POST OFFICE

NAME

Miss Margie Bowers

SUBJECT

RICHMOND VA
AUG 31 1960
INQUIRY SECTION

ITEM (✓)	YES	NO	INITIAL OF SEARCHER
HAS THIS PIECE BEEN RECEIVED?			
ANY TRACE IN GENERAL DELIVERY			
IN NEWSPAPER DELIVERY			
AT UNPAID DESK			
LOOSE IN THE MAILS			
RECORD ADVERTISED			
IN HOTEL LETTERS			
IN PACKAGE RECORD			
IN SPECIAL DELIVERY			
SENT TO DEAD LETTER OFFICE			
IN CARRIERS' CALL BOX			

NO RECORD	
MISDIRECTED	
INSUFFICIENT ADDRESS	
UNADDRESSED	
HELD FOR POSTAGE	
OVERWEIGHT	
REFUSED	
RETURNED TO SENDER	
UNMAILABLE	

REMARKS

Kindly complete the attached form 1510 part two in duplicate on the mailing of this letter to the addressee. Mail this form to your local post office for tracing.

POD Form 1511
Feb. 1957

GPO : 1957 O-F—418530

TRACER—MISSING MAIL MATTER

DATE

RETURN TO

POST OFFICE

NAME

Miss Margie Bowers

SUBJECT

ITEM (✓)	YES	NO	INITIAL OF SEARCHER
HAS THIS PIECE BEEN RECEIVED?			
ANY TRACE IN GENERAL DELIVERY			
IN NEWSPAPER DELIVERY			
AT VACANT DESK			
LOOSE IN THE MAILS			
RECORD ADVERTISED			
IN HOTEL LETTERS			
IN PACKAGE RECORD			
IN SPECIAL DELIVERY			
SENT TO DEAD LETTER OFFICE			
IN CARRIERS' CALL BOX			

NO RECORD

MISDIRECTED	
INSUFFICIENT ADDRESS	
UNADDRESSED	
HELD FOR POSTAGE	
OVERWEIGHT	
REFUSED	
RETURNED TO SENDER	
UNCLAIMED	

REMARKS

Kindly complete the attached form 1510 part two in duplicate on the mailing of this letter to the addressee. Mail this form to your local post office for tracing.

POD Form 1511
Feb. 1957

GPO 1957 O—416930

SECUR
MERICA

James W. Taylor, #77038
~~COMMONWEALTH OF VIRGINIA~~
THE PENITENTIARY
~~INDUSTRIAL DEPARTMENT~~
500 Spring Street
Richmond 19, Virginia

RICHMOND AUG 19 '60 VA.

U.S. POSTAGE ≈ 12 :

PB METER 153957

Notice of appeal

Clerk's Office
Circuit Court of Rockingham Co.
Harrisonburg, Virginia

Rec'd 8/22/60

COUNTY COURT

Criminal Docket **No 30261 A**

Com'th

v.

James W. Taylor, Jr.
Defendant

a.w. Appearance Date 10-5-59

Trial Date 11-13-59

Grand Jury

WS - 1

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

MICKEY SMITH, McGaheysville

WILSON BLAKEY "

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 19th day of November, 1959, to testify and the truth to say in behalf of the Commonwealth ~~before the Grand Jury~~, against JAMES TAYLOR

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 2nd of November, 1959, and in the 184th year of the Commonwealth.

Charles E. Earman, Jr.

Commonwealth's Attorney

EXECUTED 11-16-59 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summon
TO Micky Smith and Wilson Blakey
IN PERSON.

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

80

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

DR. WILLIAM TALBOT

DEFENSE

WOODROW JOHNSON, 531 Hawkins Street

HARRY HOLLY, Bill's Boyd Shop, Edom Road

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 19th day of November, 19 59, to testify and the truth to say in behalf of the Commonwealth ~~before the Grand Jury~~, against JAMES TAYLOR

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 2nd of November, 19 59, and in the 184th year of the Commonwealth.

Charles E. Earman, Jr.

Commonwealth's Attorney

Not finding Woodrow Johnson at his usual place of abode, Executed 11-10-59 by delivering a true copy of this Summons to Estella Johnson Mother in person, at said 531 Hawkins St. usual place of abode Woodrow Johnson being a member of his family above the age of 16 years, and explaining the purport thereof to her.

G. L. Strawderman S.R.C.

Deputy Sheriff G. L. Martin

EXECUTED 11-10-59 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summons TO Mary Polly IN PERSON.

G. L. Martin
Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 11-17-59 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summons TO Dr. William Talbot IN PERSON.

G. L. Martin
Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

120

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

CHIEF RITCHIE

OFFICER JOSEPH

OFFICER C. S. LEAKE

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 19th day of November, 1959, to testify and the truth to say in behalf of the Commonwealth ~~before the Grand Jury~~, against JAMES TAYLOR

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 2nd of November, 1959, and in the 184th year of the Commonwealth.

Charles E. Earman, Jr.

Commonwealth's Attorney

EXECUTED 11-16-59 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO C. S. Leake
IN PERSON.

R. L. Martin
Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 11-16-59 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Allison Leake
IN PERSON.

R. L. Martin
Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 11-17-59 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO J. F. Rutherford
IN PERSON.

R. L. Martin
Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM

120

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

THEODORE TEMPLE, Bridgewater

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 19th day of November, 1959, to testify and the truth to say in behalf of the Commonwealth ~~before the Grand Jury~~, against JAMES TAYLOR

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 2nd of November, 1959, and in the 184th year of the Commonwealth.

Charles E. Earman, Jr.

Commonwealth's Attorney

EXECUTED 11-14-59 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Sherline Temple
IN PERSON.

R. L. Martin
Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

40

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

BEN MYERS, Harrisonburg

ANDREW CURRY

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 19th day of November, 1959, to testify and the truth to say in behalf of the Commonwealth ~~before the Grand Jury~~, against JAMES TAYLOR

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 2nd of November, 1959, and in the 184th year of the Commonwealth.

Charles E. Earman, Jr.

Commonwealth's Attorney

EXECUTED 11-10-59 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Ben Myers
IN PERSON.

T. L. Martin
Deputy Sheriff

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

Executed 11/19/59, in the County of Rockingham by delivering a true copy of the within summons to Andrew Curry in person.

T. L. Martin
Deputy Sheriff for
A. L. Strawderman, Sheriff
Rockingham County, Virginia

Copy not found
in my bailiwick 11-18-59

A. L. Strawderman S.R.C.

BY T. L. Martin DEPUTY SHERIFF

80

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

CHIEF RITCHIE

OFFICER JOSEPH

OFFICER C. S. LEAKE

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 19th day of October, 19 59, to testify and the truth to say in behalf of the Commonwealth before the Grand Jury, against JAMES W. TAYLOR, JR.

who stands charged with ~~and indicted for~~ a felon~~y 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 6th of October, 19 59, ~~and in~~ the 184th year of the Commonwealth.

Charles E. Earman, Jr.

Commonwealth's Attorney

EXECUTED 10-7-59 IN THE COUNTY OF ROCKINGHAM

BY DELIVERING A TRUE COPY OF THE WITHIN

TO Chief Ritchie

Officer Joseph

C. S. Leake

IN PERSON.

G. L. Strawderman S. R. C.

BY T. L. Martin DEPUTY SHERIFF

RECEIVED
OCT 7 1959
SHERIFF'S OFFICE
ROCKINGHAM
COUNTY

1.20

November 20th - 1959

We the jury find the defendant Jame. W. Taylor Jr as charged in the indictment, guilty of murder in the second degree, and fix his punishment at twenty years in the penitentiary.

Thomas Leage

Foreman

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Subpoena Duces Tecum WOODROW JOHNSON, 531 Hawkins St.

HARRY HOLLY (works Bill's Body Shop, Edom Road)

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 19th day of October, 1959, to testify and the truth to say in behalf of the Commonwealth before the Grand Jury, against JAMES W. TAYLOR, JR.

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 6th of October, 1959, and in the 184th year of the Commonwealth.

Charles E. Earman, Jr.

Commonwealth's Attorney

RECEIVED
OCT 7 1959
SHERIFF'S OFFICE
ROCKINGHAM
COUNTY

Not finding Woodrow Johnson at his usual place of abode, Executed 10-7-59 by delivering a true copy of this Summons to Estelle Johnson his Mother in person, at said 531 Hawkins St. usual place of abode Woodrow Johnson, being a member of his family above the age of 16 years, and explaining the purport thereof to her.

G. L. Strawderman S.R.C.

Deputy Sheriff G. L. Martin

EXECUTED 10-9-59 IN THE COUNTY OF ROCKINGHAM BY DELIVERING A TRUE COPY OF THE WITHIN Summons TO Tony Holly IN PERSON

G. M. Wilson Deputy

A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

.80

VIRGINIA:

In the Supreme Court of Appeals held at the Supreme Court of Appeals Building in the City of Richmond on Monday *the* 10th *day of* October, 1960.

James W. Taylor, Jr., Plaintiff in error,

against

W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary, Defendant in error.

From the Circuit Court of Rockingham County

It appearing to the court that on August 24, 1960, James W. Taylor, Jr., filed herein a petition for a writ of error to a judgment rendered by the Circuit Court of Rockingham County on August 11, 1960, wherein his petition for a writ of habeas corpus ad subjiciendum was dismissed.

On mature consideration whereof it is ordered that the Attorney General of Virginia file a response to the said petition for a writ of error on or before November 21, 1960.

A copy, Teste:

Clerk

Recorded In Commonwealth
Order Book 8 Page 320
10/12/60

VIRGINIA:

In the Supreme Court of Appeals held at the Supreme Court of Appeals Building in the City of Richmond on Monday the 10th day of October, 1960.

James W. Taylor, Jr.,

Plaintiff in error,

against

W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary,

Defendant in error.

From the Circuit Court of Rockingham County

It appearing to the court that on August 24, 1960, James W. Taylor, Jr., filed herein a petition for a writ of error to a judgment rendered by the Circuit Court of Rockingham County on August 11, 1960, wherein his petition for a writ of habeas corpus ad subjiciendum was dismissed.

On mature consideration whereof it is ordered that the Attorney General of Virginia file a response to the said petition for a writ of error on or before November 21, 1960.

A copy, Teste:

Clerk

Recorded In
Criminal Minute Book
Order Book 8 Page 320
10/17/60

POST OFFICE DEPARTMENT

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300 (GPO)

POSTMARK OF DELIVERING OFFICE

RICHMOND VA. SEP 14 3 30PM 1960

RETURN TO

REGISTERED NO.

CERTIFIED NO.

480889

INSURED NO.

NAME OF SENDER

George W. Kemper, Clerk

STREET AND NO. OR P. O. BOX

Circuit Court Rockingham Co.

POST OFFICE

Harrisonburg

STATE

Virginia

POD Form 3811
July 1955

☆ U. S. GOVERNMENT PRINTING OFFICE : 1955 350304-m

DELIVERING EMPLOYEE

☐ Deliver **ONLY** to addressee. (*Does not apply to Certified mail.*)

☐ Show address where delivered.

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. A. G. Turner
(*Signature or name of addressee*)

2. L. L. Stokes
(*Signature of addressee's agent—Agent should enter addressee's name on line ONE above*)

Date of Delivery SEP 14 1960, 19.

September 13, 1960

Mr. Howard G. Turner, Clerk
Supreme Court of Appeals of Virginia
Supreme Court Building
Richmond, Virginia

Re: James W. Taylor, Jr.
v.
W. K. Cunningham, Jr., Sup't Virginia
State Penitentiary

Dear Sir:

I am sending you herewith the original record in the above styled proceeding pursuant to Rule 5:7.

Please receipt for same at the bottom of the enclosed copy and return to me in the enclosed self-addressed stamped Envelope.

Yours very truly,

George W. Kemper, Clerk

mb
Encs.

Received: Sept 14, 1960.

H G Duran, Clerk.

September 13, 1960

Mr. Howard G. Turner, Clerk
Supreme Court of Appeals of Virginia
Supreme Court Building
Richmond, Virginia

Re: James W. Taylor, Jr.
v.
W. K. Cunningham, Jr., Sup't Virginia
State Penitentiary

Dear Sir:

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Please receipt for same at the bottom of the enclosed copy and return to me in the enclosed self-addressed stamped Envelope.

Yours very truly,

George W. Kemper, Clerk

mb
Encs.

Received: Sep 14, 1960.

Howard, Clerk.

No. 480889

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO Hon.Howard G.Turner,Clerk
Supreme Court of Appeals of Va.

STREET AND NO.
Supreme Court Building

CITY AND STATE
Richmond, Virginia

POSTMARK OR DATE

HARRISONBURG
SEP 13
1960

If you want a return receipt, check which

☐ *10¢ shows to whom and when delivered*

☐ *35¢ shows to whom, when, and address where delivered*

If you want restricted delivery, check here

☐ *50¢ fee*

FEES ADDITIONAL TO 20¢ FEE

POD Form 3800
Jul 1957

SEE OTHER SIDE

1. Stick postage stamps to your article to pay:
   20¢ certified mail fee — Restricted delivery fee—50¢ (*optional*)
   First-class or airmail postage — Special-delivery fee (*optional*)
   Either return receipt fee—10¢ or 35¢ (*optional*)
2. If you want this receipt postmarked, stick the gummed stub on the address side of the article, *leaving the receipt attached*, and present the article to a postal employee.
3. If you do not want this receipt postmarked, stick the gummed stub on the address side of the article, detach and retain the receipt, and mail the article.
4. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, POD Form 3811, and attach it to the back of the article. Endorse front of article RETURN RECEIPT REQUESTED.
5. If you want the article delivered only to the addressee, endorse it on the front DELIVER TO ADDRESSEE ONLY. Place the same endorsement in line 2 of the return receipt card.
6. Save this receipt and present it if you make inquiry.

☆ U. S. GOVERNMENT PRINTING OFFICE : 1957 16—71547-4

September 13, 1960

Mr. Howard G. Turner, Clerk
Supreme Court of Appeals of Virginia
Supreme Court Building
Richmond, Virginia

Re: James W. Taylor, Jr.
v.
W. K. Cunningham, Jr., Sup't Virginia
State Penitentiary

Dear Sir:

I am sending you herewith the original record in the above styled proceeding pursuant to Rule 5:7.

Please receipt for same at the bottom of the enclosed copy and return to me in the enclosed self-addressed stamped Envelope.

Yours very truly,

George W. Kemper, Clerk

mb
Encs.

September 13, 1960

Mr. Howard G. Turner, Clerk
Supreme Court of Appeals of Virginia
Supreme Court Building
Richmond, Virginia

Re: James W. Taylor, Jr.
v.
W. K. Cunningham, Jr., Sup't Virginia
State Penitentiary

Dear Sir:

I am sending you herewith the original record in the above styled proceeding pursuant to Rule 5:7.

Please receipt for same at the bottom of the enclosed copy and return to me in the enclosed self-addressed stamped Envelope.

Yours very truly,

George W. Kemper, Clerk

mb
Encs.

VIRGINIA:

In the Supreme Court of Appeals held at the Supreme Court of Appeals Building in the City of Richmond on Monday *the* 16th *day of* January, 1961.

The petition of James W. Taylor, Jr., for a writ of error to a judgment rendered by the Circuit Court of Rockingham County on the 11th day of August, 1960, in a certain proceeding then therein depending, wherein the said petitioner was plaintiff and W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary, was defendant, having been maturely considered and a transcript of the record of the judgment aforesaid seen and inspected, the court being of opinion that the said judgment is plainly right, doth reject said petition, and refuse said writ of error, the effect of which is to affirm the judgment of the said circuit court.

A copy, Teste:

H. E. Burns

Clerk

Law

Recorded In
Com. Law
Order Book V5 Page 179
1/18/61

VIRGINIA:

In the Supreme Court of Appeals held at the Supreme Court of Appeals Building in the City of Richmond on Monday the 16th day of January, 1961.

The petition of James W. Taylor, Jr., for a writ of error to a judgment rendered by the Circuit Court of Rockingham County on the 11th day of August, 1960, in a certain proceeding then therein depending, wherein the said petitioner was plaintiff and W. K. Cunningham, Jr., Superintendent of the Virginia State Penitentiary, was defendant, having been maturely considered and a transcript of the record of the judgment aforesaid seen and inspected, the court being of opinion that the said judgment is plainly right, doth reject said petition, and refuse said writ of error, the effect of which is to affirm the judgment of the said circuit court.

A copy, Teste:

Clerk

VIRGINIA:

In the Supreme Court of Appeals held at the Supreme Court of Appeals Building in the City of Richmond on Wednesday *the* 26th *day of* April, 1961.

James W. Taylor, Jr., Plaintiff in error,

against

W. K. Cunningham, Jr., Superintendent, etc., Defendant in error.

The following order of the Supreme Court of the United States, dated April 17, 1961, was received and is recorded as follows:

SUPREME COURT OF THE UNITED STATES

No. 827 Misc., October Term, 1960

James W. Taylor, Jr.,
Petitioner,

vs.

W. K. Cunningham, Jr., Superintendent
of Virginia State Penitentiary

On petition for writ of Certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

On consideration of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, It is ordered by this Court that the said petition be, and the same is hereby, denied.

April 17, 1961

A true copy

Test: JAMES R. BROWNING

Clerk of the Supreme Court of the
United States

BY /s/ E. P. Cullinan

Deputy

A copy, Teste:

Clerk

Clerk

Claude Coakley
Thomas J. Leaf
Layton M. Kiser
Leroy Miller
Ralph R. Ritchie
Julian Harrison
W. H. Garside
Pearl E. Sifter
Richard L. Miller
Ray V. Wine
Robert A. Frankland
Richard L. Dickerson

Com. atty	$5.00
Clerk	12.50
C. C.	2.00
J. P. (Leake)	1.50
Sheriff .50 10.40	10.90
Jury	286.99
Witnesses	21.00
	$359.89

Docket No. 3625 OCT 1959

COMMONWEALTH of VIRGINIA

VS. Indictment) Felony (murder)

JAMES TAYLOR, JR. jail

Donald D. Litten p. d.
Own ( ) Appointed (x)

1959
October 19. Return of Grand Jury. 10/225

Accused arraigned and plea n.g. Motion for bill of particulars granted. Motion of accused for employing court reporter denied and excep. thereto; case set for trial Nov. 19. 10/226

Nov. 19. Jury impanelled & evidence completed. 10/250

Nov. 20. Verdict of guilty & 20 years in Pen. 10/251

Oct. 27
Nov. 20
47

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.