

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of Rockingham County, October Term, 1960

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 oaths present that John E. Morris, on the 24th day of August, 1960, in the County of Rockingham, Virginia, feloniously did kill and murder one Betty Lou Neff, against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Allan Norvelle, Bobby Lee Neff and Peggy Johnson, witnesses sworn in open court and sent to the Grand Jury to give evidence.

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In the Circuit Court of Rockingham County, October Term, 1960

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 oaths present

that John E. Morris on the 24th day of August, 1960, in the

County of Rockingham, Virginia, feloniously did kill and

murdered Betty Ann Welf, against the peace and dignity of

the Commonwealth of Virginia.

Upon the evidence of Allan Norvelle, Bobby Lee Welf and

Peggy Johnson, witnesses sworn in open court and sent to the

Grand Jury to give evidence.

COMMONWEALTH

v.

JOHN E. MORRIS

A TRUE BILL

Handwritten signature

Foreman

murder

3729

*Case 12/05
Harris' Motion*

James R. Sipe
Commonwealth's Attorney

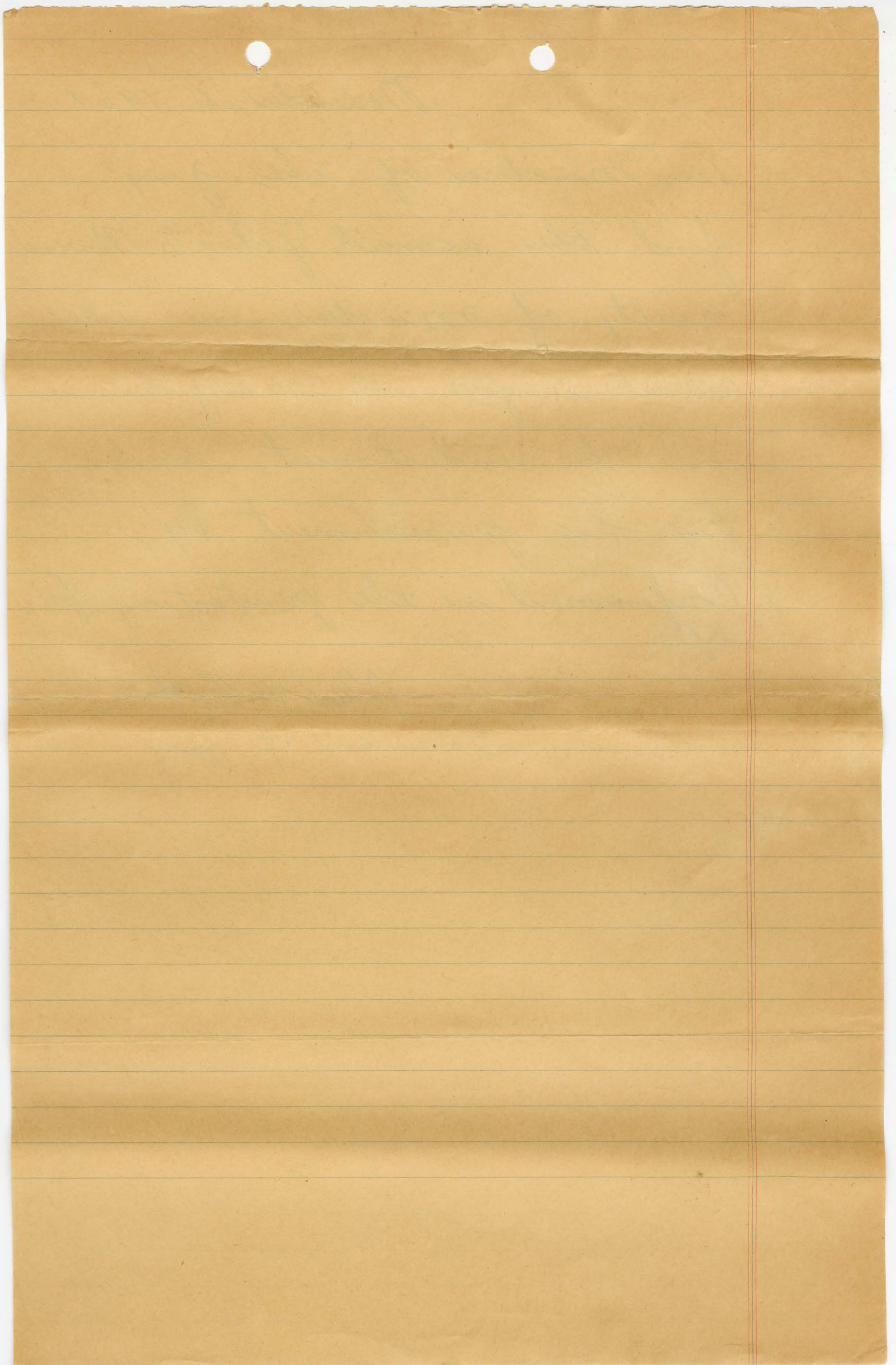
November 18, 1960

We, members of the jury
find the accused John E. Morris,
guilty of murder in the
First Degree as charged
in the indictment, and
fix his punishment by
Confinement in the penitentiary for
life.

Oren M. Knott
Foreman of Jury

judged
Aug 24, 1960

50
7
9



VIRGINIA: In the Circuit Court of Rockingham County, on
November 18, 1960.

Commonwealth

v. On an indictment for felony (murder)

John E. Morris

This day came again the attorney for the commonwealth, and the accused, John E. Morris, came in the custody of the sheriff of this county and by his attorneys, John T. Camblos and Lewis A. Martin; and the jury impanelled and sworn for the trial of this case came pursuant to adjournment; and having completed the hearing of the evidence herein, having received the instructions of the court and heard the arguement of counsel, the jurors retired to their room to consider their verdict, and after some time they came again into court and returned the following verdict: "November 18, 1960. We, members of the jury, find the accused, John E. Morris, guilty of murder in the first degree as charged in the indictment, and fix his punishment by confinement in the penitentiary for life. Oren M. Knott, foreman of jury." Thereupon, the accused, by counsel, moved the court to declare a mistrial upon the ground that improper testimony was allowed, which motion the court overruled, and said accused, by counsel, excepted thereto. And it being inquired of the accused if anything he had or knew to say why the court should not pronounce sentence on him in accordance with the verdict of the jury, and nothing being offered or alleged in delay thereof, it is therefore considered by the court that the commonwealth recover of the said John E. Morris the costs incident to this prosecution, and that he be confined in the State Penitentiary at hard labor for the term of his natural life.

VIRGINIA: In the Circuit Court of Rockingham County, on
November 18, 1960.

Commonwealth

v. John E. Morris

On an indictment for felony (murder)

This day came again the attorney for the common-
wealth, and the accused, John E. Morris, came in the custody
of the sheriff of this county and by his attorneys, John T.
Gambles and Lewis A. Martin; and the jury impaneled and
sworn for the trial of this case came pursuant to adjourn-
ment; and having completed the hearing of the evidence here-
in, having received the instructions of the court and heard
the argument of counsel, the jurors retired to their room to
consider their verdict, and after some time they came again
into court and returned the following verdict: "November 18,
1960. We, members of the jury, find the accused, John E.
Morris, guilty of murder in the first degree as charged in the
indictment, and fix his punishment by confinement in the
penitentiary for life. Owen M. Kott, foreman of jury."
Thereupon, the accused, by counsel, moved the court to de-
clare a mistrial upon the ground that improper testimony
was allowed, which motion the court overruled, and said ac-
cused, by counsel, excepted thereto. And it being intimated
of the accused if anything he had or knew to say why the
court should not pronounce sentence on him in accordance with
the verdict of the jury, and nothing being offered or alleged
in delay thereof, it is therefore considered by the court that
the commonwealth recover of the said John E. Morris the costs
incident to this prosecution, and that he be confined in the
State Penitentiary at hard labor for the term of his natural
life.

And he is remanded to jail until he can be delivered into the custody of 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.

A C O P Y

Atteste: *James W. Carver* Deputy Clerk.

11/18/60

Standardsville, Va

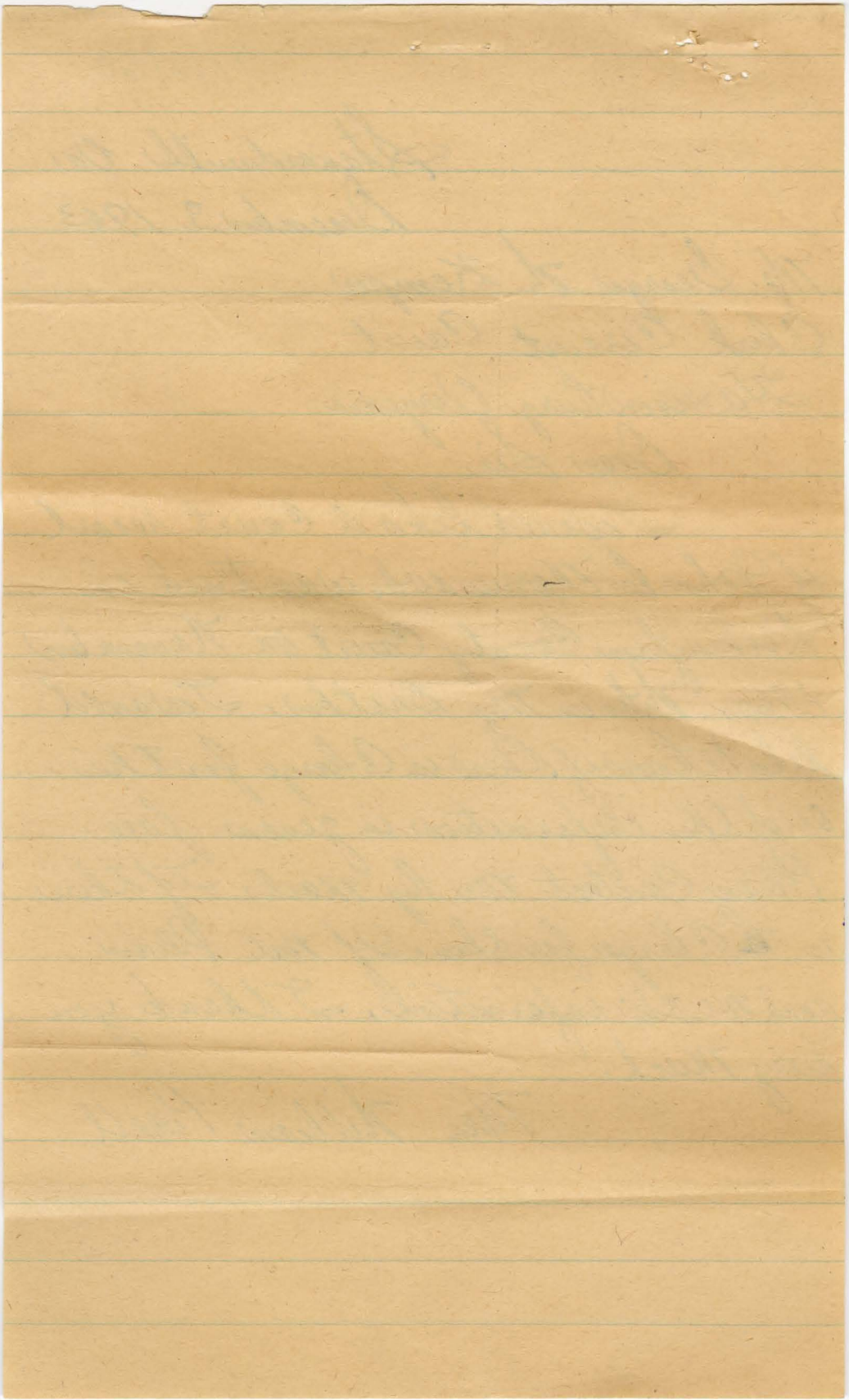
December 3, 1963

Mr. George H. Kemper
Clerk Circuit Court
Harrisonburg, Virginia

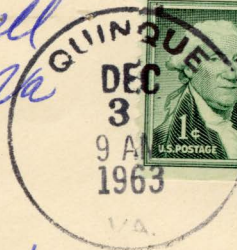
Dear Sir,

I would like a Court record
of John L. Morris who was tried in
Rockingham County Court on November
1960. This is my Brother, I would
like to know if there is Charge for this,
or if this information is given free.
Please Contact me by mail, If there
is ~~to~~ Charge for this. If not Please
send me the information, I thank you
very much.

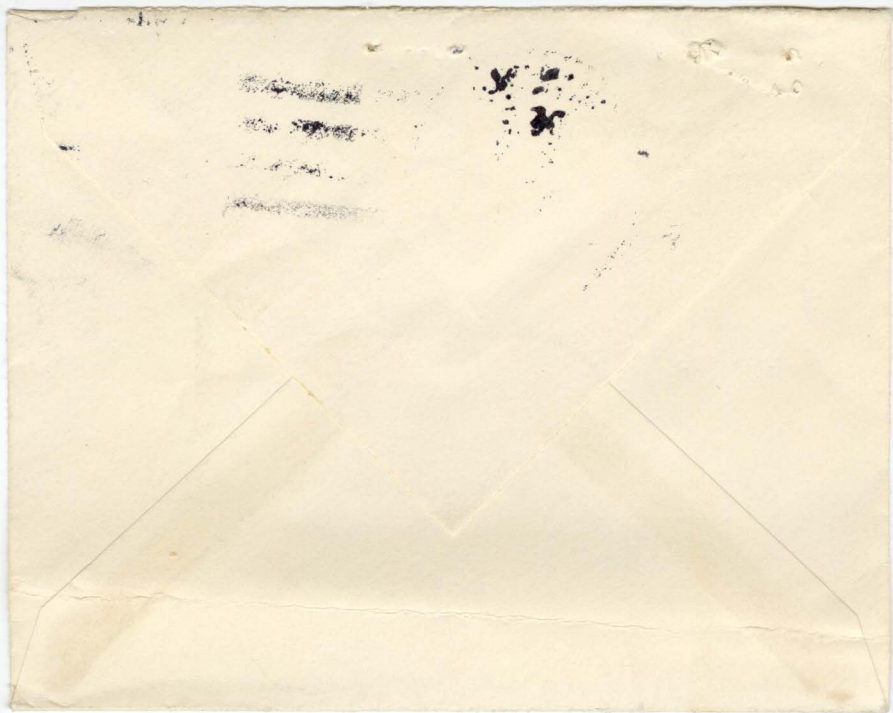
Mrs. William Powell

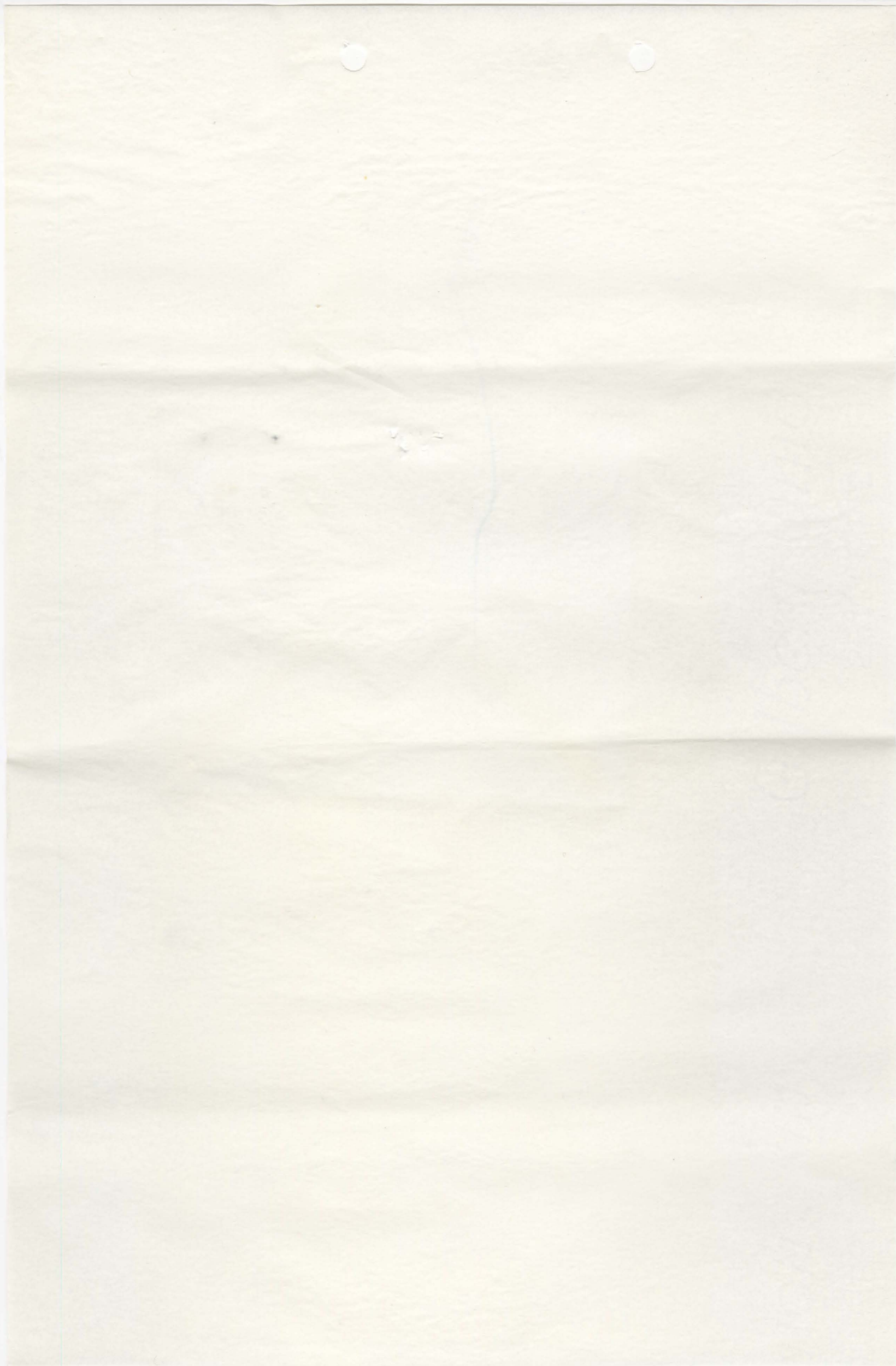


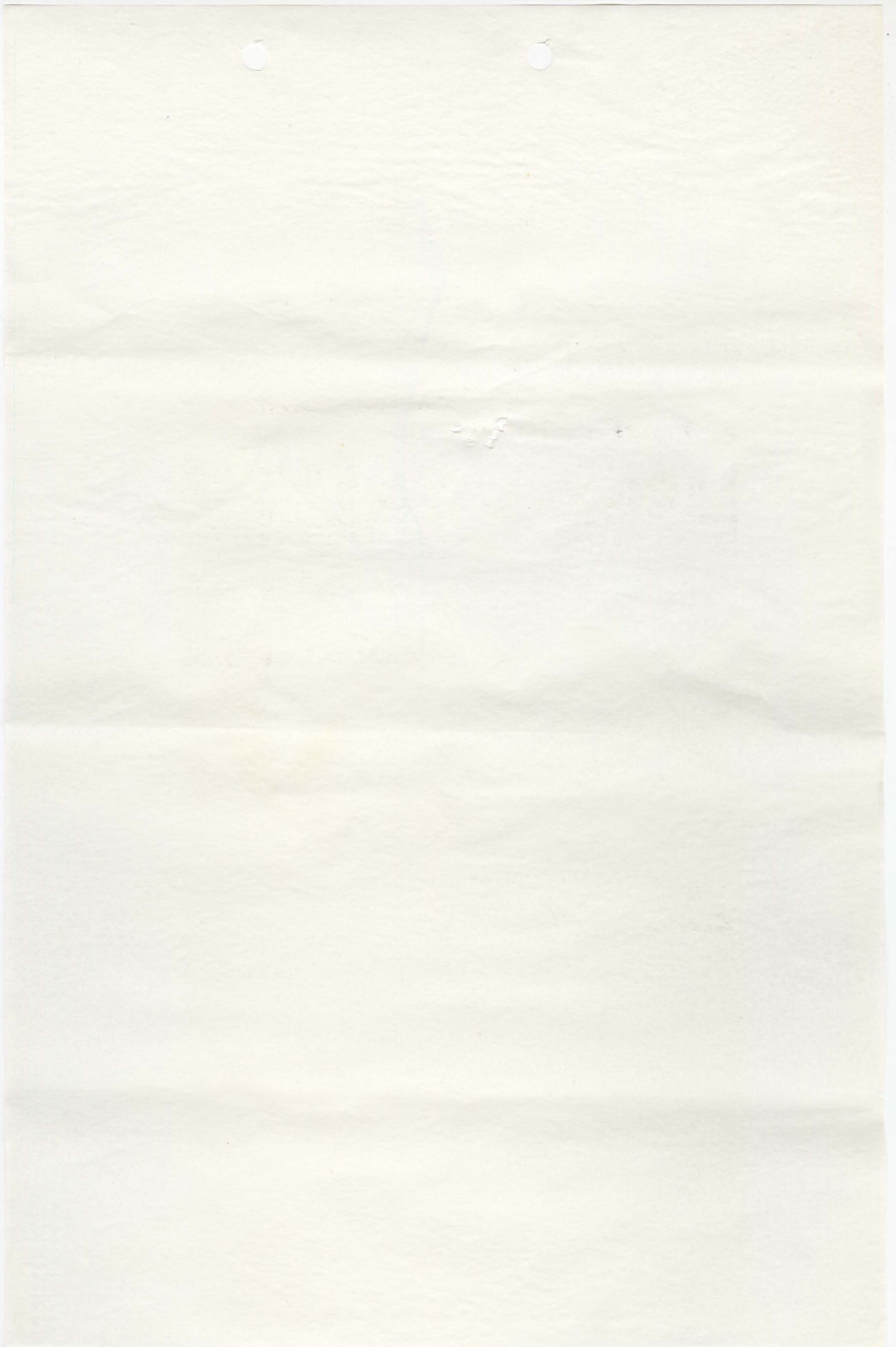
Mrs. William Powell
Stanardsville, Va



Mr. George A. Kemper
Clerk Circuit Court
Harrisonburg,
Virginia







December 4, 1963

Mrs. William Powell
Stanardsville, Virginia

Re: Commonwealth v. John E. Morris

Dear Mrs. Powell:

A certified copy of the proceedings in the above named case, about which you inquired, will be \$10.00. This would include the warrant of arrest, indictment, all orders of the court, and the instructions to the jury. It would not include a transcript of the evidence for the reason that no such transcript was made.

Yours very truly,

George W. Kemper, Clerk

GWK:mb

warrant (both sides)
indictment (both sides)
orders (10/331-343 (2 orders))
All instructions

December 4, 1963

Mrs. William Powell
Staunton, Virginia

Re: Commonwealth v. John E. Morris

Dear Mrs. Powell:

A certified copy of the proceedings in the above named case, about which you inquired, will be \$10.00. This would include the warrant of arrest, indictment, all orders of the court, and the instructions to the jury. It would not include a transcript of the evidence for the reason that no such transcript was made.

Yours very truly,

George W. Kemper, Clerk

GWK:mp

All instructions
orders
(10/31-343 (orders))
substant (both sides)
warrant (both sides)

January 31, 1964

Mrs. William Powell
Stanardsville, Virginia

Re: Commonwealth v. John E. Morris

Dear Mrs. Powell:

Your letter of January 24, 1964, enclosing money order for \$10.00 was received, and in compliance therewith, I am sending you herewith a copy of the proceedings in the above named case, which includes the warrant of arrest, indictment, all orders of the court therein, and the instructions to the jury.

Yours very truly,

George W. Kemper, Clerk

GWK:mb
Encs.

January 31, 1964

Mrs. William Powell
Stanardsville, Virginia

Re: Commonwealth v. John E. Morris

Dear Mrs. Powell:

Your letter of January 24, 1964, enclosing money order for \$10.00 was received, and in compliance therewith, I am sending you herewith a copy of the proceedings in the above named case, which includes the warrant of arrest, indictment, all orders of the court therein, and the instructions to the jury.

Yours very truly,

George W. Kemper, Clerk

Encs.
GWK:mp

COMMONWEALTH OF VIRGINIA)
CITY OF RICHMOND) to -wit;

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY
HARRISONBURG VIRGINIA

COMMONWEALTH OF VIRGINIA. PLAINTIFF

VS. (FIRST DEGREE MURDER 1 . INDICTMENT. 1. COUNT

JOHN E. MORRIS. DEFENDANT
500 SPRING STREET, RICHMOND VIRGINIA

AN AFFIDAVIT OF POVERTY AND LEGAL REQUEST

TO THE HONORABLE PRESIDING JUDGE:

THIS IS TO CERTIFY THAT JOHN E. MORRIS THE UNDERSIGNED PARTY PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, IN AND FOR THE CITY AND STATE AFORESAID AND BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS THAT HE IS WITHOUT FUNDS, A PAUPER, AND THAT HE IS UNABLE TO PROCURE THE AMOUNT OF MONEY NECESSARY TO DEFRAY THE COST OF CERTAIN COURT RECORDS, RELATIVE TO HIS CASE IN NOVEMBER OF 1960. IN THIS COURT: AND THAT THEREFORE BECAUSE OF HIS POVERTY, AND BEING WITHOUT COLLATERAL, WHILE CONSIDERING THE FACT THAT HE COMES IN BONA FIDE, IN GOOD FAITH, HE PRAYS THAT THIS COURT WILL RULE ACCORDING TO SECTION 14-180 OF THE CODE OF VIRGINIA, ALSO SEE VA CODE S 19-262. 8-481 8-482 8-497.1. 8-499 8-500 AND 14-129. AND FURNISH HIM WITHOUT COST CERTIFIED COPIES OF (A) THE ARRESTING WARRANT OF HIS CASE, (B) THE INDICTMENT OF HIS CASE, (C) THE COURT ORDER OF HIS CASE, AND (D) A NARRATIVE STATEMENT OF THE TRIAL,

ON THIS _____ DAY OF _____ I HAVE MAILED A TRUE COPY OF THIS AFFIDAVIT TO THE OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA.

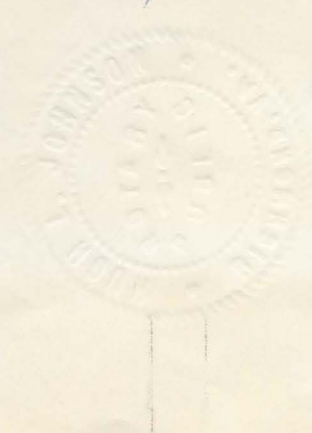
ON THIS 11 DAY OF Feb, 1963, THE SAID JOHN E. MORRIS. HAS THE SUM OF \$ 105 ON HIS SPENDING ACCOUNT AT THE VIRGINIA STATE PENITENTIARY, RICHMOND VIRGINIA.

RESPECTFULLY REQUESTED,

AFFIANT John E. Morris

SUBSCRIBED AND SWORN TO BEFORE ME, _____ A NOTARY PUBLIC IN AND FOR THE CITY AND STATE AFORESAID, AND GIVEN UNDER MY HAND AND SEAL ON THIS 11 DAY OF Feb, 1963. my COMMISSION EXPIRES THE 7 DAY OF Aug 1964.

[Signature]
NOTARY PUBLIC



CITY OF RICHMOND
COMMONWEALTH OF VIRGINIA

to-wit: }

HARRISONBURG VIRGINIA
IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY

COMMONWEALTH OF VIRGINIA PLAINTIFF
VS. (FIRST DEGREE MURDER I . INDICTMENT . I . COUNT
JOHN E. MORRIS DEFENDANT
500 SPRING STREET, RICHMOND VIRGINIA

AN AFFIDAVIT OF POVERTY AND LEGAL REQUEST

TO THE HONORABLE PRESIDING JUDGE:

THIS IS TO CERTIFY THAT JOHN E. MORRIS THE UNDERSIGNED PARTY PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, IN AND FOR THE CITY AND STATE AFORESAID AND BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS THAT HE IS WITHOUT FUNDS, A PAUPER, AND THAT HE IS UNABLE TO PROCURE THE AMOUNT OR MONEY NECESSARY TO DEFRAY THE COST OF CERTAIN COURT RECORDS, RELATIVE TO HIS CASE IN NOVEMBER OF 1963. IN THIS COURT: AND THAT THEREFORE BECAUSE OF HIS POVERTY, AND BEING WITHOUT COLLATERAL, WHILE CONSIDERING THE FACT THAT HE COMES IN BONA FIDE, IN GOOD FAITH, HE PRAYS THAT THIS COURT WILL RULE ACCORDING TO SECTION 14-180 OF THE CODE OF VIRGINIA, ALSO SEE VA CODE 2 12-202. 8-481 8-482 8-487.1. 8-489 8-500 AND 14-129. AND FURNISH HIM WITHOUT COST CERTIFIED COPIES OF (A) THE ARRESTING WARRANT OF HIS CASE, (B) THE INDICTMENT OF HIS CASE, (C) THE COURT ORDER OF HIS CASE, AND (D) A NARRATIVE STATEMENT OF THE TRIAL.

ON THIS _____ DAY OF _____ I HAVE MAILED A TRUE COPY OF THIS AFFIDAVIT TO THE OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA.

ON THIS 11 DAY OF July, 1963, THE SAID JOHN E. MORRIS, HAS

THE SUM OF \$ 100.00 ON HIS SPENDING ACCOUNT AT THE VIRGINIA STATE

PRISON, RICHMOND VIRGINIA.

RESPECTFULLY REQUESTED,

John E. Morris
AFFIRANT

SUBSCRIBED AND SWORN TO BEFORE ME, _____ A NOTARY

PUBLIC IN AND FOR THE CITY AND STATE AFORESAID, AND GIVEN UNDER MY HAND

AND SEAL ON THIS 11 DAY OF July, 1963. MY COMMISSION EXPIRES

THE 7 DAY OF July, 1964.

[Signature]
NOTARY PUBLIC



COMMONWEALTH OF VIRGINIA

IN THE SUPREME COURT OF APPEALS
RICHMOND VIRGINIA

AFFIDAVIT OF POVERTY AND LEGAL REQUEST

JOHN E. MORRIS DEFENDANT
500 Spring Street
Richmond, Virginia.
vs.
THE CIRCUIT COURT PLAINTIFF
Harrisonburg Virginia,

TO THE HONORABLE JUSTICES OF THE SUPREME COURT OF APPEALS,

NOW COMES JOHN E. MORRIS, THE DEFENDANT AND PRAYS INTO THIS HONORABLE COURT,
FOR THIS HONORABLE COURT TO ISSUE AN ORDER TO THE CIRCUIT COURT AT HARRISONBURG
VIRGINIA, AND REQUEST OF THAT COURT CERTAIN COURT RECORDS OF A TRIAL HELD IN
THAT COURT ON THE 17 AND 18 DAYS OF NOVEMBER 1960,

IT IS FOR THE FOLLOWING REASONS THAT I JOHN E. MORRIS, THE DEFENDANT COMES BY
MAIL TO THIS HONORABLE COURT FOR HELP IN THIS MATTER.

NOL. BECAUSE I HAVE FILED AN AFFIDAVIT OF POVERTY AND LEGAL REQUEST TO THE
HONORABLE JUDGE ,OF THE CIRCUIT COURT OF HARRISONBURG VIRGINIA, AND HE REFUSED TO
SEND THE COURT RECORDS REQUESTED, AND THEN I FILED THE SECOND AFFIDAVIT AND
AGAIN THE JUDGE OF THAT COURT HAS FAILED TO SEND THE RECORDS REQUESTED OR TO
EVEN ANSWER THE AFFIDAVIT OF LEGAL REQUEST, IT IS FOR THIS REASON THAT I PLEAD
INTO THIS HONORABLE COURT FOR AN ORDER TO BE ISSUED, FROM THIS COURT DIRECTED TO
THE CIRCUIT COURT OF HARRISONBURG VIRGINIA FOR COPIES OF THE RECORDS REQUESTED
AND ASKS THIS HONORABLE COURT TO ADVISE OF WHAT ACTION TO BE TAKEN IN THIS CAUSE

RESPECTFULLY SUBMITTED

John E. Morris
JOHN E. MORRIS DEFENDANT

I JOHN E. MORRIS, HAVE ON THIS 16 DAY OF April 1963, MAILED A TRUE
COPY OF THIS REQUEST, TO THE PRESIDING JUDGE OF THE CIRCUIT COURT HARRISONBURG
VIRGINIA.

John E. Morris
DEFENDANT

CITY OF RICHMOND
STATE OF VIRGINIA

SUBSCRIBED AND SWORN TO BEFORE ME _____ A NOTARY PUBLIC, IN AND FOR
THE CITY AND STATE AFORESAID, AND GIVEN UNDER MY HAND AND SEAL ON THIS 16
DAY OF Apr . 1963, MY COMMISSION EXPIRES THE 9 DAY OF Aug 1964

Hugh L. Johnson
NOTARY PUBLIC

COMMONWEALTH

V.

MORRIS

CHARGE TO JURY

If you find the accused, John E. Morris, 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 Betty Lou Neff 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 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

COMMONWEALTH

v.

MORRIS

CHARGE TO JURY

If you find the accused, John E. Morris, 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 Betty Lou Neff 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 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 nor more than five years, or, in your discretion,
by a fine of not exceeding one thousand dollars, or by confine-
ment 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.

less than one nor more than five years, or, in your discretion,
by a fine of not exceeding one thousand dollars, or by confine-
ment 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.

MORRIS

INSTRUCTION f

The Court instructs the jury that on a charge of murder, malice is presumed from the fact of killing. When the killing is proved, if unaccompanied with circumstances of extenuation, the burden of disproving malice is thrown upon the accused.

11-18-60

H. H.

with drawn

COMMONWEALTH

v.

MORRIS

INSTRUCTION

The Court instructs the jury that on a charge of murder, malice is presumed from the fact of killing. When the killing is proved, if unaccompanied with circumstances of extenuation, the burden of disproving malice is thrown upon the accused.

11-18-50
H.A.

Walter Brown

COMMONWEALTH

V.

MORRIS

INSTRUCTION 2

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 ~~there was some deliberation and premeditation by the~~ such intention should have come into existence for the first ~~accused over her purpose to kill~~ time at the time of such killing, or at any time previously.

Given by the accused to her purpose at the time of the killing or at any time previously.

11-18-60

A. H.

COMMONWEALTH

V.

MORRIS

INSTRUCTION 5

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, the burden is upon the accused. But 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 him guilty of murder.~~

11-18-60

H.H.

COMMONWEALTH

V.

MORRIS

INSTRUCTION

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 rebut the offense to manslaughter, the burden is upon the accused. But in 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 him guilty of murder.

11-18-60
A.H.

COMMONWEALTH

V.

MORRIS

INSTRUCTION 6

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 ^{willful} killing of one human being by another with malice, but without any deliberation and premeditation.

~~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.~~

11-18-60

A.A.

COMMONWEALTH

v.

MORRIS

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 ^{willful} killing of one human being by another with malice, but without any deliberation and premeditation.

~~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.~~

11-18-60
A.A.

COMMONWEALTH

V.

MORRIS

INSTRUCTION 7

The Court instructs the jury that if Morris, with a deadly weapon which he had previously taken into his possession, shot and killed Betty Lou Neff, without any or upon very slight provocation, such killing is presumed to have been willful, deliberate and premeditated, and the burden rests upon Morris ~~of showing extenuating circumstances~~ ^{by which} to remove or rebut such presumption, ~~and without a showing of such extenuating circumstances, either by the accused or from the evidence of the Commonwealth, he is guilty of murder in the first degree.~~ ^{From the evidence heard, the State, that for the Commonwealth as well as for the accused.}

11-18-60

H. H.

COMMONWEALTH

V.

MORRIS

INSTRUCTION

The Court instructs the jury that if Morris, with a

deadly weapon which he had previously taken into his

possession, shot and killed Betty Lou Nell, without any or

upon very slight provocation, such killing is presumed to

have been willful, deliberate and premeditated, and the

burden rests upon Morris of showing exceptional circumstances

to remove or rebut such presumption, and without showing

of such exceptional circumstances, either by the accused or

from the evidence of the Commonwealth, he is guilty of murder

in the first degree.

*W. Nell as for the accused,
that for the Commonwealth,
that the evidence heard,*

11-18-60

[Handwritten signature]

COMMONWEALTH

V.

MORRIS

INSTRUCTION 6

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 willful killing of one human being by another with malice, but without any deliberation and premeditation.

11-18-60

A. H.

COMMONWEALTH

v.

MORRIS

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 willful killing of one human being by another with malice, but without any deliberation and premeditation.

11-18-60
A. J.

COMMONWEALTH

V.

MORRIS

INSTRUCTION 4

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.

11-18-60

A. H.

COMMONWEALTH

v.

MORRIS

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 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.

11-18-60
 H.A.

e

3

The Court instructs the jury that every homicide is presumed to be murder in the second degree, and the burden of proving beyond a reasonable doubt all of the elements necessary to elevate the crime to murder in the first degree is upon the Commonwealth.

11-18-60

N. H.

2

3

The Court instructs the jury that every homicide is presumed to be murder in the second degree, and the burden of proving beyond a reasonable doubt all of the elements necessary to elevate the crime to murder in the first degree is upon the Commonwealth.

11-18-60
 [Handwritten initials]

1

x

COMMONWEALTH

V.

MORRIS

INSTRUCTION 3

The Court instructs the jury that in a case of homicide, the element of deliberation or premeditation may be proved like any other fact, by either direct or circumstantial evidence or by a combination of both.

11-18-60
A. H.

4

COMMONWEALTH

v.

MORRIS

INSTRUCTION

The Court instructs the jury that in a case of homicide,
the element of deliberation or premeditation may be proved
like any other fact, by either direct or circumstantial
evidence or by a combination of both.

11-18-50
K.A.

COMMONWEALTH

V.

MORRIS

INSTRUCTION 2

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 there was some deliberation and premeditation given by the accused to his purpose at the time of the killing or at any time previously.

11-18-60

H. H.

COMMONWEALTH

v.

MORRIS

A INSTRUCTION

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 there was some deliberation and premeditation given by the accused to his purpose at the time of the killing or at any time previously.

11-18-60
A.H.

COMMONWEALTH

V.

MORRIS

INSTRUCTION 7

The Court instructs the jury that if Morris, with a deadly weapon which he had previously taken into his possession, shot and killed Betty Lou Neff, without any or upon very slight provocation, such killing is presumed to have been willful, deliberate and premeditated, and the burden rests upon Morris to remove or rebut such presumption from the evidence heard, that for the Commonwealth as well as for the accused.

11-18-60

A, A,

COMMONWEALTH

v.

MORRIS

INSTRUCTION

The Court instructs the jury that if Morris, with a
 deadly weapon which he had previously taken into his
 possession, shot and killed Betty Lou Nell, without any or
 upon very slight provocation, such killing is presumed to
 have been willful, deliberate and premeditated, and the
 burden rests upon Morris to remove or rebut such presumption
 from the evidence heard, that for the Commonwealth as well as
 for the accused.

11-18-60
 A. H.

COMMONWEALTH

V.

MORRIS

INSTRUCTION 8

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.

11-18-60

A.A.

8

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 accused 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 accused; in other words, at the time of the killing the prisoner 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 her some serious bodily injury, the probable result of which would be death. And if there be a reasonable doubt whether he had willed, and deliberated, and premeditated to kill the deceased, or do her some serious bodily injury, which would probably occasion her death, they ought not to find him guilty of murder in the first degree.

11-18-60

H. H.

8

3

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 accused 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 accused; in other words, at the time of the killing the prisoner 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 her some serious bodily injury, the probable result of which would be death. And if there be a reasonable doubt whether he had willed, and deliberated, and premeditated to kill the deceased, or do her some serious bodily injury, which would probably occasion her death, they ought not to find him guilty of murder in the first degree.

11-18-60
A. H.

9

9

The court instructs the jury that where these instructions speak of a presumption which is raised by reason of the accused killing the deceased by use of a deadly weapon which he had previously taken into his possession, such presumption is meant only to supply evidence that the killing was willful, deliberate and premeditated where there is shown no circumstance or evidence tending to prove to the contrary. If evidence or circumstances tending to show that the killing was not willful, deliberate and premeditated are shown, then no such presumption exists.

11-16-60

H. H.

9

9

The court instructs the jury that where these instructions speak of a presumption which is raised by reason of the accused killing the deceased by use of a deadly weapon which he had previously taken into his possession, such presumption is meant only to supply evidence that the killing was willful, deliberate and premeditated where there is shown no circumstance or evidence tending to prove to the contrary. If evidence or circumstances tending to show that the killing was not willful, deliberate and premeditated are shown, then no such presumption exists.

11-15-60
A. H.

COMMONWEALTH

V.

MORRIS

INSTRUCTION 10

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 non-essential 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.

11-18-60
H.H.
24.

INSTRUCTION 10

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 non-essential 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.

11-18-40
A.A.
J.K.

6

11

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 with respect to the degree of crime of which the accused is guilty. Therefore, if any individual member of the jury, after having duly considered all of the evidence in this case, and after consultation with his fellow-jurors, should entertain a reasonable doubt as to the degree of the guilt of the accused, it is his duty not to surrender his own convictions as to such degree of the guilt simply because the balance of the jury entertain different convictions with respect to such degree.

11-18-60

A. H.

W

2
3

The court instructs the jury that upon the trial of a criminal case by a jury the law contemplates a concurrence of twofold minds in the conclusion with respect to the degree of crime of which the accused is guilty. Therefore, if any individual member of the jury, after having duly considered all of the evidence in this case, and after consultation with his fellow-jurors, should entertain a reasonable doubt as to the degree of the guilt of the accused, it is his duty not to surrender his own convictions as to such degree of the guilt simply because the balance of the jury entertain different convictions with respect to such degree.

11-18-00
A. A.

4

12

The Court instructs the jury that the Commonwealth must prove beyond reasonable doubt every element of the crime charged, and if the jury believes the accused to be guilty of an unlawful homicide, but have reasonable doubt as to the grade of the offense, that is, whether the accused is guilty of first or second degree murder, then they must resolve the doubt in favor of the accused and find him guilty of the lower grade, or murder in the second degree.

11-18-60

A. A.

COMMONWEALTH

V.

MORRIS

INSTRUCTION 9

The Court instructs the jury that the credibility of witnesses is a question exclusively for the jury; and 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 opportunity of the witnesses to know whereof they speak, 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.

11-18-60
 H.H.

13

COMMONWEALTH

v.

MORRIS

9 INSTRUCTION

The Court instructs the jury that the credibility of witnesses is a question exclusively for the jury; and 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 opportunity of the witnesses to know whereof they speak, 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.

1-18-60
A.K.

VIRGINIA: In the Circuit Court of Rockingham County, on
October 17, 1960.

Commonwealth

v. On an indictment charging felony (murder)

John E. Morris

This day came the attorney for the commonwealth,
and the accused, John E. Morris, came in the custody of
the sheriff of this county, and also by his attorneys,
John T. Camblos and Lewis A. Martin, Jr., of Charlottes-
ville, Virginia. And thereupon, said accused was arraign-
ed on the indictment and in person tendered a plea of not
guilty; and this case is set for trial on the 17th day of
November next, and said accused was remanded to jail.

A C O P Y

ATTESTE: *James W. Carr* Deputy Clerk.

VIRGINIA: In the Circuit Court of Rockingham County, on
October 17, 1960.

Commonwealth

v.
John E. Morris

This day came the attorney for the Commonwealth,
and the accused, John E. Morris, came in the custody of
the sheriff of this county, and also by his attorneys,
John T. Gamble and Lewis A. Martin, Jr., of Charlester-
ville, Virginia. And thereupon, said accused was arraign-
ed on the indictment and in person tendered a plea of not
guilty; and this case is set for trial on the 17th day of
November next, and said accused was remanded to jail.

A COPY

ATTEST: James H. [Signature] Deputy Clerk.

STATE OF VIRGINIA

~~COUNTY~~ OF Harrisonburg
City

To-Wit:

No. _____

TO ANY SHERIFF OR POLICE OFFICER:

W.M. Norvelle

Whereas, _____

John G. Leake

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

Justice of The Peace

City

(Name)

(Title)

John E. Morris

Rockingham

in the ~~Rockingham~~ County

did on the 24th day of August, 1960; Unlawfully and feloniously

kill and murder Betty Lee^{ow} Neff, against the peace and dignity of the Commonwealth

of Virginia

↓
AMENDED
8-25-60
PRG. Judge

These are, therefore, to command you, in the name of the Commonwealth, to apprehend and bring before the Rockingham County Court of the ~~Rockingham~~ County, the body (~~body~~) 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 24th day of August, 1960

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 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 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. 92544

COMMONWEALTH

WARRANT OF ARREST
John E. Morris

vs.

Executed this, the 24th day of

Aug., 1960

John E. Morris
Wm. M. Morris

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

There being sufficient probable cause the defendant is hereby ordered held for action by the Grand Jury.

Given under my hand this 30th day of September, 1960.

[Signature]
Judge

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

Warrant _____ \$ 2.00 ✓
Trial _____ 2.00 ✓
Bill _____
Arrest _____
Mileage _____
Cerk _____ 1.25 ✓
Jail Fee and Board _____ .50
Witness Attendance _____ 3.50
Summoning Witnesses _____
Commonwealth Attorney _____ 5.00
Total Costs _____ \$ _____
Fine _____
Total _____ \$ _____

Costs _____
Total _____ \$ _____

10-9-16-60 2:PM.

Plan N. 9 - 8-25-60 2:PM.
BAND DENIED 8-25-60 RPT. J. M.

Commonwealth of Virginia



OFFICE OF THE ATTORNEY GENERAL
RICHMOND

February 29, 1968

Honorable Hamilton Haas, Judge
Twenty-fifth Judicial Circuit
Harrisonburg, Virginia

Re: John E. Morris v. C. C. Peyton
Civil Action No. 68-C-1-H

Dear Judge Haas:

The captioned matter is now pending in the United States District Court in Harrisonburg Virginia. This is a sequel to the state habeas corpus proceeding brought by the same inmate, which was heard in your Court. I am in receipt of an order signed by the District Judge in which he requests that the record, including the transcript of the state habeas corpus proceeding, be made available to him in order that he may examine the same and determine whether or not it will be necessary to grant this petitioner a plenary hearing. This is necessary in view of the recent decisions of the Supreme Court of the United States.


I have therefore prepared and am enclosing a draft of an order, which I respectfully request the Court to enter, directing the Clerk to mail the record in this proceeding by registered mail to the Clerk of the United States District Court, Post Office Building, Harrisonburg Virginia. I have received written assurances from the District Judge that the state court record will be carefully kept and preserved and will be returned to your Clerk when the federal habeas corpus proceeding is concluded.

Page 2

Please ask your Clerk to notify me when the record is forwarded to the United States District Court.

Your cooperation in this matter is appreciated.

Sincerely yours,


Overton P. Follard
Assistant Attorney General

OPP/lpc

Enclosure

Your cooperation in this matter is appreciated.
Please ask your Clerk to notify me when the record is forwarded to the United States District Court.

Sincerely yours,


Overton L. Pollard
Assistant Attorney General

OPF/lpc
Enclosure

VIRGINIA:

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY

JOHN E. MORRIS

v.

Date of Judgment
February 13, 1967

C. C. PEYTON, Superintendent of
the Virginia State Penitentiary

O R D E R

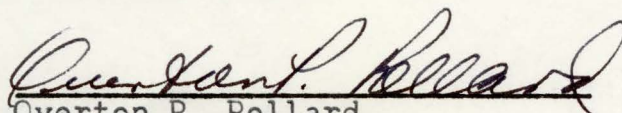
This day came an Assistant Attorney General of Virginia and represented unto the Court that there is pending in the United States District Court for the Western District of Virginia, Harrisonburg Division, a habeas corpus proceeding styled John E. Morris v. C. C. Peyton, Superintendent of the Virginia State Penitentiary; that it is necessary that the record in the captioned matter be forwarded to the Clerk of the United States District Court, Harrisonburg, Virginia; and that the Judge of said Court has given assurances that said record will be carefully kept and preserved and returned to the Clerk of this Court after the federal habeas corpus case has been disposed of by the Court.

Upon mature consideration thereof, it is, therefore, adjudged and ordered that the Clerk of this Court do forward to the Clerk of the United States District Court, Harrisonburg Virginia, by registered mail the record in the captioned matter.

Entered this day of

Judge

I ask for this:


Overton P. Pollard
Assistant Attorney General

VIRGINIA:

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY

JOHN E. MORRIS

Date of Judgment
February 13, 1967

v.

C. C. PEYTON, Superintendent of
the Virginia State Penitentiary

ORDER

This day came an Assistant Attorney General of Virginia and represented unto the Court that there is pending in the United States District Court for the Western District of Virginia, Harrisonburg Division, a habeas corpus proceeding styled John E. Morris v. C. C. Peyton, Superintendent of the Virginia State Penitentiary; that it is necessary that the record in the captioned matter be forwarded to the Clerk of the United States District Court, Harrisonburg, Virginia; and that the Judge of said Court has given assurance that said record will be carefully kept and preserved and returned to the Clerk of this Court after the federal habeas corpus case has been disposed of by the Court.

Upon mature consideration thereof, it is, therefore, adjudged and ordered that the Clerk of this Court do forward to the Clerk of the United States District Court, Harrisonburg, Virginia, by registered mail the record in the captioned matter.

Entered this _____ day of _____

Judge

I ask for this:


Overton P. Pollard
Assistant Attorney General

VIRGINIA: In the Circuit Court of Rockingham County, on
November 17, 1960.

Commonwealth

v. On an indictment charging felony (murder)

John E. Morris

This day came the attorney for the commonwealth, and the accused, John E. Morris, came in the custody of the sheriff of this county, and also by his attorneys, John T. Camblos and Lewis A. Martin, Jr., of Charlottesville, Virginia. And from persons summoned by the sheriff under writs of venire facias, twenty persons were examined by the court and found duly qualified and free from exception; whereupon, a list of 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; Raymond Barrix, Woodrow Lowry, John G. Patterson, Lillian A. Jefferson, E. E. Bailey, John L. Miller, Joseph Butler, Ray B. Dinkel, M. V. Miller, Lawrence Lewis, Oren Knott, and E. R. Long, selected as aforesaid to constitute the jury, were sworn to well and truly try and true deliverance make between the commonwealth and the prisoner at the bar and a true verdict render according to the law and the evidence; and having heard a portion of the evidence, were adjourned until tomorrow morning at nine o'clock.

A C O P Y

ATTESTE: James W. Carr Deputy Clerk.

VIRGINIA: In the Circuit Court of Rockingham County, on
November 17, 1960.

Commonwealth

v. On an indictment charging felony (murder)

John E. Morris

This day came the attorney for the commonwealth,
and the accused, John E. Morris, came in the custody of the
sheriff of this county, and also by his attorneys, John F.
Campbell and Lewis A. Martin, Jr., of Charlottesville,
Virginia. And from persons summoned by the sheriff under
writs of venire facias, twenty persons were examined by the
court and found duly qualified and free from exception;
whereupon, a list of the names of said twenty persons was
handed to the attorney for the commonwealth, and the accus-
ed, who each alternately struck therefrom the names of four
persons, and the remaining twelve, namely: Raymond Barrix,
Woodrow Lowry, John G. Patterson, Lillian A. Jefferson,
E. E. Bailey, John L. Miller, Joseph Butler, Ray B. Dinkel,
M. V. Miller, Lawrence Lewis, Oren Knott, and E. R. Long,
selected as jurors to constitute the jury, were sworn
to well and truly try and true deliverance make between
the commonwealth and the prisoner at the bar and a true
verdict render according to the law and the evidence; and
having heard a portion of the evidence, were adjourned un-
til tomorrow morning at nine o'clock.

A C O P Y

ATTEST: Deputy Clerk

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

z Alva Shifflett - c/o Zean Shifflett, Elkton, Va.

Doris Jean Shifflett - 424 Ware Ave., Elkton, Va.

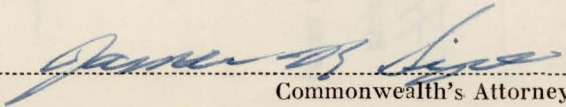
to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 9:30 o'clock, a. m., on the 17th day of November, 1960, to testify and the truth to say in behalf of the Commonwealth ~~before the Grand-Jury~~, against

John E. Morris

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, JAMES R. SIPE, Commonwealth's Attorney for Rockingham County and the City of Harrisonburg, Virginia, at the Court House, the 12th of November, 1960, and in the 185th year of the Commonwealth.


Commonwealth's Attorney

EXECUTED 11-13-60 IN THE COUNTY OF

ROCKINGHAM BY DELIVERING A TRUE

COPY OF THE WITHIN

TO Dean Shifflett

IN PERSON.

Henry & Harry Dept.

A. L. STRAUSSMAN
SHERIFF

ROCKINGHAM COUNTY

80

~~Not finding~~ Dean Shifflett at his usual

place of abode, Executed Nov. 13th 1960 by delivering a

true copy of this Summons to Dean Shifflett

in person, at said his father

usual place of abode Dean Shifflett, being a member of

his family above the age of 16 years, and explaining the purpose thereof

to her.

Deputy Sheriff Henry & Harry

R. F. Strauderman

81047

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Daniel D. Eppard (c/o Bobby Crawford, Elkton, Va.);
Edith Ashenfelter (Blue and Gray Inn, Elkton, Va.); ^PSusie Chumley (Blue and
Gray Inn, Elkton, Va.); ^PLawrence A. Dean (Wirt Avenue, Elkton, Va.); and
^PMalcolm Ray Morris (Elkton Cab Co., Elkton, Va.);

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 9:30
o'clock, a. m., on the 17th day of November, 1960, to testify and the truth to say in behalf of
the Defendant in the prosecution of the Commonwealth against

John E. Morris

who stands charged with and indicted for a felony ~~disturbance~~

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 14th day of November, 1960, and in the 185th year
of the Commonwealth.

George W. Kemper, Clerk
My Sister Bowers, D.C.

81047

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon Daniel D. Eppard (e/o Bobby Crawford, Eikton, Va.); Edith Ashenfelter (Blue and Gray Inn, Eikton, Va.); Susie Chumley (Blue and Gray Inn, Eikton, Va.); Lawrence A. Dean (Wirt Avenue, Eikton, Va.); and Malcolm Ray Morris (Eikton Gap Co., Eikton, Va.);

EXECUTED 11-14-60 IN THE COUNTY OF ROCKINGHAM

BY DELIVERING A TRUE COPY OF THE WITHIN *Summons*

Daniel D. Eppard,
Edith Ashenfelter,
Susie Chumley, Lawrence A. Dean,
Malcolm Ray Morris
R. L. Straudman
Dewey E. Haney

Clerk

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Charles Lam - Rt.#1, Elkton, Va.

P Jerry Gibson - Elkton, Va.

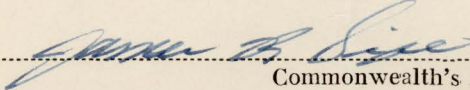
to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 9:30 o'clock, a. m., on the 17th day of November, 1960, to testify and the truth to say in behalf of the Commonwealth ~~before the Grand Jury~~, against

John E. Morris

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, JAMES R. SIPE, Commonwealth's Attorney for Rockingham County and the City of Harrisonburg, Virginia, at the Court House, the 12th of November, 1960, and in the 185th year of the Commonwealth.


Commonwealth's Attorney

EXECUTED 11-13-60 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Denny Gibson
IN PERSON.

Denny E. Hanes Dept.
for A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 11-14-60 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Charles Sam
IN PERSON.

Denny E. Hanes Dept.
for A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Dr. G. G. Tanner - Grottoes, Va.

.....

.....

.....

.....

.....

.....

.....

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 9:30 o'clock, a. m., on the 17th day of November, 1960, to testify and the truth to say in behalf of the Commonwealth ~~before the Grand Jury~~, against

John E. Morris

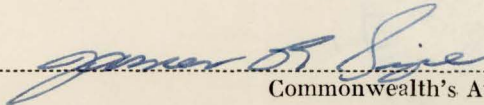
.....

.....

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, JAMES R. SIPE, Commonwealth's Attorney for Rockingham County and the City of Harrisonburg, Virginia, at the Court House, the 14th of November, 1960, and in the 185th year of the Commonwealth.



Commonwealth's Attorney

in the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Virginia

You are hereby commanded to summon

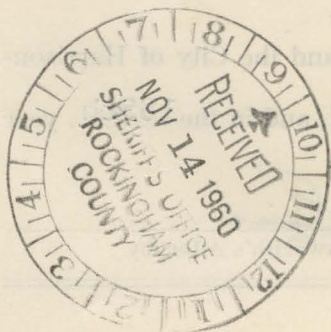
Dr. G. S. Tanner - Groveton, Va.

EXECUTED 11-14-60 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Dr. G. S. Tanner
IN PERSON.

Robert H. Parque

Deputy

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

Chief Walter Norvelle - Elkton, Va.

Officer Allan Norvelle - " "

Peggy Johnson - " "

Bobby Lee Neff - Rt. #1, Elkton, Va.

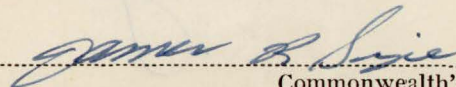
to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 9:30 o'clock, a. m., on the 17th day of November....., 1960., to testify and the truth to say in behalf of the Commonwealth ~~before the Grand Jury~~, against

John E. Morris

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, JAMES R. SIPE, Commonwealth's Attorney for Rockingham County and the City of Harrisonburg, Virginia, at the Court House, the 12th of November....., 1960., and in the 185th year of the Commonwealth.



Commonwealth's Attorney

EXECUTED 11-13-60 IN THE COUNTY OF ROCKINGHAM

BY DELIVERING A TRUE COPY OF THE WITHIN

Summons

TO

Walter Norvell

Alan Norvell

Peggy Johnson

Bobby Lee Neff

C. F. Strauderman S.R.C.

Dewey E. Haney

~~780~~
1660

March 7, 1968

Hon. Leigh B. Hanes, Jr., Clerk
United States District Court
Harrisonburg, Virginia 22801

Re: Commonwealth v. John E. Morris
and
John E. Morris v. C.C. Peyton, Sup't.
(petition for writ of habeas corpus)

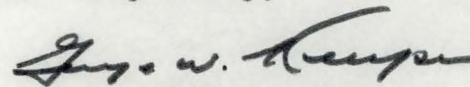
Dear Sir:

At the request of the Honorable Overton P. Pollard, Assistant Attorney General of Virginia, I am transmitting to you here-
with the records in the above styled matters.

Please acknowledge receipt on the enclosed copy of this letter.

Thanking you, I am

Yours very truly,



George W. Kemper, Clerk

GWK/nwc
Enc.

*Receipt acknowledged this 8th day of
March, 1968.
Laurie H. Nalle,
Deputy Clerk.*

March 7, 1968

Hon. Leigh B. Hanes, Jr., Clerk
United States District Court
Harrisonburg, Virginia 22801

Re: Commonwealth v. John E. Morris
and
John E. Morris v. C.C. Peyton, Sup't.
(petition for writ of habeas corpus)

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Enc.

*Receipt acknowledged this 8th day of
March, 1968.
James H. Miller,
Deputy Clerk*

- | | | |
|--------------|-----------------------------|----------------|
| 1 | Saylor Deves | Δ 3 |
| 2 | H W Clark | Com 1 |
| 3 | Raymond Baring | |
| 4 | Woodrow Lowry | |
| 5 | John G Pallison | |
| 6 | Thomas R Mottos | Com 4 |
| 7 | Mrs Lillian E Jefferson | |
| 8 | H E Butler | Δ 4 |
| 9 | J O Leskie | Δ 2 |
| 10 | E E Baily | |
| 11 | John S. Miller | |
| 12 | Joseph Butler | |
| 13 | Ray Dunkle | |
| 14 | M V Miller | |
| 15 | Lamena Lewis | |
| 16 | Oren Knott | |
| 17 | E R Long | |
| 18 | Grace Phyllis | Δ 1 |
| 19 | Julia Bonna | Com 2 |
| 20 | Mrs Mimi Hevally | Com 3 |

- | | | | | |
|----------|----------|-------------------------|-----------|--------------|
| Wit. for | Com - 1. | Bobby Lee Neff | Route 1 | Elberton |
| " " | " | 2 Dr G G Tanner | Grottoer | |
| " " | " | 3. Peggy Johnson | Elberton | |
| " " | " | 4. Charles Lane | Route 1 | Elberton, Va |
| " " | " | 5. Allan Norvelle | Elberton | V |
| " " | " | 6. Alva Shifflett | Elberton | V |
| " " | " | 7. Doris JEAN Shifflett | Elberton | V |
| " " | Com | 8. Jerry GIBSON | - | Elberton |
| " " | " | 9 Walter Norvelle | Elberton | |
| " " | " | 10 Mrs DAVID S NEFF | - Route 1 | Elberton |
| " " | " | 11 Mr " S " | | |
| " " | " | 12 Mrs DAVID S Neff | - | |
| " " | " | 13 Dr — | Peppers | |

WIT: for Defence

Daniel Dewey EPPARD

Malcolm RAY MORRIS

Charles Lam

Lawrence DEAN

Edith Oshkettle

John E. MORRIS

Dr um Bustin!

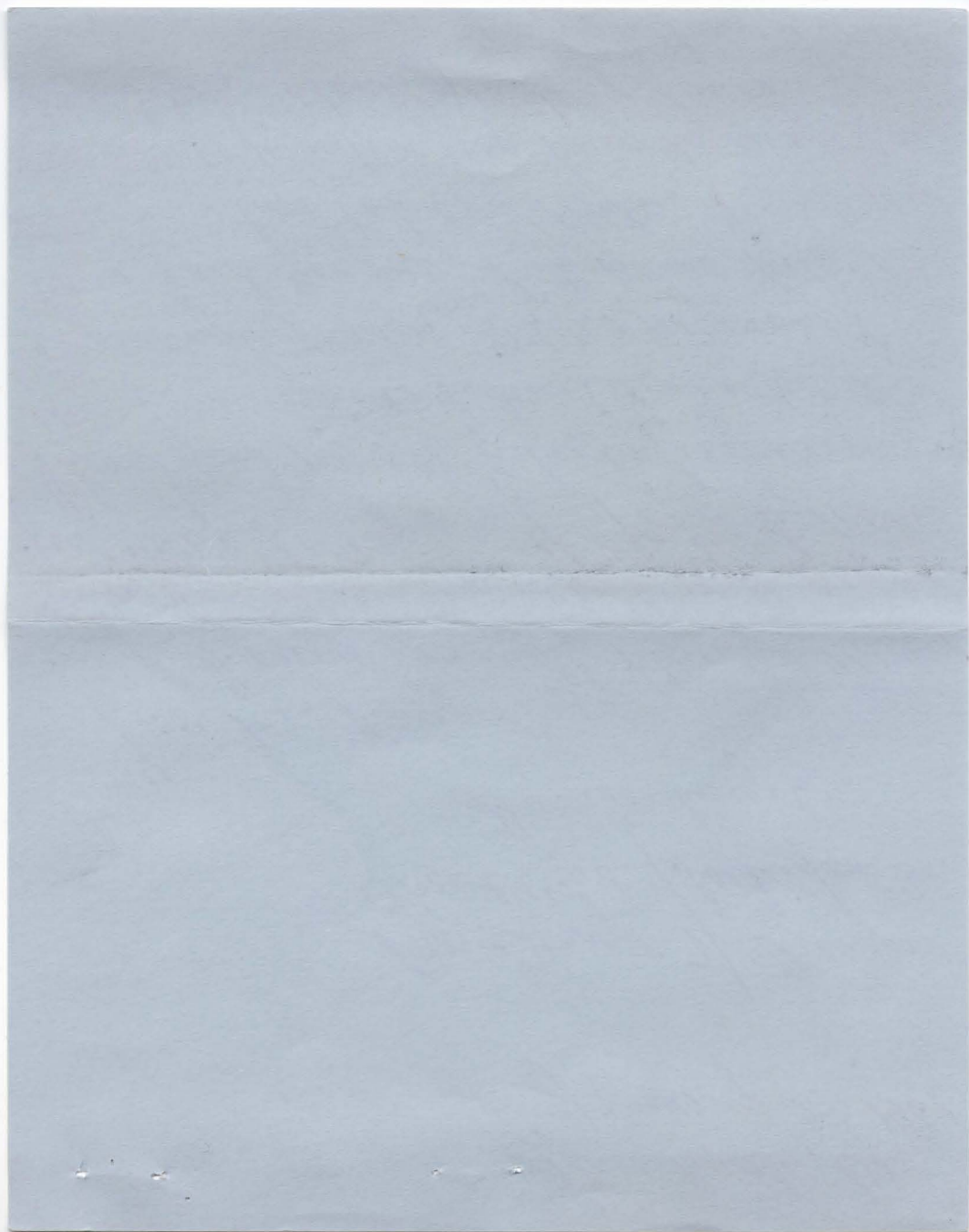


Stanardsville, Va
January 24, 1964

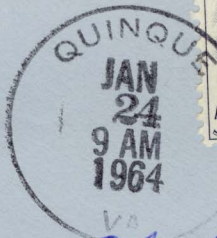
Mr. George W. Kemper
Circuit Court of Rockingham Co.
Harrisonburg, Va.

Dear Mr. Kemper,

Enclosed you will receive a money order for \$10.00. In which will pay for Certified Copy's of John L. Morris. Please send me all the information you have. I was aware there was no transcript made, I was supposed to have paid for one. But somehow his Lawyer never had one made, Please send me the information you have as soon as possible, Thank you very much.
Mrs. William Powell.



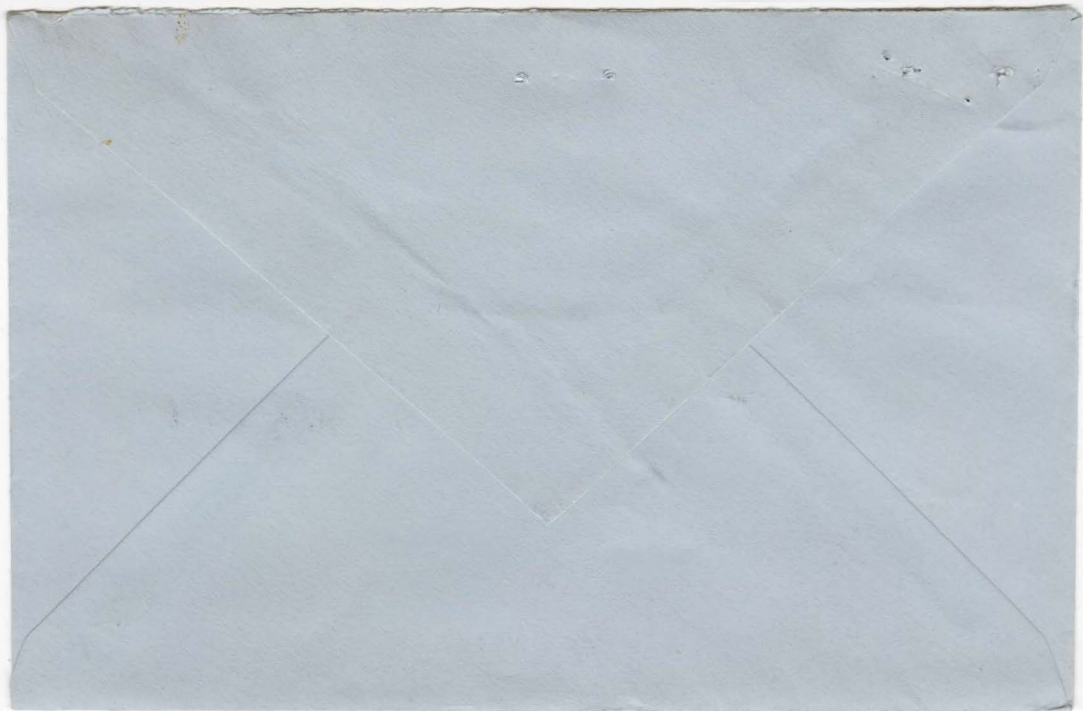
Mrs. William Powell
Stanardsville, Virginia



Mr. George A. Kemper, Clerk
Circuit Court of Rockingham County
Harrisonburg, Virginia

331

343-44
~~211~~







March 7, 1968

Hon. Leigh B. Hanes, Jr., Clerk
United States District Court
Harrisonburg, Virginia 22801

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George W. Kemper, Clerk

GWK/nwc
Enc.

E. MORRIS
Spring Street
and Virginia



TO THE HONORABLE PRESIDING JUDGE
CIRCUIT COURT OF HARRISONBURG
HARRISONBURG VIRGINIA

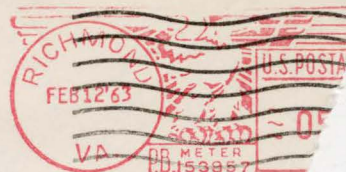
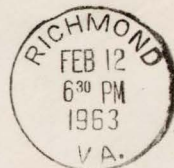
V.K.

78619



JOHN E. MORRIS

7



TO THE HONORABLE PRESIDING JUDGE
CIRCUIT COURT OF ROCKINGHAM COUNTY
HARRISONBURG VIRGINIA



In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Allan Norvelle - Elkton, Va.

Bobby Lee Neff - Elkton

Peggy Johnson - Elkton

.....

.....

.....

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 9:30 o'clock, a. m., on the 17th day of October, 1960, to testify and the truth to say in behalf of the Commonwealth before the Grand Jury, against

John E. Morris

.....

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, JAMES R. SIPE, Commonwealth's Attorney for Rockingham County and the City of Harrisonburg, Virginia, at the Court House, the 12th of October, 1960, and in the 185th year of the Commonwealth.

James R. Sipe

Commonwealth's Attorney

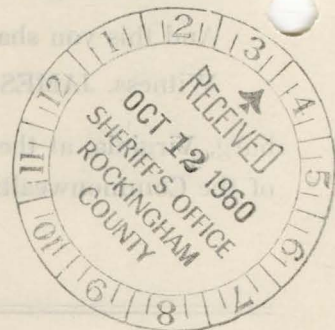
EXECUTED 10-14-60 IN THE COUNTY OF ROCKINGHAM

IN THE NAME OF THE COMMONWEALTH OF NORTH CAROLINA
BY DELIVERING A TRUE COPY OF THE WITHIN Summons

TO Alan Nowelle
Peggy Johnson
Bobby Neff

R. L. Straudman
BY Dwight E. Hamy

S.R.C.
DEPUTY SHERIFF



1,20

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

Dr. G. G. Tanner, Grottoes, Virginia

to appear before The County Court of said County, sitting at Harrisonburg, Virginia, in said County, on
30th day of September, 19 60, at the hour of 2 P.M. of that day

to give evidence in behalf of

Commonwealth

in the pending case of

Commonwealth

v.

John E. Morris

Given under my hand this 27th day of September, 19 60

Ade C. Swartz, Clerk

Clerk
Asst. Clerk

Vest Clerk
Clerk

John E. Morris

at 2:00 PM

September 30, 1960

John E. Morris

V. { Witness Subpoena

Commonwealth

Docket No.

32544

The County Court

EXECUTED 9-29-60 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Subpoena
TO John E. Morris
IN PERSON.

Robert H. Payne
Robert H. Payne

A. L. STRAWDERMAN
SHERIFF

ROCKINGHAM COUNTY

Witness Subpoena

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

You are hereby commanded, in the name of the Commonwealth of Virginia to summon

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

Bobby Lee Neff
Allan Howells

to appear before The County Court of said County, sitting at Harrisonburg, Virginia, in said County, on
16th day of Sept., 1960, at the hour of 2PM of that day
to give evidence in behalf of Com. #

in the pending case of

Com. #

v.

John E Morris

Given under my hand this 14th day of Sept., 1960

Ade C Swartz

Clerk
Asst. Clerk

EXECUTED 9-15-60 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE

COPY OF THE WITHIN Summons
TO Balk Lee Huff and Alan Novelle

IN PERSON.

Henry E. Haney Dgt.
for A. L. STRAWDERMAN
SHERIFF

ROCKINGHAM COUNTY

The County Court

Docket No. 22544

22543

Com. 24

V. (Witness Subpoena

John E. Morris

9-16-60

John E. Morris v. Balk Lee Huff and Alan Novelle

Given under my hand this

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

You are hereby commanded, in the name of

COMMONWEALTH VS. John E. Morris

DESCRIPTION OF PRISONER

Last known address Standardsville Virginia

Color White Height 5-8 Eyes Blue Hair Black Weight 165

Marks _____

Age 35 Occupation Painter

Date of Trial November 17th 1960

Result Penitentiary for life

DESCRIPTION OF PRISONER

CONDITION WEALTH VS

Last known address _____
Color _____ Height _____ Eyes _____ Hair _____ Weight _____
Marks _____
Age _____ Occupation _____
Date of Trial _____
Result _____

32543

COUNTY COURT

Criminal
Docket

Nº 32544 A

Com'th

v.

John E. Morris
Defendant

att. Cam Bluse
Charlottesville, Va.

Appearance Date 8-25-60

Trial Date 9-16-60

To - 9-30-60 2: P.M.

Grand Jury - 9-30-60

W.S. - 1 Doc 32543
W.S. - 2
W.S. - 4

✓

Jury

11/17/60⁹ & 11/18/60

- 4⁴ Raymond Barry
12¹² Woodrow Lowery
3 John G. Patterson
11 Sullivan A. Jefferson
8 E. E. Bailey
9 John S. Miller
10 Joseph Butler
2 Roy Dinkels
7 M. V. Miller
6 Lawrence Lewis
5 Owen Knott
1 E. R. Long

Com. atty 15.00
Clerk 12.50
Co. Court 2.00
Sheriff 6.80
J. A. (Fuchs) 2.00
Witnesses 28.90
Jury 291.50
350.70

Docket No. 3729.

OCT 1960

OCT

1960

COMMONWEALTH of VIRGINIA

VS.

} Felony (murder)
}

JOHN E. MORRIS *gal*

John T. Camblos &) Charlottes-
Lewis A. Martin, Jr.) ville, Va. p. d.
Own (X) Appointed ()

1960

October 17. Return of Grand Jury.

10/326

Accused arraigned and plea of
not guilty entered; case set for
Nov. 17.

10/331

Nov. 17. Jury impanelled and portion of
evidence heard. 10/343

Nov. 18. Evidence completed, instruction
argument, and verdict of jury--
life imprisonment.

10/343.

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

