COMMONWEALTH

V.

DONALD BROWN SHIPE

INSTRUCTION 10

The Court instructs the jury that the evidence in this case shows that the accused was not driving under the influence of an alcoholic beverage at the time of the collision and that, therefore, you may not base a finding that the accused was guilty of culpable or wanton negligence upon the assumption that he was under the influence of intoxicants at the time of the accident.

Refused

COMMONWEALTH

V.

DONALD BROWN SHIPE

INSTRUCTION 10

The Court instructs the jury that the evidence in this case shows that the accused was not driving under the influence of an alcoholic beverage at the time of the collision and that, therefore, you may not base a finding that the accused was guilty of culpable or wanton negligence upon the assumption that he was under the influence of intoxicants at the time of the accident.

Sawyer

INSTRUCTION NO. 11

COMMONWEALTH

v.

DONALD BROWN SHIPE

The Court instructs the jury that since the evidence in this case is not sufficient to show that Donald Brown Shipe was driving his automobile while under the influence of intoxicants at the time of the collision, you must therefore give him the benefit of the presumption of innocence in that respect, and assume that he was not under the influence of intoxicants, in considering your verdict in this case.

Refused

INSTRUCTION NO. 11

COMMONWEALTH

v.

DONALD BROWN SHIPE

The Court instructs the jury that since the evidence in this case is not sufficient to show that Donald Brown Shipe was driving his automobile while under the influence of intoxicants at the time of the collision, you must therefore give him the benefit of the presumption of innocence in that respect, and assume that he was not under the influence of intoxicants, in considering your verdict in this case.

Johnson

COMMONWEALTH

V.

DONALD BROWN SHIPE

INSTRUCTION 13

The Court instructs the jury that the Commonwealth has failed to establish any fact from which the jury could imply that the accused consumed any whiskey from the bottle which has been produced in evidence in this case.

Refused

COMMONWEALTH

v.

DONALD BROWN SHIPE

INSTRUCTION 13

The Court instructs the jury that the Commonwealth has failed to establish any fact from which the jury could imply that the accused committed any mistake from the poison which has been produced in evidence in this case.

COMMONWEALTH

V.

DONALD BROWN SHIPE

INSTRUCTION 12

The Court instructs the jury that the evidence of the Commonwealth fails to establish that the accused was driving under the influence of an intoxicating beverage and that such question is therefore not in issue before you in determining his guilt or innocence in this case.

refused

COMMONWEALTH

v.

DONALD BROWN SHIPE

INSTRUCTION 15

The Court instructs the jury that the evidence of the Commonwealth tending to establish that the accused was driving under the influence of an intoxicating beverage and that such drinking is therefore not in issue before you in determining his guilt or innocence in this case.

1) The defendant is presumed to be innocent under the law until he is found guilty. Would you give him the benefit of that presumption in considering the evidence of this case and find him not guilty unless you are satisfied of his guilt beyond a reasonable doubt?

2) Do you know anything about the facts of this case except what you have heard in Court today?

3) Have you read any newspaper accounts of this case?

4) Would your verdict be based wholly on the evidence and the instructions given you by the Court, and not be influenced by any other matter or thing?

5) Would you allow a considerable number of jurors voting differently to influence you, for that reason alone, to change your verdict? That is would you be willing to surrender your own conscientious judgment merely to be in accord with your differing fellow juror, or jurors.

1) The defendant is presumed to be innocent under the law until he is found guilty. Would you give him the benefit of that presumption in considering the evidence of this case and find him not guilty unless you are satisfied beyond a reasonable doubt?

2) Do you know anything about the facts of this case except what you have heard in Court today?

3) Have you read any newspaper accounts of this case?

4) Would your verdict be based wholly on the evidence and the instructions given you by the Court, and not be influenced by any other matter or thing?

5) Would you allow a considerable number of trivial acting differently to influence you, for that reason alone, to change your verdict? That is world

accord with your differing fellow jurors, or jurors.

you be willing to entrenchet your own conscientious judgment merely to be in

A's witnesses:

(2) ~~Ries~~ RIES: (1) Left at 4:30 – Ship still at Barnsch –

(2) Looking at speedometer

(3) Weren't in automobile

(3) James Runyon:

(1) Had ~~not~~ no trouble

(4) Rapp –

I Instruction

Swipe
Sandifer
Schuler
Runyan
Reis

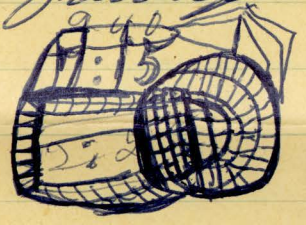
II Evid:

(1) shows he had been drinking: ✓
(2 beer - 2 beer - whisky - other - 30 min)

(2) across mt. 50 to 55 m.p.h.
Speed - (50 - 60 miles per hour)
distance - 59 feet
Rd + weather + curve

Knew Rd → (3) driving Wrong side of rd (driving)

explanation - other passenger



III Punishment deterrent

X: (1) Com'th case does not rest on empty whisky bottle -
He is not being prosecuted for driving under inf. -
(2) Character witnesses -
(3) ~~2 now 25 min~~ -
(3) Not much punishment (Com'th Atty)
(4) If acquitted, then anybody could -
~~(5) did Δ call any other witnesses~~

Of course, didn't know car coming around curve - not charged w/ murder

Com v. Donald Brown Shyle (James Edward Sandridge, II)

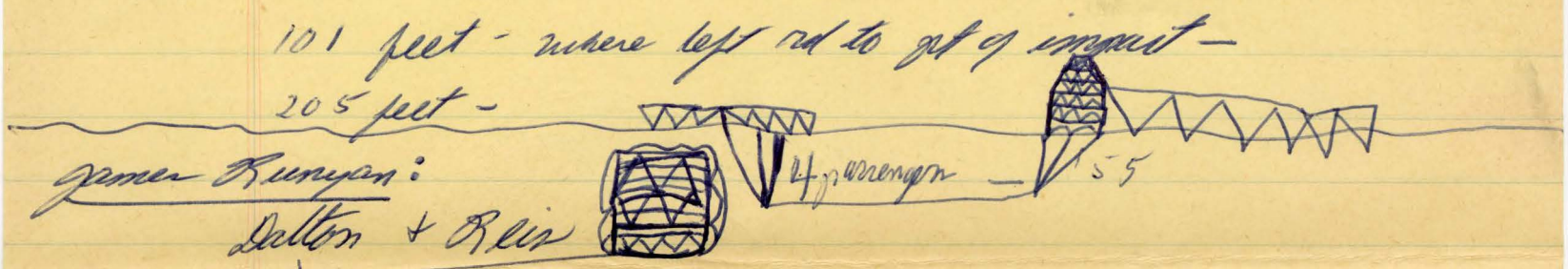
Nov. 3, 1961 - Fri - 9:40 p.m.

1.2 miles East of Elkton - Rt 33

1960 Volkswagen - '60 Ford

101 feet - where left rd to pt of impact -

205 feet -



James Runyan:

Dalton + Reis

picked-up at R'mond

30' past accident
left roadside -

✓ whiskey
✓ (1) what time accident occurred -
✓ (2) Weather condition
✓ (3) road

X-exam -

~~(4) why was it not signed~~ -

(1) * [under influence - odor - 30 minutes later]

He didn't say he didn't have anything to drink from bottle -

~~(2) Statement - 4 beers~~ -

Witnesses: (1) Trooper Schudes
(2) James Runyan

✓ (1) pictures
✓ (2) death certificate
✓ (3) bottle

Δ's witness:

(1) S Pipe —

left at 4:30

2 beer - between 1 + 2 — on base (EM club)

Going to H'burg - 4 passengers (Dalton, Kennedy, Stritt, Martin) —

Hampton - stopped - cafe - 1 beer - in Rest 15 or 20 min -

Speed Limit 60 m.p.h.

R'mond - stopped 5 or 10 min. —

Left R'mond about 7:15 — stopped 5 min outside of R'mond (Kennedy had been driving - I took over) -

Rain started around Bordenville — raining fairly hard - only sixty coming

☆ Came down mountain 50 to 55 m.p.h. -

Between 50 to 60 m.p.h - going around curve - just brakes on + skidded - Stritt + Kennedy come over V^r me causing me to lose control -

☆ → Bottle - did not drink any whisky from bottle (belonged to Kennedy -

May have taken a swallow or 2 out of Kennedy's bottle - nothing else to drink -

I told Kennedy to get rid of bottle - to my knowledge it was empty —

A leaked had no effect on me —

Had no rum

59'

X-exam: (1) Knew Red; (2) 2 beer; (3) if car skidded — how did it throw other V^r him;

✓ (4) Had there been any whisky in bottle (why bring empty bottle if) seen

(5) Rd was wet — believed curve could be made at that speed —

SP—102
Revised
4-29-59

CONFIDENTIAL

VIRGINIA STATE POLICE

REPORT

SUBJECT:

James Edward Sandridge, II, Victim
Donald Brown Shipe, Accused
INVOLUNTARY MANSLAUGHTER(Motor Vehicle)

TT No. _____ Div. File No. _____
Date: 11/3/61 Time: 9:40 P.M.
Place: 1.2 miles east of Elkton, Rt. 33
County Rockingham Code No. 082
Discovered by: unknown citizen
Motive: unknown Weather: cloudy

DESCRIPTION: W-M-23-5'7½"-145 lbs.-blue eyes-brown hair
DOB: April, 1938
Address: Mathias, West Virginia

Value Property	Stolen	Recovered	Abandoned
Currency, notes			
Jewelry, gems			
Furs			
Clothing			
Vehicle			
Miscellaneous			
Total			

Accused wanted this offense? no Extradite? _____
Warrant issued this offense? _____
Department? _____

Date Recovered: _____ Time: _____
Place: _____
Stored: _____
Address: _____ Condition: _____
Released to Owner? _____ Date _____
Other Disposition? _____
_____ Date _____

Date Arrested 11/3/61 Dept. Va. State Police
Arrest Nos. 1 C-788264 2 _____ 3 _____
4 _____ 5 _____ 6 _____ 7 _____

ENCLOSURE:
Fingerprints (HW)

DISTRIBUTION: I & R-1 Commonwealth's Atty-1
Division III-1
Files-1

Vehicle Identification
Make _____ Model: _____
Type: _____ Color: _____
Lic. No. _____ State: _____
Motor No. _____ ID/Ser. _____

Origin: Date 11/3/61 Time 9:50 P.M.
1 ___ Request other agency
2 X Citizen complaint
3 ___ Observed on patrol
4 ___ See original report
5 ___ Telegram or teletype
6 ___ Telephone
7 ___ Correspondence
8 ___ Personal

Original Report: Yes ☒ No ☐
Date of Report: 11/6/61
Date Covered: 11/3/61 thru 11/6/61
Report by: Tpr. R. D. Schuder, Jr.

SUMMARY:

On November 3, 1961, at 10:00 P.M., I investigated a crash on Rt. 33, 1.2 miles east of Elkton in Rockingham County involving three vehicles.

Investigation revealed that the above-named victim, operator of one of the vehicles was killed instantly when the above-named accused, who was operating a 1960 Ford Sedan, lost control and skidded into the path of the victim's car. The victim was pronounced dead at the scene by the medical examiner, and the accused was arrested and charged with involuntary manslaughter.

A hearing is scheduled in the Rockingham County Court on November 10, 1961, at 2:00 P.M.

Undeveloped Leads: none

Leads: Handled ☒ Div. Handle ☐ I & R Handle ☐

Victim's Address: 8204 Corinth Drive
Richmond, Virginia

OPINION: Accused is guilty of involuntary manslaughter.

Unfounded ☐ Pending ☐ Inactive ☐ cleared arrest ☒ cleared other ☐

APPROVED
DIV. COMMANDER

Approved

MODUS OPERANDI

PROPERTY IDENTIFICATION

(OTHER THAN MOTOR VEHICLES OR TRAILERS)

	Stol—Lost	Att. Only	Rec—Found	ITEM	QUANTITY	MAKE	MODEL	COLOR	SIZE	SERIAL NO.
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										

RACE & SEX OF PERSON ATTACKED

R___No Person Attacked
X___Not Shown
0___White Male
1___Colored Male
2___White Female
3___Colored Female
4___White Male & Female
5___Colored Male & Female
6___White & Colored Male
7___White & Colored Female
8___White & Colored Male & Female

SCENE OF OFFENSE

00___Not Shown
01___Accident Scene
02___Airplane
03___Airport
04___Alley
05___Apartment
06___Automobile
07___Automobile Agency
08___Bank
09___Barber Shop or Beauty Parlor
10___Beer Joint
11___Boat
12___Bus
13___Church
14___Club
15___Dance Hall
16___Department Store
17___Doctor's Office
18___Drug Store
19___Dwelling
20___Factory
21___Farm Land
22___Garage or Service Station
23___Garage (Private)
24___Grocery Store
25___Hardware Store
26___Highway
27___Hospital (Medical)
28___Hospital (Mental)
29___Hotel
30___Lobby
31___Motel
32___Office Building or Office
33___Out Building
34___Penal Institution
35___*Place of Amusement
36___Post Office
37___*Public Building
38___Railroad (including station)
39___Restaurant
40___River
41___School
42___*Store
43___Street
44___Theatre
45___Warehouse
46___Woods

HOW ATTACKED

00___Not Shown
01___Advertising
02___Agitation
03___Attic
04___Automobile
05___Basement
06___Beating
07___Betting
08___Binding & Gagging
09___Blesses Money
10___Boarding & Leaving Bus, Etc.
11___Burning
12___Burying
13___Calling for
14___Ceiling
15___Collecting
16___Combination (Safe)
17___Cutting
18___Door (front)
19___Door (rear)
20___Door (other)
21___Drugging
22___Employing or Employment
23___Establishes Credit
24___Exchanges
25___Explosives
26___False Pretense
27___Finds Money (Pidgeon drop)
28___Firearms
29___Floor
30___Forging
31___Fortune Telling
32___Gains Confidence
33___Glass broken
34___Ignition
35___Intoxicated
36___Impersonating
37___Loafing
38___Mail
39___Misrepresenting
40___Obtain for Repair
41___Parked Autos.
42___Photography
43___Pick Pocket
44___Pull
45___Punch
46___Rent
47___Rip
48___Roof
49___Sell
50___Sex (Natural)
51___Sex (Unnatural)
52___Snatching
53___Stabbing
54___Statement (Oral)
55___Statement (Written)
56___Striking
57___Stripping
58___Strong Arm
59___Telephone
60___Threatening or Holdup
61___Transom
62___Uttering Forged Checks
63___Uttering Worthless Checks
64___Wall
65___Window (front)
66___Window (rear)
67___Window (other)

MEANS OF ATTACK

01___Not Shown
02___Absconding
03___Automobile
04___Bar
05___Black Jack or blunt instrument
06___Bodily Force
07___Breaking or Forcing Locks
08___Bolt Cutters or Pliers
09___Bottles
10___Bit or Drill—size unknown
11___Bit or Drill 1/4"
12___Bit or Drill 3/8"
13___Bit or Drill 1/2"
14___Bit or Drill 5/8"
15___Bit or Drill 3/4"
16___Bit or Drill 7/8"
17___Bit or Drill 1" or over
18___Brass Knuckles
19___Breaks Glass, Door or Window
20___Certified
21___Chemical
22___Chisel, size
23___Collecting
24___Concealment
25___Club
26___Driving Away
27___Drugs
28___Engraves
29___Explosives
30___Failure to Deliver Goods
31___Fictitious Orders
32___File
33___Firearms—Automatic
34___Firearms—Machine Gun
35___Firearms—Revolver
36___Firearms—Rifle
37___Firearms—Sawed Off Shot Gun
38___Firearms—Caliber not shown
39___Foil
40___Glass Cutter
41___Hatchet, Ax & Shovel
42___Hauling Away
43___Horse Racing—Fake
44___Ice Pick
45___Inflammable
46___Jack
47___Jimmy, size
48___Jumper
49___Key
50___Knife or Flat Instrument, size
51___Ladder
52___Literature
53___Matches
54___Missile Rock
55___Money Order
56___Note
57___Open
58___Oxyacetylene
59___Paper
60___Paper Clips
61___Pay Checks
62___Photography
63___Poison
64___Pretends to have gun
65___Pretends to be Collector
66___Pretends to be Doctor
67___Pretends to be Investigator
68___Pretends to be Inspector
69___Pretends to be Nurse
70___Pretends to be Salesman
71___Pretends to be Writer
72___Promises
73___Protectograph
74___Prying
75___Rags
76___Razor
77___Removes Panel From Door
78___Rips or Removes Screen
79___Rope or Wire
80___Saw
81___Screw Driver, Size
82___Shop Lifting
83___Snatching
84___Spying
85___Subscription
86___Syphoning
87___Tickets
88___Typewritten
89___Wrench
90___Written, Longhand
91___Selling

TRADE MARK

00___None Shown
01___Admitted through False Pretense
02___Armed & Threatens
03___Ate Food & Drinks
04___Bogus Credentials
05___Bare or Stocking Feet
06___Burns Matches
07___Carries Safe Away
08___Changes Clothes
09___Checks Printed, stolen & Counterfeit
10___Chewed Tobacco
11___Commits Nuisance
12___Cuts Telephone & Light Wires
13___Depositing in Bank & Overdrawing
14___Disconnects Burglary Alarm
15___Disorderly Worker
16___Drugs or Chloroforms Victim
17___Enters Home While Occupants are Present
18___Escapes on Foot
19___Establishes Credit
20___Experienced Worker
21___Extortion
22___Exhibiting Bank Book
23___Flash Light Used
24___Follows Victim
25___Fraudulent Collecting
26___Fur Racket
27___Gains Confidence
28___Gloves Worn
29___Guests
30___Hitch Hiker
31___Indecent & Obscene Remarks
32___Insurance
33___Impersonation
34___Jewelry Only
35___Kidnaps Victim
36___Kind & Polite
37___Labor Trouble
38___Literature
39___Leaves Door or Window Open
40___Lines Victims Against Wall
41___Locks Victims In Room
42___Loiters Around Playground
43___Makes Victims Lie on Floor
44___Malicious Damage to Property
45___Molests Workmen
46___Money Only
47___Nervous
48___Offers Candy, Money, Etc. to Children
49___Orders Taxi & Robs Driver
50___Party Burglar
51___Passes Good Checks First
52___Pretends to be Drunk
53___Pretends to be afflicted
54___Pretends to be looking for Fictitious Person
55___Pretends Auto. Is Broken Down
56___Pretends to be Purchaser of Auto.
57___Pretends to be Delivery Man
58___Pulls Blinds Down
59___Purchases Goods & Receives Balance in Cash
60___Removes Glass without Breaking
61___Removes Panel from Door
62___Renting Racket
63___Requested to use Telephone or Toilet
64___Rings Door Bell
65___Rough Voice
66___Sells Without Proper Title
67___Short Change Worker
68___Smokes on Premises
69___Solicitor
70___Steals Auto. for Stripping
71___Steals from Auto
72___Steals Victims Auto.
73___Stolen Auto. Used
74___Telephone Call—Anonymous
75___Uses Jimmy or Screw Driver
76___Wears Mask
77___Victim Intoxicated

James Edward Sandridge, II, Victim
Donald Brown Shipe, Accused
INVOLUNTARY MANSLAUGHTER (Motor Vehicle)

This investigation was predicated upon a call from an unknown citizen to the Police Department, Elkton, reporting a crash on Route 33, 1.2 miles east of Elkton.

At 9:50 P.M., November 3, 1961, I received a radio call from State Police Appomattox requesting that I investigate a crash on Route 33, 1.2 miles east of Elkton in Rockingham County.

I arrived at the scene at 10:00 P.M., and found that the crash involved two westbound vehicles and an eastbound vehicle operated by the above-named victim. Victim was pronounced dead at the scene by Dr. G. G. Tanner, Medical Examiner for Rockingham County. Two passengers of the accused's vehicle were taken to the Rockingham Memorial Hospital, Harrisonburg, Virginia, by ambulance.

Investigation revealed that the above-named victim, operating a 1960 Volkswagon Sedan, had been traveling east on U.S. Rt. 33 when a 1960 Ford, operated by the above-named accused, traveling west, failed to make a curve to its left, ran onto the left shoulder, skidded sideways into the path of the victim's car, and the front of the victim's car crashed into the side of the accused's car. Victim's car was knocked backwards into the opposite lane. Vehicle #2 came to rest on the wrong side of the road with its rear wheels on the bank, and its front wheels on the edge of the pavement. Vehicle #3, a 1955 Mercury Sedan, operated by James Edward Runyan, Box 76, Masonville, New York, which was following Vehicle #2, was obviously following too close, was unable to bring his vehicle under control, and its left front fender collided with the left front end of Vehicle #2, after Vehicle #2 had come to rest. Vehicle #3 did not strike the victim's car. The roadway at this location is hard surface, two-lane, with a double, solid, white line in the center. It had been raining just prior to the crash, and the road was wet.

Examination at the scene did not reveal any skid marks, and a check the following day when the road was dry did not reveal any marks other than those made by Vehicle #2 when it went off the roadway onto the shoulder. This crash occurred on a curve where visibility is limited insofar as approaching traffic is concerned. Marks on the shoulder of the road indicated that Vehicle #2 was skidding sideways at the time of the impact with the front wheels on the shoulder and the rear wheels on the roadway. It appeared that the victim's car had swerved to the right and was partly on the shoulder at the time of the impact.

I questioned the above-named accused at the scene and the following morning in the office of the Commonwealth's Attorney of Rockingham County, James R. Sipe, at which time he stated that he was traveling west enroute to Harrisonburg at the time of this crash and was going around a curve to his left with his left wheels over the center line. He stated he saw an on-coming vehicle in its proper lane, and did not remember whether he applied brakes or not. He stated his car whipped around and he was struck in the side by the on-coming car. He stated he got out and assisted passengers out of his own car and that others were looking after the traffic and the victim. He stated he was traveling about 60 miles per hour and that he had had three beers prior to the crash. He stated he was traveling from Norfolk enroute to Harrisonburg, and that the car following him was occupied by friends and had been behind him for sometime prior to the crash. He stated he is in the Navy and stationed at Port Service SB 129, U.S. Naval Station, Norfolk, Va.

James Edward Sandridge, II, Victim
Donald Brown Shipe, Accused
INVOLUNTARY MANSLAUGHTER (Motor Vehicle)

This investigation was predicated upon a call from an unknown citizen to the Police Department, Elkton, reporting a crash on Route 33, 1.2 miles east of Elkton.

At 9:50 P.M., November 3, 1961, I received a radio call from State Police Accomack requesting that I investigate a crash on Route 33, 1.2 miles east of Elkton in Rockingham County.

I arrived at the scene at 10:00 P.M., and found that the crash involved two westbound vehicles and an eastbound vehicle operated by the above-named victim. Victim was pronounced dead at the scene by Dr. G. G. Tanner, Medical Examiner for Rockingham County. Two passengers of the accused's vehicle were taken to the Rockingham Memorial Hospital, Harrisonburg, Virginia, by ambulance.

Investigation revealed that the above-named victim, operating a 1960 Volkswagon Sedan, had been traveling east on U.S. Rt. 33 when a 1960 Ford, operated by the above-named accused, traveling west, failed to make a curve to its left, ran onto the left shoulder, skidded sideways into the path of the victim's car, and the front of the victim's car crashed into the side of the accused's car. Victim's car was knocked backwards into the opposite lane. Vehicle #2 came to rest on the wrong side of the road with its rear wheels on the bank, and its front wheels on the edge of the pavement. Vehicle #3, a 1955 Mercury Sedan, operated by James Edward Burgess, Box 76, Keeonville, New York, which was following Vehicle #2, was obviously following too close, was unable to bring his vehicle under control, and its left front fender collided with the left front end of Vehicle #2, after Vehicle #2 had come to rest. Vehicle #3 did not strike the victim's car. The roadway at this location is hard surface, two-lane, with a double, solid, white line in the center. It had been raining just prior to the crash, and the road was wet.

Examination at the scene did not reveal any skid marks, and a check the following day when the road was dry did not reveal any marks other than those made by Vehicle #2 when it went off the roadway onto the shoulder. This crash occurred on a curve where visibility is limited insofar as approaching traffic is concerned. Marks on the shoulder of the road indicated that Vehicle #2 was skidding sideways at the time of the impact with the front wheels on the shoulder and the rear wheels on the roadway. It appeared that the victim's car had swerved to the right and was partly on the shoulder at the time of the impact.

I questioned the above-named accused at the scene and the following morning in the office of the Commonwealth's Attorney of Rockingham County, James R. Shipe, at which time he stated that he was traveling west enroute to Harrisonburg at the time of this crash and was going around a curve to his left with his left wheels over the center line. He stated he saw an on-coming vehicle in the proper lane, and did not remember whether he applied brakes or not. He stated his car whipped around and he was struck in the side by the on-coming car. He stated he got out and assisted passengers out of his own car and that others were looking after the traffic and the victim. He stated he was traveling about 60 miles per hour and that he had had three beers prior to the crash. He stated he was traveling from Norfolk enroute to Harrisonburg, and that the car following him was occupied by friends and had been behind him for sometime prior to the crash. He stated he is in the Navy and stationed at Port Service SS 129, U.S. Naval Station, Norfolk, Va.

James Edward Sandridge, II, Victim
Donald Brown Shipe, Accused
INVOLUNTARY MANSLAUGHTER, (Motor Vehicle)

I questioned the other occupants of the accused's car and learned they were all asleep at the time of the crash.

I questioned James Edward Runyan, operator of the third vehicle, a 1955 Mercury Sedan, and he stated he was following the Shipe vehicle approximately 150 yards back, and when he rounded a curve, he saw that the other vehicles had collided and tried to go between them. He did not recall whether he applied brakes or not. He stated the left front of his vehicle collided with the front of the Shipe vehicle. He stated he was traveling about 55 miles per hour and had one beer prior to the crash. He stated the Shipe vehicle was traveling several miles faster than he but did not explain how he could be approximately 150 yards behind him without traveling the same speed. Both passengers in the Runyan vehicle stated they were asleep.

Worker at Merck

Justice

I questioned Mr. J. E. L. Stevens, Elkton, Virginia, a white, male, approximately 44 years of age, and he stated he was traveling west up the east side of the mountain approximately 5 miles east of the scene of this crash when two cars, a Ford and a Mercury, came up behind him suddenly and passed him at a high speed. He stated the Mercury came very close to him, and he thought he was going to strike him. The Mercury was following the Ford at about 150 feet behind him. He stated they appeared to be going up the mountain as fast as they could travel. He stated these vehicles went out of his sight, and when he arrived at the scene he recognized the Mercury and Ford involved as the same two cars that had passed him previously.

I questioned Mr. James D. Wolfe, a white, male, 27, Rt. 3, Elkton, Virginia. He stated he left Elkton between 9:30 and 9:35 P.M., headed east on Rt. 33. He stated he was approximately 1 mile east of the scene of this crash when he met two vehicles, one a 1960 or 1961 Ford, and an older model car following close behind. He stated they were traveling at a high rate of speed. He stated he met these vehicles on a curve and was forced to get off the shoulder to avoid a collision. He stated he did not know of this crash until the following day and does not know if these two vehicles he met are the same two involved in the crash.

The above-named accused was arrested and charged with involuntary manslaughter, and the driver of Vehicle #3, Mr. James Edward Runyan, was arrested and charged with reckless driving.

A hearing is scheduled in the Rockingham County Court on November 10, 1961, at 2:00 P.M.

RDS/mke

James Edward Sandridge, II, Victim
Donald Ewrom Shipe, Accused
INVOLUNTARY MANSLAUGHTER, (Motor Vehicle)

I questioned the other occupants of the accused's car and learned they were all asleep at the time of the crash.

I questioned James Edward Runyan, operator of the third vehicle, a 1955 Mercury Sedan, and he stated he was following the Shipe vehicle approximately 150 yards back, and when he rounded a curve, he saw that the other vehicles had collided and tried to go between them. He did not recall whether he applied brakes or not. He stated the left front of his vehicle collided with the front of the Shipe vehicle. He stated he was travelling about 55 miles per hour and had one beer prior to the crash. He stated the Shipe vehicle was travelling several miles faster than he but did not explain how he could be approximately 150 yards behind him without travelling the same speed. Both passengers in the Runyan vehicle stated they were asleep.

I questioned Mr. J. E. L. Stevens, Elkton, Virginia, a white, male, approximately 44 years of age, and he stated he was travelling west up the east side of the mountain approximately 5 miles east of the scene of this crash when two cars, a Ford and a Mercury, came up behind him suddenly and passed him at a high speed. He stated the Mercury came very close to him, and he thought he was going to strike him. The Mercury was following the Ford at about 150 feet behind him. He stated they appeared to be going up the mountain as fast as they could travel. He stated these vehicles went out of his sight, and when he arrived at the scene he recognized the Mercury and Ford involved as the same two cars that had passed him previously.

I questioned Mr. James D. Wolfe, a white, male, 27, Rt. 3, Elkton, Virginia. He stated he left Elkton between 9:30 and 9:35 P.M., headed east on Rt. 33. He stated he was approximately 1 mile east of the scene of this crash when he met two vehicles, one a 1960 or 1961 Ford, and an older model car following close behind. He stated they were travelling at a high rate of speed. He stated he met these vehicles on a curve and was forced to get off the shoulder to avoid a collision. He stated he did not know of this crash until the following day and does not know if these two vehicles he met are the same two involved in the crash.

The above-named accused was arrested and charged with Involuntary manslaughter, and the driver of Vehicle #3, Mr. James Edward Runyan, was arrested and charged with reckless driving.

A hearing is scheduled in the Rockingham County Court on November 10, 1961, at 2:00 P.M.

RMS/mks

D.R. - 12/15/61

Donald Brown Spike —

3rd Nov — Fri — gamer Edward Sandridge II

Troops Schedule —

10:05 p.m. - arrived

1960 volkswagen -

101 feet —

34 feet —

anything to drink —

X - otam:

little drizzle - visibility fair —

D appeared to be worried, etc. -

Runyan:

April 2, 1962

Mrs. J. Edward Sandridge
8204 Corinth Drive
Richmond 27, Virginia

Dear Mrs. Sandridge:

As you requested, the following are the names and addresses of the boys who were passengers in the vehicle driven by Donald Shipe: Darrel Albert Kennedy, Route #3, Red Lake Falls, Minnesota; Michael Charles Staiti, 148 Turnpike Street, Canton, Massachusetts; Rayland J. Martin, Lafayette, Louisana.

If there is any other information which I can furnish you, I will be happy to do so. With best wishes, I remain,

Very truly yours,

James R. Sipe

JRS/sfd

COMMONWEALTH

V.

DONALD BROWN SHIPE

INSTRUCTION 2

The Court instructs the jury that the gist of the crime charged against the defendant is criminal negligence; by the term criminal negligence is meant not simply such negligence as might be the foundation of a suit for damages by the person injured or by his personal representatives if killed, but something more than that; in order to be criminal negligence, as distinguished from such negligence as is necessary for a civil damage action, it must be shown that the negligence of the accused was gross or culpable negligence. Culpable or gross negligence is that which indicates a callous disregard of human life and of the probable consequence of his act. Criminal liability cannot be predicated upon every act carelessly performed merely because such carelessness results in the death of another, but in order for criminal liability to result from negligence, it must necessarily be reckless or wanton and of such a character as to show disregard of the safety of others under circumstances likely to cause injury or death, and unless you believe from the evidence beyond a reasonable doubt that Donald Brown Shipe was guilty of negligence of such a degree or nature you shall find him not guilty in this case

COMMONWEALTH

v.

DONALD BROWN SHIPE

INSTRUCTION 5

The Court instructs the jury that the gist of the crime charged against the defendant is criminal negligence; by the term criminal negligence is meant not simply such negligence as might be the foundation of a suit for damages by the person injured or by his personal representatives if killed, but something more than that; in order to be criminal negligence, as distinguished from such negligence as is necessary for a civil damage action, it must be shown that the negligence of the accused was gross or culpable negligence. Culpable or gross negligence is that which indicates a callous disregard of human life and of the probable consequence of his act. Criminal liability cannot be predicated upon every act carelessly performed merely because such carelessness results in the death of another, but in order for criminal liability to result from negligence, it must necessarily be reckless or wanton and of such a character as to show disregard of the safety of others under circumstances likely to cause injury or death, and unless you believe from the evidence beyond a reasonable doubt that Donald Brown Shipe was guilty of negligence of such a character or nature you shall find him not guilty in this case

COMMONWEALTH

V.

DONALD BROWN SHIPE

INSTRUCTION 5

The Court instructs the jury that the mere happening of an accident does not raise any presumption whatever of any negligence either ordinary, gross, or culpable on the part of the operator of the motor vehicle involved.

COMMONWEALTH

v.

DONALD BROWN SHIPE

INSTRUCTION 3

The Court instructs the jury that the mere happening of an accident does not raise any presumption whatever of any negligence either ordinary or gross, or culpable on the part of the operator of the motor vehicle involved.

COMMONWEALTH

V.

DONALD BROWN SHIPE

INSTRUCTION 4

The Court instructs the jury that the mere skidding of an automobile on a curve is not a fact or occurrance of such a nature as of itself as to amount to proof of negligence of such a degree as to constitute culpable negligence on the part of the accused.

COMMONWEALTH

v.

DONALD BROWN SHIPE

INSTRUCTION 4

The Court instructs the jury that the mere skidding of an automobile on a curve is not a fact or occurrence of such a nature as of itself as to amount to proof of negligence of such a degree as to constitute culpable negligence on the part of the accused.

COMMONWEALTH

V.

DONALD BROWN SHIPE

INSTRUCTION 5

The Court instructs the jury that even though the accused may have committed some unlawful act in the operation of his motor vehicle, you cannot find him guilty unless the act so committed was in itself dangerous, and, you are instructed that the mere violation of a traffic law does not render him guilty of involuntary manslaughter.

COMMONWEALTH

v.

DONALD BROWN SHIPE

INSTRUCTION

The Court instructs the jury that even though the accused may have committed some unlawful act in the operation of his motor vehicle, you can-not find him guilty unless the act so committed was in itself dangerous, and you are instructed that the mere violation of a traffic law does not render him guilty of involuntary manslaughter.

COMMONWEALTH

V.

DONALD BROWN SHIPE

INSTRUCTION 6

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 even a reasonable doubt of the accused's guilt, you must give him 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 is guilty of 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.

COMMONWEALTH

v.

DONALD BROWN SHIPE

INSTRUCTION 2

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 lowe 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 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 even a reasonable doubt of the accused's guilt, you must give him benefit of such doubt and find him not guilty.

This presumption of innocence is not a mere form of be disregarded by you as pleasant 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 satisfied that the accused's guilt of 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.

COMMONWEALTH

V.

DONALD BROWN SHIPE

INSTRUCTION 9

The Court instructs the jury that you should not be influenced by sympathy or sentiment in reaching your conclusion but should render your verdict according to the law as given by the Court's instructions, and the evidence which has been presented on this trial.

COMMONWEALTH

v.

DONALD BROWN SHIPE

INSTRUCTION

The Court instructs the jury that you should not be influenced by sympathy or sentiment in reaching your conclusion but should render your verdict according to the law as given by the Court's instructions, and the evidence which has been presented on this trial.

1/5/62

Mr. Sipe,

Enclosed is a copy of the letter I received from Ship. A friend of Ship's persuaded him to see Dr. Wm. Sumpkin who is pastor of Freemason Street Baptist Church in Norfolk. Ship had him write this letter. It is a letter full of lies but I thought you would be interested in reading it.

We will see you next Thursday morning.

Sincerely,
Mrs. J. E. Sandridge

My name is James Edward Runyan. My address is Norfolk, Virginia. I am in the United States Navy. I am 21 years of age.

I have been told that I need not make this statement unless I desire to do so; that everything I say must be of my own freewill, and that anything I say can be and will be used against me in a criminal prosecution. I have also been told that I am entitled to counsel. Nevertheless, I do make the following statement voluntarily this 4th day of November, 1961, in the office of the Commonwealth's Attorney, Court House, Harrisonburg, Virginia, in the presence of Trooper R. D. Schuder, Jr. and James R. Sipe, Commonwealth's Attorney.

I left Norfolk yesterday afternoon, November 3, 1961, at approximately 4:30. I had two passengers in my vehicle, Dalton and Ries. I was driving my automobile and was coming to Harrisonburg. We made one stop on the way between Norfolk and Richmond to get something to eat. We were only stopped for approximately 10 minutes. Shipe was still at the barrarks at the Naval Station when I left.

Shipe passed me on two occasions, the first time being when I was stopped to get something to eat and the second time on this side of Richmond.

When I was a couple miles east of Elkton, I was traveling approximately 55 m.p/h and Shipe was in front of me. The road surface was wet and visibility was not to good because it was misty. I did not see Shipe collide with the other vehicle because of a curve in the road. When I came around the curve the accident had happened, and I got in between the two vehicles and struck the front end of the Shipe automobile. I do not know whether I applied my brakes or not. I do not know exactly how fast Shipe was traveling, but it was several miles faster then my speed. I had one beer to drink when I stopped on the other side of Richmond to get something to eat.

I have read the above statement and the facts stated therein are true and correct to the best of my knowledge.

James Edward Runyan

WITNESS:

James R. Sipe

R. D. Schuder, Jr.

I am in the United States Navy. I am 21 years of age.

My name is James Edward Kunkan. My address is Norfolk, Virginia.

I have been told that I need not make this statement unless I desire to do so; that everything I say must be of my own free will, and that anything I say can be and will be used against me in a criminal prosecution. I have also been told that I am entitled to counsel. Never-theless, I do make the following statement voluntarily with my own free consent, I do make the following statement voluntarily with no promises or threats made to me.

November, 1951, in the office of the Commonwealth's Attorney, Court House, Harrisonburg, Virginia, in the presence of Trooper K. D. Schuder, Jr. and James K. Sipe, Commonwealth's Attorney.

I left Norfolk Yesterday afternoon, November 13, 1951, at approximately 4:30. I had two passengers in my vehicle, Dalton and Kies. I was driving my automobile and was coming to Harrisonburg. We made one stop on the way between Norfolk and Richmond to get something to eat. We were only stopped for approximately 10 minutes. Sipe was still at the Naval Station when I left.

Sipe passed me on two occasions, the first time going when I was a couple miles east of Elkton. I was traveling approximately 55 m.p.h. and Sipe was in front of me. The road surface was wet and visibility was not so good because it was misty. I did not see Sipe collide with the other vehicle because of a curve in the road. When I came around the curve the accident had happened, and I got in between the two vehicles and struck the front end of the Sipe automobile. I do not know whether I applied my brakes or not. I do not know exactly how fast Sipe was traveling, but it was seven miles faster than my speed. I had one beer to drink when I stopped on the other side of Richmond to get something to eat.

I have read the above statement and the facts stated therein are true and correct to the best of my knowledge.

WITNESS:

My name is Donald Brown Shipe. My address is Port Service Department, SB129, United States Naval Station, Norfolk, Virginia. I am 23 years of age.

I have been told that I need not make this statement unless I desire to do so; that everything I say must be of my own freewill, and that anything I say can be and will be used against me in a criminal prosecution. I have also been told that I am entitled to counsel. Nevertheless, I do make the following statement voluntarily this 4th day of November, 1961., in the office of the Commonwealth's Attorney, Court House, Harrisonburg, Virginia, in the presence of Trooper R. D. Schuder, Jr. and Commonwealth's Attorney James R. Sipe.

I left Norfolk, Virginia, between 4:30 and 5:00 yesterday afternoon, November 3, 1961, in my automobile to come to Harrisonburg, Virginia. I had three other passengers with me, who were Michael C. Staiti, Darrel Albert Kennedy and Rayland Martin. We stopped on two occasions between Norfolk and Harrisonburg, the first being outside of Hampton to get something to eat and the other time in Richmond to get water put in my car radiator.

At approximately 9:40 P.M. last night, approximately 1 mile east of Elkton, I was driving my vehicle when I came into a curve in the road to the left. There is a double line, and I was driving at a speed of between 55 and 60 m.p.h. when I started into the curve in the road. The road surface was wet and there was a mist in the atmosphere. I started around the curve and I was driving partly on the inside of the white line. As I got into the curve I believe I applied my brakes, causing me to lose control of my automobile. I went off the left side of the road and after traveling a short distance struck another vehicle which was approaching me on his side of the road.

After I struck this motor vehicle approaching me, another vehicle which had been behind me struck the front end of my vehicle.

The car which struck my front end had been following me for some distance. The driver of that vehicle was a friend of some of my passengers.

I also had 3 or 4 beers to drink. I had two beers at about 3:00 P.M. in Norfolk ~~just~~ before I left at between 4:30 and 5:00. I also had two more beers to drink when we stopped outside of Hampton to eat.

There was also a 5th bottle of whiskey in the car. I don't know whether any of my passengers had anything to drink from it or not. There was nothing mechanical wrong with the automobile which caused me to lose control of it. I do know that the left rear tire was rather smooth.

I have read the above statement and the facts stated therein are true and correct to the best of my knowledge.

_____

WITNESS:

_____

_____

My name is Donald Brown Smith. My address is Fort Service Department, SBI29, United States Naval Station, Norfolk, Virginia. I am 53 years of age.

I have been told that I need not make this statement unless I desire to do so; that everything I say must be of my own free will, and that anything I say can be and will be used against me in a criminal prosecution. I have also been told that I am entitled to counsel. Nevertheless, I do make the following statement voluntarily this 4th day of November, 1981, in the office of the Commonwealth's Attorney, County House, Harrisonburg, Virginia, in the presence of Trooper K. D. Schuler, Jr. and Commonwealth's Attorney James K. Sipe.

I left Norfolk, Virginia, between 4:30 and 5:00 yesterday afternoon, November 3, 1981, in my automobile to come to Harrisonburg, Virginia. I had three other passengers with me, who were Michael C. Smith, Daniel Albert Kennedy and Kayland Martin. We stopped on two occasions between Norfolk and Harrisonburg, the first being outside of Hampton to get something to eat and the other time in Richmond to get water but in my car radiator.

Approximately 9:40 P.M. last night approximately 1 mile east of Elkton, I was driving my vehicle when I came into a curve in the road to the left. There is a double line, and I was driving at a speed of 55 and 60 m.p.h. when I started into the curve in the road. The road surface was wet and there was a mist in the atmosphere. I started around the curve and I was driving partly on the inside of the white line. As I got into the curve I believe I applied my brakes, causing me to lose control of my automobile. I went off the left side of the road and struck another vehicle which was approaching a short distance ahead on my side of the road.

After I struck this motor vehicle approaching me, another vehicle which had been behind me struck the front end of my vehicle.

The car which struck my front end had been following me for some distance. The driver of that vehicle was a friend of some of my passengers.

At about 3:00 P.M. I had two beers\in Norfolk. I also had 3 or 4 beers to drink. I had two more beers between 4:30 and 5:00. I also had two more beers when we stopped outside of Hampton to eat.

There was also a 5th bottle of whiskey in the car. I don't know whether any of my passengers had anything to drink from it or not. There was nothing mechanical wrong with the automobile which caused me to lose control of it. I do know that the left rear tire was rather smooth.

I have read the above statement and the facts stated therein are true and correct to the best of my knowledge.

WITNESS: _____

_____

_____

Port Service Department
SB 129 U. S. Naval Station
Norfolk, Virginia

November 21, 1961

Mrs. J. Edward Sandridge
8204 Corinth Drive
Richmond 27, Virginia

Dear Mrs. Sandridge,

Will you please accept my apology for my delay in communicating with you following your husband's death? From the first, I knew that it would be the right thing to do to get in touch with you and express my deep regrets in connection with your loss. But the situation was so awkward that I could not bring myself to the painful step of dealing with you directly. What could I say? You know that I am sorry about the accident and the pain and loss it has caused you, but it seemed so feeble an act for me to come to you and say, "I am sorry."

Not knowing what to say, I have said nothing. But now I am compelled by my conscience to speak of my regrets and sorrow. I have had the impulse to hurry to Richmond and speak with you face to face, and I still want to do that. Meanwhile, may this letter declare my feelings.

I have to say that at the time of the accident I was driving too fast for the condition of the road and the weather. Thus my car skidded and caused the accident. I was not racing another car, however, and I did not think I would have been reckoned speeding, under normal conditions.

I do not have a record as a reckless driver. Prior to November 9 I had had only one auto accident. I had never received a traffic ticket except for a parking regulation infraction. You may be sure that in the future I shall always handle a car with greatest caution. I have learned in the most painful way possible to be a careful driver.

Please accept my expressions of sympathy and regret. I am a Christian young man and know the meaning of forgiveness. Therefore, I ask your forgiveness most sincerely.

Yours sincerely,

Donald Brown Shipe

DBS/kw

Port Service Department
SS 129 U. S. Naval Station
Norfolk, Virginia

November 21, 1921

Mrs. A. Edward Sandridge
4104 Corinth Drive
Richmond 27, Virginia

Dear Mrs. Sandridge,

Will you please accept my apology for my delay in communicating with you following your husband's death? From the first, I knew that it would be the right thing to do to get in touch with you and express my deep regrets in connection with your loss. But the situation was so severe that I could not bring myself to the painful step of dealing with it directly. What could I say? You know that I am sorry about the accident and the pain and loss it has caused you, but it seems feeble at best for me to come to you and say, "I am sorry."

Yet I know, what to say, I have said nothing. But now I am compelled by circumstances to speak of my regrets and sorrow. I have had the opportunity to return to Richmond and speak with you face to face, but I feel it would be wrong to do that. Accordingly, may this letter express my feelings.

I have stated that at the time of the accident I was driving too fast for the condition of the road and the weather. This my car exhibited that the accident. I was not racing another car, however, and I did not think I would have been reckoned speeding, under normal conditions.

I do not have a record as a reckless driver. Prior to I recall only one auto accident. I had never received a traffic ticket except for a parking regulation infraction. You may be sure that in the future I shall always handle a car with greater caution. I have learned in the most painful way possible to be a careful driver.

Words seem to be superficial of expressing my regret. I am a Christian, you can and know the meaning of forgiveness. Therefore, I am, your forgiveness most sincerely.

Yours sincerely,

Donald Crown Shipp

DCS:m

Donald B. Shipe
Port Services Dept.
SB 129 U.S.NavSta Norva

Mrs. J. Edward Sandridge
8204 Corinth Drive
Richmond 27, Virginia

My name is James Edward Runyan. My address is Norfolk, Virginia. I am in the United States Navy. I am 21 years of age.

I have been told that I need not make this statement unless I desire to do so; that everything I say must be of my own freewill, and that anything I say can be and will be used against me in a criminal prosecution. I have also been told that I am entitled to counsel. Nevertheless, I do make the following statement voluntarily this 4th day of November, 1961, in the office of the Commonwealth's Attorney, Court House, Harrisonburg, Virginia, in the presence of Trooper R. D. Schuder, Jr. and James R. Sipe, Commonwealth's Attorney.

I left Norfolk yesterday afternoon, November 3, 1961, at approximately 4:30. I had two passengers in my vehicle, Dalton and Ries. I was driving my automobile and was coming to Harrisonburg. We made one stop on the way between Norfolk and Richmond to get something to eat. We were only stopped for approximately 10 minutes. Shipe was still at the barrarks at the Naval Station when I left.

Shipe passed me on two occasions, the first time being when I was stopped to get something to eat and the second time on this side of Richmond.

When I was a couple miles east of Elkton, I was traveling approximately 55 m.p/h and Shipe was in front of me. The road surface was wet and visibility was not to good because it was misty. I did not see Shipe collide with the other vehicle because of a curve in the road. When I came around the curve the accident had happened, and I got in between the two vehicles and struck the front end of the Shipe automobile. I do not know whether I applied my brakes or not. I do not know exactly how fast Shipe was traveling, but it was several miles faster then my speed. I had one beer to drink when I stopped on the other side of Richmond to get something to eat.

I have read the above statement and the facts stated therein are true and correct to the best of my knowledge.

WITNESS: _____

_____

_____

JAMES R. SIPE
ATTORNEY AT LAW
HARRISONBURG, VA.

My name is James Edward Kunkem. My address is Norfolk, Virginia.
I am in the United States Navy. I am 21 years of age.

I have been told that I need not make this statement unless I desire to do so; that everything I say must be of my own free will, and that anything I say can be and will be used against me in a criminal prosecution. I have also been told that I am entitled to counsel. Nevertheless, I do make the following statement voluntarily this 4th day of November, 1961, in the office of the Commonwealth's Attorney, Court House, Harrisonburg, Virginia, in the presence of Trooper R. D. Schnyder, Jr. and James R. Sipe, Commonwealth's Attorney.

I left Norfolk Wednesday afternoon, November 3, 1961, at approximately 4:30. I had two passengers in my vehicle, Dalton and Kies. I was driving my automobile and was coming to Harrisonburg. We made one stop on the way between Norfolk and Richmond to get something to eat. We were only stopped for approximately 10 minutes. Sipe was still at the parkway at the Naval Station when I left.

Sipe passed me on two occasions, the first time being when I was stopped to get something to eat and the second time on this side of Richmond.

When I was a couple miles east of Elkton, I was travelling approximately 55 m.p.h and Sipe was in front of me. The road surface was wet and visibility was not so good because it was misty. I did not see Sipe collide with the other vehicle because of a curve in the road. When I came around the curve the accident had happened, and I got in between the two vehicles and struck the front end of the Sipe automobile. I do not know whether I applied my brakes or not. I do not know exactly how fast Sipe was travelling, but it was seveny miles faster than my speed. I had one beer to drink when I stopped on the other side of Richmond to get something to eat.

I have read the above statement and the facts stated therein are true and correct to the best of my knowledge.

WITNESS: _____

_____

_____

JAMES R. SIPE
ATTORNEY AT LAW
HARRISONBURG, VA.

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In The Circuit Court of Rockingham County, December Term 1961

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 Donald Brown Shipe, on the 3rd day of November, 1961, in the County of Rockingham, Virginia, unlawfully and feloniously did kill and slay one James Edward Sandridge, II, against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Trooper R. D. Schuder, Jr., and James Edward Runyan, witnesses sworn in open court and sent to the Grand Jury to give evidence.

JAMES R. SIPE
ATTORNEY AT LAW
HARRISONBURG, VA.

JAMES R. SIPE
ATTORNEY AT LAW
HARRISONBURG, VA.

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM, to-wit:

In the circuit court of Rockingham county, December Term 1961

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 Donald Brown Shipe, on the 3rd day of November, 1961, in the County of Rockingham, Virginia, unlawfully and feloniously did kill and slay one James Edward Sandridge, II, against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Trooper K. D. Schnader, Jr., and James Edward Kinney, witnesses sworn in open court and sent to the Grand Jury to give evidence.

Comp. Form 18

Copy

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

TO ANY SHERIFF OR POLICE OFFICER:

Whereas, R.D. Schuder, Jr.

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

Donald Brown Shipe in the said ~~County~~ Rockingham

did on the 3rd day of November, 19 61: Unlawfully and feloniously kill and slay Rev. James Edward Sandridge, II, 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 County Court of the said ~~County~~ Rockingham, 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 November, 19 61

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.

Commonwealth Copy

DOCKET NO. _____

COMMONWEALTH

vs.

WARRANT OF ARREST

Donald Brown Shipe

Executed this, the 4th day of Nov., 19 61

R. O. Schuyler, Jr.

State Police

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

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

COSTS

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

Fine	$
Costs	
Total	$

My name is Donald Brown Shipe. My address is Port Service Department, SB129, United States Naval Station, Norfolk, Virginia. I am 23 years of age.

I have been told that I need not make this statement unless I desire to do so; that everything I say must be of my own freewill, and that anything I say can be and will be used against me in a criminal prosecution. I have also been told that I am entitled to counsel. Nevertheless, I do make the following statement voluntarily this 4th day of November, 1961., in the office of the Commonwealth's Attorney, Court House, Harrisonburg, Virginia, in the presence of Trooper R. D. Schuder, Jr. and Commonwealth's Attorney James R. Sipe.

I left Norfolk, Virginia, between 4:30 and 5:00 yesterday afternoon, November 3, 1961, in my automobile to come to Harrisonburg, Virginia. I had three other passengers with me, who were Michael C. Staiti, Darrel Albert Kennedy and Rayland Martin. We stopped on two occasions between Norfolk and Harrisonburg, the first being outside of Hampton to get something to eat and the other time in Richmond to get water put in my car radiator.

At approximately 9:40 P.M. last night approximately 1 mile east of Elkton I was driving my vehicle when I came into a curve in the road to the left. There is a double line, and I was driving at a speed of between 55 and 60 m.p.h. when I started into the curve in the road. The road surface was wet and there was a mist in the atmosphere. I started around the curve and I was driving partly on the inside of the white line. As I got into the curve I believe I applied my brakes, causing me to lose control of my automobile. I went off the left side of the road and after traveling a short distance struck another vehicle which was approaching me on his side of the road.

After I struck this motor vehicle approaching me, another vehicle which had been behind me struck the front end of my vehicle.

The car which struck my front end had been following me for some distance. The driver of that vehicle was a friend of some of my passengers.

I also had 3 or 4 beers to drink. I had two beers at about 3:00P.M. in Norfolk ~~just~~ before I left at between 4:30 and 5:00. I also had two more beers to drink when we stopped outside of Hampton to eat.

There was also a 5th bottle of whiskey in the car. I don't know whether any of my passengers had anything to drink from it or not. There was nothing mechanical wrong with the automobile which caused me to lose control of it. I do know that the left rear tire was rather smooth.

I have read the above statement and the facts stated therein are true and correct to the best of my knowledge.

WITNESS: _____

JAMES R. SIPE
ATTORNEY AT LAW
HARRISONBURG, VA.

My name is Donald Brown Shipe. My address is Fort Service Department, SBI59, United States Naval Station, Norfolk, Virginia. I am 53 years of age.

I have been told that I need not make this statement unless I desire to do so; that everything I say must be of my own free will, and that I may be called upon to testify in a criminal case; that I have also been told that I am entitled to counsel, prosecution. I have also been told that I do make the following statement voluntarily this 4th day November, 1961, in the office of the Commonwealth's Attorney, Court House, Hampton, Virginia, in the presence of Trooper R. D. Schnoor, Jr. and Commonwealth's Attorney James R. Sipe.

I left Norfolk, Virginia, between 4:30 and 5:00 yesterday afternoon, November 3, 1961, in my automobile to come to Harrisonburg, Virginia. I had three other passengers with me, who were Michael C. Scalzi, Daniel Albert Kennedy and Kayland Martin. We stopped on two occasions between Norfolk and Harrisonburg, the first being outside of Hampton to get some-thing to eat and the other time in Richmond to get water but in my car radiator.

At approximately 9:40 P.M. last night approximately 1 mile east of Elkton I was driving my vehicle when I came into a curve in the road to the left. There is a double line, and I was driving at a speed of between 55 and 60 m.p.h. when I started into the curve in the road. The road surface was wet and there was a mist in the atmosphere. I started around the curve and I was driving partly on the outside of the white line. As I got into the curve I believe I applied my brakes, causing me to lose control of my automobile. I went off the left side of the road and after travelling a short distance struck another vehicle which was approaching me on this side of the road.

After I struck this motor vehicle approaching me, another vehicle which had been behind me struck the front end of my vehicle.

The car which struck my front end had been following me too some distance. The driver of that vehicle was a friend of some of my passengers.

At about 3:00 P.M.

I also had 3 or 4 beers to drink. I had two beers in Norfolk ~~[illegible]~~ before I left at between 4:30 and 5:00. I also had two more beers to drink when we stopped outside of Hampton to eat.

There was also a 5th bottle of whiskey in the car. I don't know whether any of my passengers had anything to drink from it or not. There was nothing mechanical wrong with the automobile which caused me to lose control of it. I do know that the left rear tire was rather smooth.

I have read the above statement and the facts stated therein are true and correct to the best of my knowledge.

WITNESS:

JAMES R. SIPE
ATTORNEY AT LAW
HARRISONBURG, VA.

Statement

SHIPE, DONALD BROWN

manslaughter

12/15/61 - g.n. - sent to g.g. -

12/18/61 - A True Bill -
arraigned & entered plea of
n.g. -
Trial - Jan 11

1/11/62 - Trial -
verdict of not guilty -

Emmet Stroop phone 434-6787
contact in
Trial postponed

summon
W Schuler