

Docket No. 3914

Jan 2
APR 1962

COMMONWEALTH of VIRGINIA

VS.)
) Felony (murder)
)

WILLIAM ROY SMITH *jailed*

Lawrence H. Hoover p. d.
Own (x) Appointed ()

1961
December 18. Return of Grand Jury.
10/474.

Accused arraigned and
plea not guilty; set for
Jan. 2, 1962. 10/475

December 28. Accused committed to
S.W. State Hospital at Marion,
Virginia, for exam. and report as
to mental condition. 10/482.

1962
March 28. Report filed by Sup't of
Southwestern State Hospital.
April 9. Order for return of prisoner
from hospital for trial. 10/511.

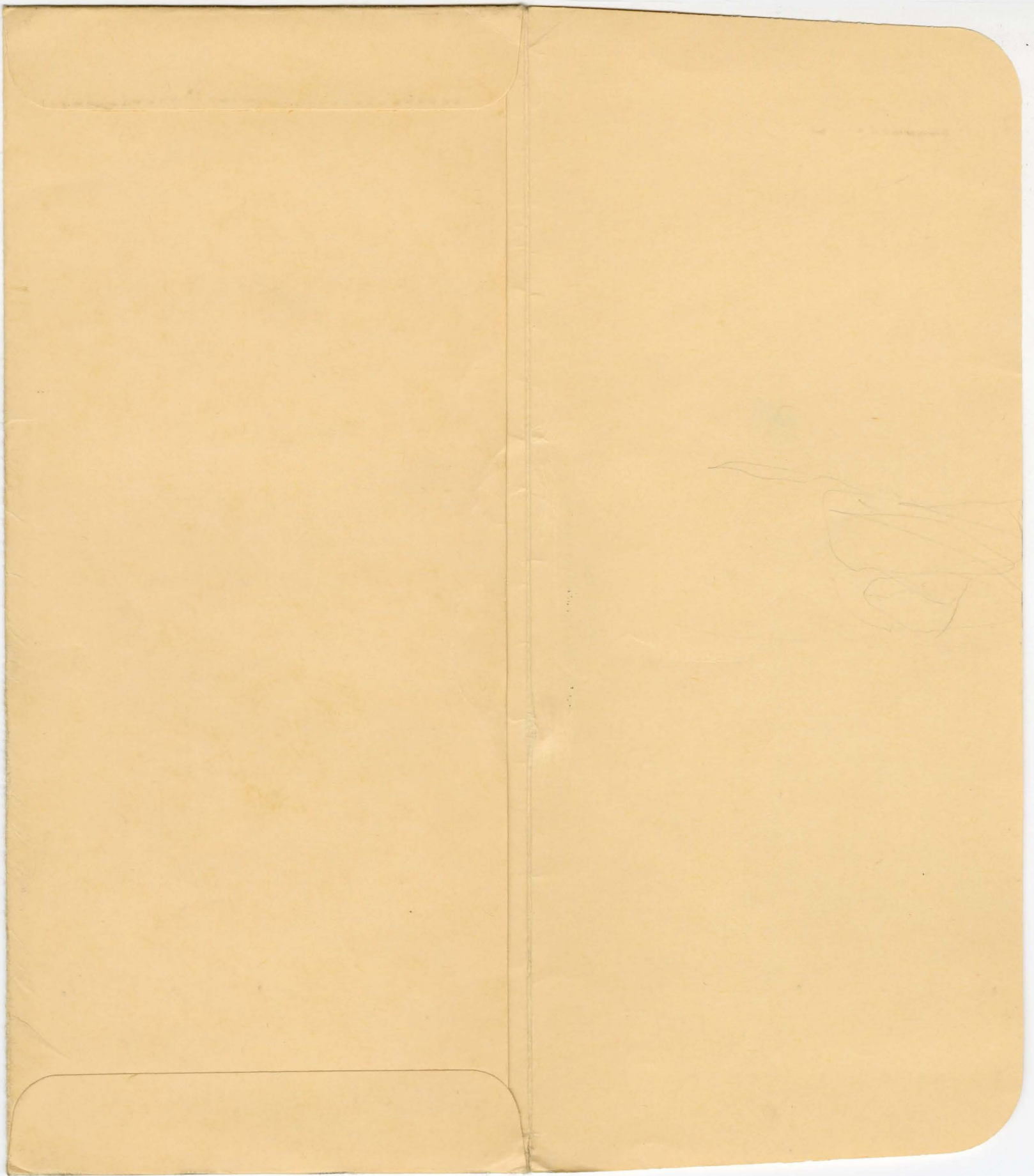
May 14. Plea of n.g. withdrawn and
plea of guilty to second degree
murder entered; evidence heard,
accused found guilty and punishment
fixed at 12 years in St. Pen.
11/14.

CIRCUIT COURT OF ROCKINGHAM COUNTY, VA.

APR

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

<i>Com Atty</i>	<i>15.00</i>
<i>Clerk</i>	<i>12.50</i>
<i>Co Court</i>	<i>2.00</i>
<i>Sheriff</i>	<i>3.10</i>
<i>J.P.</i>	<i>2.00</i>
	<hr/>
	<i>34.60</i>



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 William Roy Smith on the 4th day of November, 1961, in the County of Rockingham, Virginia, feloniously did kill and murder one Samuel Pleasant Smith, against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of Sheriff A. L. Strawderman, Trooper G. M. Weatherholtz, Sgt. H. L. Powers and Mrs. Samuel Pleasant Smith, witnesses sworn in open court and sent to the Grand Jury to give evidence.

murder

3914

COMMONWEALTH

v.

WILLIAM ROY SMITH

A TRUE BILL

Foreman

Raymond O. Spalding

James R. Sipe
Commonwealth's Attorney

COMMONWEALTH OF VIRGINIA

COUNTY OF ROCKINGHAM co-wit:

In The Circuit Court of Rockingham County, December Term, 1961

COMMONWEALTH VS. William Roy Smith

DESCRIPTION OF PRISONER

Last known address Linville N.C.

Color white Height 5-6 Eyes Brown Hair Gray Weight 160

Marks None

Age 58 Occupation Farmer

Date of Trial May 14-1962

Result 12 yrs.

1/14/61

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, December 28,
1961.

Commonwealth

v. On an indictment charging felony (murder)

William Roy Smith

This day came the attorney for the commonwealth, and the accused, William Roy Smith, came into court in the custody of the sheriff of this county, and by his attorney, Lawrence H. Hoover. And it being made to appear to the court that there should be a determination of the mental condition of the accused before he is put on trial for the offense charged in the indictment, on motion of the attorney for the commonwealth, counsel for the accused concurring therein, it is ORDERED that the said William Roy Smith be, and he is, hereby committed to the department for the criminal insane at Southwestern State Hospital at Marion, Virginia, for proper care, observation and report concerning his mental condition.

And the sheriff of this county, in whose custody the accused is, is hereby directed, as soon as may be practicable, to deliver the body of the said Smith to said hospital for the purposes hereinbefore set forth.

STATE OF VIRGINIA, COUNTY OF ROCKINGHAM, To-wit:

I, George W. Kemper, Clerk of the Circuit Court of Rockingham County, Virginia, do hereby certify that the foregoing is a true and correct copy of an order of the said Court entered on December 28, 1961, in the case of Commonwealth vs. William Roy Smith, as the same appears of record in my office as Clerk aforesaid.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the said Court, at Harrisonburg, Rockingham County, Virginia, this 28th day of December, 1961.

George W. Kemper, Clerk.
My Margie Bowen, D.C.

Handwritten signature
CLERK

Executed this 4th day of January 1962 by delivering the said William Roy Smith to Southwestern State Hospital at Marion, Virginia as directed by this order.

Handwritten signature

A. L. Strawderman, Sheriff
Rockingham County

STATE OF VIRGINIA, COUNTY OF ROCKINGHAM, DO-IT:

Wherefore the body of the said Smith to said hospital for the treatment and care of the said Smith as soon as may be practicable to and the benefit of this county in whose custody the

proceedings of the said Smith in the said hospital at Marion, Virginia, for and he is hereby committed to the department for the treatment and care of the said Smith. It is ORDERED that the said William Roy Smith be of the attorney for the Commonwealth, counsel for the accused and on trial for the offense charged in the indictment, on motion determination of the mental condition of the accused before he is and it being made to appear to the court that there should be a benefit of this county and by the attorney, Lawrence H. Hoover, accused, William Roy Smith, came into court in the custody of the this day came the attorney for the Commonwealth and the

ON AN INDICTMENT charging (murder)
Commonwealth

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, December 28,

29/1/11

I, William Roy Smith, having been advised of my right under Section 19.1-163.1 of the 1950 Code of Virginia, as amended, to a preliminary hearing upon the question of whether there is reasonable ground to believe that I committed the within charge of murder, do hereby voluntarily waive said preliminary hearing this 6th day of November, 1961.

WITNESS:

Don R. Gamm
JUDGE

William Roy Smith

1918

[Faint signature]

[Faint signature]

I hereby certify that the above is a true and correct copy of the original as the same appears in the records of the Department of the Interior, Bureau of Land Management, Washington, D. C.

Witness my hand and the seal of the Department of the Interior, at Washington, D. C., this 1st day of August, 1918.

[Signature]

STATE OF VIRGINIA
COUNTY OF Rockingham

To-Wit: _____ No. _____

TO ANY SHERIFF OR POLICE OFFICER:

Whereas, James R. Sipe, Commonwealth's Attorney

has this day made complaint and information on oath before me, Donald S. Evans (Name)

Justice of the Peace (Title) of the said County, that

William Roy Smith in the said County

did on the 4th day of November, 1961: Unlawfully and feloniously
kill and murder one, Samuel Pleasant Smith, 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, 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 5th day of November, 1961

Donald S. Evans (Seal)
(Title of Issuing Officer)

JUSTICE OF THE PEACE

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

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

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 the further condition that

the said _____ shall keep the peace and be of good behavior for a period of _____ days

from the date hereof. Nonappearance shall be deemed to constitute a waiver of trial by jury.

Given under my hand, this _____ day of _____, 19 _____.

Judge. J. P.

DOCKET NO. 36244

COMMONWEALTH

vs.

WARRANT OF ARREST

William Roy Smith

Executed this, the 5th day of _____, 1961

W. R. Williams
Perkinshaw & Co.
Upon the examination of the within charge, I find the accused

Upon motion of the within charged defendant that preliminary hearing be waived and upon signing of said waiver, it is hereby ordered that the defendant be held for action by the Grand Jury of Rockingham County, Virginia.

Given under my hand this 6th day of November, 1961.

[Signature]
ROCKINGHAM COUNTY JUDGE

Fine _____ \$ _____
Costs _____ \$ _____
Total _____ \$ _____

The following witnesses were recognized to appear before the _____ Circuit Court of _____ County, _____

Virginia, at _____ M., on the _____ day of _____, 19 _____

under penalty of \$ _____

COSTS

Warrant _____ \$ 2.00

Trial _____ \$ 2.00

Bail _____

Arrest _____ \$ 1.00

Mileage _____

Clerk _____ \$ 1.25

Jail Fee and Board _____ \$ 50

Witness Attendance _____

Summoning Witnesses _____

Commonwealth Attorney _____ \$ 5.00

Total Costs _____ \$ _____

Fine _____

Total _____ \$ _____

COUNTY COURT

Criminal
Docket

Nº 36244 A

Commonwealth

v.

William Roy Smith
Defendant

Appearance Date *11-6-61*

Trial Date

Grand Jury
11-6-61



COMMONWEALTH OF VIRGINIA

SOUTHWESTERN STATE HOSPITAL
MARION, VIRGINIA



JOSEPH R. BLALOCK, M. D.
SUPERINTENDENT

DEPARTMENT OF MENTAL HYGIENE AND HOSPITALS

March 28, 1962

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

Re: William Roy Smith
Reg. No. 23567

Dear Mr. Kemper:

I am enclosing in duplicate a report to the Court concerning the mental condition of the above-named patient.

It will be greatly appreciated if you will transmit the original to Judge Haas and retain the copy for your files.

Very truly yours,

Joseph R. Blalock MD

Joseph R. Blalock, M. D.,
Superintendent

JRB/fm

Enc. 2

In the Name of the Commonwealth of Virginia:

To the Sheriff of Rockingham County, Greeting:

You are hereby commanded to summon

Sheriff A. L. Strawderman *PS*

Trooper G. M. Weatherholtz *PS*

Sgt. H. L. Powers *PS*

Mrs. Samuel Pleasant Smith - Route #1, Linville, Virginia *PS*

to appear before the Judge of the Circuit Court of Rockingham County, at the Court House thereof, at 9:30 o'clock, a. m., on the 18th day of December, 1961, to testify and the truth to say in behalf of the Commonwealth before the Grand Jury, against

William Roy Smith

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 15th of December, 1961, and in the 186th year of the Commonwealth.

James R. Sipe
Commonwealth's Attorney

1.60

EXECUTED 12-16-61 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO G. L. Strawderman
IN PERSON.

A. L. Strawderman
A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 12-16-61 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Gen. Wathen
IN PERSON.

A. L. Strawderman
A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 12-16-61 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO H. L. Powers
IN PERSON.

A. L. Strawderman
A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

EXECUTED 12-16-61 IN THE COUNTY OF
ROCKINGHAM BY DELIVERING A TRUE
COPY OF THE WITHIN Summons
TO Mrs. J. P. Smith
IN PERSON.

A. L. Strawderman
A. L. STRAWDERMAN
SHERIFF
ROCKINGHAM COUNTY

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, December 28,
1961.

Commonwealth

v. On an indictment charging felony (murder)

William Roy Smith

This day came the attorney for the commonwealth, and the accused, William Roy Smith, came into court in the custody of the sheriff of this county, and by his attorney, Lawrence H. Hoover. And it being made to appear to the court that there should be a determination of the mental condition of the accused before he is put on trial for the offense charged in the indictment, on motion of the attorney for the commonwealth, counsel for the accused concurring therein, it is ORDERED that the said William Roy Smith be, and he is, hereby committed to the department for the criminal insane at Southwestern State Hospital at Marion, Virginia, for proper care, observation and report concerning his mental condition.

And the sheriff of this county, in whose custody the accused is, is hereby directed, as soon as may be practicable, to deliver the body of the said Smith to said hospital for the purposes hereinbefore set forth.

STATE OF VIRGINIA, COUNTY OF ROCKINGHAM, To-wit:

I, George W. Kemper, Clerk of the Circuit Court of Rockingham County, Virginia, do hereby certify that the foregoing is a true and correct copy of an order of the said Court entered on December 28, 1961, in the case of Commonwealth vs. William Roy Smith, as the same appears of record in my office as Clerk aforesaid.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the said Court, at Harrisonburg, Rockingham County, Virginia, this 28th day of December, 1961.

10
482

_____, Clerk.

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, December 28,

1961.

Commonwealth

v. On an indictment charging felony (murder)

William Roy Smith

This day came the attorney for the commonwealth, and the accused, William Roy Smith, came into court in the custody of the sheriff of this county, and by his attorney, Lawrence H. Hoover. And it being made to appear to the court that there should be a determination of the mental condition of the accused before he is put on trial for the offense charged in the indictment, on motion of the attorney for the commonwealth, counsel for the accused concurring therein, it is ORDERED that the said William Roy Smith be, and he is, hereby committed to the department for the criminal insane at Southwestern State Hospital at Marion, Virginia, for proper care, observation and report concerning his mental condition.

And the sheriff of this county, in whose custody the accused is, is hereby directed, as soon as may be practicable, to deliver the body of the said Smith to said hospital for the purposes hereinafter set forth.

STATE OF VIRGINIA, COUNTY OF ROCKINGHAM, To-wit:

I, George W. Kemper, Clerk of the Circuit Court of Rockingham County, Virginia, do hereby certify that the foregoing is a true and correct copy of an order of the said Court entered on December 28, 1961, in the case of Commonwealth vs. William Roy Smith, as the same appears of record in my office as Clerk aforesaid.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the said Court, at Harrisonburg, Rockingham County, Virginia, this 28th day of December, 1961.

_____, Clerk.

10/4/61

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, April 9, 1962.

Commonwealth

v. On an indictment charging felony (murder)

William Roy Smith

It appearing to the Court that the accused, William Roy Smith, was, by order of this Court entered on the 28th day of December, 1961, committed to the Southwestern State Hospital at Marion, Virginia, for observation and report as to his mental condition; and it further appearing from a report made by Joseph R. Blalock, M. D., Superintendent of said institution, that said accused is not now psychotic or insane, it is ORDERED that he be returned to the custody of the sheriff of this county; and said officer is directed to take the proper steps for his return and to return him to the jail of this county in order that this case may be disposed of by this court.

The Clerk of this Court is directed to furnish the sheriff with one or more certified copies of this order for presentation by him to the proper authorities of said hospital for the delivery to him of the said William Roy Smith.

STATE OF VIRGINIA, COUNTY OF ROCKINGHAM, TO-WIT:

Apr 9, 1962
I, George W. Kemper, Clerk of the Circuit Court of Rockingham County, Virginia, do hereby certify that the foregoing is a true and correct copy of an order of the said Court entered on ~~January 27, 1949~~, in the matter of Commonwealth v. William Roy Smith, as the same appears of record in my office as Clerk of the Court aforesaid.

Given under my hand and the seal of the said Court, at Harrisonburg, Rockingham County, Virginia, this 9th day of April, 1962.

_____, Clerk.

10 / 511

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, April 9, 1962.

Commonwealth

v. On an indictment charging felony (murder)

William Roy Smith

It appearing to the Court that the accused, William Roy Smith, was, by order of this Court entered on the 28th day of December, 1961, committed to the Southwestern State Hospital at Marion, Virginia, for observation and report as to his mental condition; and it further appearing from a report made by Joseph R. Blalock, M. D., Superintendent of said institution, that said accused is not now psychotic or insane, it is ORDERED that he be returned to the custody of the sheriff of this county; and said officer is directed to take the proper steps for his return and to return him to the jail of this county in order that this case may be disposed of by this court.

The Clerk of this Court is directed to furnish the sheriff with one or more certified copies of this order for presentation by him to the proper authorities of said hospital for the delivery to him of the said William Roy Smith.

STATE OF VIRGINIA, COUNTY OF ROCKINGHAM, TO-WIT:

I, George W. Kemper, Clerk of the Circuit Court of Rockingham County, Virginia, do hereby certify that the foregoing is a true and correct copy of an order of the said Court entered on January 27, 1962, in the matter of Commonwealth v. William Roy Smith, as the same appears of record in my office as Clerk of the Court aforesaid.

Given under my hand and the seal of the said Court, at Harrisonburg, Rockingham County, Virginia, this 9th day of April, 1962.

_____, Clerk.

10/01
11/01

COMMONWEALTH OF VIRGINIA

SOUTHWESTERN STATE HOSPITAL
MARION, VIRGINIA



JOSEPH R. BLALOCK, M. D.
SUPERINTENDENT

DEPARTMENT OF MENTAL HYGIENE AND HOSPITALS

March 28, 1962

Honorable Hamilton Haas, Judge
Circuit Court of Rockingham County
Harrisonburg, Virginia

Re: William Roy Smith
Reg. No. 23567

Dear Judge Haas:

The above-named was admitted to this hospital January 4, 1962, having been committed by your Court for observation and report.

Since admission he has been carefully studied both physically and mentally and history obtained from available sources. As a result of our observations, we beg to report that he is not now psychotic or insane and that he has not been psychotic or insane since admission. The official diagnosis is 'Sociopathic Personality Disturbance, Alcoholism (addiction).' He is considered to be mentally competent and able to return to Court to stand trial on the charges pending against him.

Respectfully,

Joseph R. Blalock, M.D.

Joseph R. Blalock, M. D.,
Superintendent

JRB/fm

COMMONWEALTH OF VIRGINIA



JOSEPH E. WALKER, M. D.
DEPARTMENT OF

SOUTHWESTERN STATE HOSPITAL
NATION, VIRGINIA

DEPARTMENT OF
MENTAL HYGIENE AND HOSPITALS

March 28, 1962

Honorable Hamilton Hans, Judge
Circuit Court of Rockingham County

Re: William Roy Smith
Reg. No. 23257

Dear Judge Hans:

The above-named was admitted to this hospital January 4, 1962, having been committed by your Court for observation and report. Since admission he has been carefully studied both physically and mentally and history obtained from available sources. As a result of our observations, we beg to report that he is not now psychotic or insane and that he has not been psychotic or insane since admission. The official diagnosis is 'schizophrenia, Transitory Disturbance, Alcoholism (addiction)'. He is considered to be mentally competent and able to return to court to stand trial on the charges pending against him.

Respectfully,

Joseph E. Walker, M.D.

Joseph E. Walker, M.D.
Superintendent

JBY:fm