COMMONWEALTH V. TODD

## INSTRUCTION /

The Court instructs the jury that if you believe from the evidence beyond a reasonable doubt that John L. Todd made and delivered unto Steele Appliance Company, with intent to defraud, a bank check drawn on the Farmers and Merchants Bank of Staunton, Staunton, Virginia, in the amount of \$150.00 knowing at the time of such making or delivering that he did not have sufficient funds in or credit with such banking establishment for the payment of said check, then you shall find him guilty of grand larceny and fix his punishment in accordance with the Charge to the Jury. The word "credit", as used above, shall be construed to mean any arrangement or understanding with such bank for the payment of such check.

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# INSTRUCTION \_\_\_\_\_

The Court further instructs the jury that the making and delivery of a bank check, payment of which is refused by the bank because of lack of funds or credit of the maker of such check, is prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank, unless such maker, or someone for him, pays the holder thereof the amount due thereon within five days after receiving written notice that such check has not been paid.

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v.

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#### JOHN L. TODD

### INSTRUCTION NO. 3

The Court instructs the jury that the law presumes the accused to be innocent until he is proved guilty as charged in the indictment by the Commonwealth, by evidence beyond all reasonable doubt, and to the exclusion of every reasonably hypothesis consistent with his innocence. This presumption of innocence goes with the accused throughout the entire case, and applies at every stage thereof, and if, after having heard all of the evidence in the case, the jury have a reasonable doubt of the guilt of the accused upon the whole case, or as to any fact essential to prove the charge made against him in the indictment, it is their duty to give the accused the benefit of the doubt and find him not guilty. Mere suspicion or the probability of the guilt of the accused, however strong, is not sufficient to convict, nor is it suffici ent if the greater weight or preponderance of the evidence supports the charge in the indictment, unless such evidence amounts to proof beyond every reasonable doubt.

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JOHN L. TODD

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v.

JOHN L. TODD

# INSTRUCTION NO.

The Court instructs the jury that in this case, as in all criminal cases, the accused's plea of not guilty places on the prosecution the burden of proving his guilt beyond a reasonable doubt, and not on the accused to prove himself innocent. If, therefore, upon a consideration of the whole case, the testimony of the witnesses and the circumstances shown in evidence, there exists in the minds of the jury a reasonable doubt as to the guilt of the accused, they should find him not guilty.

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JOHN L. TODD

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v.

JOHN L. TODD

### INSTRUCTION NO.

The Court instructs the jury that the indictment in this case is a mere accusation or charge against the accused, and is not of itself any evidence of the accused's guilt; and no juror should permit himself to be influenced against the accused, because or on account of the indictment in this case.

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JOHN L. TODD

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v.

JOHN L. TODD

### INSTRUCTION NO. 6

The Court instructs the jury that the burden is upon the Commonwealth to prove beyond all reasonable doubt that the accused, John L. Todd, at the time he made, uttered and delivered the bank check drawn on the Farmer's and Merchants Bank of Staunton, Virginia, to Steele Appliance Company, that he intended to defraud said Steele Appliance Company, and further that the accused knew at the time of uttering and delivering said check there was insufficient cash or credit at said bank to pay for said check when presented for payment.

And the Court further tells you that unless you believe beyond a reasonable doubt that the accused intended to defraud said Steele Appliance Company, and further that at the time of uttering and delivering said check he knew there was insufficient cash or credit to pay for said check when presented for payment, then you shall find him not guilty.

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JOHN L. TODD

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### INSTRUCTION NO.

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And the Court further tells you that unless you believe beyond a reasonable doubt that the accused intended to defraud said Steele Appliance Company, and further that at the time of uttering and delivering said check he knew there was insufficient cash or credit to pay for said check when presented for payment, then you shall find him not guilty.

v.

JOHN L. TODD

### INSTRUCTION NO. \_\_\_\_

The Court instructs the jury that the gravamen of the offense charged is the intent to defraud, and the Court further tells you that the lack of funds in the bank at the time the check is uttered creates only a prima facie presumption of such intent, and not a conclusive presumption of such intent.

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v.

TODD

INSTRUCTION

In considering whether or not the Commonwealth has met its burden of proving the guilt of the accused beyond reasonable doubt, the Court instructs the jury that you should not overlook the word "reasonable" nor its meaning. A reasonable doubt is a doubt which is founded on reason, and is not to be confused with imaginable or possible doubt, for the law does not say that a man must be proved guilty beyond every imaginable, conceivable or possible doubt.

In passing upon the sufficiency of the proof of the charge, the jury must limit its consideration to the evidence presented at the trial of this case, including the natural and reasonable inferences to be drawn therefrom. The jury cannot go beyond such evidence to create doubt, nor can you go beyond such evidence to find inferences of guilt.

Furthermore, the jury should bear in mind that any doubt arising from lack of evidence, from conflicting testimony or from questionable proof of any particular fact, should be a doubt of a material fact essential to the proof of the guilt of the accused and not a mere doubt concerning immaterial and nonessential circumstances.

If, after a reasonable and honest consideration of all of the evidence, your minds are left in such a state of doubt as to prevent you from reaching a convinced belief of the guilt of the accused, then the Commonwealth has failed to meet its burden.

If, on the other hand, after an impartial and reasonable consideration of all the evidence in the case, you have an abiding conviction of the truth of the charge, you are then satisfied beyond all reasonable doubt.

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If, on the other hand, after an impartial and reasonable consideration of all the evidence in the case, you have an abiding conviction of the truth of the charge, you are then satisfied beyond all reasonable doubt. COMMONWEALTH V. TODD

# 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 apeak, 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.

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COMMONWEALTH VS. JOHN LEE TODD
DESCRIPTION OF PRISONER
Last known address ROOTE #1 MT. SIDNEY
Color WHITE Height 5-7 Eyes BLEE Hair BROWN Weight 178
Marks
Age 36 Occupation TELE, INSTALLER + MORTONS FROZEN FOOD
Date of Trial JOLY 7, 1964
Result 10 days June - 500 fine



We the Jury Jind the induction, accused quiety and Juy his punishment at 10 days in fail and a five af 50°, Mrs. R. B. alex ander , Dorman



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came again into charged in John L. Todd This day came the attorney for the commonwealth, and the maccused, John L. Todd, came pursuant to his recognizance and by his Alexander, time they argument Fattorney, William A. Julias. And from persons summoned by the as S gsheriff under a writ of venire facias, twenty persons were examined guilty R. B. A and after some by the court and found duly qualified and free from exception; where- $\mathfrak{P}$  upon, a list containing the names of said twenty persons was handed  $\mathfrak{P}$ accused 3 Eto the attorney for the commonwealth and the accused, who each alof ternately struck therefrom the names of four persons, and the re-0 Court, consider their verdict, find th verdi Smaining twelve, namely: Russell E. Whetzel, H. A. Scott, Jr., Eva of OCraun Alexander, Forrest Armentrout, L. B. Carr, Meron V. Miller, Ð fine th t James W. Alexander, Otto W. Fisher, Jr., B. E. Cline, Iva Gordon, jury, a fin 5 Floyd H. Glenn, and H. R. Kline, selected as aforesaid to constitute Φ G Floyd H. Glenn, and H. R. Hins, o d E the jury, were sworn to well and truly try and true deliverance make and the b 5 so the commonwealth and the defendant at the bar and a true "We, jail to se M verdict, render according to the law and the evidence; and having completed the the straight evidence, thereupon, the accused, by counsel, moved the to their room to verdict: days Scourt to strike the same on the ground that said evidence does not Ø at 10 c moved th wshow intent to defraud, which motion the court overruled, and said following t accused, by counsel, excepted thereto.\* /And it being inquired of said accused if anything he had or knew to say why the court should punishment And having counsel jurors retired Inot pronounce sentence on him in accordance with the verdict of the the gjury, and nothing being offered or alleged in delay thereof, it is returned his Stherefore considered by the court that the commonwealth recover of the said John L. Todd fifty dollars, the fine aforesaid, and the accused, fix costs incident to this prosecution, and that he be confined in the jail of this county for the period of ten (10) days, and thereafter the and and

> until said fine and costs are paid. And he is committed to jail for the term and purposes aforesaid, said term of imprisonment to be subject to credit for any time he has been held in jail awaiting trial.

FIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, July 7, 1964. On an indictment charging felony (grand larceny) John L. Todd accused. John L. Tood, came pursuant to his recognizance and by his sttorney, William A. Julias. And from persons summoned by the Esheriff under a writ of venire facias, twenty persons were examined by the court and found duly qualified and free from exception; whereupon, a list containing the names of said twenty persons was handed to the attorney for the commonwealth and the accused, who each alternately struck therefrom the names of four persons, and the re-Amaining twelve, namely: Russell E. Whetzel, H. A. Scott, Jr., Eva Graun Alexander, Forrest Armentrout, L. B. Carr, Meron V. Miller, James W. Alexander, Otto W. Fisher, Jr., B. E. Cline, Iva Gordon, Floyd H. Glenn, and H. R. Kline, selected as aforesaid to constitute the jury, were sworn to well and truly try and true deliverance make between the commonwealth and the defendant at the bar and a true verdict, render according to the law and the evidence; and having & working heard the evidence, thereupon, the accused, by counsel, moved the gjury, and nothing being offered or alleged in delay thereof, it is "the said John L. Todd fifty dollars, the fine aforesaid, and the Sjail of this county for the period of ten (10) days, and thereafter until said fine and costs are paid. And he is committed to jail for subject to credit for any time he has been held in jail awaiting trial

JOHN L. TODD. Om the HS 190 MT. SIDNEY, VIRGINIA Oct 29 1963 68-118 514 Jave and colico -\$ 5.00 DOLLARS FARMFRS & MERCHANTS BANK OF STAUNTON STAUNTON, VA. IN THE HEART OF THE APPLE BELT Lodd ,0000000500,



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199 JOHN L. TODD MT. SIDNEY, VIRGINIA <u>68-118</u> 514 200 23 1963 AY TO THE ORDER OF\_ The and oc/100 \$ 5.00 enery DOLLARS FARMERS & MERCHANTS BANK OF STAUNTON STAUNTON, VA. L. Jodd IN THE HEART OF THE APPLE BELT , 0000000500. -

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198 JOHN L. TODD MT. SIDNEY, VIRGINIA 1963 68-118 nou \$ 4.95 AY TO THF ORDER OF C + 4 Co Four and 95/100 DOLLARS FARMERS & MERCHANTS BANK OF STAUNTON STAUNTON, VA. IN THE HEART OF THE PL E RELT 7.00 886-5954

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196 JOHN L. TODD MT. SIDNEY, VIRGINIA 20012 1963 68-118 AY TO THE ORDER OF C + P Lelephone CO Twenty three and 92/100 \$ 23.92 DOLLARS FARMERS & MERCHANTS BANK OF STAUNTON STAUNTON, VA. IN THE HEART OF THE APPLE BELT L. Jold 1865954



185 JOHN L. TODD MT. SIDNEY, VIRGINIA 1963 68-118 Oct. 23 DAY TO THE RDER OF eri. DOLLARS FARMERS & MERCHANTS BANK GF STAUNTON STAUNTON, VA. THE HEART OF THE APPLE BELT . 000000 1000.


202 JOHN L. TOGD MT. SIDNEY, VIRGINIA 1963 68-118 \$ 50.00 AY TO THE ORDER CF\_ rey and colico DOLLARS S & MERCHANTS BANK OF STAUNTON STAUNTON, VA. IN THE HEART OF THE APPLE BELT DELUXE CHECK PRINTERS LH



189 JOHN L. TODD MT. SIDNEY, VIRGENIA <u>68-118</u> 514 19.63 THE DER OF\_ d 00/100 ETUR<sup>1</sup> DOLLARS RMERS & MERCHANTS BANK OF STAUNTON STAUNTON, VA IN THE HEART OF THE APPLE BELT 9.00-2000 · :0514.01181:

-3 68-25 MASTER 32 G. FOR DEPOSIT ONLY ANK & TRUST Ge RICHMOND, 68-25. RICHMON 8-25 CO E.

192 JOHN L. TODD MT. SIDNEY, VIRGINIA <u>3/ 1963 68-118</u> \$ 8. 00 TO THE RDER OF and co/100 DOLLARS FARMERS & MERCHANTS BANK OF STAUNTON STAUNTON, VA. ART OF THE APPLE BELT Lodd ,0000000800, DELUXE CHECK PRINTERS



204 JOHN L. TODD MT. SIDNEY, VIRGINIA <u>68-118</u> 514 AY TO THE ORDER OF \$ 6.25 100 DOLLARS FARMERS & MERCHANTS BANK DEC 2 OF STAUNTON STAUNTON, VA. IN THE HEART OF THE APPLE BELT "000000625" ----7/15 THE REAL PROPERTY OF THE PARTY DELUXE CHECK PRINTERS LH



183 JOHN L. TODD MT. SIDNEY, VIRGINIA <u>68-118</u> 514 Oct 18 1963 \$ 8.00 O THE THE OF 100 DOLLARS FARMERS & MERCHANTS BANK OF STAUNTOU STAUNTON, VA. IN THE PEART OF THE APPLE BELT DELUXE CHECK PRINTERS LH

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187 JOHN L. TODD MT. SILNEY, VIRGINIA 24 1963 68-118 514 ARDMOOR ANIMAL HOSPITAL \$25.50 THE ER OF 50/100 DOLLARS RS & MERCHANTS BANK OF STAUNTON STAUNTON, VA. IN THE HEART OF THE APPLE BELT 7.00 



206 JOHN L. TODE MT. SIDNEY, VIRGINIA <u>68-118</u> 514 1963 AY TO THE ORDER OF ec Leiephone \$ 5.37 Five , DOLLARS FRS & MERCHANTS BANK OF STAULTON STAUNTON, VA. IN THE HEART OF THE APPLE BELT P. Jodd 886-5954 -



205 JOHN L. TODD MT. SIDNEY, VIRGINIA <u>68-118</u> 514 Des 31 1963 AY TO THE ORDER OF NEPCO \$ 21.20 DOLLARS RCHANTS BANK OF STAUNTON STAUNTON, VA. IN THE HEART OF THE APPLE BELT 1 -

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194 JOHN L. TODD MT. SIDNEY, VIRGINIA Nov. 11 1963 68-118 514 AY TO THE OPPER OF Dujii Gas Corp. ty two and 21/100 -\$ 82.21 DOLLARS MERS & MERCHANTS BANK OF STAUNTON STAUNTON, VA. IN THE HEART OF THE APPLE BELT Told 

5 5 88-121 PAY TO THE ORDER OF 68-121 ANY BANK OR BANKER PRIOR ENDORSEMENTS SUARANTEED PAY TO THE ORDER OF PLANTERS BANK'& TRUST COMPANY DTXIE GAS CORP. NOV 12 63 0000 ..... PLANTERS BANK AND TROST COMPANY 68-121 STACHTON, PIROIMA 68-121 a linking and and the a a se at the -

201 JOHN L. TODD DRDER OF Boward Moving + Storage \$36.75-Juenty ring and 15/100 AY TO THE ORDER OF STAUNTON, VA. IN THE HEART OF THE APPLE BELT hn L. Jodd -7.0

