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Clerk, Supreme Court of Appeals
Richmond, Va.

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Record No. 5026

In the Supreme Court of Appeals of Virginia at Richmond

BILLIE HALBERT SATTERWHITE

v.

COMMONWEALTH OF VIRGINIA

FROM THE HUSTINGS COURT OF THE CITY OF RICHMOND, PART II

RULE 5:12—BRIEFS

§5. Number of Copies. Twenty-five copies of each brief shall be filed with the clerk of the Court, and at least three copies mailed or delivered to opposing counsel on or before the day on which the brief is filed.

§6. Size and Type. Briefs shall be nine inches in length and six inches in width, so as to conform in dimensions to the printed record, and shall be printed in type not less in size, as to height and width, than the type in which the record is printed. The record number of the case and the names and addresses of counsel submitting the brief shall be printed on the front cover.

HOWARD G. TURNER, Clerk.

Court opens at 9:30 a. m.; Adjourns at 1:00 p. m.

NOTICE TO COUNSEL

This case probably will be called at the session of court to be held.

NOV 1959

You will be advised later more definitely as to the date.

Print names of counsel on front cover of briefs.

Howard G. Turner, Clerk

IN THE

Supreme Court of Appeals of Virginia

AT RICHMOND.

Record No. 5026

VIRGINIA:

In the Supreme Court of Appeals held at the Supreme Court of Appeals Building in the City of Richmond on Tuesday the 5th day of May, 1959.

BILLIE HALBERT SATTERWHITE, Plaintiff in Error,

against

COMMONWEALTH OF VIRGINIA, Defendant in Error.

From the Hustings Court of the City of Richmond, Part II

Upon the petition of Billie Halbert Satterwhite a writ of error and *supersedeas* is awarded him to judgments rendered by the Hustings Court of the City of Richmond, Part II, on December 17, 1958, January 12, 1959, and January 30, 1959, in a prosecution by the Commonwealth against the said petitioner for a felony, but said *supersedeas,* however, is not to operate to discharge the petitioner from custody, if in custody, or to release his bond if out on bail.

RECORD

* * * * *

page 2 } Virginia:

In the Hustings Court of the City of Richmond, Part II.

City of Richmond, to-wit:

The GRAND JURORS of the Commonwealth, for the body of the City of Richmond, on their oaths present that Billie Halbert Satterwhite on the 23rd day of July in the year one thousand nine hundred and fifty eight at the said City, and within the jurisdiction of the Hustings Court of the City of Richmond, Part II In and upon one Toni Jenkins, a female, unlawfully, feloniously and violently did make an assault; and her, the said Toni Jenkins, then and there unlawfully and feloniously did ravish and carnally know, against her will and by force, against the peace and dignity of the Commonwealth of Virginia.

Witnesses sworn and sent by the Court to the Grand Jury to give evidence.

J. A. Windsor
J. D. Owens
C. L. Brown
F. S. Wakefield
P. C. Wellford
Toni Jenkins 4032 Forest Hill Ave.

CHAS. R. PURDY, Clerk.

(on back)

Oct. 13, 1958.

AN INDICTMENT FOR A FELONY.

A True Bill.

WALTER D. STEWARD, JR., Foreman.

Entered O. B. 39 Page 264.

Defendant's
Attorney .....

1958-October 13th
Continued to Nov. 26, 1958 on deft's. motion O. B. 39. Page 265.

1958 November 24th
Continued to Dec. 17, 1958 on deft's motion O. B. 39 Page 332.

1958-January 12th
Punishment fixed at 40 yrs. in Penitentiary, last 30 yrs. suspended; appeal noted O. B. 39, Page 401.

page 3 } Virginia:

In the Hustings Court of the City of Richmond, Part II, the 13th day of October 1958.

* * * * *

ORDER.

This day came Geo. E. Allen, Sr., counsel for Billie Halbert Satterwhite, who stands indicted for a felony, to-wit: Rape, and on his motion, it is ordered that this case be, and it hereby is, continued to the 26th day of November, 1958.

A Copy—Teste:

CHAS R. PURDY, Clerk.

page 4 } Virginia:

In the Hustings Court of the City of Richmond, Part II, the 24th day of November 1958.

* * * * *

ORDER.

This day came Geo. E. Allen, Sr., counsel for Billie Halbert Satterwhite, who stands indicted for a felony, to-wit: Rape,

and on his motion, it is ordered that this case be, and it hereby is, continued to the 17th day of December, 1958.

A Copy—Teste:

CHAS. R. PURDY, Clerk.

page 5 } Virginia:

In the Hustings Court of the City of Richmond, Part II, the 17th day of December 1958.

* * * * *

INDICTMENT FOR A FELONY.

Billie Halbert Satterwhite (w), who stands indicted for a felony, to-wit: On the 23rd day of July, 1958, in and upon one Toni Jenkins, a female, unlawfully, feloniously and violently did make an assault; and her, the said Toni Jenkins, then and there unlawfully and feloniously did ravish and carnally know, against her will and by force, this day appeared in keeping with his recognizance, and with his attorney, George E. Allen.

Whereupon, the defendant being an infant, he having been born on the 27th day of January, 1942, and it appearing from the record that the Judge of the Juvenile and Domestic Relations Court of the City of Richmond has made investigation and determined that the defendant should be tried as an adult; this Court proceeded also to consider the psychological report rendered by Dr. Ray Naar, Psychologist and the psychiatric report filed by Dr. Harry Brick, and having satisfied itself that the defendant should be tried as an adult, it is so ordered.

Whereupon, the defendant being arraigned of the offense of which he stands charged, after consultation with his attorney, George E. Allen, pleaded not guilty to said charge.

And with the consent of the accused, given in person, and with the concurrence of the Assistant Attorney for the Commonwealth, and of the Court, now entered of record, trial by jury was waived, and the Court proceeded to hear and determine this case without the intervention of a jury, and having fully heard the evidence, and argument of counsel, doth find the said defendant guilty, as charged, but doth take under advisement penalty to be imposed.

Whereupon the said defendant was remanded to jail subject to the further orders of this Court.

Enter 12/17/58.

M. R. D.

* * * * *

page 15 } SATTERWHITE, Hallibert Billy 16 W 2403 Coles Street

Mother

8-19-58

rape and break and enter

Present Problem: Billy is appearing in Court on a charge that he did unlawfully and feloniously and violently and against her will by force and violence rape, *ravis* and have carnal knowledge and sexual intercourse of the body of Toni Jenkins and that he did unlawfully on the 23rd day of July, 1958, break and enter a certain dwelling house located at 4001 Meridan Street and did take, steal and carry away watches, jewelry, radio and other articles, valued at $130, property of Mrs. Carrie Pippen and that on or before the 2nd and 6th days of July, 1958, *brak* and enter in the daytime a certain residence located at 2505 Coles Street and did commit larceny therein.

Subject's Statement and Reaction: Billy admits that he had sexual intercourse with Toni Jenkins and that he went into the house next door and took a radio and a few other articles, but he says the intercourse was not forced. He says that he called Manpower, Inc. as a joke and gave a false name and an address down the street and asked for a secretary. They asked him to call back later as they did not have one. The next day he saw Miss Jenkins walking down the street as if looking for something so he asked if he could help. She told him she was looking for the place he had given to Manpower, Inc. He told her the place she was looking for was the house next door which was furnished but empty. He had previously on that same day gone in and stolen the radio and a few other articles. He took Toni into the house under this pretense. They sat there for awhile according to Billy and talked. Then she said she would like to look around. When they got to the bedroom he began playing around with her. He said she acted funny at first, but then went along and they had intercourse.

Afterwards he said he tied her up because he was scared and told her he would be back. He went home, got some water and then came back and cut the bonds. They then went to his house and talked and had some water, then went and got something to eat. Here she talked to the waitress. Then they went to a drugstore and were having cokes when the police arrested him.

Billy admits it was terribly wrong and he doesn't know why he did it, but he maintains strongly that it was not forced.

On the second breaking and entering charge he denies strongly having anything to do with it. The gun was found in his possession belonging to Mr. Tinsely. He claims he bought it from a nine year old boy, Leonard Toussant. He claimed he knows nothing of the breaking and entering incident.

In each case the police found Billy's attitude good, but felt that he knew more than he would tell.

Mrs. Satterwhite was very shocked and upset over the whole affair. She says she does not know what to do and cannot imagine why he did this that he always stays close to home and is so good.

Previous Contacts: None.

Family History: Mr. and Mrs. Satterwhite were married in 1925 in North Carolina and were happily married until his death in 1951. They have lived in Virginia for about 14½ years.

Mrs. Macy Adams Satterwhite was born on 1-29-10 in Raleigh, North Carolina and was the oldest of four girls. She finished the ninth grade of school. She is a member of the Fairview Baptist Church in Fredericksburg, but attends * * *

* * * * *

page 22 } Virginia:

In the Hustings Court of the City of Richmond, Part II, the 12th day of January 1959.

* * * * *

ORDER.

This day came again Billie Halbert Satterwhite, and was led to the bar in the custody of the City Sergeant, and came

also George E. Allen, counsel for the said defendant and appeared again on his behalf.

And the said Billie Halbert Satterwhite, having been arraigned on a charge of Rape on December 17, 1958, and after consultation with his said attorney, George E. Allen, having pleaded "Not Guilty," and likewise after consultation and advice of his said attorney, the said defendant having waived trial by jury and with his consent, given in person, and with the concurrence of the Assistant Attorney for the Commonwealth, and of the Court, heretofore entered of record, the said Billie Halbert Satterwhite, having been tried and found guilty as charged, and the Court having taken under advisement the question of what sentence to impose;

Whereupon, the Court now being advised of its judgment doth fix the punishment of the said defendant, Billie Halbert Satterwhite, at forty (40) years in the Penitentiary, but for reasons appearing proper to the Court, the last thirty (30) years of said sentence is suspended on condition that he do keep the peace and be of good behavior toward all citizens of this Commonwealth for the said period of thirty years of suspended sentence.

Whereupon, it being demanded of the said Billie Halbert Satterwhite, if anything for himself he knew or had to say why the Court should not now proceed to pro-
page 23 } nounce judgment against him according to law, and nothing being offered or alleged in delay thereof, it is ordered by the Court that the said Billie Halbert Satterwhite be confined in the Penitentiary for a period of forty years, the last thirty years of which is suspended, this being the period by the Court ascertained, said term to be credited by all time spent in jail awaiting trial on this charge.

It is further ordered that the Commonwealth do recover of the said defendant her costs incident to this proceeding.

And it is ordered that the City Sergeant, when required so to do, deliver the said Billie Halbert Satterwhite from the jail of the City to the Superintendent of the Penitentiary, in said Penitentiary to be confined and treated in the manner prescribed by law.

The defendant, having indicated his intention to appeal to the Supreme Court of Appeals of Virginia for a writ of error to the foregoing judgment, the Court doth stay execution of the same for a period of four months from the date of this order and until any appeal herefrom has been finally disposed of on condition that the defendant do file within sixty days a notice of appeal and assignments of error and thereafter do file with the Supreme Court of Appeals of Virginia within the

time prescribed by law his petition for a writ of error to the said judgment.

Whereupon, said defendant was remanded to jail.

Enter 1/12/59.

M. R. D.

* * * * *

page 24 }

* * * * *

NOTICE TO SET ASIDE JUDGMENT AND SENTENCE THEREON.

Now comes Billy Halbert Satterwhite, an infant sixteen years old, in his own right and by his next friend and brother, Samuel A. Satterwhite, Jr., and moves the Court to set aside the finding of guilt made by the Court in this case on December 15, 1958, and any judgment which may be entered thereon, said judgment having not yet been entered of record, and to set aside the finding made by the trial court on the 12th day of January, 1959, that defendant be sentenced to the penitentiary for forty years, thirty years of which shall be suspended during his good behavior, said finding having not yet been entered of record.

Said motions are made upon the following grounds:

1. That the evidence was insufficient to show guilt of the accused beyond a reasonable doubt as required by law;
2. That the punishment is excessive.

Given under my hand this 16th day of January, 1959.

GEO. E. ALLEN,
Attorney for defendant.

Filed in Clerk's office 1959 January 20th.

Teste:

CHAS. R. PURDY, Clerk
By IVA R. PURDY, D. C.

* * * * *

page 26 Virginia:

In the Hustings Court of the City of Richmond, Part II, the 30th day of January 1959.

* * * * *

ORDER.

Billie Halbert Satterwhite, by Geo. E. Allen, his attorney at law, having, on the 20th day of January, 1959, filed his written Motion to Set Aside the finding of guilt made by the Court in this case on December 15, 1958, and any judgment which might be entered thereon, and to set aside the finding made by the trial Court on the 12th day of January, 1959, that defendant be sentenced to the Penitentiary for forty years, thirty years of which shall be suspended during his good behavior, and the Court being of the opinion that said motion should be overruled, it is so ordered. To which action of the Court, the defendant objects and excepts.

Enter 1/30/59.

M. R. D.

* * * * *

page 27 }

* * * * *

Filed in clerk's office February 4th 1959.

Teste:

CHAS. R. PURDY, Clerk
By IVA R. PURDY, D. C.

NOTICE OF APPEAL AND ASSIGNMENTS OF ERROR.

Billy Halbert Satterwhite, an infant sixteen years old, in his own right and by his next friend and brother, Samuel A. Satterwhite, Jr., gives notice of his appeal to the Supreme Court of Appeals of Virginia from (1) the finding made by the trial court on December 17, 1958, that he was guilty of rape; (2) the confirmation of this finding on January 12, 1959; (3) the sentencing of defendant to forty years in the

penitentiary for rape; and (4) the final judgment of the 30th day of January, 1959, overruling the motions therein referred to; and duly files this, his appeal from each and every one of said rulings, together with the following assignments of error:

1. The finding of guilty and the ordered entered thereon was not proven by the evidence beyond a reasonable doubt as required by law;
2. The sentence of forty years in the penitentiary is excessive, even though defendant was not required to serve but ten years thereof so long as he remains a person of good behavior and keeps the peace of the Commonwealth.
3. The Court erred in overruling defendant's motion to set aside the said judgment finding the defendant guilty because the evidence was not sufficient to show guilt beyond a reasonable doubt;
4. The Court erred in refusing to set aside said

page 28 } judgment sentencing the defendant to the penitentiary for forty years because such punishment is excessive.

Given under my hand this 3rd day of February, 1959.

GEO. E. ALLEN,
Attorney for defendant.

* * * * *

Transcript of the evidence and other incidents of the above when tried on December 17, 1958, before Hon. M. Ray Doubles, Judge, without a jury.

Appearances: Mr. Charles E. Maurice, Assistant Commonwealth's Attorney; Mr. George E. Allen, Sr., counsel for the defendant.

* * * * *

page 2-A } The Court rules that after examination of the papers certified from the Juvenile and Domestic Relations Court, it is the judgment of the Court that the defendant be tried as an adult.

Defendant is arraigned and after consultation with his attorney, George E. Allen, Sr., pleaded "Not Guilty."

Defendant is advised by Clerk that he has right to trial by jury but may waive it. Defendant, after consultation with his said counsel, waived trial by jury. Assistant Common-

wealth's Attorney and the Court concur in a trial by the Court without a jury.

A short recess is had and Mr. Allen attempts to contact the Court Reporter he thought he had engaged; and advises the the Court that due to a misunderstanding the Reporter would not be available until 11:00 o'clock. but that he was willing to go forward with the evidence.

NARRATIVE OF THE EVIDENCE BEFORE ARRIVAL OF THE COURT REPORTER:

The Court: This is a resume of the notes
page 2-B } taken by the Court of the evidence of Elsie Lorraine "Toni" Jenkins prior to the time the court reporter began reporting.

ELSIE LORRAINE JENKINS,

On direct examination:

I am twenty years old, married, I lived on Hanover Avenue at the time of the offense. I am a clerk-typist, and applied to Manpower, Incorporated, for work.

On July 22, 1958, someone from Manpower, Incorporated, called me on the telephone and told me to go to a Mr. Williamson at World Radios, Limited, Stop 12½, Petersburg Pike.

On July 23 between eight and nine o'clock A. M. I went to the Petersburg Pike and could not locate World Radios, Limited, and I telephoned back to Manpower, Incorporated, and they told me Coles Street was the proper address.

I looked down the block, saw some machinery, walked down there, and about that time the defendant said, "Are you looking for Mr. Williamson?"

I answered, "Yes."

Then the defendant said, "Come into the house. Mr. Williamson is down the street. I work for him."

I went in the house. I didn't see any office or
page 2-C } typewriter, and asked the defendant about that.
He said, "Mr. Williamson is going to make an office out of it."

I thought it was funny, and stepped into the hall, looking across the hall I saw the bedroom, about which time the defendant knocked me onto the bed.

I then said to him, "Are you crazy?"

He then told me what he wanted, "I want a little bit."

Elsie Lorraine Jenkins.

I told him my husband was a policeman, thinking that would scare him, and after awhile he let me up and I gave him a girls name that I told him I thought would do what he wanted to do.

I told him I had to go, now. Then he knocked me on the bed again and took the pillow from the pillow case and said, "I will smother you." At which time I said I needed some water, and he went into the kitchen and pulled me in there with him. I then went into the back room thinking that I could lock the door, but it had no lock on it, and when I came out he was standing there. He pulled my clothes off. I scratched him, and then he raped me.

After which he tied me up in a chair with women's belts and electric cord. He had knives, stuck them in a
page 2-D } chair, told me not to scream. I stayed tied up for from five to ten minutes while he went out, and when he came back he cut me loose and took me to his mother's home.

Then he took me to a hamburger place where I went to a bathroom thinking that I could escape through a window, but the window was so small and up so high I could not get out. I came back where he was and told him I am sick, take me to a drug store. And we went to a drug store, and I told the woman there what had happened to me, and she called the police.

On cross examination the witness stated:

"I was badly bruised. He took my clothes off. He pulled them up like this (Indicating). The last time I lay on the bed still because I was scared he would kill me."

Billie is 16 years old, I am married and separated from my husband. I was seeking a job as a clerk. He took me in the back door. I saw nothing before I entered that indicated that the house was a business establishment, nor did I see anything after I got on the inside that indicated that it was a business office.

I started to help him pick up books lying on the
page 2-E } floor. I then looked around the house, and he followed me and knocked me onto the bed. I was on the bed twice or three times before the intercourse happened, and the last time I lay still because of the threats.

Beginning with the time when she began to testify about being pushed into the bedroom, from then on the witness was crying and emotionally upset through the balance of her testimony relating to the incident.

Elsie Lorraine Jenkins.

Note: Counsel agree that the above statement by the Court is a resume of what did occur prior to the arrival of the court reporter.

page 3 } Note: Under the circumstances known to the Court, the court reporter came into the hearing to report the matter after the hearing had begun, as follows:

ELSIE LORRAINE JENKINS,

being on the witness stand when the reporter started reporting the case, having first been duly sworn, is testifying as follows:

Note: The witness has already testified on direct examination, and is now under cross examination by Mr. Allen, as follows:

CROSS EXAMINATION.

By Mr. Allen:

Q. Well, now, we will go back a little bit.

A. All right.

Mr. Allen: I will state for the record that the name of the witness is Elsie Lorraine Jenkins, known as Toni.

Q. Let's go back just a little bit now. You entered the house from the back door, and you didn't see anything before you entered that looked like a business place, and you didn't see anything that looked like there was a business
page 4 } there?

A. No.

Q. No typewriters, or anything of that kind, and you sat down in a chair, and he sat on the sofa, and he commenced to picking up books, and then you started to helping him awhile.

Now, during the conversation and while those things were going on, what were you all talking about?

A. He was telling me about Mr. Williams in buying the home, and that the people had moved out and sold everything just exactly as it was, and he said that Mr. *Wilson* was going to make a repair shop out of it, and it would have an office in it.

Q. Did you ask him anything about where you were going

Elsie Lorraine Jenkins.

to work, what place is here for me to work, I do not see any place to work?

Did you bring that up?

A. I asked him if he worked on radios here, or if they worked on them somewhere else, because I didn't understand what I was doing there.

Q. But—

A. He said he worked on the radios sometimes at his home, and sometimes he worked on them there.

Q. I am talking about what you were going to do, though. You are a secretary, I believe, are you not? You

page 5 } take shorthand?

A. Yes, sir.

Q. And do typewriting, and what other secretarial work?

A. Well, I am qualified as a clerk-typist.

Q. A clerk-typist?

A. Yes, sir.

Q. And was that the kind of work that you were going over there looking for, clerk-typist?

A. Yes, sir.

Q. From your point of view what did you have there for a clerk-typist to work with? Was there furniture, a typewriter, filing cases or what?

A. I didn't know what to expect.

Q. I am just asking you in your own mind what do you think should be at a place for you to work with and do the work that you are qualified to do?

A. A typewriter, a desk.

Q. What else?

A. A desk.

Q. What else?

A. Chair. The business furniture.

Q. And paper?

A. That is right.

Q. Typewriter, paper, business furniture?

page 6 } A. Yes.

Q. Did you see any of those things around there?

A. No, I didn't see anything. Like I said before, I didn't see anything around there that indicated business. That is why I didn't want to appear like I was rude.

I didn't even know how to handle a situation like that if it came up, wouldn't if it came up again, but when I said all of this before, when he was talking he was talking about Mr. Williams was going to remodel the home, so what could I say? If I was sent there to do some work.

Elsie Lorraine Jenkins.

Q. Couldn't you say that you have no place for me to work, I see no place around here for me to work, I am going to leave. What did you want me to come over here any place like this for?

You could have said that before he ever even approached you about anything else, couldn't you?

A. It was just a few minutes after he had told me about Mr. Williamson remodeling the place. When I got up out of the chair and stepped into the hallway, and I saw the bed there, and I looked around and there was another bed in the other bedroom.

Q. As a matter of fact, you lingered around, didn't you? You hung around, you lingered around the place?

page 7 } A. I didn't linger around.

Q. You weren't in a hurry to get away, were you?

A. Because I was sent there to work.

Q. There was no place there for you to work?

A. No, there was not.

Q. Did the boy try to kiss you?

A. He never tried to kiss me until he got me on the bed.

Q. Did he kiss you after he got you on the bed?

A. He didn't kiss me. His lips brushed my lips.

Q. Did you kiss him?

A. No, sir.

Q. Did you let him kiss you?

A. Can I stop somebody from doing that?

Q. I am just asking you, now. You have made a serious charge against this boy, and he denies it. Now, there is no use for you to cry about it. He says that you consented to what he did, and, now, it is my duty to question you and I am trying to be as nice as I can about it, but we cannot let you cry him into the penitentiary.

A. I do not mean to cry. I cannot help it.

Note: Witness sobbing.

Q. Don't cry, you are twenty years of age, brace up. You know what took place.

page 8 } Now, tell us what took place and stop crying.

A. (Pause).

Q. Are you in good health?

A. I guess I am in good health.

Q. Now, you have stated, to use your language as I did a moment ago, I asked you if you didn't testify in the juvenile

Elsie Lorraine Jenkins.

court that I laid almost perfectly still. Then after that he finished and so forth.

Now, however, you say that he put you on the bed twice before that time that you laid still. Is that right?

A. That is right.

Q. And you got up the other two times?

A. I got up the other two times.

Q. Now, how long did you stay in the house after the act of sexual intercourse was over?

A. After he had finished, when he tied me in the chair he left and went next door and came back, and that was just a little while. I do not know how many minutes.

Q. And you let him tie you. You didn't object strenuously to his tieing you. He wanted you to stay there until he came back, didn't he?

A. He tied me then, and I was—

Q. The reason for his tieing you, he didn't want you to go away before he came back?

A. I do not know what his reasons were. He tied
page 9 } me there in the chair.

Q. Didn't you want some water?

A. I wanted water before that. I wanted something to eat. I wanted any kind of an excuse that I could get to get him away from me.

Q. Didn't the water—wasn't the water cut off in the house?

A. That is what he said.

Q. And didn't you ask for some water?

A. I asked for some water.

Q. Didn't he go out to get the water for you?

A. I do not know what he went out for. He didn't bring any water back with him.

Q. You do not know that he went out to get water for you?

A. He said that he was going. The first time that he left he said that he was going to get some water. Then when he came back he told me that he had been next door to his home and had called somebody.

Q. Didn't he bring any water back with him?

A. No.

Q. Didn't he tell you that he tied you because he didn't want you to leave before he got back?

A. I do not know whether he told me he didn't want me to leave or not.

page 10 } Q. You know that is why he tied you?

A. Certainly.

Elsie Lorraine Jenkins.

Q. And he did come back, didn't he?
A. Yes, he came back.
Q. Now, when he came back he untied you, didn't he?
A. Yes.
Q. And you didn't object to him tieing you because you really didn't want to go away anyway, and you told him you were not going away?
A. I told him that I wouldn't go away. But if I had had a chance I would have run then.
Q. Now, let's see. After he untied you, how long did you all stay there in the house together?
A. We didn't stay there. We left this house and went to his home.
Q. You left that house and went to his home?
A. That is right.
Q. And how far was that?
A. It was a house in the middle. Then the house that we were in and his home.
Q. Was it as much as a block or half a block away, or two blocks away?
A. No, it wasn't that far.
Q. How far was it?
page 11 } A. It wasn't half a block.
Q. Did you walk along with him?
A. Yes.
Q. By his side, or in front of him, or behind him?
A. Behind him.
Q. You walked along, you followed him to his home. Is that right?
A. That is right.
Q. Did you pass anybody on the way?
A. I didn't see anybody going to his house.
Q. You didn't see anybody go into his home at all?
A. No.
Q. When you got in his home was anybody there?
A. No.
Q. Did you go in the home?
A. Yes.
Q. What did you do when you got in the home?
A. I fixed ice water, tried to make him think I wasn't scared so much that he would trust me enough to let me get away from him, then I could run.
Q. How long did you stay in the house?
A. About 15 minutes, I guess.

Elsie Lorraine Jenkins.

Q. What did you all do during that time?
page 12 } A. He showed me some things that he had. He gave me a watch, and, I do not know. He had this box, some kind of fishing box, I guess.

Q. You all did have a pleasant conversation there in the house, talked along social lines?

A. I guess it would have been pleasant.

Q. Did you talk?

A. If that is what you mean.

Q. Did you talk along to each other in a social manner?

A. Well, I told him that I could get money, and that I could get cars and anything so that if I could get his mind on something else then I could get away. I told him all of those things, thinking that it would distract his mind.

Q. You told him that you knew a lawyer that would give you most anything, didn't you?

A. I made up all of that. I had a card.

Q. You had a card with a lawyer's name on it?

A. It was a lawyer's name.

Q. And you showed him that card?

A. I gave him the card.

Q. You gave him the card?

A. That is right.

Q. And you told him that you could get a Cadi-
page 13 } lac automobile from that lawyer, didn't you?

A. I said I could get a Cadillac, Ford, or anything that I would want.

Q. And you and he could take a trip?

A. I said we would go away and I would never tell anybody.

Q. You would go away with him and never tell anybody. Now, then while you were in that house, that is his home, while you were in his home didn't you go to his mother's room and do a little primping and put on some lipstick and like that?

A. I went into the bathroom, and put on some powder and lipstick.

Q. Of his mother's?

A. My lipstick.

Q. Your lipstick?

A. That is right. Or his mother's, or his mother's powder and my powder.

Q. Did you use his mother's powder?

A. Whatever was in the bathroom there.

Elsie Lorraine Jenkins.

Q. Whatever was there you used it. And you did that before you were to go out again, didn't you?
A. Yes, sir.
Q. Now, approximately as close as you can get to it, about how long were you in that house alone with Billie
page 14 } in his own home?
A. I would say about 15 minutes.
Q. Where did you go from there?
A. We walked up to the Pike to this hamburger place.
Q. How far was that?
A. It is about 4 blocks or something like that.
Q. Did you walk in front of him, or did you walk beside him, or did you follow him going up there?
A. I guess I walked beside him.
Q. Did you see anybody on the way up there?
A. We were going up there and I saw this woman around on the other street sitting on her porch. She seemed to be a elderly lady.
Q. There were two of them?
A. Two women sitting on the porch.
Q. Two?
A. Yes, sir.
Q. How close did you pass to them?
A. I do not know exactly how close it was, but I didn't think that they could help me.
Q. I didn't ask you what you thought. I asked you how close you passed to them.
A. I do not know exactly.
Q. Close as from here to Mr. Maurice, the Com-
page 15 } monwealth's Attorney?
A. No, it was farther away than that.
Q. Was it as close as from here to the side of the Courthouse over there?
A. About that far.
Q. When you passed by them?

Mr. Maurice: Let's get that in the record. Can we stipulate as to how far that is?

By Mr. Maurice:
Q. How far was it, please? Just indicate what part of the wall here that it is.
A. The corner of the railing, I guess. I do not know.

The Court: Then that would be 20 to 25 feet. All right.

Elsie Lorraine Jenkins.

By Mr. Allen: (Continued)

Q. Well, were they facing you as you passed them?

A. They were.

Q. You could look at them real good and see that they were there?

A. I could tell that they were elderly people, elderly women.

page 16 } Q. You didn't speak to them as you passed by?

A. No.

Q. You didn't go in the house or call to them or call for help or anything like that?

A. No.

Q. Now, you went then on up to the hot dog place, didn't you?

A. Yes, sir.

Q. And you went in there. Were any people in there?

A. There was this little boy, not a little boy, he was 13 or so, and then this other man sitting at the counter.

Q. What is that?

A. Another man was sitting at the counter.

Q. How many folks all together were there in addition to you and Billie?

A. Well, this other man and this boy, and there was some—I do not know, it was another man—I do not know whether it was another man or not because I had my head down.

Q. You still haven't answered my question. Were there just two others in there besides you and Billie?

Mr. Maurice: She said she didn't know, George.

Q. You do not know how many people were in page 17 } there?

A. There were two or three people in there.

Q. Did you wink at them or make any motion to them or call to them for help?

A. No, but I did go into the bathroom to see if I could get out from the back.

Q. You didn't say anything to them?

A. No.

Q. Did you eat something in there?

A. I had a bite or two off of a hamburger.

Q. Who ordered the hamburger?

A. He did.

Q. Did you agree for him to order the hamburger?

Elsie Lorraine Jenkins.

A. I had told him before that that I was hungry, to get out of the house.

Q. You told him that you were hungry, and then when you got there did he ask you if you wanted something to eat?

A. He ordered three hamburgers.

Q. Was there any conversation that took place between you and Billie in the restaurant?

A. He was talking about records, and I do not remember what else. He made some reference to music and played some music.

Q. You listened at the music with him?

A. I listened to the music.

page 18 } Q. Did you make any suggestion as to what music he should play?

A. I do not remember making any suggestion. I was sitting there trying to think of a way to get away.

Q. You didn't make any suggestions about the music?

A. I may have said that is nice, something like that, but I do not remember.

Q. Did you engage in any conversation with him, or just listen at him do the talking?

A. I was still rattling on about all the money and everything that I could get.

Q. You told Mr. Maurice, I believe, that third time on the bed there he actually put his organ into you, is that right?

A. Yes, sir.

Q. Were you lying still when he put it in?

A. Then the third time that he put me on the bed I didn't think there was any use at all to fight.

Q. Just answer my question. Were you lying still, or not?

A. I was laying still the third time he put me on the bed.

Q. Now, you went from the restaurant to the

page 19 } drug store?

A. That is right.

Q. How far was that?

A. Two blocks.

Q. Did you see anybody on the way to the drug store?

A. There were people passing in cars. I didn't see anybody close to me.

Q. And when you got to the drug store you went back there and called the girl in the back of the drug store, I believe you said, and told her something and she called the police?

A. I told her that I was sick and asked her to come into the rest room with me. When she did I then told her.

Q. I believe you said that when you were in the home there

Elsie Lorraine Jenkins.

you tried to make him think that you were perfectly willing, thinking maybe if he thought that you were willing you would get along with him all right?

A. After I thought he was going to kill me. What could I do?

Q. He didn't have a gun or pistol in his hand.

A. He had, the knives were in the house, and he had this pillow that he had tried to smother me with.

Q. He didn't have a knife in his hand, though?

A. He didn't have one in his hand. He didn't
page 20 } have one on him, I don't know whether he did or not.

Q. You didn't see any on him?

A. I didn't see any on him.

Q. Now, I believe you have employed a lawyer to bring a damage suit against Manpower for sending you to a place like that, haven't you?

A. Mr. Moore is my lawyer.

Q. You have employed a lawyer to bring a damage suit against Manpower for sending you down there where you met Billie, have you not?

Mr. Maurice: If Your Honor please, I do not think that has anything to do with this case. The question has been asked, she says Mr. Moore is her attorney.

It seems to me that she doesn't know anything about it, and I do not think it is fair to ask her legal questions when she has an attorney.

The Court: I do not want her to have to answer any question of law, but I think in general the question is all right.

Q. I just want to know then if you have employed a lawyer to bring a suit against Manpower because of this matter?

A. Mr. Moore is handling this case entirely.

page 21 } By the Court:

Q. What did you tell him when you hired him? You employed him to represent you in a civil action?

A. My sister called him because he took up the case, and he has been our family lawyer.

Q. Have you talked with him?

A. I haven't talked to him since the last time I was down here.

Q. What I mean is, are you employing him to bring a suit for damages against Manpower?

Elsie Lorraine Jenkins.

A. He mentioned it.
Q. Has any suit been instituted in this matter?
A. I do not know.

By Mr. Allen: (Continued)
Q. Don't you know that is what you employed him for?
A. I didn't even call him, Mr. Allen. My sister called him the night that it happened.
Q. Do you know that he is employed for that purpose?
A. I know that he was employed to represent me.
Q. After Billie got through on the bed there that day, did he have some conversation with you afterwards and
page 22 } talk to you about playing with him?
A. (Pause) He made me play with him.
Q. What sort of playing was this?

The Court: Go right ahead and tell me about that.

A. He made me get down there and play with him.
Q. He did? All right, that is all.

RE-DIRECT EXAMINATION.

By Mr. Maurice:
Q. There is just one question I want to ask you. From the time you met Mr. Satterwhite the accused and he invited you into the house, did you see or hear anybody else down in that neighborhood until you saw these two old ladies you say sitting on the porch as you went on up to the hamburger restaurant?
A. The two old ladies that were there, then when I ran into the house screaming, the house that was a block away, I couldn't tell whether there were people out in the yard or what, but I did scream out there.
Q. I didn't ask you that. I asked you did you see any people other than those two old ladies?
A. No, I didn't see anyone.

page 23 } By the Court:
Q. How long was it from the time that you left the house, as you said, to go to his mother's house, how long was it from the time you walked up the street there until the time you went in the drug store and told the woman about what happened?

A. From the time I left his house until we went up to the drug store and talked to the woman in there?

Q. Yes.

A. It must have been 45 minutes or an hour.

Q. These other things that you mentioned, such as visits to his mother's house, and to the hamburger place, was in between?

A. We went from his mother's house up to the hamburger place.

Q. Then from there to the drug store?

A. That is right.

Q. Was that on foot all the way?

A. Yes, sir, on foot.

Witness stood aside.

page 24 } JAMES D. OWENS,

a witness introduced in behalf of the Commonwealth, first being duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Maurice:

Q. What is your name?

A. James D. Owens.

Q. Mr. Owens, you are a police officer of the City of Richmond?

A. Yes, sir.

Q. Tell us what you know about this charge against Mr. Satterwhite which is on trial here today.

A. I received a call about 12:30 P. M. on the 23rd of July to see a complainant at the Ampthill Drug Store in the 4500 block of the Petersburg Pike.

Upon my arrival there the girl at the counter there told me that the girl in the back wanted to see me.

Q. Did you see the young lady who was just testifying here down there on that occasion?

A. Yes, sir.

Q. Don't read your notes. You may use them as a refresher, but do not read off those notes word by word into the record. I want you to testify as to what you
page 25 } know about this. Do you understand what I mean?

A. Yes, sir.

James D. Owens.

Q. Did you see the young lady who just testified?
A. Yes, sir.
Q. What was her condition when you saw her?
A. She was crying. She was hysterical, couldn't hardly talk.
Q. Did you notice any physical marks on her?
A. Yes, sir. I noticed some marks on her leg, and she stated the boy tied her up, and he *assualted* her. She showed me the marks on her leg.
Q. What was the condition of her clothing?
A. It looked all right from the outward appearance.
Q. Sir?
A. It looked in a good shape.
Q. She said she was—
A. She was hysterical and crying.
Q. Did she make a complaint to you that anyone had raped her, or mistreated her?
A. She stated a boy assualted her.
Q. Did she tell you who he was?
A. She gave me a description of him. She said his name was Billie.
Q. Did she tell you where he was?
page 26 } A. She said that he was sitting in the drug store.
Q. Did you go out and arrest him?
A. Yes, sir, I went out there and told him I wanted to speak with him. I got him off there to one side and found out he was the one that had been with her. He said that he had been with her.
Q. Did he make any statements to you as to whether or not he had had sexual intercourse with her?
A. He said he did have sexual intercourse with her.
Q. Did he make any other statements to you?
A. No, sir. He just said that she was willing. He didn't force her.
Q. Did he tell you where it took place?
A. I believe he told me that it was on Coles Street.
Q. Is that located in the City of Richmond?
A. Coles Street? Yes, sir.
Q. Is there anything else that you know about this case, sir?
A. No, sir.
Q. What did you do with the parties?

James D. Owens.

A. I had the boy in the car, and Officer Wellford came up and talked to the girl. Then I stayed in the car
page 27 } with Mr. Satterwhite. Then when he came out he took the boy to headquarters.

Q. You dropped out of the case from that time on?

A. I went to the hospital and made the report.

Q. Did you go down to Coles Street, the boy's mother's?

A. No, sir.

Q. Didn't go in that area?

A. No, sir.

Q. Are you familiar with that area?

A. Fairly so.

Q. Tell the Court whether that is a sparsely settled location, or whether it is otherwise.

A. Well, it is pretty thickly populated on Coles Street. But Meredian Street only has two or three houses on it. It is only a block long, maybe a block or two blocks.

Q. When you say pretty thickly, what do you mean by that? How many houses on that street?

A. Coles Street or Meredian?

Q. Tell us first about one and then about the other.

A. Coles Street the houses are right together. Every lot on one side of the street. And it is some woods on one
page 28 } side of the street in places.

On Meredian Street, there is only two or three houses. Only about a block and a half or block long.

Q. Do the backyards of these houses back up to one another?

A. On Meredian Street the backyards are to the railroad track. No houses behind them. There are no houses in front of them, either. Woods.

Q. About how many houses are down in there?

A. Quite a few, but I do not know.

CROSS EXAMINATION.

By Mr. Allen:

Q. Do you know in what house this thing took place?

A. Yes, sir.

Q. What is the number of the house?

A. I believe it is 4201 Meredian Street.

Q. What is the closest house to this?

James D. Owens.

A. About 50 yards.

Q. How many houses are there within say a radius of 100 yards?

A. One hundred yards? There is about 3 or 4 on Coles Street. Coles Street and Meredian Street form a corner. The house where this took place in is right on the

page 29 } corner. Then there is about 3 or 4 houses on Coles Street. One house, maybe two houses on Meredian Street.

Mr. Allen: That is all.

Witness stood aside.

Mr. Allen: I would like to recall Elsie Jenkins for a few more questions.

ELSIE LORRAINE JENKINS,
being recalled for further cross examination, testified further as follows:

CROSS EXAMINATION.

By Mr. Allen: (Continued)

Q. How long have you been married?

A. I was married, would be two years this—It was two years last March.

Q. Were you separated from your husband at the time this thing happened?

A. Yes, sir.

Q. How long had you been separated from him?

A Let's see, two or three months. Or about two months.

page 30 } Mr. Allen: That is all.

By Mr. Maurice:

Q. How long did you say?

A. It was about two or three months. I cannot remember.

Mr. Maurice: I have no other questions.

Witness stood aside.

SERGEANT P. C. WELLFORD,
a Richmond City Police Officer, introduced in behalf of the Commonwealth, first being duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Maurice:

Q. Give us your name.

A. Sergeant P. C. Wellford.

Q. Do you know anything about this case that is on trial today?

A. I responded to the call at the drug store after the alarm had been put on the police radio.

page 31 } Q. Tell us what you found.

A. When I arrived at the drug store Mrs. Jenkins was seated in a combination storeroom and office at the rear of the drug store to the right.

Q. What was her condition at this time?

A. She was crying, she was upset, she appeared to be. She was wringing her hands.

I tried to talk with her to find out what had happened exactly, and I couldn't get any conversation from her that I could understand. So I left and went and got—

Q. Did you notice any marks of physical violence on her body?

A. Yes.

Q. Tell the Court what you observed.

A. After she calmed down enough to tell me some of the details of what had happened, she showed me her wrists, and they were red with marks there, as if she had been tied around both wrists.

And also just below the knee on both legs there were red marks, I would say approximately half an inch wide on both legs.

Q. Go ahead.

A. She stated to me that she had been raped by the boy that we were holding out in front at the time, and I called for the ambulance and placed her in the ambulance,

page 32 } and that is the extent of what I did.

Q. Did you talk to Mr. Satterwhite?

A. No.

Q. Did you go down to the scene of the alleged rape?

A. No, sir, I did not. I turned it over to headquarters.

Q. Are Coles and Meredian Streets within the city limits?

A. Yes, sir.

F. S. Wakefield.

CROSS EXAMINATION.

By Mr. Allen:

Q. You do not know how those red marks on her wrists got there?

A. She told me at the time that she had been tied up.

Q. That was—

A. That was from her statement.

Q. Did she tell you she was tied after the alleged rape took place, or before?

A. At the time I do not think she specified whether it occurred before or after.

Q. I believe you said you didn't ask this boy anything about whether the accusation was true or false?

page 33 } A. I didn't talk to him at all.

Witness stood aside.

F. S. WAKEFIELD,

Sergeant on the Police Force of the City of Richmond, a witness introduced in behalf of the Commonwealth, first being duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Maurice:

Q. Sergeant Wakefield, you are one of the investigating officers on this charge against Mr. Satterwhite?

A. Yes, sir.

Q. Tell us, please sir, what you know about it, and what your investigation disclosed.

A. I responded to the Medical College of Virginia call. They briefed me on what had occurred, and I didn't talk to the girl at that particular time, because she was being examined by the doctors.

I went back to the Police Headquarters where page 34 } Mr. Satterwhite was then located, the officers had brought him over.

We interrogated him for twelve to fifteen minutes, and he denied anything about it. He denied anything about it whatsoever. Then we laid the cards on the table as to what we knew and what had occurred and he admitted that he was the boy. He admitted that he did call Manpower, Incorporated, and, using the name of Mr. Williamson, had requested a steno-

F. S. Wakefield.

grapher to be sent over to this particular address on Coles Street, 2401.

He further stated that he lived at 2403.

I asked him about the mark on his face, noticing that, as to where it came from. A scratch. He couldn't recall. Said he didn't know, although it was fresh, on his face.

After he related to us as to what had occurred I recommended to the Uniform Personnel that he be taken to the Station and warrant obtained.

Then I went back to the hospital and picked up the victim. She related the same story she related to the Court.

I carried her back to the scene, which was 4001 Meredian Street, right at the intersection of Coles Street.

Q. That is in the City of Richmond?

A. In the City of Richmond. We went into the house and found this as she had described it. She had prev-
page 35 } iously described it to us.

We found a huge overstuffed chair was in a room there, a bedroom, and holes had been cut in it, in the overstuffed arms of the chair.

Electric cords were there and different women's belts were there. They had also been cut in half.

Q. Where were they?

A. They were lying on the floor, and some in the chair and some on the back of the chair.

As she pointed out the room where she claimed she had been raped, and then this particular room had a bed, and on this bed was a pillow, and it didn't have a pillow slip on it.

She also showed us the side door to the building, which led out into a field, where she had ran out this particular door and where she had claimed she had been apprehended and brought back into the building.

Q. Did you see her, observe her at the time you took her down there as to whether she had any physical marks on her body?

A. At the time that I talked with her I noticed one on her neck. Bruise on her neck.

I didn't notice her arms or legs.

Q. Bruise on her neck?

A. Of course she related to me that she had
page 36 } bruises elsewhere, but I did not see them, sir.

Q. Did you talk to Mr. Satterwhite?

A. Yes, sir.

Q. Did he admit that he had intercourse with this woman?

Billie Halbert Satterwhite.

A. As I stated, after interviewing him for some 12 or 15 minutes he finally admitted to us he did have intercourse.

Q. First he denied knowing anything about it?

A. That is right.

Q. I notice among the exhibits there there seem to be some knives. What about those? Do you know anything about those?

A. If I recall correctly, one of those knives was found at this large overstuffed chair. The other one was on the table in this room. These are the cords and belts which we found in and around the chair.

Q. Some of them indicate they have been cut, or not?

A. I think you will find some of them in there cut, sir. Such as this one is cut off here, and the wires cut here (indicating).

Q. Anything else you know about this case, sir?

A. No, sir.

page 37 } CROSS EXAMINATION.

By Mr. Allen:

Q. Sergeant Wakefield, you said you talked to this young man here, and he admitted that he had had intercourse with this young woman.

Did he tell you whether it was with or without her consent?

A. He never did mention it either way.

Q. Just admitted having intercourse with her?

A. Yes, sir.

Mr. Allen: That is all.

Witness stood aside.

Mr. Maurice: That is the Commonwealth's case.

page 38 } BILLIE HALBERT SATTERWHITE, the defendant, first being duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Allen:

Q. Will you state your name, please?

A. Billie Halbert Satterwhite.

Billie Halbert Satterwhite.

Q. How old were you at the time this occurrence took place?
A. Sixteen years.
Q. Where do you live?
A. 2403 Coles Street.
Q. What are you doing now?
A. I am going to school.
Q. Where are you going to school?
A. John Marshall High School.
Q. What is your rank there?
A. Sergeant in John Marshall Cadet Corps, Company C.
Q. Are you getting along all right in your studies there?
A. Yes, sir.
Q. Tell his Honor on the bench there, and speak clearly and don't go so fast, and tell him exactly what you
page 39 } did and how it happened and how it came about, and why you called Manpower, and all that.
A. Yes, sir. Well, I do not remember exactly the dates all this took place, it has been so long ago. It was around July in the twenties, the first part of the twenties, and I was calling up some friends, Jimmie Tinsley, and I was going to talk to him about making some tapes, playing the guitar and something like that at his house.

And as I was calling him I just was glancing through the telephone directory there, as I was calling, and I saw this Manpower, Incorporated that was in there, and had this listing underneath, secretaries and all like that.

And I said to myself that it would be right nice, I said that it would be right funny if I could get some secretary, some secretary to come all the way out there for nothing. I thought it would be right cool.

By the Court:
Q. What is that? How do you spell that?
A. C-o-o-l (Spelling it out), or K-o-o-l.

Mr. Maurice: I didn't catch that, either.
The Court: He said it would be right cool.

By Mr. Maurice:
Q. You mean a big joke, is that the idea?
page 40 } A. Yes, sir.
Q. Is that what you mean?
A. Yes, sir.

Billie Halbert Satterwhite.

Q. A big joke, to have somebody come out to that address?
A. Yes, sir.

The Court: You may go ahead.

A. And I kind of laughed it off and proceeded talking to my friend, I was talking to him on the phone, and while I was talking to him I just told him about it.

I said that it would be right funny if somebody did that. Then I went on up there, and later in the day I believe and made some tapes.

And then I believe it was either the next day or that same day, that same day I believe it was, the same fellow came back into my memory, that thought, that kind of stuck with me. I thought that I would call him up, this fellow I was thinking about, and see what they were doing. So I called up, to see if I could get a secretary down there. And they said that they couldn't get one down there that day. Called back around 5:00 or 6:00 or 7:00, and I didn't think nothing else about it. I said to heck with it, all that trouble. I didn't worry about it any more.

And so I just went ahead and didn't think no more about it.

The next day I got up, and I was going to go over
page 41 } town that morning, over to the newsstand over
there to get a radio book, and while I was waiting, just before time this lady came up next door to the house over there that she owned, and they were over there working on it and everything, and I was over there with them until about quarter to ten, I guess it was, 10 or 15 minutes to ten, and I looked at my watch, I knew if I was going to catch the ten o'clock bus I would have to hurry.

So I went over to the house and got dressed real quick. I was getting ready to go out the front door, and Mrs. Burton, the lady who owns the house, came up to the door and asked if she could use the telephone. She wanted to call up a lady at Tuckersharp Pen Company.

I said it would be perfectly all right. So she came in, and so she called up the lady. And she couldn't get her at that moment. She would have to call back later, I believe it was. So she asked me if I was going over town, and I told her that I was. So she said that she would wait and call down her mother's house, I believe it was, 2500 block Coles Street.

So I went on out, then went on next door. I got some bottles and all, I was going down to the store.

Billie Halbert Satterwhite.

By the Court:

Q. What?

page 42 } A. Bottles. I was going to get a deposit on them, and I went down there. As I was coming back about middle way the block just pulled up beside me and stopped, and she asked me—

The Court: Who is this?

By Mr. Maurice:

Q. Who is this?

A. Mrs. Burton. She gave me $1.50 for cutting the grass the preceding week, and then she asked me if I was going to cut it again. I told her that I was. She went ahead and gave me another $1.50 for cutting it that afternoon.

Then I went down to the store. She turned in the driveway. Coming on by I saw this girl right over here, coming up the street, walking up the street, and I didn't pay too much attention to her. Just saw her, she was right young, I do not know, right unusual looking for that vicinity, anyway.

So I went out to the store and went in to get the deposit on the bottles, and I heard the man who owns the store talking to someone else in there about the girl looking for work, World Radios, Limited, I believe it was.

And so I didn't say anything about it then, and went on out to catch the bus. I waited there about two or three

page 43 } minutes, waiting for the bus, and I never saw the bus coming. I thought I had possibly missed it. I thought perhaps I had missed it by some chance.

So I decided to go back up there and see if she was having trouble, what kind of trouble she was having finding a place that wasn't in existence.

Q. I don't understand that.

A. I said, that I would go back and see if she could find the place that she was hunting for that won't there, and so I went back up the street.

And I guess it took me about a minute or a minute and a half or two minutes. I went over there and stopped in the house to get some water, came back out, went to the corner there, and I saw her up at the opposite end of the block. I guess almost the opposite end, at the corner. She was getting ready to round the corner and I called to her. She turned around and started walking back, and I got the idea, something popped in my head that she might be the type, you know, to play around and all like that.

Billie Halbert Satterwhite.

So I came right down and asked her what she was looking for. She said World Radios, Incorporated. I think it was. And I told her right over there in the house, right there. I told her it was in the corner house of Meredian. And so we proceeded to the back door and went in there and sat down, and talking for awhile.

page 44 } Then I started picking up some magazines and all. She started helping me. Then she asked me if she could look around the house. She had been looking for a place something like that, and I said it was okay with me.

By Mr. Allen: (Continued)

Q. Looking for a place for what?

A. She had been looking for a place similar to that, and so she went in there and went in the bedroom, and then I came in behind her, and I kind of knocked her down, you know, against the bed, and all that stuff.

By the Court:

Q. What did you say? You kind of knocked her down?

A. Well, knocked up against the bed. Started kissing her and all like that. I think. And all like that. And I asked her if she would let me do it to her, and she said she didn't want to.

So I kept on pestering her and all like that, and everything, and we did that I guess about three or four or five minutes, and finally she said all right, and she let me. And then she took her clothes off, and I had intercourse. And then after that she started playing around with me and all like that, and I told her I didn't like that, I didn't like that

page 45 } at all. I told her to quit, to put her clothes back on. She did. And she kept on telling me she wanted water, and she was hungry.

So I didn't exactly know what to do right then, so I didn't want to go off and leave her there like that to get the water or anything, so I told her that I would tie her up while I went over to this house to get some water.

So she said it wasn't no need to. I said it would be better if I did. So she said all right. So I brought that big chair in there, and put it just about, just inside the door way from the back bedroom, and she sat down in that Then I went back, looking for something I could tie her up with. I saw this line cord on the floor, AC line cord, and I got that.

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And I saw some belts in another bedroom there. I figured that they wouldn't, you know, hurt her or anything like that, you know, like a rope would, so I came back in there and I think I tied her feet with the line cord. I believe it was.

And then I went in the kitchen and found something to cut the chair so that I could get the belts to go through. I came in there, it was a big knife in there about that long (Indicating), and I came in there with that, it was rather too dull, couldn't even hardly cut anything with that.

page 46 } I went back in there and got another one, came and tried to cut it. That wouldn't cut it. So I went back a third time.

By Mr. Maurice:

Q. This was after you had tied her up and went back to get her loose?

A. No, sir.

Q. You mean this was before you tied her up?

A. I was just tieing her feet up. I was trying to find something to cut a hole in the chair with to tie her hands up. And so after the third time I got this little small knife, I guess it was a paring knife, something for cutting steaks or something like that. I got this and I cut it. I cut into it. It cut it. So then I put the belt loops and all through there. I tied her in there.

Then I told her that I was going to get the water and then I would come back. Then I went out the back door. Just shut the door like I was going out. I didn't know she was going to start yelling and jumping and running around. So then I just opened the door real quietly and waited there for about two minutes to see if she would say anything. She didn't move or nothing. Just calm and nice. She was in there.

Then I went over to the house to the briar patch over there,

page 47 } and I went out through that way. Went out there, had a little ditch there, went around back, you know, went through the front of my house, through the front of Mrs. Burton's house to my house.

As I was going into the door the lady next door called to me and asked me if I had seen any kids playing around the house over there. I told her I had not.

About that time I heard the telephone ring and I told her that I would have to go in, I had to go in to answer the telephone ringing. So I went on in the house, and answered the telephone.

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It was my friend Jimmie Tinsley. He said that he was supposed to go swimming about 15 or 20 minutes, and I asked him, I told him what had happened and everything, and he said he didn't believe me.

So I said to come on down here, then, and I will let you see her then. So he said that he was coming down there. He came down there, and then I—he had already gone in the meantime, so I got my canteen out and filled it with water. And I had gotten my hunting knife off my pistol belt and everything, and I got that out and put that in my back pocket to cut the things with.

When I got down there I let him in, and then—

By the Court:

Q. Let him in where?

page 48 } A. My house, front door. And then I went out the back door and went around the same way that I had come from over there, went back over there. Left the canteen at the house. Didn't carry the water over there. Didn't think nothing about it.

And I went over there with my knife, because I knew it was sharp and would cut the stuff, I took that and cut the cord and belts, whatever else was on there, and then we come on back over to the house. And I do not know what happened to the knife then. I haven't seen it since.

I must have put it down in the house some place. And we sat over there for about I guess, we were around the house there for about half an hour. And she fixed some ice water. I went on in there, smoked a cigarette ,and—let's see. Jimmie won't there when I got back. So I called him up on the telephone. He said that he still didn't believe me.

So I let the girl talk to him on the telephone. I do not know exactly what he said, but I am pretty sure she said hello, or something like that to him. I know she was talking to him, and then she gave the phone back to me.

And he said still the voice sounds very familiar. So I told him you can hear her walking across the floor, you could hear her heels, and I said, "That don't sound like a boy or nothing, does it?" He said, "No."

page 49 } And so after that I hung up. And I went in the living room and sat down awhile and talked. I guess it was 5 or 10 minutes. And then we went, she wanted to go up and get a hamburger or something. We went around the front door. Went back to the corner and went around

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Meredian Street, went up Courtland Street to two blocks past, well, these two ladies were sitting on the porch.

I said about 50 feet from where we walked by them and we came on back, went on across the Pike, went by the service station over there, then out there these men were pumping gas and everything. Went into the hamburger place.

We went in there and I asked her what she wanted. She said she wanted a hamburger or something. She said that would be good enough. So I ordered three hamburgers and something to drink.

The proprietors son waited on us, and his father was behind the counter, and the best that I can recall it was either two or three men sitting on benches right there at the counter. Where we was.

Then we were there about ten or fifteen minutes eating, played three or four or five songs, and she said she had to go to the bathroom. Asked me where it was.

I told her in the back, and she went back there.

Back there two or three minutes, came back out. And she said she kind of felt sick. So she asked me if the page 50 } drug store was near, and I told her that it was, and in the meantime she wanted to run out, if she had wanted to run out, or anything like that, she could, it was two doors in there.

I was at the end where we come in nearest the service station. That would be the north side of the store.

It was another door on the south side of the store. That was open, too. If she had wanted to run out she could have run out right there.

There we proceeded up to Ampthill, and went up there about four blocks, I guess. Four or five city blocks. That is about three blocks on the Pike.

Went in the drug store and I stopped up there at the counter where the magazines and all were, and they went back to the back. She bought something back there, she was back in the back, and went in the back room back there. And I bought some books up there. Hot rod books. I was reading hot rod books. I bought four of them.

And about ten minutes later she come back out and said she was sick at her stomach, wanted me to get her something. So I went back to the back and bought some kind of medicine. For upset stomach, I think it was. Came out and gave it to her.

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Then the woman waitress she went back to the back of the store again, I was sitting up there reading the
page 51 } books and waiting for her, and then the patrolman over there came up and asked me, wanted to ask me something, and stepped out. I guess he was two yards from where I was sitting, asked me about it.

I told him I didn't do what she said I had done, and he told me to come on out in the car.

I went out there, and then from there went from there to headquarters, and there they interrogated me up there.

By Mr. Allen: (Continued)

Q. When you were talking over the telephone to this Tinsley boy in your house, and the girl was there, while you were talking over the telephone was she present in the house and free to leave the house?

A. Well—

Q. Could she have gotten out of the house?

A. Well, let's see. I do not exactly remember, where I was about 15 feet from her. I was back in the kitchen getting some more water.

Q. Where is the telephone located in the house?

A. It is about middle way of the house, I presume. It is in a corner there nearest to the living room. That is one room there to the front door. And then I was across that room, and then into the kitchen back there getting some
page 52 } water.

Q. How long were you there talking to this boy on the telephone, Tinsley boy?

A. About two or three or four minutes.

Q. While you were talking to this boy on the telephone, what was she doing?

A. She was in the kitchen fixing some ice.

Q. How far was that from you?

A. About 11 or 12 feet, 15 feet.

Q. Was that in sight of you or out of your sight?

A. Let's see. One or two times she was out of my sight over the sink or stove, I believe it was. And then she was in sight at the refrigerator. But the back door was right there, anyway.

Q. Could she have gone out the back door while you were talking over the telephone?

A. She probably could, because I probably would have seen her, because usually when I am talking—

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Q. I mean, could she have gotten away from there any time she wanted to? Were you holding her there, trying to keep her there?

A. No, sir, I won't, no. I wasn't touching her, if she wanted to go out she would have been able to have done it. I was in my usual position talking on the telephone. Kind of sitting down like that, with the telephone up to my head

page 53 } looking down at the telephone.

Q. When you called these people up and asked them to send a secretary down there, as you said you thought it would be funny, a joke or something like that. Did you have any idea at that time of raping anybody that they might send down there?

A. No, sir.

Q. After she came and you got in touch with her and got to talking to her, did you size her up as one that you could probably have intercourse with without forcing yourself on her?

A. Yes, sir.

Q. Did you force yourself on her?

A. No, sir.

Q. Did she agree to let you have it?

A. Yes, sir.

Q. How many times did you have intercourse with her?

A. Once.

Q. You referred to something about playing around and she did something in that connection. She said you wanted her to play around with you, and you said she wanted to do the playing around.

What sort of playing around was this?

A. Well, kind of crawling on top, and all like

page 54 } that, on top of me and everything.

Q. You mean after you had done it once?

A. Yes, sir.

Q. She got on top of you?

A. Sort of. About half and half.

Q. Did she throw her legs over you?

A. Sort of, yes, sir.

Q. Was that the playing around that you are talking about?

A. Yes, sir.

Q. Tell the Court whether she fought against your tieing her, or whether she aquiesced, agreed to the tieing of her in the chair.

A. At first she said it won't no need to, she won't going to

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go nowhere. I told her I thought it would be better at the time. So she went ahead and let me do it.

Q. Did she take a seat in the chair?

A. Yes, sir.

Q. While you were going to get the stuff that you were going to tie her in the chair with, did she sit in the chair?

A. Yes, sir.

Q. Did she stay there?

A. Yes, sir.

Q. Until you got the stuff?

page 55 } A. Yes, sir.

Q. Did she remain still while you were tieing her?

A. Yes, sir.

Q. Why is it that you wanted her to stay there until you got back?

A. I do not know. I just kind of was scared at the moment. I do not know whether—didn't know whether she was going to go off somewhere, or just what she was going to do. I didn't know what was coming off at all.

Q. You wanted a chance to talk with her some more?

A. Yes, sir. I was going to come back.

Q. Was this the first time that you had ever had any sexual intercourse with a woman?

A. Yes, sir.

Q. You knew it was wrong, whether you did it with her consent or without it, didn't you?

A. Yes, sir.

Q. And that is what scared you?

A. Yes, sir.

Q. You didn't know what she was going to do about it?

A. No, sir.

Q. Were you living at home at that time?

page 56 } A. Yes, sir.

Q. Who were you living with there?

A. My mother.

Q. Is your mother here today?

A. Yes, sir.

Q. Is your father living?

A. No, sir.

Q. You were living there with your mother?

A. Yes, sir.

Q. Who suggested that she go in your mother's bathroom in the house and use lipstick and powder?

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A. Nobody suggested it, I do not think. She just went in there.

Q. She just went in there?

A. Yes, sir.

Q. Before you had any intercourse with her did you kiss her?

A. Yes, sir.

Q. How much kissing did you do?

A. I do not know exactly.

Q. How many times, do you think?

A. Two or three, I guess.

Q. Before she got on the bed?

A. Up against the bed. I will put it that way.

Q. What say?

page 57 } A. Up against it.

Q. Did you throw her on the bed *and* did she get on the bed?

A. I wouldn't say it was either way, sort of fell.

Q. After she got on the bed did you threaten her in any shape or form?

A. No, sir.

Q. Did she lie still?

A. Yes, sir.

Q. Did you have anything in your hand or on the bed, like a knife or a weapon of any kind?

A. No, sir.

Q. Did you threaten her at all?

A. No, sir.

Q. I believe you said you are a Sergeant in the Cadet Corps at John Marshall?

A. Yes, sir.

Q. How long have you been Sergeant?

A. Since the beginning of this term.

Q. Were you a corporal last term?

A. Drill 3 Corporal.

Q. She said something about having a card with a lawyers name on it. Do you remember anything about that?

A. I remember she showed it to me. I didn't

page 58 } know what she had done with it. Later my mother found it on the dresser in the bathroom.

Q. Found it in the house on the dresser after she left?

A. Yes, sir.

Q. What did she say to you about you and her going away together?

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A. She just said that she would get some money and a car and we would run away together, to another state or something, nobody would never know anything about it or anything, she wouldn't tell nobody nothing.

CROSS EXAMINATION.

By Mr. Maurice:

Q. How tall are you?

A. About between five foot nine and five foot eleven. I do not know exactly which.

Q. You say you are between five foot ten and five foot twelve?

A. No, I am about nine, between that and five foot eleven.

Q. How much do you weigh, Mr. Satterwhite?

A. Approximately 155, 156 pounds. Now 155 to 160, now, just recently.

Q. You are in what grade in high school?

page 59 } A. Ten H.

Q. That doesn't mean anything to me. Is that first, second, third or fourth year?

A. Second.

Q. Second year in high school?

A. Yes, sir.

Q. You tell this Court that you thought it was a big joke to call up Manpower, Incorporated, and have some unsuspecting person come all the way down to Coles Street, which is way down on Petersburg Pike, and that would be a big joke?

A. Yes, sir.

Q. Is that right?

A. Yes, sir.

Q. And you tell this Court that you did later call up and put in an order for a secretary, is that right, to come down there?

A. Yes, sir.

Q. And you gave the name of World Radios, Limited, didn't you?

A. Yes, sir.

Q. And you gave your name as Mr. Williams?

A. Williamson, I believe it was.

Q. And you gave the address at this vacant or unoccupied house, didn't you?

page 60 } A. Yes, sir.

Q. You specified that you wanted a woman secretary, didn't you?

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A. No, sir.
Q. What say?
A. No, sir, not that I remember. I do not believe I did.
Q. You do not remember about that?
A. I do not think I did. I do not think I asked.
Q. Where did you get this name World Radios, Limited from?
A. I made it up real quick.
Q. You just made that up. You made up the name Mr. Williamson, also, did you?
A. Yes, sir.
Q. And it was Mrs. Noble, or whoever the lady was who owned this house on Meredian Street—what is the number?
A. I do not know. I think it was 4000 something.
Q. 4201 Meredian Street, is that right?
A. I imagine so. I do not remember exactly what the number was.
Q. Was there anybody down in that house when the girl came?
page 61 } A. No, sir.
Q. The house was empty at this time?
A. Yes, sir.
Q. Your home was empty?
A. Yes, sir.
Q. Nobody over there?
A. No, sir.
Q. Did I understand you to say you had left there and gone up to the Pike, and you were at least a city block away from this young lady when you saw her down there trying to find this location?
A. No, sir. I had just come back from the Pike to my house and went to my house and came back out and I went to the corner and I saw her.
Q. And you had gone away and gotten the idea that that was the party that you had played the joke on, is that right?
A. I do not know exactly what you mean. I had found it out at the store, and that is the first time I had heard anything about it.
Q. You said you called to her?
A. I called to her from some ten paces from Meredian.
Q. What do you mean by ten paces?
A. About ten yards, I guess.
page 62 } Q. About how far were you from the girl when you hollered to her?
A. Oh, I would say two hundred feet.

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Q. Two hundred feet?
A. About.
Q. Assuming there are 300 feet in a city block, then you were two thirds of a city block from her, is that right?
A. Well, at this point I was I would say almost a whole block from her.
Q. Almost a whole block from her. You saw her down there and you hollered to her. What did you holler?
A. Hey, Miss.
Q. Now, you told her that you were working for Mr. Williams?
A. Yes, sir, I believe, yes, sir.
Q. What did you tell her your name was?
A. First I told her my name was Roland Marshall.
Q. Where did you get that name from?
A. Just sort of—I knew this boy named Roland Marshall. I just picked it up out of my mind real quick.
Q. Where did you get the name Mr. Williamson from?
A. I just thought that up.
Q. What say?
page 63 } A. Just thought that up.
Q. You thought up the name Roland Marshall, you thought up the name Mr. Williams, and then you thought up this other boys name you gave as yours?
A. And World Radios, Limited, that is the name. I did that within about, oh, I would say, about three seconds. She asked for a name of the firm. I didn't know what she was talking about there for a second or two. I had some books at home, some catalogs and all like that, they are from Iowa, I believe, World Radios, World Radio Laboratories. I just remembered World Radio. I put it Incorporated, or Limited, something like that.
Q. You do admit that you had intercourse with this woman?
A. Yes, sir.
Q. Now, you say you lost the knife that you had around there. Was that a hunting knife?
A. Yes, sir.
Q. When did you lose it?
A. I haven't seen it since I came back home. At least, I didn't lose it, I left it in the house there. I do not know if mother picked it up. Or the police picked it up afterwards.
Q. A hunting knife, a long one?
A. Just about that long (Indicating with hands).
page 64 } Q. A boy scout hunting knife?
A. No, sir, it was more of a heavy type blade on

it, rather than a small one.

Q. Was it mighty near as long as this? (Indicating).

A. No, sir.

Q. Indicate how long it was.

A. The handle would be—

Q. Show the Judge.

A. The handle would be about that long (Indicating). It had an aluminum butt on it, hard aluminum.

Q. Metal?

A. Yes, sir, just about like that, and blade.

Q. (Indicating to the witness) Is that the knife?

A. Yes, sir.

Q. That is the knife you had?

A. One I cut the things with.

Q. Now, as I understand it you said you pushed her or knocked her up against here, or on the bed, is that right?

A. Not exactly. I pushed her up against—I didn't knock her right down on the bed. Just knocked her up against the bed. We were about that far apart (Indicating with hands).

Q. You had asked her before. What did you ask page 65 her?

A. Right then?

Q. Yes. What did you ask her?

A. I started kissing her and like that, and asked her if she would give me some.

Q. She said, according to your statement, she said "I do not want to," is that right?

A. She said she didn't want to right then.

Q. Didn't you testify a while ago that she said, "I don't want"?

A. I said that she didn't want to right then.

Q. After you all got through, what about this running out the back door. Did you run out there after her and bring her back in?

A. Don't remember anything about that.

Q. You don't remember anything about that?

A. No, sir.

Q. I want you to tell us, Mr. Satterwhite, about these belts and things: They all belonged to the folks who lived in that house, is that right?

A. Yes, sir.

Q. What is the lady's name?

A. Pippen, I think.

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Q. Mrs. Pippen. After you had had intercourse with this girl, you didn't want her to leave, did you?

page 66 } A. Well, at least I was going over to the house to get some water. I didn't know whether to take her over there with me or what. I didn't know what to do.

I didn't know what to do right then, because I hadn't done anything like that before, you know, got in trouble like that, like that.

By the Court:

Q. Got in trouble?

A. Police with a woman or anything like that, and I didn't know whether she, what she was going to say or anything like that, even though I did I did do it. I knew I shouldn't have done it.

Then when I realized that, I didn't know what she might say, or anything about it at all, and then I just wanted to give her some time, you know, and for myself to think it over and possibly her, too.

So while I was going over there to get the water I also possibly could find out whether she was telling me the truth or what she was doing.

By Mr. Maurice: (Continued)

Q. Now getting back to the question I asked you a while ago, and you went all around the barn. You didn't want her to leave, did you, or you were afraid she was going

page 67 } to leave, is that right?

For what reason did you tie her with all this material?

A. Yes, sir, in a sense.

Q. In a sense you were?

A. Yes, sir.

Q. You came back, you had this knife with you, didn't you?

A. I had it in my back pocket.

Q. You had it in your back pocket how long?

A. Since I came from the house.

Q. Where did you have it, did you have it strapped on you?

A. No, sir. I didn't have it in the sheath.

Q. You had it in your hand?

A. Just had it.

Q. Show me how you did have it.

A. Had it stuck in my back pocket like that (Indicating).

Q. Did you have your coat on?

A. No, sir, I had dungarees and a shirt on.

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Q. And that knife could be seen, is that right, the blade sticking out?
A. Yes, sir.
Q. Show the Judge.
page 68 } A. All right.

Note: Witness indicating to the Court.

Q. Now, I want you to tell the Court about this. You say you tied this girl up because you were afraid she was going to run, and you cut all of these belts that belonged to these people, and you got them out of the rooms there, out of their clothing?
A. They were just lying on the floor.
Q. They were in the house, is that right?
A. Yes, sir.
Q. Where somebody had broken and disturbed things, is that right?
A. Yes, sir.
Q. They were their clothing and their belts, is that right?
A. I imagine so. I wouldn't know for sure.
Q. You tied this girl up with these things. Including wires, is that right?
A. Looks like the same wire, yes, sir (indicating wire on reporter's table).
Q. Did you tie her up with some wires?
A. Yes, sir.
Q. With about everything you could get?
A. No, sir, just what I saw there.
Q. What was the idea of sticking the holes in the
page 69 } upholstery, to make it so it wouldn't take so much material to tie her up? So that they didn't have to be so long?
A. No, sir, I took and cut the holes through underneath the arms like that so I could just take and run the belts through like that.
Q. That is what I said.
A. What I meant is, to use it a little better, I mean there was a belt there, and it would be simpler to take a belt and put that through and take a cord and run it around through there.
Q. How many slashes or holes did you make in the seat?
A. I do not know exactly how many it was. Two holes, I believe it was, one under each arm.
Q. Was the girl crying then?
A. No, sir, perfectly calm.

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Q. You were standing there jabbing these holes through the seat that she was sitting in?

A. Won't jabbing. Punching easy.

Q. These articles were the property of the lady who lived in the house, and here were all these belts and all these things. What was your reason for cutting these things instead of untieing them?

A. Well, I just wanted to—you see, the boy that I was talking about, he couldn't stay over there at the house
page 70 } too long. So in order to do that, you see, I would have to have something to get rid of real quick to cut the stuff, untie the girl and everything like that. That is the reason I took it, because I knew I could just go ahead and cut through them. It wouldn't take me but maybe half a minute and I could cut it loose.

Q. That was the lady who had just paid you I think you said $1.50?

A. No, sir. I hadn't seen this lady at that time for about one or two months. I do not know where she was. I don't think she has been home in two or three months.

Q. And that is your reason for cutting all this stuff loose?

A. To get loose quicker, yes, sir.

Q. You cut everything instead of untieing it?

A. Yes, sir.

Q. After you did that what did you do with the knife after you cut her loose?

A. I stuck it back in my pocket.

Q. The same way you had it here?

A. No, wait a minute. I had it in my pocket until we got out there. We were going through the briars, a lot of briars out there, there in a little part of the field, and I took it out and was cutting some of them down so she could get through without scratching herself so bad.
page 71 } When we came out I put the knife back in my pocket, and when we got in the house I put it in the sheath, and, I do not know, I think I put it down on the bedroom radio.

Q. She knew you had the knife all the time from the time you got over there and cut her loose?

A. From the time I imagine she did, if she didn't know it she was pretty bad off.

Q. Now, you say, Mr. Satterwhite, that the reason you tied her up was you didn't want her to get away, that you were scared?

A. Well—

Billie Halbert Satterwhite.

Q. What were you scared of?

A. You see, I didn't know. Like I said, I hadn't done anything like that before, and I, since I knew it was wrong and everything like that to do it, I didn't know whether she was going to go yelling or yapping about it, or something like that.

Q. You know, as a matter of fact, that people do have intercourse, sexual intercourse, it is a daily affair. It is done every day between men and women. You knew, did you not?

A. I knew that.

Q. And you knew it is something, so far as that is concerned, where there is consent there is nothing wrong in that so far as getting in any trouble is concerned unless
page 72 } you are caught by the law, not that it is morally right to do it, unless people are married, but you knew that was a common occurrence, did you not?

A. What do you mean? You mean it is not wrong unless you get caught by the law, is that what you mean, or do you mean it is all right to do it?

Q. You know that it is done, don't you?

A. Yes, sir.

By the Court:

Q. In what sense did you think it was wrong?

A. Well, not married, or anything like that.

By Mr. Maurice: (Continued)

Q. Do you mean to tell this Court that at this point your conscience kind of got close to you?

A. Yes, sir.

Q. The notion had occurred to you one day, and you had gone on over and made a tape recording with somebody else there, Tinsley boy, I believe you said, then you had come back and this thought had occurred to you again to call up Manpower and get somebody to come down to this vacant house, and it was a big joke, and you gave the address of this vacant house?

A. That is right.

page 73 } Q. And your conscience didn't get out and bother you then?

A. No, sir.

Q. You went up to the Petersburg Pike and they told you up there that it was a lady, very unusual looking girl, as you described her, and I believe they did, too, down there looking

for the World Radio, Limited, which you had given the name of. Your conscience didn't get on you then?

A. No, sir.

Q. And when you went down the street and told her that your name was something other than what it was, I forgot what name you said, what name did you give?

A. Roland Marshall.

Q. Your conscience didn't get you then?

A. A little.

Q. A little?

A. Yes, sir.

Q. And then you took her in the house and told her that you were working for Mr. Williams, and Mr. Williams was the World Radio, Limited, proprietor, and your conscience didn't get you then?

A. It shouldn't.

Q. It shouldn't?

A. No, sir.

page 74 } Q. I didn't get you. That was a bald faced lie?

A. No, sir.

Q. What say?

A. No, sir.

Q. You worked for Mr. Williams?

A. If I gave the name as Mr. Williams for myself wouldn't I be him?

Q. No.

A. Well, what I mean is, he was fictitious. In other words, since I was the one who made it up I would be the one to be concerned. Sure.

Q. But when you told her something that wasn't true, your conscience didn't get on you about that?

A. Not right then.

Q. Then when you went in and you suggested to her to give you some, she said no, I do not want to?

A. Right then, right now.

Q. Your conscience didn't get you then?

A. No, sir.

Q. Huh?

A. No, sir.

Q. After you had intercourse with her, then it was that your conscience got you, is that right?

A. Yes, sir.

page 75 } Q. Is that what you mean to tell this Court?

A. Yes, sir.

Billie Halbert Satterwhite.

Q. You are Sergeant in Company C, John Marshall High School Cadet, in the second year, is that right?

A. Yes, sir.

Q. Do you see this officer over there, the one sitting next to the window, Mr. Owens?

A. Yes, sir.

Q. He was the first officer who saw you, wasn't he?

A. I believe so.

Q. You told him you had intercourse with her?

A. Yes, sir.

Q. Why was it when Sergeant Wakefield got you over to Headquarters you denied it all and didn't know anything about it?

A. I do not believe I said that, sir. I do not think I did, because since I had told him right there, if you tell one man something you are not going to go and tell another one something else, that you didn't do it, because the other one can tell him that you said that you did do it. That would be stupid.

Q. You heard him testify?

A. Yes, sir.

Q. You heard what statements he made?

page 76 } A. Yes, sir.

Q. He did testify that he asked you about it, and you said you didn't know anything about it at first, until finally they laid the cards on the table and showed you that they had sufficient evidence to prove that you were the man that had done these alleged offenses, then you changed your mind and said that you had intercourse with her with her consent. Isn't that right?

A. I think I had already said it, had done it with her consent. But it might have been something that they were talking about, Manpower, Incorporated, and I didn't say anything about that until they told me until they stated it otherwise.

Q. What was your idea in calling up your friend Tinsley?

A. Talked to him about making some more tapes.

Q. You had the woman in the house there and you were calling him about making tapes?

A. No, sir. I didn't know—you didn't state exactly what time, which time that I called him up.

Q. Tell us about the first time. When was the first time you called him?

A. To find out if he wanted to make some more tape recordings, guitar.

Billie Halbert Satterwhite.

Q. Before you put your call into Manpower?
page 77 } A. Yes, sir.
Q. Did you tell him that you were going to call Manpower, that the thought had occurred to you and you were going to call Manpower?
A. No, sir.
Q. And get somebody down there?
A. No, sir.
Q. Then after you called Manpower and the girl came down, you got her in the house and this *affiar* took place? And then you had your knife and you were phoning over at your house, what did you call Mr. Tinsley for then?
A. Because he won't at my house. You see, when I left my house he was at my house. When I got back he won't at my house.
Q. What did you call him for?
A. To find out, was the main reason, to find out why he left.
Q. You wanted him over there, is that right?
A. I just, you see, I was supposed to go swimming with him that day anyway, and I called him up.

By the Court:
Q. When you tied her up and went over to the house to get some water, as I remember your previous testimony you called Tinsley at that time?
page 78 } A. No, sir, he called me.
Q. And you told him something, and he answered you I do not believe it, or something of that sort?
A. Yes, sir.
Q. Did I understand you to say that you then made an arrangement for him to come to your house?
A. Yes, sir.
Q. Huh?
A. Yes, sir.
Q. Then you went back to where she was tied up and let her loose?
A. Yes, sir.

By Mr. Maurice: (Continued)
Q. What did you tell him? Did you tell him that you had a girl tied next door?
A. I didn't tell him I had her tied. I told him she was over there.

Billie Halbert Satterwhite.

Q. What did you tell him, that you had intercourse with her, to come on over?

A. You mean first of all, or do you mean when he called me?

Q. When he called you at your house after you had this girl tied next door, two doors from where your home was located, I believe it is your home, and then it is a
page 79 } house in between, is that the way the houses are situated?

A. Yes, sir.

Q. Then the house in which you had her tied was not next to your house?

A. Yes, sir.

Q. What did you tell him?

A. I told him what happened. He said he didn't believe me, so—

Q. What did you tell him?

A. I told him to come down to my house and I was going over there and get her, and I was going to get her and bring her back to my house anyway, so he would be able to see her if he didn't believe it.

By the Court:

Q. If he didn't believe what?

A. What happened over at the other house. He said, "I don't believe you have a girl down there with you." You see.

By Mr. Maurice: (Continued)

Q. You mentioned to him that you had a girl down there and had had intercourse with her?

A. Yes, sir.

Q. What did you tell him?
page 80 } A. I told him it was a girl down there.
Q. A girl down there next door?

A. No, sir, over in the other house.

Q. Did he know anything about this house being vacant?

A. Did he?

Q. Yes.

A. I wouldn't know.

Q. So far as you know he didn't know anything about it being a vacant house?

A. I wouldn't say.

Q. Why would you call him and tell him to come down and

see a girl in a vacant house two doors from you instead of coming on to your house?

A. I told him to come to my house.

Q. Wasn't the girl crying when she was in your presence?

A. Up at the drug store.

Q. Wasn't she crying in your mother's home, and her face was all messed up, and that is why you suggested that she go into the bathroom and powder up so she could go and be halfway presentable to go with you?

A. No, sir.

Q. You didn't do that?

A. I didn't suggest it. She just went in there.

page 81 } Q. As I understand it, your conscience caught up with you just before you tied her up, is that right?

A. Yes, sir.

Q. That is when it caught up with you?

A. Yes, sir.

Q. And she never cried a bit until she got where?

A. The drug store.

Q. Never cried until that time?

A. No, sir.

RE-DIRECT EXAMINATION.

By Mr. Allen:

Q. Billie, as I understand it, this knife that Mr. Maurice was asking you about: Did you have that with you at the time you had intercourse with the girl?

A. No, sir.

Q. The first time you got that knife was when you went over to your house after you tied the girl?

A. Yes, sir.

Q. Then you came back with the knife to cut loose the ropes?

A. Yes, sir.

Q. Or belts or whatever they were?

A. Yes, sir.

page 82 } Q. Tinsley called your house while you were there when you went over there later to get the water, that is the time that he called you?

A. The phone was ringing. He called as I was getting ready to come into the front door.

Q. Of your house?

A. Yes, sir.

Billie Halbert Satterwhite.

Q. That was after you had tied the girl?
A. Yes, sir.
Q. And you answered the telephone?
A. Yes, sir.
Q. That is when you told him you had a girl in the next house?
A. Yes, sir.
Q. Did you tell him whether or not you had had intercourse with the girl?
A. I do not rightfully remember. I might have and I might not have. So far as I remember I told him it was a girl down there.
Q. You told him it was a girl down there?
A. Yes, sir.
Q. Did you intend when you went on back down to that house to bring the girl back up to your house?
A. Yes, sir.
Q. Did you tell Tinsley to come there and meet
page 83 } you at that house?
A. At my house, yes, sir.
Q. Did he come?
A. Yes, sir, but he was there before I left to go back to the other house.
Q. But was he there when the girl was there?
A. No, sir.

By the Court:
Q. How far does he live from you?
A. About a block. From my house to the end of that block, and then it is a little bit of woods space and his house.

By Mr. Allen: (Continued)
Q. He didn't go with you down to the house where the girl was?
A. No, sir.

By the Court:
Q. Why?
A. Because I guess because I said I was going back over there.
Q. What?
A. I didn't exactly say for him to come over
page 84 } there. He didn't say, and I didn't tell him to come over there. I said I was going back over there and get her, and that is what I did.

Billie Halbert Satterwhite.

By Mr. Allen: (Continued)

Q. You were going back and get her?

A. Yes, sir.

Q. And did you expect he would stay at your house until you came back with her?

A. Until I came back.

Q. With the girl?

A. Yes, sir.

Q. But he didn't stay?

A. No, sir.

Q. Then he did call you, though, or did you call him?

A. I called him.

Q. While the girl was there?

A. Yes, sir.

Q. And he talked to the girl?

A. Yes, sir.

Q. Mr. Maurice asked you a question about if you didn't deny to the policeman some part of the story, and I'm asking you if at that time had you already told the other

page 85 } policeman?

A. Yes, sir.

Q. That you had had intercourse with the girl?

A. Yes, sir.

Q. Did you ever tell anyone you forced yourself upon her?

A. No, sir.

Q. Mr. Maurice questioned you about why you got scared, about your conscience hurting you and that sort of thing.

I understood you to say that this was the first time you ever had any intercourse with a woman?

A. Yes, sir.

Q. You were then 16 years old?

A. Yes, sir.

Q. Had you arrived at 16?

A. Yes, sir.

Q. You are not over 16?

A. No, sir, now over.

Q. As I understand it, you knew it was wrong, you were not married to her and that was the wrong part of it?

A. Yes, sir.

Q. Was anything worrying you because you had forced yourself upon her?

A. I hadn't.

page 86 } Q. You had not?

A. No, sir.

Billie Halbert Satterwhite.

Q. She said something about you giving her a watch. Did you give her a watch?
A. Yes, sir.
Q. She said that you took her clothes off. Did you take them off, or did she?
A. She did.
Q. She took them off?
A. Yes, sir.
Q. She said something about showing you a key to a Ford car. Do you remember anything about that?
A. Yes, sir.
Q. What about that?
A. I believe she said it was her brother's, but I am not sure about that. Somewhere between '52 and '54 Ford, two-tone, I believe it was.

RE-CROSS EXAMINATION.

By Mr. Maurice:
Q. I have one or two more questions. You tied this woman up against her will, didn't you?
A. No, sir.
Q. Didn't she want to go, and you were afraid that she would leave?
page 87 } A. No, sir.
Q. Didn't you just testify to that?
A. What you said is, that would be backwards from what I said. I said that she, I didn't force, she let me tie her up, and I did that because I didn't know what exactly she would do.
I just wanted, in another sense, to test her, to see if she was telling me the truth that she wouldn't go anywhere, or yell or anything like that.

By the Court:
Q. Why didn't you want her to yell?
A. Well, I do not know. I just kind of was scared for the moment. That is the first time I had done anything and all like that, I didn't know whether she was going to start yelling or creating some ruckus or something like that, because I knew I had done wrong right then, because after all I won't married to her or anything.

Billie Halbert Satterwhite.

By Mr. Maurice: (Continued)

Q. How did you happen to get the idea? How did you get the idea of having your first sexual venture with this girl you had never seen before in your life?

A. Where?

Q. Where did you get the idea?

page 88 } A. Let's see. About right around, just after I came out of my house, as I was coming around the corner.

By the Court:

Q. Before you met her?

A. Yes, sir.

Q. Before you yelled to her?

A. Yes, sir.

By Mr. Maurice: (Continued)

Q. Before you met her?

A. Yes, sir.

Q. The idea struck you that you wanted to have intercourse with her?

A. Yes, sir.

Q. You hadn't seen the girl before?

A. I had seen her, saw her when she came by.

By Mr. Allen:

Q. You saw her where?

A. As I was going to the Pike and she was coming from the Pike going down east.

Q. You got a good look at her then?

A. Yes, sir. There wasn't very many girls down there at at that time.

page 89 } By Mr. Maurice: (Continued)

Q. And the notion struck you then that you were going to have intercourse with her?

A. No, sir, struck me that it might be a good chance.

Q. You are right slick on these answers for a boy who claims to not know anything about certain things, and otherwise you are pretty well up on everything that goes along—

The Court: Don't argue with the witness. Go ahead and ask him questions.

Mrs. Macy A. Satterwhite.

Q. You said you were scared that she would leave, and that is the reason you tied her up, is that right?
A. No, sir.
Q. You left her. Did you tie her up and leave her tied in that house, and you went over and called your friend Tinsley?
A. No, sir.
Q. Tinsley called you?
A. Called me.
Q. Then you wanted Tinsley to come back down there to see this girl, is that right?
A. Yes, sir.
Q. If you were scared and not trying to show off and show what a big man you were and you had a woman
page 90 } tied over there two doors away, had her custody, so to speak, and if you were afraid why were you calling him to come over there? Tell the Court about that.
A. I won't calling him to come down there in the first place. In the second place, I won't particularly scared of the thing. In the third place, he didn't believe me. I just told him that it was a girl down there, he didn't believe me, so I just said to come down there and I would prove that I won't lying.
Q. If you were scared why—
A. Just to prove I won't a liar.
Q. Then you were more concerned about proving that you were not a liar than your fright, is that right?
A. At that moment I was.

Witness stood aside.

Note: At this point recess is had for lunch from 2:40 to 3:10 P. M.

Following the luncheon recess, the hearing continues, as follows:

page 91 } The Court: This record should show in the beginning that based on the reports contained in the certification of the case to this Court that the defendant was being tried as an adult.

MRS. MACY A. SATTERWHITE,
a witness introduced in behalf of the defendant, first being duly sworn, testified as follows:

Mrs. Macy A. Satterwhite.

DIRECT EXAMINATION.

By Mr. Allen:

Q. Mrs. Satterwhite, will you state your name and age, please?

A. Mrs. Macy A. Satterwhite, I am 48 years old.

Q. Billie Satterwhite is your son?

A. Yes, he is.

Q. How old was Billie at the time this occurrence took place?

A. 16.

Q. Is Billie's father living?

A. No, he is not.

Q. Is Billie living with you?

A. Yes, he is.

page 92 } Q. He has been living with you continuously?

A. Yes.

Q. Has he been doing any work in recent years, and if so what?

A. My son?

Q. Any work.

A. Nothing but when he goes off over to my daughter's and is helping them. He tried right many places to get work, but on account of his age he could not.

Q. He has been going to school?

A. Yes.

Q. Does he go to school pretty regularly?

A. Yes, sir.

Q. So far as you know how does he get along in school?

A. Okay.

Q. Is he making his grades?

A. Yes.

Q. I believe he is a sergeant. He was first a corporal and then promoted to sergeant?

A. Yes, sir.

Q. He is now Sergeant in the John Marshall High School?

A. That is right.

Q. Did you come home on the evening of the day

page 93 } this occurrence took place?

A. Yes, sir, I did.

Q. What condition did you find your house in?

A. Well, when I came in the first thing I noticed it was a lot of glasses in there on the kitchen table, and I put my lunch box down and went on in there and looked at that.

Mrs. Macy A. Satterwhite.

When I went to the bathroom to wash my hands I noticed this card of a lawyer, you know, just under my mirror on my chest of drawers in the bathroom.

It was a lot of toilet tissues and lipstick was on it, and I felt like something had happened, but I didn't know what.

I called my daughter and she said that she wouldn't worry, she imagined Billie was just playing.

Then I called one of the neighbors to see if Billie did go swimming with the Tinsley boy, and they said they didn't know but they thought he did.

So then I didn't hear anything else until about dark when the police called. I was frantic all that time.

Q. Did you find anything in the way of tissue with lipstick and all on it

A. Yes, sir.

Q. Did you take any of it and keep it?

A. Yes, I have it with me now.

page 94 } Q. Let us see it. Show it to the Judge, please.

Note: Witness showing tissue to the Court. This tissue is now marked and filed as Defendant Exhibit 1.

Q. Is that tissue that was in your home, or did this girl bring it there?

A. It was the color that I had in my house.

Q. It was the same color?

A. Yes, sir.

Q. How about the lipstick?

A. It was not mine. It is my lipstick, though.

Q. That is yours?

A. Yes, sir. I had two or three different lipsticks, and all of the tops were off of them laying up on the dresser drawers.

Q. Did you see any other evidence around the house that this girl had been in there?

A. Well, not anything, only the lipstick in the bathroom, and on the glasses that were in there on the table.

Q. What table were the glasses on?

A. Kitchen table in the kitchen.

Q. How many glasses were there?

A. I reckon around 7or 8. Had lipstick on some of them, too.

page 95 } Q. Do you know what they were doing with those glasses?

Mrs. Macy A. Satterwhite.

A. No, I had right many soft drinks in the refrigerator, but I do not know whether they drank those or what.

Q. Did you miss any of your soft drinks out of the refrigerator?

A. Yes, sir. It was right many of those gone. And several of the bottles sitting up on top of the table.

Q. This boy's habits pretty good so far as you know?

A. Yes, sir.

Q. What age was he when his father died?

A. His father has been dead since 1951.

Q. He is 16. He was quite a young boy?

A. He was about ten years old, I imagine, something like that.

Q. Is it your plan to keep him in high school?

A. Yes, sir.

Q. Until he gets through John Marshall?

A. Yes, sir. He wants to go in service and take up a course.

Q. You mean go in service of the United States Army?

A. That is right.

page 96 } Q. When he gets out of high school?

A. Yes, sir.

CROSS EXAMINATION.

By Mr. Maurice:

Q. Mrs. Satterwhite, you spoke of these glasses, I think you said seven or eight glasses?

A. Yes, sir. It was right many, seven or eight. Might have been more than that on the table. It was so many on the table that I just didn't count them all.

I keep them on the sink, kept them there until the police or somebody had been there and messed them all up. Then I couldn't tell what was what.

Q. You were away all day long at your employment?

A. I am away from 7:30 until 4:00 in the afternoon. Four twenty in the afternoon. Seven thirty to four.

Q. Then it takes you sometime to get home?

A. About 15 minutes.

Q. You do not know who comes to your house during the day except what you are told?

A. I do not think any kids much come down there. I think Billie has been a good boy, and he has stayed home and tried

Mrs. Macy A. Satterwhite.

to look out like he should.

page 97 } Q. We understand. But what I am trying to get at is, the house is open when he is there so that he can come and go any time he pleases?

A. Well, surely.

Q. Now, he is also a friend of this boy he called—what is his name?

A. Tinsley. Well, the kid just comes down there lots of times, and they play the radio or something like that.

Q. And how many other of Billie's friends come down there and play the radio and make themselves at home?

A. It is not any that come down there.

Q. You do not know whether the Tinsley boy came down there that day or not, do you?

A. No, I do not.

Q. But you heard your son testify that he did come?

A. Yes.

Q. So, as a matter of fact, you do not know who had access or how many youngsters or other people might have come in your house during that day except what probably your son might have told you, is that right?

A. That is right, I do not know.

By the Court:

Q. I believe your son is in the Cadet Corps?

page 98 } A. Yes, sir.

Q. Does he attend the Cadet Balls and dances?

A. He has, yes. He goes to the meetings when they have the meetings. They have the meetings mostly on Saturday nights. But I do not ever let him stay out over 11:00 or 11:30, that is when he comes in.

Q. Does he go to the hops, dances?

A. Yes, sir.

Q. How long has he been going to those?

A. Well, since he has been in the Cadets. This makes two sessions.

Q. What girls does he go with?

A. He doesn't date any girls. Just the girl that he takes to the hop. He calls up girls, something like that, but so far as dating them and going out or anything like that, I never, you know, know that he ever did it.

Q. How long has he been taking girls to dances?

A. Since he has been in the Cadet Corps. Two years. Two sessions.

Mrs. Macy A. Satterwhite.

By Mr. Maurice: (Continued)

Q. He has been an officer over there in the Cadet Corps for, since he practically went to high school?

A. Yes, sir. He went in I believe it was a half term, if I am not mistaken. This year and half of the last

page 99 } year, I think, if I am not mistaken.

Whether he went the whole entire term of last year or not I do not remember right now.

Billie Halbert Satterwhite: I have been in two years.

Q. During all that time he has been associating with the activities?

A. Yes.

Witness stood aside.

Mr. Allen: That is our case, if Your Honor please.

Mr. Maurice: That is the Commonwealth's case. Unless the Court cares particularly I am perfectly willing to waive opening argument, unless the Court cares to hear from me.

The Court: That is up to counsel.

Mr. Maurice: Well sir, I think that I can cover adequately what I want to cover in closing argument, and I do not think it is probably worthwhile to take up the Court's time on two occasions. So I will let Mr. Allen go ahead.

page 100 } Mr. Allen: Then if Your Honor please, I haven't anything to reply to, if he doesn't open the case. I am not asking that he do open it.

Mr. Maurice: Then to abide by the rules I will go ahead, or I will be glad to submit it. Do you want to submit it to the Judge without argument?

Mr. Allen: Well, we have no jury here, and we have an able Judge. He has very patiently heard the evidence. I have a very heavy responsibility weighing upon me, and I am just trying to think, and I am inclined to think that we should submit the case to Your Honor.

Mr. Maurice: Without argument.

Mr. Allen: Without argument.

Mr. Maurice: That is agreeable with me, if Your Honor please.

The Court: Then does the Court understand that neither side wants to argue? Is that what I understand?

Mr. Allen: That is right.

Mr. Maurice: Your Honor has heard the evidence, and you know the law.

The Court: Then I find him guilty.

Mr. Allen: What say?

page 101 } The Court: I find him guilty as charged.

Are there any motions before I fix the sentence?

Mr. Allen: Well, I move that you suspend the imposition of the sentence for any particular length of time that Your Honor may see fit to suspend it.

I think that is the most salutary and the most humane thing that can be done in a situation of this kind.

The boy will always be where he is subject to call, and if he doesn't comply with the law and go straight and make good at school and live the life of a useful citizen, and he is available. The boy is only 16 years old. He has come in here and told you the truth of the thing from start to finish, except in one respect of course you have found that he didn't tell it, but I am referring to all of the incidents leading up to the affair, and the things following it and all that.

The boy has been full and frank, fair and candid. Now, he is only 16 years old. He has a long life before him. If a suspension of the imposition of the sentence would be in order, and then hold this thing over him to insure

page 102 } that he goes straight thereafter, makes good at school, makes good in life; and if he doesn't, then you can call him here and throw the book at him.

I think the boy ought to be given an opportunity, considering as young as he is.

Mr. Maurice: Judge, I feel that Your Honor has heard this evidence in its entirety, and you familiar with the case.

While this boy is young it seems to me that it is a well thought out plan. Certainly that conclusion can be drawn from the inferences of the testimony here, and the only thing I am asking the Court to do is, in whatever you decide to do, is to keep in mind that while this boy is young the seriousness of a thing of this kind. As the Court well knows, the Court has the responsibility, which weighs just as heavily on the protection of the public and people in general who are trying to secure work, as it does to others, and they have a right to go about their daily duties unmolested.

I just hope that the Court will bear in mind that while we are interested in this young man, that there are certain crimes that are grave, this is one of the most serious that we have on the books, so I am not trying to bear

page 103 } down on this young man at all, but I do want the Court to understand and the record to show that I

call attention to the fact that the Court has a responsibility to the public, and to the public in general, so that these juveniles will not be allowed to think that they can commit first offenses of this type and the Court will always give them suspended sentenses or imposition of sentence, or anything of that kind.

I am sure the Court is burdened with that responsibility, and I am in the position of certainly hating to have to bring this to your attention, but it is my duty to do so at this time.

Mr. Allen: If this boy is a juvenile, under the juvenile laws of course you are not supposed to send a juvenile to the penitentiary except in an extreme case. I do not believe that is this type of case, sir.

The Court: I will take it under advisement. I will remand him to the city jail pending the decision of the Court.

2/16/59.

CHAS. E. MAURICE
Asst. Attorney for Commonwealth City of Richmond, Va.

Feb. 16, 1959.

GEO. E. ALLEN
Atty. for deft.

Tendered February 16, 1959.
Signed February 16, 1959.

M. RAY DOUBLES, Judge.

Filed February 16th 1959.

Attest.

CHAS. R. PURDY, Clerk.

A Copy—Teste:

H. G. TURNER, Clerk.

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RULE 5:12—BRIEFS

§1. Form and Contents of Appellant's Brief. The opening brief of appellant shall contain:

(a) A subject index and table of citations with cases alphabetically arranged. The citation of Virginia cases shall be to the official Virginia Reports and, in addition, may refer to other reports containing such cases.

(b) A brief statement of the material proceedings in the lower court, the errors assigned and the questions involved in the appeal.

(c) A clear and concise statement of the facts, with references to the pages of the printed record when there is any possibility that the other side may question the statement. When the facts are in dispute the brief shall so state.

(d) With respect to each assignment of error relied on, the principles of law, the argument and the authorities shall be stated in one place and not scattered through the brief.

(e) The signature of at least one attorney practicing in this Court, and his address.

§2. Form and Contents of Appellee's Brief. The brief for the appellee shall contain:

(a) A subject index and table of citations with cases alphabetically arranged. Citations of Virginia cases must refer to the Virginia Reports and, in addition, may refer to other reports containing such cases.

(b) A statement of the case and of the points involved, if the appellee disagrees with the statement of appellant.

(c) A statement of the facts which are necessary to correct or amplify the statement in appellant's brief in so far as it is deemed erroneous or inadequate, with appropriate references to the pages of the record.

(d) Argument in support of the position of appellee.

The brief shall be signed by at least one attorney practicing in this Court, giving his address.

§3. Reply Brief. The reply brief (if any) of the appellant shall contain all the authorities relied on by him not referred to in his opening brief. In other respects it shall conform to the requirements for appellee's brief.

§4. Time of Filing. As soon as the estimated cost of printing the record is paid by the appellant, the clerk shall forthwith proceed to have printed a sufficient number of copies of record or the designated parts. Upon receipt of the printed copies or of the substituted copies allowed in lieu of printed copies under Rule 5:2, the clerk shall forthwith mark the filing date on each copy and transmit three copies of the printed record to each counsel of record, or notify each counsel of record of the filing date of the substituted copies.

(a) If the petition for appeal is adopted as the opening brief, the brief of the appellee shall be filed in the clerk's office within thirty-five days after the date the printed copies of the record, or the substituted copies allowed under Rule 5:2, are filed in the clerk's office. If the petition for appeal is not so adopted, the opening brief of the appellant shall be filed in the clerk's office within thirty-five days after the date printed copies of the record, or the substituted copies allowed under Rule 5:2, are filed in the clerk's office, and the brief of the appellee shall be filed in the clerk's office within thirty-five days after the opening brief of the appellant is filed in the clerk's office.

(b) Within fourteen days after the brief of the appellee is filed in the clerk's office, the appellant may file a reply brief in the clerk's office. The case will be called at a session of the Court commencing after the expiration of the fourteen days unless counsel agree that it be called at a session of the Court commencing at an earlier time; provided, however, that a criminal case may be called at the next session if the Commonwealth's brief is filed at least fourteen days prior to the calling of the case, in which event the reply brief for the appellant shall be filed not later than the day before the case is called. This paragraph does not extend the time allowed by paragraph (a) above for the filing of the appellant's brief.

(c) With the consent of the Chief Justice or the Court, counsel for opposing parties may file with the clerk a written stipulation changing the time for filing briefs in any case; provided, however, that all briefs must be filed not later than the day before such case is to be heard.

§5. Number of Copies. Twenty-five copies of each brief shall be filed with the clerk of the Court, and at least three copies mailed or delivered to opposing counsel on or before the day on which the brief is filed.

§6. Size and Type. Briefs shall be nine inches in length and six inches in width, so as to conform in dimensions to the printed record, and shall be printed in type not less in size, as to height and width, than the type in which the record is printed. The record number of the case and the names and addresses of counsel submitting the brief shall be printed on the front cover.

§7. Effect of Noncompliance. If neither party has filed a brief in compliance with the requirements of this rule, the Court will not hear oral argument. If one party has but the other has not filed such a brief, the party in default will not be heard orally.

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