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Record No. 5149

In the Supreme Court of Appeals of Virginia at Richmond

EDGIE R. JONES

v.

COMMONWEALTH OF VIRGINIA

FROM THE CIRCUIT COURT OF ACCOMACK COUNTY

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.

IN THE

Supreme Court of Appeals of Virginia

AT RICHMOND

Record No. 5149

VIRGINIA:

In the Supreme Court of Appeals held at the Supreme Court of Appeals Building in the City of Richmond on Tuesday the 1st day of March, 1960.

EDGIE R. JONES, Plaintiff in Error,

against

COMMONWEALTH OF VIRGINIA, Defendant in Error.

From the Circuit Court of Accomack County

Upon the petition of Edgie R. Jones a writ of error and *supersedeas* is awarded him to a judgment rendered by the Circuit Court of Accomack County on the 28th day of October, 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

• • • • •

FREDERICK G. WOODSON, M. D.
Suite 409 Wainwright Building
Norfolk 10, Virginia

June 8, 1959.

Mr. William K. Mapp
Keller, Virginia

Dear Mr. Mapp:

Mr. Edgie Jones has been a patient at Norfolk General Hospital for the past three weeks as a result of a self-inflicted bullet wound of the head. As you know, he also shot his wife several times. Except for considerable damage to the right eye with probable permanent loss of vision of this eye, he has sustained no serious physical injury.

According to the history, Mr. Jones had been in a nervous state for around three months prior to this event. He had been agitated and despondent part of the time and had sought medical help from several sources. A few weeks ago he was taken to Baltimore where he requested treatment, but because of crowded conditions was put on a waiting list at two hospitals. He was later admitted to Tucker Hospital, but because of dissatisfaction on the part of the family he was removed. His physician at home had recommended psychiatric treatment on at least one occasion.

A day or two before the shooting, Mr. Jones experienced a severe degree of agitation and apparently realized he was getting worse, although this did not seem too obvious to members of his family. He states he got up in the middle of the night and intended to kill himself, but his wife intervened. He does not remember the details clearly and claims to have no actual memory of firing at his wife or having any wish to do so. He tells me that he has had a great amount of worry in recent months, especially over his business. He has encountered difficulty in collecting his accounts and in paying his own debts.

It is my belief that he has a mental illness, namely an involutional psychotic reaction. This is a type of depression which occurs in older people and not uncommonly is associated with severe agitation, hopelessness, depression, and

attempts at self-destruction. I am pleased to report that Mr. Jones has made good progress here and is much better. He continues to have mild depression and I noticed that he becomes unduly worried on occasions. He is receiving medication and probably will not require shock treatment for restoration of his health. The family informs me that they cannot afford to keep him under private care and must turn to the State Hospital for assistance. Mr. Jones should not return to his home at this time because he has not had a sufficiently long interval in which to recover and there may still be some danger. It is my recommendation that he continue under custodial care in a state hospital for whatever length of time may be required for his recovery.

Yours very truly,

FREDERICK G. WOODSON, M. D.

FGW/cdm

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* * * * *

The defendant, E. R. Jones, by Counsel, pursuant to Section 19-202 of the Code of Virginia, as amended, respectfully moves the Court that there is reason to believe that the said E. R. Jones, who is charged with crime, is in such mental condition that his confinement in a Hospital for the insane is necessary for proper care and observation.

Wherefore, the defendant, E. R. Jones, by Counsel, respectfully moves the Court to hear evidence on the subject and to commit the said E. R. Jones, a white person, to a State Hospital for the Insane, best adapted to meet the needs of the case.

In support of this said motion, the defendant herewith files a letter dated June 8, 1959, addressed to Mr. William K. Mapp, Keller, Virginia, by Frederick G. Woodson, M. D., of Suite 409 Wainwright Building, Norfolk 10, Virginia.

Dated this the 13th day of June, 1959.

E. R. JONES
By WILLIAM KING MAPP
His Attorney.

MAPP & MAPP
Keller, Virginia.

I, William King Mapp, of Counsel for E. R. Jones, do hereby certify that a copy of the foregoing motion was, on June 13, 1959, mailed to William E. Fears, Attorney for the Commonwealth, Accomac, Virginia.

WILLIAM KING MAPP.

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• • • • •

This day came the defendant, E. R. Jones, in person, and by Counsel, and begs leave to file his motion, moving the Court to commit said E. R. Jones to a State Hospital for the Insane for proper care and observation, and it is ordered that said motion be, and the same hereby is, duly filed.

The evidence of Dr. John R. Hamilton, and Dr. J. E. Gladsone, Jr. who were appointed physicians to examine the said E. R. Jones and reported his condition to the Court was given, and pursuant to Section 19-202 of the Code of Virginia, as amended, it is ordered that the said E. R. Jones be committed to the Eastern State Hospital, at Williamsburg, Virginia, for proper care and observation, pending the determination of his mental condition. It is further ordered that a copy of the warrant of arrest, attested by this Court, or its Clerk, together with the report of the Examining Commission, including as far as possible a personal history of the said E. R. Jones on forms prescribed by the General Board of Directors of the State Hospitals, shall be forwarded with the said E. R. Jones to the Superintendent of the Eastern State Hospital, at Williamsburg, Virginia, along with a copy of this order.

Entered this the 15th day of June, 1959.

B. T. GUNTER, JR.
Judge of the County Court for the County of Accomack, Virginia.

Enter this order 6/15/59.

B. T. GUNTER, JR., Judge.

* * * * *

page 5 }

* * * * *

County of Accomack, to-wit:

To the Sheriff, or any Police Officer of the said County.

Whereas, William E. Fears—Commonwealth's Attorney of the said County has this day made complaint and information on oath before me, B. T. Gunter, Jr., Judge of the Accomack County Court, that E. R. Jones in the said County did on the 18th day of May, 1959, unlawfully and feloniously did shoot, kill and murder one Martha S. Jones with premeditation and malice aforethought, and with intent to kill and murder the same against the peace and dignity of the Commonwealth of Virginia. These are therefore, in the name of the Commonwealth, to command you forwith to apprehend and bring before the Accomack County Court, the body of the said defendant, E. R. Jones at Accomack Court House, Accomac, Virginia, to answer the said complaint, and be further dealt with according to law, and you are also directed to summon David Bennett, Shf. James Drummond, Dorothy Bennett as witnesses.

Given under my hand and seal this 25th day of September, in the year 1959.

B. T. GUNTER, JR., [L. S.]
Judge.

By ....., Clerk.

(on back)

Docket No. A 81

WARRANT OF ARREST.

ACCOMACK C. H.

Commonwealth,

v.

E. R. Jones.

Plea: Not Guilty.

Upon an examination of the within charge, I find the accused guilty, not guilty. Certified to grand jury.

Jail Sentence	
Fine	$....
Clerk of Court	$ .25
Issuing Warrant	$ 1.50
Trial Fee	$ 2.00
Sheriff	$ 2.00
D. M. V. Fee	$....
Commonwealth's Attorney	$....
Weighing Fee	$....
Total	$ 5.75

B. T. GUNTER, JR., Judge.

Sept. 25, 1959.

Retd. Sept. 25, 1959.

* * * * *

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* * * * *

State of Virginia,
County of Accomack, to-wit:

The Grand Jurors of the Commonwealth of Virginia in and for the body of the County of Accomack and now attending the Circuit Court of said County, upon their oaths present that E. R. Jones on the .... day of May, 1959, in the County of Accomack aforesaid, unlawfully and feloniously did shoot, wound and murder one Martha S. Jones with premeditation and malice aforethought, and with intent to kill and murder the same, against the peace and dignity of the Commonwealth of Virginia.

Upon the information of David Bennett, Sheriff James Drummond and Dorothy Bennett sent up by the Commonwealth.

(on back)

C. R. WATERS, Foreman.

A True Bill.

We the jury, find the defendant guilty of involuntary manslaughter and fix a penalty of five (5) years in the state penitentiary.

W. J. VAUGHAN, Foreman.

page 8 } To Robert M. Oldham, Clerk of the Circuit Court of Accomack County, Virginia:

Please issue subpoenas for the following witnesses to testify in the following case, returnable to the Circuit Court at Accomack Courthouse at 10:00 A. M., on the day hereinafter set out:

Commonwealth *v.* Edgie R. Jones
Monday, October 12, 1959

Dr. Edmond Henderson, Nassawadox, Virginia
David Bennett, Hacks Neck, Virginia
Dorothy Bennett, " " "
Sheriff James Drummond
Dr. Joseph E. Barrett, Eastern State Hosp., Williamsburg, Va.
F. L. Parker, Jr., Melfa, Virginia
Dr. Lederman, Salisbury, Maryland
Fred T. Harrison, Hacks Neck, Virginia
Mrs. Viola Harrison, Hacks Neck, Virginia
Edward Moore, Hacks Neck, Virginia

WILLIAM E. FEARS
Attorney for the Commonwealth.

(Issued Oct. 7, 1959).

* * * * *

page 9-A } INSTRUCTION A.

The Court instructs the Jury, that, even if they believe from the evidence that the defendant, Edgie R. Jones, killed his wife, as charged in the indictment, nevertheless, if the Jury believe from the evidence that at the time of such killing the defendant was suffering from such insanity that he did not understand the nature and consequences of such killing, or that from such insanity he did not possess will power sufficient to restrain his impulse arising from a diseased mind, then you must find the defendant not guilty, on the ground of insanity.

Given 10/12/59.

J. F. W.

page 9-B } INSTRUCTION 1.

The Court instructs the jury:

That a doubt to justify an acquittal must be a reasonable doubt. It must not be a doubt that is merely chimerical or conjectural and must be based upon the evidence, or lack of evidence, or that is suggested by the evidence. It must be a doubt of a material fact or facts necessary for the jury to believe to find a verdict of conviction and not of immaterial and nonessential circumstances.

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

The jury must not go beyond the evidence to hunt up doubts, nor on the other hand must the jury go beyond the evidence to hunt up inference of guilt.

Given 10/12/59.

J. F. W.

page 9-C } INSTRUCTION 2.

The Court instructs the jury:

That in every case, although Edgie Jones may be laboring under partial insanity, if he still understands the nature and character of his act and its consequences, and has a knowledge that it is wrong and criminal, and a mental power sufficient to apply that knowledge to his own case, and to know that if he does the act he will do wrong and receive punishment, and possesses withal a will sufficient to restrain the impulse that may arise from a diseased mind, such partial insanity is not sufficient to exempt him, Edgie Jones, from responsibility to the law for his crimes.

Given 10/12/59.

J. F. W.

page 9-D } INSTRUCTION 3.

The Court instructs the jury:

That if they believe beyond a reasonable doubt that Edgie Jones with premeditation and malice aforethought did fire a pistol into the body of Martha Jones, and as a result of these pistol wounds Martha Jones died within the year; the jury

shall find Edgie Jones guilty of murder in the first degree, unless you shall believe he was insane and did not know at the time right from wrong.

Given 10/12/59.

J. F. W.

page 9-E } INSTRUCTION 5.

The Court instructs the jury:

That the burden of proving insanity is on Edgie Jones, and if the jury believes beyond a reasonable doubt that Edgie Jones shot and killed Martha Jones, it is not sufficient for the accused to raise a reasonable doubt as to his sanity; he must go one step further and prove to the satisfaction of the jury that he was insane at the time of the commission of the act in order to be acquitted.

Given 10/12/59.

J. F. W.

page 9-F } INSTRUCTION 6.

The Court instructs the jury:

That all murders are presumed in law to be murder in the second degree, and in order to elevate the offense of murder in first degree the burden of proof is on the Commonwealth; and in order to reduce the offense below murder in the second degree the burden is on the accused.

Given 10/12/59.

J. F. W.

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• • • • •

Virginia:

Circuit Court of the County of Accomack, on Monday, the 12th day of October, in the year of our Lord, Nineteen Hundred and Fifty Nine.

• • • • •

This day came the Attorney for the Commonwealth; and thereupon, said defendant, who stands indicted for a felony, to-wit: Murder, appeared in Court in accordance with the conditions of a recognizance heretofore entered into by him and was set to the Bar by the Sheriff of this County, and being arraigned upon said Indictment, and after private consultation with his attorney, William King Mapp, pleaded not guilty thereto, which plea was tendered by said defendant in person. Whereupon, the Venire summoned by the Sheriff of this County in obedience to the Writ of *Venire Facias* for the trial of felony causes at this term was called and from the persons summoned by virtue thereof, and in attendance upon this Court, a panel of twenty persons, free from exceptions, was completed for the trial of said defendant upon said Indictment, which was submitted to said Attorney for the Commonwealth and said defendant, who each struck therefrom four of the names entered thereon in the manner directed by law, and the remaining twelve, to-wit: Albert I. Prettyman, Stanley James Annis, Mrs. Ann Dukes, Mrs. Lucille Cobb, W. Jefferson Vaughan, William C. Kellam, John T. Borum, Harold T. Nock, Louise Lankford, Robert L. Williams, Edgar L. Bennett and Donald H. Belote, constituting the Jury for the trial of said defendant upon said Indictment, were sworn well and truly to try and true deliverance to make between the Commonwealth and said defendants, upon said Indictment and having fully heard the evidence introduced on behalf of the Commonwealth, counsel for the defendant made the following motion: That the Court dismiss the Indictment against Mr. Jones on the ground that the Commonwealth has failed to prove the *corpus delecti* beyond a reasonable doubt, which motion was overruled by

page 11 } the Court, and then having fully heard the evidence for the Commonwealth and the defendant and the arguments of counsel, was sent out of Court to consult of its verdict, and after sometime returning into Court, returned the following verdict: "We, the Jury, find the defendant guilty of involuntary manslaughter and fix a penalty of five (5) years in the state penitentiary." Whereupon, the defendant, by counsel, moved the Court to set aside said verdict and grant the *defenant* a new trial on the following grounds: (1) The verdict of the Jury is contrary to the law and the evidence in this case and without evidence to support it; (2) Misdirection of the Jury by the Court; (3) Failure of the Court to properly instruct the Jury; (4) The admission of improper evidence; (5) The exclusion of proper evidence; (6) Under the evidence in this case and the law applicable thereto, the defendant cannot be convicted of in-

voluntary Manslaughter, and which motion the Court set for hearing on the 21st day of October, 1959, at 10 o'clock, A. M.

• • • • •

page 13 }

• • • • •

This day came again the Attorney for the Commonwealth; and thereupon said defendant appeared in Court in accordance with the conditions of a recognizance heretofore entered into by him and was set to the Bar by the Sheriff of this County. Whereupon the motion made by the defendant by his attorney on the 12th day of October, 1959, to set aside the jury's verdict and grant the defendant a new trial upon the grounds set forth in an order entered herein on October 12, 1959, having been fully argued, same was overruled, to which ruling of the Court said defendant by his attorney excepted. And thereupon it being demanded of said defendant if anything for him he had or knew to say why the Court should not now proceed to pronounce judgment against him according to law, and nothing being offered or alleged in delay of judgment, it is considered by the Court that said defendant be imprisoned in the public jail and penitentiary house of this Commonwealth for the term of five years, the period by the jurors in their verdict ascertained, therein to be kept in prison and treated in the manner directed by law, to which action of the Court the defendant by Counsel excepted.

And thereupon said defendant, by his attorney, represented unto the Court that he is aggrieved by the judgment aforesaid and is desirous of applying to the Supreme Court of Appeals of this State for a Writ of Error to the judgment of the Court aforesaid, it is ordered that the execution of said judgment be suspended for a period of sixty days from this day in order to enable said defendant to perfect his said appeal to said Supreme Court of Appeals of the State of Virginia for a Writ of Error to the judgment of

page 14 } this Court. Upon the said E. R. Jones executing a *a* bond before this Court or its Clerk in the penalty of $5,000.00, with good and sufficient surety conditioned that he, the said E. R. Jones, shall, immediately after the expiration of said sixty days for which the said judgment is suspended, abide by and perform the said judgment in case the Writ of Error aforesaid is refused, or being granted, he, the said E. R. Jones, fails to prosecute the same with effect. Where-

upon, the said E. R. Jones entered into the bond aforesaid with William Jones surety therein to justify his sufficiency on oath, and was discharged.

Enter this order 10/28/59.

J. F. W.

* * * * *

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* * * * *

NOTICE OF APPEAL AND ASSIGNMENTS OF ERROR.

To Robert M. Oldham, Clerk of the Circuit Court for the County of Accomack:

Counsel for Edgie R. Jones, the defendant in the above styled case in the Circuit Court for the County of Accomack, Virginia, hereby gives notice of an appeal from an order entered herein on the 26th day of October, 1959, said order having been entered by the Circuit Court for the County of Accomack, Virginia.

The said Edgie R. Jones, the defendant in the above styled suit, will apply to the Supreme Court of Appeals of Virginia for a writ of error and *supersedeas* to said order, and herewith sets forth his assignments of error as follows:

1. The Court erred in over-ruling the defendant's motion to strike the Commonwealth's evidence at the conclusion thereof on the grounds that the Commonwealth had failed to prove the *corpus delicti* beyond a reasonable doubt.

2. The Court erred in over-ruling the defendant's motion to set aside the verdict of the Jury and grant the defendant, Edgie R. Jones, a new trial made at the conclusion of all of the evidence upon the following grounds:

(1) The verdict of the Jury is contrary to the law and the evidence in this case, and without evidence to support it.

(2) Misdirection of the Jury by the Court.

(3) Failure of the Court to properly instruct the Jury.

(4) The admission of improper evidence.

(5) The exclusion of proper evidence.

(6) Under the evidence in this case, and the law applicable

thereto, the defendant cannot be convicted of involuntary manslaughter.

Dated this the 7th day of December, 1959.

EDGIE R. JONES
By Counsel.

MAPP & MAPP p. d.

page 16 } I, William King Mapp, of Counsel for Edgie R. Jones, do hereby certify that a copy of the foregoing notice of appeal and assignments of error was mailed to Williams E. Fears, Esq., Accomac, Virginia, Commonwealth's Attorney for the County of Accomack, Virginia, on the 7th day of December, 1959.

WILLIAM KING MAPP
Of Counsel for Edgie R. Jones.

Filed December Term (Dec. 7) A. D., 1959.

Teste:

ROBT. M. OLDHAM, Clerk
By BEULAH LOWE MASON, Dy.

Testimony and other incidents in the trial of the above-styled cause, heard before the Honorable Jeff F. Walter, presiding over the 31st Judicial Circuit, at Accomac, Virginia, on Monday, the 12th day of October, 1959.

Present: William E. Fears, Esquire, Attorney for the Commonwealth; William King Mapp, Esquire, for the Defendant.

MR. DAVID BENNETT,
a witness called in behalf of the Commonwealth, being first duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Fears:
Q. Your name is Mr. David Bennett?
A. Yes, sir.
Q. Where do you live, Mr. Bennett?

David Bennett.

A. Down at Hack's Neck.
page 2 } Q. Do you know Mr. Edgie Jones?
A. Very well.
Q. One of your personal friends, isn't he?
A. We are good friends.
Q. Do you know where his store is in Hack's Neck?
A. I know where he kept it.
Q. Back in May— around May 18th—were you in Mr. Jones' store?
A. I can't remember what day it was.
Q. Did you go home with Mr. Jones, back there in May, one night?
A. Yes, sir. I was out there one night, and he asked me to go home with him.
Q. Did you go home with him?
A. Yes, sir.
Q. Was his wife along?
A. Yes, sir.
Q. Where was your wife?
A. My wife was in Norfolk.
Q. And you went home with Mr. Jones and his wife to their house?
A. Yes, sir.
Q. What time was that?
page 3 } A. He left at eight o'clock of a night.
Q. What time did you get to his home?
A. I would judge it wasn't over ten minutes.
Q. When you got there, what did you do?
A. His wife went to work and cooked supper.
Q. Did you eat with them?
A. We sat down and ate it, but first off, when we got to the house, he turned the television on.
Q. Edgie did?
A. Yes.
Q. Did he seem to know what he was doing?
A. Well, I never paid much attention.
Q. You had known him a long time?
A. Yes, sir.
Q. Was there anything unusual about his actions?
A. I didn't see any.
Q. He knew what he was doing?
A. Yes. He turned the television on, and I laid on the lounge until his wife got supper, and we ate, and I went back to the lounge and laid down there and went to sleep. I was tired. I picked strawberries that morning, and I went to

David Bennett.

sleep. Along about nine, I judge, it was somewheres about that time, he said, David, you better get up and go
page 4 } to bed—

Q. Edgie said that?

A. Yes.

Q. Where was Mrs. Jones?

A. In the room there. In the living room.

Q. Yes. Go ahead.

A. So I got up, and them two went into the room, and, I suppose, went to bed.

Q. They went to their bedroom?

A. Yes, sir.

Q. You were still in the living room?

A. Yes, sir, on the sofa.

Q. Did you undress?

A. I undressed and went to bed, and I guess it wasn't five minutes before I was asleep.

Q. Did something wake you up?

A. Something waked me.

Q. Yes, sir?

A. The first thing I heard was her screaming.

Q. Mrs. Jones screaming?

A. Yes.

Q. What happened?

A. When she screamed, a pistol fired, and I
page 5 } jumped up in the bed, and says, Oh, Lord. When I got out of bed, it fired again, and before I got to him, it fired twice more.

Q. What did you see?

A. I didn't see anything but him holding her hand.

Q. Tell the Jury what you saw?

A. All I seen was him holding her, and I started toward him—

Q. Where was the pistol?

A. The pistol was in his hand.

Q. Does this look like it?

A. I don't know. I never paid no attention to it.

Q. Which hand was the pistol in?

A. It must have been his right hand.

Q. And he was holding her with the other hand?

A. Yes, sir.

Q. What part of her body was he holding?

A. Not her body—her arm. When she got away, she made a stagger out the door.

Q. He fired the pistol three times?

David Bennett.

A. Four times.
Q. Could you tell where the bullets struck her in the body?
A. No, I couldn't tell. The pistol was fired four times.
Q. Was he pointing it toward her?
page 6 } A. I couldn't tell until I got to him.
Q. What did he do when you got to him?
A. He started to aim, and he said, if you come any closer, I will kill you.
Q. Did he point the pistol toward you?
A. Yes, sir.
Q. What did you do then?
A. I stepped back. I wasn't no fool to step in there.
Q. What did she do?
A. Broke loose, and went outdoors, and I went out right behind her. When I got out the door, I thought about being in my night clothes. I turned around and reached in for my clothes, and he had the pistol to his head like this, and when the pistol fired, he fell back. I got in the porch and got dressed, and when I had got dressed, I went to look for my shoes, and I had left one in there, and I reached in after it, and he was to the phone, telephoning.
Q. Could you hear him talking on the phone?
A. Yes, sir. He was talking on the phone, and he spied me, and said, David, get the doctor, I am bleeding to death. That's all I know.
Q. You know, of course, that Mrs. Jones was taken to the hospital?
A. I was to her son's.
page 7 } Q. And they carried her to the hospital?
A. They said they were taking her.
Q. Edgie was taken to the hospital, too?
A. I couldn't tell you. I didn't see them.
Q. Where did you go?
A. I was in the house.
Q. Where did you spend the evening?
A. Stayed with Williams Jones' wife.
Q. That is Mr. Edgie Jones' daughter-in-law?
A. Yes, sir.
Q. When you left the store—Do you remember being in the store before you went to the house?
A. Yes.
Q. Did you notice anything unusual about Mr. Edgie Jones?
A. No. I never paid no attention.
Q. Did he act normal to you?
A. Far as I ever knowed.

David Bennett.

Q. He didn't act like he was out of his mind?
A. No.

Mr. Mapp: If your Honor please, I object. I think he can tell what he did or said, but Mr. Fears is asking for an opinion.

The Court: He has a right to ask if he did any-
page 8 } thing unusual to indicate a lapse of memory.

Mr. Mapp: I except to the Court's ruling.

Mr. Fears:
Q. You didn't notice anything unusual?
A. I didn't see anything I thought unusual.

Mr. Fears: Thank you, Mr. Bennett. Your witness.

CROSS EXAMINATION.

By Mr. Mapp:
Q. Mr. Bennett, you and Mr. Jones had been good friends for a long time, *hand't* you?
A. All our lives. Not all our lives, either, but a good while.
Q. Now, he had nothing against you, did he?
A. If he did, I don't know it.
Q. I think you told Mr. Fears that he was the one that invited you to go home and spend the night?
A. Yes, sir.
Q. With him and Mrs. Jones?
A. He did in the store.
Q. Your wife wasn't home—She was across the Bay?
A. Yes.
Q. And he took you home in the car?
A. Yes.

Q. Mrs. Jones was in the car, too?
page 9 } A. Yes.

Q. Was there anything said between Mr. and Mrs. Jones to indicate they were having any trouble at all?
A. I never heard any.
Q. Mrs. Jones went on and cooked supper?
A. Yes, sir.
Q. And after supper, you sat there and watched television?
A. Yes. I laid on the lounge and went to sleep looking at television.
Q. I think you said Mr. Jones woke you up and told you to get undressed and go to sleep?

Dr. Edmund Henderson.

A. Yes.
Q. And they went in the bedroom?
A. Yes, sir.
Q. Went in the bedroom together?
A. I think—I believe they did. I won't say for sure, but I believe they did.
Q. No argument, no fuss, or no fight?
A. I never heard any.
Q. Mr. Bennett, you went to sleep in the living room. Is that right?
A. Yes, sir, on a cot.
Q. And the bedroom they were in was at the
page 10 } northeast corner of the house, wasn't it?
A. Yes, sir.
Q. And to get from that bedroom, you would come in a hall?
A. Yes, a little hall. You had to come right by my head.
Q. Right by where you were?
A. Yes.
Q. To get to the kitchen?
A. Yes.
Q. You didn't hear any disturbance from the bedroom, did you?
A. Never heard it until I heard her scream.
Q. At the time you heard the scream, you heard a shot?
A. Yes, sir.
Q. Just about the same time?
A. Yes, sir.
Q. And that is what woke you up?
A. Yes.

Mr. Mapp: That's all.
Mr. Fears: No further questions.

DR. EDMUND HENDERSON,
a witness called in behalf of the Commonwealth, being first duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Fears:
Q. Your name is Dr. Edmund Henderson?
page 11 } A. That's right.
Q. And, Dr. Henderson, you are the County Medical Examiner for Northampton County?

Dr. Edmund Henderson.

A. That's correct.
Q. Commonly known as a coroner?
A. That's correct.
Q. Did you examine the deceased, Martha Jones' body?
A. Yes.
Q. Tell the Jury what kind of wounds she had on her body?
A. Well, of course, my examination was after death.
Q. I understand that.
A. At which time the wound was a surgical wound, a linear incision through the mid portion of the abdomen, and there were no bullet wounds to be seen. Presumably, the bullet wounds had been taken care of by the operation.
Q. But the operation was because of the bullet wounds?
A. Yes.
Q. What was her cause of death?
A. The cause of her death was generalized peritonitis.
Q. What did it come from?
A. Well, peritonitis is an infection of the peritoneum or abdominal cavity. In this case, it was caused by bullet wounds which caused several perforations of the intestinal
page 12 } tract.
Q. The bullet wounds caused her death?

Mr. Mapp: We don't think Mr. Fears should put the answer in the witness's mouth.
The Court: That is correct, sir.

Mr. Fears:
Q. What was the cause of the death that led up to the peritonitis?
A. Well, certainly the bullet wounds are the things that started the whole train of events.
Q. The bullet wounds caused her death?

Mr. Mapp: We object, your Honor.
The Court: The doctor testified to that—That peritonitis was caused by the bullet wounds.
Mr. Fears: Your witness.

CROSS EXAMINATION.

By Mr. Mapp:
Q. Dr. Henderson, according to the evidence, the shooting occurred on May 18th, 1959. The date of death, I think, as fixed by you, as coroner, was June 27th. Is that correct?

A. That is correct.

Q. Now, as I understand it, the cause of death—the direct and immediate cause of death—was peritonitis?

A. Yes.

page 13 } Q. And what caused the peritonitis? Of course, you assume that it was from the gun wounds—

The Court: He didn't say assume. He made the statement a couple of times.

Mr. Mapp:

Q. Could any other cause have caused the peritonitis?

A. In this particular case, there was no indication of anything else being there to cause peritonitis. Peritonitis, in general, can be caused by a number of different things.

Q. While there were no indications, it is possible it could have been caused by something else. Is that correct?

A. I suppose anything is possible.

Q. Now, Doctor, could the treatment she received during the period from May 18th to June 27th—that is over a month—could anything in the treatment she received have caused the peritonitis?

A. I don't see how. The treatment she received was to prevent, or to cure.

Q. I know the reason for it, but still could it have done it?

A. I don't see how. I don't see how it could have.

Q. Peritonitis, as I understand it, isn't that an infection?

A. Yes.

page 14 } Q. And an infection could have been caused by faulty or unclean instruments, or things of that nature, could it not?

A. Theoretically, yes, but I think when one does an operation that has multiple holes in the intestinal tract to close, it is well known that holes through the intestinal tract cause a soiling of the peritoneum in every case, and I think it is rather far-fetched to try to blame it on—

Q. Don't misunderstand me. I am not trying to blame it on anything. I am asking if it is not possible?

A. Theoretically possible.

MR. F. L. PARKER, JR.,

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

F. L. Parker, Jr.

DIRECT EXAMINATION.

By Mr. Fears:

Q. Your name is F. L. Parker, Jr.?
A. Yes, sir.
Q. You live at Melfa?
A. Yes, sir.
Q. What is your occupation?
A. Merchant.
Q. What are you noted for on the Shore?
A. Selling guns.
page 15 } Q. Do you know Mr. Edgie Jones over here?
A. Yes, sir.
Q. Did you ever sell him a gun?
A. Yes, sir.
Q. Do you remember when you sold it to him?
A. May 18th.
Q. Was that the morning or the afternoon?
A. That was the morning.
Q. Before that date, had he tried to buy a gun from you?
A. He came in there, I think, one time before. I didn't know Mr. Jones at the time, and he had looked at guns. I would say he was in there five minutes, and he said they were too high.
Q. When was this?
A. About a month before this.
Q. Before the time he purchased it?
A. Just roughly. Somewhere about that.
Q. Didn't he bargain with you about a gun at that time?
A. He looked at them. Looked at quite a few. Said they were too *nigh,* and he might come back later.
Q. And he came back a month later, and bought one?
A. Yes, sir.
Q. Do you recognize that?
page 16 } A. Yes, sir.
Q. Tell the Jury what it is.
A. A six-shot German; twenty-two caliber. Shoots twenty-two shorts or twenty-two longs.
Q. How do you recognize it?
A. There is only one kind made.
Q. And Mr. Jones bought that gun from you?
A. Yes, sir. I have the serial numbers. That is the only possible way you can identify it.

The Court: Break it down, will you?

F. L. Parker, Jr.

A. The gun loads through the side.

The Court: Does it break down?

A. It is not a type that breaks down.

Mr. Fears:
Q. That is the gun Mr. Jones bought?
A. Yes, sir. That is the gun Mr. Jones bought from me.

Mr. Fears: I would like to introduce that as Commonwealth's Exhibit 1.
The Court: Admitted.

Mr. Fears:
Q. He bought that from you on the 18th?
A. Yes, sir.
Q. That was in the morning?
page 17 } A. Approximately nine or ten o'clock.
Q. Did he buy ammunition from you at that time?
A. No, sir, he did not.
Q. Did he load the gun at that time?
A. No, sir. He came in the store and said—I believe the exact words were—Do you still have one of those small guns, and, of course, it came to me that he had been in there before. I didn't know Mr. Jones at that time, and I showed him several guns. That was the small one he had, and he looked at the price of it, and said he wanted a small gun to keep in a cigar box. He kept store. So he asked me if I had anything cheaper. I said, no, that was about the cheapest thing I had. He looked at it, and said, does it shoot all right. I said the way I sell any gun, a man can take it out and fire it and find out for himself. He said he wanted to try it. I got six bullets, and we went outside, and he fired it six times, and, on the way in, he says, can't you come down on the price. That is a little too high. I said, no, that is the best I can do. So then he says, how about giving me a round of bullets. I said I would, and I gave him six bullets.
Q. And he loaded it?
A. No, sir.
Q. Where did he put them?
page 18 } A. He put the gun in one pocket, and the bullets in another.
Q. Anything unusual about Mr. Jones' actions?

James R. Drummond.

A. No, sir.

Mr. Fears: Your witness.

CROSS EXAMINATION.

By Mr. Mapp:

Q. Mr. Parker, I think you testified you didn't know Mr. Jones?

A. That's right.

Q. And so you don't know whether there was anything unusual about him, or not, not knowing how he normally was?

A. No, sir, I didn't.

Q. He came to you right in broad daylight?

A. Yes, sir.

Q. Did he tell you who he was?

A. No, sir, because when he bought the gun, well, the law requires—the Federal law requires—signing an affidavit.

Q. Did he sign it?

A. Name, age, address, and date.

Q. And gave you the correct name?

A. Yes, and I asked for identification. If I don't know a person that buys a pistol, I ask for identification, and he gave me his driving license.

Q. Then he did sign the affidavit, and give you
page 19 } the correct information?

A. Yes.

Q. Right in broad daylight?

A. Yes, sir.

Q. And left there with the gun?

A. Yes, sir.

Q. And this was the morning before the tragedy occurred?

A. It was the 18th that he bought the gun. Yes, sir.

Mr. Mapp: That's all, thank you.

JAMES R. DRUMMOND,

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

DIRECT EXAMINATION.

By Mr. Fears:

Q. You are Sheriff James R. Drummond?

A. Yes, sir.

James R. Drummond.

Q. Mr. Drummond, when was the first time you knew about this shooting?

A. I didn't know anything about it at all until the next day about ten or eleven o'clock. I got a call about it.

Q. Did you and I go down there, then, to the scene?

A. Yes, sir.

Q. Mr. Drummond, where did you recover this?

page 20 } A. William Jones. I asked him to give it to me. Edgie's son.

Q. Mr. Drummond, have you known Edgie Jones all his life—or most of your life?

A. Yes, sir.

Q. Had you been around Edgie Jones at any time prior to this shooting, to talk to him—observe him?

A. Yes. I had been down to his store during election time. I went there two or three nights, and talked to the bunch there.

Q. And you saw Mr. Jones?

A. I don't believe he was there at that time.

Q. When was the last time that you saw him before the shooting?

A. He wasn't there, then. I believe he was in the hospital, or somewhere, sick at that time.

Q. I will ask you have you talked to Mr. Jones since the shooting?

A. Yes, sir.

Q. Before the shooting, the last time you saw him, and since the shooting, have you noticed anything unusual about Mr. Jones' demeanor?

A. No, sir.

Mr. Mapp: If I understood Mr. Drummond, he said he hadn't seen him for some time before the shooting?

page 21 } A. I saw him one time there, yes, and I haven't seen no difference in him.

Mr. Fears:

Q. Been just like he is all his life?

A. Yes, sir.

Q. Far as you know?

A. As far as I know.

Q. Now, this shooting occurred—the incident at the house—that is located in Accomack County, isn't it?

Fred T. Harrison.

A. Yes, sir.

Mr. Fears: All right. Your witness, Mr. Mapp.

CROSS EXAMINATION.

By Mr. Mapp:

Q. Mr. Drummond, you say you saw him one time?

A. I think he was down at the store—I know he was—one night I was there. I was there several nights.

Q. You were electioneering at the time?

A. I suppose so.

Q. Were there many people in the store?

A. Yes, sir, several people. I don't remember now who was there, but I stopped there a lot of times anyhow.

Q. Of course, you were pretty preoccupied about the election, and not there to examine Edgie?

page 22 } A. No, I didn't pay much attention to him.

Q. And, following the shooting, he was taken to the Northampton-Accomack Memorial Hospital?

A. I understood he was carried to Nassawadox, and then sent across the Bay to Norfolk.

Q. You didn't see him from the time of the shooting until he was sent to Norfolk?

A. No, sir.

Q. How long was he there at the Norfolk hospital?

A. I would say approximately two weeks.

Q. You didn't see him there?

A. No, sir.

Q. And from there, he was returned here?

A. Yes, sir.

Q. Did you see him then?

A. I saw him when they had the hearing, yes, sir.

Q. And from here he was sent to Williamsburg?

A. Yes, sir.

Q. And then he is back here now?

A. Yes, sir.

Mr. Mapp: That's all, thank you.

Mr. Fears: No questions.

page 23 } MR. FRED T. HARRISON,

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

Fred T. Harrison.

DIRECT EXAMINATION.

By Mr. Fears:

Q. You are Mr. Fred Harrison?

A. Yes, sir.

Q. Most people know you as "Baby"?

A. Yes, sir.

Q. You live at Hack's Neck?

A. I think so.

Q. What is your occupation?

A. Fishing and farming.

Q. Mr. Harrison, how long have you known Edgie Jones, the defendant?

A. All my life.

Q. You talked with him almost every evening at the store?

A. Didn't miss many.

Q. When was the last time you talked with him before May 18th?

A. The same night he done the shooting.

Q. Was he in the store?

A. Yes.

Q. Were you in the store?

page 24 } A. Yes.

Q. Have a long conversation in the store with him?

A. I was there about an hour and a half.

Q. See anything unusual in his actions?

A. No. To me, he acted just like he always did. Didn't see anything unusual. He was jolly and talking.

Q. Well, knowing him all your life like you did, and his actions, would you say that Mr. Jones—

A. I would say for forty years anyway.

Q. He wasn't insane that evening, was he?

Mr. Mapp: I object to that question.

The Court: He is not an expert. Objection sustained.

Mr. Fears: No further questions.

CROSS EXAMINATION.

By Mr. Mapp:

Q. Mr. Harrison, on that night was Mrs. Martha Jones there in the store, too?

A. Yes.

Viola Harrison.

Q. They both worked in the store together right much, didn't they?
A. Yes.
Q. So far as you could see, did Mrs. and Mr. Jones get along all right?
page 25 }
A. Yes. She was talking just like anybody else. Edgie is always talking, you know.
Q. And, as far as you could see, the relationship between them was perfectly normal?
A. That's the way it looked to me. I got a few groceries and left before they did.
Q. Before they closed the store?
A. They were about to close. That's the reason I left. They usually close around eight.
Q. And when you left they were perfectly all right and normal toward each other?
A. Yes.

Mr. Mapp: That's all, thank you.

MRS. VIOLA HARRISON,
a witness called in behalf of the Commonwealth, being first duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Fears:
Q. Your name is Viola Harrison?
A. Yes, it is.
Q. Where do you live, Mrs. Harrison?
A. Hack's Neck.
page 26 }
Q. Who is your husband?
A. Forrest Harrison.
Q. You live right there by Mr. Jones' store, in the vicinity of it?
A. Yes, I do.
Q. It is the second house over?
A. It is the third.
Q. Do you deal in Mr. Jones' store?
A. Yes, I do.
Q. Did you see Mr. Jones on May 18th, just before this shooting took place?
A. Yes, sir.
Q. When was it—afternoon, or evening?

Viola Harrison.

A. He asked me to keep the store while he went to the bank Monday morning.

Q. And you did keep it?

A. Yes.

Q. He told you he was going to the bank?

A. Yes.

Q. See anything unusual in his demeanor?

A. I didn't have time to determine that. When I walked in the store, he got out.

Q. But he knew where he was going?

page 27 } A. That was why he asked me to stay. While he went to the bank.

Q. That was May 18th, the day of the shooting?

A. Yes, sir.

Mr. Fears: That's all.

CROSS EXAMINATION.

By Mr. Mapp:

Q. Mrs. Harrison, you also helped Mr. and Mrs. Jones in operating the store, didn't you, at various and sundry times?

A. Yes, sir, I did.

Q. About how long had you been doing that, prior to this tragedy?

A. Ever since he kept the store—in that vicinity.

Q. Mrs. Harrison, in working in the store with Mr. Jones and Mrs. Jones, did you notice anything unusual, or any peculiarities about him, that would indicate to you that Mr. Jones was not himself?

A. Well, he seemed depressed. Very depressed, for the past four months prior to the tragedy.

Q. How was he with his figures, in calculating store accounts and things like that?

A. He couldn't calculate. He was a very poor

page 28 } calculator.

Q. What was the financial standing of the store prior to the time of the shooting? Was it in good financial shape, or was it not?

A. Well, I would say it wasn't.

Q. He did owe—have some pressing bills—did he not?

A. Yes, he did.

Q. Did this financial situation—did that seem to be of much concern to Mr. Jones?

A. Yes. That and his physical condition.

Edward Moore.

Q. What physical condition did he have?
A. Well, he seemed to drag a foot and a leg, and he had lost control, I noticed, particularly of his bottom lip at times.
Q. As I understand it, in your daily, day by day, association with him, it is your opinion that he did show signs of not being what he had been prior to that time?

The Court: It is not her opinion. She is not an expert. Confine yourself to the facts.

Mr. Mapp:
Q. What was his relationship with Mrs. Jones?
A. Fine, so far as I knew. I never saw any other.

Mr. Mapp: That's all, thank you.

page 29 } EDWARD MOORE,
a witness called in behalf of the Commonwealth, being first duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Fears:
Q. Is your name Edward Moore?
A. That's right.
Q. You live at Hack's Neck?
A. Yes, sir.
Q. Did you deal at Edgie Jones' store?
A. Not whole-heartedly, no.
Q. You dealt there quite often, didn't you?
A. Yes, sir.
Q. You used to sit around the store and talk to Mr. Jones, didn't you?
A. Yes, sir.
Q. On May 18th, were you there at the store?
A. Yes, sir.
Q. How long were you there?
A. Baby and I went home about the same time.
Q. Did you talk with Mr. Jones and he with you?
A. Yes, sir.
Q. Notice anything unusual in his actions?
A. Not that particular night.
page 30 } Q. You say not that particular night. Had you noticed anything unusual before?
A. Yes, sir.

Edward Moore.

Q. When was that?
A. The Saturday prior to the night of the shooting.
Q. That was a week before?
A. The Saturday previous to it.
Q. What was unusual then?
A. Of course, I am no doctor—
Q. Tell us what you know.
A. Just his physical appearance didn't seem as normal as it would be. As Mrs. Harrison pointed out, his lower lip—
Q. As a man with some age, that could cause it; couldn't it?
A. I wouldn't know. I am not a doctor.
Q. But you saw nothing unusual on May 18th.
A. Not that particular night. As a matter of fact, I commented on his well appearance, but he had been sick a while.

CROSS EXAMINATION.

By Mr. Mapp:
Q. Tell us more about his physical condition the Saturday night before this?
A. Well, actually, I suppose it would be trivial
page 31 } for some people, but that particular night, his face was red and his eyes were blood-shot. It is pretty hard to remember. I didn't pay much attention to it. Edgie and I were pretty good friends, and when we had a few minutes to spare, we talked along, and that particular night, he didn't seem to do much talking. I noticed his physical appearance wasn't exactly the same—
Q. Did he appear to be worried?
A. No, sir, not on that particular occasion.
Q. Did you see him appear to be worried on other occasions?
A. No, sir. Outside of one time we spoke about things in the store weren't going too well at that season of the year. Nobody had much money. But we spoke of how things would pick up later on, and everything seemed to be all right.
Q. Did you talk to him about his bursitis?
A. Yes. I stopped to visit him at his house one night.
Q. He did have that?
A. Yes. He was in bad shape when I saw him that time.
Q. In considerable pain?
A. Yes. But that was a long time previous to this affair.
Q. He is a nervous, high-strung type person, isn't he?

Dorothy Bennett.

A. Yes. I haven't known Mr. Jones too long. I
page 32 } don't come from down this way, but I wouldn't say
he was any more excitable than some of us.

Q. Some of us are right excitable?
A. Yes, sir. Including myself.
Q. Me, too. That's all, thank you.

MRS. DOROTHY BENNETT,
a witness called in behalf of the Commonwealth, being first duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Fears:
Q. Your name is Mrs. Dorothy Bennett?
A. That's right.
Q. You are David Bennett's wife?
A. That's right.
Q. Know Mr. Edgie Jones?
A. Very well.
Q. How long have you known him?
A. About fifty-three years.
Q. Know his wife, Martha?
A. Very well.
Q. How long did you know her?
A. About the same time.
Q. Just before May 18th, or a little before that,
page 33 } did Mrs. Martha Jones ever lead you to believe that
she was afraid of her husband, Edgie Jones?
A. Yes, sir.

Mr. Mapp: I object to that question.
The Court: On what ground?
Mr. Mapp: I think Mr. Fears should not be permitted to ask a leading question of that nature. Ask just what she said, or what she did, but the framing of the question is improper.

The Court: Frame it correctly, Mr. Fears:

Mr. Fears:
Q. Did Martha Jones say anything to you about her husband Edgie?
A. Several times.
Q. Just before the shooting, what did she say to you?

Dorothy Bennett.

Mr. Mapp: I don't think that is proper evidence. It is something that wasn't said in the presence of Mr. Jones. He hasn't had an opportunity to deny it. I don't think a witness should be permitted to say something said by the deceased at some time prior to the shooting.

page 34 } The Court: Does it bear upon the relationship between Mr. Jones and his wife. I have heard you say, I believe, several times that their relationship was of the best, and that they got along splendidly, and it was an ideal family relationship. I don't know what this witness is going to testify, but she has a right to testify on that point.

Mr. Mapp: On what she observed and saw between them, but she has no right to testify as to something that may or may not have been told her by the deceased.

The Court: I think he asked if the deceased—the wife—told her these things?

Mr. Mapp: Yes, sir.

The Court: In view of your statement, the Court is going to permit that, in connection with the attitude you and your client take that their relationship was of the best.

Mr. Mapp: Allow us an exception.

Mr. Fears:

Q. What was said by Mrs. Jones about Edgie?

A. I heard her tell her son, Marvin, if you children don't do something and do it quick, he is going to kill me, he said he would do it, and he will do it, and she was crying.

page 35 } CROSS EXAMINATION.

By Mr. Mapp:

Q. Will you repeat that?

A. I said I heard her tell her son, Marvin, while I was sitting at the table drinking coffee, if you children don't do something and do it quick, he is going to kill me. He said he would and he will do it.

Q. When was that, Mrs. Bennett?

A. I left there the 26th of April. It was during that week.

Q. Week of what?

A. I think it was the 15th, because Marvin brought the car to his father because the license had run out that day.

Q. Was that after they had taken Edgie to the hospital?

A. Oh, yes.

Q. They had taken him to Tucker's before that?

Edgie R. Jones.

A. That's right.
Q. And taken him to Baltimore?
A. They said so. I was in Portsmouth at that time. I wasn't there.
Q. And Mrs. Jones was asking them to do something with Edgie?
A. That's right.
Q. Was anybody else present?
A. Her son.
page 36 } Q. Anybody besides Marvin?
A. His wife.
Q. Marvin's wife?
A. That's right.
Q. William, or any of those, there?
A. No.
Q. When you saw them together, what was the relationship between them?
A. Well, they were. She was just as nice as could be. I never heard her raise her voice to him.
Q. They had been married over fifty years?
A. I think so.
Q. And you frequently visited in the home?
A. Very dear friends.
Q. Of both of them?
A. Both of them, yes.

Mr. Mapp: That's all, thank you.
Mr. Fears: Your Honor, that's our case.
Mr. Mapp: The defendant would like to make a motion, your Honor.

Note: The following was out of the presence of the Jury.

Mr. Mapp: The Defendant, by counsel, respectfully moves the Court to dismiss the indictment against Mr. Jones, on the grounds that the Commonwealth has failed to prove
page 37 } the *corpus delicti* beyond a reasonable doubt.
The Court: Motion overruled.
Note: The following was in the presence of the Jury:

The Defendant,

EDGIE R. JONES,
being first duly sworn, testified as follows:

Edgie R. Jones.

DIRECT EXAMINATION.

By Mr. Mapp:

Q. Mr. Jones, will you please state your name and your place of residence?

A. My name is Edgie R. Jones, and Hack's Neck is my post office and residence.

Q. How old are you, Mr. Jones?

A. Sixty-nine tomorrow, Mr. Mapp.

Q. When were you married?

A. I was married April 23rd, 1913.

Q. And your wife was Mrs. Martha Jones?

A. Yes, sir.

Q. What children were born of that marriage, Mr. Jones?

A. Let me have that again.

Q. What children were born of that marriage?

A. That marriage?

page 38 } Q. Yes, sir.

A. There was three children. William, Calvin and Marvin Jones. Three boys.

Q. Mr. Jones, following your marriage ceremony to Mrs. Martha Jones, what was your marital relationship with her?

A. You mean so far as living a life together?

Q. Yes.

A. Mr. Mapp, I was married forty-six years. She never gave me the first moment's trouble in her life. Never gave me a cause to raise my hands to touch her. I was a drinking man for twenty-five years, and you know, in a small neighborhood like Hack's Neck, everybody knows everybody's business. She never gave me a cause to touch her, and I never laid the weight of my hands on her. She was too kind. If I got riled up, she would come to me and put her arms around my neck, and that was about it, and oh, the happiness. No two ever came together that lived better as man and wife than we did.

Q. Then you were happy with Mrs. Jones?

A. Yes, sir.

Q. Now, Mr. Jones, when did you go in the store business?

A. It was November 15th, 1955, I believe. I am

page 39 } afraid to guess. I think it is 1955, though. That is approximate.

Q. That was another store in Hack's Neck, then—Not the one you later operated?

A. That was my brother's store further down the Neck, and I stayed there one year, or maybe a few days over, and I

bought the Harrison store out the road a little further.

Q. When did you go in the Harrison store?

A. The third day of March, 1956.

Q. Did Mrs. Jones help you in the operation of the store?

A. Yes, sir. She used to help me on the first part Fridays and Saturdays. If I started to show symptoms of weariness, she would make me come home and get her at ten in the morning. She let her house work go. Wouldn't stop to do it. I have often asked her to stay home and do her house work, and say I could make out. She said, no, she knew I was depressed, and she could keep me company at least.

Q. Now, Mr. Jones, during the spring of this year, 1959, did you start having any physical difficulty?

A. Mr. Mapp, yes. I had bursitis for three weeks, that I never got out of a chair. Couldn't lie down, and she laid right beside me. Never undressed.

Q. Were you under considerable pain with the
page 40 } bursitis?

A. Yes, sir. Never had so much pain in my life. All the way up this side. I had electric hot pads and hot water bottles for three weeks, and I just had to sleep that way. I didn't have my body or any part of it on a bed. I sat up and slept.

Q. Mr. Jones, how was the store operation during the winter of 1958, and the spring of 1959, in the store that you were operating?

A. Well, in 1958—

The Court: Just a minute. You went through his physical ailments, and so forth, and now you are undertaking to go through his financial ailments, and you recite that to the Jury, but you didn't say what it did to his mind. The fact that he had physical disability—a lot of people do, and it doesn't affect their minds. If you are using that, you ought to tell the jury what his physical disability had to do with his mind.

Mr. Mapp: I was trying to tie in the two.

The Court: But you didn't do it. You let him recite his physical disability, and now you are going to let him recite
his financial disability, and you haven't said that
page 41 } it made any effect on his mind. You have to relate
the two.

Mr. Mapp: I think I can tie that in with other evidence, but if your Honor prefers—

Edgie R. Jones.

The Court: I do. The jury is not entitled to the evidence otherwise.

Mr. Mapp:

Q. What effect did the pain you went through with your bursitis have on your main outlook on life?

A. Well, for one thing, Mr. Mapp, with this lady hired to stay in there—that cost $36.00 a week. I remember it was three weeks I sat up, but I was out for five weeks in all. I was paying $6.00 a day—

Q. Did the pain from the bursitis depress your mind?

A. Well, I don't know whether I could say that. I could say this. It worried me that I couldn't be to business. It worried me no matter how good a clerk you get, or how honest, it don't seem to you like they could do like you could, and I would say it hurt me some. Actually, it was a worry—

Q. It caused you worry?

A. Bound to, yes, sir.

Q. Now, your financial condition—What was the condition of your store business during the winter of 1958 page 42 } and the spring of 1959?

A. Well, the year of 1958, if anyone had occasion to remember as much as I have, it rained almost every other day. The most rain I have seen either winter, and I had a lot of customers dealing with me that had a little balance. They would say it rained this week, and we couldn't work, and I knew it was the truth, and I kept running them and running them, and when the spring opened, some owed me $200.00. This wasn't anybody in my neighborhood. This was out of the neighborhood that owed me $200.00, and some $250.00. There were several.

Q. Were any of your creditors pressing you?

A. Yes, that's right, and it come to the time I begun to get bills from my wholesale people—two especially—that was awfully worrisome. One from the United States Rubber Company and the other from Hearne Hardware in Cambridge.

Q Did that cause you worry and anxiety?

A. Yes, sir. It caused me plenty. I had had good credit since I been in the store. Managed to keep my bills paid and at the same time, it was my reputation on the outside that was hurting me almost as much as the store. I have a local minister's license. I had it since 1953, I believe, page 43 } and I been in most every pulpit on the Eastern Shore. Maybe I missed a few, but I knew that my reputation as to my creditors, if they sent this letter to court,

which they threatened—I had two right nasty letters saying that they were going to collect through the Court. I knew Mr. Drummond would come and deliver a warrant, and I would have to come and stand trial, and I knew that wasn't going to help me do the church work I was doing—

Q As a result of this worry, did you begin to lose interest in your store business and your religion?

A. I got so I didn't know what I was doing half the time. I would feel like I would have a lucky break, and it would turn out to be a cruel day, and things would go opposite to what I expected. I couldn't eat. I lost twenty-four pounds in thirty-one days. I couldn't eat anything the weeks Mr. and Mrs. Bennett was with us. That was one of the worst times. I had no appetite. All I could eat was some oysters he would go and get for me.

Q. Did the members of your immediate family—Mrs. Jones and your two sons that are living here—determine that you were not what you should be, mentally?

A. Now, let me have that again. That first word.

Q. Did you and the members of your family decide you were having mental difficulties?

page 44 } A. Yes, sir.

The Court: Mr. Mapp, I think you ought to stick to the proper rules. The family, or John Smith or Jones could say—

Mr. Mapp: I asked if his immediate family—his wife and two sons—

The Court: That is exactly what I am saying. If they want to testify to that, all right, but it is purely hearsay now.

Mr. Mapp:

Q. Did your sons take you to see Dr. Joe Gladstone?

A. Yes, sir. William, my oldest boy.

Q. Were you examined by Dr. Gladstone?

A. Yes, sir.

Q. Acting upon his recommendation, were you taken to Tucker's Hospital, in Richmond?

A. Yes, sir. According to William's statement, and I am sure he told the truth. That Dr. Gladstone recommended Tucker's.

The Court: Was that prior to, or subsequent to, this happening?

Edgie R. Jones.

A. That must have been—I don't know the exact date—but I would say it was maybe six weeks prior to this June 18th.

The Court: To the time your wife was shot?

page 45 } A. Yes. Round about six weeks, roughly. A little less or more. I don't know the exact date.

The Court: The shooting took place on May 18th. He said June 18th. Maybe it is easier for him to testify whether it was prior to, or subsequent to, the date he shot his wife.

Mr. Mapp:

Q. This is, of course, prior to the time your wife was shot?

A. Yes, sir.

Q. Did you check in at Tucker's—were you all in there?

A. Yes, sir, I was checked in. I was in the bed with my bathrobe on. Right on the bed, and my oldest boy brought my suit case. I was only waiting to just say goodbye. They were in the office getting me signed in, and fixing up things, when the boy came in and said—

Q. You can't say what he said.

A. Okay, then.

Q. You were then taken out of the hospital that same day?

A. Yes, sir, the same day.

Q. And were you later taken to Baltimore to the hospital?

A. Later on. I came home that same day, or night. We got home from Tucker's, and it was the next day,
page 46 } or the day after—maybe a couple of days—that my youngest boy suggested that my wife go with me, and she would be able to come to see me every day, and he would take me to Johns Hopkins. So he took me up there, and he was gone in for some time. We were parked outside, I remember, for quite a while. There was a wire fence there where we were parked. He knew where to go. And he came back and said—I think it was a clinic—

Q. You can't repeat what he said, but, at any rate, you didn't go in that hospital. Did he make an effort to get you in another hospital?

A. Yes. He went to his family doctor, and he went with him, and he called the Lutheran Hospital—his family doctor did—and he turned around and said that I couldn't get in there under ten days or two weeks—they don't have a bed.

Q. Did you then return home?

A. Yes.

Edgie R. Jones.

Q. And your visits to these three hospitals were all prior to the date your wife was shot?

A. Yes, sir. Every one of them.

Q. Mr. Jones, did you, on another occasion; walk out of your store and get in your car and go to Baltimore to visit your son?

page 47 } A. They said—Yes, sir, I did. I went up there and visited him, I know.

Q. Was that prior to the shooting?

A. Way prior to that, yes, sir.

Q. Did you call Mrs. Jones after you left?

A. Twice or three times. I don't know which. At least twice, and maybe three times, I called.

Q. Where from?

A. The first time from Temperanceville, and the next place, I believe was Oak Hall. I don't remember the third, but it was an outside telephone, and she asked each time for me to come back, and the last time I said I am coming back, don't worry, but I didn't. I never even knew I told her that.

Q. Where did you stay in Baltimore?

A. To my boy's.

Q. That is Marvin's?

A. Yes, sir. My youngest boy's, Marvin's. I stayed there until they came up.

Q. Now, during April and May, did you have any interest in operating your store, or your church affairs?

A. Well, all the month of April, yes, I had some. Not quite as much, because I began—I couldn't remember my lessons. I was teacher of the mens' bible class,

page 48 } and I thought I had the lesson as I had been getting it the past two or three years that I had been teaching the class, but I just couldn't think of it, and sometimes maybe I got by all right, and sometimes I didn't. I began to lose interest.

Q. Was there a difference in your handwriting?

A. I couldn't even address a letter when I first went to the hospital. I had to get a patient to address it.

Q. This was shortly prior to the shooting?

A. Yes, sir.

Q. Working in your store, did you have difficulty adding up the accounts—peoples' bills and things like that?

A. Yes, sir. I had several of the bills brought back. I remember one particular one. Is it all right to mention my customer's name? It was Mr. Whalen Bonniwell, and on his grocery bill I only added one sheet, and didn't add the other,

Edgie R. Jones.

and on Monday, he brought me $10.00. He said he owed me that. I hadn't even counted it.

Q. And in adding up totals, did you have difficulty?

A. Yes, sir, I certainly did. Seemed like I couldn't get anything in my head, and it didn't matter whether I did or not. I would lose all the interest I guess I had. I would walk right out. It didn't make any difference.

page 49 } Q. Was William, during that time, he and Viola Harrison, actually running the store?

A. Yes, sir, they were.

Q. Mr. Jones, the week before this tragedy occurred, did you give any checks?

A. Yes, sir.

Q. To your wholesalers and the people selling things to you?

A. Yes, sir. I gave them all—paid what money I had, and it was always on Monday I would come back—

Q. I am coming to that. Were they post dated checks?

A. Yes, sir, they were.

Mr. Fears: I have been most lenient in letting Mr. Mapp have all the territory he wanted to cover, but we are getting to the point now of checks being given, and I can't see where all this is relevant.

The Court: That is about the last thing. Don't you think you had better let that in, too?

Mr. Mapp:

Q. Mr. Jones, this shooting occurred on Monday. On the Sunday before that, were you and Mrs. Jones home?

A. All day, yes, sir.

Q. Was anybody else with you?

A. No, sir, practically all day until ten minutes to five in the afternoon.

page 50 } Q. Did you two have any difficulty whatsoever that day?

A. No, sir. I think it is one of the most pleasant Sundays I had at home for three or four months. I just felt lifted. Something was going to happen—money I was going to take in—I don't know. I can't tell you, but for some reason, I felt fine, and my next oldest boy's wife called my wife, and asked her to come get dinner. I said, well—

Q. You can't go into conversation. Now, did any of your family come in that afternoon?

Edgie R. Jones.

A. My boy and his wife—William, the oldest boy.
Q. After they got there, was there any discussion?
A. Yes, sir.

Mr. Fears: I am going to object from now on to anything that is not pertinent. I have been very—I just object. It is improper and irrelevant. What the family told him, or he told the family.
The Court: The objection is sustained, unless it is something more particular.
Mr. Mapp: If your Honor please, I didn't finish my question.

Note: Mr. Fears and Mr. Mapp discussed the matter with the Court out of the hearing of the Jury.

Mr. Mapp:
Q. Mr. Jones during this period, prior to the
page 51 } actual shooting, did you, in sitting in a room, did you see things that apparently seemed to move from one place to another?
A. Yes, sir, I recall that. I don't know whether I should repeat—but I am going to tell you this. I don't remember it, only what I was told—

Mr. Fears: I object to that.
The Court: He disqualified it on the face of it.

Mr. Mapp:
Q. Now, on the Monday morning of the shooting, when you got up and went to the store, who went with you?
A. I don't—Nobody didn't go with me on a Monday morning, I am sure.
Q. What did you find there when you arrived at the store?
A. I started running over my check stubs to see whether I had over-drawn and passed the ball, and found I had given out $400.00 of checks more than I could pay, and starting on that same Monday morning, it would be the same thing over, and there was no way in the world I could see that I could ever get it.
Q. Did you have cigarettes in there for sale?
A. Yes, sir, I had them for sale—some—but I had one or two different kinds that I had forgotten—

Edgie R. Jones.

Mr. Fears: I object to what merchandise he had
page 52 } in there, or what his accounts were, and any questions relating to that, unless it relates to the plea of insanity—

The Court: The objection is too late. The question has been answered.

Mr. Mapp:

Q. Do you remember leaving the store that morning?

A. Mr. Mapp, I remember—To me, it was two o'clock. I can only tell you what I remember. To me, it was two o'clock that I decided to go and get some cigarettes—some Winstons and some Pall Malls that I forgot, and I thought, and still think, that it was two o'clock, but I remember leaving the store, but I don't remember nothing, not another thing, from the time I left that store—not even when I passed my house.

Q. Do you remember talking to Mr. Parker about a gun?

A. Never seen the man before in my life, truthfully.

Q. Do you remember going to the Keller bank?

A. No, sir, didn't even know I was in Keller.

Q. Do you remember asking Mr. Bennett to come home and spend the night with you and Mrs. Jones?

A. No, sir, never even knew he was at the store. Didn't even know my wife was at the store. I do not know when I got
home, when I came in the home, not when I had
page 53 } supper, never looked at no television, and don't know when I went to bed.

Q. What is the next thing that you remember?

A. The next thing I remember is sometime in the night—I don't know whether I had been asleep and waked up, or whether I had come to—that I am unable to say, but the first thing that popped in my mind—

Q. Where were you when you came to?

A. In the bed, laying beside my wife, and my wife was fast asleep, far as I know. I thought she was. I lay there for a few minutes, until my head got to figuring, and thinking of this money that was coming due and no way to make it,—I had a thousand dollar mortgage on the home—until I got so disturbed I couldn't lay still. I crept out of the bed, and I remember getting on the floor and tip-toeing out. I can remember even going through the kitchen door and getting the gun—

Q. To get from your bedroom to the kitchen, you went through a little hall?

A. Just a little hall.

Edgie R. Jones.

Q. Where else did you go?

A. Right by the head of the settee where David Bennett slept, and through the living room, and to the kitchen, and there I had the gun in the drawer.

page 54 } Q. Did you turn on a light?

A. No, sir. The room was dark. When I had pulled the drawer open, and started to reach in with my left hand to get the gun—I had pulled the drawer open with my right hand—the light snapped on.

Q. When you came to in bed, and thought about this gun—how did you happen to think about the gun? You didn't remember getting the gun in the first instance?

A. No, sir. At two o'clock that afternoon, I thought, I sat home to my table to drink a cup of coffee, and the gun was still in my hip pocket, and it hit the chair when I sat down, and I pulled it out of the pocket, and put it in the drawer. My wife wasn't in the house at that time. She was in the yard, at the clothes line, hanging up; some things. I was sweating at that time—I felt bad. I put her in this drawer, and I walked automatically into the kitchen and pulled—

Q. Why were you going after the gun?

A. To end it all. That was the quickest way out of it that I could see. I couldn't face all of my people and still get by with it.

Q. Had you thought about taking your life prior to this?

A. I told my wife twice. I said, honey, if things

page 55 } don't get better, I am going to commit suicide. She said, please don't, there will be a way, we will find a way. She taken it out in crying. I guess she cried twenty minutes or more about it.

Q. You say that when you got the gun, a light flashed on?

A. When I was coming out of the drawer with the gun with my left hand, and the drawer was here like this, and the living room door here. When I come out with it, the light flashed on. I took it, then, in this hand, and she said don't shoot yourself and hollered, and she pulled my hand and the bullet went in the shelf. She was just in front of me, here, like this. We had had no argument. I had no occasion—she wasn't involved in it, and she didn't even take care of any of the business, only to help me;—

Q. Mr. Jones, did you have any reason, or do you recall—What do you remember about her being shot?

A. The only thing, and the last thing, I remember was when I got to the hospital at Norfolk General, my whole arm was black up here, and all in here. Well, I found that she didn't

have any bruise on any of her arms, but if I had grabbed her by the arm—

Mr. Fears: This is argument—
Mr. Mapp: Don't go into that.

A. My arm was all bruised—
page 56 } Q. Do you remember shooting Mrs. Jones?
A. No, sir. Never remember firing but one shot. As soon as that shot went off, my life went out like that. I don't know if I fell down, or stood up, or what happened.

Q. What is the next thing you remember?

A. I came to laying on the floor with the gun pointed at my face, with the handle away from me—the handle toward the kitchen door and the barrel to my face. And I closed my eyes again, and the next thing I remember was hearing a voice way off, and the boys came in—my two oldest boys. They came in, and then I don't know what they said, or what they did, or when they taken me to the hospital. I had no mind whatsoever. When I crossed the Bay, I knew nothing. The next I remember, I was in the Norfolk General, and a doctor came in. By the orderly that first morning, I remember I asked him where I was. He said, lie still, don't move, the doctor don't want you to move. I went off again, and it could have been one minute later, or thirty minutes—I do remember that—

Q. You were at that hospital for eighteen days?

A. Yes, sir. Three weeks less three days.

Q. When you left that hospital, you were brought over here?
A. Yes, sir.
page 57 } Q. Did you see Mrs. Jones when you came over here?

A. Yes, sir. Stayed thirty minutes with her.

Q. Where was she at that time?

A. At my boy's house—Calvin's. She asked him to be sure to stop me by. She wanted to see me. Wanted to talk with me. She—

Q. Was she perfectly normal toward you, and you perfectly normal toward her?

A. So far as I know, there was not any difference. I asked her if I got well—I asked her to pray and fight hard, and I said if we get better, are we going to keep house together. She said, just like we always have. I said, do everything you always have, and try and get well and—

Edgie R. Jones.

Q. And, after talking to Mrs. Jones, you were sent to Williamsburg, were you not?

A. Yes, sir. I talked to her just fifteen minutes, and I stopped by with the men who carried me to Kiptopeke, and I talked with her, and she asked me to fight hard and pray, and said, get well, and she said, right now it breaks my heart to see you going over there—

Q. Mr. Jones, while at Williamsburg, were you getting treatment for your mental condition?

A. Yes, sir.

page 58 } Q. Did you notice any change for the better as a result of the treatments you received?

A. Yes, sir. I could write better, address my letters home, and in my handwriting there was all the improvement in the world. I couldn't write first off. I was that nervous.

Q. But you got so you could write?

A. Yes, sir. Got normal.

Q. Do you remember how long you were there at the hospital at Williamsburg?

A. I think it lacked three days of three months.

Q. And from the hospital, you came here. When did you get out of the hospital there—do you remember?

A. Let's see. It was four weeks this Wednesday coming, and that was some time in the very first of October. I don't remember the exact date. I could go back and count for the last three days and three months, but I think it was the last of September, or the first of October. No, it was the last week in September.

Q. Did you obtain medical attention for your mental condition?

A. Yes, sir.

Q. Who was your doctor?

A. Dr. Woodson.

page 59 } Q. When you went to the State Hospital, at Williamsburg, who was the doctor there that came in contact with you most?

A. Dr. Huggins was my regular doctor, but the first day I went there, there was another doctor. They did tell me his name, but I didn't just get it. Dr. Fizen, or something like that, the nurse told me.

Mr. Mapp : I think that's all. Answer Mr. Fears.

The Court: Before we go into Cross Examination, we will recess for lunch.

Edgie R. Jones.

Noon Recess.

Court reconvened at 1:30 P. M., the same persons being present as were heretofore noted.

CROSS EXAMINATION.

By Mr. Fears:

Q. Mr. Jones, you say you don't know Mr. Parker?

A. No, sir, I don't. I don't know him.

Q. Well, a month before you bought this gun, didn't you go to Mr. Parker's place?

A. No, sir. Positively.

Q. I believe you heard Mr. Parker testify that you were in there a month before?

A. I couldn't understand him. I can't hear too good.

Q. He said you were in there. I am going to ask
page 60 } you again. Were you in Mr. Parker's place a
month before this?

A. Positively no, sir. Not me. To my recollection.

Q. Well, now, I listened to all your detail, explaining about everything you did, and it was very vivid on certain points. Now, I believe you said you tiptoed from your wife's room into the kitchen to get the gun. Is that right?

A. That's right. I went very easy.

Q. I believe you also said that you didn't remember Mr. Bennett's coming home with you?

A. Positively.

Q. Why did you tiptoe through that room, Mr. Jones?

A. I wish I could answer those questions. I would be glad to.

Q. You must have had some reason to tiptoe?

A. I was going out with the intention of suicide.

Q. Why tiptoe?

A. I didn't want to wake my wife. She was asleep in the bed. I didn't want her to know anything about it until it was too late.

Q. You didn't tiptoe through there so as not to wake Mr. Bennett?

A. I didn't know Mr. Bennett was in the house. That is positive.

Q. Do you recall asking Mrs. Harrison to watch the store for you while you went to the bank?

A. No, positively, I don't. I didn't know I mentioned the bank.

Edgie R. Jones.

Q. You were all right until—Didn't you ask her?
page 61 } A. I don't know. I don't remember.
Q. To keep the store for you when you left?
A. I don't know. I haven't learned that until today.
Q. Were you just going to walk out and leave the store there by itself?
A. I suppose so. I couldn't answer that. I don't recall that. I had just counted the bills that Monday, and got so depressed I don't know what I did, or what was going on.
Q. Well, long before this shooting, you had threatened your wife, hadn't you?
A. Never in my life did I ever threaten her, no, sir.
Q. Did you hear Mrs. Bennett testify?
A. I certainly did.
Q. You heard her say—
A. Yes, sir.
Q. What she said?
A. Yes, sir.
Q. That your wife said Edgie is going to kill me if you boys don't do something about it?
A. Yes.
Q. Did you say that?
A. No, sir. That woman never give me no cause to harm a hair on her head, much less kill her.
page 62 } Q. You wouldn't have had to have a cause if you wanted to take your wife and yourself out of the world.
A. I had no occasion to take her. I wanted to get out myself.
Q. Going to leave your wife behind?
A. That is another thing. I suppose we don't stop to think at a time like that, or we wouldn't take our own lives.
Q. You thought enough to go and buy a pistol the very morning of the shooting?
A. And don't remember getting it.
Q. Why did you put the pistol in the kitchen?
A. Because when I stopped by the house,—I thought that was two o'clock, but one witness said that was in the morning. I stopped by the house to get a cup of coffee, and I remember the pistol hitting the rung of the chair when I sat down, and the drawer was right there by it, and I put it in the drawer.
Q. Do you remember shooting it at Mr. Parker's?
A. No, sir. Never remember being to Mr. Parker's store.

Edgie R. Jones.

Q. Don't you think it is strange that you remember everything you want to remember, and forget what I am asking?

A. It could be looked at that way, but there is another possibility. Nothing is impossible. I couldn't write a customer's grocery bill, and wouldn't put what it came to. Just put $10.00, or $20.00—

Q. You remember that you couldn't write it?

page 63 } You know that?

A. I remember I wrote it, but didn't put any figures, so I am sure there is something there holding me. I am not able to say what.

Q. You say you are a Methodist minister?

A. Yes, sir.

Q. Don't you think it is wrong to take your own life?

A. Yes, sir, I certainly do.

Q. If you thought that was so wrong—You had a definite plan?

A. I had a plan. I did, positively. Yes, sir. I prayed about it, but it just seemed like—I don't know—I couldn't control my innermost feelings. That is the only thing I can get out of it. I prayed hundreds of times about that one thing. That is just something we can't understand.

Q. Mr. Jones, you say you stopped drinking twenty-five years ago?

A. Yes, sir, it has been—No, not twenty-five years ago. Twelve years ago.

Q. Had you had anything to drink that evening?

A. I haven't had one drop of alcohol in my mouth for twelve years, unless in medicine, and I knew nothing of it.

Q. Do you recall making the phone call after you shot yourself?

A. No, sir, I didn't make any phone call.

page 64 } Q. You heard Mr. Bennett say you had the phone up making a call?

A. No, sir. I don't think I did.

Q. Did you try to make a phone call?

A. No, sir, not that I recall. I wouldn't say I didn't if that man said I did. His words go for me, but I don't remember it.

Q. And he said that you were holding your wife by the arm while you were shooting her, and she was screaming. Didn't you hear her scream?

A. Yes.

Q. Before you shot her?

A. One time. When I was ready to kill myself, she pulled

me—pulled my hand, and I pulled, and that is the last time.

Q. How do you account for so many bullets in the body?

A. I would give anything in the world to answer them questions.

Q. I believe Mr. Bennett said you were holding her by the hand and deliberately shooting her?

A. I heard him say that, and I got them to look at her arm in the hospital, and she didn't have a bruise on her, but I was black all here, solid blood shot, where she held on to my arm.

Q. Why did you want people to see whether she
page 65 } had a bruise on her arm?

A. They said Mr. Bennett said that I was holding her arm and I was trying to find out, because I didn't know. I don't even remember anything about it.

Mr. Fears: All right. Thank you, Mr. Jones.

WILLIAM JONES,

a witness called on behalf of the Defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Mapp:

Q. Mr. Jones, will you state your name?

A. William Jones.

Q. And you live at?

A. Hack's Neck.

Q. Are you the son of Edgie R. Jones?

A. Yes, sir.

Q. How near is your home to his home?

A. I would say about twice the length of this building.

Q. Also, you, of course, are the son of the late Mrs. Martha Jones?

A. Yes, sir.

Q. Mr. Jones, did you frequently visit in your mother's and father's home, and they frequently visit in your
page 66 } home?

A. Yes, sir, just about every day.

Q. What was the relationship between them?

A. Well, I would say it was almost perfect. Living there next door, I didn't know of anything that went wrong between those two at no time, and we spent every Friday night for the

last seven or eight years there, and every Sunday supper we ate with them for the past seven or eight years.

Q. And, for a time, you and your father were in business together, weren't you?

A. For a while, yes, sir.

Q. Mr. Jones, did you go to Florida during the spring of this year, 1959?

A. I went to Florida in the winter.

Q. When did you get back here?

A. I returned the first day of March, 1959.

Q. What was your father's condition, mentally, before you left?

A. I would say it was perfect, because during that time he visited me down there—he and my mother and my brother and his wife, and he was just as normal as he could possibly be. They were there about two weeks.

Q. You have a son named Martin?

A. Yes, sir.

Q. How old is he?

page 67 } A. Four.

Q. Were he and your father close?

A. Very close. He spent as much time with them as he did with us.

Q. About when did you get back from Florida?

A. The first day of March.

Q. Did you see your father as much after that as you had prior to that time?

A. Yes, sir. I saw him as much, or more.

Q. What was his mental condition when you got back here?

A. We *we* first came back, I didn't see any difference. We were back about two weeks, and I started detecting some difference in him. To put my finger on it, I couldn't but there was, in two weeks after we came back, a difference in his habits and his attitude toward me and the little boy.

Q. What was it about that that attracted your attention?

A. Well, the main items—three particular items. One particular one was that little boy of mine. He lost complete interest in him—ignored him—wouldn't touch him, and we kept him home at that time. Nothing cruel—he wouldn't be cruel to him, but he just couldn't bear him any more—didn't want him too close to him.

page 68 } Q. Prior to that time, your father had been a deeply religious man, and taken an active part in the church affairs?

A. Very much so.

William Jones.

Q. What was his attitude toward the church, and the church work?

A. He evidently lost interest. He tried harder for his church work than any particular thing. His interest stayed with his church longer, but he gradually got away from it. He and I had gone to church every Sunday, and at my insistence he would go, and he and I would discuss it at his home, but he discontinued that.

Q. How was he in the operation of his store?

Mr. Fears: At this point, I am not going to let Mr. Jones go into all this. If he is going to testify to the man's condition, all right, but I am going to object to extraneous matters. I don't think it is relevant, and I object.

Mr. Mapp: If your Honor please, we are trying to show Mr. Jones' actions. Mr. Jones is not an expert. He can't express any opinion, but he has given the facts of things about his father's condition and general life that led him to believe that he wasn't right mentally, and I think page 69 } he is entitled to show what his father actually did.

The Court: Mr. Mapp, proceed, and Mr. Fears will object to that sort of question, as it is asked. You have a right to show anything that undertakes to connect that thing with his mental state. These laymen are not experts, and have no right to express an opinion, but what they testify to should be connected with his mental activity, and let it go at that.

Mr. Mapp:

Q. Mr. Jones, did it become necessary for you to take over and operate the store?

A. Yes, sir, I taken the store over completely. He just simply walked away. I won't say completely—Mrs. Harrison and I. When I was unable to be there, Mrs. Harrison took it over.

Q. Was he at the store at all? Did he come and go?

A. On the advice of a doctor, we let him do as he pleased. He would go a while, and come back a while. What he wanted to do, we let him do.

Q. Did he aimlessly walk around the yard—pick up things—

Mr. Fears: He is leading the witness, and has been doing it every time.

The Court: Yes, he is.

page 70 } Mr. Mapp: I withdraw it.

William Jones.

Q. What other incidents, or acts, did you see regarding your father's actions and behavior?

A. One Friday night, in particular, my wife and children were over there spending the night, and we were talking. There is a little footstool that he puts his feet on, and he would show my wife how it would travel over the room, and he saw this face at the windows, and he was describing them to us.

Q. And the footstool, of course, was there?

A. It was stationery—not moving—to my knowledge. And one particular incident. After this happened, we got very much worried, and I taken him to Dr. Joe Gladstone, and he and I went in the office—

Q. That was after he had seen these objects?

A. After that Friday, yes. We took him to Dr. Joe Gladstone, and the doctor let me come in the office with him. He immediately sat down. He wanted a urine specimen, and he walks in the bathroom, and takes a little pan, and dips up some water and brought it back. The doctor said, throw it out. It was just clear water.

Q. At that meeting, did Dr. Gladstone make arrangements for him to go to Tucker's?

page 71 } A. Yes. As the family doctor and a good friend, as well. He telephoned the hospital, and made the arrangements, and we taken him over there.

Q. Did Mr. Jones—Did he, or not, realize something was wrong with him mentally?

A. Yes, I think he did after a while.

Mr. Fears: This draws a conclusion, not only from this witness, but it is based on testimony that Jones told this man. Whatever he saw, or heard, is all right, but it is drawing a conclusion as to insanity, and I object to it.

The Court: To what?

Mr. Fears: To his statement that, in his opinion, he was not right mentally.

Mr. Mapp: I asked if Mr. Jones knew he wasn't—

The Court: It is an opinion, of course. What this man does—his father, in this case—that was so unusual that it attracted his attention, is permissible.

Mr. Mapp:

Q. You took him to Tucker's?

A. Yes, sir. My younger brother, my mother, and myself.

William Jones.

The Court: How long did he stay there at Tucker's?

A. We were there approximately two and a half hours.

page 72 } The Court: Well, I thought that you were trying to leave the impression on the Jury that he was in Tucker's for treatment.

A. That is what he went there for.

The Court: Just a two hour and a half treatment?

A. Yes, sir. May I tell you why he was brought out?

The Court: No. I didn't ask that. I wanted to know how long he was at Tucker's. I thought maybe he stayed some time. You say now that he got treated there for two and a half hours.

Mr. Mapp: No, sir. Mr. Jones said he was taken out of the hospital immediately, at the request of Mrs. Jones, and later went to two other hospitals, and tried to get in those hospitals.

The Court: I remember that.

Mr. Mapp:

Q. Why didn't your father stay there at Tucker's? He had been normally checked in?

A. Yes. And undressed. He and I were in his room. He had been put to bed. He had been taken over, his cigarettes, glasses, ring and watch taken away, and locked in. I told my mother and other brother that—

The Court: Let's not go into details of the con-
page 73 } versation that took place.

A. We moved him because we decided we just couldn't stand for him to be there.

Mr. Mapp:

Q. About when was that?

A. That was the very last of April, or sometime in May. I am not too sure on times and dates. I would say, the very last of April.

Q. Did his condition continue to be the way it was upon returning home?

William Jones.

A. Yes, I would say it did.

Q. Did you later take him to another hospital, or make arrangements to go to another hospital?

A. Yes. He went to see my young brother, and he had him at the—

The Court: May I ask, Mr. Mapp—My recollection may be poor, but is it necessary to show the arrangements? Was he left at a hospital for treatment?

Mr. Mapp: No, sir. He couldn't get in on account of the waiting list.

The Court: Then let's not go into all the details. We don't care about the arrangements. The fact is that he wasn't treated. That's the point.

page 74 } Mr. Mapp:

Q. He couldn't get in either of the hospitals in Baltimore, and wasn't treated at either hospital?

A. No, sir. Not at the hospital.

The Court: Could you have found him a place in a mental institution?

A. I suppose we could, sir. We didn't try.

The Court: That's all I want to know. You took him to Tucker's for two and a half hours, and brought him home, and took him to Baltimore, and didn't get him in there. We want facts. Did you commit him for treatment for the mind, and, if so, there ought to be some doctors here to testify to it. Go ahead.

Mr. Mapp:

Q. Mr. Jones, did his condition change, or get worse, after he got back from Baltimore?

A. I didn't see a lot of difference in his condition, in changing. Then we had him to Dr. Bernart. He examined him thoroughly, and said to follow the advice of Dr. Joe Gladstone, and we couldn't see any improvement in his behavior. I will put it that way.

page 75 } Q. Did you see your mother and father the Sunday before this tragedy occurred?

A. Yes, sir. We always have supper with them on Sunday.

Q. What was the relationship between your mother and father at the time you were there?

William Jones.

A. It was very normal. We had a family discussion—argument—during our supper period, and we discussed it at length, the family did, and he, himself, volunteered if we thought he showed signs of insanity to send him some place. He would voluntarily go anywhere we advised.

Q. You saw him Monday morning?

A. Yes, sir, every Monday morning.

Q. How was he that Monday morning?

A. I didn't see any difference. He wanted to go to the store, and we agreed, and he went, and I went with him, and he looked over the books and found them just as he stated.

Q. Did you see your father again until after you got word that your mother had been shot?

A. No, I didn't.

Q. And you were next door when you were called?

A. Next door, yes, sir.

Q. I think Mr. Drummond testified that he was not notified until the next day around ten o'clock. Did you and page 76 } your brother—were you torn up? That is a foolish question, but were you so situated that you couldn't get in touch with Mr. Drummond, and did you apoligize at the first opportunity?

The Court: I don't think you ought to put in this witness's mouth what you want him to answer. Mr. Drummond said he was notified the next day. Did you notify Mr. Drummond—You or any of the family?

A. No, sir. We were in Norfolk.

The Court: Who looked after your mother who had been shot?

A. We left her at the hospital in care of the doctor. We stayed until two in the morning, and he suggested that we take father to the Norfolk General. That was the eighteenth, I believe. We taken him to the Norfolk General. We returned back—that was the nineteenth we returned back, and as soon as we realized we hadn't notified Mr. Drummond or Mr. Fears, we got in the car and went to see them, and told them that in the excitement, we didn't realize what we were doing, and as soon as we realized the authorities should have been notified, we did it immediately.

Mr. Mapp : That's all. Answer Mr. Fears.

William Jones.

page 77 } CROSS EXAMINATION.

By Mr. Fears:

Q. How long before the time when you decided to take him to Tucker's on Dr. Gladstone's advice—How long had your father been, as you think, disturbed a little. How many years?

A. Mr. Fears, I would say from about the—after the first two weeks of March. We came back the first of March, and about the middle of March, we started seeing signs of a change.

Q. Well, he normally thought everything out, and discussed everything with you, didn't he?

A. Very little discussion he did himself. The family got together, and did the discussing. We never did anything without all three agreeing.

Q. If you thought your father was so disturbed, why didn't you leave him at Tucker's for treatment?

A. Mr. Fears, us not being used to this, we have never been separated except the war years, after seeing the environment, what he was stripped of, how he was dressed, how he was locked in, in the first beginning, we didn't know Tucker's was a mental institution. After seeing the environment, we couldn't leave him there.

page 78 } Q. Didn't Dr. Gladstone tell you that Tucker's was a mental institution?

A. I would say he didn't by the remembrance.

Q. You knew that he had your father's best interests at heart?

A. Absolutely.

Q. You all took it on yourself to take him out?

A. Without question, yes.

Q. No psychiatrist had examined him?

A. No one had.

Q. You removed him without treatment or examination?

A. We talked to a psychiatrist, and told him what we were doing, and he said we should leave him there. We were under the impression that he should go upstairs. That hospital is divided into two groups—

The Court: Let's not get into all that.

Mr. Fears:

Q. You must not have thought your father was in such bad shape.

Calvin Jones.

A. Yes, sir, Mr. Mapp. One instance, how come me to notice, to pass my opinion, not as a doctor, but on my personal opinion, that my father's mind was—that something, or somewhere, there was something wrong, was when he had been to these doctors, and been treated, and brought back home, of course, I knew some things my brother had told me had happened, but I thought by them being close to them and the store there, you all are just all worried, but what convinced me was with the—My youngest brother, Marvin, and my oldest brother, William, and myself, all got together—
page 81 } Marvin being the baby in the family and William living next door, I said, boys, I got one thing—

Mr. Fears: I object to a conversation between all these brothers.

Mr. Mapp:

Q. Following that conversation, what did you do?

A. With the approval of my two brothers, I went to my father, personally, myself, and at that time Mr. David Bennett and I think his wife was with him—I wouldn't say that for sure—but I know Mr. Bennett was in the house, and I am pretty sure his wife was—

Q. Without going into detail, why did you go to your father that time yourself?

A. Mr. Mapp, I thought I would try to use a little psychiatry my own self. I told my father some things they told me he did, and then things I knew he did, like pulling out and going to Baltimore, unbeknownst to my mother—

Q. Was your mother present when you talked to him?

A. Yes, sir. I got my father and mother out of their house, and went to my oldest brother's home, leaving Mr. Bennett, and I am pretty sure, Mrs. Bennett, in my father's house. I sat father at the table, and gave him a good balling out. I told him his mind was bad. I wanted to make him mad and see his reaction, and at that time my father told me, he said, do you know that your mother is doping, and, well,
page 82 } Mr. Mapp, I knew then that something had snapped.

Q. Had he accused you and William and all of you?

A. Well, he said William is doing it, and he is buying it and bringing it in to them, and that is absolutely wrong, and that is when I was convinced in my mind that my father's mind had something wrong with it.

Calvin Jones.

A. The condition he was in, we didn't give him much thought. No one thought he would be in a condition to do what he did.

Q. Didn't your mother tell Marvin that she was afraid of Edgie, and that he was going to kill her?

page 79 } A. Mr. Fears, if she did, it is not to my knowledge. He is not here.

Q. Where is Marvin?

A. At the Coast Guard station at Hooper's Island, Maryland.

Q. Isn't it unusual that your brother is not here?

A. I would say it wasn't. They have been under storm warning, so his letter states.

Q. It wouldn't be because Mrs. Bennett testified that your mother told your brother that your father was going to kill her?

A. I had no idea Mrs. Bennett was going to say that until now. None of us did.

CALVIN JONES,

a witness called in behalf of the Defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Mapp:

Q. Mr. Jones, you, like your brother William, are the son of Martha Jones and Edgie Jones. Is that correct?

A. Yes, sir.

Q. And where is your home?

A. At Nassawadox.

Q. What is your occupation, Mr. Jones?

page 80 } A. Maintenance engineer at the Nassawadox Hospital.

Q. Mr. Jones, what has been the relationship between your mother and father for ever since you were old enough to remember?

A. Well, Mr. Mapp, I will put it this way. I never saw a devoted couple was any closer than mother and father.

Q. Is it likewise true that they were devoted to you boys, and you boys were devoted to both of them?

A. Absolutely, yes, sir.

Q. Mr. Jones, did you see anything in the behavior of your father during the spring of this year which led you to believe that perhaps he wasn't right, mentally?

Calvin Jones.

than it was at the time this thing happened. I wouldn't say his mind is perfect—

The Court: Has he said anything to indicate that his mind isn't normal now?

A. Is normal—?

page 84 } The Court: Has anything happened to indicate that his mind isn't normal now?

A. Not today. I wouldn't say his mind isn't normal, and wouldn't say it is.

The Court: Has he done anything to indicate to you that his mind isn't normal today—Has he done anything since he killed his wife to indicate that his mind has cleared up, or is still in bad shape?

A. His mind now? He hasn't done anything as far—other than—I can see a change in him now.

The Court: For the better?

A. Yes, sir.

The Court: You mean he is restored?

A. It is restored better than what it was when he was in the hospital.

The Court: You won't say he has been restored. You still think he is under a mental disability?

A. I don't say he operates—I don't say his mind isn't all right. I don't think I should say his mind is normal now. In my opinion, his mind was off when this happened.

The Court: Has anything happened—

A. His mind is more normal now than when this accident happened.

Calvin Jones.

Q. You, of course, were not thrown with him as much as William was?

A. No, sir, because I was in Nassawadox. I dealt with them in the store once a week, or twice a week, on an average, and to see mother and daddy. Other than that, and at church on Sunday, I didn't see my father.

Q. Were you equally devoted, and are you equally devoted now, to the memory of your mother, and your father?

Mr. Fears: What difference does that make, whether he is devoted, or not. Mr. Mapp has pursued the—

The Court: Are you objecting?

Mr. Fears: I object.

The Court: Objection sustained.

Mr. Mapp:

Q. About how long before the tragedy did that occur—about which you just testified?

A. Mr. Mapp, to not know the specific day, or date, I would say no more than two weeks—ten days to two page 83 } weeks. That is the best I can say. I can't pinpoint the day. We were all worked up. I couldn't truthfully say, but ten days to two weeks.

Q. And you were not there the night this tragedy occurred? You were called later?

A. No, sir, I was at my home. I was called.

The Court: May I ask a question. Has your father's attitude changed any?

A. You mean has it changed any now?

The Court: Has it changed any since the shooting—the subject of this inquiry?

A. No, sir. I don't see how his attitude has changed, if I follow your question. You mean his attitude toward us—the three boys?

The Court: His mental status. You are not a doctor, but have you seen any change in his mind from that time to today?

A. Well, yes, sir. I think that now his mind is far better

MAJOR C. GUY,

a witness called in behalf of the Defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Mapp:

Q. Mr. Guy, will you state your name and your place of residence?

page 87 } A. Major C. Guy. Hack's Neck, Virginia.

Q. Mr. Guy, how long have you known Edgie Jones?

A. Well, somewhere around about thirty-five or forty years.

Q. For the past number of years, have you been closely associated with him?

A. Yes, sir, we have been very close working in the church together, I being superintendent of Evergreen Church, and he was teacher of the men's bible class.

Q. Starting back some time ago, did he take an active interest in the church work?

A. Yes, sir. Several years ago, he was very active in the church, very active in the Methodist Men's Club. He would go to different churches throughout the county. On several occasions, I would go with him. He was very concerned about the church work.

Q. Did you notice any change in his mental condition and outlook on life prior to this unfortunate tragedy?

A. Yes, sir. Around March 15th, somewhere around that—the middle of March—I noticed he wasn't the Edgie Jones he had been, that I had known. He had lost all interest in his church, in his class, and even in his business.

Q. You dealt at the store there?

A. Yes, sir, I was thrown with him once or twice

page 88 } every day.

Q. Notice any difference in his handwriting?

A. Yes, sir. On several occasions, he got me to figure the bills. He was puzzled and couldn't get them right.

Q. And he was having difficulty with the accounts, too?

A. Yes, sir. He was making mistakes. Several times, I have heard people on the Neck say he had.

Mr. Mapp: That's all. Answer Mr. Fears.

CROSS EXAMINATION.

By Mr. Fears:

Q. How old was your oldest parent when they died?

Calvin Jones.

page 85 } CROSS EXAMINATION.

By Mr. Fears:

Q. You based all of your conclusions on the fact that your father told you, when you told him that his mind was going bad, to the fact that he said some of you were doping?

A. That is when I got my own mind made up that something was wrong.

Q. Did your father take medicine?

A. I think he was taking the doctor's medicine.

Q. So was your mother, wasn't she?

A. I can't answer that. I don't recollect whether mother was taking medicine or not. I couldn't answer that. I don't recollect mother going to the doctor at any time.

Q. But your father was taking medicine?

A. Yes, I am pretty certain he was. He was back and forth from the doctor.

Q. Is it unusual for a layman to refer to medicine as dope?

A. What do you mean by layman?

Q. I am just trying to get at your father's reason for his statement about dope.

A. I don't know of any reason.

Q. Did you ever see your father act unusual before that time?

A. (No answer).

page 86 } Q. You didn't, did you?

A. Not that I recollect. I wasn't around him.

Q. You were around him after that statement was made?

A. This statement he made to me?

Q. About the dope?

A. Possibly once or twice a week.

Q. There wasn't anything unusual in his demeanor after that?

A. Other than he wasn't acting normally. My brother was in the store, and he was in and out of the store, and we let him go when he got up and wanted to go. My brother would ask what I thought, and I said, the doctor said to let him go—

Q. The doctor didn't tell you that?

A. Mr. Fears, I don't remember whether he told me that personally, or whether William and myself went together and the doctor told us both.

Mr. Fears: That's all.

H. T. Matthews.

DIRECT EXAMINATION.

By Mr. Mapp:

Q. Mr. Matthews, will you state your name and place of residence, please, sir?

A. Hadley Thomas Matthews. Parksley, Virginia.

Q. What is your occupation?

A. Salesman.

Q. For what?

A. Groceries.

Q. As a grocery salesman, you have had occasion to deal with Edgie Jones when he operated the store at Hack's Neck, have you not?

A. Yes, sir.

Q. About how long did you deal with him prior to May of this year?

A. From three to four years. I can't tell you exactly.

Q. Mr. Matthews, did you notice any difference in Mr. Jones from what he had been shortly before the tragedy
page 91 } about which you have heard evidence here today occurred?

A. Yes, sir, he wasn't like he was when I first went there for the last couple of months.

Q. Will you explain to his Honor and the Jury what the difference was—what you noticed?

A. He seemed to be nervous and worried, and he owed bills that he couldn't pay, and he weren't just what he was when I first called on him.

Q. Did he have any difficulty in making up his accounts and statements, and going over his figures? Did you have any difficulty along that line with him?

A. Well, yes, sir. He couldn't figure like he used to first off. Couldn't write as good neither. In writing checks, he seemed to be nervous, and couldn't hardly make them out.

Q. And that condition was during May?

A. Two or three months ago.

Q. Before this happened?

A. Yes, sir.

Q. Are you related to Mr. or Mrs. Jones? Do you have any interest whatsoever in this case?

A. No, sir.

Mr. Mapp: That's all, thank you.

A. How old was who?
Q. Your father and mother when they died?

Mr. Mapp: If your Honor please, I don't think this has any bearing on this case.
The Court: On the face of it, it does not.

Mr. Fears:
Q. Do you think it is unusual for a person past sixty-five to start forgetting things once in a whole, and be unable to add figures?
A. I had a father who was eighty-six, and he had as clear a mind as your's.
Q. Don't a lot have clouded minds at that age?
page 89 } A. Not at all times.
Q. Would you say that Mr. Jones acted more unusual than a person sixty-seven years old?
A. Yes, sir.
Q. In what way?
A. I noticed that he lost interest in his church work. He lost interest in his store business, which he taken an interest in it when he first kept it. Nobody kept store that was any more interested in his business than Mr. Jones was, but prior to this time he lost all interest. He wasn't concerned, because he would just as soon walk out the store and leave no one there.
Q. Did you see him do that?
A. Yes, sir, on one occasion.
Q. Aren't you related to this family by marriage?
A. Yes, sir.

Mr. Fears: That's all.

RE-DIRECT EXAMINATION.

By Mr. Mapp:
Q. The fact that you are related to this family by marriage—would that in any way influence your testimony under oath in this case?
page 90 } A. No, sir, not one bit.

H. T. MATTHEWS,
a witness called in behalf of the Defendant, being first duly sworn, testified as follows:

Leonard D. Hall.

Q. But it was your general impression that he wasn't what he had been?

A. That's right.

Q. And you, of course, have no interest in this case, one way or the other?

page 94 } A. Not a bit.

Mr. Mapp: That's all, thank you.

Mr. Fears: I have no questions.

LEONARD D. HALL,

a witness called in behalf of the Defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Mapp:

Q. Mr. Hall, will you state your name and place of residence, please, sir?

A. Leonard D. Hall. Onancock.

Q. What is your occupation?

A. Cashier in the Citizens Bank, at Keller.

Q. Mr. Hall, since you have been cashier there at Keller, have you had occasion to know Mr. Edgie Jones?

A. Yes, sir.

Q. About how many years would you say you have known him?

A. I have been there about four years, and I think Mr. Jones has been coming in ever since I have been there.

Q. Did he come to your bank on the day preceding the night Mrs. Jones was shot?

A. Yes.

Q. About what time?

page 95 } A. Sometime after nine, but before ten.

Q. Did he say, or do, anything at that time to indicate to you that he was not mentally the way he had been on previous occasions?

A. He came in the bank that morning, and, instead of coming around to the window, he came to the counter in front of the door, and said, from now on have all my statements mailed and delivered direct to me. His face was just as white as his hair is now when he came in.

Q. Did he seem to be nervous and agitated?

A. Very much agitated.

Forrest M. Harrison.

page 92 } CROSS EXAMINATION.

By Mr. Fears:

Q. It is not unusual for anyone in financial difficulties to be worried and nervous, is it?

A. No, sir. I have a lot of them that way.

MR. FORREST M. HARRISON,

a witness called in behalf of the Defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Mapp:

Q. Mr. Harrison, will you state your name and your place of residence, please?

A. Forrest M. Harrison. Hack's Neck.

Q. How close do you live to the store formerly operated by Mr. and Mrs. Edgie Jones?

A. Two beyond. About a block, I imagine.

Q. As a matter of fact, it was your father that operated the store there for many years, wasn't it?

A. Correct.

Q. And it was your wife who preceded you to the witness stand, who worked there for Mr. and Mrs. Jones, at times, was it not?

page 93 } A. That's right.

Q. Mr. Harrison, did you have occasion to visit in the store, and come in contact with Edgie Jones, for a great many years?

A. Most of the time I work at Eastville, but I was there off and on, Saturdays, to pay my bills and things like that.

Q. Did you notice any change in his mental condition?

A. Yes.

Q. From what it had been?

A. Yes. I mentioned to my wife that something was wrong. I didn't know what, but on two occasions he didn't act right to me.

Q. What did he do?

A. One occasion, he couldn't figure the bill. He couldn't get anything right, and, another time, his wife was there with him, and he was sort of nervous. His bottom lip would drop. It looked like a slight stroke or something, the way his lip was dropped. That is the only two times I noticed anything wrong.

Dr. Fred G. Woodson.

A. Well, not from his examination. I was going largely by the history of what his son told me.

Q. Well, the point I am getting at, there was nothing obviously wrong with Mr. Jones, as far as a mental condition?

A. I couldn't say that. That is for a psychiatrist to say.

RE-DIRECT EXAMINATION.

By Mr. Mapp:

Q. You are not a psychiatrist, and, based upon the history given you, and what you saw of him, you recommended that he see a psychiatrist?

A. That's right.

Mr. Mapp: That's all.

DR. FRED G. WOODSON,

a witness called in behalf of the Defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Mapp:

Q. Will you state your full name, and place of residence?

A. Fred G. Woodson, M. D., Norfolk, Virginia.

page 98 } Q. Doctor, if you don't mind, will you give us your age?

A. Forty-four.

Q. What medical training, background, have you had, Doctor?

A. I graduated from the University of Virginia Department of Medicine in 1938. That was followed by two years of internship at St. Elizabeth's, at Richmond, Virginia, followed by three years as Assistant Resident and Resident in Neurology and Psychiatry at the University of Virginia Hospital, at Charlottesville, and fourteen months at Boston, Massachusetts, City Hospital, as Resident in Neurology, and three years in military service in the army, which was in the specialty of psychiatry and neurology, and Diplomat of the American Board of Neurology and Psychiatry—both fields. I have been in private practice since 1947, in Norfolk, Virginia.

Q. Now, what have you specialized in since you have been in private practice?

A. In psychiatry and neurology.

Dr. Joseph E. Gladstone.

Mr. Mapp: I think that's all.
Mr. Fears: No questions.

DR. JOSEPH E. GLADSTONE,
a witness called in behalf of the defendant, being first duly sworn, testified as follows:

DIRECT EXAMINATION.

By Mr. Mapp:
Q. Dr. Gladstone, for the purpose of the record, will you state your full name, and place of residence, please?
A. Joseph E. Gladstone. Exmore.
Q. Dr. Gladstone, was Mr. Edgie Jones here
page 96 } brought to your office sometime during the spring of 1959?
A. Yes, sir, it was March 19th.
Q. Who was with him at that time?
A. His son, William.
Q. Doctor, did you examine Mr. Jones on that occasion?
A. Yes, sir.
Q. And what did you find?
A. Well, he was nervous, but physically within normal limits for a man of his age. Blood pressure one fifty over ninety, which is not remarkable, and no other positive findings.
Q. Based upon your examination, what did you recommend?
A. I don't recall whether I recommended that he get some psychiatric help at that time. Either that time, or one of them shortly thereafter, I advised them to let me refer him to a psychiatrist.
Q. And did you make arrangements for him to go to Tucker's?
A. I did.

Mr. Mapp: I think that's all.

CROSS EXAMINATION.

By Mr. Fears:
Q. Then on your diagnosis—medical diagnosis—of Mr. Jones, you didn't notice anything unusual?
A. Yes. He was nervous.
page 97 } A. Well, so am I, but you didn't notice anything unusual, outside of that?

Dr. Fred G. Woodson.

Q. Dr. Woodson, did you have occasion to examine and treat, and have under your care, the defendant, Edgie R. Jones?

A. I did.

Q. Where was he when the case was referred to you?

page 99 } A. Mr. Jones was admitted to the Norfolk General Hospital on May 19th, 1959. I was called in consultation on May 23rd, to see him, and continued to treat him until his release on June 12th, 1959.

Q. From May 29th—

A. From May 23rd to June 12th.

Q. At that time, he was a patient in the Norfolk General Hospital, I think you said, at Norfolk?

A. Yes, sir.

Q. What was his condition at the time you examined him, Doctor?

A. When he was admitted, he was a surgical emergency, and I didn't see him at that time. That treatment had been disposed of when I was asked to see him. At that time, he was moody, depressed, worried, and concerned about what had happened. He expressed his worry about the health of his wife, who was still alive at that time. Generally despondent, but a quiet and cooperative patient. Not particularly disturbed.

Q. Is it unusual that he was a quiet and undisturbed patient at that time, or would that be a usual symptom?

A. Well, it—The history was to the effect that he had been quite disturbed at the time of this shooting, but it is possible for a disturbance to continue. On the other hand, it may

page 100 } quiet down very markedly after an event of this type. It seems to relieve the situation considerably.

Q. What was his mental condition?

The Court: As of what time?

Mr. Mapp:

Q. As of the time he was placed under your care on May 23rd?

A. The diagnosis that I made was involutional psychotic reaction. That is a medical term referring to a type of depression common in older people. I saw a number of characteristics of that illness. Depression, worry, restlessness, suspiciousness—trouble in sleeping and so on.

Q. In the course of your treatment of him, did you change

that diagnosis of his mental condition, or was that—did that—continue to be your opinion as to what he was suffering from?

A. The same diagnosis held. It was not changed.

Q. Doctor, upon his release from the hospital, based upon your opinion as to his mental condition, what were your recommendations?

A. My recommendations at the time were determined largely by the circumstances of the case. The fact that there was an impending prosecution of Mr. Jones. My medical recommendation was that he be continued under observation for possible additional psychiatric treatment. page 101 } Circumstances made it necessary to think of the State Hospital as the site of further care for him.

Q. What treatment did you give him while he was under your care?

A. He was admitted, first, to the surgical ward, and, on the fourth day, was transferred to the closed psychiatric floor of the Norfolk General.

Q. What do you mean by the closed psychiatric floor?

A. We have a new hospital which devotes the ninth floor—the top floor—to the care of psychiatric patients. It is a locked ward, capable of taking thirty patients. We put patients there with nervous or mental conditions. I especially put Mr. Jones there because of the attempt he had made on his life, and the fact that I needed to give him that amount of safety from further acts he might make against himself.

Q. Was he given medications, or any other form of treatment at that time?

A. He improved rather steadily. He continued nervous and restless. He worried a good deal. He needed to keep busy. We noticed that he seemed to fall into a despondent state if he didn't have something to do. He cooperated well, was pleasant, mixed well with other patients, played cards and other games. He didn't require a great page 102 } amount of treatment. He received a stimulating drug, which we use in depressive conditions. He had that about every day. He had a certain amount of surgical care, of course, for his wound. Most of it was custodial care, and general psychiatric management. Under that, he showed moderate improvement.

Q. Doctor, based upon the time you had Mr. Jones under your care, commencing May 23rd to June 12th, 1959, is it, or

Dr. Fred G. Woodson.

Q. Doctor, is it, or not, your opinion, that on May 18th, and the date is May 18th, he had sufficient mentality to control any impulse that he might have had?

A. My opinion is that he did not have control over his impulses.

Mr. Mapp: That's all. Answer Mr. Fears.

page 104 } CROSS EXAMINATION.

By Mr. Fears:

Q. What was the day you say you saw him?

A. May 23rd.

Q. And that was some five days after this shooting?

A. Yes, sir.

Q. The shooting was the 18th, and he had his eye out—his eye was shot out?

A. The bullet had entered behind the eye, and caused the loss of sight.

Q. And you say he was depressed at that time?

A. Yes, sir.

Q. Is it unusual for a man who had his eye shot out to be depressed, doctor?

A. Well, it would not be unusual. However, the depression didn't begin at that point, in my estimation.

Q. That is what I am trying to get clear to this Jury. Can you tell this Jury, of your own knowledge, in this diagnosis—Here is a man with his eye shot out—an elderly person—that his disturbance took place back there on the 18th when he fired this shot, and tell this Jury that you know his condition as of May 18th, when you didn't see him
page 105 } until the 23rd?

A. I can certainly judge from the history and findings what must have been the situation a few days before.

Q. From whom did you get all this history?

A. From him and his son.

Q. From his family?

A. Yes, sir.

Q. No one else but the family, and Edgie Jones?

A. Mr. Calvin Jones and his wife, who were in the family, also helped.

Q. You said this involutional psychotic condition—

A. Reaction.

Q. Is that a form of what we laymen think of as insanity?

A. Yes, sir, it is a mental illness.

not, your opinoin that on May 19th, 1959, he was, or was not, mentally capable of knowing right from wrong, and did, or did not, have the ability to control his impulses?

Mr. Fears: I object to the wording of the question of Mr. Mapp.

The Court: Objection sustained. Mr. Mapp will divide the question.

Mr. Mapp:

Q. Doctor, based upon the time you had Mr. Jones under your care, from May 23rd to June 12th, is it, or not, your opinion that on May 19th, 1959, he had mental capacity to know right from wrong?

Mr. Fears: I object to that question. Not only has he asked the doctor for a conclusion and no facts have been stated, but he has led the doctor into the statement he wants. I have no objection to this doctor's going into the facts of his analysis, but to state a rank conclusion on a leading question, I object.

page 103

The Court: Did you testify that you were a psychiatrist?

A. Yes, sir.

The Court: Overruled.

Mr. Mapp:

Q. You can answer now.

A. I would answer that this way. That, judging from my observations and the history I obtained, both from the defendant and his family members, that he was in a severely agitated state at the time of this shooting, and didn't have the capacity to judge right from wrong, or to know, actually, the true nature of the act he was carrying out.

The Court: You say that on the 19th of May, he didn't know right from wrong?

A. Yes, sir. I think the date is mistaken. I believe it is the 18th.

Mr. Mapp: That is the date of the shooting.

Dr. Fred G. Woodson.

act on the 18th—you saw him on the 23rd—do you feel you can tell this Jury positively that, on the 18th, when this man fired those shots, he didn't know the nature of his act, and know right from wrong?

A. That is my opinion.

Mr. Fears: Thank you, doctor.
Mr. Mapp: If your Honor please, that's our case.
The Court: Any rebuttal, Mr. Fears?
Mr. Fears: No, sir.

OBJECTIONS AND EXCEPTIONS TO INSTRUCTIONS.

The Defendant has no objection to Instruction No. 1.

The Defendant, by counsel, objects to Instruction No. 2 on the grounds that it does not correctly state the law, and on the further ground that it would be confusing and misleading to the Jury, particularly as to the reference to partial insanity.

The Defendant, by counsel excepts to the action of the Court in giving Instruction No. 2, for the reasons heretofore assigned.

page 108 } The Defendant, by counsel, excepts to the giving of Instruction No. 5, because it ignores the grounds of defense of insanity of the Defendant.

The Defendant, by counsel, excepts to the giving of Instruction No. 6, for the reason heretofore assigned to Instruction No. 5.

The case was fully argued by counsel, and the Jury retired to the Jury Room at 4:10 P. M.

The Jury returned to the Court Room at 4:50, and, after being polled, gave the following verdict:

We, the Jury, find the Defendant guilty of involuntary manslaughter, and fix the penalty of five years in the State Penitentiary.

The following Motion was then made by counsel for the Defendant:

If the Court please, the Defendant, Edgie R. Jones, by counsel, respectfully moves the Court to set aside the verdict

Dr. Fred G. Woodson.

Q. Is he an insane person when he is like this? I have no training at all in psychiatry or psychology, and neither does this jury. We want to know if this man was in an insane condition?

A. Well, insanity is a legal, rather than a medical, term, and I would—

Q. That is what I have to deal—

Mr. Mapp: If you would permit the witness to answer—

The Court: Go ahead. You are losing time.

A. I am presuming that under certain legal terminology, it is my understanding that a psychotic reaction in medical terms is equivalent to insanity, legally.

page 106 } Q. Why do you say that he was psychotic? Let me see if I recall what you said. You said he was depressed and worried and nervous, and what else?

A. Agitated.

Q. He had just had an eye shot out?

A. Suspicious.

Q. On those terms, are most patients getting to the age from six-five to seventy—Is it unusual for an elderly person to have these symptoms?

A. It is not unusual for anyone to have one or another of these symptoms at some time or other, but your having them all at one interval adds up to an illness.

Q. Then many elderly people are ill, according to you?

A. Yes, sir.

Q. And Mr. Jones, at his age, is not too much more unusual than the average?

A. Yes, he was sicker by far than the average. The average individual is not sick at his age. That is not mentally ill.

Q. Do you feel that those conditions and terms would give him a right to go and shoot somebody?

Mr. Mapp: I object to that question. It is entirely improper.

The Court: Will you read the question back, please, Mrs. Gilliam?

Note: The question was read by the reporter.

page 107 } Mr. Fears: I withdraw the question.

Q. Do you feel that his condition was such, when he did his

of the Jury, and grant the said Edgie R. Jones a new trial upon the following grounds:

(1) The verdict of the Jury is contrary to the law and the evidence in this case, and without evidence to
page 109 } support it.
(2) Misdirection of the Jury by the Court.
(3) Failure of the Court to properly instruct the Jury.
(4) The admission of improper evidence.
(5) The exclusion of proper evidence.
(6) Under the evidence in this case, and the law applicable thereto, the defendant cannot be convicted of involuntary manslaughter.

* * * * *

JUDGE'S CERTIFICATE.

I, Jeff F. Walter, Judge of the Circuit Court for the County of Accomack, Virginia, who presided over the trial in the Circuit Court of said County, in the matter of COMMONWEALTH *v.* EDGIE R. JONES, do hereby certify that the foregoing is a true and correct transcript of the testimony and other incidents of said trial, heard on the 12th day of October, 1959, the exhibits introduced, and all other incidents of said trial, including the motions and objections of the parties, the rulings of the Court thereon, and the exceptions of the parties.

GIVEN under my hand this, the 14th day of December, 1959, same being within sixty days from the time the order and decree complained of was entered by me.

JEFFERSON F. WALTER
Judge of the Circuit Court for the County of Accomack, Virginia.

Filed December Term (Dec. 14) A. D., 1959.

Teste:

ROBT. M. OLDHAM, Clerk
By BEULAH LOWE MASON, Dy.

A Copy—Teste:

H. G. TURNER, Clerk.

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