Return to
FILE COPY
Clerk, Supreme Court of Appeals
Richmond, Va.

214 Va. 632

CLERK
SUPREME COURT OF VIRGINIA
RECEIVED
OCT 5 1973
RICHMOND, VIRGINIA

IN THE

SUPREME COURT OF VIRGINIA

At Richmond

---

Record No. 730262

---

FRED WILLIAM QUICK, JR.,

Appellant

v.

WILLIAM M. HARRIS
Sheriff of Nelson County

Appellee,

---

APPENDIX

---

CONTENTS OF APPENDIX

Petition for Writ of Habeas Corpus ..... 1

Responsive Pleadings of the Commonwealth:

Motion to Dismiss ..... 7

Answer (By Sam D. Eggleston, Commonwealth Attorney for Nelson County) ..... 9

Answer (By Robert E. Shepherd, Assistant Attorney General) ..... 12

Stipulation of Facts ..... 19

Exhibit No. 1 General Population Chracteristics - Virginia ..... 20

Exhibit No. 2: Order of Conviction, April 14, 1970 ..... 21

Pertinent Portions of Transcript ..... 24

Opinion and Order ..... 25

Notice of Appeal and Assignments of Error ..... 27

VIRGINIA

IN THE CIRCUIT COURT OF NELSON COUNTY

FRED WILLIAM QUICK, JR.,

Petitioner

v.

WILLIAM M. HARRIS,
Sheriff of Nelson County
Sheriff's Office
Lovingston, Virginia

PETITION FOR WRIT OF HABEAS CORPUS

and

A. E. SLAYTON, JR.
Superintendent
429 South Belvedere Street
Richmond, Virginia,

Respondents

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes your Petitioner Fred William Quick, Jr. by his counsel, and represents unto the Court that he is illegally held in the custody, confinement and restraint of the Respondents, or one of them, or only by duly authorized arrangement of bond is he not held in the custody, confinement and restraint of the Respondents or one of them in the Nelson County Jail, awaiting transportation to Virginia State Penitentiary, 500 South Spring Street, Richmond, Virginia or in the Virginia Penitentiary System, and that said confinement is illegal for the reasons set forth below:

1. Your Petitioner was tried before a jury in the

Circuit Court of Nelson County on April 14, 1970 on two indictments, one for breaking and entering in the daytime the dwelling house owned by Mary W. Scott, and one for stealing, taking, and carrying away certain personal property owned by Mary W. Scott of a value greater than $100.00, and the jury found him guilty and sentenced him to terms of one year and twelve months respectively, said terms to run consecutively.

2. Defendant William M. Harris is Sheriff of Nelson County, Virginia and vested with authority of prisoners convicted by the Circuit Court in Nelson County of felonies, and confined in the Nelson County Jail awaiting transportation to the penitentiary and also persons sentenced to terms of jail to be served in the Nelson County Jail.

3. Defendant A. E. Slayton, Jr. is Superintendent of the Virginia Penitentiary System, and, as such, is vested with the authority and control over persons convicted of felonies and sentenced to confinement in the penitentiary.

4. The grand jury which returned the indictments upon the Petitioner was, on information and belief, improperly selected in that there were no women on the grand jury, nor were there any women on the master grand juror list from which the grand jury was selected. The female population of

Nelson County is approximately 50 percent of the county, and of the persons 21 to 70 years of age, approximately 50 percent are women.

5. The grand jury which returned the indictments upon the Petitioner was, on information and belief, improperly selected in that there was disproportionate number of white persons on the grand jury, and there was a disproportionate number of white persons on the master grand juror list from which the grand jury was selected. Black persons make up approximately 27 percent of the population of Nelson County, and black persons make up approximately 27 percent of the persons between the ages of 21 and 70 in Nelson County.

6. The master jury list of Nelson County from which the petit jury was selected for the trial of your Petitioner, was, on information and belief, improperly selected in that there was an insufficient number of women on the master jury list. The population of Nelson County is approximately 50 percent women, and approximately 50 percent of the persons between the ages of 21 and 70 in Nelson County are women.

7. The master jury list of the Circuit Court of Nelson County from which the petit jury was selected for trial of your Petitioner was, on information and belief, improperly selected, in that there was an insufficient number of

black persons on the list. The population of Nelson County is approximately 27 percent black, and that the persons between the ages of 21 and 70, approximately 27 percent are black, and the statistics were approximately the same at the time of the trial of your Petitioner and had been so for many years.

8. Persons on the master grand juror list are selected consciously by the Judge of the Circuit Court. The persons on the master jury list are selected consciously by the jury commissioner for Nelson County.

9. The venire of persons summoned for the trial of Petitioner contained a disproportionate number of men, occasioned in part because the master jury list contains a disproportionate number of men.

10. The venire of persons summoned for the trial of Petitioner contained a disproportionate number of white persons, occasioned in part because the master jury list contained a disproportionate number of white persons.

11. Insofar as attorneys for Petitioner failed to investigate the jury selection procedures and challenge the jury selection for the grand jury and petit jury of Petitioner at the time of his trial, said attorneys were ineffective in their representation of your Petitioner.

12. Insofar as the above described facts and

procedures are consistent with Virginia jury selection law, although inconsistent with federal and state constitutional rights, said jury selection laws of Virginia are unconstitutional and void.

13. At his trial on April 14, 1970, one of the persons summoned for trial and who sat on his jury was Clarence R. Craig, Jr., who had previously testified against your Petitioner in a criminal matter in the Nelson County Court. It would have been impossible for Clarence R. Craig, Jr. to give your Petitioner a fair and impartial trial.

Wherefore, your Petitioner prays that a Writ of Habeas Corpus issue requiring the Respondents to bring your Petitioner before the Bar of this Court and require Respondents to show cause why Petitioner should not be granted relief as follows:

a. Declare Virginia jury selection laws void and unconstitutional insofar as they conflict with the rights accused persons guaranteed under the Constitutions of the United States and Virginia, including but not limited to the Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States in Article I Section Eight of the Constitution of Virginia.

b. Release Petitioner from Respondents' custody

and order the Commonwealth to recommence prosecution within 60 days or ban any further prosecution;

c. Hold a hearing to determine questions raised by Petitioner herein;

Grant such other and further relief as to this Honorable Court seems appropriate and just.

FRED WILLIAM QUICK

By Counsel

/s/John C. Lowe

Lowe and Gordon
1111 West Main Street
Charlottesville, Virginia

VIRGINIA

IN THE CIRCUIT COURT OF NELSON COUNTY

FRED WILLIAM QUICK, JR.,

Petitioner

v.

CR 1059 and
CR 1059-A

PETITION FOR WRIT OF
HABEAS CORPUS

WILLIAM M. HARRIS
Sheriff of Nelson County

and

A. E. SLAYTON, JR.

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF THE AFORESAID COURT:

Now comes your Respondent, William M. Harris, Sheriff of Nelson County, by his counsel, and represents unto the Court that the Petition for Writ of Habeas Corpus filed by the Petitioner should be dismissed for the following reasons:

1.) That said Petition is not of the form and content required by Section 8-596 and 8-596.1 of the Code of Virginia, 1950, as amended.

2.) That the Petitioner is not in the custody of your Respondent, Sheriff William M. Harris.

3.) That the bond required by Section 8-597 of the Code of Virginia, 1950, as amended, has not been posted.

4.) That the issue raised by paragraph 13 of the Petition has been litigated and adjudicated by the Supreme Court of Appeals of Virginia and by the Supreme

Court of the United States and is, consequently, not subject to further determination by this Court.

5.) That the so-called allegations of fact are in large part untrue and the Petition as a whole, on its face, is patently frivolous and unwarranted.

WHEREFORE, your Respondent, Sheriff William M. Harris, moves that the Petition for Writ of Habeas Corpus be dismissed.

SHERIFF WILLIAM M. HARRIS

/s/ Samuel D. Eggleston, Jr.
Counsel

Sam D. Eggleston, Jr.
Commonwealth Attorney for
Nelson County
P. O. Box 304
Lovingston, Virginia

VIRGINIA

IN THE CIRCUIT COURT OF NELSON COUNTY

FRED WILLIAM QUICK, JR.,
Petitioner

v.

WILLIAM M. HARRIS,
Sheriff of Nelson County

and

A. E. Slayton,
Superintendent,

Respondents

CR 1059 and
CR 1059-A

PETITION FOR WRIT OF
HABEAS CORPUS

ANSWER OF THE RESPONDENT

TO THE HONORABLE JUDGE OF THE AFORESAID COURT:

Now comes your Respondent, William M. Harris, Sheriff of Nelson County, Virginia, and for an Answer to the Petition for Writ of Habeas Corpus served on him, responding as follows:

1. The allegations of paragraph 1 of the Petition are admitted.

2. The allegations of paragraph 2 of the Petition are admitted, but Respondent advises the Court that the Petitioner is not in his custody and that he, the Respondent, does not have in his hands process or other legal papers requiring him to take the Petitioner into his custody.

3. The allegations of paragraph 3 are admitted, but on information and belief your Respondent advises the Court that the Petitioner is not in the custody of Respondent

A. E. Slayton, Jr., Superintendent of the Virginia Penitentiary System.

4. It is admitted that the Grand Jury which indicted the Petitioner did not contain a woman, but all other allegations in paragraph 4 of the Petition are denied and strict proof thereof is demanded.

5. The allegations of paragraph 5 of the Petition are denied and strict proof thereof is demanded.

6. The allegations of paragraph 6 of the Petition are denied and strict proof thereof is demanded.

7. The allegations of paragraph 7 of the Petition are denied and strict proof thereof is demanded.

8. The allegations of paragraph 8 are neither admitted nor denied inasmuch as your Respondent has no knowledge as to how the master Grand Juror list and the master Jury list is determined, but by way of observation, your Respondent notes that any selection system necessarily involves a "conscious" selection of persons or names.

9. The allegations of paragraphs 9 and 10 of the Petition are admitted in part and denied in part; it being admitted that more men than women served on the Jury panel summoned for the trial of Petitioner and it being admitted that more white persons than black persons were summoned to serve on said jury, but it is denied that the persons so summoned and so serving were <u>legally</u>

disproportionate.

10. The allegations of paragraph 11 of the Petition are neither admitted nor denied and strict proof thereof is demanded.

11. The allegations of paragraph 12 of the Petition are denied.

12. The allegations of paragraph 13 of the Petition are denied.

WHEREFORE, your Respondent having fully answered doth pray that the Petition exhibited against him be dismissed and that the Petitioner be required to pay the costs of this proceeding, including a reasonable attorney's fee for the Respondent inasmuch as the Petitioner is not in your Respondent's custody and your Respondent has no Court Order or other process for his arrest, which facts were well known to Petitioner at the time of the institution of this proceeding; and that your Respondent be granted such other and further relief as to this Court seems meet and just.

WILLIAM M. HARRIS
Sheriff of Nelson County

/s/ Samuel Eggleston, Jr.
Counsel

Sam D. Eggleston, Jr.
Commonwealth Attorney for
Nelson County
P. O. Box 304
Lovingston, Virginia 22949

VIRGINIA

IN THE CIRCUIT COURT OF NELSON COUNTY

FRED WILLIAM QUICK, JR.,

Petitioner

v.

CR 1059 and
CR. 1059-A

WILLIAM M. HARRIS, Sheriff
of Nelson County

and

A. E. SLAYTON, JR., Superintendent
Virginia State Penitentiary,

Respondents

ANSWER

Now comes the Respondent, A. E. Slayton, Jr., Superintendent of the Virginia State Penitentiary, by counsel, and for his answer to the petition for writ of habeas corpus filed herein says as follows:

1. Respondent says that he is advised that on April 14, 1970, the petitioner was convicted in the Circuit Court of Nelson County of breaking and entering and petty larceny and sentenced to serve terms of one (1) year in the Virginia State Penitentiary and twelve (12) months in jail. This respondent does not have custody of petitioner at the present time and is not advised as to where petitioner is located.

2. The petitioner herein alleges that he is being illegally detained for the following reasons:

a. That there were no women on the grand jury which returned the indictments against the petitioner;

b. That there were a disproportionate number of white persons on the grand jury which returned the indictment against petitioner;

c. That there were an insufficient number of women on the master petit jury list;

d. That there were an insufficient number of Blacks on the master petit jury list;

e. That there were a disproportionate number of men on the jury venire;

f. That there were disproportionate number of whites on the jury venire;

g. That the attorneys that represented him at trial were ineffective insofar as they failed to raise the issues referred to in a. through f. above;

h. That the Virginia Jury Selection laws are unconstitutional insofar as they permit allegations a. through f. to occur;

i. That the petitioner was denied due process in that a juror who sat on the jury which

tried petitioner had previously testified against petitioner in an earlier criminal proceeding.

3. Allegation i. raised in the instant petition has previously been presented to this Court in a motion for a new trial which was denied by order of this Court of June 26, 1970, the issue was subsequently raised in a petition for a writ of error filed in the Supreme Court of Virginia, which Court refused and denied a writ of error by order of June 15, 1971, and the same issue was further raised in a petition for a writ of certiorari filed in the Supreme Court of the United States, which writ of certiorari was denied by order of that Court of April 3, 1972. It is respectfully submitted that this matter should not be now considered on habeas corpus where it is previously been dealt with by this Court and this Court's actions have been left undisturbed by the highest court in the Virginia Court System and by the highest in the United States. Consequently, the petition for a writ of habeas corpus in regard to this issue should be denied and dismissed.

4. Allegations a., c., and e. all relate to the questions of the systematic exclusion of women from grand and petit jurys in this jurisdiction and to the lack of representation or underrepresentation of women on such jurys. It is respectfully submitted that the petitioner,

being a male, has no standing whatsoever to raise the question of the alleged discrimination against women on jurys in Nelson County in that he is not a member of the class alleged to be excluded and there is no Federal or State statute which would in any way serve to give him standing to raise the issue (Strauder v. West Virginia, 100 U.S. 303 (1880); Fay v. New York, 332 U.S. 261, 287, 289-290 (1947); Hoyt v. Florida, 368 U.S. 57, 60 (1961); and Peters v. Kiff, _____U.S. _____, 11 Cr.L.Rptr. 3157 (June 22, 1972)). Thus, allegations a., c. and e. and allegations g. insofar as it relates to this point are without merit and the petition for a writ of habeas corpus on these points should be denied and dismissed.

5. Allegation h. relates to the constitutionality of Virginia's jury selection laws and it is respectfully submitted that these laws were and are in fact constitutional and the petition insofar as it relates to this point should be denied and dismissed.

6. Allegations b., d. and f. all relate to the disproportionate number of whites on the grand and petit jurys in Nelson County and it is respectfully submitted that these allegations relate to matters of fact that are unrecorded and not apparent in the record of this case and that a plenary hearing should be granted by this Court limited

to these allegations and to so much of allegation g. as relates to these matters. It is further submitted that after such an evidentiary hearing, that the petition for a writ of habeas corpus should further be denied and dismissed on these points as well.

7. Respondent specifically denies each and every allegation that is not expressly admitted herein.

Wherefore, for the foregoing reasons, it is respectfully submitted that a plenary hearing should be granted in this case limited to the allegations relating to systematic exclusion of and discrimination against Blacks on grand and petit jurys in Nelson County, that all other allegations be denied and dismissed and that following such plenary hearing that his petition for a writ of habeas corpus be denied and dismissed and the respondent be given custody of the petitioner.

A. E. SLAYTON, JR., Superintendent
Virginia State Penitentiary

By: /s/ RES
Of Counsel

Robert E. Shepherd, Jr.
Assistant Attorney General
911 East Broad Street
Richmond, Virginia 23219

VIRGINIA

IN THE CIRCUIT COURT OF NELSON COUNTY

FRED WILLIAM QUICK, JR.,

Petitioner

v.

CR 1059 and
CR 1059-A

WILLIAM M. HARRIS, Sheriff
of Nelson County

and

A. E. SLAYTON, JR.,Superintendent
Virginia State Penitentiary,

Respondents

STIPULATION OF FACTS

Now come the petitioner, by counsel, and the respondents, by counsel, and present the following stipulation of facts which they agree to:

1. According to the 1970 Census the population of Nelson County, Virginia, totalled 11,702 persons with 8,347 being white and 3,344 being black with blacks therefore constituting 28.6% of the total population of the county. Of the total population, 5,854 are male and 5,848 are female with the population being thus divided evenly at 50% male and 50% female. The figures are further broken down with 6, 197 of the total population being between the ages of 21 and 69 with 3,082 being male and 3,115 being female with females constituting 50.4% of the population between the ages of 21 and 70. Likewise, 6,191 of the

population between the ages of 21 and 70 are either black or white with 4,703 of that total being white and 1,488 being black for a percentage of 24.0% of the persons between the ages of 21 and 70 being black (see Exhibit I -- General Population Characteristics -- Virginia, page 48-136, Bureau of the Census, U. S. Department of Commerce).

2. The jury commissioners for Nelson County for the period from February 15, 1970 to February 15, 1971, were M. Q. Campbell, A. T. Davidson, Sr., Fletcher Epps and R. Kent Loving with all four of the Commissioners being male and Fletcher Epps being black for a percentage of the jury commissioners of 25% black.

3. The Grand Jurors who indicted petitioner were J. Wilbur Hughes, R. Kent Loving , William M. Campbell, Jr., Carrington Morse, Mulford Q. Campbell and Aubrey W. Pace, with all of those persons being males and one of the six, Carrington Morse, being black, for a 16.6% black percentage on the Grand Jury which indicted petitioner.

4. The jury panel for the March term of 1970 was as follows: Emmett R. Martin, Richard L. Harvey, William Massie Flippin, Claude Dickerson, Richard P. Harvey, D. A. Drumheller, Cecile Epps, Virginia M. Bryant, Arthur Carter, Robert D. Harris, Charles F. Babish, W. E. Jackson, M. D. Simpson, H. H. Roberts, Carl L. Durrett, J. Ligon Clark, Judson C. Carter, K. M. Baker, Jr., Alfred W. Drumheller, Jr., R. M. Brown, Clarence R. Craig, Jr.,

E. Melvin Browning, H. W. Whitehead, E. H. Dowdy, Jesse W. Bullock, J. D. Banton, Louise P. Wade, Robert N. Adams. Of those 28 persons, Cecile Epps is a black female, Virginia M. Bryant is a white female, Carl L. Durrett is a black male, Jesse W. Bullock is a black male and Louise P. Wade is a white female with all of the rest of the panel being white males. Thus, the panel is 10.7% black and 10.7% female.

5. The jurors who actually tried petitioner were William Massie Flippin, D. A. Drumheller, Arthur Carter, Charles F. Babish, W. E. Jackson, M. D. Simpson, Carl L. Durrett, Alfred W. Drumheller, Jr., R. M. Brown, Clarence R. Craig, Jr., E. Melvin Browning and Jesse W. Bullock. None of those are female but Bullock and Durrett are black so that 16.6% of the petitioner's jury was black (see Exhibit II -- Order of April 14, 1970).

FRED WILLIAM QUICK, JR.

By: John C. Lowe
of Counsel

WILLIAM M. HARRIS, Sheriff
of Nelson County

By: _____
Of Counsel

A. E. SLAYTON, JR., Superintendent
Virginia State Penitentiary

By: /s/ RES
Robert E. Shepherd, Jr.
of Counsel

# Exhibit No. 1 - General Population Characteristics - Virginia

(For minimum [illegible] figures (percent, median, etc.) and meaning of symbols, see text)

Counties
Independent Cities

| | 1970 population | | | | | | | 1960 population | 1970 population | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | All races | | | White | | Negro | | | All races | | | White | | [illegible] | | |
| | Total | Male | Female | Male | Female | Male | Female | | Total | Male | Female | Male | Female | [illegible] | [illegible] | [illegible] |
| | **NANSEMOND** | | | | | | | | **NELSON** | | | | | | | |
| All ages | 35 166 | 17 176 | 17 990 | 7 983 | 8 [illegible] | 9 175 | 9 [illegible] | 31 [illegible] | 11 [illegible] | 5 8[illegible] | 5 8[illegible] | 4 [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
| Under 1 year | 593 | 285 | 313 | 107 | 123 | 177 | 189 | 654 | 190 | 91 | 99 | 55 | 63 | [illegible] | [illegible] | [illegible] |
| 1 year | 568 | 298 | 270 | 114 | 120 | 184 | 150 | 643 | 165 | 85 | 80 | 56 | 51 | [illegible] | [illegible] | [illegible] |
| 2 years | 630 | 330 | 300 | 133 | 129 | 195 | 169 | 803 | 166 | 92 | 74 | 53 | 47 | [illegible] | [illegible] | [illegible] |
| 3 years | 638 | 320 | 318 | 159 | 134 | 161 | 182 | 838 | 170 | 89 | 81 | 56 | 42 | [illegible] | [illegible] | [illegible] |
| 4 years | 653 | 324 | 329 | 135 | 129 | 189 | 199 | 846 | 174 | 68 | 86 | 55 | 54 | [illegible] | [illegible] | [illegible] |
| 5 years | 803 | 417 | 386 | 167 | 134 | 249 | 252 | 859 | 219 | 113 | 106 | 75 | 71 | 40 | [illegible] | [illegible] |
| 6 years | 750 | 363 | 387 | 162 | 157 | 201 | 229 | 832 | 228 | 104 | 124 | 68 | 67 | [illegible] | [illegible] | [illegible] |
| 7 years | 791 | 394 | 397 | 155 | 160 | 238 | 226 | 839 | 219 | 116 | 103 | 78 | [illegible] | [illegible] | [illegible] | [illegible] |
| 8 years | 765 | 387 | 398 | 172 | 161 | 213 | 235 | 759 | 249 | 135 | 114 | 82 | 71 | [illegible] | [illegible] | [illegible] |
| 9 years | 820 | 410 | 410 | 153 | 155 | 256 | 255 | 754 | 230 | 113 | 117 | 68 | 75 | [illegible] | [illegible] | [illegible] |
| 10 years | 921 | 465 | 436 | 195 | 163 | 290 | 272 | 696 | 246 | 139 | 107 | 96 | 66 | [illegible] | [illegible] | [illegible] |
| 11 years | 798 | 391 | 407 | 149 | 170 | 242 | 237 | 638 | 232 | 126 | 106 | 77 | 61 | [illegible] | [illegible] | [illegible] |
| 12 years | 842 | 427 | 415 | 167 | 153 | 260 | 252 | 748 | 254 | 146 | 108 | 89 | [illegible] | [illegible] | [illegible] | [illegible] |
| 13 years | 842 | 455 | 387 | 169 | 155 | 286 | 202 | 703 | 247 | 111 | 136 | 69 | 64 | [illegible] | [illegible] | [illegible] |
| 14 years | 840 | 420 | 420 | 161 | 155 | 259 | 265 | 558 | 238 | 118 | 120 | 70 | 79 | [illegible] | [illegible] | [illegible] |
| 15 years | 822 | 424 | 398 | 155 | 149 | 269 | 249 | 578 | 273 | 137 | 136 | 92 | [illegible] | [illegible] | [illegible] | [illegible] |
| 16 years | 813 | 415 | 398 | 167 | 141 | 246 | 257 | 603 | 237 | 121 | 116 | 73 | [illegible] | [illegible] | [illegible] | [illegible] |
| 17 years | 776 | 430 | 346 | 183 | 133 | 246 | 212 | 570 | 231 | 116 | 115 | 73 | [illegible] | [illegible] | [illegible] | [illegible] |
| 18 years | 639 | 336 | 303 | 138 | 121 | 198 | 182 | 470 | 212 | 110 | 102 | 67 | 64 | [illegible] | [illegible] | [illegible] |
| 19 years | 527 | 254 | 273 | 83 | 100 | 171 | 173 | 404 | 166 | 91 | 75 | 59 | 46 | [illegible] | [illegible] | [illegible] |
| 20 years | 484 | 229 | 255 | 95 | 103 | 133 | 152 | 365 | 151 | 84 | 67 | 53 | 46 | [illegible] | [illegible] | [illegible] |
| 21 years and over | 19 826 | 9 382 | 10 444 | 4 843 | 5 125 | 4 512 | 5 297 | 16 771 | 7 205 | 3 529 | 3 676 | 2 068 | 2 [illegible] | [illegible] | [illegible] | [illegible] |
| Under 5 years | 3 087 | 1 557 | 1 530 | 648 | 645 | 906 | 879 | 4 189 | 865 | 445 | 420 | 276 | [illegible] | [illegible] | [illegible] | [illegible] |
| 5 to 9 years | 3 949 | 1 971 | 1 978 | 810 | 767 | 1 157 | 1 208 | 4 023 | 1 145 | 581 | 564 | 357 | 346 | [illegible] | [illegible] | [illegible] |
| 10 to 14 years | 4 243 | 2 178 | 2 065 | 841 | 808 | 1 337 | 1 258 | 3 393 | 1 217 | 640 | 577 | 461 | 371 | [illegible] | [illegible] | [illegible] |
| 15 to 19 years | 3 577 | 1 859 | 1 718 | 726 | 644 | 1 130 | 1 073 | 2 625 | 1 119 | 575 | 544 | 369 | [illegible] | [illegible] | [illegible] | [illegible] |
| 20 to 24 years | 2 219 | 1 009 | 1 210 | 453 | 534 | 541 | 671 | 1 770 | 684 | 342 | 342 | 230 | 250 | [illegible] | [illegible] | [illegible] |
| 25 to 29 years | 2 139 | 1 019 | 1 120 | 601 | 658 | 418 | 460 | 1 806 | 664 | 332 | 332 | 259 | 256 | [illegible] | [illegible] | [illegible] |
| 30 to 34 years | 1 933 | 913 | 1 020 | 534 | 582 | 375 | 494 | 2 072 | 578 | 292 | 286 | 218 | 202 | [illegible] | [illegible] | [illegible] |
| 35 to 39 years | 1 977 | 946 | 1 031 | 507 | 523 | 437 | 508 | 2 165 | 598 | 307 | 291 | 221 | 206 | [illegible] | [illegible] | [illegible] |
| 40 to 44 years | 2 172 | 993 | 1 179 | 512 | 580 | 476 | 616 | 1 981 | 654 | 327 | 327 | 243 | [illegible] | [illegible] | [illegible] | [illegible] |
| 45 to 49 years | 2 156 | 1 084 | 1 072 | 521 | 504 | 562 | 557 | 1 693 | 660 | 323 | 337 | 244 | 2[illegible] | [illegible] | [illegible] | [illegible] |
| 50 to 54 years | 1 978 | 993 | 985 | 483 | 452 | 508 | 531 | 1 421 | 669 | 344 | 325 | 268 | 266 | 75 | 59 | [illegible] |
| 55 to 59 years | 1 685 | 827 | 858 | 420 | 427 | 407 | 430 | 1 239 | 655 | 308 | 347 | 237 | [illegible] | [illegible] | 69 | [illegible] |
| 60 to 64 years | 1 336 | 623 | 713 | 316 | 352 | 305 | 361 | 942 | 653 | 333 | 320 | 256 | [illegible] | [illegible] | 72 | [illegible] |
| 65 to 69 years | 1 103 | 520 | 583 | 261 | 260 | 257 | 323 | 835 | 533 | 258 | 275 | 192 | [illegible] | [illegible] | [illegible] | [illegible] |
| 70 to 74 years | 735 | 314 | 421 | 148 | 209 | 166 | 211 | 584 | 387 | 156 | 231 | 127 | [illegible] | [illegible] | [illegible] | [illegible] |
| 75 to 79 years | 436 | 202 | 234 | 103 | 118 | 99 | 115 | 359 | 316 | 152 | 164 | 121 | 132 | [illegible] | [illegible] | [illegible] |
| 80 to 84 years | 276 | 104 | 172 | 45 | 86 | 59 | 86 | 186 | 164 | 73 | 91 | 55 | [illegible] | [illegible] | [illegible] | [illegible] |
| 85 years and over | 165 | 64 | 101 | 24 | 43 | 34 | 58 | 83 | 141 | 66 | 75 | 47 | [illegible] | [illegible] | [illegible] | [illegible] |
| 21 years and over | 13 690 | 6 975 | 6 715 | 2 804 | 2 641 | 4 161 | 4 068 | 13 356 | 3 968 | 2 040 | 1 928 | 1 287 | 1 2[illegible] | [illegible] | [illegible] | [illegible] |
| 18 years and over | 3 457 | 1 554 | 1 903 | 744 | 915 | 801 | 988 | 2 612 | 1 926 | 901 | 1 025 | 699 | [illegible] | [illegible] | [illegible] | [illegible] |
| 65 years and over | 2 715 | 1 204 | 1 511 | 581 | 716 | 615 | 793 | 2 047 | 1 541 | 705 | 836 | 547 | [illegible] | [illegible] | [illegible] | [illegible] |
| Median age | 26.2 | 25.1 | 27.2 | 29.1 | 30.1 | 20.5 | 23.8 | 24.1 | 31.4 | 30.2 | 32.5 | 35.8 | [illegible] | [illegible] | [illegible] | [illegible] |
| | **NEW KENT** | | | | | | | | **NORTHAMPTON** | | | | | | | |
| All ages | 5 300 | 2 703 | 2 597 | 1 469 | 1 454 | 1 209 | 1 123 | 4 504 | 14 442 | 6 833 | 7 609 | 3 219 | 3 [illegible] | 3 [illegible] | 3 [illegible] | 11 [illegible] |
| Under 1 year | 89 | 48 | 41 | 29 | 23 | 19 | 18 | 85 | 192 | 96 | 96 | 37 | 32 | [illegible] | 60 | 401 |
| 1 year | 96 | 47 | 49 | 22 | 25 | 24 | 23 | 110 | 196 | 109 | 87 | 43 | 32 | [illegible] | [illegible] | 417 |
| 2 years | 96 | 57 | 39 | 30 | 22 | 27 | 17 | 128 | 188 | 107 | 81 | 49 | 23 | [illegible] | [illegible] | 410 |
| 3 years | 87 | 39 | 48 | 22 | 20 | 17 | 27 | 100 | 228 | 114 | 114 | 46 | 55 | [illegible] | [illegible] | 380 |
| 4 years | 111 | 66 | 45 | 40 | 23 | 26 | 22 | 114 | 232 | 109 | 123 | 37 | 42 | [illegible] | [illegible] | 392 |
| 5 years | 100 | 39 | 61 | 11 | 26 | 26 | 33 | 121 | 236 | 111 | 125 | 40 | 41 | 39 | [illegible] | 404 |
| 6 years | 126 | 59 | 67 | 32 | 35 | 27 | 32 | 98 | 244 | 113 | 131 | 39 | 49 | 74 | [illegible] | 349 |
| 7 years | 130 | 76 | 54 | 29 | 29 | 46 | 25 | 119 | 291 | 146 | 145 | 41 | 51 | 104 | [illegible] | 419 |
| 8 years | 114 | 60 | 54 | 33 | 22 | 27 | 32 | 102 | 257 | 125 | 132 | 39 | 42 | 86 | [illegible] | 335 |
| 9 years | 112 | 62 | 50 | 34 | 31 | 28 | 19 | 99 | 293 | 156 | 137 | 54 | 50 | 101 | [illegible] | 312 |
| 10 years | 121 | 63 | 58 | 31 | 30 | 32 | 28 | 94 | 322 | 167 | 155 | 60 | 55 | 100 | [illegible] | 339 |
| 11 years | 106 | 47 | 59 | 15 | 31 | 31 | 28 | 90 | 335 | 154 | 181 | 42 | 60 | [illegible] | [illegible] | 327 |
| 12 years | 136 | 74 | 62 | 35 | 28 | 39 | 34 | 97 | 349 | 175 | 174 | 68 | [illegible] | 107 | [illegible] | 358 |
| 13 years | 118 | 68 | 50 | 28 | 25 | 39 | 24 | 92 | 316 | 148 | 168 | 50 | 54 | [illegible] | [illegible] | 325 |
| 14 years | 120 | 60 | 60 | 27 | 28 | 33 | 31 | 79 | 348 | 176 | 172 | 70 | 60 | 100 | [illegible] | 335 |
| 15 years | 130 | 77 | 53 | 41 | 27 | 35 | 25 | 90 | 317 | 153 | 164 | 49 | 60 | 101 | [illegible] | 285 |
| 16 years | 97 | 49 | 48 | 25 | 18 | 24 | 30 | 70 | 311 | 171 | 140 | 66 | 46 | 105 | 9 | 268 |
| 17 years | 87 | 46 | 41 | 19 | 14 | 26 | 27 | 76 | 350 | 178 | 172 | 74 | 56 | 100 | [illegible] | 274 |
| 18 years | 100 | 51 | 49 | 25 | 22 | 25 | 26 | 78 | 230 | 103 | 127 | 36 | 41 | 87 | [illegible] | 233 |
| 19 years | 80 | 40 | 40 | 17 | 26 | 22 | 14 | 47 | 163 | 85 | 78 | 31 | 32 | 54 | [illegible] | 165 |
| 20 years | 66 | 35 | 31 | 17 | 20 | 17 | 10 | 61 | 139 | 54 | 85 | 25 | 30 | 59 | [illegible] | 161 |
| 21 years and over | 3 078 | 1 540 | 1 538 | 907 | 927 | 618 | 596 | 2 554 | 8 905 | 4 083 | 4 822 | 2 223 | 2 [illegible] | 1 [illegible] | [illegible] | [illegible] 126 |
| Under 5 years | 479 | 257 | 222 | 143 | 113 | 113 | 107 | 537 | 1 036 | 535 | 501 | 212 | 189 | 302 | [illegible] | 2 000 |
| 5 to 9 years | 582 | 296 | 286 | 139 | 145 | 156 | 141 | 539 | 1 321 | 651 | 670 | 213 | 231 | 434 | [illegible] | 319 |
| 10 to 14 years | 601 | 312 | 289 | 136 | 142 | 176 | 145 | 452 | 1 670 | 820 | 850 | 290 | 299 | 551 | [illegible] | 634 |
| 15 to 19 years | 494 | 263 | 231 | 127 | 107 | 132 | 122 | 361 | 1 371 | 690 | 681 | 256 | 244 | 434 | [illegible] | 1 228 |
| 20 to 24 years | 390 | 191 | 199 | 103 | 126 | 84 | 71 | 267 | 696 | 329 | 367 | 196 | 161 | 168 | [illegible] | 333 |
| 25 to 29 years | 323 | 158 | 165 | 96 | 107 | 60 | 57 | 274 | 610 | 259 | 351 | 159 | 170 | 95 | 76 | 903 |
| 30 to 34 years | 339 | 174 | 165 | 95 | 83 | 79 | 82 | 281 | 587 | 263 | 324 | 144 | 143 | 117 | 179 | 599 |
| 35 to 39 years | 275 | 141 | 134 | 72 | 62 | 68 | 72 | 288 | 765 | 346 | 419 | 172 | 178 | 173 | 242 | 999 |
| 40 to 44 years | 316 | 159 | 157 | 101 | 109 | 58 | 46 | 273 | 879 | 416 | 463 | 200 | 220 | 216 | 242 | 1 046 |
| 45 to 49 years | 312 | 152 | 160 | 90 | 90 | 60 | 67 | 268 | 864 | 399 | 465 | 196 | 203 | [illegible] | 2[illegible] | [illegible] |
| 50 to 54 years | 292 | 167 | 125 | 95 | 76 | 68 | 49 | 241 | 857 | 422 | 435 | 208 | 266 | [illegible] | [illegible] | [illegible] |
| 55 to 59 years | 237 | 112 | 125 | 71 | 83 | 40 | 39 | 169 | 878 | 443 | 435 | 241 | 2[illegible] | [illegible] | [illegible] | [illegible] |
| 60 to 64 years | 258 | 132 | 126 | 86 | 79 | 45 | 44 | 148 | 844 | 367 | 457 | 277 | [illegible] | [illegible] | [illegible] | [illegible] |
| 65 to 69 years | 198 | 88 | 98 | 63 | 69 | 25 | 29 | 141 | 745 | 333 | 412 | 191 | 2[illegible] | [illegible] | [illegible] | [illegible] |
| 70 to 74 years | 112 | 50 | 62 | 26 | 36 | 24 | 26 | 111 | 581 | 268 | 313 | 152 | 172 | [illegible] | [illegible] | [illegible] |
| 75 to 79 years | 79 | 41 | 38 | 27 | 17 | 16 | 18 | 76 | 395 | 149 | 246 | 86 | 164 | [illegible] | 82 | 30 |
| 80 to 84 years | 43 | 15 | 28 | 13 | 21 | 2 | 7 | 43 | 201 | 75 | 126 | 46 | 90 | 29 | 36 | [illegible] |
| 85 years and over | 24 | 13 | 11 | 7 | 7 | 6 | 4 | 15 | 142 | 48 | 94 | 28 | 60 | 29 | 32 | [illegible] |
| Under 18 years | 1 976 | 1 017 | 959 | 501 | 459 | 527 | 475 | 1 764 | 5 015 | 2 508 | 2 497 | 904 | 862 | 1 [illegible] | [illegible] | [illegible] |
| 21 years and over | 519 | 258 | 261 | 155 | 177 | 101 | 101 | 494 | 2 565 | 1 099 | 1 466 | 612 | 927 | [illegible] | [illegible] | [illegible] |
| 65 years and over | 404 | 189 | 215 | 115 | [illegible] | 71 | 81 | 406 | 2 084 | 873 | 1 191 | 505 | 755 | 365 | [illegible] | [illegible] |
| Median age | 26.6 | 26.0 | 27.2 | 29.5 | [illegible] | [illegible] | [illegible] | 26.0 | 34.4 | 32.5 | 35.7 | 39.1 | [illegible] | 27.9 | [illegible] | [illegible] |

Exhibit No. 2 - Order of Conviction, April 14, 1970

Commonwealth

vs. CR 1059 Indictment No. 1 September Term 1969 for breaking and entering the dwelling of Mary W. Scott with the intent to commit larceny and CR 1059-A. Indictment No.2 this term for grand larceny from Mary W. Scott

Fred William Quick

This day came the Attorney for the Commonwealth, as well as Fred William Quick who stands indicted of the aforesaid felonies, and who appeared pursuant to his recognizance was set to the bar. Also came A. L. Larkum, attorney for the accused.

Whereupon the accused was arraigned and after private consultation with A. L. Larkum, his counsel, pleaded not guilty to each indictment, which pleas were tendered by the accused in person.

And the accused desiring a jury for the trial of this case, there came a jury to-wit: R. M. Brown, Clarence R. Craig, Jr., William M. Flippin, Jesse W. Bullock, Jr., D. A. Drumheller, E. Melvin Browning, Arthur Carter, Charles F. Babish, W. E. Jackson, M. D. Simpson, Carl L. Durrett and Alfred H. Drumheller, Jr., which jury was duly impannelled, selected and sworn in all respects, as directed by law.

At the conclusion of the evidence for the

Commonwealth, the defendant, by counsel, moved the Court (1) to strike the Commonwealth's evidence as to Indictment No. 1 because the only evidence against Mr. Quick was the possession of goods and slight evidence it was stolen (2) to strike the Commonwealth's evidence as to Indictment No. 2 because no property in the possession of Mr. Quick was identified as belonging to Miss Mary Scott, which motions the Court overruled and to which action of the Court the defendant, by counsel, took exception.

Whereupon, the jury having heard all of the evidence introduced: arguments of counsel and received the instruction of the Court, were sent to their room to consider their verdict, and after some time spent therein, returned into Court and presented their verdict in the following words and figures; to-wit: "Ind. 1 We the Jury find the defendant guilty of breaking and entering and fix punishment at one year (signed) R. M. Brown, Foreman", "Ind. 2 : We the jury find the defendant guilty of petit larceny and fix his punishment at twelve months, sentences to run consecutively (signed) R.M. Brown, Foreman".

Thereupon the defendant by counsel moved the Court to set aside the verdict of the jury as being contrary to the law and the evidence which motion the Court overrules and to which ruling of the court the defendant by counsel took exception.

And the bond of the accused together with the surety thereon is continued until the further order of the Court.

The foregoing consisting of two pages is a true copy of order entered in the Circuit Court of Nelson County, April 14, 1970 by Judge C. G. Quesenbery and recorded in my office in Common Law Order Book "S", page 442.

Teste: /s/ Austin Embrey Clerk
Circuit Court of Nelson County, Virgiria

VIRGINIA

IN THE CIRCUIT COURT OF NELSON COUNTY

FRED WILLIAM QUICK, JR.

v.

WILLIAM M. HARRIS
A.E. SLAYTON, JR.

Page 3 of Transcript - Lines 1 through 17.

BY THE COURT:

I'm familiar with the Peters case and the other related cases. It's my opinion that Judge Robinson was correct in the ruling that they had no standing so far as the difference in sex is concerned. And I so hold.

In regard to the other point that was raised initially about the juror, who had at onetime, testified in a case that Mr. Quick was in. I hold that that has been decided and that this Court is not required to hear this same case time after time. There is an end to them. This particular question has not only been decided by this Court, but it has been decided by the Supreme Court of Appeals of Virginia.

So, the only question to be resolved here is whether or not there has been a discrimination against the jurors on the ground of race. I'll be glad to hear such evidence as you have to offer on that point.

VIRGINIA

IN THE CIRCUIT COURT OF NELSON COUNTY

FRED WILLIAM QUICK, JR.,

Petitioner

v. CRIMINAL 1059
CRIMINAL 1059-A

WILLIAM M. HARRIS, Sheriff
of Nelson County
and
A. E. Slayton, JR., Superintendent
Virginia State Penitentiary,

Respondents

OPINION AND ORDER

This proceeding came on to be heard on September 22, 1972, upon the petition of Fred William Quick, Jr., for a writ of habeas corpus ad sub-jiciendum and the answers of the respondents, the petitioner appearing in person and by John C. Lowe, counsel of his own chosing, and the respondent William M. Harris appearing by Sam D. Eggleston, Jr., attorney for the Commonwealth for Nelson County and the respondent A. E. Slayton, Jr., appearing by Robert E. Shepherd, Jr., Assistant Attorney General. Whereupon, the Court heard the evidence and argument of counsel and upon reviewing the record and transcript of the proceedings in this Court on April 14, 1970, and June 26, 1970, which are hereby made a part hereof and, for the reasons stated from the bench at the conclusion of the hearing, the Court

is of the opinion that the writ should not issue as prayed.

It is, therefore, ADJUDGED and ORDERED that the petition for a writ of habeas corpus be, and it is hereby, denied and dismissed, and the writ discharged, to all of which action of the Court, the petitioner, by counsel, objects and excepts. At the close of the aforesaid hearing, the petitioner stated his desire to appeal the decision of this Court and the appeal is hereby noted and the petitioner is continued on the bond with surety previously entered into by petitioner.

Let the Clerk of this Court certify a copy of this order to the petitioner, the respondents, to counsel for the petitioner, to Sam D. Eggleston, Jr., attorney for the Commonwealth for Nelson County and to Robert E. Shepherd, Jr., Assistant Attorney General of Virginia.

Enter this 14thday of April, 1970

/s/ Judge C.G. Quesenbery
Judge

We ask for this:

Robert E. Shepherd, Jr.
Counsel for Respondent
A. E. Slayton, Jr.

Samuel Eggleston, Jr.
Counsel for Respondent
William M. Harris

Seen and objected to:

John C. Lowe
Counsel for Petitioner

VIRGINIA

IN THE CIRCUIT COURT OF NELSON COUNTY

FRED WILLIAM QUICK, JR.

v.

NOTICE OF APPEAL AND ASSIGNMENTS OF ERROR

WILLIAM M. HARRIS, Sheriff, et al

TO: Austin Embrey, Clerk
Circuit Court
Nelson County
Lovingston, Virginia

Kindly take notice that Fred William Quick, Jr., Petitioner as styled above notes his appeal from the denial of his petition for writ of habeas corpus in the above court. A transcript and other incidents of the hearing in the above matter will be filed hereafter.

ASSIGNMENTS OF ERROR

For his Assignments of Error the Petitioner notes the following:

1. It was error for the Court not to release Petitioner or order a new trial on the ground that women had been systematically excluded from the master jury list used to select the petit jury for the trial of Petitioner, from the jury panel and from the petit jury itself. The systematic exclusion of women violated Petitioner's right to Due Process and Equal Protection of the laws as guaranteed him by both the Virginia Constitution and the

Fourteenth Amendment to the Constitution of the United States, and to his rights under the Sixth Amendment to the Constitution of the United States.

***

FRED WILLIAM QUICK

By Counsel

/s/ John C. Lowe

John C. Lowe
1111 West Main Street
Charlottesville, Virginia 22903