216 Va. 306

CLERK
SUPREME COURT OF VIRGINIA
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RICHMOND, VIRGINIA

IN THE

Supreme Court of Virginia

AT RICHMOND

RECORD NO. 75-0276

EDDIE LEE PATTERSON
Plaintiff in error

v.

COMMONWEALTH OF VIRGINIA
Defendant in error

JOINT APPENDIX

Donald G. Wise
218 London Blvd
Portsmouth, Virginia 23704
Counsel for plaintiff in error

Andrew P. Miller
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Supreme Court Building
Richmond, Virginia 23219
Counsel for defendant in error

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COMMONWEALTH OF VIRGINIA)
) To-Wit:
CITY OF PORTSMOUTH)

26232

July 18, 1974

IN THE CIRCUIT COURT OF THE CITY OF PORTSMOUTH:

FIRST COUNT: The Grand Jury charges that: on or about November 12, 1973, in the City of Portsmouth Eddie Lee Patterson, with intent to defraud, did make, draw, utter and deliver to American National Bank a check, (a copy of same is hereto attached) dated November 12, 1973, payable to the order of Lee Patterson, for the sum of $156.66 on the Virginia National Bank, knowing at the time that he had not sufficient funds in or credit with the bank for the payment of said check, and thereby did commit Grand Larceny, against the peace and dignity of the Commonwealth of Virginia.

SECOND COUNT: The Grand Jury charges that: on or about November 14, 1973, in the City of Portsmouth Eddie Lee Patteraon, with intent to defraud, did make, draw, utter and deliver to American National Bank a check, (copy of same is hereto attached) dated November 14, 1973, payable to the order of Lee Patterson, for the sum of $150.88, on the Virginia National Bank, knowing at the time that he had not sufficient funds in or credit with the bank for the payment of said check, and thereby did commit Grand Larceny, against the peace and dignity of the Commonwealth of Virginia.

THIRD COUNT: The Grand Jury charges that: on or about November 16, 1973, in the City of Portsmouth Eddie Lee Patterson, with intent to defraud, did make, draw, utter and deliver to American National Bank a check, (copy of same is hereto attached)dated November 16, 1973, payable to the order of Lee Patterson, for the sum of $156.80, on the Virginia National Bank, knowing at the time that he had not sufficient funds in or credit with the bank for the payment of said check, and thereby did commit Grand Larceny,

XXXXXXXXXXXXXXXXXXXXXXXXXXXX)
) XXXXXX
XXXXXXXXXXXXXXXXXXXX)

XXXXXXXXXXXXXXXXXXXX

XXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX)
) XXXXXX
XXXXXXXXXXXXXXXXXXXX)

XXXXXXXXXXXXXXXXXXXX

XXXX

SIXTENTH COUNT:

The Grand Jury charges that: on or about ~~December 20,~~ 19 73, in the City of Portsmouth Eddie Lee Patterson, with intent to defraud, did make, draw. utter and deliver to Citizens Trust Company a check, (copy of same is hereto attached) dated December 20, 1973, payable to the order of Lee Patterson, for the sum of $180.40, on the Bank of Virginia-Tidewater, knowing at the time that he had not sufficie funds in or credit with the bank for the payment of said check, and ther by did commit Grand Larceny,

against the peace and dignity of the Commonwealth of Virginia.

Va. Code § 6.1-115

006

PROCEEDINGS

VERDICT

e, the jury, find the defendant .....

.....

.....

.....

.....

.....

.....

.....

.....

Foreman.

THE CIRCUIT COURT

Docket ..... File .....

COMMONWEALTH OF VIRGINIA

v.

....Eddie Lee Patterson.....

.....

INDICTMENT

.....July.....Term, 19....74.....

.....Grand Larceny...(Bad Check)..

..... A TRUE BILL

.....

Foreman.

Witnesses:

Det. Ellis

Det. R. K. Williams

.....

p. d.

STATEMENT OF COSTS

Fine . . . . . $.....

Clerk . . . . . $.....

Com. Atty. . . . .

Witnesses . . . .

Sgt. . . . .

Court Reporter. . . . .

Atty. (Appt.) . . . .

Jury . . . .

D. M. V. . . . .

Abstracts . . . .

Warrant . . . .

Municipal Ct. Fee. . . ..

Atty. (Lower Ct.). . . ..

_____

_____

Total Costs $.....

Total Fine & Costs $.....

VIRGINIA: AT THE CIRCUIT COURT FOR THE CITY OF PORTSMOUTH HELD ON THE 7TH DAY OF AUGUST, 1974

COMMONWEALTH OF VIRGINIA	)	
v.	)	Upon an Indictment for Grand Larceny (Bad Check) Criminal Docket No. 26282 - July term, 1974
EDDIE LEE PATTERSON	)	

This day came the Attorney for the Commonwealth, and the accused, Eddie Lee Patterson, who stands indicted for grand larceny (bad check), was led to the bar in custody of the jailer of this Court, and came also Donald G. Wise, attorney for the said Eddie Lee Patterson, said attorney having been heretofore appointed by the Court to represent the prisoner, Eddie Lee Patterson, and on motion of the Attorney for the Commonwealth, i is ordered that this case be continued to the 11th day of September, next, 1974 of this Court at 10:00 a. m.

And the prisoner, Eddie Lee Patterson, is remanded to jail.

* * * * * * * * * *

008

VIRGINIA: AT THE CIRCUIT COURT FOR THE CITY OF PORTSMOUTH HELD ON THE 11TH DAY OF SEPTEMBER, 1974

COMMONWEALTH OF VIRGINIA	)	Upon an Indictment for Grand
v.	)	Larceny (Bad Check)
EDDIE LEE PATTERSON	)	Criminal Docket No. 26282 - August term, 1974

This day came the Attorney for the Commonwealth, and the accused, Eddie Lee Patterson, who stands indicted for grand larceny (bad check), was led to the bar in custody of the jailer of this Court, and came also Donald G. Wise, attorney for the said Eddie Lee Patterson, said attorney gaving been heretofore appointed by the Court to represent the prisoner, Eddie Lee Patterson, and on motion of the prisoner, by counsel, it is ordered that this case be continued to the 4th day of November, next, 1974 of this Court at 10:00 a. m.

And the prisoner, Eddie Lee Patterson, is remanded to jail.

* * * * * * * * * *

VIRGINIA: AT THE CIRCUIT COURT FOR THE CITY OF PORTSMOUTH HELD ON THE 4TH DAY OF NOVEMBER, 1974

COMMONWEALTH OF VIRGINIA	)	
v.	)	Upon an Indictment for Grand Larceny (Bad Check) Criminal Docket No. 26282 - October term, 1974
EDDIE LEE PATTERSON	)	

This day came the Attorney for the Commonwealth, and the accused, Eddie Lee Patterson, born on June 9, 1939, who stands charged with grand larceny (bad check), was led to the bar in custody of the jailer of this Court, and came also Donald G. Wis attorney for the said Eddie Lee Patterson, said attorney having been heretofore appointed by the Court to represent the prisoner Eddie Lee Patterson, and upon being arraigned, the said Eddie Le Patterson tendered a plea of "Not Guilty" to grand larceny (bad check) as charged in sixteen (16) counts of the indictment, afte private consultation and with the advice of his counsel, and the Court advised the said Eddie Lee Patterson of his constitutional rights as to trial by jury, and the accused, in person, waived trial by jury, and with the consent and concurrence of the Attorney for the Commonwealth and of the Court here entered of record, the Court proceeded to hear and determine the case without the intervention of a jury; and thereupon, witnesses named on the face of the indictment were sworn, excluded from the Courtroom, called singularly, and testified; thereupon, evidence being fully heard, the Court finds the said Eddie Lee Patterson guilty of grand larceny (bad check) as charged in the sixteen (16) counts of the indictment; and thereupon, it being demanded of the said Eddie Lee Patterson, if anything for himself, he had

OFFICE OF
WALTER M. EDMONDS
CLERK OF CIRCUIT COURT
PORTSMOUTH, VIRGINIA

or knew to say, why the Court here should not now proceed to pronounce judgment against him according to law, and nothing being offered or alleged in delay of judgment, it is ordered that the said Eddie Lee Patterson be confined in the State Penitentiary for the term of one (1) year on each count of the indictment, but the Court doth order that ten (10) years of said judgment is to be suspended, the period by the Court in its judgment ascertained; whereupon, the Court advised the said Eddie Lee Patterson that he has a right to apply for an appeal from this conviction to the Supreme Court of Virginia and was also advised that counsel would be appointed for that purpose if requested; and it appearing to the Court that the said Eddie Lee Patterson has been held in the jail of this city 37 days, awaiting the trial of this case, it is ordered that the said Eddie Lee Patterson be credited with the time so spent by him upon his sentence aforesaid. And the Clerk of this Court is directed to forthwith transmit a copy of this order to the Superintendent of the State Penitentiary in Richmond, Virginia.

And the prisoner, Eddie Lee Patterson, is remanded to jail.

The Court certifies that the prisoner and his counsel were present in person at every stage of the proceeding.

The Court certifies that it provided Elizabeth P. Berry, a Court Reporter to record verbatim the evidence and incidents of trial and doth further that the expense of reporting and recording the same shall be paid by the Commonwealth of Virginia, and the charges therefor have been taxed as a part of the costs of this case.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PORTSMOUTH

COMMONWEALTH OF VIRGINIA,	;	
Plaintiff,	:	
vs.	:	DOCKET NO. 26282
EDDIE L. PATTERSON,	:	
Defendant,	:	

NOTICE OF APPEAL

NOW COMES the defendant, Eddie L. Patterson, and gives this Notice qursuant to Rule 5:6, that he will seek an appeal from the final judgment Order entered in the Circuit Court of the City of Portsmouth, Virgin on the 4th day of November, 1974, and will present his petition for appeal to one of the Justices of the Supreme Court of Virginia in order to perfect his appeal. A statement of facts, testimony, and other incidents of the case will be hereinafter filed.

EDDIE L. PATTERSON

By: _____
Counsel

Donald G. Wise
Attorney at Law
218 London Blvd
Portsmouth, Virginia 23704

I hereby certify that a true copy of the foregoing Notice of Appeal was mailed to R. Wayne Nunnally, Assistant Commonwealth's Attorney Civic Center, Portsmouth, Virginia, on this 3rd day of December, 1974.

_____

012

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF PORTSMOUTH

COMMONWEALTH OF VIRGINIA	:	
Plaintiff	:	
vs.	:	DOCKET NO. 26282
EDDIE L. PATTERSON	:	
Defendant,	:	

ASSIGMENTS OF ERROR

In accordance with Rule 5:6 the defendant for his Assigments of Error states as follows:

1. The Court committed serious and reversible error in convicting the defendant on the facts, as a matter of law.

EDDIE L. PATTERSON

Of Counsel

Donald G. Wise
Attorney at Law
218 London Blvd
Portsmouth, Virginia 23704

I hereby certify that a true copy of the foregoing Assignments of Error was mailed to R. Wayne Nunnally, Assistant Commonwealth's Attorney, Civic Center, Portsmouth, Virginia, on this 3rd day of December, 1974.

MR. WISE: Judge, would it be permissible for him to sit down during the arraignment since he is incapacitated?

THE COURT: Yes, sir.

DEPUTY CLERK LINEHAN: (Reads indictment #26282, first count.)

How say you, guilty or not guilty?

THE DEFENDANT: Not guilty.

THE CLERK: Not guilty?

THE DEFENDANT: Not guilty.

THE COURT: Mr. Wise, and Mr. Patterson, there are 16 counts of the indictment. If he just gives the substance of each, is that sufficient?

MR. WISE: Yes, sir, that is fine, Your Honor. I have been over the indictment, so he can just give the substance.

THE CLERK: (Second count.) How say you, guilty or not guilty?

THE DEFENDANT: Not guilty.

THE CLERK: (Third count.) How say you, guilty or not guilty?

THE DEFENDANT: Not guilty.

THE CLERK: (Fourth count.) How say you, guilty or not guilty?

THE DEFENDANT: Not guilty.

1 THE CLERK: (Fifth count.) How say you, guilty
2 or not guilty?
3 THE DEFENDANT: Not guilty.
4 THE CLERK: (Sixth count.) How say you, guilty
5 or not guilty?
6 THE DEFENDANT: Not guilty.
7 THE CLERK: (Seventh count.) How say you, guilty
8 or not guilty?
9 THE DEFENDANT: Not guilty.
10 THE CLERK: (Eighth count.) How say you, guilty
11 or not guilty?
12 THE DEFENDANT: Not guilty.
13 THE CLERK: (Ninth count.) How say you, guilty
14 or not guilty?
15 THE DEFENDANT: Not guilty.
16 THE CLERK: (Tenth count.) How say you, guilty
17 or not guilty?
18 THE DEFENDANT: Not guilty.
19 THE CLERK: (Eleventh count.) How say you, guilty
20 or not guilty?
21 THE DEFENDANT: Not guilty.
22 THE CLERK: (Twelfth count.) How say you, guilty
23 or not guilty?
24 THE DEFENDANT: Not guilty.
25 THE CLERK: (Thirteenth count.) How say you,

guilty or not guilty?

THE DEFENDANT: Not guilty.

THE CLERK: (Fourteenth count.) How say you, guilty or not guilty?

THE DEFENDANT: Not guilty.

THE CLERK: (Fifteenth count.) How say you, guilty or not guilty?

THE DEFENDANT: Not guilty.

THE CLERK: (Sixteenth count.) How say you, guilty or not guilty?

THE DEFENDANT: Not guilty.

THE CLERK: Do you wish to be tried by the Court or by a jury?

THE DEFENDANT: By the Judge.

THE CLERK: Commonwealth waive trial by jury?

MR. NUNNALLY: Commonwealth so waives.

THE COURT: Mr.Patterson, what is your full name?

THE DEFENDANT: My name is Eddie Lee Patterson.

THE COURT: How old are you?

THE DEFENDANT: I am 30.

THE COURT: How far did you go in school?

THE DEFENDANT: 2 years of college.

THE COURT: What college did you go to?

THE DEFENDANT: I went to Norfolk State.

THE COURT: Do you know the offenses of which

you are charged?

THE DEFENDANT: Yes,sir.

THE COURT: What are they?

THE DEFENDANT: Grand larceny by check.

THE COURT: Giving bad checks?

THE DEFENDANT: Yes, sir. I do understand them.

THE COURT: Have you discussed each one of these cases fully with your attorney, Mr. Wise?

THE DEFENDANT: I briefed over them. I haven't looked at either one of the checks. I haven't seen not a one.

THE COURT: Well, have you discussed the case with him fully?

THE DEFENDANT: Yes, sir.

THE COURT: Given him all the information you think he must have in order to properly advise you and represent you?

THE DEFENDANT: Yes,sir.

THE COURT: Do you have the names of any witnesses that you wanted summoned?

THE DEFENDANT: My mother and my sister.

THE COURT: Are they here?

THE DEFENDANT: Yes, sir, if I am not mistaken.

THE COURT: Are you ready for trial?

THE DEFENDANT: I guess so. I would have to

because of my health.

THE COURT: Have you made any statement, either oral or written, to the police in this case?

THE DEFENDANT: No, sir.

THE COURT: Any question of any illegal searches or seizures?

MR. WISE: No, sir, Your Honor.

THE COURT: Are you satisfied with the services of your lawyer up to the present time?

THE DEFENDANT: Up to the present time.

THE COURT: All right, sir. Do you want to be tried by the jury or by Court?

THE DEFENDANT: By the Court.

THE COURT: Do you understand if you want a jury trial, you are entitled to one?

THE DEFENDANT: Yes,sir, I understand that.

THE COURT: You want to waive a jury?

THE DEFENDANT: Yes,sir.

THE COURT: All right, sir. Let's swear the witnesses.

(Witnesses sworn, including Defendant.)

(Reporter sworn.)

MR. WISE: Make a motion to separate the witnesses, Your Honor.

THE COURT: Motion has been made to exclude all

witnesses that are going to testify. Everybody that is going to testify will have to leave the courtroom until they are called.

(Witnesses leave courtroom.)

Gentlemen, we will take about a 2-minute recess. Not much more than that.

(Brief recess.)

* * * * * * *

VIRGINIA W. STEPHENSON, witness having first been duly sworn, was called to the witness stand and upon being examined, testified as follows:

DIRECT EXAMINATION

EXAMINED BY MR. NUNNALLY:

Q What is your name, please, ma'am?

A Virginia W. Stephenson.

Q How do you spell that?

A S-t-e-p-h-e-n-s-o-n.

Q How are you employed, Mrs. Stephenson?

A Recovery Coordinator, Virginia National Bank, One Commerce Place, Norfolk, Virginia.

Q How long have you been employed there, ma'am?

A August 27, 1957, going on my 8th year.

Q August 27, 1957?

A Yes, sir. That is my birthday, August 27.

Q And you have been there since that time?

A Yes, up until today. In doing this particular work, though, I began on April 18, 1966.

Q And you have been doing that type of work until this date?

A Yes.

Q You are familiar with the bank's signature record cards, etc.?

A Yes, I am. In fact, I am Custodian of Records at Virginia National Bank.

MR. WISE: Let me see what you have got.

(Shown to counsel.)

MR. NUNNALLY:

Q I show you a white card with "Virginia National Bank" printed on it, and ask you if you can identify that card?

A Yes, sir, I can. That is a Sole Proprietorship Checking Account card signed by Eddie L. Patterson as owner of Virginia's Drapery Shop, and this was dated May 2, 1972.

MR. WISE: What is this last testimony? He was talking. What is the question?

MR. NUNNALLY:

Q Would you repeat your answer?

A Yes. The white card is a Sole Proprietorship Checking Account card signed "Eddie L. Patterson" as owner of Virginia's Drapery Shop, dated May 2, 1972.

Q That is when Eddie L. Patterson opened this account in your bank?

A That is correct.

Q Do you know what date that account was closed?

A Yes, sir, I do. It was closed September 14, 1972.

Q It was closed September 14, 1972?

A Closed. An overdraft of $215.91.

MR. WISE: I object to that, Your Honor. That has nothing to do with it.

MR. NUNNALLY:

Q Now do you know the Defendant, Eddie Lee Patterson?

A Yes, sir, I do.

Q Is that the man there?

A Yes, sir.

Q Sitting at counsel table?

A Yes, sir.

Q On this card does it show the authorized signatures?

A Yes. The authorized signature appears at

the top, sort of to the right.

Q Who is that?

A Eddie L. Patterson.

MR. NUNNALLY: Your Honor, we introduce that.

MR. WISE: Your Honor, I object to that. She has not testified she ever saw him sign that card.

MR. NUNNALLY: Your Honor, that is not the basis of a relevant objection, whether or not she saw it.

All we have introduced is the card that is on record at Virginia National Bank showing the authorized signature, and that it is in Virginia's Drapery. She wouldn't have to see him sign it.

MR. WISE: Anyone could have made that up. It doesn't mean it is his signature.

THE COURT: Is this part of your business records?

A Yes, sir, it is.

MR. WISE: I didn't hear her, Judge.

THE COURT: I asked if it is a part of the business records. Under the shop - she said it is. Under shop records, she can bring all the records she wants, but not for the purpose of showing it is his signature.

As a signature comparison. No one said that is his signature. I assume that is what

he is going to do.

MR. NUNNALLY: Your Honor, at the appropriate time, we will compare that signature with the other signatures of the Defendant.

Nobody has to see him sign that thing.

THE COURT: All right, sir. I overrule your objection.

MR. WISE: Note our exception, please.

MR. NUNNALLY:

Q What date did you say that account was closed?

A September 14, 1972.

MR. NUNNALLY: That is all I have for her at this time, Your Honor.

CROSS EXAMINATION

EXAMINED BY MR. WISE:

Q Mrs. Stephenson, you say you are in the Recovery Department?

A I am the Recovery Coordinator, yes, sir.

Q As such, you never saw Mr. Patterson's signature, or saw him sign that card, did you?

A No, I did not see him sign it.

Q So you are not here testifying under oath that that is his signature, are you?

A Only insofar as it is a permanent part of

our record in the Virginia National Bank.

Q But to your own knowledge, anybody could have signed that card, is that correct?

A That is possible.

MR. WISE: All right. That is all.

MR. NUNNALLY: Mrs. Stephenson, I am going to ask you to step back in the witness room. There is a possibility I might have to recall you.

* * * * * * *

SHIRLEY JENNINGS, witness having first been duly sworn, was called to the witness stand and upon being examined, testified as follows:

DIRECT EXAMINATION

EXAMINED BY MR. NUNNALLY:

Q Would you state your name, please, ma'am?

A Shirley Jennings.

Q How are you employed, Mrs. Jennings?

A New Accounts Clerk, Bank of Virginia, Tidewater.

Q How long have you been so employed?

A 23 1/2 years.

Q 23 1/2 years?

A With the bank.

Q Okay. How long have you been in new accounts?

A Approximately 15 years.

Q 16 years?

A Approximately.

Q And you are employed there today?

A Yes, sir.

Q Okay. I show you a plain card with the Bank of Virginia on it, and ask you if you can identify that card, please, ma'am?

A Yes, sir.

Q And I show you a Deposit Account, authorizing sole ownership slip, and ask you if you can identify that?

A Yes, sir.

Q I want you to tell the Court exactly what they are.

A Signature card and authorizing form for opening a commercial account.

Q All right. Who opened this commercial account?

A You mean at the bank?

Q The name on there?

A Patterson Plastic Company.

Q Patterson Plastic Company?

A Yes, sir.

Q All right. Does it show authorized signatures on there?

A Yes, sir.

Q And who are the authorized signatures on that card?

A J. Edward Patterson.

Q When was that account closed?

A November 5, 1973.

Q November 5, 1973? Okay.

MR. NUNNALLY: Those are "Commonwealth's Exhibits #2" and "#3," Judge.

MR. NUNNALLY:

Q Do you know the Defendant that is sitting here next to this gentleman?

A I have seen the gentleman before, but I cannot positively identify him as Mr. Patterson; but I have seen him before.

MR. NUNNALLY: No further questions.

CROSS EXAMINATION

EXAMINED BY MR. WISE:

Q Mrs. Jennings,you say you have been a teller?

A No, sir. New Accounts.

Q New Accounts?

A Yes, sir.

Q For some period of time, is that correct?

A Yes, sir.

Q And you are not here today testifying that the signatures on those cards belong to this particular man, are you?

A No, sir. That he opened the account is all.

Q You opened the account, but you can't recognize or identify him as being the man who signed those cards?

A That is what I said. I don't know him and recognize him as Mr. Patterson. I only recognize him as seeing him before.

Q At some time or place, but you don't know when?

A No.

REDIRECT EXAMINATION

EXAMINED BY MR. NUNNALLY:

Q You don't know where you have seen him before?

A No, sir.

Q When did you say that account was closed?

A November 5, of '73.

MR. NUNNALLY: No further questions.

MR. WISE: I have no objections to her remaining in the courtroom if you are not going to recall

her.

MR. NUNNALLY: I am not going to recall her.

Call Mr. Owens.

* * * * * * *

THE COURT: While they are looking at that, ask Mrs. Stephenson to come back, please.

MR. NUNNALLY: Recall Mrs. Stephenson.

VIRGINIA W. STEPHENSON, witness
having previously testified,
was recalled to the witness stand
and upon being examined,
testified as follows:

DIRECT EXAMINATION

EXAMINED BY THE COURT:

Q I just want to ask you something that I didn't ask you about it before.

On the back of this card - this is your card that you identified?

A Yes, sir.

Q What does that "Chain of signature" on there mean?

A The original card was in the name of a Mr. and Mrs. White, I assume he purchased the business from.

The number is the same. Same account

number. The account number is 1429079.

THE COURT:

Q #1429079?

A Yes, sir.

MR. NUNNALLY:

Q Mrs. Stephenson, the way it works - correct me if I am wrong - if there is a company like in this case Virginia's Drapery was owned by somebody, and somebody else bought it, that company, you just change the authorized signature. You wouldn't change the account, is that right?

A If all parties were agreeable.

Q And that is what happened here in this instance?

A Yes, sir.

THE COURT: I just wanted to get it clear.

* * * * * * *

JOSEPH HAMILTON OWENS, witness
having first been duly sworn, was
called to the witness stand
and upon being examined,
testified as follows:

DIRECT EXAMINATION

EXAMINED BY MR. NUNNALLY:

Q Would you state your name, please?

A Joseph Hamilton Owens.

Q How are you employed, Mr. Owens?

A I am employed by American National Bank, Assistant Cashier-Bank Manager.

Q How long have you been so employed?

A Approximately 3 1/2 years.

Q Is that in the City of Portsmouth?

A Yes, sir, it is.

Q I ask you if you know the Defendant, Eddie Lee Patterson in this matter?

A Yes, I do.

Q Did you open up an account for him at your bank?

A Yes, sir, I did.

Q Do you have that account card with you today?

A Yes, sir, I do.

Q (Shown to counsel first.)

I show you a pink card and ask you to tell the Court what that pink card is.

A That is a signature card used for opening a savings or checking account.

Q Do you know in which case this was?

A This one is a savings account.

Q This one is a savings account?

A Yes, sir.

Q Can you tell the Court positively this is

the gentleman that opened that account?

A Yes, sir.

Q ~~What is~~ the account number on this particular item?

A #0200835455.

Q Is it customary just to use the last 6 digits?

A That is right. The first 4 are for branch purposes only.

THE COURT: "Commonwealth's Exhibit #4."

MR. NUNNALLY:

Q Mr. Owens, I am going to show you several checks - 1, 2, 3, 4, 5, 6, 7, 8 - and ask you if you can identify those checks? Look at them first.

A (Witness looks at checks.)

Q If you need to, you can take them out.

Can you identify them?

A Yes, sir, I can.

Q How can you identify them?

A They have our transit number or our proof and coding machine number on the back.

Q How would they get that number on them?

A By being cashed by a teller and sent to our proof department.

Q In other words, they would have gone through your bank?

A Yes, sir.

Q All right. What I would like for you to do now is to read each individual check, with date and amount of money on it, that passed through your bank.

MR. NUNNALLY: As I do that, Your Honor, I will hand them to you for introduction.

A Some of them I can't read because they are blurred.

MR. NUNNALLY:

Q Did you make photostatic copies of them?

A I did.

Q And you know - well, do the best you can.

A All right, sir. Check #400, I can't read the figure for the date.

Q All right. Turn it over on the back. Is your marking on that check?

A Yes, sir, it is.

Q All right. What does that say? What do these figures represent down here?

A That is our proof machine operation puts in the dollar amount.

Q Read this.

A Check #400 was $169.08.

All right. Check #396 was dated November 1, '73. The amount is $160.88.

Check #395 is for $156.80, and it is dated November 16, '73.

Check #392 is dated November 14. That is for $150.88.

Check #394 is for $156.66, and the date is November 12.

Check #190 is dated November 19, '73. It is for $144.44.

Check #196 is dated November 26, and the amount is $140.44.

Check #189, dated November 27, '73, is for $141.40.

Q All right. All of these checks passed through your bank?

A Yes, sir.

Q I call your attention to them and ask if any of those 8 checks that you just described have any markings on the back of them? Numerical numbers?

A Yes, sir. They all have markings on the back of them.

Q Did any of them have account #835455 written on them?

A Yes, sir. There are 3 of them that do.

Q And from your previous testimony, that account number was Lee Patterson's account number, opened

at your bank?

A Yes, sir, that is correct.

MR. NUNNALLY: I think probably if we introduce them as one, Judge.

THE COURT: All right. What bank were they cashed at?

MR. NUNNALLY:

Q What bank were they cashed at?

A They were cashed at American National Bank.

Q Here in the City of Portsmouth?

A Correct.

Q Okay, now, your bank cashed those 8 checks that we just introduced into evidence.

MR. NUNNALLY: What exhibit is that, Judge? "4"?

THE COURT: "5."

MR. NUNNALLY:

Q You paid cash for those items?

A Yes, sir, we did.

Q How much money?

A $1,201.64.

Q Have you been paid any of that back?

A No, sir.

Q How were those checks returned to you?

A They were returned from the bank that they were written on, to us, as nonsufficient funds or account

closed, one or the other.

Q Did you send out a certified letter to Mr. Patterson?

A Yes, sir. The bank did.

Q Do you have a copy of that here?

A Yes, sir.

Q This was sent in your normal course of business?

A Yes, sir.

Q (Shown to defense counsel.)

A Excuse me. There were 2, and this is a copy of the second one.

Q You keep these in your records at the bank?

A Yes, sir.

MR. NUNNALLY: Your Honor, the letters, along with the receipts can be stapled together.

THE COURT: "Commonwealth's Exhibit #6."

All right, Mr. Wise.

CROSS EXAMINATION

EXAMINED BY MR. WISE:

Q Mr. Owens, you testified that out of those 8 checks you examined, 3 had Mr. Patterson's account number?

A That is right.

Q Do you remember which 3 they were?

A I don't offhand. I have got copies. I can

tell you from the copies.

THE COURT: Suppose we call all the witnesses out here and tell them we are going to recess until 2:15 as soon as we finish this witness, so they won't have to stay here.

(Witnesses that have been excluded return to the courtroom.)

Ladies and gentlemen, I don't want to keep you all sitting here. We are going to adjourn in just a few minutes until 2:15, so if you all want to leave, you may do so, and come back at 2:15, all of you, rather than keep you waiting around here. So you can go now and come back at 2:15.

(Witnesses leave.)

MR. NUNNALLY: If you all don't leave now, we would ask that you keep out of the courtroom until after this witness testifies.

MR. WISE: You all step outside.

THE COURT: All right, Mr. Wise. Go ahead.

MR. WISE:

Q Can you give us the 3 checks by number that you referred to that have Mr. Patterson's accounts on?

A I can't give you the same 3. I can look through these and pick them out.

Looking at my copies, it appears some have been obliterated. There were 5, the 5 back here, but before -

#392 has the account number on the back.

#394 has the account number on the back.

Q Is that all of them? 3 of them?

A That is all I can make from these, yes, sir.

Q You are telling us now that your checks, your copies are different from these originals?

A Yes, sir.

Q How could that be so?

A Well, I understand they were tested chemically, or chemical solution was put on them. I guess it was obliterated.

Q Just blurred you are saying is the only difference is the ones the Judge has are blurred? No different numbers?

A Oh, no. No different check numbers. No, sir.

Q To your knowledge, how many different times did you see Mr. Patterson prior to this time?

A I saw him once.

Q 1 time?

A Yes, sir.

Q And that would have been in '73?

A Yes, sir. November of '73.

Q And for what period of time? How much time did you spend with him?

A Maybe 30 minutes at the most.

Q 30 minutes maximum, right?

A Yes, sir.

Q Now, are you testifying here today, now, under oath, you are positive this is the same man that took the account out with you?

A Yes, sir.

Q Can you tell me whether or not he wore glasses or anything else that might be different from the way he looks today?

A I don't remember the goatee.

Q All right. Anything else different?

A None other than that he has an eye problem right now that I didn't notice before.

Q Nothing different about his hair, glasses, or anything of that nature?

A No, sir.

Q All right, sir. On these return receipts, on the letter for the most checks, the one with several checks involved, he never received that letter, did he?

A No, sir, I don't believe so.

Q It came back to you?

A I think so, yes, sir.

Q All right. So there is no signature card on that particular letter?

A No, sir. You mean return receipt card?

Q Right?

A No, sir. It was attached to the envelope. I turned it over to the police department. I don't know where it is now.

Q Okay. You are not here testifying today on these particular checks that - were any of these checks cashed at your bank?

A Yes, sir, 2 of them.

Q At your branch?

A Yes.

Q Are you testifying here today that this is the man that cashed those checks?

A I am not testifying that he cashed those checks, no, sir.

REDIRECT EXAMINATION

EXAMINED BY MR. NUNNALLY:

Q You are testifying that those checks were cashed in the City of Portsmouth at your bank?

A Yes, sir.

Q And that 3 of them had Mr. Patterson's savings account number on them, and maybe more?

A Yes, sir.

Q How much money did you tell me they were?

A It was $1,219.64.

MR. NUNNALLY: All right. Thank you.

No further questions, Your Honor.

* * * * * * *

THE COURT: We will adjourn now until a quarter past 2:00.

* * * * * * *

(Court reconvened after luncheon recess.)

THE COURT: All right. Call your next witness.

MR. WISE: You ladies will have to step outside because we have to separate the witnesses.

(Witnesses leave courtroom.)

* * * * * * *

RICHARD F. WOOD, Jr., witness
having first been duly sworn,
was called to the witness stand
and upon being examined,
testified as follows:

DIRECT EXAMINATION

EXAMINED BY MR. NUNNALLY:

Q Would you state your name, please, sir?

A Richard F. Wood, Jr.

Q How are you employed, Mr. Wood?

1 A I am Vice President, Citizens Trust Bank,
2 Portsmouth.
3 Q How long have you been employed there?
4 A June '67.
5 Q And you remained in continuous employment
6 there up until today?
7 A That is right.
8 Q I hand you a series of checks, 8 in number,
9 and ask you if you can identify them?
10 A I can identify them.
11 Q Can you identify these?
12 A Yes.
13 Q How can you identify them?
14 A These checks bear a teller validation
15 number that is used by the tellers of our bank through-
16 out our system, as well as a teller stamp indicating a
17 date and teller number.
18 The checks were cashed at our bank,
19 processed by our bank, and forwarded to the Bank of
20 Virginia for final payment.
21 Q Would you read each one of those checks
22 individually, please, giving me the date and amount?
23 A The date it was paid by us, or the date
24 it was written?
25 Q The date it was written, if you can, and

1 the date you paid, and the check number.

2 A First check is check #207, dated December 16,
3 '73, cashed by teller #42, December 18, '73, in the
4 amount of $160.06.

5 Check bears endorsement of Lee Patterson
6 on the back, initials of our bank manager at the Westgate
7 office as well as the head teller, and a license number,
8 as well as a passbook savings account number that is a
9 number of one of our accounts in that bank.

10 Check #202, dated 12/15 - I believe -
11 1973, cashed by teller #52, amount of $160.60. It's got
12 our passbook savings account number on the back as part
13 of his identification.

14 Q Okay. The next check?

15 A Check #205, dated December 19, 1973, in
16 the amount of $160.80, cashed by teller #16, bearing a
17 passbook savings account number on the back as part of
18 the identification.

19 Check #204, dated 12/12/'73, amount of
20 $160.20. Passbook savings account number again is used
21 as part of the identification to cash the check.

22 Check #208, dated 12/20/'73 in the amount
23 of $180.40, cashed by teller #16. I don't see any other
24 identification numbers on that.

25 Check #209, dated 12/19/'73, cashed by

teller #42, in the amount of $160.80, signed Lee Patterson, passbook savings account number used as part of the identification.

Check #210, dated December 24, '73, in the amount of $188.20, cashed by teller #13. That is all I can make out on the back of that one.

Check #601, December 26, '73, in the amount of $188.14, cashed by teller #13, endorsed Lee Patterson on the back. And that is also processed by our bank.

Q Were these checks accepted for final payment?

A By the Bank of Virginia? Is that your question?

Q (Nods.)

A No, they were returned to our bank marked account closed.

Q On all of them?

A In every case, yes, sir.

Q You made reference to some savings account number?

A Yes. On December 18, 1973, a passbook savings account, number 5104184-3 was opened at our main office on Crawford Street, in the name of Lee Patterson.

Initial deposit was for $10.00, and this number was on the back of all the checks I just previously

1 read to you.

2 Q And these you keep in your -

3 A Yes, those are our original records, the

4 card to open the account, giving the dates, etc.

5 THE COURT: What is the date that account was

6 opened?

7 A That account was opened December 18 of '73.

8 That is attached to it.

9 MR. NUNNALLY:

10 Q This is the savings account that he opened

11 and used as identification to cash these checks in your -

12 MR. WISE: Wait.

13 I object to this, Your Honor. He is

14 referring to he - I suppose the Defendant - and

15 there has been no indication that the Defendant

16 did any of these himself.

17 Mr. Wood is going by the record and not

18 by what he remembers as a matter of seeing it

19 and remembering it, as I understand it.

20 MR. NUNNALLY:

21 Q Let me rephrase my question so Mr. Wise

22 can understand it.

23 Did one Lee Patterson open this account

24 and then in turn use that account as - to present identi-

25 fication so that your bank would cash the checks?

A The account in the name of Lee Patterson was opened with that savings account number, and that number did appear on all the checks I just read to you. That is normal procedure on the part of a teller in establishing related accounts for identification.

THE COURT: The checks are "Commonwealth's Exhibit #7," account information is "Exhibit #8."

MR. NUNNALLY:

Q Has any restitution been made to your bank at this time?

A Not through this date.

Q How much money are you out?

A $1,059.20.

Q Let me ask you this. Was a certified letter sent to Mr. Patterson:

A We had 2 certified letters were mailed out.

(Letters shown to counsel.)

MR. NUNNALLY: We would introduce the certified letters, Judge.

THE COURT: All right. "Commonwealth's Exhibits #10" and "#11."

MR. NUNNALLY: What was "#9", Judge? (See index.)

THE COURT: Well, the letters are "#10" and #11."

MR. NUNNALLY:

Q Let me ask you this. Where is your branch

located?

A 355 Crawford Street, Portsmouth, Virginia. That is the main office.

Q That is where all of these checks were negotiated, in the City of Portsmouth?

A These checks were negotiated in the City of Portsmouth at our various branches as well as the main office.

CROSS EXAMINATION

EXAMINED BY MR. WISE:

Q Mr. Wood, these letters, these registered letters, they were never received by Mr. Patterson apparently?

A The letters were returned to us undelivered by the post office as indicated on the front of the envelopes.

Q This account #5104184-3 was a savings account?

A Right.

Q Of your own knowledge, you don't know actually who opened that account?

A Right.

Q And you can't identify Mr. Patterson as cashing any of these checks?

A I cannot personally, no.

MR. WISE: That is all.

THE COURT: All right, sir.

Anything else?

MR. NUNNALLY: Yes, sir. That is it.

Thank you.

THE COURT: Mr. Wood, let me ask you one question. Did you check - did anyone check the signature on the back of the checks against the savings account?

A The signature was - the verification was made, Your Honor, over the telephone, which is normal procedure.

The signature card is maintained at the main office. What verification was made, to my knowledge, was made only by telephone.

MR. WISE:

Q There was no physical comparison between the 2 signatures?

A That I could not answer.

* * * * * * *

MR. NUNNALLY: Recall Mrs. Steephenson.

VIRGINIA W. STEPHENSON,
witness having previously
testified, was recalled to
the witness stand and upon
being examined, testified
as follows:

DIRECT EXAMINATION

EXAMINED BY MR. NUNNALLY:

Q Mrs. Stephenson, what is your title again?

A Recovery Coordinator.

Q All right. I ask you, during the past say year or year and a half, did you come into contact with the Defendant here, Eddie Lee Patterson?

A Yes, I have.

Q I would like for you to tell His Honor that series of events, if you would please.

A The first time was in March - well, actually the end of January, first of February, in General District Court, on bad checks of the same nature we have today, and then in Circuit Court in March, 1974, May, July, September.

MR. WISE: Your Honor, I don't see how this can - this is highly prejudicial to the Defendant.

MR. NUNNALLY:

Q I don't want you to say anything about other court appearances.

A I am sorry. You said contact with him.

Q I mean business contact with him. I am sorry you misunderstood my question.

A Yes. During this year, I have had

Mr. Patterson in my office to discuss cashing checks on split deposit basis at different offices of Virginia National Bank.

Q Would you explain - I am going to stop you - I want you to explain to me what you mean by cashing checks on split deposit.

A All right. A check is presented.

MR. WISE: Judge, I object to this unless it is in connection with these particular charges we are here on today.

MR. NUNNALLY: I think it will tie in.

THE COURT: I don't know. It may show intent with these checks, etc. Let's hear what she has.

MR. WISE: Note our exception.

MR. NUNNALLY:

Q Go ahead.

A A split deposit is a check presented to a teller with a small portion, even up to half of the amount deposited into a checking or savings account. The balance is received in cash.

Q All right, now, did you contact Mr. -

MR. WISE: I don't want you to lead her. Ask her what she did.

MR. NUNNALLY:

Q Did you contact Mr. Patterson, the Defendant here?

A Yes, sir, I did, by certified letter.

Q What did you tell him?

A I asked him to please give me the full amount or to come in and talk to me about the amount owed to Virginia National.

Q Did he come in and talk to you?

A Yes, he did come in and talk to me several times.

Q That is the gentleman sitting here today?

A Yes.

Q What did he say to you?

A He told me different things, that he did not do this, that his brother did it, that he had money in the bank and did not know his brother had left town, taking all the money in his automobile, that his grandfather in western Virginia was making arrangements to take care of our amount due, and that another story was that his brother-in-law, a doctor, was going to take care of all of this.

THE COURT: Did what?

A Pardon me?

Q What did you say? His brother did what?

A His brother-in-law who was a doctor would

also take care of these matters for him.

And I asked him about the Virginia's Drapery Account, why he was writing checks on the closed account. He said, "I didn't know it was closed."

MR. NUNNALLY:

Q Do you remember when you told him that? What conference day that was?

A Pardon me?

Q Do you remember what conference date that was that you told him the Virginia's Drapery Account was closed?

A If I may refer to my notes, I think I may tell you almost exactly what date.

It was in November, 1973 that I wrote to him, and the end of November or first of December, he came in to see me the first time, and then he came in on several occasions thereafter to discuss the same thing.

THE COURT: Did he say he was writing these checks and knew that they were -

What did you say?

A He did not say he knew there was no money He thought there was money, but his brother had absconded with the money.

THE COURT:

Q Did he tell you he had been signing checks? These checks?

A He admitted to the ones I have in my folder, yes, sir.

Q In other words, he didn't say his brother signed them?

A No, sir, he did not.

Q He said that he signed them?

A He said that they were his checks, and that he would take care of them.

Q His checks?

MR. NUNNALLY: No further questions.

CROSS EXAMINATION

EXAMINED BY MR. WISE:

Q Mrs. Stephenson, do you have those checks with you that you are referring to now?

A Yes, sir, I do. Copies of them.

Q All right. Did he tell you at that time that his brother had taken the money out of the account and left town?

A After he told me that he wrote these checks, yes, sir.

Q Will you produce the checks for me that he said he wrote?

1 MR. NUNNALLY: You don't have the originals;
2 these are just copies?
3 A I have no originals.
4 MR. WISE:
5 Q Are these checks the checks we are here
6 on today?
7 A No, but in the same connection, because
8 we spoke about Virginia Drapery.
9 Q You appeared in court in connection with
10 these checks, did you not?
11 A I have in the past, yes, sir.
12 Q And the cases were dismissed, were they
13 not?
14 A No, sir. They are pending.
15 Q None of these checks are the checks we are
16 here today about, are they?
17 A They are not the ones in regards to
18 Virginia Plastics, no, but we discussed both accounts
19 at the same time.
20 Q He told you on the drapery account that
21 his brother had taken the money and gone?
22 A No. On the plastics account, and I asked
23 him why he was writing checks on a closed account. He
24 says, "I didn't know it was closed."
25 Q But the plastics account we are talking

here today, that is a whole separate matter. These are all separate checks?

A Yes, sir.

REDIRECT EXAMINATION

EXAMINED BY MR. NUNNALLY:

Q What I am interested in is the fact you did discuss the Virginia's Drapery Account -

MR. WISE: Wait a minute.

I object.

THE COURT: What are you objecting to?

MR. WISE: He is leading her. He is testifying.

THE COURT: He is just repeating what she said.

Go ahead. What did you say?

MR. NUNNALLY:

Q - that you discussed the Virginia's Drapery Account with him and told him it was closed, did you not?

A Yes, sir, I did.

Q All right. And that was November of '73?

A That was sometimes between November and December. The first -

RECROSS EXAMINATION

EXAMINED BY MR. WISE:

Q Mrs. Stephenson, he came by to see you voluntarily?

A Yes, sir, in answer to my letter.

Q When you wrote him, he came on by and told you he didn't know the moneys were missing out of that account?

A That is what he stated.

THE COURT: Did he ever tell you where his brother was?

A No, sir.

Q Ever tell you whether he really had a brother?

A No, sir.

Q He never gave you the name or anything?

A No, sir.

Q And didn't tell you where his brother was in business or not?

A No, sir.

Q He just tried to lay it on his brother, right? Is that what he was trying to do?

A He said his brother had absconded with all of his money and his car.

Q Didn't tell you where you could find his brother or anything?

A No, sir.

MR. NUNNALLY: Thank you so much. You can be excused. Thank you, Mrs. Stephenson.

* * * * * * *

1 R. K. WILLIAMS, witness having
2 first been duly sworn, was
3 called to the witness stand
4 and upon being examined,
5 testified as follows:
6 DIRECT EXAMINATION
7 EXAMINED BY MR. NUNNALLY:
8 Q Would you state your name, sir?
9 A Detective R. K. Williams.
10 Q How are you employed?
11 A Assigned to forgery investigation, Ports-
12 mouth Police Department.
13 Q How long have you been so assigned?
14 A Approximately 6 months.
15 Q Okay. During that tour of duty, have you
16 had occasion to investigate a series of bad checks drawn
17 by - allegedly drawn by one Eddie Lee Patterson?
18 A Yes, sir, I have.
19 Q Would you tell me did you have a chance to
20 discuss these matters with Eddie Lee Patterson?
21 A Yes, I did.
22 Q All right. What did you do?
23 A We received the checks in the normal
24 process, with certified letters attached, for criminal
25 prosecution, from the Citizens Trust Bank and American

National Bank.

On March 8, 1974, 1645 hours, Eddie Lee Patterson was advised of his rights and at that time stated he desired an attorney and made no statements whatsoever in regards to this incident.

Subsequently he was arrested and charged concerning these charges.

Q Did you have occasion to take some handwriting samples from him?

A Yes, I did. On April 2, 1974, in General District Court, City of Portsmouth, I took handwriting samples from Eddie Lee Patterson. I took 4 pages.

Q Are these the ones you took here?

A Yes, these are the 4 originals, witnessed by myself - that I took from Mr. Patterson personally.

(Shown to defense attorney.)

Q What did you do with them?

A After I received the handwriting samples, the attorney at the time, Mr. Hayes, was present.

THE COURT: Do you want to offer those?

Handwriting Exemplars will be admitted as "Commonwealth's Exhibit #12."

MR. WISE: Before they are actually admitted, I would like to crossexamine, if I may.

THE COURT: You will have a chance to cross

examine. He said he took them.

MR. WISE: The part about them being taken voluntarily.

THE COURT: They don't have to be. The United States Supreme Court says that is one thing you can require.

The Supreme Court says you can make them give exemplars of handwriting. The United States Supreme Court has said that.

MR. WISE: I am familiar with that. I just wanted it in the record.

MR. NUNNALLY:

Q What did you do with them after you took them, Mr. Williams?

A These were sent to the Bureau of Forensic Science, Division of Consolidated Laboratory Services, in Richmond, along with the 16 checks admitted into evidence previously.

Q Anything else sent up there for analysis?

A I sent from our Central Files Division 2 copies of his signature from his arrest file, signed E. L. Patterson, also along with those exemplars, consisting of his fingerprints and his palm prints.

MR. NUNNALLY: (Shown to counsel.)

THE COURT: "Commonwealth's Exhibit #13.

MR. NUNNALLY:

Q Anything else? You said 16 checks.

A I sent the 2 Bank of Virginia signature forms signed J. Edward Patterson that were introduced in evidence. I don't have the number - if I may refer to the sheet.

I sent the 16 checks payable to Lee Patterson or Lee Paterson was spelled with one "T" and endorsed by Lee Paterson.

I sent 2 Bank of Virginia signature cards, the white sheet, and a green signature card from the Bank of Virginia.

I also sent one Virginia National Bank signature card, signed Eddie Lee Patterson on Virginia Draperies Account.

I sent 4 pages of the known handwriting that I took the samples of.

I sent a right palm print of Eddie Lee Patterson, and I sent one set of fingerprints signed by Eddie Lee Patterson.

MR. NUNNALLY: No further questions.

CROSS EXAMINATION

EXAMINED BY MR. WISE:

Q I believe the first time you asked him for his handwriting samples, he called his attorney, is

1 that correct?

2 A No, sir. When I advised him of his
3 rights in the detective bureau his answer - he was
4 informed he had the right to have an attorney if he so
5 desired. His answer was, "I do so desire one," and
6 questioning was stopped at that time.

7 Q Did he call Mr. Stewart Hayes over at that
8 time?

9 A I don't recall whether he called him at
10 that time or if he was just arrested and told to contact
11 his attorney.

12 Q He did come over to the police department?

13 A I don't recall the conversation took place
14 between he and his attorney. There was no further
15 questioning at that time.

16 Q When he gave you the handwriting samples,
17 Mr. Hayes was there? You remember that?

18 A Yes, sir. Mr. Hayes was present. This
19 was in General District Court, by the request of Judge
20 Sandie.

21 Q All right, sir. And over Mr. Hayes'
22 objection, he did give you handwriting samples, is that
23 correct?

24 A No, it was not over Mr. Hayes' objection.
25 Judge Sandie ordered him to give the samples, and

Mr. Hayes was present at that time.

Q Mr. Hayes have him mark out the part on there about being voluntary?

A Mr. Hayes requested to look at the exemplar sheets before they were filled out, and asked me if it was satisfactory for his client to mark out certain lines.

Mr. Hayes marked them out personally, anything he felt would be detrimental to his client, other than the known writing.

Q No statement was ever given you regarding these particular charges?

A No, sir.

MR. WISE: That is all.

* * * * * * *

JAMES PATRICK RYAN, witness
having first been duly sworn,
was called to the witness
stand and upon being examined,
testified as follows:

DIRECT EXAMINATION

EXAMINED BY MR. NUNNALLY:

Q Would you state your full name, please?

A James Patrick Ryan.

Q Where are you employed?

A I am presently self-employed and residing

in Augusta, Georgia.

Q What is your present occupation?

A I am an examiner of questioned documents.

Q Would you give a general description of the type of examinations you conduct as an examiner of questioned documents?

A Yes. I make examination and comparison of questioned handwriting, hand printing, typewriting, machine printing, restoration of restored and erased papers, and many other types of examinations pertaining to document work.

Q How long have you been so employed?

A I was accepted for on-job training at Fort Gordan at the crime lab that is for the United States Army in 1963.

Q Tell me something about your training and background, would you? To prepare you for this line of work?

A Right. I underwent a 2-year on-the-job training in the crime lab, Fort Gordon, Georgia, under qualified examiners, one presently retired in the State of California, one is now Chief Examiner, State of Arizona.

I also studied at the U. S. Post Office Laboratory, Washington, D. C., for a short period of time.

1 I remained in the Army until my retirement
2 in May of 1963 as a documents examiner.
3 The last 6 or 7 years, I was a Chief
4 Documents Examiner for the Army in the United States.
5 After my retirement with the military, I
6 served with the State of Virginia from September of 1973
7 until my voluntary leaving the services of the state in
8 August of this past year.
9 THE COURT: Of '74, you mean?
10 A Yes, '74.
11 MR. NUNNALLY:
12 Q Have you ever acted as an instructor, or
13 lectured to law enforcement groups relating to the field
14 of questioned documents?
15 A Yes. As Chief Documents Examiner for the
16 Army, I was responsible for training 5 or 6 of the
17 present Documents Examiners that they now have.
18 I also lectured to lawyer groups at the
19 military college - not military. The University of
20 Virginia for
21 I also lectured to seminars at the
22 University of Georgia for police officers of the south-
23 east of the United States.
24 Q Have you previously testified as an expert
25 witness in courts?

A Yes, I have testified in military courts, including Army, Navy, Air Force, and Marines, and in many cities and counties of the State of Virginia.

Q Approximately how many cases have you examined involving questioned documents?

A I would say in excess of about 5,000.

MR. NUNNALLY: Your Honor, I am going to tender this gentleman as an expert at this time.

THE COURT: I think he is fully qualified.

A Thank you, Your Honor.

MR. NUNNALLY:

Q Mr. Ryan, I am going to show you several exhibits consisting of "Commonwealth's Exhibits #2," which was the Bank of Virginia card signed J. Edward Patterson for Patterson Plastic Company, "Commonwealth's Exhibit #1," which is the Virginia's Drapery Shop, shows Eddie L. Patterson's signature.

I show you "Commonwealth's Exhibit #5," a series of 8 checks, "Commonwealth's Exhibit #7," another 8 checks, "Commonwealth's Exhibit #3," which is the deposit account authorization for sole ownership for J. Edward Patterson.

"Commonwealth's Exhibit #12," a series of handwriting exemplars, and "Commonwealth's Exhibit #13," showing Mr. Patterson's palm print and fingerprints, and

his name signed thereto, and ask if you have seen those documents before?

A (Witness examines exhibits.)

Yes, sir. I recognize all of the checks because on the back side, each check has my initials with the numbers Q1 through 12, or 1 through 16, with my initials.

These were made with pencil because these checks were to be processed and using ink, that could cause it to run.

The other documents I recognized also because somewhere near the signature of J. Edward Patterson and Eddie L. Patterson is my case number, Q19, and Q18 written in red with my initials also.

Fingerprint cards, beside Patterson's signature, I have the case number given by the state, which is #17507, KAS which indicates that is known signature, with my initials.

Q Under what circumstances did these items come into your possession?

A These came to me on 2 different occasions. The first time, I received the checks from Detective Williams.

On the second occasion, I received all of the evidence I have facing in front of me.

Q Did you make an examination on any of these items?

A Yes, sir, I did make an examination.

Q You did? How about telling - describe that examination to me.

A Initially I made an examination of the checks. I made a comparison of the signatures on the back side, the endorsements.

I also examined the entries on the front side of the checks. On the front side of the checks, most of the entries were hand printed. The exemplars that I received from Eddie Lee Patterson were all handwritten. I could not make a comparison between handwriting and hand printing. Therefore, I was unable to make a conclusion as to the author of this hand print.

On the reverse side, comparing signatures, whether Eddie Lee Patterson, Lee Paterson, Patterson spelled sometimes with one "T," sometimes with 2 "T's," all the Patterson signatures on the endorsements of the checks, the Eddie L. Patterson, the J. Edward Patterson on the other evidence was all written by one writer, and that is the same writer who made the writing on the - handwriting on these are the handwritings obtained from Eddie Lee Patterson by Detective Williams, they were all made by the same writing.

Q In particular reference to "Commonwealth's Exhibit #2" and "Commonwealth's Exhibit #1," which are signature cards, "#2" being on the Bank of Virginia and "#1" being on the Virginia National Bank, I ask you did you compare these 2 signatures with the signature on the endorsements of the checks?

A Yes, sir, I did.

Q All right. What was your opinion?

A When I received these, I designated those as Q17 and Q18. Eddie L. Patterson and J. Edward Patterson were written by one signature, and this person is the same person who made the same endorsements on all 16 of the checks.

Q That is the same person who made the handwriting exemplars?

A Right.

Q Did you make any charts or anything to help us, explain your opinion, Mr. Ryan?

A Yes, sir, I did. I have the charts present here in court.

MR. NUNNALLY: I would like, with the Court's indulgence, if you would let him explain this, Judge.

THE COURT: All right, sir.

A The 6 photographs which I have, #1, #2,

#3, #4, #5, #6, are photographic enlargements of a representative sample of the 18 checks in question.

Some of the things which I find significant in this man's particular writing is the size of the "N," the shape of the "P," and one thing in particular is the way he crosses off after he gets the word "Patterson."

As I said before, some of these have one "T," some have 2. This has one "T" but going through, the letters are all similar.

On the known writing, you still have that same type letter.

These are photographic enlargements. All of these enlargements were to the same scale. You have the same type "L," same type "P." You have failure of initial script between the "P" and "A" which is not normally a connection stretch.

You have the same type ratio between the "T" in Patterson. He has a tendency to set his "S" up very high, which happens in all of these. Then again on this retrace on the "ON."

THE COURT: Just for curiosity, I notice that last one on this page. Look at that handwriting there (in the file). This is one made in court today.

A Yes, sir. Identical.

THE COURT:

Q Identical? Identical to one he made in the courtroom to this form for his attorney and furnished to the Court today? It is identical with that? With this here (blowup)?

A Well, this is his known handwriting, true.

MR. WISE: This is the one he gave the police?

A Yes.

On the other chart, I haven't had a chance to look at these since I went to court the last time. These were from the last evidence that I had received.

"Q18," this J. Edward Patterson here, "Q17" would be the Eddie L. Patterson up on this one, and this "Q19" would be one of these J. Edward Pattersons - I don't know whether it would be this one here. Yes, it would be this.

So just looking at this at a glance, you can see that again that all 3 of these Pattersons are by the same writer, all the same distinguishing features I pointed out before.

MR. NUNNALLY: Your Honor, I would like to introduce those charts.

THE COURT: That is blown up about 5 times?

A This is 1 inch.

THE COURT:

Q I know, but blown up about 5 times? Same size?

A 4 or 5 times. This represents 1 inch on here.

THE COURT: I just asked.

A Yes. I always make out a scale on my chart so I can show everything is blown entirely to the same scale.

THE COURT: Let me have them all. I will introduce them all as one exhibit. No use to make them separate.

"Commonwealth's Exhibit #14."

CROSS EXAMINATION

EXAMINED BY MR. WISE:

Q Mr. Ryan, one point that interested me, the way you testified that that "Lee," that "L" was found on the back of most of the checks was similar to the other "L's" in the known signatures?

A Yes.

Q This "Lee" here is similar to those "L's"?

A Yes, the way he terminates the "L." You have initial stroke on the chart on your left hand, whereas you don't have it on the one on the right hand.

Q Initial stroke?

A The initial stroke is at the top.

Q Is this what you are referring to?

A The initial stroke as it loops around. That is lacking on here. What I am saying is similar to the terminating stroke on this "L."

Q There is no initial stroke on this one?

A Not on this one. A tiny one on the fourth one down, which goes off to the right, which is dissimilar to the known writing.

Q All right, sir. In comparing known signatures, you have a method of points, do you not? Points of similarity?

A Not like fingerprints where you have to have so many points.

Q Do you have any general number of points that you use in order to determine?

A Only enough to convince myself that there is sufficient that there could be no other writer, other than the writing I am examining.

Q You don't know right offhand how many points of similarity there are?

A I never count points of similarity. If there is a basic difference, that is enough to disqualify that writer.

Q And you find no basic difference?

A I find no basic difference.

MR. WISE: That is all.

MR. NUNNALLY: No further questions, Your Honor.

May I approach the bench just a minute?

THE COURT: Yes, sir.

(Both counsel approach bench.)

* * * * * * *

THE COURT: Is that your case?

MR. NUNNALLY: Yes, sir, Your Honor, that is the Commonwealth's case.

MR. WISE: Judge, we have a motion to make.

THE COURT: All right, sir.

MR. WISE: We have got - I think the Commonwealth has done a good job of putting a case on showing that some, if not all, of this writing belongs to the Defendant here, apparently on checks that belong to him, accounts he had opened.

But there is not one iota of evidence here that I can see where anybody can say this man cashed any of these checks.

One lady said she talked to him about some checks that had been cashed where he thought - he didn't know the account was closed, he said.

That was a couple of these checks, and

these were other checks, checks that had nothing to do with these cases.

You have an expert come in, and other evidence to the effect that his signature is on his own checks. They could have been drawn by him - the top of the checks, I mean - and that he endorsed them, but there has not been any evidence to the effect by anyone that he took any cash or in any way received any goods or any money for any of these checks; and based on that, we make our motion to strike.

THE COURT: The testimony was that he got from the American National Bank $1359.20, and from the Citizens Trust - no, $1219.64,on American National, $1354.20 in checks were cashed at the Citizens Trust and paid to the person whose name appeared on the back as endorser. That is his name.

MR. WISE: They didn't testify who they paid the money to. No testimony has anybody identified him, or seeing him. That is how much money they paid to somebody.

THE COURT: They paid it to the man who presented the check, who endorsed it. The man himself gave his account number and showed them the

account number at some of the banks.

MR. WISE: They never identified this man, Judge, and never said that the endorsement was made in their presence.

THE COURT: Well it is his handwriting, and he is the one that endorsed it, and we have just had an expert who says the man who put his name on the back is the one who got the money.

MR. WISE: Judge, couldn't he have left these checks in his office and signed them like some careless people have been known to do, and somebody picked them up and cashed them?

THE COURT: Not when he goes into the bank, presents it, endorses it, and that is who it is payable to, that is the man who puts his name on that check last.

MR. WISE: Judge, we don't know he endorsed them in the bank.

THE COURT: He presented them there, and then presented identification that that is me, saying "I have an account here," or "I have a right to sign here, and here it is."

MR. WISE: Anybody could say that, Judge, if the check was already endorsed. I could walk into the bank with the check and if they didn't

know me, they could cash the check.

THE COURT: Not only that. The lady, Mrs. Stephenson, she said he came in and talked to her about it, and in addition to that, one of the checks here, they sent him a registered letter, and he signed it and endorsed receiving it, and still did not know anything about it.

MR. WISE: He came on to see her.

THE COURT: Huh?

MR. WISE: He came on to see her.

THE COURT: Well, he might have come to see her, and she said that he said he got the money.

MR. WISE: I don't remember that, Judge.

May I have one minute, Judge?

THE COURT: Yes, sir.

* * * * * * *

CAMMIE PATTERSON, witness
having first been duly sworn,
was called to the witness
stand and upon being examined,
testified as follows:

DIRECT EXAMINATION

EXAMINED BY MR. WISE:

Q Would you state your name, please, ma'am?

A Cammie Patterson.

Q Where do you live, Mrs. Patterson?

A On Hoover Avenue in Chesapeake.

Q Do you know this young man sitting on my right?

A Yes, sir. He is my son.

Q He is your son?

A Yes.

Q Do you have any other sons besides him?

A Yes.

Q How many brothers does he have?

A Well, he have 6 besides - I had 7 boys.

Q Seven?

A Yes. He makes the 7th boy.

Q Do you have one boy named Felton Patterson?

A Yes.

Q How old is Felton?

A He is 27, I think.

Q Okay, now. Before your son here got in trouble, did he have a business of his own?

A Yes.

Q What kind of business did he have?

A He had an upholster.

Q An upholstery business?

A Yes, business.

Q And did any of his brothers work with him

there?

A None as I know of.

Q Felton didn't work there with him?

A Not where he was at. He worked one a little while with him, but he quit, I think.

Q He quit? When did he quit? Do you remember?

A No.

MR. WISE: Okay. Answer the Commonwealth.

MR. NUNNALLY: No questions, Your Honor.

CROSS EXAMINATION

EXAMINED BY MR. NUNNALLY:

Q How many years in college did Mr. Patterson go?

A I don't know. He went to college after he got married.

MR. NUNNALLY: No further questions.

* * * * * * *

EDDIE LEE PATTERSON, Defendant,
having first been duly sworn,
was called to the witness
stand and upon being examined,
testified as follows:

DIRECT EXAMINATION

EXAMINED BY MR. WISE:

Q State your full name, please.

A My name is Eddie Lee Patterson.

Q Okay, Eddie, how old are you?

A I am 33.

Q All right. You are currently in custody, are you not?

A Yes, I am.

Q All right, sir. Of course, you understand why we are here today on these charges?

A Yes, I do.

Q Prior to getting in trouble here, did you have a business of your own?

A Yes, I did.

Q What was the name of that business?

A Virginia Drapery and Upholstery.

Q What kind of work did you do?

A Did upholstery work and interior decorator.

Q Did you upholster automobiles?

A Strictly furniture.

Q Strictly furniture?

A Yes, sir.

Q Did you have anybody working with you in that business?

A Yes, I had quite a few at times, off and on. I was under this veteran's program where veterans would come in and also was under another program wherein

STOP brought in mens that would work for a certain amount of money and STOP program would pay them a certain amount.

During the time that I would be on the road, I would more or less leave the shop sometime for a period of 2 to 3 days because of the simple reason I had a contract with Cinema Services, and sometime I would leave the shop like 2 or 3 days without even returning.

Q Would anybody else be there at the shop while you were gone?

A Oh, yes. Oh, yes. And sometime, well, for instance, like over in lower court, Mr. Stewart Hayes, which used to be my attorney, called me and I wasn't there, and there was -

Q Called you where? At the shop?

A Called me at the shop , and Mr. Adolph Thornton, well, said that he was me, and so a capias was issued for me, see, because one simple reason, I was out of town.

Well, I was on the Eastern Shore, hanging a movie screen, and a capias was issued for me although I came to court late.

When I got to the shop, it was about 11:30, and when I heard about it, then I called Mr. Hayes and Mr. Hayes told me to get right over here, which I did, so if I had anything, reason to doubt, then I wouldn't

you know, have showed up.

Q What is this employee's name that told Mr. Hayes he was you?

MR. NUNNALLY: Your Honor, I don't see any relevancy to this line of questioning or these responses.

A Your Honor, maybe not, but I think it does because of one simple reason, that here's a man that goes around, you know, proclaiming to be me, and then my lawyer calls him and then he says that he is me, and then yet he don't pass the message to me.

MR. WISE:

Q What is his name?

A This is Adolph Thornton. So Mr. Thornton - this gentlemen here, the detective that brought me from Camp #16, he told me that a Randy Coleman was caught in Virginia, one of the American National Banks with the so said checks.

Q With what?

A With the so said checks on which I am here now, but he said somebody let him go. And I was pulling time for it.

Q Do you know Mrs. Virginia W. Stephenson?

A I don't know her personally. I had

1 dealings with her through my lawyer, you know, through
2 buying merchandise, sewing machines, draperies, etc.
3 I bought her business out, and along with
4 a few others that I bought out.
5 Q Do you remember the lady who testified
6 here first today?
7 A Oh. Mrs. Virginia Stephenson. Oh, yes.
8 I thought you were talking about Virginia White.
9 Mrs. Virginia Stephenson. I met her. She
10 was testifying against me at Norfolk courts, which this
11 particular time, it was dismissed, so Detective White
12 told me to go over there and talk with her because they
13 have a check over there, so I went over there and talked
14 to her, and in return she sent me down to Colley, Colonial
15 Avenue, and I went there to talk to Mr. Stanley and
16 Mr. Stanley said that he would try and work something
17 out, for one simple reason. I didn't want the company
18 name destroyed. This was the reason why I was fighting.
19 And so far as - and also, I didn't want
20 them to take back the truck which was financed through
21 them, and the car also. This is why I was fighting the
22 issue.
23 Q Now these particular checks we have been
24 talking about today, did you take these checks and cash
25 them anywhere, at these various banks?

A Oh, no. Oh, no.

Q Did you write all of these checks, or some of them?

A I didn't write a one.

Q You didn't write any of those checks that you have seen here today?

A No, sir.

Q And these endorsements on the back of these checks?

A They sure look something like my handwriting, but they are not mine, and I would put my right hand on the Bible to say so, that they are definitely not mine.

But so far as the issue is concerned, I didn't need to go out to cash nobody's checks. I didn't need to or what they were trying to say forge a check or pass a bad check on because I have money.

As a matter of fact, my wife can't even get on the welfare now, and I have been in the institution for one simple reason, they said that she makes too much money, so last year they sent me a tax form for over $1600.00, and I am going to cash a bad check?

Wherein you have got a record wherein I showed you wherein the Norfolk was from year to year. Do this look like a man who would pass a bad ckeck? I

1 don't have time for it.

2 MR. WISE: Answer the Commonwealth's Attorney.

3 A I work 7 days a week.

4 CROSS EXAMINATION

5 EXAMINED BY MR. NUNNALLY:

6 Q Excuse me. Before I introduced those

7 checks into evidence earlier, you and Mr. Wise went over

8 each of them, did you not?

9 A This is correct.

10 Q You had an opportunity to look at the

11 signatures on the back of these checks?

12 A This is correct.

13 Q And I will remind you that you have placed

14 your hand on that Bible in relations to your testimony

15 now.

16 A That is right.

17 Q And you deny that any of those signatures

18 is yours?

19 A I told Mr. Wise -

20 Q No. Let me ask you. I ask, do you deny

21 those signatures are yours?

22 A They are not mine. None of them are mine.

23 Q Do you remember talking to Mrs. Stephenson?

24 A Yes, I remember talking to Mrs. Stephenson.

25 Q When did you close your Virginia Draperies

account?

A I didn't close my Virginia Draperies account.

Q How about your Patterson Plastic account?

A I never had a Patterson Plastic account.

Q Is this your signature here?

I am showing the witness "Commonwealth's Exhibit #1."

A Yes.

Q You acknowledge that to be your signature?

A It sho' looks like it.

Q And this? Is this your signature?

A That is not.

Q That is not your signature?

A That is not.

THE COURT: Which one did he say was his? This one?

MR. NUNNALLY: (Points to the signature.)

MR. NUNNALLY:

Q So that was your signature on the Virginia Draperies account?

A Yes, it was.

Q All right. Do you recall Mrs. Stepheoson testifying earlier today that in November she asked you why you were writing checks on a closed account?

A We didn't talk nothing about that during

that time. We was always only talking about money.

Q Do you deny she said that?

A I don't deny she said that for one simple reason. Mrs. Stephenson has been following me, trying to get me time and time again, from one courtroom to another, trying to build up a case so she could win the case in Norfolk, and also for one reason, to make me look bad, but I went to Mrs. Stephenson.

Q Did you know Mrs.Stephenson before this?

A I didn't know Mrs. Stephenson until after I was arrested, until after the case was dismissed. Then Detective White from Norfolk Police Department sent me over to see Mrs. Stephenson.

Mrs. Stephenson wasn't there, so I went back later on, and I talked with Mrs. Stephenson and we talked about money. We talked about paying the checks off, and I paid Mrs. Stephenson some of her money.

All right. Through weeks and weeks, so it wouldn't interfere with the gross money that was going home, or wouldn't interfere with the business as such, but I did not tell Mrs. Stephenson at any time that I cashed the checks.

Q My question was - we will get right back to it. Did she tell you or did she not tell you that date that Virginia Draperies account was closed?

A She told me that Virginia Draperies account was closed, yes, but I don't own Virginia Drapery. I own Virginia Drapery and Upholstery. There is a difference.

Q Okay.

A Which Mrs. Stephenson didn't find out until later, after I was throwed into jail.

Q It is your testimony today that someone else, other than you, wrote all of these checks?

A Definitely.

MR. NUNNALLY: No further questions, Your Honor.

THE COURT: I understood you to say this is your signature on this one?

A That looks like my signature.

Q That is the Virginia Draperies?

A That is Virginia Draperies, right. That is when I bought out Mrs. Louis Virginia - Louis White. I bought the business out.

Q It is a sole ownership, owned by you alone?

A Hold it. Hold it.

Q That is what it says on here, now.

A This is the transaction during the time I bought it, Your Honor, because it is sort of difficult to explain that after I bought the Virginia Drapery out, I had an upholstery company, Virginia Draperies, then I added the name

Virginia Draperies and Upholstery and became Incorporated.

THE COURT:

Q Into what?

A Into Virginia Draperies and Upholstery Incorporated.

Q What I am getting at, at the time this was signed, you were sole proprietor -

A I did not -

Q Wait a minute. Let me finish the question. You are the sole proprietor when the account was closed? You are the only one who could close that account. Yet you didn't close the account?

A No, I did not close the account.

THE COURT: All right.

MR. NUNNALLY: I have no further questions, Your Honor.

REDIRECT EXAMINATION

EXAMINED BY MR. WISE:

Q Do you have anything else you want to tell the Judge?

MR. NUNNALLY: Your Honor, I object to that.

THE COURT: Wait. If he's got anything else to say, let him say it.

A Yes, Your Honor. I don't proclaim to be

a rich man, but I work hard. I don't proclaim to be so righteous, but again, I work hard, and I don't go around saying nothing that I don't mean because for one simple reason, that I went and worked hard for every dollar that I got, every penny that I got, and I am still puzzled yet how anybody could go to a bank and deposit or whatever it is, and get some money out, yet nobody says nothing, nobody knows nothing until after all - it is still a puzzle to me how in the world somebody gets some money out of the bank when they say there is no money in there.

THE COURT: All right.

MR. WISE:

Q In other words, you don't understand why nobody came in here and identified you today?

A That is right. Because they can't, for one simple reason. I haven't been nowhere except working myself half way to death.

Q Is that all you have?

A Yes.

* * * * * * *

MR. WISE: Judge, that is our case.

THE COURT: Anything else, gentlemen?

MR. NUNNALLY: We have nothing in rebuttal, Your Honor.

THE COURT: Anything you all have to say, I will listen to, gentlemen.

MR. WISE: Judge, you have heard it all. I don't think I have anything to say about it.

THE COURT: Well, this man has been in college, and I have hardly seen a con game - it looks like this is one that was really worked in this case.

Here they have gotten out of the banks $1219.64 from the American National and $1359.20 from the Citizens Trust Company, and all on the signature, according to this handwriting expert, of this man. This man here is the one that signed every one of the checks.

It's not much the Court can do but find him guilty on each and every one of the charges. Stand up, Mr. Patterson.

Mr. Patterson, on Indictment #26282 in which you have 16 counts of grand larceny, 16 charges, the Court having heard the evidence the Court finds you guilty on all 16 counts in the indictment.

Have you anything to say why sentence

should not now be pronounced?

MR. WISE: Judge, may I have a second?

Judge, we would move, so the Court would be in a position to know this man's background, for a probation or -

MR. NUNNALLY: Your Honor, I object.

THE COURT: Let me ask you a question. Isn't he now in the penitentiary?

MR. WISE: On a misdemeanor, Judge.

THE COURT: At Goochland State Farm?

MR. WISE: Yes, sir.

THE COURT: Same thing.

MR. WISE: On a misdemeanor charge.

THE COURT: Well, I don't know what charge. I notice there is an order to have him brought here.

MR. WISE: Yes, sir.

MR. NUNNALLY: Your Honor, as I read that statute, the presentence report is only appropriate where the charge on the particular crime is 10 years or more.

Here we are dealing with a 5-year maximum, so I don't really see the necessity of a presentence report.

MR. WISE: Technically he might be right,

but we have 16 charges here which could amount to 80 years.

THE COURT: Well, I don't think it is a proper case for referral.

Nothing being said in arrest or delay of judgment, it is considered by the Court that you be sentenced to the penitentiary for a period of one year on each count.

That is 16 counts; that is 16 years, and I am going to suspend 10 of them. You will have 6 years to serve.

All right, sir.

Now, Mr. Patterson, you have a right to appeal this case, and if you want me to appoint counsel, I will do so.

* * * * * * *

CLERK'S CERTIFICATE

I, Walter M. Edmonds, Clerk of the Circuit Court of the City of Portsmouth, Virginia, do hereby certify that the foregoing transcript of the testimony and other proceedings of the trial of the case of Commonwealth of Virginia vs Eddie Lee Patterson, together with original exhibits, was filed in my office on the day of , 1975.

_____
Clerk