

IN THE  
SUPREME COURT OF VIRGINIA

EDWARD WARREN JACKSON, SR.,  
Appellant

v.

EARLINE S. JACKSON,  
Appellee

WASHINGTON & LEE  
LAW LIBRARY

RECORD NO. 860013

MAR 3 1989

APPENDIX

APPEAL FROM THE CIRCUIT COURT OF  
NELSON COUNTY

Robert P. Dwoskin  
405 Third Street, N.E.  
Charlottesville, Virginia 22901

R. Lecky Stone, Jr.  
WOOD AND STONE  
Suite B  
100 Court Square Annex  
P.O. Box 97  
Charlottesville, Virginia 22902

Counsel for Appellant

J. Barrett Jones  
415 4th Street, N.E.  
Charlottesville, Virginia 22901  
Counsel for Appellee



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VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF NELSON

EARLINE S. JACKSON,

Plaintiff,

v.

EDWARD WARREN JACKSON, SR.,

Defendant.

Filed in the Clerk's Office  
the 4 day of Jan., 1984  
Mary J. Nuckins, Deputy Clerk

MOTION FOR JUDGMENT

TO THE HONORABLE ROBERT C. GOAD, JUDGE OF THE SAID COURT:

COMES NOW the plaintiff, Earline S. Jackson, by counsel, and moves for judgment against the defendant, Edward Warren Jackson, Sr., on the grounds and in the amount hereinafter set forth:

COUNT I

1. On or about March 4, 1982, defendant Edward Warren Jackson, Sr. falsely, maliciously, and without any reasonable or probable cause whatsoever appeared before Homer G. Ponton, a Magistrate for the County of Nelson, Virginia, and caused him to issue a warrant for the arrest of the plaintiff, Earline S. Jackson, on the felony charge of "unlawfully and feloniously breaking and entering in the daytime the dwelling house of Edward Warren Jackson, with the intent to commit larceny therein," in violation of Section 18.2-91 of the Code of Virginia.



2. Pursuant to said warrant, at 8:00 a.m. on Sunday, March 7, 1982, plaintiff Earline S. Jackson was arrested in Charlottesville, Virginia, by officers of the Charlottesville Police Department, was taken from her home to the police station where she was photographed and fingerprinted, and was required to give bond in the amount of \$1,000.00 in lieu of confinement. The bond was required to secure her appearance at the sounding of the criminal docket on April 7, 1982, in the General District Court for the County of Nelson, Virginia, for the purpose of scheduling a date for a preliminary hearing.

3. Prior to the date of the said hearing, the Commonwealth's Attorney, Ralph E. Turpin, Jr., Esquire, prepared and instructed Barrett E. Pope, Esquire, counsel for the accused, to endorse a nolle prosequi order predicated on the Commonwealth's belief that the warrant was issued because the magistrate was given incorrect information by the complainant, defendant Edward Warren Jackson, Sr. Upon entry of the said order by the Honorable Coy M. Kizer, Judge of the General District Court for the County of Nelson, the criminal charge against the plaintiff was dismissed.

4. Defendant Edward Warren Jackson, Sr. instigated and procured this prosecution of the plaintiff falsely, maliciously, with intent to harass the plaintiff and to injure her reputation in the community, and with full knowledge

that the charge was without any reasonable or probable cause.

COUNT II

5. On or about June 2, 1983, defendant Edward Warren Jackson, Sr. falsely, maliciously, and without any reasonable or probable cause whatsoever appeared before Homer G. Ponton, a Magistrate for the County of Nelson, Virginia, and caused him to issue a warrant for the arrest of the plaintiff, Earline S. Jackson, on the misdemeanor charge of "destroy[ing] the property of Edward Warren Jackson," in violation of Section 18.2-137 of the Code of Virginia.

6. Pursuant to the said warrant, on or about June 2, 1983, the plaintiff was arrested by Deputies of the Nelson County Sheriff's Department, was taken from her home in Faber, Virginia, to the Sheriff's Department in Lovington, Virginia, where she was photographed and fingerprinted, and was required to give bond in the amount of \$250.00 in lieu of confinement. The bond was required to secure her appearance at the sounding of the criminal docket on June 8, 1983, in the General District Court for the County of Nelson, Virginia.

7. On June 8, 1983, the said charge was set for trial on June 29, 1983, and it was then tried before the Honorable Coy M. Kizer, Judge of said General District Court. Plaintiff Earline S. Jackson was not represented



by an attorney at any point in the trial proceedings. After a full hearing of all of the evidence presented, the said Judge dismissed the charge.

8. Defendant Edward Warren Jackson, Sr. instigated and procured this prosecution of the plaintiff falsely, maliciously, with intent to harrass plaintiff and to injure her reputation in the community, and with full knowledge that the charge was without any reasonable or probable cause.

COUNT III

9. On or about July 6, 1983, defendant Edward Warren Jackson, Sr. falsely, maliciously, and without any reasonable or probable cause whatsoever appeared before R. W. Coleman, a Magistrate for the City of Charlottesville, Virginia, and caused him to issue a warrant for the arrest of the plaintiff, Earline S. Jackson, on the alleged charge of "threaten[ing] Patricia Jackson (age 13) by telling her that she was going to have her put in jail," in violation of an unspecified Section of the Code of Virginia.

10. The said warrant was executed by Officer Roy Fitzgerald of the Charlottesville Police Department on or about July 7, 1983. Plaintiff was thereby commanded to appear at the trial of the said offense on August 1, 1983, in the Juvenile and Domestic Relations District Court for the City of Charlottesville, Virginia.

11. On August 1, 1983, the plaintiff appeared

before the Honorable Ralph P. Zehler, Judge of the said Juvenile and Domestic Relations District Court. The Judge then dismissed the charge and wrote on the warrant, "This warrant does not charge any criminal offense."

12. Defendant Edward Warren Jackson, Sr. instigated and procured this prosecution of the plaintiff falsely, maliciously, with intent to harass plaintiff and to injure her reputation in the community, and with full knowledge that the charge was without any reasonable or probable cause.

13. By reason of the actions of the defendant as stated above in paragraphs 1 through 12, the plaintiff has been greatly injured in her credit and reputation and has been brought into public disrepute among the members of her community; has been hindered in the practice of her profession; has been required to expend substantial amounts of money, time, and energy to defend against these wholly frivolous charges; has been caused much anxiety and mental anguish; has been deprived of the peaceful use and enjoyment of her residences; and has been made the object of public scorn, ridicule, and humiliation.

WHEREFORE, plaintiff Earline S. Jackson demands judgment in the form of compensatory damages in the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) and in the form of punitive damages in the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) against the defendant, Edward



Warren Jackson, Sr., and her costs in this behalf expended.

EARLINE S. JACKSON

By Counsel



J. Barrett Jones  
JONES & HUTCHINS  
101 East High Street  
Charlottesville, Virginia 22901

(804)979-1142

Counsel for Plaintiff

CERTIFICATE

I hereby certify that I mailed a true copy of the above motion for judgment to Sa'ad El-Amin, Esquire, counsel of record for defendant, at 312 West Grace Street, Richmond, Virginia, 23220, on November 23, 1983.



J. Barrett Jones

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF NELSON

EARLINE S. JACKSON,

Plaintiff

v.

Law No. 1341

EDWARD WARREN JACKSON, SR.,

Defendant

JUDGMENT

On October 7, 1985, the Court, sitting without a jury, heard the parties' evidence and arguments of counsel on the issue of damages, all issues of liability having been resolved against the defendant, Edward Warren Jackson, Sr., and in favor of the plaintiff, Earline S. Jackson, by Order entered November 27, 1984.

The defendant's motion, made in open court, to set aside the said Order of November 27, 1984, is hereby DENIED.

The Court FINDS that the defendant acted with actual malice in the course of committing each of the three counts of malicious prosecution alleged in the motion for judgment and that the plaintiff's allegations concerning damages were proved by the evidence.

It is therefore ORDERED and ADJUDGED that the plaintiff, Earline S. Jackson, recover of and have judgment against the defendant, Edward Warren Jackson, Sr., for the sum of TEN THOUSAND DOLLARS (\$10,000.00) as compensatory damages and for

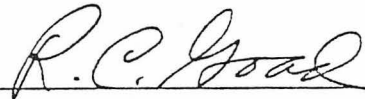


the sum of TEN THOUSAND DOLLARS (\$10,000.00) as punitive damages, with interest on each sum from October 7, 1985, until paid, together with her costs.

The Clerk is ORDERED to send a certified copy of this Judgment to each counsel of record.

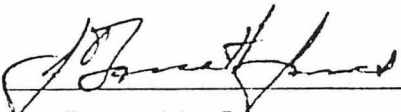
And there being nothing further to be done in this matter, it is ORDERED stricken from the docket and filed among the ended causes.

Entered this 21 day of OCTOBER, 1985,  
nunc pro tunc October 7, 1985.



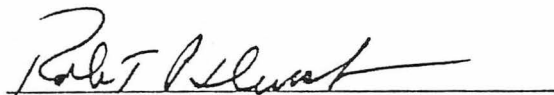
Judge

I ASK FOR THIS:



B. Barrett Jones

SEEN:



Robert P. Dwoskin

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF NELSON

EARLINE S. JACKSON,

Plaintiff

v.

Law No. 1341

EDWARD WARREN JACKSON, SR.,

Defendant

WRITTEN STATEMENT  
PURSUANT TO RULE 5:11(c)

The following is a statement of facts, testimony, and other incidents of the case.

By Order entered November 27, 1984, the Court declared the defendant in default on all issues of liability.

On October 7, 1985, the Court held an evidentiary hearing on the issue of damages. Immediately prior to the hearing, the defendant made an oral motion requesting that the default judgment be vacated on the grounds that the defendant's answering of plaintiff's interrogatories met the requirements of Rule 3:5, Rules of the Supreme Court, because said answers to interrogatories were in fact a responsive pleading of the defendant. The Court denied the motion and proceeded to take evidence on the issue of damages.

During the said hearing, the defendant presented no exhibits. Therefore, all exhibits referred to below were introduced on behalf of the plaintiff.



# PLAINTIFF'S CASE-IN-CHIEF

The plaintiff, Earline S. Jackson, presented three witnesses: herself, Woodrow Woodfolk, and her daughter, Patricia Jackson.

The plaintiff testified that as of the date of trial she was residing in Hampton, Virginia, with a son and a daughter and was employed as a child care provider. Prior to March 7, 1982, she had never been arrested.

As of March 7, 1982, the plaintiff was living in the City of Charlottesville, Virginia. At approximately 8:00 a.m. on March 7, 1982, a Sunday morning, she was called on the telephone by a friend of hers who indicated that the police were looking for her. She got out of bed and put on a bathrobe and shortly thereafter two officers of the Charlottesville Police Department came to her residence and placed her under arrest. She was arrested on a warrant (Exhibit A) issued on the sworn statements of the defendant on March 7, 1982, which alleged that the plaintiff had committed a breaking and entering into the "dwelling house of Edward Warren Jackson" on or about August 8, 1981.

Prior to August of 1981, the plaintiff and the defendant had been divorced from each other, and at the time of their divorce and continuing through the date of trial the parties had owned jointly a house in Nelson County, Virginia, which is the residence referred to in the said warrant.

In the several weeks prior to the plaintiff's arrest in March of 1982 the parties had concluded a contested child

custody case. The defendant had lost the case and custody of the parties' son and daughter had been granted to the plaintiff.

On the morning of her arrest, the plaintiff testified that she had been planning to attend her church, the Ebenezer Baptist Church in Charlottesville. The police officers had come to her house in a marked police car and a marked paddy wagon, and, as the plaintiff was escorted by the uniformed officers to the police car, she saw several of her neighbors and members of her church witnessing her detention.

The plaintiff was taken to the Police Department, finger-printed, photographed, processed and held in custody for approximately four and one-half hours. She was escorted by two uniformed officers from the station to the magistrate's office where she was released on a \$1,000 bond.

The plaintiff further testified that she retained an attorney named John K. Taggart, III, of Charlottesville to represent her on the felony charge, and he charged her approximately \$500 for his representation. Prior to the initial return date of the warrant, Barrett E. Pope, Esquire, an associate in Taggart's law firm, secured the agreement of the Nelson County Commonwealth's Attorney to an Order of nolle prosequi, and on April 25, 1982, the said Order was entered by the General District Court for the County of Nelson. (Exhibit B)

Subsequent to her arrest and prior to the disposition of the case, the plaintiff was contacted by the insurance

company which maintained homeowner's insurance coverage on the said residence of the parties. The insurance company demanded that the plaintiff reimburse it for approximately \$1,400 which it had paid to the defendant upon his claim that personal property belonging to him had been stolen from the marital premises. The demand from the insurance company required the plaintiff to again retain Taggart and receive charges from him in an amount of approximately \$200.

She was further required to travel both to Waynesboro, Virginia, where the insurance company was located, and to Lovingsston, Virginia, for the purpose of obtaining a certified copy of the Order dismissing the case.

At the time of her arrest, the plaintiff was employed as a licensed beautician earning approximately \$250 per week, and she testified that, in addition to mileage and other incidental expenses, the process of taking care of the problem with the insurance company caused her to lose two one-half days from work.

The arrest caused the plaintiff to feel embarrassed and humiliated. She thought about it a great deal and had repeated dreams about it. In the weeks and months subsequent to the arrest, she became emotionally unstable. She did not want to go out in public or be seen by her neighbors or even leave her residence. She became emotional while working and wept openly in the presence of customers and even had difficulty operating an automobile.

In August, 1982, the plaintiff quit her job after

finding that she was emotionally unable to perform services for two of the four customers she had on a particular day. Later that day, she became extremely emotional and suffered a type of breakdown. She was taken by the rescue squad to the University of Virginia Hospital, where she was kept under observation for approximately five hours.

The following week, she kept the first of an eventual three appointments with the Adult Psychiatric Clinic of the Blue Ridge Hospital. See Exhibit C. She did not keep her fourth appointment at the Clinic because she was scheduled to have a test performed on her by someone she knew personally. Cross examination of the plaintiff elicited that at the time she was undergoing these psychiatric difficulties she was having problems in her life unrelated to the arrest which took place in March of that year.

The plaintiff was maintained on medication for approximately one month but stopped taking the medication because it made her feel very sluggish and unproductive.

The plaintiff testified that she did not work for approximately three or three and one-half months from August to December, 1982, and thereby lost wages during that period of time in an amount of approximately \$250 per week.

As to the second count of malicious prosecution, the plaintiff testified that she was arrested on June 2, 1983, at the former marital home in Nelson County, Virginia.

Prior to that time, the plaintiff found out that she would not be able to continue living in the quarters she was then occupying, and, because she had limited funds and

believed the marital home was unoccupied, she tried to use the legal system to obtain permission to live there. In the days prior to June 2, 1983, some sort of proceeding occurred in the Juvenile Court in Charlottesville, after which the plaintiff understood that she had the right to occupy the home. She needed to move to the home because of personal circumstances having nothing to do with the defendant.

She therefore expended substantial amounts of money making repairs to the home and cleaning it, renting automobiles to travel to and from the home, and paying for gasoline for those trips. See Exhibits E, F, G, and H. On June 2, she was at the house with her mother and brother and other individuals, who were all engaged in cleaning and painting the house. The plaintiff went to the store and when she returned three marked Sheriff's Department cars with sirens and lights on pulled up to the home. At least four uniformed officers were present, as were the defendant, his second wife, and several other individuals.

At that time, the plaintiff was served with a misdemeanor warrant of destroying private property, a copy of which was introduced as Exhibit D. She was then taken in a marked car to the Sheriff's Department in Lovington, where she was photographed, finger-printed, and processed. She waited for two or three hours until the magistrate could arrive to set bond for her.

The plaintiff testified that she had lived in the neighborhood of the marital home for approximately eighteen years and knew many of the local residents. The home was located on a main state route through Nelson County. While



the plaintiff was being led away by the Sheriff, about fifteen to twenty of her neighbors walked or drove by the scene and observed what was happening.

As a result of this public display, the plaintiff felt very humiliated, ashamed, and embarrassed.

After this arrest, the plaintiff decided that it would be impossible for her to live in the marital home. Because she had to leave her Charlottesville residence, she decided to move to the District of Columbia, which she did. Once there, she began living with an aunt of hers who charged her rent, but because relations between the two of them were strained she left after approximately one month. She then returned to Charlottesville and began renting rooms from a man named Harry Wicks.

The plaintiff thereby incurred expenses for moving and storing her furniture and other belongings (Exhibit I), for rent and associated bills (Exhibit J), and for car rentals (Exhibit K). The total of her expenses for both preparing the marital home for her relocation to it and moving from place to place after she was arrested, as documented by Exhibits E through K, equals \$1,232.39.

The plaintiff testified that she did not retain an attorney to represent her on the charge of destroying private property. Instead, she travelled from Charlottesville or the District of Columbia to the Nelson County General District Court on three separate occasions: her first appearance, the first trial date from which the defendant obtained a continuance, and the date of trial. After a hearing on the merits,

the charge was dismissed.

The plaintiff was nervous, upset, and intimidated by her appearances in General District Court. In addition, the emotional effect of the second arrest was as strong as that of the first. On many occasions in the months following the arrest, she obtained counseling from the pastor of her church.

The plaintiff was arrested for a third time at 6:45 a.m. on July 7, 1983, shortly after the dismissal of the destroying private property charge. This time she was charged with threatening her minor daughter by telling her that she was going to have her put in jail, as represented on Exhibit L.

At the time of this arrest, the daughter, Patricia Jackson, was in the temporary custody of the defendant, subsequent to the daughter's indicating that she would like to try living with her father for a period of several months. The plaintiff had consented to this agreement, and after Patricia spent several months with her father she again returned to the custody of her mother where she remained through the date of trial.

At the time of arrest, the plaintiff was in her residence in Charlottesville preparing to go to her job as a monitor on a public bus. She was once again taken to the police station, processed, and escorted to the magistrate's office where she was bonded to appear in Juvenile Court in Charlottesville.

The plaintiff testified that she had not threatened

to put her daughter in jail, but that she had become upset when she received a notice from the public library stating that the child would have to pay for a book which was overdue. She had taken the notice to the child and told the child that, because she was in her father's temporary custody, her father should pay to replace the book.

At a hearing on the merits on August 1, 1983, the Juvenile Court dismissed the charge on the grounds that it did not allege any criminal offense.

The plaintiff missed time from work both on the day she was arrested and on the day she went to court. In addition, she was very upset because she did not know how her daughter had interpreted their conversation and she was concerned that her daughter had turned against her and taken the "side" of her ex-husband, the defendant, in instituting criminal prosecutions of her.

Woodrow Woodfolk testified on behalf of the plaintiff that he had lived next door to her for approximately eighteen months prior to and after the time of her first arrest. He testified that he was aware of the plaintiff's reputation in the community for peaceful and lawful conduct, that that reputation was an excellent one, and that the plaintiff had been a very good, considerate, orderly, and peaceful neighbor throughout the time he had lived next door to her.

Patricia Jackson testified on behalf of her mother, the plaintiff, to the effect that she was sixteen years old, lived with her mother and attended school in Hampton, Virginia,

and maintained a good relationship with her father, the defendant.

Patricia stated that she was not present at the time of her mother's first arrest in 1982 because she was probably spending the weekend with her father. However, in the weeks that followed, as Patricia was attending church a number of church members came up to her and asked whether her mother was sick, or in the hospital, or "doing poorly."

In addition, during the months subsequent to the 1982 arrest, her father asked her several times whether her mother was "sick," why she didn't use makeup or appear better, and why she didn't ever come out of the house.

Patricia was present at the former marital home when her mother was arrested in June of 1983, and she saw her mother being taken away by at least two officers. She testified that her mother was extremely upset at the time, that she was crying openly, and that her voice sounded very strained and excited.

As to the incidents leading up to the third arrest, Patricia testified that her mother had not threatened to put her in jail and that she did not believe that she had said anything of the sort to her father or step-mother. However, she conceded that one or both of them might have interpreted what she told them as a statement that her mother had made the threat alleged in the warrant.

## DEFENDANT'S CASE

The defendant presented several witnesses. His sister Delores Whindleton testified that there was tremendous acrimony among all the members of the family over these events, and indeed, she had been sued by the plaintiff for damages for incidents arising out of the same set of events. She said that all these various actions, civil and criminal, were similar in nature and no greater degree applied to one over the other.

Harry Wicks, a personal friend of the plaintiff, testified as to being asked to go to Nelson County to help move furniture and clean the house in which the defendant resided. He testified as to the confrontation that occurred when the defendant and his wife came to the property and saw the six or so people housecleaning. He also indicated that one of the reasons the plaintiff was looking for a place to live was that she was no longer living in his residence and needed a place to live.

The defendant's wife, Agnes Scott Jackson, testified as to the problems between the parties and the situation which led to the arrest warrant being issued in Nelson County in June, 1983. She stated that prior to the going to the Sheriff's Department, she and the plaintiff engaged in an argument. She also indicated that she was charged by the plaintiff with a criminal action arising out of the same incident in which the plaintiff was charged with destroying personal property. On cross-examination she was asked to admit that the "criminal



action" was in fact a civil action. She then admitted that she was not certain whether it was a criminal or civil matter.

The defendant's wife also described the incident involving Patricia. She testified that Patricia called up from the day care center in a state of agitation, complaining that her mother had confronted her about a library book, and indicated that if the problem was not resolved Patricia could be arrested. Agnes Jackson stated that she got her husband and they went to the day care center and from there to the Juvenile Court office. After meeting with the intake officer, they went to the magistrate who issued a warrant against the plaintiff. She further testified that Patricia went with her and the defendant both to talk with the "intake officer" (named Nancy Proffitt) and to talk with the magistrate who issued the warrant.

The defendant, who is a tester with General Electric, testified as to all the incidents. According to the defendant, dating back to the first incident, there had been a series of legal disputes subsequent to the divorce, including partition suits and other highly acrimonious cases in the Juvenile Court. When he discovered that there had been a break-in in the marital home and he believed he had reason to suspect his former wife was involved, he simply went to the magistrate, who had a warrant for breaking and entering issued. In response to questions put by the Court the defendant was unable to state why he suspected the plaintiff had committed breaking and entering, except to state that she knew that certain property which had been taken from the home had been located

there. The defendant testified that it was his opinion that once his former wife moved out of the house, it was his house, and no one had a right to break in. The defendant admitted, however, that at the time of the alleged break-in the house was owned jointly by him and the plaintiff.

As to the second incident, he described the confrontation when he came in and discovered six people already in the house, and that they had removed his belongings to the basement. He and his wife went to the Sheriff's Office, where the magistrate issued a warrant based upon information told to him. He did not state which of his belongings, if any, had been "destroyed" during this incident. Further, the defendant admitted that the belongings he referred to were owned jointly by him and his ex-wife.

The defendant indicated that as to the third incident, he had been called by his daughter, who was upset about her confrontation with the plaintiff, and had taken his daughter to the Juvenile Court, where they were told to go to the magistrate's office, which they did. Upon cross-examination the defendant stated very explicitly that Patricia had related the story of her mother's alleged threat both to the officer at Juvenile Court and, under oath, to the magistrate.

#### PLAINTIFF'S REBUTTAL EVIDENCE

On rebuttal, the plaintiff recalled Patricia Jackson to the stand. She testified that she had no recollection

of talking with Nancy Proffitt or anyone else at the Charlottesville Juvenile Court concerning allegations that her mother had threatened her. She further testified that she definitely had not appeared before a magistrate and related her side of the incident underlying the third warrant.

#### JUDGMENT

The Court, after hearing closing arguments, stated that the defendant had no right to resolve his civil and domestic problems through the use of the criminal justice system, and focused specifically on the statements of the defendant as to the first arrest, namely that there was a link between the long series of legal matters and the bringing of the criminal charge. The Court stated that there were a great many legal matters happening at the same time, but the Court stated that criminal warrants should not have been issued for what were basically civil issues. The Court indicated that the defendant knew or certainly should have known the difference between criminal and civil process and that bringing criminal charges against another person was a very serious matter.

On the basis of what it found to be sufficient evidence of both the plaintiff's damages and the defendant's actual malice, the Court awarded compensatory damages of \$10,000, and punitive damages of \$10,000.

ENTER: \_\_\_\_\_  
Judge

DATE: \_\_\_\_\_

# WARRANT IN DEBT

VA. CODE ANN. §16.1-70

Nelson

CITY OR COUNTY

General District Court

2nd Floor Courthouse, Lovingson, Va.

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER:

You are hereby commanded to summon the Defendant(s) to appear on

June 1, 1983 at 1:30 P. M.

DATE AND TIME

before this Court to answer the complaint of

the Plaintiff(s) upon a claim of nonpayment of a debt in the sum of

\$ 7000.00 net of any credits with interest;

INTEREST RATE AND DATE FROM WHICH INTEREST IS DUE

until paid,

\$ 8.00

COSTS

costs, and \$

ATTY. FEE

attorney's fees.

☐ Open Account ☐ Contract ☐ Note ☒ Other [EXPLAIN]

Doctors bills, Malacious prosecution

Homestead Exemption waived? ☐ yes ☒ no ☐ cannot be demanded

4-29-83

DATE ISSUED

☐ CLERK

☐ MAGISTRATE

## CASE DISPOSITION

JUDGMENT that Plaintiff(s) recover against ☐ named Defendant(s) ☐

\$ net of any credits with interest;

INTEREST RATE AND DATE FROM WHICH INTEREST IS DUE

\$ until paid.

\$ costs, and \$ attorney's fees.

COSTS

ATTY. FEE

Homestead Exemption waived? ☐ yes ☐ no ☐ cannot be demanded

☐ JUDGMENT FOR ☐ NAMED DEFENDANT ☐

☐ NON-SUIT ☐ DISMISSED

Defendant(s) present? Yes ☐ No ☐

DATE ENTERED

Filed in the Clerk's Office on 30 day of June, 1983

Writ Tax \$ 5.00

Fee 25.00

Deposit

Total Paid \$ 30.00

May J. Horvath

RETURN DATE

6-1-83

FILE NO.

C83-160

Earline S. Jacks

PLAINTIFF



v.

Edward Warren Jackson, Sr.

DEFENDANT(S)

1514 Cherry Ave.

Charlottesville, Va.

## WARRANT IN DEBT

RECEIPT NO.

C1422916

DATE FEE RECEIVED

4-28-83

\*\*\*

TO DEFENDANT: You are not required to appear; however, if you fail to appear, judgment may be entered against you.

CONTESTED CASES:

☐ will be heard on return date.

☒ will be set for later date.

\*\*\*

Bill of Particulars. ORDERED DUE

Grounds of Defense. ORDERED DUE

ATTORNEY FOR PLAINTIFF(S)

ATTORNEY FOR DEFENDANT(S)

CLERK

VIRGINIA:

IN THE GENERAL DISTRICT COURT FOR THE COUNTY OF NELSON  
EARLINE S. JACKSON,

Plaintiff,

vs.

WARREN EDWARD JACKSON, SR.,

Defendant.

AFFIDAVIT OF SUBSTANTIAL DEFENSE

This day personally appeared before me, Carol A. Mitchell, a Notary Public, in and for the said State and City, Sa'ad El-Amin, attorney for Warren Edward Jackson, Sr., who gave oath before me in due form of law.

- a. that he is the attorney for Warren Edward Jackson, Sr., the defendant in the above-styled matter;
- b. that said defendant has a substantial defense to the plaintiff's claim; and
- c. that the grounds for such defense are that defendant had probable cause to obtain the warrant issued against plaintiff and that he is not liable for plaintiff's medical expenses.

Respectfully submitted,

SA'AD EL AMIN

STATE OF VIRGINIA

CITY OF RICHMOND, to wit:

Sworn and subscribed before me,

*Carol A. Mitchell*



VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF NELSON

EARLINE S. JACKSON,

Plaintiff,

v.

EDWARD WARREN JACKSON, SR.,

Defendant.

Filed in the Clerk's Office  
the 3 day of Jan., 1984  
Dary J. Nowhere, Deputy Clerk

MOTION FOR LEAVE TO AMEND  
CIVIL WARRANT WITH MOTION FOR JUDGMENT

The plaintiff, Earline S. Jackson, by counsel, hereby moves the Court pursuant to Rule 1:8 of the Rules of the Supreme Court for leave to amend the civil warrant filed herein with the motion for judgment attached hereto, and as grounds therefor she states as follows:

1. This action was initiated pro se by the plaintiff in the General District Court of Nelson County, and was removed to this Court by the defendant.

2. The plaintiff subsequently retained counsel and now seeks to clarify the issues presented in this case.

3. Subsequent to the maturation of the action, the defendant committed the acts complained of in Counts II and III of the attached motion for judgment, and those acts constitute tortious conduct substantially similar to that complained of in the original civil warrant and in Count I of the attached motion for judgment.

4. Upon advice of counsel, the plaintiff wishes to pray for damages in excess of those prayed for in the

civil warrant.

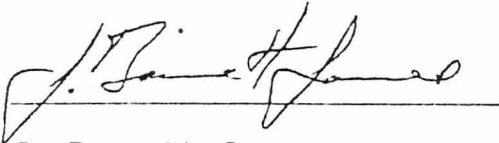
5. The defendant has filed no responsive pleading, and granting this motion will not prejudice the defendant.

6. The interests of justice will be furthered only if this motion is granted.

Respectfully submitted,

EARLINE S. JACKSON

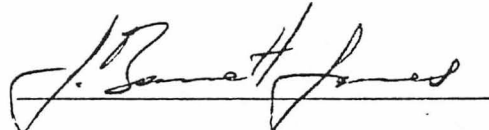
By Counsel



J. Barrett Jones  
JONES & HUTCHINS  
101 East High Street  
Charlottesville, VA. 22901  
Counsel for Plaintiff

CERTIFICATE

I hereby certify that I mailed a true copy of the above motion to Sa'ad El-Amin, Esquire, counsel of record for defendant, at 312 West Grace Street, Richmond, Virginia, 23220, on November 23, 1983.



J. Barrett Jones

136

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF NELSON

EARLINE S. JACKSON,

Plaintiff,

v.

EDWARD WARREN JACKSON, SR.,

Defendant.

PLAINTIFF'S FIRST INTERROGATORIES

To: Edward Warren Jackson, Sr.  
care of Sa'ad El-Amin, Esquire  
312 West Grace Street  
Richmond, VA. 23220

Pursuant to Rule 4:8 of the Rules of the Supreme Court, the plaintiff, Earline S. Jackson, by counsel, hereby requests defendant, Edward Warren Jackson, Sr., to answer, in writing and under oath, within twenty-one days after the service of this request, the following interrogatories:

1. State in detail all information you relied upon in initiating or cooperating in the initiation of the following criminal prosecutions of the plaintiff, and, for each prosecution, state the name, present address, present telephone number, and present or prior relationship to you, by blood or law (if any), of all persons who can or did substantiate or provide the information you relied upon referred to above:

A. The prosecution initiated March 4, 1982, in Nelson County, Virginia, charging the plaintiff with

breaking and entering in violation of §18.2-91, Code of  
Virginia;

Answer:

B. The prosecution initiated by warrant issued June 2, 1983, in Nelson County, Virginia, charging the plaintiff with destroying property in violation of §18.2-137, Code of Virginia; and

Answer:



C. The prosecution initiated by warrant issued on or about July 6, 1983, in the City of Charlottesville, Virginia, charging the plaintiff with threatening Patricia Jackson by telling her that the plaintiff was going to have her put in jail, in violation of an unspecified section of the Code of Virginia.

Answer:

2. State the name, present address, present telephone number, and present or prior relationship to you, by blood or law (if any), of each person you intend to call as a witness on your behalf in the trial of this action.

Answer:

EARLINE S. JACKSON

By Counsel




J. Barrett Jones  
101 East High Street  
Charlottesville, VA. 22901

Counsel for Plaintiff

CERTIFICATE

I hereby certify that I mailed a true copy of the above interrogatories to Edward Warren Jackson, Sr., at the offices of his counsel of record, on December 30, 1983.



J. Barrett Jones

136  
VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF NELSON

EARLINE S. JACKSON,

Plaintiff,

v.

EDWARD WARREN JACKSON, SR.,

Defendant.

PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS

To: Edward Warren Jackson, Sr.  
care of Sa'ad El-Amin, Esquire  
312 West Grace Street  
Richmond, VA. 23220

Pursuant to Rule 4:11 of the Rules of the Supreme Court, the plaintiff, Earline S. Jackson, by counsel, hereby requests the defendant, Edward Warren Jackson, Sr., to admit or deny the following statements, or to set forth in detail the reasons why he cannot truthfully admit or deny the following statements, within twenty-one days after the service of this request:

1. The document attached hereto as Exhibit A is a genuine copy of the warrant of arrest that was issued in Nelson County, Virginia, on March 4, 1982, charging the plaintiff with breaking and entering in violation of §18.2-91, Code of Virginia.

2. The defendant appeared before Nelson County Magistrate Homer G. Ponton and made sworn statements which constituted all or part of the grounds for issuing the

Filed in the Clerk's Office  
the 17 day of Jan, 19 84  
Mary J. Houshens Deputy Clerk

warrant referred to in Statement 1.

3. The defendant knew when he appeared before Magistrate Ponton that he was initiating or cooperating in the initiation of a criminal prosecution against the plaintiff.

4. At the time he initiated or cooperated in the initiation of the criminal prosecution against the plaintiff, the defendant knew that the plaintiff had not, on or about August 8, 1981, broken and entered in the daytime the dwelling house of Edward Warren Jackson, with the intent to commit larceny therein, in violation of §18.2-91, Code of Virginia.

5. At the time he initiated or cooperated in the initiation of the criminal prosecution against the plaintiff, the defendant knew that probable cause did not exist for charging the plaintiff with this violation of §18.2-91, Code of Virginia.

6. The defendant cooperated fully in the prosecution of the plaintiff on the charge made in the said warrant of arrest.

7. The document attached hereto as Exhibit B is a genuine copy of the nolle prosequi order entered in the criminal case for which the warrant referred to in Statement 1 was issued.

8. The document attached hereto as Exhibit C is a genuine copy of the warrant of arrest that was issued in Nelson County, Virginia, on June 2, 1983, charging the plaintiff with destroying the property of Edward Warren

Jackson in violation of §18.2-137, Code of Virginia.

9. The defendant appeared before Nelson County Magistrate Homer G. Ponton and made sworn statements which constituted all or part of the grounds for issuing the warrant referred to in Statement 8.

10. The defendant knew at the time he appeared before Magistrate Ponton, as referred to in Statement 9, that he was initiating or cooperating in the initiation of a criminal prosecution against the plaintiff.

11. At the time he initiated or cooperated in the initiation of the criminal prosecution against the plaintiff referred to in Statement 8, the defendant knew that the plaintiff had not, on or about June 2, 1983, destroyed the property of Edward Warren Jackson in violation of §18.2-137, Code of Virginia.

12. At the time he initiated or cooperated in the initiation of the criminal prosecution against the plaintiff referred to in Statement 8, the defendant knew that probable cause did not exist for charging the plaintiff with this violation of §18.2-137, Code of Virginia.

13. The defendant cooperated fully in the prosecution of the plaintiff on the charge made in the warrant referred to in Statement 8.

14. The document attached hereto as Exhibit D is a genuine copy of the warrant of arrest that was issued in Charlottesville, Virginia, on July 6, 1983, charging

the plaintiff with threatening Patricia Jackson by telling her that the plaintiff was going to have her put in jail, in violation of an unspecified section of the Code of Virginia.

15. The defendant appeared before City of Charlottesville Magistrate R. W. Coleman and made sworn statements which constituted all or part of the grounds for issuing the warrant referred to in Statement 14.

16. The defendant knew at the time he appeared before Magistrate Coleman, as referred to in Statement 15, that he was initiating or cooperating in the initiation of a criminal prosecution against the plaintiff.

17. At the time he initiated or cooperated in the initiation of the criminal prosecution against the plaintiff referred to in Statement 14, the defendant knew that the plaintiff had not threatened Patricia Jackson in such a way that the plaintiff had violated the law.

18. At the time he initiated or cooperated in the initiation of the criminal prosecution against the plaintiff referred to in Statement 14, the defendant knew that probable cause did not exist for charging the plaintiff with a violation of the Code of Virginia as a result of any threats the plaintiff might have made.

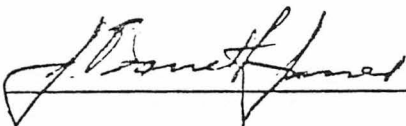
19. The defendant cooperated fully in the prosecution of the plaintiff on the charge made in the warrant referred to in Statement 14.

20. The charge made in the warrant referred to in Statement 14 was dismissed by Charlottesville Juvenile and Domestic Relations District Judge R. P. Zehler on August 1, 1983.

21. The charge made in the warrant referred to in Statement 8 was dismissed by Nelson County General District Judge Coy M. Kizer on June 29, 1983.

EARLINE S. JACKSON

By Counsel

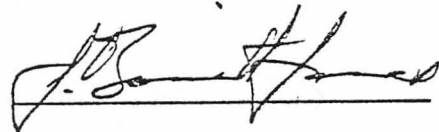


J. Barrett Jones  
101 East High Street  
Charlottesville, VA. 22901

Counsel for Plaintiff

CERTIFICATE

I hereby certify that I mailed a true copy of the above request for admissions to Edward Warren Jackson, Sr., at the offices of his counsel of record, on December 30, 1983.



J. Barrett Jones

Executed in the City of Charlottesville, Virginia,  
on the 12 day of January, 1984  
by delivering a true copy of the within plaintiffs  
first request; in writing, to  
Edward Warren Jackson Sr.  
.....  
in person.

Sergeant's Fee \$.....

m w noford Sheriff  
City of Charlottesville, Virginia

By S W Shifflett ☒ Deputy



NELSON COUNTY  
CITY OR COUNTY

☒ Criminal  
☒ General District Court ☐ Traffic  
☐ Juvenile and Domestic  
Relations District Court

ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest the Accused,  
to bring the Accused before the Court to answer the charge that the Accused, within this city or county, on or about

AUGUST 8, 1981

did unlawfully and feloniously

DATE

BREAK AND ENTER IN THE DAYTIME THE DWELLING HOUSE OF EDWARD WARREN

JACKSON, WITH THE INTENT TO COMMIT LARCENY THEREIN.

in violation of Section

18.2-91 Code of Virginia.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged,  
based on the sworn statements of

Edward Warren Jackson, Faber, VA.

Complainant.

3/4/82 - 2:30 P.M.

DATE AND TIME ISSUED

EARLINE S. JACKSON

919 Anderson St. (For Prospect)  
CHARLOTTESVILLE, VA.

ADDRESS / LOCATION

Complete data below if known:

RACE	SEX	WGT	FT	HT	IN	EYES	HAIR	BORN
B	F	192	5	3		BRN	BLK	3/31/11
SSN		228-58-3318						

WARRANT OF ARREST  
FELONY

EXECUTED by arresting the Accused named above  
on this day:

3-7-82

8:00 AM

DATE AND TIME

MARSHALL, B.W. ARRESTING OFFICER

OP85 CHVILLE P.D. 103

Badge No. agency and jurisdiction  
for

ATTORNEY FOR THE ACCUSED:

Barrett Pope (P)  
977-4455-Chville.

Understanding my right to a preliminary hearing before the Court named in this warrant to determine whether there is probable cause to believe that I committed a felony AND, having the consequences of my waiver explained to me by the Judge of this Court, I nevertheless WAIVE MY RIGHT TO A PRELIMINARY HEARING on this warrant.

Certified to the Circuit Court of this jurisdiction

BOND SET	DATE WITHDRAWN
\$	YR 1000
CLERK	LI JUDGE

ACCUSED

DATE

ATTORNEY FOR ACCUSED

JUDGE

### DISPOSITION OF CASE

Accused named within was brought before me or appeared this day, and upon hearing the evidence I order:

- ☐ The case certified to the Grand Jury of this jurisdiction, at its next term date, having found probable cause to believe that the Accused committed the felony charged.
- ☒ That the Accused be discharged.
- ☒ a nolle prosequi on Commonwealth's motion
- ☐ On motion to change bond
- ☐ Increased ☐ decreased bond to \$ (special conditions on Conditions of Release and Bond).
- ☐ the charge reduced to

On which the Accused was arraigned and pleaded:

- ☐ GUILTY
- ☐ NOT GUILTY ☐ nolo contendere and was found
- ☐ not guilty
- ☐ guilty as charged above
- ☐ guilty of

On this reduced charge, I impose the following sentence on the Accused:

- \$ fine with \$ suspended.
- ☐ DAYS ☐ MONTHS in jail with
- ☐ DAYS ☐ MONTHS Suspended.
- ☐ License suspended ☐ days ☐ months
- Restitution of payable to by as condition of suspended sentence.
- ☐ BOND FORFEITED in the sum of \$.
- ☐ BOND applied to fine and costs
- OTHER:

FINE  
COSTS

#### Misdemeanor Conviction

112 TRIAL FEE  
113 BAIL FEE  
305 FILING FEE  
132 CICF  
120 CT. APPT. ATTY. (state)  
113 WITNESS FEE

#### Preliminary Hearing Assessments

119 COMM. ATTY. (state)  
203 COMM. ATTY. (local)  
120 CT. APPT. ATTY. (state)  
113 WITNESS FEE

Other (specify):

\$

TOTAL

The foregoing consisting of 2 page(s) is a true copy of Warrant of Arrest filed in my office on April 28 1982

ATTORNEY(S) PRESENT: ☐ COMMONWEALTH ☐ DEFENSE

DATE

RECEIPT NO.

DATE PAID

VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE COUNTY  
OF NELSON

COMMONWEALTH OF VIRGINIA

VS.

EARLINE S. JACKSON-

O R D E R

This cause came on this day upon the criminal warrant heretofore filed, and a motion to nolle prosequi for good cause was made and argued by the Commonwealth's Attorney of Nelson County, Virginia, and which motion was concurred in by counsel for defendant.

THEREFORE, it is ORDERED, ADJUDGED and DECREED that the motion to nolle prosequi made in this Cause for good cause shown, is hereby granted and that a copy of this Order shall be filed with the Commonwealth Attorney of Nelson County and Barrett E. Pope, counsel for defendant.

Enter: Coy. M. King

Date: 4-25-52

I request this;

EXHIBIT B

Seen and Agreed:

Barrett E. Pope  
Barrett E. Pope, p.d.

RALPH E. TURPIN, JR.  
ATTORNEY AT LAW  
LOVINGSTON, VIRGINIA

The foregoing consisting of one page(s) is a  
true copy of Order filed  
my office on April 28 1952  
at Nelson County Clerk

# WARRANT OF ARREST

INDEPENDENT COUNTY  
CITY OR COUNTY

General District Court ☐ Criminal ☐ Traffic  
☐ Juvenile and Domestic Relations District Court

## TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on

or about JUNE 2, 1982 did unlawfully in violation of  
DATE  
Section 18.2-157, Code of Virginia:

VIOLATE THE PROPERTY OF EDWARD JACOBSON.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

EDWARD JACOBSON, 1000 N. 10th St., Arlington, VA, Complainant.

Execution by summons ☐ permitted at officer's discretion ☐ not permitted.

JUN 2 1982  
DATE AND TIME ISSUED

☐ CLERK ☒ MAGISTRATE ☐ JUDGE

## SUMMONS (If authorized above and by serving officer)

You are hereby commanded to appear before this court located at

on at AM/PM

I promise to appear in accordance with this Summons.

ACCUSED

**WARNING TO ACCUSED:** You may be tried and convicted in your absence if you fail to appear in response to this Summons. Willful failure to appear is a separate offense. SIGNING THIS NOTICE DOES NOT CONSTITUTE AN ADMISSION OF GUILT.

HEARING DATE

FILE NO.

Copy

JACOBSON, EDWARD  
ACCUSED

1000 N. 10th St., Arlington, VA  
ADDRESS/LOCATION

ARLINGTON, VA

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	WGT.	HT.	EYES	HAIR	BORN
			FT.	IN.		MO.
						DAY
SSN						

Commonwealth of Virginia

**WARRANT OF ARREST**  
CLASS MISDEMEANOR

☒ EXECUTED by arresting the Accused named above on this day:

☐ EXECUTED by summoning the Accused named above on this day:

6-2-82 3:00 PM  
DATE AND TIME

[Signature] ARRESTING OFFICER

1010 10150  
BADGE NO., AGENCY AND JURISDICTION

for [Signature]  
SHERIFF

Attorney for the Accused:

Ch'ville

CITY OR COUNTY

☐ District Court ☒ Criminal ☐ Traffic  
☐ Juvenile and Domestic Relations District Court

## TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about 7-6-83 DATE did unlawfully in violation of

Section \_\_\_\_\_, Code of Virginia: \_\_\_\_\_

threaten Patricia Jackson (age 13) by telling her that she was going to have her put in jail (Edward W. Jackson & Agnes Jackson have legal custody of Patricia E. Jackson)

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

Edward W. Jackson & Agnes Jackson Complainant.  
293-9293

Execution by summons ☒ permitted at officer's discretion ☐ not permitted.

7-6-83 9:30 AM  
 DATE AND TIME ISSUED

A. W. Coleman  
☐ CLERK ☒ MAGISTRATE ☐ JUDGE

## SUMMONS (If authorized above and by serving officer)

You are hereby commanded to appear before this court located at \_\_\_\_\_

on \_\_\_\_\_ at \_\_\_\_\_

I promise to appear in accordance with this Summons.

ACCUSED

WARNING TO ACCUSED: You may be tried and convicted in your absence if you fail to appear in response to this Summons. Willful failure to appear is a separate offense. SIGNING THIS NOTICE DOES NOT CONSTITUTE AN ADMISSION OF GUILT.

07702  
 1:30PM

Earline Jackson

ACCUSED

701 Prospect Ave. or 1006 R1  
 ADDRESS/LOCATION

Ch'ville, Va.

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	WGT.	HT.	EYES	HAIR	BORN	MO.	DAY	YR.
B	F	186	5   3	brn	blk	3	21	40	
SSN	133944								

THREAT ON JULY  
 Commonwealth of Virginia

WARRANT OF ARREST  
 CLASS \_\_\_\_\_ MISDEMEANOR

☐ EXECUTED by arresting the Accused named above on this day:

☒ EXECUTED by summoning the Accused named above on this day:

7-7-83 6:45 AM  
 DATE AND TIME

117A / III ARRESTING OFFICER

34 Ch'ville P.D. 103  
 BADGE NO., AGENCY AND JURISDICTION

for \_\_\_\_\_ SHERIFF

Attorney for the Accused:

EXHIBIT D

*This warrant does not charge  
any criminal offense.  
8-1-83  
[Signature] Judge*

- ☐ changed to \$ .....  
☐ no change

The Accused was this day:

- ☐ tried in absence  
☐ present

The Accused PLEADED:

- ☐ not guilty  
☐ nolo contendere  
☐ guilty

And was TRIED and FOUND by me

- ☐ not guilty  
☐ guilty as charged  
☐ guilty of .....

- ☒ I ORDER the charge dismissed  
☒ I ORDER a nolle prosequi  
on Commonwealth's motion

I impose the following Sentence:

- ☐ fine of \$ ..... with \$ ..... suspended;  
☐ jail sentence of ..... days  
months with ..... suspended .....

Restitution of .....

Payable to .....

By, .....

as condition of suspended sentence.

Bond: .....

Other: .....

Appeal Bond \$ .....

8-1-83  
DATE  
[Signature]

FINE \$ .....

126 LIQUIDATED  
DAMAGES \$ .....

COSTS

112 } : PROCESSING FEE \$ .....  
305 }

121 TIA FEE .....

133 BLOOD TEST FEE .....

132 CICF .....

120 CT. APPT. ATTY. ....

113 WITNESS FEE .....

125 WEIGHING FEE .....

OTHER (SPECIFY): .....

TOTAL \$

DATE PAID	RECEIPT NO.
-----------	-------------

ATTORNEY(S) PRESENT:  
EL COMONWEAL TH



136

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF NELSON

EARLINE S. JACKSON,

Plaintiff,

v.

EDWARD WARREN JACKSON, SR.,

Defendant.

PLAINTIFF'S FIRST REQUEST  
FOR PRODUCTION OF DOCUMENTS

To: Edward Warren Jackson, Sr.  
care of Sa'ad El-Amin, Esquire  
312 West Grace Street  
Richmond, VA. 23220

Pursuant to Rule 4:9 of the Rules of the Supreme Court, the plaintiff, Earline S. Jackson, by counsel, hereby requests the defendant, Edward Warren Jackson, Sr., to produce and permit the plaintiff and her counsel to inspect and to copy the documents hereinafter designated.

Plaintiff requests that any and all of said documents which are in the possession, custody, or control of the defendant be made available for inspection and copying at the offices of J. Barrett Jones, Esquire, at 101 East High Street, Charlottesville, Virginia, 22901, within twenty-one days after the service of this request.

Plaintiff hereby designates the following documents for production:

1. For all parcels of real estate owned wholly or partly by defendant in Nelson County, Virginia, the

Filed in the Clerk's Office  
the 17 day of Jan., 1984  
Mary J. Huchens, Deputy Clerk



following documents held or received by defendant at any time from 1978 to the present:

- A. real estate tax receipts,
- B. real estate tax bills,
- C. contracts for sale, whether the sale(s) was or were consummated, and
- D. written leases for all or part of said property or properties.

2. For all parcels of real estate owned wholly or partly by defendant in Nelson County, Virginia:

A. all deeds or other instruments which granted or conveyed to defendant his legal and/or equitable interest(s) in said parcels,

B. all notes and other writings which evidence defendant's indebtedness for all or part of the purchase price of said parcels, or for all or part of the price of any improvements to said parcels, and

C. all notices and other writings which indicate the status of any indebtedness referred to in request 2B.

3. All documents, other writings, or things of any kind whatsoever which tend in any way to substantiate one or more of the following allegations:

A. That on or about August 8, 1981, plaintiff did break and enter in the daytime the dwelling house of Edward Warren Jackson with the intent to commit larceny therein,

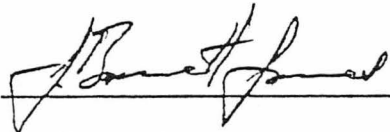
B. That on or about June 2, 1983, plaintiff did destroy the property of defendant, and

C. That at any time plaintiff did threaten Patricia Jackson by telling her that plaintiff was going to have her put in jail.

4. All federal tax returns filed by the defendant or on behalf of the defendant for the tax years 1979, 1980, 1981, 1982, and 1983, together with all schedules, exhibits, and other attachments filed in connection with said returns.

EARLINE S. JACKSON

By Counsel

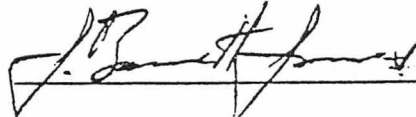


J. Barrett Jones  
101 East High Street  
Charlottesville, VA. 22901

Counsel for Plaintiff

CERTIFICATE

I hereby certify that I mailed a true copy of the above request to produce to Edward Warren Jackson, Sr., at the offices of his counsel of record, on December 30, 1983.



J. Barrett Jones

Executed in the City of Charlottesville, Virginia,  
on the 12 day of January, 1984  
by delivering a true copy of the within plaintiffs  
first request; in writing, to  
Edward Warren Jackson Sr.

in person.

Sergeant's Fee \$.....

m w. Noyard, Sheriff  
City of Charlottesville, Virginia

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF NELSON

EARLINE S. JACKSON,

Plaintiff,

v.

EDWARD WARREN JACKSON, SR.,

Defendant.

ORDER GRANTING LEAVE TO AMEND  
CIVIL WARRANT WITH MOTION FOR JUDGMENT

The plaintiff, Earline S. Jackson, by counsel, having moved the Court pursuant to Rule 1:8 of the Rules of the Supreme Court for an order granting leave to amend her civil warrant with a motion for judgment, and the interests of justice requiring that such leave be granted,

It is hereby ORDERED that the plaintiff have leave to file the motion for judgment presented herewith,

and that the said motion for judgment is hereby filed. *PROCESS SHALL BE SERVED ON THE DEFENDANT AS IF THIS WERE ORIGINAL ACTION IN THIS COURT, AND A COPY OF THIS ORDER MAILED TO COUNSEL OF RECORD. DEFENDANT SHALL FILE HIS RESPECTIVE PLEADINGS TO THE MOTION FOR JUDGMENT ACCORDING TO APPLICABLE RULES OF COURT.*

ENTER: \_\_\_\_\_

*R.C. Road, Judge*

DATE: \_\_\_\_\_

*1/4/84*

I ASK FOR THIS:

*J. Barrett Jones*

J. Barrett Jones, p.q.

# Commonwealth of Virginia

IN THE CIRCUIT COURT OF THE COUNTY OF.....NELSON.....

## NOTICE OF MOTION FOR JUDGMENT

To: EDWARD WARREN JACKSON, SR.  
1514 Cherry Avenue  
Charlottesville, Va.

ACTION No. ....1341.....

You are hereby notified that unless within twenty-one (21) days after service of this Notice of Motion for judgment on you, response is made by filing in the Clerk's Office of this court a pleading in writing, in proper legal form, judgment may be entered against you by default.

Done in the name of the Commonwealth of Virginia, this.....11th.....  
day of.....January....., 19..84..

....., CLERK.

*Mary J. Houchens*....., DEPUTY CLERK.

..J..Barrett Jones....., P. q.  
101 East High Street  
Charlottesville, Virginia 22901  
(OFFICE ADDRESS)

ROSEMARY F. DAVIS, CLERK  
CIRCUIT COURT OF NELSON COUNTY  
P. O. BOX 8  
LOVINGSTON, VIRGINIA 22949  
TELEPHONE: 804-263-4069

JOSEMARY F. DAVIS, CLERK  
 CIRCUIT COURT OF NELSON COUNTY  
 P. O. BOX 8  
 LOVINGSTON, VIRGINIA 22949  
 TELEPHONE: 804-263-4069

## PROOF OF SERVICE

Virginia:

IN THE CIRCUIT COURT OF THE COUNTY OF NELSON

LAW NO. 1341

EARLINE S. JACKSON

VS.

EDWARD WARREN JACKSON, SR.

Returns shall be made hereon, showing service of Notice issued Jan. 11, 1984,  
 with copy of Motion for Judgment filed Jan. 4, 1984, attached:

Executed on the.....day of....., 19....., in the County of.....,  
 Virginia, by delivering a true copy of the above mentioned papers attached to each other,  
 to.....  
 .....in person.

SHERIFF, COUNTY OF....., VA.

BY....., DEPUTY SHERIFF

(Use the space below if a different form of return is necessary)

Executed in the City of Charlottesville, Virginia,  
 on the 12 day of January, 1984  
 by delivering a true copy of the within  
 motion; in writing, to  
 Edward Warren Jackson, Sr.  
 in person.

Sergeant's Fee \$.....

m.w. Norford, Sheriff  
 City of Charlottesville, Virginia

Russ W. Shufflett Deputy

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NELSON

EARLINE S. JACKSON,

Plaintiff,

vs.

EDWARD WARREN JACKSON, SR.,

Defendant.

Filed in the Clerk's Office  
the 13 day of Feb., 1984  
Mary J. Houshka, Deputy Clerk

DEFENDANT'S ANSWERS TO PLAINTIFF'S  
FIRST INTERROGATORIES

COMES NOW the defendant, by counsel, and submits the following as his answers to Plaintiff's First Interrogatories:

Interrogatory No. 1: State in detail all information you relied upon in initiating or cooperating in the initiation of the following criminal prosecutions of the plaintiff, and, for each prosecution, state the name, present address, present telephone number, and present or prior relationship to you, by blood or law (if any), of all persons who can or did substantiate or provide the information you relied upon referred to above:

- a. the prosecution initiated March 4, 1982, in Nelson County, Virginia, charging the plaintiff with breaking and entering in violation of 18.2-91, Code of Virginia;

Response No. 1: (A) Regarding the breaking and entering on March 4, 1982, I returned from work on that day and found that someone had broken into the house. I went to the Sheriff of Nelson County to report the breaking and

entering and the Sheriff returned to the house with me. The Sheriff dusted the door and other surfaces for fingerprints and asked me who did I suspect broke and entered. I told him that it may have been Earline S. Jackson, because she had broken into the house before when I was not there.

As I understand it, the Sheriff went to speak with Earline and she admitted to the Sheriff that she had broken into the house. The Sheriff informed me of this and I then obtained the warrant for breaking and entering based on this information.

I was also informed by the agent for the insurance company which insured the house that he would not process an insurance claim for the damages caused by the plaintiff when she broke and entered unless I took action by filing a complaint with the Sheriff's office.

(B) On June 2, 1983, I went to the house in Nelson County and found the plaintiff, her mother, brother, and boyfriend in the house. They were painting the inside of the house. They had taken all of my personal property, e.g. furniture and fixtures, and moved it into the basement of the house. In doing so, she damaged a number of pieces as it appeared that they had just thrown these items into the basement.

She said that she was moving into the house on the advice given to her by her attorney, who at that time was John Taggart. She did not have my consent of approval to do this.



(C) On July 6, 1983, Patricia called us from her Day Care school, in a highly emotional state and stated that her mother was there harassing and threatening her. Earline had told her that she would have Patricia put in jail if she did not pay \$14.00 for a library book which had not been returned.

The plaintiff had previously been told by Dr. Emery, a psychologist, not to approach Patricia in a hostile or angry manner, because of the negative affects it would have on Patricia. Dr. Emery was working with us in an attempt to solidify visitation which grew out of a custody dispute which had been pending for some time in the Juvenile & Domestic Relations Court of Charlottesville.

My wife Agnus was present with me when this telephone call was made. Since the plaintiff continued to disregard the advice of professionals and others who were trying to work with us, I decided that the only way to prevent her from continuing to harass the child was to take a criminal warrant out against her. This was done in order to protect the interest of the child.

Interrogatory No. 2: State the name, present address, present telephone number, and present or prior relationship to you, by blood or law (if any), of each person you intend to call as a witness on your behalf in the trial of this action.

Response No. 2: At the present time, I have not decided which particular person I intend to call as witnesses in my behalf in the trial of this case.

Respectfully submitted,

EDWARD WARREN JACKSON, SR.

Edward W Jackson Sr.

Sa'ad El-Amin, Esquire  
SA'AD EL-AMIN & ASSOCIATES  
312 West Grace Street  
Richmond, Virginia 23220  
(804) 643-0123

STATE OF VIRGINIA

CITY OF RICHMOND, to wit:

Sworn and subscribed before me, Carol A Mitchell  
a Notary Public, in and for the City of Richmond, State of  
Virginia, at large, this 8<sup>th</sup> day of February, 1984.

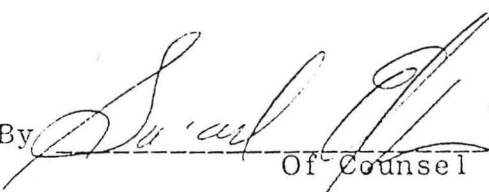
Carol A Mitchell  
NOTARY PUBLIC

My Commission Expires: 3-29-87

CERTIFICATE OF SERVICE

I hereby certify that on this 8<sup>th</sup> day of February, 1984, a true and accurate copy of the foregoing Interrogatory Answers was mailed to J. Barrett Jones, Esquire, 101 East High Street, Charlottesville, Virginia 22901.

By

  
Of Counsel

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF NELSON

EARLINE S. JACKSON,

Plaintiff,

vs.

EDWARD WARREN JACKSON, SR.,

Defendant.

Filed in the Clerk's Office  
the 13 day of Feb., 19 84  
Mary J. Houshens, Deputy Clerk

DEFENDANT'S RESPONSE TO PLAINTIFF'S  
FIRST REQUEST FOR ADMISSIONS

COMES NOW the defendant, by counsel, and submits the  
following as his response to Plaintiff's First Request for  
Admissions:

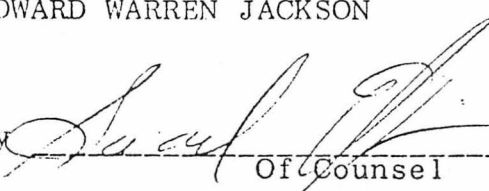
1. Admitted.
2. Admitted.
3. Admitted.
4. Denied.
5. Denied.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Denied.
12. Denied.
13. Admitted.
14. Admitted.
15. Admitted.
16. Admitted.

17. Denied.
18. Denied.
19. Admitted.
20. Admitted.
21. Admitted.

Respectfully submitted,

EDWARD WARREN JACKSON

By

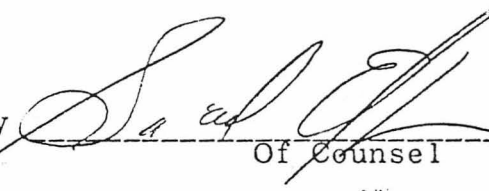
  
-----  
Of Counsel

Sa'ad El-Amin, Esquire  
SA'AD EL-AMIN & ASSOCIATES  
312 West Grace Street  
Richmond, Virginia 23220  
(804) 643-0123

CERTIFICATE OF SERVICE

I hereby certify that on this 8<sup>TH</sup> day of February,  
1984, a true and accurate copy of the foregoing J. Barrett  
Jones, Esquire, 101 East High Street, Charlottesville,  
Virginia 22901.

By

  
-----  
Of Counsel

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF NELSON

EARLINE S. JACKSON,  
Plaintiff,

v.

EDWARD WARREN JACKSON, SR.,  
Defendant.

Filed in the Clerk's Office  
the 12 day of April, 19 84  
Harry J. Hollingsworth, Deputy Clerk

MOTION FOR DEFAULT JUDGMENT

TO THE HONORABLE ROBERT C. GOAD, JUDGE OF THE SAID COURT:

The plaintiff, Earline S. Jackson, by counsel, hereby moves the Court pursuant to Rule 3:17, Rules of the Supreme Court, for a default judgment against the defendant, Edward Warren Jackson, Sr., and as grounds therefore states as follows:

1. This action was removed to this Court on or about May 26, 1983, by the defendant.

2. On or about November 24, 1983, the plaintiff, by counsel, filed with the Court a motion requesting leave to amend the civil warrant herein with a motion for judgment. Contemporaneously with filing the said motion, a copy thereof and the original of an order which would have granted the said motion was mailed to defendant's counsel of record, Sa'ad El-Amin, Esquire.

3. The said counsel of record for the defendant has never endorsed the order.

4. By letter dated December 30, 1983, counsel of record for the plaintiff requested the Court to enter the order without defendant's counsel's endorsement.

5. On January 4, 1984, the Court entered the order granting leave to amend civil warrant with motion for judgment, requiring that process be served on the defendant as if this were an original action.

6. On or about January 12, 1984, personal service of the said motion for judgment was made on the defendant.

7. The defendant has not filed any responsive pleading to the motion for judgment, and more than twenty-one days has passed since service of the motion for judgment.

8. The plaintiff has not been served with any responsive pleading to the motion for judgment, and more than twenty-one days has passed since service of the motion for judgment.

WHEREFORE, the plaintiff requests that the Court enter an order declaring that the defendant is in default and that all issues of liability have been resolved in favor of the plaintiff.

Respectfully submitted,

EARLINE S. JACKSON

By Counsel



J. Barrett Jones  
101 East High Street  
Charlottesville, Virginia 22901  
(804) 979-1142

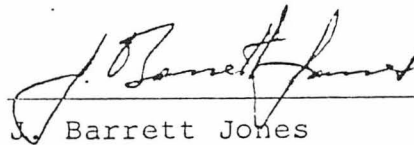
Counsel for Plaintiff

Date: April 10, 1984



CERTIFICATE

I hereby certify that on April 11, 1984, I mailed a true copy of the above motion to the counsel of record for the defendant, Sa'ad El-Amin, Esquire, at 312 West Grace Street, Richmond, Virginia 23220, and that by certified mail I mailed a true copy of the above motion to the defendant, Edward Warren Jackson, Sr., at 1514 Cherry Avenue, Charlottesville, Virginia 22901.

  
J. Barrett Jones

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF NELSON

EARLINE S. JACKSON,  
Plaintiff

v.

EDWARD WARREN JACKSON, SR.,  
Defendant

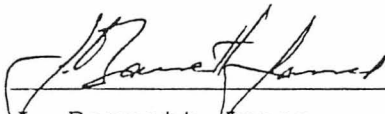
At Law No. 1341

Filed in the Clerk's Office  
the 26 day of Nov., 1984  
Mary J. Houchens, Deputy Clerk

NOTICE

PLEASE TAKE NOTICE that at 12:00 noon on Tuesday, November 27, 1984, or as soon thereafter as I may be heard, I will request that The Honorable Robert C. Goad, Judge of the Circuit Court of the County of Nelson, sitting in the Courthouse, Lovington, Virginia, enter an Order granting summary judgment to the plaintiff and against the defendant, in accord with the motion therefore previously filed herein.

EARLINE S. JACKSON  
By Counsel

  
J. Barrett Jones  
415 Fourth Street, N.E.  
Charlottesville, VA 22901  
Counsel for Plaintiff

CERTIFICATE

I hereby certify that on November 21, 1984, I hand delivered a true copy of the above notice to Robert P. Dwoskin, counsel of record for the defendant, at his address or record.

  
J. Barrett Jones

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF NELSON

EARLINE S. JACKSON,  
Plaintiff,

v.

EDWARD WARREN JACKSON, SR.,  
Defendant.

ORDER

The plaintiff, by counsel, having moved the Court pursuant to Rule 3:17, Rules of the Supreme Court, for an Order declaring the defendant in default and resolving all issues of liability in favor of the plaintiff; and it appearing that the defendant received personal service on January 12, 1984, and that more than twenty-one days have elapsed since the said date without the defendant's filing any responsive pleading;

It is therefore ORDERED that the defendant, Edward Warren Jackson, Sr., be, and he hereby is, declared to be in default of the motion for judgment and that all issues of liability presented in the said motion for judgment be, and they hereby are, resolved against the defendant and in favor of the plaintiff.

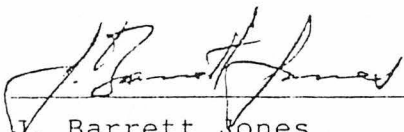
Enter: \_\_\_\_\_

Judge

Date: \_\_\_\_\_

11/27/84

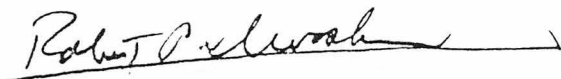
I ASK FOR THIS:



J. Barrett Jones  
101 East High Street  
Charlottesville, Virginia 22901

Counsel for Plaintiff

SEEN AND OBJECTED TO



VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE COUNTY  
OF NELSON

COMMONWEALTH OF VIRGINIA

VS.

EARLINE S. JACKSON

O R D E R

This cause came on this day upon the criminal warrant heretofore filed, and a motion to nolle prosequi for good cause was made and argued by the Commonwealth's Attorney of Nelson County, Virginia, and which motion was concurred in by counsel for defendant.

THEREFORE, it is ORDERED, ADJUDGED and DECREED that the motion to nolle prosequi made in this Cause for good cause shown, is hereby granted and that a copy of this Order shall be filed with the Commonwealth Attorney of Nelson County and Barrett E. Rope, counsel for defendant.

Enter: Coy M. King

Date: 4-25-50

I request this;

P EXHIBIT B RCo

Seen and Agreed:

Barrett E. Rope

UNIVERSITY OF VIRGINIA  
SCHOOL OF MEDICINE  
CHARLOTTESVILLE, VIRGINIA 22908



P Ech. C  
RCB

DEPARTMENT OF BEHAVIORAL MEDICINE & PSYCHIATRY  
6 East Blue Ridge Hospital

November 22, 1983

Mr. J. Barrett Jones  
101 East High Street  
Charlottesville, Virginia 22901

Dear Mr. Jones:

This letter is in response to your request for information regarding Earline S. Jackson who was seen in the Adult Psychiatric Clinic in the Fall of 1982. I regret that we have been unable to find Ms. Jackson's file. If memory serves me correctly I saw Ms. Jackson on two or perhaps three occasions. After that she failed to make any more of her appointments. Sometime later her file was placed on the inactive list and in theory then her file was moved to a separate location where inactive files are kept. Unfortunately a search of those inactive files has failed to turn up Ms. Jackson's file.

Working from memory, I believe that Ms. Jackson came to the clinic initially with complaints of anxiety and depression. These were due in large part to severe stresses in her life that were primarily financial. However, I believe there were also some marital stresses. It was my feeling that Ms. Jackson's problems were primarily situational and would improve as the situation improved. In terms of her financial situation I advised her to contact local social service organizations in order that she could obtain financial assistance. I also told her that if there were legal questions regarding her husband that she should seek the advice of an attorney. I told her I would see her for a brief period of time in a supportive role. As I recall, I also prescribed Xanax, 0.5 mgs. three times a day. My intention in giving this medication was that it would relieve some of her anxiety and depression in order that she would be able to deal more effectively with her situational problems. Ms. Jackson then failed to show for any of her remaining appointments. I surmised at the time that the medication had indeed relieved some of her anxiety and therefore took away her motivation for seeking help. Because Ms. Jackson did not reappear at the clinic her file was considered to be closed.

Mr. J. Barrett Jones  
Page 2  
November 22, 1983

Let me again express my regret that a written record is unavailable. If you have any questions, please feel free to contact me.

Sincerely,

*Mark Lawrence M.D.*

Mark Lawrence, M.D.  
Chief Resident

ML/pmb

EARLINE S. JACKSON 223-58-3318  
701 PROSPECT AVE. PH. 977-1720  
CHARLOTTESVILLE, VA. 22901

222

PAY TO THE ORDER OF *Estel L. Jackson*

DATE *May 3, 1983*

SIGNATURE *Earline S. Jackson*

AMOUNT \$ *75.00*

ACCOUNT CLOSED *NO*

REFER TO *NOT*

MEMO *Earline*

ENDORSEMENT *Earline S. Jackson*

OTHER *00000001500*

ALBEMARLE BANK & TRUST CO. Charlottesville, Virginia 22906

⑆051403193⑆ 50074398⑆

EARLINE S. JACKSON 223-58-3318  
701 PROSPECT AVE. PH. 977-1720  
CHARLOTTESVILLE, VA. 22901

213

PAY TO THE ORDER OF *Heart Drug*

DATE *May 21, 1983*

SIGNATURE *Earline S. Jackson*

AMOUNT \$ *25.00*

ACCOUNT CLOSED *NO*

REFER TO *NOT*

MEMO *Earline*

ENDORSEMENT *Earline S. Jackson*

OTHER *00000002367*

ALBEMARLE BANK & TRUST CO. Charlottesville, Virginia 22906

⑆051403193⑆ 50074398⑆

EARLINE S. JACKSON 223-58-3318  
701 PROSPECT AVE. PH. 977-1720  
CHARLOTTESVILLE, VA. 22901

223

PAY TO THE ORDER OF *Country Hardware*

DATE *June 19, 1983*

SIGNATURE *Earline S. Jackson*

AMOUNT \$ *50.00*

ACCOUNT CLOSED *NO*

REFER TO *NOT*

MEMO *Earline*

ENDORSEMENT *Earline S. Jackson*

OTHER *00000005000*

ALBEMARLE BANK & TRUST CO. Charlottesville, Virginia 22906

⑆051403193⑆ 50074398⑆

*Pl. Exp. E*  
*RCB*



EARLINE S. JACKSON 223-58-3318 224

701 PROSPECT AVE. PH. 977-1729  
CHARLOTTESVILLE, VA. 22901

PAY TO THE ORDER OF Brown's Lock & Safe June 2, 1983 88-319  
Thirty-four and 5/100 514  
34.50 DOLLARS

MEMO Lock

Albemarle Bank & Trust Co. Charlottesville, Virginia 22906

FOR Earline S. Jackson

⑆051403193⑆ 5⑈07139⑈ ⑈0000003457⑈

EARLINE S. JACKSON 6-83 144

223-58-3318

701 PROSPECT AVE  
CHARLOTTESVILLE, VA. 22901

PAY TO THE ORDER OF Cash June 5, 1983 68-319  
Thirty 514  
30.00 DOLLARS

FOR Earline S. Jackson

⑆051403193⑆ 5⑈10⑈ ⑈0000003000⑈

ALBEMARLE BANK & TRUST CO. CHARLOTTESVILLE, VA. AUG 1983



EARLINE S. JACKSON 223-56-3318 228  
 701 PROSPECT AVE. PH. 977-1720  
 CHARLOTTESVILLE, VA. 22901

PAY TO THE ORDER OF Cherry Lane Exxon \$ 10.00  
Ten DOLLARS

MEMO Gasoline Earlene S. Jackson

⑆051403193⑆ 50071398⑆ ⑈0000001000⑈

EARLINE S. JACKSON 223-58-3318 229  
 701 PROSPECT AVE. PH. 977-1720  
 CHARLOTTESVILLE, VA. 22901

PAY TO THE ORDER OF Cherry Lane Exxon \$ 10.00  
Ten DOLLARS

MEMO Gasoline Earlene S. Jackson

⑆051403193⑆ 50071398⑆ ⑈0000001000⑈

EARLINE S. JACKSON 223-58-3318 240  
 701 PROSPECT AVE. PH. 977-1720  
 CHARLOTTESVILLE, VA. 22901

PAY TO THE ORDER OF Cherry Lane Exxon \$ 10.00  
Ten DOLLARS

MEMO Gasoline Earlene S. Jackson

⑆051403193⑆ 50071398⑆ ⑈0000001500⑈

EARLINE S. JACKSON 223-58-3318 248  
 701 PROSPECT AVE. PH. 977-1720  
 CHARLOTTESVILLE, VA. 22901

PAY TO THE ORDER OF Cherry Lane Exxon \$ 15.00  
Fifteen DOLLARS

MEMO Gasoline Earlene S. Jackson

⑆051403193⑆ 50071398⑆ ⑈0000001500⑈

Pl. Ex G  
 RB

EARLINE S. JACKSON 223-58-3318  
 1301 PROSPECT AVE PH 08-3720  
 CHARLOTTESVILLE, VA. 22901


232

June 13 1983

88-319  
514

PAY TO THE ORDER OF *St. 1 Rental Car* \$ *34.60*

*Forty Four* DOLLARS

 **Albemarle Bank & Trust Co.**  
 Charlottesville, Virginia 22906

MEMO *Car Rental* *Earline S. Jackson*

⑆051103193⑆ ⑆507439⑆ ⑆0000004460⑆

Pl. Ex. H  
 RCo



140

EARLINE S. JACKSON 6-83  
223-58-3318  
701 PROSPECT AVE  
CHARLOTTESVILLE, VA 22901

PAY TO THE ORDER OF James M. Marshall \$ 15.00

15 DOLLARS

FOR Monthly maintenance Earline S. Jackson

⑆051403193⑆ 5⑈10226⑈4⑈ ⑈0000001500⑈

Albemarle Bank & Trust Co. Charlottesville, Virginia 22906

115

EARLINE S. JACKSON 6-83  
223-58-3318  
701 PROSPECT AVE  
CHARLOTTESVILLE, VA 22901

PAY TO THE ORDER OF James M. Marshall \$ 37.00

37 DOLLARS

FOR Storage space Earline S. Jackson

⑆051403193⑆ 5⑈10226⑈4⑈ ⑈0000003700⑈

Albemarle Bank & Trust Co. Charlottesville, Virginia 22906

159

EARLINE S. JACKSON 6-83  
223-58-3318  
701 PROSPECT AVE  
CHARLOTTESVILLE, VA 22901

PAY TO THE ORDER OF James Marshall \$ 25.00

25 DOLLARS

FOR rental space Earline S. Jackson

⑆051403193⑆ 5⑈10226⑈4⑈ ⑈0000002500⑈

Albemarle Bank & Trust Co. Charlottesville, Virginia 22906

176

EARLINE S. JACKSON 6-83  
223-58-3318  
701 PROSPECT AVE  
CHARLOTTESVILLE, VA 22901

PAY TO THE ORDER OF James Marshall \$ 17.00

17 DOLLARS

FOR del. on storage fee Earline S. Jackson

⑆051403193⑆ 5⑈10226⑈4⑈ ⑈0000001700⑈

Albemarle Bank & Trust Co. Charlottesville, Virginia 22906

Pl. Ex. 4  
RB

EARLINE S. JACKSON 6-83 151  
 09-01-83 00223-58-3318-533 105791928  
 701 PROSPECT AVE  
 CHARLOTTESVILLE, VA 22901 *Aug. 29, 1983* 68-319-1  
 514  
 PAY TO THE ORDER OF *Mrs. Lillian Simmons* \$ *57.18*  
*Fifty one and 18/100* DOLLARS  
 Albemarle Bank & Trust Co. Charlottesville, Virginia 22906  
 FOR *telephone bill & bus fare* *Earline S. Jackson*  
 ⑆051403193⑆ 5⑈10226⑈4⑈ ⑈0000005118⑈

EARLINE S. JACKSON 6-83 161  
 223-58-3318  
 701 PROSPECT AVE  
 CHARLOTTESVILLE, VA 22901 *Sept. 1, 1983* 68-319-1  
 514  
 PAY TO THE ORDER OF *Harry M. Wicks Jr.* \$ *129.36*  
*One Hundred and twenty nine and 36/100* DOLLARS  
 Albemarle Bank & Trust Co. Charlottesville, Virginia 22906  
 FOR *rent telephone etc.* *Earline S. Jackson*  
 ⑆051403193⑆ 5⑈10226⑈4⑈ ⑈0000012936⑈


*Pl. Ex. J*  
*RCB*

07-25-83 223-58-3318 5 6-83 1010 100

EARLINE S. JACKSON  
701 PROSPECT AVE  
CHARLOTTESVILLE, VA 22901

PAY TO THE ORDER OF Brady Brumley Ford, Inc \$ 162.90

One hundred and sixty two <sup>90</sup>/<sub>100</sub> DOLLARS

 **Albemarle Bank & Trust Co.**  
Charlottesville, Virginia 22906

FOR Car rental Earline S. Jackson


⑆051403193⑆ 5 10 226 ⑆ ⑈0000816290⑈

07-14-83 223-58-3318 5 6-83 111

EARLINE S. JACKSON  
701 PROSPECT AVE  
CHARLOTTESVILLE, VA 22901

PAY TO THE ORDER OF Brady Brumley Ford, Inc \$ 59.60

Fifty nine and 60 <sup>60</sup>/<sub>100</sub> DOLLARS

 **Albemarle Bank & Trust Co.**  
Charlottesville, Virginia 22906

FOR Car rental Earline S. Jackson


⑆051403193⑆ 5 10 226 ⑆ ⑈0000005966⑈

07-14-83 223-58-3318 5 6-83 113

EARLINE S. JACKSON  
701 PROSPECT AVE  
CHARLOTTESVILLE, VA 22901

PAY TO THE ORDER OF CASH \$ 100.00

One Hundred <sup>00</sup>/<sub>100</sub> DOLLARS

 **Albemarle Bank & Trust Co.**  
Charlottesville, Virginia 22906

FOR Car rental Earline S. Jackson

⑆051403193⑆ 5 10 226 ⑆ ⑈00000010000⑈


*Stamp: JUL 19 83*

07-25-83 223-58-3318 5 6-83 114

EARLINE S. JACKSON  
701 PROSPECT AVE  
CHARLOTTESVILLE, VA 22901

PAY TO THE ORDER OF R. M. Davis \$ 50.00


Fifty <sup>00</sup>/<sub>100</sub> DOLLARS


 **Albemarle Bank & Trust Co.**  
Charlottesville, Virginia 22906


FOR Car rental Earline S. Jackson

⑆051403193⑆ 5 10 226 ⑆ ⑈0000005000⑈

*Pl. Ex. K  
RCB*

EARLINE S. JACKSON 6-83 117  
 07-13-83 00 223-58-3318 802 123554359  
 701 PROSPECT AVE  
 CHARLOTTESVILLE, VA 22901 July 17, 1983 68-319-1  
 514  
 PAY TO THE ORDER OF R. M. Dugan Motors \$ 12.75  
Twelve and 3/4 DOLLARS  
 Albemarle Bank  
 & Trust Co. Charlottesville, Virginia 22906  
 FOR car rental Earline S. Jackson  
 ⑆05⑆403⑆93⑆ 5⑆10226⑆4⑆ ⑆0000007875⑆

EARLINE S. JACKSON 6-83 127  
 07-28-83 00 223-58-3318 802 206075750  
 701 PROSPECT AVE  
 CHARLOTTESVILLE, VA 22901 July 27, 1983 68-319-1  
 514  
 PAY TO THE ORDER OF R. M. Dugan Motors \$ 55.00  
Fifty Five DOLLARS  
 Albemarle Bank  
 & Trust Co. Charlottesville, Virginia 22906  
 FOR car rental Earline S. Jackson  
 ⑆05⑆403⑆93⑆ 5⑆10226⑆4⑆ ⑆0000005500⑆

EARLINE S. JACKSON 6-83 128  
 08/01/83 00 223-58-3318 802 000440007  
 701 PROSPECT AVE  
 CHARLOTTESVILLE, VA 22901 July 27, 1983 68-319-1  
 514  
 PAY TO THE ORDER OF Master Motor Rentals \$ 75.00  
Seventy Five DOLLARS  
 Albemarle Bank  
 & Trust Co. Charlottesville, Virginia 22906  
 FOR car rental Earline S. Jackson  
 ⑆05⑆403⑆93⑆ 5⑆10226⑆4⑆ ⑆0000007500⑆



### ASSIGNMENTS OF ERROR

1. The Circuit Court of Nelson County erred in declaring the Appellant to be in default as to the claim asserted in Count I of the Motion for Judgment for which an Affidavit of Substantial Defense was of record.

2. The Circuit Court of Nelson County erred by abusing its discretion in declaring the Appellant to be in default as to all Counts of the Motion for Judgment after Answers to Interrogatories were filed setting forth the specific nature of the defenses asserted.

3. The Circuit Court erred in ruling that the evidence was sufficient to prove an act of malicious prosecution as asserted in Count I of the Motion for Judgment.

4. The Circuit Court erred in ruling that the evidence was sufficient to prove an act of malicious prosecution as asserted in Count II of the Motion for Judgment.

5. The Circuit Court erred in ruling that the evidence was sufficient to prove an act of malicious prosecution as asserted in Count III of the Motion for Judgment.

6. The Circuit Court erred in ruling that the evidence was sufficient to support awards of compensatory damages of \$10,000.00 and punitive damages of \$10,000.00.