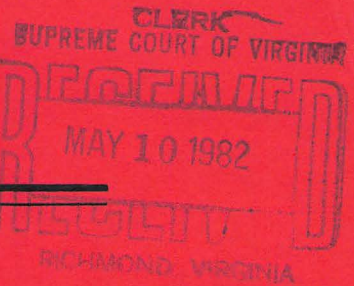
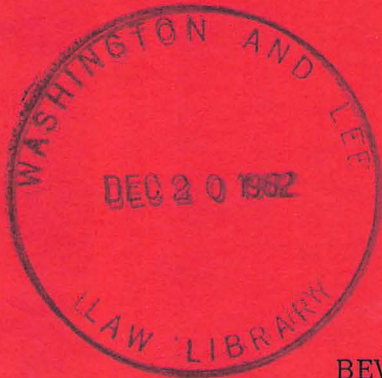


224 VA 317



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IN THE  
**Supreme Court of Virginia**  
AT RICHMOND



RECORD NO. 812008

BEVERLY JOLSEN BURROWS, III,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

---

JOINT APPENDIX

Jeffrey M. Steingold, Esquire  
2110 Spencer Road  
Suites 4 & 5  
Richmond, Virginia 23230

Counsel for Appellant

Elizabeth C. Gay, Esquire  
Assistant Attorney General  
101 North 8th Street  
6th Floor  
Richmond, Virginia 23219

Counsel for Appellee

## TABLE OF CONTENTS

### Appendix Page

Indictments filed 2-2-80 .....	1
Conviction Orders entered 4-27-81 .....	3
Sentencing Orders filed 9-9-81 .....	7
Assignments of Error .....	11

### Excerpts of Transcript of Testimony Heard Before the Hon. John E. DeHardit

Testimony of Wayne Kirkwood Parrish .....	12
Testimony of Herman Stuart Johnson .....	18
Testimony of Robert T. Dickinson .....	25
Testimony of Curtis M. Moore .....	27
Testimony of Beverly Jolsen Burrows .....	28
Discussions between Court and Counsel .....	35

VIRGINIA,

IN THE CIRCUIT COURT OF KING WILLIAM COUNTY:

February 2, 1980

COMMONWEALTH

v.

INDICTMENT

BEVERLY JOLSON BURROWS, III

The Grand Jury charges that:

On or about August 31, 1980, in the County of King William, Virginia, Beverly Jolson Burrows, III, did maliciously wound or cause bodily injury to Wayne Kirkwood Parrish with the intent to maim, disfigure, disable or kill him.

Code of Virginia 18.2-51

A true bill.

*W. J. Norman*  
Foreman

Witness:

Trooper C. M. Moore

VIRGINIA,

IN THE CIRCUIT COURT OF KING WILLIAM COUNTY:

February 2, 1980

COMMONWEALTH

v.

INDICTMENT

BEVERLY JOLSON BURROWS, III

The Grand Jury charges that:

On or about August 31, 1980, in the County of King William, Virginia, Beverly Jolson Burrows, III, did rob Wayne Kirkwood Parrish of a wallet and money having the value of about \$25.00.

Code of Virginia 18.2-58

A true bill.

*Floyd Norman*  
Foreman

Witness:

Trooper C. M. Moore

#2  
4-27-1981  
D.O.B. 3-29-1961

VIRGINIA:  
IN THE CIRCUIT COURT COUNTY OF KING WILLIAM

COMMONWEALTH

VS

FELONY - MALICIOUSLY WOUNDING

Beverly Tolson Burrows, III

This day came again the Attorney for the Commonwealth and \_\_\_\_\_  
Beverly Tolson Burrows, III age 21, who stands indicted for a  
felony, to-wit: MALICIOUSLY WOUNDING  
and came also Jeffrey M. Steingold  
his attorney \_\_\_\_\_.

Whereupon the accused was arraigned and after private consultation  
with his counsel, pleaded NOT GUILTY to the indictment,  
which plea was tendered by the accused in person. And thereupon, after  
having been first advised by his attorney and by the Court of his  
right to trial by jury, the accused knowingly and voluntarily waived  
trial by a jury and with the concurrence of the Attorney for the Common-  
wealth and of the Court, here entered of record, the Court proceeded  
to hear and determine the case without the intervention of a jury, as  
provided by law, and having heard the evidence and argument of counsel  
finds the accused guilty of MALICIOUSLY WOUNDING  
Virginia Code Section 18.2-51, as charged in the indictment.

The Court on motion of the defendant by counsel, before fixing  
punishment or imposing sentence, directs the Probation Officer of this  
Court to thoroughly investigate and report to the Court as provided by  
law, on the 3rd day of August, 1981, at 10:00 o'clock  
A.M. and sentencing is now set for the 3rd day of August,  
1981, at 10:00 o'clock A.M. to which time this case is continued.

The Court certifies that at all times during the trial of this case the defendant was personally present and his attorney was likewise personally present and capably represented the defendant.

And the defendant is Allowed To depart.

Recorded in Common Law Order Book 15, Page 219



#1  
4-27-81  
DOB 3-29-1960

VIRGINIA:

IN THE CIRCUIT COURT COUNTY OF KING WILLIAM

COMMONWEALTH

VS

FELONY - Robbery

Beverly Tolson Burrows

This day came again the Attorney for the Commonwealth and \_\_\_\_\_

Beverly Tolson Burrows age 21, who stands indicted for a  
felony, to-wit: Robbery  
and came also Jeffrey M. Steingold  
his attorney \_\_\_\_\_.

Whereupon the accused was arraigned and after private consultation  
with his counsel, pleaded NOT guilty to the indictment,  
which plea was tendered by the accused in person. And thereupon, after  
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provided by law, and having heard the evidence and argument of counsel  
finds the accused guilty of Robbery  
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The Court on motion of the defendant by counsel, before fixing  
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1981, at 10:00 o'clock A.M. to which time this case is continued.

The Court certifies that at all times during the trial of this case the defendant was personally present and his attorney was likewise personally present and capably represented the defendant.

And the defendant is allowed to depart.

Recorded in Common Law Order Book 15, Page 21<sup>o</sup>



VIRGINIA:

9-9-1981

IN THE CIRCUIT COURT OF KING WILLIAM COUNTY

COMMONWEALTH

VS

Beverly Tolson Burrows, III

D.O.B 3-29-60

Felony - Robbery

This day came again the Attorney for the Commonwealth  
and Beverly Tolson Burrows, III, age 21, who stands  
convicted of a felony to-wit: robbery

Va. Code Section 18.2-58

as charged in the indictment appeared According To The condition  
of his recognizance and came also Jeffery  
Steingold, his attorney

And the Probation Officer of this Court, to whom this  
case has been previously referred for investigation, appeared in  
open court with a written report, which report he presented to  
the Court in open court in the presence of the defendant who  
was fully advised of the contents of the report and a copy of said  
report was also delivered to counsel for the accused.

Thereupon the defendant and his counsel were given the  
right to cross-examine the Probation Officer as to any matter  
contained in the said report and to present any additional facts  
bearing upon the matter as they desired to present. The report  
of the Probation Officer is hereby filed as a part of the record  
in this case.

Whereupon the Court taking into consideration all of the evidence in the case, the report of the Probation Officer, the matters brought out on cross-examination of the Probation Officer and such additional facts as were presented by the defendant, and it being demanded of the defendant if anything for himself he had or knew to say why judgment should not be pronounced against him according to law, nothing being offered or alleged in delay of judgment, it is accordingly the judgment of this Court that the defendant is hereby sentenced to Ten years in the  
penitentiary of this Commonwealth with eight years  
suspended on the following conditions (1) be of  
good behavior, (2) violate none of the laws of this  
County or State (3) pay court cost (4) be under active  
Probation Officer supervision for two years

The Court certifies that at all times during the trial of this case the defendant was personally present, and his attorney was likewise personally present and capably represented the defendant. ~~for which services he is allowed an attorney's fee of~~

Cost in the amount of \$81.99, NBT  
paid.

Defendant was allowed to remain free during duration  
of bond.

9-9-1981

VIRGINIA:

IN THE CIRCUIT COURT OF KING WILLIAM COUNTY

COMMONWEALTH

VS

Beverly Tolson Burrows, III

D.O.B 3-29-60

Felony - MALICIOUSLY WOUNDING

This day came again the Attorney for the Commonwealth and Beverly Tolson Burrows, III, age 21, who stands convicted of a felony to-wit: MALICIOUSLY WOUNDING

Va. Code Section 18.2-51

as charged in the indictment appeared According To The condition of his recognizance and came also Jeffery Steingold, his attorney

And the Probation Officer of this Court, to whom this case has been previously referred for investigation, appeared in open court with a written report, which report he presented to the Court in open court in the presence of the defendant who was fully advised of the contents of the report and a copy of said report was also delivered to counsel for the accused.

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The Court certifies that at all times during the trial of this case the defendant was personally present, and his attorney was likewise personally present and capably represented the defendant. ~~For which the defendant has paid the sum of \$87.99~~

Cost in the amount of \$ 87.99, NOT paid.

Defendant was allowed To remain free on bond

---

## ASSIGNMENT OF ERROR

The argument of error are to the Court sustaining convictions against the appellant as the Commonwealth did not produce the necessary testimony by evidence to constitute the guilt of the appellant beyond a reasonable doubt.

The Court erred in finding the appellant guilty of the charge of feloniously wound or cause bodily injury to Wayne Kirkwood Parrish, with the intent to maim, disfigure, disable or kill him and the charge of the Appellant did rob Wayne Kirkwood Parrish of a wallet and money having a value of about Twenty-Five Dollars (\$25.00), as the evidence elicited by the Commonwealth did not rise above the reasonable doubt presumption of innocence of the appellant in accordance with the prevailing case decisions.

The Court erred in not setting aside the verdict as contrary to the law and evidence and without a proper legal foundation, plainly wrong as to the interpretation of the evidence by the Judge, and that the Judge did enter final judgment against the appellant on both charges.

That the Court erred in its summation of the facts, finding the appellant guilty of the charges did not correctly state them as to its summation of the testimony of the witnesses, and as to the Court's understanding thereof was plainly wrong.

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PHONE 355-4335

Parrish - Direct

9.

1 A Right down the road here.

2 Q Tell us what happened to you at that  
3 party; as best you recall.

4 A Well, I was in the woods relieving  
5 myself -- I had had two or three beers -- and this gentleman  
6 came up kind of from behind me and he just started hitting  
7 me. He hit me about four or five times and broke my nose.  
8 I couldn't see anything. I just fell to the ground and tried  
9 to cover up, and then he kicked me a couple of times, and  
10 he took my wallet and left. I just staggered out of the woods.  
11 Luckily, there happened to be some medical people there that  
12 took care of me. Somebody called the ambulance and police.

13 Q Had you ever seen this person before the  
14 time he came in the woods and hit you?

15 A No.

16 Q Do you recognize him in the courtroom  
17 today?

18 A Well, it looks like that gentleman there,  
19 but --

20 Q You indicated the gentleman seated with  
21 defense counsel?

22 A But I can't say absolutely sure, because  
23 it happened so fast. Like I said, he came from behind me.

24 Q Do you know, or did you know anyone prior  
25 to this time by the name of Beverly Jolson Burrows III?

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Parrish - Direct

10.

- 1 A No, sir.
- 2 Q Do you recall seeing that person you saw
- 3 that day at any time before this?
- 4 A No, sir.
- 5 Q From what direction did he approach you
- 6 as you were standing in the woods?
- 7 A From my right side and back.
- 8 Q What portions of your person was he
- 9 striking?
- 10 A About my head; about the eyes and nose.
- 11 Q Did you observe, or could you figure out
- 12 what he was striking you with?
- 13 A Not really. I just assume it was his
- 14 fists. That's the only thing I saw is he had blond hair.
- 15 Q You did not see any weapons?
- 16 A No, I didn't.
- 17 Q Can you describe the injuries which you
- 18 received?
- 19 A Well, I had various cuts and bruises.
- 20 He broke my nose and I had two black eyes.
- 21 Q Did you subsequently go to the hospital?
- 22 A Yes, I did. Someone called an ambulance
- 23 and they took me to MCV.
- 24 Q You indicated he took your wallet. Did
- 25 you subsequently recover that wallet? Was it returned to you?



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Parrish - Direct

11.

1                   A           It was returned before I left in the  
2 ambulance.  
3                   Q           Do you have that wallet today?  
4                   A           Yes.  
5                   Q           Would you show it to us?  
6                   A           Right here.  
7                   Q           At the time it was taken from you,  
8 approximately how much money did it have in it?  
9                   A           Between \$20 and \$25  
10                  Q           At the time it was returned to you, how  
11 much money did it have it it?  
12                  A           None.  
13                  Q           Does it have money in it now?  
14                  A           Yes, it does.  
15                  Q           Would you remove the money that's in it  
16 now? Put it in your pocket.  
17                  A           All right.  
18                               MR. CAUSEY: I would ask that this be  
19 marked for identification as Commonwealth's exhibit  
20 #1. I would ask that it be admitted. He has  
21 identified it.  
22                               THE COURT: Show it to Mr. Steingold first.  
23                               MR. CAUSEY: With Mr. Steingold's consent,  
24 we can make arrangements to have it returned after  
25 trial.

Parrish - Direct

12.

1 THE COURT: Just use it for observation  
2 at this time.

3 BY MR. CAUSEY: (Continuing)

4 Q Do you recall any conversations or any  
5 words that passed between you and the person that was striking  
6 you at that time this was taking place?

7 A As he was striking me?

8 Q At any time. As he was approaching you,  
9 striking you, or leaving.

10 A No, not really. I think about the only  
11 thing I remember saying to him, after he hit me the first  
12 time, was something about what's your problem, or something  
13 like that. That's about it.

14 MR. CAUSEY: I have no other questions  
15 of the witness at this time.

16  
17 CROSS EXAMINATION

18 BY MR. STEINGOLD:

19 Q Mr. Parrish, how did you find out about  
20 this party?

21 A This girl I know, she called me up. I  
22 was on vacation at the time. She called up and said she knew  
23 where there was a party, and did I want to go. Her and two  
24 other girls she knew were going. I didn't have anything to  
25 do, so I went.

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Parrish - Direct

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Parrish - Cross

16.

1 A No. One of the girls said she knew them,  
2 but I was just along for the ride.

3 Q This was the first time you had heard of  
4 something like this?

5 A Yes.

6 MR. STEINGOLD: I have no further questions  
7 at this time.

8 - - - - -  
9 WITNESS STOOD ASIDE.

10

11

12

13

14 HERMAN STUART JOHNSON, a witness, called  
15 by counsel for the Commonwealth, having been duly sworn, was  
16 examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. CAUSEY:

19 Q State your name, please.

20 A Herman Stuart Johnson.

21 Q Where do you live?

22 A Manquin.

23 Q On August 31, 1980 were you at a party at  
24 Dick Campbell's in King William County?

25 A Yes.

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Johnson - Direct

17.

1 Q On that day, around 6:00 o'clock, did  
2 you have occasion to go to the river and observe someone in  
3 or near the river?

4 A I was sitting in the kitchen and somebody  
5 came by and told me --

6 MR. STEINGOLD: I object.

7 BY MR. CAUSEY: (Continuing)

8 Q Based on the information this person told  
9 you, what did you do?

10 A I went down to the river and I found this  
11 guy down there with a wallet. He got the wallet out of the  
12 river, but it wasn't any money in it.

13 Q Did you know the guy that was in the  
14 river?

15 A Not then I didn't.

16 Q Do you know him now?

17 A Yes.

18 Q Do you see him here today?

19 A Yes, sir. His brother is here, too.

20 Q Can you point him out?

21 A Sitting right there.

22 Q Do you know his name?

23 A Burrows.

24 Q At the time you observed him, what was he  
25 doing?

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Johnson - Direct

18.

1 A He was down in the river bank with the  
2 wallet. I think he must have threw it in.

3 MR. STEINGOLD: I object to that.

4 THE COURT: The Court sustains the objec-  
5 tion. Only testify what you saw.  
6

7 BY MR. CAUSEY: (Continuing)

8 Q Describe what you saw; what he was doing.

9 A He was in the briars and the wallet was  
10 in the water. He gave us the wallet -- to Grayson -- and  
11 we brought it back and give it to one of the boys who got hurt.

12 Q Sheriff, if you would, show Mr. Johnson  
13 this wallet. Do you recognize that?

14 A There are a lot alike, but it sure looks  
15 like the one.

16 Q Would you describe what the defendant  
17 looked like at this time when you saw him down at the river?

18 A I was holding him at one time for a few  
19 minutes.

20 Q When you first saw him, what did he look  
21 like?

22 A He didn't have a shirt on.

23 Q Did you notice anything else about him?

24 A No, sir.

25 Q Where was the wallet when you first

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Johnson - Direct

19.

1 observed him in relation to where he was?

2 A He was on the edge of the bank and the  
3 wallet was in the river.

4 Q Who else was there?

5 A Nobody but Grayson Murphy. *JS*

6 Q What did you and Grayson do?

7 A We asked him to get the wallet out of the  
8 water and give it to us; which he did.

9 Q What happened then?

10 A Then we gave the wallet -- Murphy took  
11 the wallet back up to the boy that got hit.

12 Q Did you have any conversation with the  
13 defendant at this time?

14 A Well, I talked to him awhile, and his  
15 brother told me --

16 MR. STEINGOLD: I object to that.

17 THE COURT: The Court will sustain what the  
18 brother told you.

19  
20 BY MR. CAUSEY: (Continuing)

21 Q Did the defendant tell you anything?

22 A No, sir. *JS*

23 Q Did you have occasion to touch him, or did  
24 he have occasion to touch you?

25 A I had my hands holding him for awhile. *Handwritten signature*



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Johnson - Direct

20.

1 We were hoping to get the law enforcement officers down there.

2 Q In what way were you holding him?

3 A Me and another fellow had him by his arms.

4 Q Was he resisting?

5 A Yes, sir. When we turned him loose he  
6 took off and left.

7 Q During the time you were holding him, did  
8 you notice anything about his physical condition?

9 A No, sir. *copying*

10 Q Did you observe any injuries of any sort?

11 A He didn't have any injury until after he  
12 got loose from us. That's when he slipped up, when he ran  
13 across the floor.

14 Q Do you know where he went after?

15 A After he slipped up on the floor, he  
16 took off through the woods.

17 Q Did you see him again on that day?

18 A No, sirree.

19 Q Did you see Mr. Parrish, the victim, on  
20 that day?

21 A Yes, sir. I saw him when they loaded him  
22 in the ambulance.

23 Q What was his physical condition? How  
24 did he appear to you?

25 A I thought he had a broken cheek at the  
time.

Johnson - Direct

21.

1 MR. STEINGOLD: I object to an opinion.

2 BY MR. CAUSEY: (Continuing)

3 Q Tell us what he looked like.

4 A He was really bloody. There was a lot  
5 of blood on him and all.

6 MR. CAUSEY: I don't have any other  
7 questions.

8

9 CROSS EXAMINATION

10 BY MR. STEINGOLD:

11 Q Mr. Johnson, what is your full name and  
12 occupation?

13 A Herman Stuart Johnson, machinery salesman.

14 Q For whom?

15 A Producers Co-operative.

16 Q Mr. Johnson, do you remember what day this  
17 was?

18 A It was on a Sunday before Labor Day. I  
19 couldn't tell you the date on the calender.

20 Q Approximately what time?

21 A About 6:00 o'clock.

22 Q In the afternoon?

23 A Yes, sir.

24 Q How long had you been there?

25 A At the river since 6:00 that morning.

Johnson - Cross

24.

1 Q About this fray, or what you saw, you  
2 say it was about 6:00 p.m.; is that correct?  
3 A Yes, sir.  
4 Q What river?  
5 A Mattaponi.  
6 Q You went down to the river?  
7 A Yes, sir.  
8 Q How did you learn of Mr. Burrows' name?  
9 A Through his brother.  
10 Q You just asked?  
11 A His brother came and told me that night.  
12 Q I didn't quite get it straight what you  
13 said about -- You saw Mr. Burrows on the river bank; is that  
14 correct?  
15 A Yes.  
16 Q There were a lot of people around at that  
17 time?  
18 A Very few. *see page 23*  
19 Q Some people?  
20 A Four or five.  
21 Q You also saw a wallet. Where was the  
22 wallet?  
23 A In the river.  
24 Q Who fished it out of the river?  
25 A Mr. Burrows.

Johnson - Cross

25.

- 1 Q You asked him to?
- 2 A We asked him to give it to us.
- 3 Q Which he did for you?
- 4 A Yes, he gave it to us.
- 5 Q You say he had no shirt on; is that
- 6 correct?
- 7 A Right.
- 8 Q The condition of this man, Parrish, 29
- 9 years old, I believe he was pretty darn bloody?
- 10 A Yes.
- 11 Q At that time there was absolutely no
- 12 blood on Mr. Burrows?
- 13 A I didn't see any on him before he fell.
- 14 He had plenty then. *initials*
- 15 MR. STEINGOLD: That's all.
- 16
- 17 REDIRECT EXAMINATION
- 18 BY MR. CAUSEY:
- 19 Q Mr. Johnson, you have been making Bruns-
- 20 wick Stew at Dick Campbell's how long?
- 21 A You know how long.
- 22 Q I can't testify.
- 23 A Quite a few years. Ever since it's been
- 24 there.
- 25 Q Without putting you on the spot, would

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Dickinson - Direct

27.

1 Q Tell us what you observed?

2 A I was called by Trooper Moore to assist  
3 him with the problem they had down there, and on my way to  
4 that location, as I was entering the gate, I met a subject  
5 walking out of the area, the cottage area. The subject was a  
6 tall, white male with blond hair. He was wearing a pair of  
7 blue jeans. He had no shirt on. He had a yellow jersey in  
8 his back pocket and had no shoes. The subject stuck in my  
9 mind, or his face did, because it appeared he had been in a  
10 fight.

11 Q What about his appearance gave you that  
12 idea?

13 A His hair was messed up. He looked like  
14 he had been rolling around in the grass and all. I noticed  
15 it appeared to be -- I couldn't tell because of the distance: --  
16 but it appeared to be blood or something on his right hand.

17 MR. STEINGOLD: I object to that. No,  
18 I'll let it go. No, I object. It appeared is more  
19 or less conjecture. If he is certain, that's one  
20 thing.

21 THE COURT: Mr. Causey, lay the foundation  
22 for this gentleman. Otherwise, the Court has to  
23 sustain the objection.

24 MR. CAUSEY: Is he objecting or not?

25 MR. STEINGOLD: Yes.

1 Q Trooper, you were not at this beer bash,  
2 were you?

3 A No, sir, I was working that day.

4 Q Did you know that this thing was happen-  
5 ing with this 1500 or so people there that day?

6 A I knew there was supposed to be a party.  
7 I didn't know how many people.

8 Q Did you know it was to be a paid party?

9 A I knew it was for beer. It has been the  
10 policy in the past on these Labor Day get togethers.

11 Q You know also there had been several  
12 conflicts that day, several fights?

13 A No, I wasn't working King William County  
14 that particular day. I was working in New Kent County that  
15 particular day. I hadn't been in King William, so I had no  
16 prior knowledge.

17 Q So, when you came there and you saw Mr.  
18 Burrows, how close were you, about 20 or 25 feet?

19 A No, I imagine probably no more than 10  
20 feet.

21 Q What river is that on?

22 A That's the Mattaponi River.

23 Q Are the banks of the Mattaponi kind of  
24 muddy?

25 A I can't speak for that particular area.

Moore - Direct

38.

1                   A           Arms.

2                   MR. STEINGOLD: I object to him leading.

3                   MR. CAUSEY: If the record would show he  
4 was gesturing to his arms at the time he said  
5 hands?

6                   THE COURT: The record would show that.

7                   THE WITNESS: At this time we arrested  
8 the subject and advised him of his rights under  
9 the Miranda ruling. During the ride to the magis-  
10 trate's office, the accused did show an interest  
11 in the offenses charged. He stated he did not know  
12 where King William was. He didn't want to tell  
13 us where he was on Sunday, August 31, 1980, because  
14 we wouldn't believe him.

15                   MR. STEINGOLD: I object. What relevance  
16 does this have to do with the offense?

17                   MR. CAUSEY: Your Honor, I sometimes have  
18 a question in my mind what relevance certain things  
19 that seem important to the defendant have to a  
20 case, also, but the defendant said it. I believe  
21 it makes it relevant.

22                   THE COURT: He was given the warning?

23                   MR. CAUSEY: Yes, sir, there's no  
24 objection on that.

25                   THE COURT: But, I presume this would go



Burrows - Direct

49.

1 He might as well get him to tell us what answer --

2 THE COURT: Do not lead.

3 MR. STEINGOLD: All right.

4  
5 BY MR. STEINGOLD: (Continuing)

6 Q Did you at that time know the name of the  
7 county the party was in?

8 A No, sir. I knew there had been a party  
9 and I was invited. I went through many counties to get there.

10 Q Did you arrive at this party?

11 A Yes, sir.

12 Q Who did you go to the party with?

13 A My brother.

14 Q What is his name?

15 A Kelly Joe.

16 Q When you arrived at the party did you  
17 stay with your brother? What did you do with your brother  
18 at that time?

19 A We paid to get in the party and, you know,  
20 I went my way and he sort of went his. We just started  
21 mingling with different people.

22 Q The young man, Mr. Parrish, had you known  
23 him? The man that was evidently struck, did you know him  
24 before this party?

25 A No, sir. 28

Burrows - Direct

50.

1 Q Did you see him at the party; to your  
2 recollection?

3 A No, sir.

4 Q Mr. Johnson, the older gentleman who  
5 testified, did you see him, to your recollection, at the  
6 party?

7 A Yes, sir.

8 Q Where were you when you saw him?

9 A I was down at the river.

10 Q What were you doing?

11 A I was kind of up on the bank.

12 Q What were you doing?

13 A Going to the bathroom.

14 Q Was anybody else on the river bank at  
15 the time?

16 A Yes, sir.

17 Q How many people, approximately?

18 A There was a couple of guys standing back  
19 up there waiting to come up after we came up. They were up  
20 there and the two of us were down there.

21 Q Is that sort of a local watering hole?

22 A There was a line at the time.

23 Q What, if anything, did Mr. Johnson do or  
24 say to you at the time you were over there?

25 A He came over to the bank with another

Burrows - Direct

51.

1 man and he pointed about 10 feet down in the water and he  
2 says, One of you all grab the wallet. One of you all get  
3 the wallet, and he was talking to us. So, I waited a couple  
4 of seconds and it came on down, and I went in the water and  
5 got it.

6 Q What did you do after that?

7 A I handed it to Mr. Johnson.

8 Q Then what, if anything, happened to you?

9 A Then this other guy he was with grabbed  
10 me by the arm and we went up on the bank and they held me.

11 Q Did you know why they were holding you?

12 A No.

13 Q What were your feelings at the time they  
14 held you?

15 A The other one, not Mr. Johnson, he was  
16 holding me. He was trying to twist my arm behind me. It  
17 was hurting, you know, and I just wanted to get away.

18 Q Did you get away?

19 A Yes, briefly. I slipped up and fell  
20 down up on a cement thing.

21 Q What did you do after that?

22 A I went into the woods.

23 Q Then where did you go?

24 A I went out to the dirt road.

25 Q Did this gentleman named Mr. Greenwood,

Burrows - Direct

52.

1 what did he do? Did he pick you up?

2 A See, I was in the road and it was no cars  
3 coming along and then one car came and I stuck my thumb out  
4 and he stopped the car and he gave me a ride.

5 Q He stated he saw a cut on you and some-  
6 thing about blood on your pants. Did you tell him what had  
7 happened?

8 A I told him I had ran through the woods.  
9 I fell down quite a few times, because I had been drinking.  
10 I fell down quite a few times running through the woods.  
11 I fell down many times. It was about a half a mile.

12 Q Why did you run?

13 A I was -- I don't know, I felt like these  
14 guys, you know, were trying to hurt me.

15 Q Do you know why? Did they ever say  
16 anything to you?

17 A Just get the wallet, and then they said  
18 you stay here. And the guy kept trying to twist my arm.

19 Q And you had no idea. Were these older men?

20 A Mr. Johnson was about the eldest man there.  
21 This other guy was, maybe, 25.

22 Q Did Mr. Johnson's appearance frighten you?

23 A Yes, it did.

24 Q The previous testimony you gave Mr.

25 Greenwood that you had broken up a fight; had you broken up

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Burrows - Cross

54.

- 1 A Before August 31?
- 2 Q Yes.
- 3 A No, sir.
- 4 Q You had never been to King William before?
- 5 A I might have passed through it. We go
- 6 to the beach. I have been to the beach. As far as knowing
- 7 anyone down here or coming to visit anyone, no, sir. I never
- 8 had any business down here at all.
- 9 Q How did you get to the party?
- 10 A My brother.
- 11 Q Did you ride with him?
- 12 A We rode together in his car.
- 13 Q In his car?
- 14 A His.
- 15 Q Who drove?
- 16 A He did.
- 17 Q Did anybody else come with you?
- 18 A No, sir.
- 19 Q How long had you been at the party when
- 20 this incident took place?
- 21 A Three hours, maybe.
- 22 Q How much beer had you drunk at that time?
- 23 A Quite much.
- 24 Q Can you give us any idea how much quite
- 25 much is?

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Burrows - Cross

55.

1 A Ten to twelve beers. We had cups.

2 Q Had you drunk any hard liquor, or any  
3 other alcoholic beverage?

4 A No, sir.

5 Q Had you taken any drugs or narcotics on  
6 that day?

7 A No, sir.

8 Q When you came to the party, what were  
9 you wearing?

10 A I had on a pair of sandals, a pair of  
11 jeans, and a beige T-shirt. Just a T-shirt.

12 Q When you got in Mr. Greenwood's car, what  
13 did you have?

14 A Jeans and a beige T-shirt.

15 Q After you got there did you see your  
16 brother and talk to him? You said you got there and you  
17 sort of separated.

18 A Yes. He had friends there and I had  
19 friends there.

20 Q Did you see him or talk to him after you  
21 initially separated when you got there?

22 A Yes.

23 Q Where was his car parked?

24 A Right in the middle with everybody elses.

25 Q After Stuart Johnson grabbed you and you

Burrows - Cross

57.

1 Q Why didn't you go home with your brother?

2 A The reason I didn't go back with my  
3 brother is, I wanted to get out as quick as I could. I was  
4 scared. I had people chasing me through the woods. I didn't  
5 even know where I was running. I knew I was running through  
6 the woods, and when I got to the road there was a car coming  
7 out. Only one car, you know, and I know I asked him, I said,  
8 Where are you going? He said he was leaving, so I said I'm  
9 going with you. He said, That's fine.

10 Q You just left your brother there?

11 A Yes, sir, I did.

12 Q Did Stuart Johnson or Grayson Murphy  
13 threaten you in any way? You said you were scared by  
14 Stuart Johnson; frightened by them?

15 A They didn't threaten me.

16 Q You were just scared?

17 A When they grabbed and held me he says,  
18 You're not going anywhere. The big guy, Grayson, had my arm  
19 behind my back almost touching my neck, it felt like. At  
20 that point all I did was just try to get away. I kept asking  
21 what was the matter and he said don't worry about it.

22 MR. CAUSEY: I don't have any other  
23 questions of the defendant.

24 -----  
25 WITNESS STOOD ASIDE.



1 and falling down in the woods. There has been no  
2 testimony on his part about this fight he was try-  
3 ing to break up in which he sustained those injuries.  
4 That part completely got lost in this situation.

5 THE COURT: What about the fear?

6 MR. CAUSEY: What about the fear?

7 THE COURT: The fear that has been brought  
8 about on the defense side.

9 MR. CAUSEY: I don't think the defendant  
10 is afraid right now, Judge, and if he doesn't  
11 recall what fight he broke up and got injured in,  
12 I don't see how he can rely on that. That point  
13 was made how he sustained these injuries. He told  
14 this to Mr. Greenwood while riding down the road in  
15 a perfectly safe situation. He had gotten away  
16 from whoever he was afraid of. He told him I got  
17 injured helping to break up a fight. Somebody  
18 kicked me while I was down. That is completely at  
19 odds with what he says here. He says the only place  
20 he got injured was running through the woods.

21 If the Court will recall, Stuart Johnson's  
22 testimony was the defendant was not bleeding until  
23 he hit the floor, leaving the kitchen, where they  
24 were holding him. At that time he was injured and  
25 bleeding. The defendant does not recall that.

1 golden opportunity when Trooper Dickinson was  
2 10 feet away from him, as he was coming from the  
3 woods. That was one opportunity he had to get  
4 safety and be protected from people that might be  
5 falsely accusing him. What did he do? He passed  
6 up that opportunity and thumbed a ride with Mr.  
7 Greenwood to get away. I think his actions are  
8 consistent with his guilt, and they corroborate  
9 the circumstances by the victim.

10 THE COURT: Thank you, gentlemen, for  
11 your statements.

12 Based upon these facts brought forward,  
13 the Court would find the accused guilty on both  
14 indictments: #1. The first witness testified the  
15 person who struck him was blondheaded. Second,  
16 as there were 800 people there, why didn't this  
17 gentleman ask for help from somebody there? He  
18 knew his brother was there. Why didn't he seek his  
19 brother? The policeman was nearby. He had blood  
20 on his hand. There was testimony the victim had  
21 much blood all over him. There were different  
22 stories as told by the accused. One, he broke up  
23 a fight in King William, and another story was he  
24 didn't know where King William County was. Then,  
25 of course, the fact that his erratic conduct was

*George William County*  
*36*  
*Running fast*

1                    not consistent with the circumstances of the case.

2                    Mr. Clerk, we are now ready for the  
3                    direction. Is there any motion before that?

4                    MR. STEINGOLD: If Your Honor please, my  
5                    only motion would be to reconsider the evidence  
6                    as such and set aside the verdict. I don't know  
7                    if that's premature as yet. I think it has full  
8                    well been satisfied, the young man, even in his  
9                    testimony to the policeman, said he did not trust  
10                   the policeman. I think the fact he saw a policeman  
11                   coming in, he wanted to get out of there. He was  
12                   afraid, and he was afraid because the men grabbed  
13                   him for no obvious reason.

14                   The simple fact Mr. Parrish said he saw  
15                   a blond headed person and with no other description,  
16                   and the next thing we know Mr. Burrows is by the water.  
17                   He helped everybody, until they grabbed him for  
18                   no apparent reason.

19                   THE COURT: Is there any motion before  
20                   sentencing?

21                   MR. CAUSEY: I move for a presentence  
22                   report.

23                   THE COURT: Any argument?

24                   MR. STEINGOLD: No, sir, I want one, too.

25                   THE COURT: Based on the joint motion,