

22 OVA 876

NOV 14 1979

IN THE
Supreme Court of Virginia
AT RICHMOND

RECORD NO. 790795

ROBERT ANTHONY HOLZ,

.....Appellant

v.

COMMONWEALTH OF VIRGINIA,

.....Appellee

JOINT APPENDIX

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Δ stopped by trooper 2/17/78 (p.5)

Date suspension effective 10/19/77

suspension served on Δ 2/8/78 (14)

- He (Δ) says the investigators never even talked to him. His brief concedes that they did (see statement of facts.)

If notice is simply to be
lied, but if its more → he
didn't lie. Does paper itself
constitute notice that license
suspended?

VIRGINIA

IN THE CIRCUIT COURT OF THE COUNTY OF LOUISA

November 13, 1978

COMMONWEALTH OF VIRGINIA

VS.

INDICTMENT FOR A FELONY

963

ROBERT ANTHONY HOLZ

The Grand Jury charges that:

On September ~~12~~^{21st}, 1978 in the County of Louisa, Virginia, Robert Anthony Holz did unlawfully and feloniously commit perjury after having taken the witness stand in his own behalf in the Louisa County General District Court in a case then pending between the Commonwealth of Virginia and the defendant, Robert A. Holz, charging the said defendant with operating a motor vehicle on the public highway on February 17, 1978 after his operator's license had been suspended or revoked, and having first taken oath "to tell on the truth, the whole truth and nothing but the truth, so help him God", said oath having been administered by the Honorable F. Ward Harkrader, Jr., a judge duly authorized to administer said oath by the Commonwealth of Virginia, did then and there wilfully swear falsely and absolutely that he had never received notice that his motor vehicle operator's license had been suspended by the Division of Motor Vehicles of the Commonwealth of Virginia, said Order of Suspension being dated October 19, 1977, whereas in truth the said Robert Anthony Holz had been personally served with said Order of Suspension dated October 19, 1977 by Harvey Fleshman, D.M.V.

Inspector, on February 8, 1978 and the aforesaid false sworn statement by the defendant was material to the matter then in issue.

Virginia Code Section: 18.2-434

A True Bill.

Copies to answer indictment
and to be read
29 NOV

Joseph S. Byrd
FOREMAN

Witnesses R. S. Cook
James F. Johnson
J. Byrd Assigned N.G. Jury

MARCH 12, 1979

VIRGINIA:

IN THE CIRCUIT COURT OF LOUISA COUNTY

COMMONWEALTH OF VIRGINIA

FELONY # 963

V

ROBERT ANTHONY HOLZ

SENTENCING ORDER

This day came the attorney for the Commonwealth and Robert Anthony Holz who was convicted of PERJURY by this Court on the 2nd day of January, 1979, and came also C. Champion Bowles, Jr., an attorney heretofore appointed by the Court to represent the defendant in this matter.

Whereupon the probation officer of this court, Albert A. LaFave, did present his report on the defendant and was cross-examined by counsel for the defendant and attorney for the Commonwealth.

Thereupon after hearing argument of counsel and consideration of the same including all other evidence presented on the present charge the court doth sentence the said Robert Anthony Holz to two (2) years in the state penitentiary and doth suspend all but four (4) months upon the following conditions:

1. The accused shall keep the peace and violate none of the penal laws of the Commonwealth of Virginia, or any Political subdivision thereof, for a period of two (2) years from the date of this order.

2. The accused shall pay his costs incident to this prosecution within six (6) months from the date of his release from confinement, including an attorneys fee of \$300.00 for the service of C. Champion Bowles, Jr.

The Court doth further order that the Commonwealth of Virginia do recover from the defendant its costs by it in this behalf expended.

Whereupon counsel for the defendant noted an appeal. The Court so noted the appeal. Bond for the defendant was set at \$2000.00 cash or \$5000.00 property.

The Court certifies that at all times during the trial of this case the accused was personally present, and his attorney was likewise personally present and capably defended his client.

And the accused is remanded to jail to serve the sentence therein imposed upon him to await transfer to the State penitentiary; therein to be kept, confined and treated in the manner prescribed by law.

ENTER:

Harold S. Powell JUDGE

3-12-79 3

Rec. in Div. 300 5-11-79

ASSIGNMENT OF ERROR

1. The trial court erred in that it did not strike Commonwealth evidence in that the Commonwealth had failed to prove that the defendant did wilfully swear falsely on such occasion touching any material matter or thing.

1 MR. HARRIS: All right. Call Trooper R. E. Cook.

2
3
4 R. E. COOK, having first been duly sworn, was
5 examined and testified as follows:

6 DIRECT EXAMINATION

7 By: Mr. Harris:

8 Q State your name and address for the record?

9 A R. E. Cook, Trooper, Virginia State Police,
10 Mineral, Virginia.

11 Q How long have you been so employed in that
12 capacity?

13 A Ten years.

14 Q All right. Did you have occasion, Trooper Cook,
15 to charge this defendant, Robert Anthony Holz, with operating
16 a motor vehicle on a public highway of the Commonwealth on or
17 about the 17th of February '78 after his privilege to drive
18 had been suspended or revoked?

19 A I did.

20 Q And I ask you sir, I've shown this to Mr. Bowles,
21 have this marked for identification as Commonwealth's Exhibit
22 1...

23
24 Commonwealth's Exhibit Number 1 was duly marked for
25 identification at this time.

1 Q Trooper Cook, were you present in lower court
2 on the date in question, September 21, 1978?

3 A Yes sir, I was.

4 Q And who was the presiding judge?

5 A Judge Harkrader.

6 Q And that's F. W. Harkrader, Junior, Judge of
7 the General District Court in Louisa?

8 A Yes sir.

9 Q And he is duly authorized to administer oaths
10 is he not, he's a lawful judge?

11 MR. BOWLES: I would object to this witness testify-
12 ing...

13 THE COURT: Sustained.

14 Q All right. Is he Judge of the Louisa County
15 General District Court?

16 A Yes sir.

17 Q All right, and on that date did this defendant
18 take the witness stand in his own behalf?

19 A Yes, he did.

20 Q Prior to taking the stand was he administered
21 the oath to tell the truth...

22 A Yes sir.

23 Q ... the regular oath?

24 A Yes sir.

25 Q All right. Of your own recollection and using

1 your notes concerning this man's knowledge of having been sus-
2 pended or revoked prior to February the 17th, 1978, what state-
3 ment, if any, did he make under oath?

4 A He advised that - in - in General District Court
5 that he had not received any notice of this suspension.

6 Q And we're talking about the Order of Suspension
7 dated October the 19th, 1977, from the Division of Motor
8 Vehicles?

9 A He advised that he had not received notice of any
10 suspension.

11 Q All right. What was the disposition of that case?
12 in lower case?

13 A The case was ...

14 THE COURT: The exhibit shows that.

15 Q All right sir.

16 THE COURT: ... not guilty.

17 Q All right sir.

18 THE COURT: Exhibit 1 shows that.

19 Q Yes sir. Did all this take place in the Louisa
20 County General District Court, which is in Louisa County, Virginia?

21 A Yes sir.

22 Q In fact, in this same courthouse building, right
23 here?

24 A Yes sir.

25 Q On the date in question?

1 A Yes sir.

2 Q Have you talked to this defendant about this
3 charge now pending?

4 A No sir, I have not.

5 Q You've not had occasion...

6 A No sir.

7 Q ... to take a statement from him?

8 A No sir.

9 Q Had you had occasion to question him as to the
10 allegations of the driving on the suspended charge of February
11 the 17th, 1978, when you arrested him on that charge? Do you
12 have any notes in your file concerning that or have you...

13 A I don't have no notes and no exact recollection
14 of this incident. I did execute the warrant on him and some
15 statement was made at the time, however, I do not recall what
16 the statement was.

17 Q Those forms of yours have long since been sent in
18 to the Department of State Police?

19 A Yes sir.

20 Q All right, answer Mr. Bowles' questions.

21
22
23 CROSS EXAMINATION

24 By: Mr. Bowles:

25 Q On February the 17th, what exactly did you do

1 concerning Robert Holz?

2 A February the 17th?

3 Q Yes sir, 1978?

4 A At this time I observed Mr. Holz involved in a
5 traffic violation. I stopped Mr. Holz at that time and issued
6 him a summons for this other violation, this was a reckless
7 driving charge.

8 Q When did you charge him with a revoked license -
9 did you check his license on February 17th, 1978?

10 A He had a license in his possession.

11 Q I have no further questions.

12 THE COURT: All right.

13
14
15 REDIRECT EXAMINATION

16 By: Mr. Harris:

17 Q One other question. Trooper, did you testify
18 fully in the proceeding below so as to make out a prima facie
19 case on behalf of the Commonwealth on the driving on the -
20 on the suspended charge of February 17th...

21 A Yes sir.

22 Q ... 1978?

23 A Yes sir.

24 Q All right, no further questions.

25 THE COURT: Step down sir.

1 MR. HARRIS: Call Inspector Fleshman.

2
3
4 H. L. FLESHMAN, having first been duly sworn, was
5 examined and testified as follows:

6 DIRECT EXAMINATION

7 By: Mr. Harris:

8 Q Sir, would you state your name and residence
9 address?

10 A H. L. Fleshman, I live at Route 2, Box 378,
11 Louisa.

12 Q What is your occupation?

13 A Police Officer with the Division of Motor Vehicles.

14 Q In the Enforcement Division?

15 A Yes sir.

16 Q How long have you held that capacity, approximately?

17 A I've been with the Division about fourteen years,
18 this particular job about three years.

19 Q You were so employed in this particular position
20 during 1978?

21 A Yes sir.

22 Q Have you ever had occasion to see this defendant,
23 Robert Anthony Holz?

24 A Yes sir.

25 Q And I'm asking you particularly with regard to

1 Suspension Order of the Division of Motor Vehicles dated October
2 the 19th, 1977, to tell the Court whether or not you ever had
3 the occasion to personally serve that Order on this defendant?

4 A I have the copies of the Order if I might...

5 Q Yes sir.

6 A It's noted on the cover sheet to the Order ...

7 Q Now which - identify the Order you're talking
8 about?

9 A It was an Order of October 19, 1977, issued by
10 the Division of Motor Vehicles.

11 Q And what type of order was it?

12 A It was an Order for failing to maintain proof of
13 financial responsibility which was required from a previous
14 occasion on an uninsured accident.

15 Q Now, that's what precipitated the Order, what did
16 the Order say?

17 A Records of the Division indicate you're required
18 to file proof - file Certificate of Insurance, Form SR 22,
19 because of a previous suspension, Early Settlers Insurance
20 Company's Final Notice terminating certificate of insurance on
21 file noted above driver's license and/or license plates. The
22 above driver's license - there is no driver's license number
23 there indicating that the license had previously been surrendered.
24 The above driver's license and/or license plates are hereby
25 suspended effective October 19, 1977 and shall remain suspended

1 until you have, and it lists the requirements for reinstating
2 the privilege.

3 THE COURT: Suspended effective what date?

4 A Effective October 19, 1977.

5 Q And who was this Order directed to?

6 A Robert Anthony Holz, P. O. Box 89, Locust Grove,
7 Virginia.

8 Q Where is Locust Grove?

9 A It is in Orange County.

10 Q And did they have any numbers identifying the
11 defendant at all or were the motor vehicle tags in his name or
12 what...

13 A The vehicle registration tag number 449405.

14 Q Now, what procedure was followed by the Division
15 as reflected from their files on Mr. Holz...

16 A Prior ...

17 Q ... concerning - how was this Order attempted to
18 be served initially?

19 A Prior to its having been sent out to one of us in
20 the field it was mailed as required and there was a Post Office
21 Department Certificate receipt number 907382 with the signature
22 of Robert Holz, allegedly signed by Robert Holz on November 5th,
23 1977. When there was no response to that then the Order was
24 mailed out to Inspector Sedwick...

25 Q When you say there was no response what do you mean?

1 A That the items that were...

2 Q Requested?

3 A ...yes, weren't surrendered to the Division. His
4 address on his license was P. O. Box 89, Locust Grove, there-
5 fore the Order was sent to the DMV representative that works
6 that area.

7 Q Who is that representative?

8 A R. M. Sedwick ...

9 Q Sedwick?

10 A ... and the sheet, cover sheet, where it was for-
11 warded to me gives an address of P. O. Box 3, Bumpass, Virginia.
12 This was mailed on 12/23 or was written on 12/23/77 and received
13 by me shortly thereafter.

14 Q All right, after receiving this what did you do
15 Mr. Fleshman?

16 A I went through the procedure of trying to determine
17 the location of Mr. Holz.

18 Q Were you ever able to locate this defendant,
19 Robert Anthony Holz, seated by Mr. Bowles now?

20 A Yes sir, we - I received information - I had with
21 me that day, Officer Johnson from the Division of Motor Vehicles
22 also, and received information that Mr. Holz was employed by
23 Dickinson Planer or Dickinson Brothers Planer Mill in Spotsyl-
24 vania County and lived in a house that belonged to that organiza-
25 tion and in close proximity to the Planer Mill. I went to that

1 location and spoke to Mrs. Holz, attempting to locate the items
2 that were suspended.

3 Q What date was this?

4 A On February the 8th.

5 Q Of this year - of '78, I mean?

6 A In '78, yes sir.

7 Q Did you see Mr. Holz on that day?

8 A Yes sir.

9 Q All right, relate to the Court the full circum-
10 stances?

11 A All right sir. We went to the house and presented
12 the request to Mrs. Holz for the said license plates that were
13 suspended and she said she didn't know where they were, that
14 they had been in a chair on the front porch and that he was
15 working up at-Mr. Holz was working up at the plant. We left
16 the house, myself and Officer Johnson left the house and went up
17 to the plant and/spoke to Mr. Dickinson and Jack Harper who
18 advised that he was working there and I believe that Mr. Harper
19 went and got Mr. Holz and brought him back just outside of the
20 office.

21 Q Now, do you have positive recollection of talking
22 to this defendant on that date over in Spotsylvania County?
23 Talking about this - saying you believe Mr. Harper went and got
24 him - did you...

25 A Well ...

1 Q ... did he bring him to you?

2 A Yes sir, right back to the office and...

3 Q Was this the man he brought to you?

4 A This appears to be the same man sir.

5 Q All right. And did you identify yourself to this
6 man?

7 A Yes sir.

8 Q Were you in uniform displaying your badge as a
9 DMV Enforcement Officer?

10 A Yes sir.

11 Q Did you advise him of the nature of your business?

12 A Yes sir.

13 Q And what comments did he make to you?

14 A Mr. Holz advised that the license plates were on
15 the front porch back at the house and we returned, Officer
16 Johnson and myself returned to the house and the license plates
17 were in fact, I believe, behind the chair or some area near an
18 old stuffed chair that was on the front porch.

19 Q All right. What, if anything, was done with
20 reference to Mr. Holz and the Suspension Order of October 19,
21 1977, when you saw him on this date?

22 A A copy of the Suspension Order was presented to
23 him.

24 Q It was served on him by you?

25 A Yes sir.

1 Q And was it done by you?

2 THE COURT: Did you give him a copy?

3 A Yes sir.

4 THE COURT: At the plant?

5 A Yes sir.

6 THE COURT: All right.

7 A It come out in two copies, one for return and
8 one for presentation to the person.

9 Q Did you make any memorandum or official notice
10 in his record that this had been served on him?

11 A Yes sir, on the - this was done by Officer
12 Johnson on - we write the reports up on Friday following the
13 time that they are served and at the bottom of the Order or
14 the cover sheet of the Order it says Order Served and the date
15 is there and...

16 Q What date did you put there?

17 A 2/8/78, and the report was made to DMV on 2/10/78,

18 Q So it was personally served by Officer Johnson
19 in your presence on this defendant?

20 A Yes sir.

21 Q And plus you picked up the plates?

22 A Yes sir.

23 Q Did this defendant have any questions for you
24 when you served this on him?

25 A I don't recall.

1 Q Answer counsel for the defendant questions.

2 THE COURT: Mr. Bowles.

3
4
5 CROSS EXAMINATION

6 By: Mr. Bowles:

7 Q Do you have a copy of the Order that was served
8 that day on Holz?

9 A Yes sir.

10 Q May I see that? Is there a notation showing
11 this was served on the defendant?

12 A It's been noted that the Order was served on this
13 date. This is the part here...

14 Q When you talked to the defendant or when you
15 talked to the defendant's wife you were requesting the tags?

16 A Yes sir.

17 Q Did you ask her for his license, the permit I'm
18 speaking now of?

19 A No sir, as I have previously stated, the driver's
20 license wasn't listed, therefore it would indicate that it pre-
21 viously had been suspended. There's no way for me to know what
22 -the whereabouts of that was.

23 THE COURT: Did you ask him for it?

24 A No sir.

25 THE COURT: Well, you don't know but what he had it

1 then?

2 A No sir.

3 THE COURT: I see.

4 Q That was my next question. I have no further
5 questions.

6
7
8 REDIRECT EXAMINATION

9 By: Mr. Harris:

10 Q Mr. Fleshman, do DMV records normally reflect
11 whether or not someone has an active permit, chauffeur's or
12 operator's?

13 A Yes sir.

14 Q And these records reflected what concerning that?

15 A If I could ...

16 Q Yes sir ...

17 A ... take a minute to go through them ...

18 Q ... help yourself.

19 A ... perhaps I can locate that.

20 Q What did the records that were provided you,
21 official records of this man's driving record and associated
22 records, what did they reveal to you when they were given to
23 you to enforce this Order with regard to the status of his
24 permit?

25 A This is not the first order that I have had on

1 Mr. Holz and an order that was previously issued on October 26,
2 1976 - 1976, and contact I made with Mr. Holz on 21st day of
3 January, 1977...

4 Q Was this personal contact?

5 A Yes sir.

6 Q All right.

7 A And at that time the order called for driver's
8 license and vehicle tags.

9 Q What did you get as a result of that personal
10 contact?

11 A Well, I have attached a half of a driver's license
12 and a statement that the subject understood that his privilege
13 to operate a vehicle in the Commonwealth of Virginia was sus-
14 pended and it's signed by him and witnessed by me on the 21st
15 day of January,...

16 Q 1977?

17 A Yes sir.

18 Q Do you have that statement and that driver's
19 license?

20 A Yes sir.

21 Q Would you hand it to me please sir?

22 MR. BOWLES: Your Honor, I object to this line of
23 questioning. I do not think it is material to the indictment
24 charged here having sworn that he - committed perjury, even
25 with the warrant dated or incident concerning the warrant or

1 revocation dated and supposedly served October 8, 1978, concern-
2 ing the Order of October the 19th, 1977. What transpired be-
3 fore is not relevant to this charge.

4 THE COURT: Well, he said that he stated under oath,
5 he then and there willfully did swear falsely and absolutely
6 that he had never received notice that his motor vehicle
7 operator's license had been suspended...

8 Q Yes sir.

9 THE COURT: Well, that's the statement he's made
10 he's proving that it's false as the Commonwealth must do so
11 objection overruled.

12 ~~Q Further go down and specifically state part of~~
13 ~~the false thing, but this is part of his history that clearly~~
14 ~~goes to this man's intent. Would you mark this please.~~

16 Commonwealth's Exhibit Number 2 was duly marked for
17 identification at this time.

18
19 Q I show you Commonwealth's Exhibit Number 2 along
20 with its attachment and ask you to review with the Court...

21 MR. BOWLES: May I see that?

22 Q Yes sir.

23 MR. BOWLES: I object to this. This has nothing to
24 do with the present evidence.

25 THE COURT: Objection overruled.

1 Q Investigator Fleshman, or Inspector Fleshman,
2 would you tell the Court in essence what this is as well as I
3 move to introduce it into evidence...did you make these records?

4 A Yes sir.

5 Q These are official records of the Division of
6 Motor Vehicles?

7 A Yes sir.

8 Q Do they concern this defendant, Robert Anthony
9 Holz?

10 A Yes sir.

11 Q Tell the Court basically^{what}/it concerns?

12 A The 0606 Order was issued as a result of ...

13 Q Is that an Order of Suspension?

14 A Yes sir - was issued as the result of an accident
15 on July 30, 1976 in Orange County and a valid certificate show-
16 ing that there was insurance on the particular vehicle had not
17 been received by the Division of Motor Vehicles.

18 Q What is the date of that Order?

19 A October 26, 1976.

20 Q All right, and what contact did you have personally
21 with this defendant as a result of that Order?

22 A I have a form in the event that some of the items
23 that are suspended are either lost, stolen or previously been
24 mailed in and the notation made on this one was that one plate
25 was lost and ...

1 Q Talking about a license plate?

2 A Yes sir.

3 Q A vehicle license plate?

4 A Yes sir. The driver's license was attached, so
5 it was picked up on that date.

6 Q And what's the date that you had personal contact
7 with Robert A. Holz concerning this incident?

8 A 21 January of '77.

9 Q All right, and you actually picked up the driver's
10 license and one plate?

11 A Yes sir.

12 Q On that date?

13 A Yes sir.

14 Q And did he sign a form stating anything?

15 A Yes sir, the form showing that one of the tags
16 was lost and it states above his signature, should any of the
17 items come into my possession I will at once surrender the same
18 to the Division of Motor Vehicles, P. O. Box 2742, Richmond,
19 Virginia. I understand that my privilege to operate vehicles
20 in the Commonwealth of Virginia is this date suspended and it's
21 signed, Robert A. Holz and witnessed by me.

22 Q All right sir, I move to introduce this into
23 evidence, Your Honor.

24 THE COURT: All right sir. This will be received...
25

1 Commonwealth's Exhibit Number 2 was duly received
2 into evidence at this time.
3

4 THE COURT: Now, I want to see what you served on
5 him on October the 19th - February ...

6 Q February 8th.

7 THE COURT: All right, February the 8th.

8 Q Yes sir.

9 THE COURT: February the 8th.

10 Q Just pull it out Inspector Fleshman and we'll
11 introduce that too. I move to introduce this, the Order and
12 the sheet showing service.

13 MR. BOWLES: What specific numbers will these be?

14 Q Exhibits 3 and 4.
15

16 Commonwealth Exhibits Numbers 3 and 4 were duly
17 marked for identification at this time.
18

19 THE COURT: Now, Officer Fleshman, tell me this, if
20 this man's operator's license was suspended in - on the 21st of
21 January, 1977, do you know whether it was issued thereafter to
22 him again?

23 A No sir, I do not know.

24 THE COURT: Well, he says - Officer Cook testified
25 this man had a license when he had this accident, do you know

1 when he got it?

2 A No sir, I do not. I might be able to check
3 further into the file, the complete file is in my possession.

4 Q Inspector Fleshman, are these two proposed exhi-
5 bits, Number 3 and 4 on behalf of the Commonwealth, the number
6 3 being the cover sheet that shows the personal service on the
7 defendant and number 4 being the Order of Suspension of October
8 the 19th, 1977...

9 A Yes sir.

10 Q I move to introduce these into evidence, Your
11 Honor.

12 THE COURT: All right.

13
14 Commonwealth Exhibits Number 3 and 4 were duly re-
15 ceived into evidence at this time.

16
17 Q Would you look through the file, Inspector Flesh-
18 man, and see if you can ascertain when or if this man was issued
19 another license, and while you're doing that will you tell the
20 Court whether or not it's possible for someone to go to a DMV
21 Station around the Commonwealth after they have been suspended
22 and apply for and receive a new license without going down to
23 Richmond and straighten things out? Does it happen?

24 A It is possible, yes sir.

25 Q All right sir. What did your search reveal?

1 A It shows that there was reissue made on the
2 license 6/1/73 and there is a code...

3 Q 6/1/73?

4 A Yes sir.

5 Q Which would have made it?

6 A For a four year period. The license would have ex-
7 pired in '77.

8 Q All right, does it show when that was made; is
9 that the original issue date or is that the reissue date?

10 A There is a code on there...

11 Q All right.

12 A ...and the code is something that the computer
13 operators use that we don't use. It says reason J and reason
14 J doesn't mean anything to me. It could have been that there
15 was a duplicate or it could have been a renewal or several
16 different reasons for reissuing it.

17 Q Now ...

18 THE COURT: Do you know whether or not a permit was
19 issued to him after the 21st of January 1977, is what I want to
20 know.

21 Q Yes sir...

22 A No sir, not after January '77, I can find nothing
23 that would indicate one was issued after that date.

24 THE COURT: All right sir.

25 Q You can't find any record of it there?

1 A No sir.

2 Q All right.

3 A Any license that he may have had, according to what
4 I can find in the records, would have been issued prior to the
5 time that the suspension order was served.

6 Q All right. So you had dealt with this man at
7 least on these two occasions?

8 A Yes sir.

9 Q All right.

10 A And the second occasion relates right back to the
11 first one because of the financial responsibility requirement
12 for a three year period as a result of the accident that ...

13 Q Would you reflect back on February the 8th, 1978
14 over there at Dickinson's Planer Mill or thereabouts in Spotsyl-
15 vania County, Virginia, and review with the Court the full
16 statement that you made to this defendant concerning the paper
17 that you served on him?

18 A I - it would be difficult to say exactly the
19 words...

20 ~~Q~~ Q Well, the essence of what you told him?

21 A The essence of the comments would be that the
22 Order was issued by the Division of Motor Vehicles after having
23 received information from the insurance company that the SR 22
24 insurance had terminated and to reinstate the driving privileges
25 it would be necessary to obtain a new SR 22 and pay the applic-

1 able fees.

2 Q So you explained the Order of Suspension...

3 A Yes sir.

4 Q ... in essence, and what you had to do to get the
5 operator's permit back?

6 A Yes sir, it was the normal procedure.

7 Q Thank you, answer counsel's question for the
8 defendant.

9
10
11 RECROSS EXAMINATION

12 By: Mr. Bowles:

13 Q Mr. Fleshman, on the date, February 8, '78, at
14 the Planer Mill, you were with another officer?

15 A Yes sir.

16 Q Jones?

17 A Johnson.

18 Q Who served this order on the defendant?

19 A I'm not sure whether I handed it to him or whether
20 Officer Johnson handed it to him, Mr. Bowles.

21 Q And one or the other of you asked for the tags
22 that went on a vehicle?

23 A Yes sir.

24 Q But no request was made by either officer for the
25 license to drive?

1 A No sir, there was no indication on the Order that
2 he still had one in his possession.

3 Q Did you explain to the defendant what this Order
4 meant or did Jones...

5 A Johnson.

6 Q ... Johnson?

7 A I don't recall which one of us spoke directly to
8 Mr. Holz. I deal with thirty to fifty a week.

9 Q You have his driving record there now don't you?

10 A Yes sir.

11 Q Do you have the record that was handed to you a
12 few minutes ago by the Commonwealth Attorney?

13 A Yes sir.

14 Q The Suspension Order for an accident, July 30,
15 1976, which was dated October the 26th, 1976, revoked the defen-
16 dant's license for failure to maintain financial responsibility,
17 that's correct isn't it?

18 A Suspended.

19 Q It suspended his license for failure to maintain
20 financial responsibility?

21 A No sir, the original suspension was for failure to
22 submit/SR 21 which is proof of insurance.

23 Q All right, well that's what's referred to as
24 financial responsibility?

25 A Right sir.

1 Q In order for a defendant - in order for anyone
2 who has their license suspended for that reason the only thing
3 that's necessary for them to do is to pay the required fee and
4 submit proof of financial responsibility?

5 A Yes sir.

6 Q If this defendant had done those things the license
7 would have been reissued?

8 A Right.

9 THE COURT: But you have no record of it ever being
10 reissued?

11 A No sir, none that I can locate.

12 THE COURT: All right.

13 Q What about this notation here of July 23, 1976,
14 reads instated July 30, 1976, would that mean that his license
15 was reinstated to him? I show you on page 2...

16 A What this means is that the order for failing
17 to pay a fine and costs of court suspension, so this is some-
18 thing that's not directly related to the SR22 requirement or to
19 the accident. This is where there was a failure to pay a fine
20 and costs in General District Court and this note said it was
21 delivered to someone who's authorized to sign at the residence
22 by the Post Office and that this would probably indicate that
23 the fine in General District Court in Orange was paid. It simply
24 has nothing to do with...

25 Q It indicates that his license was reinstated on

1 July 30?

2 A It's possible.

3 Q Well, that's what this record refers to when it
4 speaks of reinstated, there's nothing else that it would speak
5 of except the license?

6 A I'm - I'm not positive on that. What I - my
7 impression of what that one indicates right there, the record
8 relates to the fine and costs in the Court in Orange.

9 MR. HARRIS: Let me see that just a moment.

10 A If you go further down you get the convictions
11 for the Court in Orange.

12 THE COURT: Any more questions, Mr. Bowles?

13 Q Yes sir. I'm trying to decipher - there are
14 several dates. Now, you said that all he would have had to
15 done was to show his - that he had insurance and get another
16 license and also pay the required fee or fine?

17 A On this particular order, the order for failing
18 to maintain requires the SR 22 and restatement fee once it is
19 sent to me and then a service fee, but then when the person,
20 whoever it might be, goes into the DMV to get his record cleared
21 where the license can be reissued the computer automatically
22 shows any revocations or suspensions that might be imposed for
23 any reason, and should - I served my order for failing to main-
24 tain and then the person gets into DMV there might be any number
25 of orders for failing to pay fine or driver improvement courses

1 that were missed or suspensions for points ...

2 Q Are licenses issued for four year periods?

3 A Four years nearest the last day of your birth
4 month.

5 Q So if his license were reissued on July the 30th,
6 have
'76 or reinstated, would that/ been for a four year period
7 beginning then?

8 A No. The license would - under a suspension the
9 license would be reissued to expire on the previous expiration
10 date time. If you had a license you got in '78 it would expire
11 in '82 and if it was suspended for six months of that time, when
12 you got it back it would still expire in '82.

13 Q Well, a license that was issued or reissued for
14 four years from June the 1st, 1973, would have expired whether
15 it were revoked or suspended in that four year period or not,
16 it still would have expired June the 1st, 1977?

17 A Yes sir.

18 Q And in order for anyone or this defendant to have
19 gotten another license he would have had to do what at the end
20 of June the 1st, 1977?

21 A Would have had to have cleared whatever orders
22 were outstanding, pay whatever fees were applicable, have a new
23 photograph taken and a new license permit.

24 Q It would have been like anyone else who gets the
25 cards and the application from the Motor Vehicle to have to go

1 in ...

2 A Yes sir.

3 Q ... to the examiner and get it?

4 A Yes sir.

5 Q I have no further questions. Your Honor, I
6 would again object to the introduction of this handwritten
7 letter of May, 1977. It does not deal with the offense of the
8 charge here today.

9 THE COURT: Well, the offense with which he's charged
10 with today, Mr. Bowles, is that he did falsely swear that he
11 had an operator's license when he didn't have one. Anything that
12 would show me the truth or falsity of that statement I must
13 admit. In other words, truth is an absolute defense to a charge
14 of perjury and if the man testified truthfully it's an absolute
15 defense.

16 MR. HARRIS: Yes sir.

17 THE COURT: And the Commonwealth must prove that it
18 is false.

19
20
21 REDIRECT EXAMINATION

22 By: Mr. Harris:

23 Q Mr. Fleshman, I ask you to look at this proposed
24 Commonwealth Exhibit Number 5 and ask you if this purports to
25 be signed by Mr. Holz and did it come from the Locust Grove

1 THE COURT: Do you have any objection to the Court
2 taking judicial notice of those facts Mr. Bowles?

3 MR. BOWLES: No, Your Honor.

4 THE COURT: All right.

5 MR. BOWLES: I'd like to call Trooper R. E. Cook.

6 THE CLERK: You've been sworn previously, you're
7 still under oath.

8 MR. COOK: Yes sir.

9
10
11 R. E. COOK, having been previously sworn, was recalled,
12 examined and testified as follows;

13 DIRECT EXAMINATION

14 By: Mr. Bowles:

15 Q Mr. Cook, on the day that you stopped this defen-
16 dant, Robert Holz, the day - you know you stopped him February
17 the 17th, 1978, did he display to you a valid Virginia's
18 operator's license?

19 A Yes sir.

20 Q Do you have your records for that arrest?

21 A Yes sir.

22 Q Do they show the operator's license number?

23 A Yes, it does.

24 Q What number is shown?

25 A 117466836.

1 Q Do you have Mr. Holz's driving record?

2 A I have an abstract.

3 Q An abstract?

4 A Yes sir.

5 Q Does that show what his license number is?

6 A 117466836.

7 Q So the license Mr. Holz displayed to you conforms
8 with his records...

9 A Yes sir.

10 Q ... on file with the DMV?

11 A Yes sir.

12 Q Does anything on your record show the effective
13 date of that issuance of that license?

14 A The license was issued June the 1st, 1973.

15 Q And that would have been valid only for four years
16 though?

17 A With the expiration of June the 30th, 1977.

18 Q All right, so when you checked his license in
19 February, 1978, what would have been the expiration date that on
20 that license? Your ...

21 A This is the only license that my report has that
22 he was issued. Now, he had been issued - reissued licenses on
23 two occasions, and both of these occasions the license was due
24 to expire on June the 30th, 1977.

25 Q What I want to know is do you have anything that

1 indicates when the license that he displayed on February the
2 17th, 1978, was issued to him?

3 A No sir.

4 Q If it had been expired you would have noticed
5 that more than likely would you not?

6 A I hope I would have.

7 Q You check for ...

8 A I usually check.

9 Q You usually check for those things?

10 A I usually check, yes sir. And I...

11 Q Nothing unusual to your knowledge...

12 A I ...

13 Q ... on this license?

14 A I don't recall the date of expiration. I don't
15 think it was expired when I looked at this defendant's permit.

16 Q I have no further questions.

17
18
19 CROSS EXAMINATION

20 By: Mr. Harris:

21 Q Trooper, what in your work as a Trooper and being
22 concerned with the Division of Motor Vehicles, have you had
23 occasion to find other individuals who've had their licenses
24 suspended and have gone and reapplied...

25 MR. BOWLES: Your Honor, I ...

1 Q ... and gotten ...

2 MR. BOWLES: ... object to anything...

3 THE COURT: Sustained.

4 Q Are you familiar sir with the procedure of the
5 Division of Motor Vehicles as far as its stations out in the
6 counties of the Commonwealth with regard to issuing licenses
7 to people that go in and apply?

8 A I'm not sure I understand.

9 Q In general, are you familiar with the procedures
10 of the field stations of the Division of Motor Vehicles licensing
11 agents throughout the Commonwealth; in general, are you?

12 A Only as a person that would get a license myself.
13 Now, I don't - I don't know their responsibilities. I do know
14 that you go to them with your application for a license and a
15 license is reissued from here rather than go to the Division
16 of Motor Vehicles down in...

17 Q Do you know whether an individual can walk into
18 one of these stations and apply for a license and get one as
19 a general rule?

20 A Yes sir.

21 Q Thank you.

22 MR. BOWLES: I have no further questions, Your Honor.

23 THE COURT: Do you know whether or not Mr. Holz sub-
24 mitted an operator's license to Judge Harkrader when this case
25 was tried on September the 21st, 1978?

1 A No sir, he did not.

2 THE COURT: All right sir.

3 MR. HARRIS: No further questions.

4 THE COURT: Step down sir.

5 MR. BOWLES: Call Rebecca Talley.

6
7
8 REBECCA TALLEY, having first been duly sworn, was
9 examined and testified as follows:

10 DIRECT EXAMINATION

11 By: Mr. Bowles:

12 Q You are Rebecca Talley?

13 A Yes sir.

14 Q You know the defendant, Robert Holz?

15 A Yes sir.

16 Q What kin is he to you?

17 A He's my step-brother.

18 Q Do you know his wife, Linda Holz?

19 A Yes sir.

20 Q Did you have occasion to take Robert Holz and
21 Linda Holz for acquiring their driver's licenses?

22 A Yes sir, I did.

23 Q When was this?

24 A This was in March of '77.

25 THE COURT: March of '77?

1 A Yes sir.

2 Q Where did you take them to?

3 A I took them to the DMV in Richmond.

4 Q Do you recall what day or date you took them?

5 A Not exactly, no sir.

6 Q Tell the Court what transpired?

7 A Well, we went to the Division and we went up to
8 the - well, it was really busy and we went up to the window
9 and they told us that - they paid the fine and they told us
10 that they had to have the pink slip from the insurance company.
11 So, we had to go back to Louisa County and come back the next
12 day and bring the pink slip with us from the insurance company
13 saying that they had the insurance. And then on that, the
14 second day, they gave them their old driver's license back and
15 they were about ready to expire so they went over to the little
16 station there and took the - got their pictures taken again and
17 got their license renewed.

18 Q Was this all done in Richmond you say?

19 A Yes sir.

20 Q I have no further questions.

21
22
23 CROSS EXAMINATION

24 By: Mr. Harris:

25 Q Ms. Talley, I show you Commonwealth's Exhibit

1 Number 2 with the license attached, would you take a good look
2 at that operator's license, and is that one that was issued to
3 your step-brother, Robert A. Holz?

4 A That's not the one that was issued the second time,
5 no sir.

6 Q The second time, is that the one he got back that
7 was about ready to expire?

8 A Yes sir.

9 Q That is the one?

10 A Yes.

11 Q Can you explain how that ended up in Investigator
12 Fleshman's file?

13 A No sir.

14 Q And not in the possession of your brother?

15 A No sir, but they gave it back when they took it
16 over to the other building.

17 Q He took it over, he and his wife took it over...

18 A Both of them did...

19 Q ... to get a renewal in other words?

20 A Yes.

21 Q You weren't with him when - talking about your
22 step-brother, you weren't with him when Investigator Fleshman
23 talked with him over at Dickinson's Planing Mill in February,
24 1978, were you?

25 A No sir.

1 Q And so you don't know what went on there?

2 A No sir.

3 Q Thank you.

4 THE COURT: All right, step down, next witness.

5 MR. BOWLES: Call Linda Holz.

6
7
8 LINDA HOLZ, having first been duly sworn, was examined
9 and testified as follows:

10 DIRECT EXAMINATION

11 By: Mr. Bowles:

12 Q You are Linda Holz, wife of the defendant, Robert
13 Holz?

14 A Yes sir.

15 Q Do you recall your husband getting his license
16 in March of 1977?

17 A Yes, I was with him.

18 Q Excuse me?

19 A Yes, I was with him.

20 Q Were you also with Rebecca Talley?

21 A Yes sir.

22 Q This was done in Richmond?

23 A Yes sir.

24 Q Tell us briefly exactly what happened as you recall?

25 A Well, we went to the DMV and like she said it was

1 busy so we paid our fine and they said we had to go - we had to
2 have a pink slip of paper from the insurance company. So we had
3 to go all the way back to Louisa and we didn't come back down
4 there the same day, we went the next day and took the slip of
5 paper on the car. Then they said we had to go - go across the
6 street, go over to the next where you renew your license and
7 have it done over there, so we went over there.

8 ~~Q Did you get a license that day too?~~

9 ~~A Yes sir.~~

10 Q At that time were you - was Robert Holz, the
11 defendant, given his old license?

12 A I don't recall.

13 Q You don't recall. Were you...

14 A I was given mine.

15 Q You were given yours?

16 A Yes.

17 Q Did you get yours renewed that day too?

18 A Yes.

19 Q Do you still have a valid operator's license?

20 A No.

21 Q You've since lost yours?

22 A They come and got mine too.

23 Q In February of 1978 did you see Mr. Fleshman at
24 your house?

25 A Yes sir.

1 Q What did he inquire of?

2 A He said he's come after my tags and my driver's
3 license and I didn't know where the tags was at that time so I
4 told him he'd have to go over there and ask my husband.

5 Q Wanted your driver's license?

6 A Yeah, and he wanted my tags.

7 Q Did you give him your license?

8 A Yes sir.

9 Q You did not know where the tags were?

10 A No, not at that time. He took them off the car
11 and put them somewhere. I didn't know where he put them.

12 Q Did you direct Mr. Fleshman - was there another
13 officer with him?

14 A I believe there was.

15 Q Did you tell them where your husband was?

16 A Yes.

17 Q Did you tell them that he was working at the
18 planing mill?

19 A Yes sir.

20 Q Does your husband have a driver's license?

21 A Do he have a - no.

22 Q That's all. I have no further questions.

23
24
25 CROSS EXAMINATION

1 By: Mr. Harris:

2 Q Mrs. Holz, you said that Inspector Fleshman of
3 the Division of Motor Vehicles and another agent came to your
4 place in February, 1978?

5 A Yes.

6 Q And they came over there and they got your tags?

7 A Yes.

8 Q Your license?

9 A Yes.

10 Q And they got some tags eventually after they saw
11 your husband?

12 A Yeah, my tags. They were in my name.

13 Q Your name or both names?

14 A My name.

15 Q Your name. Okay. And so nothing they did con-
16 cerned your husband to your knowledge?

17 A No, it all concerns me.

18 Q Did your husband happen to show you the piece of
19 paper they served on him and left with him?

20 A No.

21 Q Didn't discuss that with you?

22 A No.

23 Q You weren't up there when they talked to your
24 husband?

25 A No.

1 Q Thank you.

2 THE COURT: Thank you, step down. Next witness
3 Mr. Bowles.

4 MR. BOWLES: Call the defendant, Robert Holz.

5
6
7 ROBERT A. HOLZ, having first been duly sworn, was
8 examined and testified as follows:

9 DIRECT EXAMINATION

10 By: Mr. Bowles:

11 Q You are Robert A. Holz?

12 A Yes sir.

13 Q Have you ever had your license suspended?

14 A It was suspended one time before, in '77 I think
15 it was.

16 Q When was it suspended?

17 A I'm not sure - November - it was in the - it was
18 late in the year that's all I know.

19 Q As a result of that, excuse me, what was it sus-
20 pended for?

21 A Driving a motor vehicle on the state highway without
22 insurance.

23 Q As a result of that suspension did you get your
24 license reissued to you?

25 A Yes sir, I got them reissued in March when I had

1 paid - when I paid the - the Division requirement for uninsured
2 motorists and the fine for pay - paid twenty-five dollars for
3 paper work.

4 Q Is this the time that Rebecca Talley took you and
5 your wife to Richmond?

6 A Yes sir.

7 Q When you went there in March of 1977, did they
8 give you your old license back?

9 A They give me a piece of paper to carry next door
10 to where they issued the license.

11 Q And was that-when you went next door did you take
12 a test for a license?

13 A No, I filled out another card and they took a
14 picture and give me the driver's permit.

15 Q Did they give it to you that day?

16 A Yes sir.

17 Q You never received the old license back?

18 A No.

19 Q Do you still have that license?

20 A I have it but I don't have it with me.

21 Q Where is it?

22 A I have it at home.

23 Q Do you know if it is still valid or has it expired?

24 A Not that I know of. I haven't looked at it, just
25 when I was served a warrant for driving on a suspended license I

1 just quite carrying it.

2 Q Is this the warrant that Mr. Cook served you with?

3 A Right.

4 Q All right, now, in February - on February the
5 8th, 1978, were you working a Dickinson's Planing Mill?

6 A Yes, I was.

7 Q Did you see Mr. Fleshman or any other officer of
8 the DMV that day?

9 A I saw two officers at a distance because I was
10 back in the mill and they went into the office, up front in
11 the office, but I hadn't talked to none of them.

12 Q Had anyone talked to you concerning the officers?

13 A Jack Harper works there, I don't know what they
14 call him, he answers the phone and takes orders, came out to
15 where I was at and told me the people from DMV was here...

16 MR. HARRIS: I object to any hearsay...

17 A ... and he wants to know where ...

18 MR. HARRIS: Your Honor, I object to the hearsay.

19 THE COURT: All right. Well, objection sustained.
20 Proceed.

21 Q As a result of your conversation with Jack Harper
22 did you tell Jack Harper where the license tags were?

23 MR. BOWLES: Object to leading his witness.

24 THE COURT: Overruled, proceed.

25 A I told him to - I told Jack that Linda's tags was

1 on the front porch stuffed down in the chair.

2 Q How close did you get to the Division of Motor
3 Vehicle officers there that day?

4 A It was a good ways.

5 Q Did you have any conversation with them?

6 A No sir.

7 Q Did you or did they, either of them, give you a
8 paper or an order ...

9 A No sir.

10 Q ... from the Division of Motor Vehicles? On
11 February the 17th you were stopped by - no 7th - yeah, February
12 the 17th you were stopped by Trooper Cook?

13 A Yes sir.

14 Q And did you display to him your driver's license?

15 A Yes sir.

16 Q Did he make any questions concerning the validity
17 of that license?

18 A No sir.

19 Q In September - I think September the 21st, were
20 you tried in the Louisa General District Court?

21 A Yes sir.

22 Q And at that time you were tried for driving on a
23 revoked license?

24 A Well, I was supposed to come to court for reckless
25 driving at a different date, and when I went there on that date

1 that's when he served me with a warrant for driving on a sus-
2 pended license.

3 Q It was served on you that day?

4 A I don't remember what day it was. I have the ticket
5 at home that I received on that day. And I went to Court...

6 Q I'm speaking now of the charge of driving on a
7 revoked license?

8 A I think it was in September, it was...

9 Q Was it the day you were tried?

10 A I was tried and was found not guilty.

11 Q Was your testimony that day concerning your re-
12 voked license the same as it is today?

13 A Yes sir.

14 Q Have you ever signed any paper or anything indicat-
15 ing you were notified that your license was suspended?

16 A No sir, I haven't.

17 Q I have no further questions.

18
19
20 CROSS EXAMINATION

21 By: Mr. Harris:

22 Q Mr. Holz, I ask you sir - I show you Commonwealth's
23 Exhibit Number 5 which appears to be a handwritten letter and
24 ask you to look at that and see if you recognize it?

25 A I had my wife write this...

1 Q Did you sign it?

2 A ... think and I signed it.

3 Q All right, in that letter dated May 26, 1977, the
4 Driver's Improvement Department, Division of Motor Vehicles,
5 posted May 26, 1977 from Locust Grove, do you not state there
6 that in regards to the suspension of my license, operator's
7 number such and such and you're requesting certain information?
8 That's you and you knew about your license being suspended on
9 that occasion?

10 A They would have been - they sent me a letter
11 saying that they would suspend them if I did not contact them
12 on that matter which like it says I had asked about that driver's
13 improvement clinic and then they come - I didn't get the date ...
14 on time or something and I didn't make it and then they sent me
15 that.

16 Q Sent you what?

17 A A paper saying that if I did not get in contact
18 with them that my driver's license would be suspended. I had to
19 have a written request for a different date.

20 Q So you're saying this is only...

21 A This is...

22 Q ... trying to discuss with them a proposed sus-
23 pension and not a suspension in fact?

24 A Right.

25 Q All right. Now, did you - I show you Commonwealth's

1 Exhibit Number 2, which has it on the bottom it's your old
2 license and ask you to look at that and see if your name is
3 signed to that the same dated January 21st, 1977?

4 A My name's signed to this but this is not for the
5 same - at the same time. This is when it was suspended the first
6 time and then I went and got my driver's license back.

7 Q You got your license back after this...

8 A Yes sir.

9 Q ... but you find - you did acknowledge to the
10 officer that you knew your license was suspended as of that
11 date?

12 A Right, but I went and got my driver's license
13 back.

14 Q In March following this?

15 A Right.

16 Q All right. Mr. Holz, have you seen this man
17 before, pointing out Inspector Harvey Fleshman of the Division
18 of Motor Vehicles?

19 A I saw him one time.

20 Q You've seen him one time in the office?

21 A And that's when he picked up my driver's license
22 and tags the first time.

23 Q The first time?

24 A Right.

25 Q Was this gentleman over to Dickinson's Planing

1 Q Mr. Fleshman, you previously testified and are
2 still under oath. I'm not trying to rehash your testimony
3 concerning February the 8, 1978 over at Dickinson's Planing
4 Mill, but would you tell the Court the physical surroundings,
5 the facts of the physical surroundings and of your physical
6 confrontation with this man, Robert Anthony Holz, on that day?

7 A As I recall the contact that day, we went into
8 the office at the Planing Mill and talked with Mr. Dickinson
9 and Mr. Harper, and advised them we were looking for Mr. Holz,
10 and Mr. Harper went to the area of the plant....

11 Q Did he return with anyone?

12 A ... and returned right to the area where my car
13 and
14 was parked at the entrance to the office /shop and it was right
15 in the area of the vehicle where the conversation with Mr. Holz
16 took place.

17 Q Who did he return with?

18 A Mr. Holz.

19 Q This defendant?

20 A Yes.

21 Q And how close did you and Mr. Holz physically get
22 that day?

23 A I would say within three, four feet.

24 Q And was there any conversation between Mr. Holz
25 and you and/or Officer - Inspector Johnson?

A I don't remember the exact...

1 Q No, I ask you was there a conversation?

2 A Yes sir.

3 Q And was it at this time that a copy of the Order
4 was personally served on the defendant?

5 A Yes sir.

6 Q And was that Order so served?

7 A Yes sir.

8 Q Thank you.

9
10
11 CROSS EXAMINATION

12 By: Mr. Bowles:

13 Q Personally served by who?

14 A I don't recall whether Officer Johnson or myself
15 handed the Order.

16 Q I have no further questions.

17 THE COURT: Step down, thank you.

18 MR. HARRIS: No further evidence for the Commonwealth.

19 THE COURT: All right sir, are you ready to argue
20 the case?

21 MR. HARRIS: Yes sir.

22 MR. BOWLES: Your Honor, I would make a motion to
23 strike the Commonwealth's evidence.

24 THE COURT: Well, at this stage we're in the process
25 of arguing it anyway, Mr. Bowles, unless there's some particular

OKS 7/76

HEALTH OF VIRGINIA

COUNTY [CITY] OF Louisa

To Wit:

No. _____

ARREST WARRANT
(Rule 3A:4)

TO ANY SHERIFF, POLICE OFFICER, OR OTHER AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth forthwith to arrest

Robert ANthony Holz, P. O. Box 89, Locust Grove, Va.

(Name of accused, or a description by which the accused can be identified)
and to bring him (her) before the Louisa County General District Court

(Designation of Court)
to answer a charge that he (she) committed an offense in the County (City) of Louisa

on or about 17 February, 19 78,
namely (give a brief description of the offense)

Unlawfully did operate a motor vehicle on the public highway after his
privilege to drive had been suspended or revoked.

On the basis of the sworn statement(s) of Trooper R. E. Cook
the undersigned has found probable cause to believe the accused has committed the offense.

If a written complaint has been made, it is attached to the original of this warrant.

You are also commanded, in the name of the Commonwealth, to summon the following as witnesses:

Name _____	Address _____	<input type="checkbox"/>
Name _____	Address _____	<input type="checkbox"/>
Name _____	Address _____	<input type="checkbox"/>
Name _____	Address _____	<input type="checkbox"/>

Given under my hand and seal, this 24 day of February, 19 78

Teste

H Leonard
Deputy Clerk

John L. Lupton (SEAL)
(Signature of Issuing Officer)

Magistrate
(Title of Issuing Officer) **53**

COMMONWEALTH OF VIRGINIA



C. E. EMSWILER, JR.
INFORMATION SYSTEMS ADMINISTRATOR

J. W. FLORENCE
VEHICLE SERVICES ADMINISTRATOR

J. C. SKELTON
FIELD SERVICES ADMINISTRATOR

R. E. SPRING
DRIVER SERVICES ADMINISTRATOR

R. P. VAN BUREN
MANAGEMENT OPERATIONS ADMINISTRATOR

MAIL ADDRESS
P. O. BOX 27412
RICHMOND, VIRGINIA 23269

DIVISION OF MOTOR VEHICLES

2220 WEST BROAD STREET
RICHMOND

TO: Bureau of Safety Responsibility FROM Field Service Representative

COMMONWEALTH'S
EXHIBIT

#2
1-2-79 dli

On this the 21st day of JAN, 19 77, in the County/City
of Louisiana, Virginia, a suspension or revocation order has been
served on me with the requirements that I surrender my Virginia
license numbered _____ and/or my Virginia plate(s)
numbered JMC 266, which order I cannot comply with for the
following reason(s):

- ☐ Operator's License Stolen ☐ Lost ☐ Destroyed ☐ Mailed DMV ☐
- ☐ Chauffeur's License Stolen ☐ Lost ☐ Destroyed ☐ Mailed DMV ☐
- ☒ Plate(s) Stolen ☐ Lost ☐ Destroyed ☐ Mailed DMV ☐.

*1 Lost and applying for Dup. paid EXTRA \$2
One got Driver's License*

Should any of the items come into my possession, I will at once sur-

render same to the Division of Motor Vehicles, Box 27412, Richmond, Virginia.

I understand that my privilege to operate
a vehicle in the Commonwealth of Va.

is this date 21st Suspended

☐ Revoked

Sworn and subscribed before me this 21st day of JAN, 19 77.

19 77.

Representative, Division of Motor Vehicles

DIVISION OF MOTOR VEHICLES
INTER-DEPARTMENTAL CORRESPONDENCE

ORDER DATE 10/10/77 ORDER NO. 0814 CASE NO. 772906902

TO F.S.R. R. M. SERVICE

DATE NOVEMBER 7, 1977

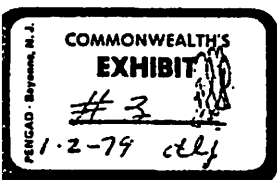
SERVE COPY OF ATTACHED ORDER(S). SECURE LISTED LICENSE(S). RETURN
ONE COPY OF THIS FORM TO OFFICE WITH NOTATION OF SERVICE.

SUBJECT:

HOLZ, ROBERT, ANTHONY
PO BOX 89
LOCUST GROVE, VA 22505

DESCRIPTION

BIRTH DATE SEX RACE WGT HGT EYES HAIR
06/06/54 M W 160 5-10 BL BR
DL NO RECORD 117-46-6834-77
CL NO RECORD
TEMP NO RECORD
INST NO RECORD



3078 VEH.LIC. YR MAKE YR
49405 78 FORD 67

VEH.ID.NO.

VEH.LIC. YR MAKE YR

VEH.ID.NO.

F. B. S. M.

FEB 21 1978

ADDITIONAL INFORMATION FROM OFFICE,

AT THE DIRECTION OF
VERN L. HILL, COMMISSIONER

☐ UNABLE TO LOCATE, NO BETTER ADDRESS.

☐ RELEASE ATTACHED.

☐ UNABLE TO CONTACT, BEST ADDRESS NOW.

☐ SR 21 ATTACHED.

☒ VEHICLE LICENSE(S) SECURED AND HELD.

☐ SR 22 ATTACHED.

☒ PRESENT ADDRESS. 449-405

☐ OPERATING LICENSE(S) ATTACHED. SURRENDERED DATE, RT 1 Bumpass, VA 23024

☐ CARDBOARD ☐ PLASTIC PART A ☐ PLASTIC PART B

☐ LICENSE PLATES

TRANSFERRED TO

ADDITIONAL INFORMATION FROM F.S.R.

DATE

10/10/77

FOLLOW-UP SERVICE #1

JUL 3 - 1978

F. B. S. M.

FEB 16 1978

ORDER SERVED

2/8/78

DSA 380 DP REV. 4/76

REPORT DATE

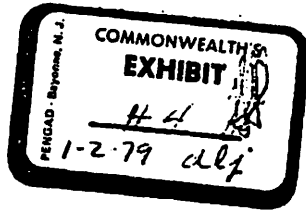
2/10/78

FIELD SERVICE REPRESENTATIVE

Robert 65-55

Division of Motor Vehicles

Richmond, Virginia



10/19/77

FOLLOW-UP

NOV 3 1977

FR. DEPT.

ORDER OF SUSPENSION

HILL, ROBERT A. H. L. Y
PO BOX 39
CROST CROVE, VA 22006

DL NO: NO RECORD
CL NO: NO RECORD
LICENSE PLATE(S):
449-403 FORD 7M34H1331C9

THE RECORDS OF THIS DIVISION INDICATE YOU ARE REQUIRED TO FILE
CERTIFICATE OF INSURANCE, FORM SR 22, BECAUSE OF A PREVIOUS
SUSPENSION. THE EARLY SETTLERS INS CO HAS FILED A NOTICE
TERMINATING THE CERTIFICATE OF INSURANCE ON FILE FOR THE ABOVE
DRIVER'S LICENSE(S) AND/OR LICENSE PLATE(S).

THE ABOVE DRIVER'S LICENSE(S) AND/OR LICENSE PLATES ARE HEREBY SUSPENDED
EFFECTIVE OCTOBER 19, 1977, AND SHALL REMAIN SUSPENDED UNTIL YOU:

(1) HAVE YOUR LIABILITY INSURANCE COMPANY FILE FORM SR 22 COVERING
THE ABOVE LICENSE(S) AND

(2) PAY TO THIS DIVISION A \$25 REINSTATEMENT FEE (YOUR CHECK OR
MONEY ORDER SHOULD BE MADE PAYABLE TO THE DIVISION OF MOTOR
VEHICLES AND MAILED TO THE ADDRESS SHOWN ABOVE).

ALL SUSPENDED DRIVER'S LICENSE(S) AND/OR LICENSE PLATES MUST BE
RETURNED TO THE COMMISSIONER. USE THE ATTACHED ENVELOPE TO MAIL
LICENSE(S). IF YOU FAIL TO SURRENDER YOUR LICENSE(S) AND A
REPRESENTATIVE OF THE DIVISION OF MOTOR VEHICLES IS REQUIRED TO
SERVE THIS ORDER, AN ADDITIONAL \$10 FEE MUST BE PAID BEFORE THE
SUSPENSION MAY BE REMOVED.

ISSUED IN THE OFFICE OF THE COMMISSIONER OF THE DIVISION OF MOTOR
VEHICLES, RICHMOND, VIRGINIA, ~~OCTOBER 19, 1977~~, BY AUTHORITY OF SECTIONS
46.1-157.5, 46.1-397, AND 46.1-451(C) OF THE VIRGINIA CODE.

VERN L. HILL, COMMISSIONER

MANAGER
FINANCIAL RESPONSIBILITY DEPARTMENT

TELEPHONE NO: (804) 766-8301

REV. 7-1-76 FR4A-0614

KEYPUNCH

NOV 04 1977

suspended here b/c Ins. Co.
canceled his coverage

3-054
77 068 2680
8-1-77

A DU

May 26 1977

Drivers Improvement Dept.

I am writing in regard of
the suspension of my license.
OL NO. 117-466-836. I would like
to have a New Date on the
Drivers Improvement course.

I was not sent to this by the
Division of Motor ~~and~~ Vehicles.
I went on my own, you can
get it off of the ~~tape~~ answer
tape.

I had to go to an inquest,
and I was placed on 12 months
probation. Not assume to
Drivers Improvement course.

Phil A. Kelly

March 21, 1977 got new license.
so why is he writing this in
May, 1977?

