

#1 203Va 837 *Whitman J.*

# Record No. 5448

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In the  
Supreme Court of Appeals of Virginia  
at Richmond

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STANCIL WILLIAMS

v.

COMMONWEALTH OF VIRGINIA

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FROM THE CIRCUIT COURT OF NORFOLK COUNTY

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## RULE 5:12—BRIEFS.

§5. NUMBER OF COPIES. Twenty-five copies of each brief shall be filed with the clerk of this Court and three copies shall be mailed or delivered by counsel to each other counsel as defined in Rule 1:13 on or before the day on which the brief is filed.

§6. SIZE AND TYPE. Briefs shall be nine inches in length and six inches in width, so as to conform in dimensions to the printed record, and shall be printed in type not less in size, as to height and width, than the type in which the record is printed. The record number of the case and the names and addresses of counsel submitting the brief shall be printed on the front cover.

HOWARD G. TURNER, Clerk.

Court opens at 9:30 a. m.; Adjourns at 1:00 p. m.

IN THE

**NOTICE TO COUNSEL**

This case probably will be called at the session of court to be held. **SEP 1962**

You will be advised later more definitely as to the date.

Print names of counsel on front cover of briefs.

Howard G. Turner, Clerk

**Record No. 5448**

VIRGINIA:

In the Supreme Court of Appeals held at the Supreme Court of Appeals Building in the City of Richmond on Wednesday the 10th day of January, 1962.

STANCIL WILLIAMS, Plaintiff in Error,  
*against*

COMMONWEALTH OF VIRGINIA, Defendant in Error.

From the Circuit Court of Norfolk County

Upon the petition of Stancil Williams a writ of error and *supersedeas* is awarded him to a judgment rendered by the Circuit Court of Norfolk County on the 31st day of August, 1961, in a prosecution by the Commonwealth against the said petitioner for a felony; but said *supersedeas*, however, is not to operate to discharge the petitioner from custody, if in custody, or to release his bond if out on bail.

**RECORD**

\* \* \* \* \*

page 3 } Commonwealth of Virginia,  
County of Norfolk, to-wit:

In the Circuit Court of Norfolk County:

The Grand Jurors of the Commonwealth of Virginia, in and for the body of the County of Norfolk, and now attending in the said Court at its January Term, 1961 upon their oaths, do present that Stancel Williams heretofore, to-wit, on the 4 day of December, in the year 1960, in the said County of Norfolk, feloniously did kill and murder one Cora Lee Williams, against the peace and dignity of the Commonwealth.

(on back)

**INDICTMENT:**

Murder

Yes A True Bill.

REESE L. WICKERS, Foreman.

Witnesses:

Trooper B. A. Almond,  
State Police, Norfolk.

\* \* \* \* \*

page 8 } **INSTRUCTION A.**

The Court instructs the jury that one of five verdicts may be found under the indictment in this case, if the evidence in the case so warrants: (1) murder in the first degree, (2) murder in the second degree, (3) voluntary manslaughter, (4) involuntary manslaughter, and (5) not guilty.

The Court further instructs the jury that murder in the first degree is when one person kills another person unlawfully, wilfully, maliciously, deliberately and premeditatedly; that murder in the second degree is when one person kills another person unlawfully and maliciously, but not deliberately; that voluntary manslaughter is when a person unlawfully kills

another person without malice, but under sudden excitement and heat of passion; that involuntary manslaughter is where one person, while engaged in an unlawful act, unintentionally causes the death of another person, or when engaged in a lawful act, negligently causes the death of another person.

The Court further instructs the jury that murder in the first degree is punishable by death, or confinement in the penitentiary of this Commonwealth for life, or for any term not less than twenty years; that murder in the second degree is punishable by confinement in the penitentiary of this Commonwealth not less than five nor more than twenty years; that voluntary manslaughter is punishable by confinement in the penitentiary of this Commonwealth not less than one nor more than five years; that involuntary manslaughter is punishable by confinement in the penitentiary of this Commonwealth not less than one nor more than five years, or in the discretion of the jury, by fine not exceeding \$1,000.00 or confinement in jail not exceeding one year, or both.

Granted 8/4/61.

M. M. H.

page 9 } INSTRUCTION B.

The Court instructs the jury that if they believe beyond a reasonable doubt that Stancil Williams, deliberately, maliciously and premeditatedly killed Cora Lee Williams, he is guilty of murder in the first degree.

Granted 8/4/61.

M. M. H.

page 10 } INSTRUCTION C.

The Court instructs the jury that to constitute a wilful, deliberate and premeditated killing, it is not necessary that the intention to kill should exist for any particular length of time prior to the actual killing; it is only necessary that such intention should have come into existence for the first time at the time of such killing, or at any time previously.

Granted 8/4/61.

M. M. H.

page 11 }

## INSTRUCTION D.

The Court instructs the jury that every unlawful homicide in Virginia is presumed, in the absence of other evidence, to be murder of the second degree, and in order to elevate the offense to murder of the first degree the burden is upon the Commonwealth; and in order to reduce the offense to manslaughter or to show justification or excuse for the killing, the burden of the evidence is upon the accused to introduce evidence to show extenuating circumstances, or justification, unless it appears from the evidence of the Commonwealth.

Granted 8/4/61.

M. M. H.

page 12 }

## INSTRUCTION E.

The Court instructs the Jury that the law presumes every person charged with crime to be innocent until the Commonwealth has established his guilt by evidence so strong, so clear, and so conclusive, that there is left in the minds of the Jury no reasonable doubt as to his guilt. This presumption is an abiding presumption, and goes with the accused through the entire case and applies at every stage thereof until repelled by proof. And in this connection the Jury is instructed that it is never sufficient that the accused, upon speculative theory or conjecture, may be guilty; or that by the preponderance of the testimony his guilt is more probable than his innocence; for until his guilt has been proved beyond all reasonable doubt in the precise and narrow terms as charged in the indictment, the presumption of innocence still applies, and they must acquit him.

Granted 8/4/61.

M. M. H.

page 13 }

## INSTRUCTION F.

The Court instructs the jury that if they shall find from the evidence that the killing was done without malice—in the heat of passion, in a sudden brawl, on a sufficient provocation—such killing amounts to voluntary manslaughter only; if, however, they find that the killing was done in the heat of passion,

but on slight and insufficient provocation, such killing may amount to murder in the second degree.

Granted 8/4/61.

M. M. H.

page 14 }

\* \* \* \* \*

This day came again the Attorney for the Commonwealth, and William H. Oast, Jr., counsel for the defendant, as well as the above named defendant, who was led to the bar in the custody of the Jailor of this Court, who was tried by Jury on the 4th day of August, 1961, found guilty and punishment fixed at death, and argument on motion to set aside the verdict of the jury as contrary to the law and the evidence was continued to this date, and was argued by counsel, which motion the Court doth overrule, to which action of the Court the defendant, by counsel, duly excepted.

Thereupon it being demanded of him, the said Stancil Williams if anything he had or knew to say for himself why the Court here should not now proceed to pronounce judgment against him according to law, and nothing further being offered or alleged in delay of judgment, it is considered by the Court that the said Stancil Williams be electrocuted, and that *electrouction* upon him, the said Stancil Williams until he is dead, be made and done by the Superintendent of the State Penitentiary at Richmond, Virginia, or the assistant or assistants designated by him on the 9th day of January, 1962, between the hours of six o'clock a. m. and twelve o'clock noon, in the death chamber within the confines of said penitentiary, by the means and in the manner provided by law. The Superintendent of the Penitentiary is hereby directed to cause the said Stancil Williams to be removed to said penitentiary as soon as may be and not less than fifteen (15) days preceeding the time of execution fixed in this judgment; but the said Stancil Williams, by counsel, having signified his intention to appeal to the Supreme Court of Appeals of Virginia for a writ of error to this judgment, it is ordered that a stay of execution for sixty (60) days from the date of this  
 page 15 } order be granted him. And the Clerk of this Court is directed to forthwith transmit a copy of this

order to the Superintendent of the Penitentiary, and the prisoner is remanded to jail.

Enter this 31st day of August, 1961.

MAJOR M. HILLARD, Judge.

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# NOTICE OF APPEAL AND ASSIGNMENT OF ERRORS.

The Defendant, Stancil Williams hereby gives Notice of his intention to appeal to the Supreme Court of Appeals of Virginia prior to the expiration of Sixty (60) days after final judgment and states that he will apply for a Writ of Error to the said final judgment which was entered on the 31st day of August, 1961 and the Defendant Stancil Williams assigns the following errors by the Circuit Court of Norfolk County, Virginia, in the hearing of the aforesaid case and the errors are as follows:

1. That the Court erred in allowing the Commonwealth Attorney, over the objections of the Counsel for the Defense to ask the Defendant if he had ever beaten his wife before. Timely objections were made to this yet the question was still allowed to be asked and answered.

2. That the Court erred in allowing the Commonwealth Attorney to ask if the Defendant had been convicted of a felony right after the question Had the Defendant Stancil Williams beaten his wife. All of which was highly prejudicial to the Defendant.

3. The Court erred in over-ruling the defense's motion to set the verdict aside as being contrary to the law and evidence as there was no evidence to sustain the verdict of First Degree Murder.

STANCIL WILLIAMS,  
By WILLIAM H. OAST, JR.  
Counsel.

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Filed in the clerk's office the 3rd day of Oct., 1961.

Teste:

CHARLES B. CROSS, JR., Clerk  
By H. T. GILLETTE, D. C.

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page 3 }

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Mr. Axson: Your Honor, this is in the nature of a pre-trial conference.

I plan to put on evidence to show the defendant attacked the deceased on two other occasions and that he was convicted of assault.

My purpose in putting this in is not for the purpose of convicting him in this case but to show on two other occasions he attacked this woman with the same instrument he had in this instance.

Mr. Oast: We are going to object to that. We don't know when it was. If it is true she was attacked, if there be such cases, such attempts to kill her, she went back to him and they lived together and were living together at the time of this.

The Court: Has the Rasnick case ever been overruled?

Mr. Axson: No, sir. The court held it was admissible to show the attitude of the accused.

Let me read from Michie's Jurisprudence, Volume 9, Page 401:

“Evidence Showing Intent.—In a prosecution for murder the state may show that the prisoner at times and  
page 4 } places other than those charged in the indictment attempted to kill the deceased, to show the defendant's felonious intent and rebut the theory of accident. And where a homicide by shooting has been clearly proved, it is entirely competent for the state, in order to show intent, deliberation, preparation and malice on the part of the accused, to prove that, shortly after the shooting, the accused had in his possession shells fitting the gun used, and which had been loaded previously to the homicide with shot similar to those which entered the body of the deceased.

“The previous possession by the slayer of the weapon with which a homicide is committed is a material circumstance



bearing on the question of whether the killing was premeditated. The length of time of such a previous possession is material evidence bearing on the same subject."

That is still the law.

What I want to show is that his motive for killing her was because she had been out and came in later than he expected, and that he attacked her a couple of times with an axe before.

I want to show he had previously struck her with an axe and was convicted in this court, but given probation, page 5 } and after he got probation he violated it by doing the same thing with an axe.

His sentence was revoked, and when he got out of the penitentiary he came back and killed her.

Mr. Oast: He was indicted for maiming and she went back and they lived together and were living together at the time of this.

She could have divorced him or left him. You can have malice in a split second. I think the primary purpose in getting this in is to inflame the jury.

Mr. Axson: One one occasion he beat her with a stove poker.

The Court: How long had he been back from the penitentiary?

Mr. Axson: When did you get out of the penitentiary?

The Defendant: The 27th day of August, 1959.

Mr. Axson: Do you want to confer with him outside?

Mr. Oast: Yes.

(The defendant, with his attorney, retired and, after a short conference, returned to the Judge's chambers.)

page 6 } The Court: When was the first offense?

(Off record discussion).

Mr. Axson: At the present time—

The Court: We will pass on that as it comes up.

(Court and counsel returned to the courtroom and the case proceeded to trial).

Mr. Oast: If your Honor please, I move that the witnesses be separated.

(The witnesses were sworn and excluded).

(Opening statements were made by counsel).

DR. J. P. WESTMORELAND,  
called as a witness on behalf of the Commonwealth, having  
been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

By Mr. Axson:

page 7 } Q. You are Dr. J. P. Westmoreland, Medical  
Examiner for this area?

A. Yes.

Q. As a part of your duties you are required to make  
examinations and conduct autopsies on people?

A. Yes.

Q. Were you called by the police in this matter?

A. Yes.

Q. As a result of being called by the police, did you view  
the body of Cora Lee Williams?

A. Yes.

Q. When did you first view the body of Cora Lee Williams?

A. On the 4th day of December at 11:30 A. M.

By the Court:

Q. What year?

A. 1960, and then the second time I viewed the body was the  
following day when the autopsy was done.

By Mr. Axson:

Q. Was that the next day?

A. Yes.

Q. The first time you saw Cora Lee Williams, was she  
deceased?

page 8 } A. Yes.

Q. Where did you see her?

A. At the State Medical Examiner's Laboratory in Norfolk.

Q. Did you perform an autopsy?

A. I authorized it to be done.

Q. Tell in detail what you found as to wounds on this  
woman.

A. There was a laceration of the upper lip approximately a  
half inch long. There was a rather extensive bruise of the  
left malar region. At back of both hands there were bruises.

There were bruises on the side of each hip. There was  
a compound and comminuted fracture of both bones in the  
upper left forearm.

Q. Will you explain what a comminuted fracture is?

A. It means it was a complete fracture. Comminuted

*Dr. J. P. Westmoreland.*

means the skin was broken and the bone broken and part of it coming through to the outside.

Q. Was the flesh stripped down?

A. Yes.

Q. The portion from the elbow to the wrist consists of two bones?

A. Yes. Both were broken. There was a fracture of the left forefinger, and there was a comminuted  
page 9 } compound fracture of the thighbone.

Q. Show the jury what part of the bone was broken.

A. The one on top here (indicating).

Q. Is that ordinary size or a heavy bone?

A. One of the large bones in the body.

Q. Would it take a considerable amount of force to break it?

A. Yes.

Q. You would say it would be a considerable amount of force?

A. It would take a considerable amount of force to break the femur. There was a fracture of the bone of the face and left cheek.

Q. On the right there was a comminuted fracture?

A. Yes. There was a fracture of the left zigoma of the face.

There was extensive hemorrhage into the muscles on each side.

Q. What did that indicate?

A. Rather severe multiple blows in the muscles of each.

There was hemorrhage in the left bilateral muscle of the left side of the head.

Q. About where was that?

A. About here (indicating).

page 10 } Q. You indicate over your lip in between the left eye and ear?

A. Yes. There was rather severe swelling on the side of the face.

There were multiple bruises of the foot and of each hand. There was a cut on the left wrist where the bone was fractured. There was a cut in the upper part of the thigh where the hipbone was punctured. There was a contusion mark where the blunt instrument had hit the skin but didn't break it.

There was one on the thigh about four inches by two and a half inches long.

Q. Were you able to tell from the break in the area of the

*Dr. J. P. Westmoreland.*

right femur that was broken that there was a puncture in the skin?

A. The fracture was in the left thigh. There was no puncture over the right one.

Q. Could you tell whether the instrument that caused that was a blunt instrument or sharp?

A. It indicated it was rather blunt and with considerable force.

Q. What caused death?

A. Injury, due to multiple injuries.

Q. Were you able to determine her age?

A. The age given to me was 43.

page 11 } Q. What about her physical height and weight?  
Did you measure the body or weigh it?

A. Estimated it at 125 pounds and her length was 67 inches.

Q. Did your examination disclose any further information as to the cause of her death?

A. Multiple injuries.

Q. How was she dressed at the time you saw her?

A. She was unclothed.

Q. Were you present when any pictures were taken of the body showing the injuries?

A. What?

Q. Were you present when any pictures were taken of the body showing the injuries?

A. Yes.

Q. Whom were they taken by?

A. I don't know who made them.

Q. Do you recall seeing either of the two officers here this morning?

A. Yes.

Q. Do those pictures fairly represent the way the body had been beaten?

A. Yes, sir.

Mr. Axson: Your witness.

page 12 } CROSS EXAMINATION.

By Mr. Oast:

Q. You saw bruise marks on both hands?

A. Yes, sir.

Q. Could they have come from her striking something else?

*Ivory Williams.*

A. It was from external pressure. You would expect—it was the back of the hands where the bruises were, and in striking something it would have to be backwards.

Mr. Oast: That is all.

Mr. Axson: I will ask the court to excuse the doctor and let him return to his duties.

The Court: You are sure you won't need him any more?

Mr. Axson: I don't think so.

The Court: All right.

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IVORY WILLIAMS,

called as a witness on behalf of the Commonwealth, having been first duly sworn, was examined and testified as follows:

## DIRECT EXAMINATION.

By Mr. Axson:

Q. I want you to tell me what your name is. You are going to have to talk loud enough so all of these men can hear you, so I can hear you, and this man sitting here can hear you. Do you understand that?

A. Yes, sir.

Q. What is your name?

A. Ivory Williams.

The Court: Holler out like you do on a baseball field.

A. Ivory Williams.

By Mr. Axson:

Q. Where do you live?

A. Queen City.

Q. How old are you?

A. Eleven.

page 14 } Q. You are eleven years old?

A. Yes, sir.

Q. In what grade in school are you?

A. Fifth.

Q. Talk loud.

A. Fifth.

Q. Do you attend any church?

A. I don't know.

*Ivory Williams.*

By the Court:

Q. Do you go to Sunday School?

A. Yes, sir.

Q. What Sunday School do you go to?

A. Mount Sinai.

By Mr. Axson:

Q. Talk louder.

A. Mount Sinai.

Q. You came up here with some other people and raised your right hand to swear that you would tell the truth?

A. Yes, sir.

Q. Do you know what you mean by telling the truth?

A. Tell the whole truth, and nothing but the truth, so help me God.

Q. Do you understand if you don't tell the truth  
page 15 } you will be punished?

A. Yes, sir.

Q. You know it is a serious thing to not tell the truth?

A. Yes, sir.

Q. You know what the truth is, don't you?

A. Yes, sir.

Q. Where did you live on November 4th—who is your mother and father?

A. My mother was named Cora Lee Williams.

By Mr. Axson:

Q. Where is your mother?

A. Dead.

Q. Where is your father?

A. There, (indicating).

Q. Do you remember any night when your mother was hurt?

A. Yes, sir.

Q. Did you make a telephone call when your mother was hurt?

A. Yes, sir.

Mr. Oast: I object to his leading the witness.

The Court: Objection sustained.

page 16 } By Mr. Axson:

Q. You do recall when your mother was hurt?

A. Yes, sir.

Q. Where were you when she was hurt?

*Ivory Williams.*

A. Home in bed.

Q. You were home in bed?

A. Yes, sir.

Q. Did anybody live in that house with you?

A. Yes.

Q. Who lived in the house with you?

A. Morris Williams.

Q. Who else?

A. Hattie Williams and Bethel Williams.

Q. When did you first find out your mother was hurt?

A. She told me and Nobell he beat her and put her in bed.

Q. Where were you when she told you he beat her and put her in bed?

A. Standing beside her.

Q. Did you hear or see anything before your mother was hurt?

A. Yes, sir.

Q. Tell us what did you see and what did you hear?

A. When she first came home—

The Court Take your hand from your mouth and talk.

page 17 } A. When she first come home she had a loaf of bread and three cans of milk, and had something for the baby, and in a little while she told us to go to bed and we went to bed, and I heard some noise and then my mother come in the room, and I saw my daddy come in with an axe and he hit her and she fell to the floor, and he started hitting her with the axe.

By Mr. Axson:

Q. Was she on the floor when he hit her with the axe?

A. Yes, sir.

Q. Once or more than one time?

A. More than one time.

Q. What did your mother say, if anything?

A. Yes, sir.

Q. What did she say?

Mr. Oast: We object unless they can prove where he was.

By Mr. Axson:

Q. What room did this take place in?

A. The front room.

Q. Were you in the front room?



*Ivory Williams.*

- A. Yes, sir.
- page 18 } Q. Was your father in the front room?
- A. Yes, sir.
- Q. You say you saw somebody hit her with an axe. Who was it?
- A. My daddy.
- Q. Where is your daddy, sitting in this courtroom?
- A. Yes, sir.
- Q. What is his name?
- A. Stancill Williams.
- Q. Did you see your father hit your mother with the axe?
- A. Yes, sir.
- Q. You saw it with your own eyes?
- A. Yes, sir.
- Q. More than one time, or once?
- A. More than one time.
- Q. Was your mother standing up or lying down when he beat her with the axe?

Mr. Oast: He didn't say he beat her with an axe.

The Court: Answer the question.

By Mr. Axson:

- Q. When he hit her, what did your mother say?
- A. She said he hit her with the axe and it was hurting.
- Q. Did he finally stop?
- page 19 } A. Yes, sir, he stopped, and then he got down on his knees and hit her in the mouth.

By the Court:

- Q. With what?
- A. His fist.

By Mr. Axson:

- Q. After he hit her with the axe she was lying on the floor?
- A. Yes, sir.
- Q. Did your mother say anything?
- A. He hit her with his fist.
- Q. What did he do after that?
- A. Then he come back and hit her with the axe again.
- Q. What happened then?
- A. After a while he stopped and put the axe in the room and told her to get up, and she said she couldn't get up because her leg was broke.
- Q. What did he do?

*Ivory Williams.*

A. He told her to get up and she didn't get up and he hit her with the axe and kept telling her to get up.

By the Court:

Q. What happened then?  
page 20 } A. She told me and Nobell—

Mr. Oast: That is not admissible.

Mr. Axson: He was right there.

By the Court:

Q. What did you do?

A. Me and my brother put her in bed.

Q. Did you do anything else?

A. Then she kept calling me to put some cover on her, that she was cold, and to call a cop.

Mr. Oast: We object to this and ask that it be stricken out unless the defendant was there.

Mr. Axson: This is a part of the *res gestae*. That is what the woman said right after she had been beaten.

The Court: I am going to tell the jury to disregard what she said.

By the Court:

Q. What did you do in response to what she said?

A. I dried the baby and I asked her where to put the diaper and she said to put it outdoors, and I went to a lady's—I went down the road to a lady's who has a store.

page 21 } By Mr. Axson:

Q. Did you call the police or did they call them?

A. The police were called. They called the police.

Q. At the time you and your brother put your mother to bed, what was your father doing? Did you see him?

A. Yes, sir.

Q. What was he doing?

A. In the living room sitting down.

Q. In the living room sitting down?

A. Yes, sir.

Mr. Axson: That is all.

*Ivory Williams.*

CROSS EXAMINATION.

By Mr. Oast:

Q. That afternoon you and your father had been downtown together?

A. Yes, sir.

Q. He bought you some shoes?

A. Yes, sir.

Q. Was your mother home when you got home?

A. I don't quite think so. She was down the road, I think.

page 22 } Q. She came home after you got home?

A. Yes, sir. Then my father came home and told me to try the shoes on, and I went over to one of my friends, and come home. I came back and went over to Mrs. Maggie's house.

Q. Is Maggie here today?

A. Yes, sir.

Q. When did your mother come home?

A. My daddy was there and he told her to stay there until he came back, and he went down the road to Miss Maggie's house and came back, and my mother went out and said she was going—

Mr. Axson: I am going to object to that. I don't think he knows where she went.

By Mr. Oast:

Q. Did she go off with somebody?

A. She said she went with her sister.

Q. Later on that afternoon or night did anyone come and get her in an automobile?

A. I don't know.

Q. Do you know a man named Eugene Ross?

A. Yes, sir.

Q. Did he come to the house that afternoon or night?

A. No, sir.

page 23 } Q. Did you see him that day?

A. No, sir.

Q. How many times did your mother go out that day?

A. One time.

Q. You don't know who she went with?

*Ivory Williams.*

A. No, sir.

Q. After this trouble between your mother and father, did your father stay right there at the house?

A. She came home.

Q. After they had this difficulty did your father stay home then? Did you go to your sister's house?

A. Yes, sir.

Q. Did he go to bed?

A. Yes, sir.

Q. Mr. Knight is trying to get down everything you say. I want to know about when your mother went to bed, where was your father, and what did he do?

A. He was still in the living room, and we couldn't carry her all the way in the bed, and then he came and put her up on the bed.

Q. He helped put her in the bed?

A. Yes, sir. Then he pulled his clothes off and got in bed, too.

Q. In the same bed?

A. Yes, sir.

page 24 } Q. He stayed there until you got back?

A. I came back home and then after a while the cops came.

Q. Where was he when the police officers arrived?

A. In bed.

Q. Was he asleep?

A. No, sir.

Q. He was in bed?

A. Yes, sir.

Mr. Oast: That is all.

#### RE-DIRECT EXAMINATION.

By Mr. Axson:

Q. At any time did you see your father help her from there?

A. She was beaten and hurt and he put her in bed.

Q. Did he do that after you and your brother had tried to put her in bed?

A. Yes, sir.

Q. Have you ever seen this axe before?

A. Yes.

*Trooper E. A. Almond.*

page 25 } Q. Whose axe is this?  
 A. It was our axe.  
 Q. Did you see it that night your mother was hurt?  
 A. Yes, sir.  
 Q. Who had it?  
 A. The kids came and got it.  
 Q. Who had it before they got it?  
 A. My daddy.  
 Q. I ask you whether this was the axe he was beating your mother with?  
 A. Yes, sir.

Mr. Axson: I offer this in evidence and ask that it be marked Commonwealth's Exhibit #1.

By Mr. Axson:

Q. How do you recognize that axe?  
 A. I could tell by the handle.

The Court: Mark it Commonwealth's Exhibit #1, and sign it.

By Mr. Axson:

Q. What is your aunt's name?  
 A. Aunt Catherine.

Mr. Axson: Your Honor, may I have a short recess?  
 page 26 }

The Court: All right.

TROOPER E. A. ALMOND,  
 called as a witness on behalf of the Commonwealth, having  
 been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION.

By Mr. Axson:

Q. Were you on duty August 4th, 1960?  
 A. Yes.  
 Q. Did you answer a call to go to Stancil Williams' house?  
 A. Yes.  
 Q. Is that in the County of Norfolk?

*Trooper E. A. Almond.*

A. Yes.

Q. Who was with you, if anyone?

A. Trooper Marr.

page 27 } Q. Were you in one or separate cars?

A. Separate cars.

Q. What took place when you arrived?

A. We arrived at approximately 1:15 and knocked on the door and it was answered by Williams.

By the Court:

Q. Was this day or night?

A. In the morning.

Q. A. M.?

A. Yes, sir. The door was answered by Williams' father, and after having a conversation with him, we walked back to the back bedroom where we found Stancill and his wife in bed.

His wife was on the left-hand side and he was on the right side laying on her right arm and leg.

By Mr. Axson:

Q. Lying on the deceased woman's right arm and leg?

A. Yes.

Q. Go ahead.

A. After that the ambulance was called and she was taken to the Community Hospital.

Q. Did you talk to her?

A. Yes, sir.

page 28 } Q. What was Williams' condition as to being awake or not awake?

A. He appeared to be asleep when I went in.

Q. When she said anything to you was he asleep or awake?

A. Stancill was not in the room at that time.

Mr. Axson: I think that is admissible.

The Court: Not under the evidence at the present time.

By Mr. Axson:

Q. You called an ambulance?

A. Yes.

Q. What happened?

A. We put her in the ambulance and she was taken to the Community Hospital, and after she was sent to the hospital I had a conversation with Stancill and he said he had had a fight with his wife and hit her with an axe.

*Trooper E. A. Almond.*

He was charged with felonious assault and after the death of his wife on Sunday he was charged with murder, and on Monday afternoon he gave me a full statement where he had admitted striking her with the axe.

Q. Was it in writing?

A. Yes.

Q. Was he advised of his rights?

A. Yes.

page 29 } Q. Was the statement freely and voluntarily given without any promise of reward?

A. Yes.

Q. Was it read to him?

A. Yes, sir.

Q. Did he understand it, or ask any questions about it?

A. No, sir.

Q. You read it and he didn't ask any questions?

A. No.

Q. You read it to him?

A. Yes.

Q. Did he make an "x" mark on the paper?

A. He wrote his name.

Q. Did you witness that?

A. Yes, sir.

Q. How was the original statement taken, was it handwritten, typed, or what?

A. It was printed. It was taken by myself.

Q. Will you read the statement?

Mr. Oast: Is this the same as this (exhibiting paper)?

By Mr. Axson:

Q. Is this paper you handed me an exact copy of page 30 } that paper he has?

A. Yes, sir.

The Court: You handed Mr. Oast a copy showing the original which you should read.

By Mr. Axson:

Q. Will you read this statement, please (handing paper to witness)?

A. Yes, sir.

"I, Stancel Williams, do make the following statement to Trooper B. A. Almond, whom I know to be a police officer.



*Trooper E. A. Almond.*

I make this statement without threat or promise and have been advised of my rights to obtain a lawyer. Also, that what I say may be used for or against me in court. On December 3rd, 1960 at approx. 5:30 P. I arrived home, 4922 Providence Road, Norfolk 6, Va., from Norfolk where I had been working. In about an hour my wife, Cora Lee Williams, left with her sister to go to her mother's home at Bayside. She returned home after approx. one hour. Then a car came to the front of the house and blew its horn. My wife said that she would go and see who it was. She went out and got in the car and did not return for about four hrs. which was approx.

12:30 A. M. I asked her where she had been and  
page 31 } she stated that she had been to her mother's. I told  
her that she had just gone to her mother's a little earlier. We then started arguing in the middle room and I struck her with hand and knocked her down in the kitchen. The axe was setting between the two doors separating the kitchen and the bedroom. I then picked it up and struck her three or four times with the *blout* end of the axe. I then went back and sat by the heater for about 10 or 15 min. and then went to bed. My wife was in bed at that time. We remained in bed until the police arrived.

"This statement was read to me by Trooper B. A. Almond because I myself cannot read. It is the truth to the best of my knowledge.

(Signed) STANCEL WILLIAMS."

Mr. Axson: I offer that and ask that it be marked "Commonwealth's Exhibit #2," please.

By Mr. Axson:

Q. Did you examine the premises where you found this woman and man? Did you examine the house?

A. Yes. I walked in the front door and there was a large puddle of blood on the floor in the back bedroom, and the axe was there and that had blood on it.

page 32 } Q. How was Cora Lee Williams dressed when  
you found her?

A. I believe she had on a dress.

Q. Was there, or not, any covering over her, such as a spread or quilt?

Mr. Oast: I object to leading him.

The Court: Ask him was she covered up, or not.

*Stancil Williams.*

By Mr. Axson:

Q. Did she, or did she not have any covering over her?

A. I don't believe she did because there was cover on the bed we used to put her in the ambulance with.

Q. Have you ever seen this axe before?

A. Yes.

Q. Where did you get it?

A. It was in the house by the bed—door, and I picked it up.

Q. Was Trooper Marr present at the time you examined the house and when you arrived?

A. Yes.

Q. Do you know whether he saw anything different from what you saw?

A. No, sir—yes, sir.

page 33 } By Mr. Oast:

Q. He gave this statement voluntarily because he, himself, cannot read or write?

A. Yes.

Q. He gave you that and there is no question about it?

A. That is right.

By the Court:

Q. You went to the house early Sunday?

A. Yes.

Q. Do you remember the date?

A. December 4th.

Q. When did the victim die, do you know?

A. I first got my information at approximately 12:30 on the same day.

Q. 12:30 noon?

A. That same day at 9:10 A. M.

Q. What time did you carry her to the hospital?

A. 1:20 A. M.

Mr. Axson: Your Honor, we have Trooper Marr in court. He can testify if the defendant wants him. We rest.

page 34 } Mr. Oast: I would like for the record to show that he has been advised of his rights, and he wants to take the stand in his own behalf.

STANCILL WILLIAMS,  
the defendant, having been first duly sworn, was examined and testified as follows:

*Stancil Williams.*

DIRECT EXAMINATION.

By Mr. Oast:

Q. State your name, please.

A. Stancill Williams.

Q. How old are you?

A. 56.

Q. Where do you live?

A. 4922 Providence Road, Norfolk 6.

Q. You heard the testimony today about what happened out there on December 4th?

A. Yes, sir.

Q. Tell his Honor and the jury what took place and what led up to it?

page 35 } A. On December 3rd I left Norfolk at 5:00 and  
I arrived home between 5:20 or 25 minutes to six,  
and me and my wife put the groceries up.

I had bought my little boy a pair of shoes. I didn't tell him that I was going to get them. I bought them and took them to him.

After I got my groceries put away, I asked for him and she said he was down at her cousin's. I goes over there to Mac Williams' to find him. I said, "Ivory, let's go home."

Mr. Axson: I object to that conversation. It is not admissible.

The Court: Don't tell what you told anybody or anybody told you.

By Mr. Oast:

Q. Did your wife go out that day?

A. Yes, she went to her mother's as near as I could get to it. She was gone about an hour, and she came back home and me and her was sitting there talking. Eugene Ross comes up there and blowed the horn. She said, "I am going to see who blowed the horn."

She was gone so long I goes out and she gets in his car and they go off. I stayed there and layed down with the baby and went to sleep, and when I seen her it was four  
page 36 } hours later.

I said, "Where have you been?" and she said, "To my mother's." I said, "You went there the early part of the night." That is what caused the trouble.

Q. What kind of trouble?

A. Me and her were fighting and got down in the floor and

*Stancil Williams.*

that is when I picked up the axe and hit her two or three times with the axe. We were scrambling in the floor 15 or 20 minutes.

Q. Did she hit you?

A. Yes.

Q. After that did you go to bed?

A. Yes, and she went to bed. When I got in bed she had been in bed 15 or 20 minutes.

Mr. Oast: Answer Mr. Axson.

CROSS EXAMINATION.

By Mr. Axson:

Q. You had beaten her before, hadn't you?

Mr. Oast: I object to that.

Mr. Axson: I can show intent.

The Court: The defendant has testified that the reason for his committing this assault which resulted in page 37 } her death was the fact that she went out that night.

I think the Commonwealth has a right to show other instances in order to show intent, and that he beat her on this occasion.

Mr. Oast: We object and save the point.

By Mr. Axson:

Q. You had beaten her before this?

Mr. Oast: We object.

The Court: I overrule the objection.

Mr. Oast: I save the point.

By Mr. Axson:

Q. You had beaten her before?

A. Yes, sir.

Q. Have you ever been convicted of a felony?

A. Yes.

Q. How did Eugene Ross get into the picture?

A. He carried her away.

Q. Did you see him?

A. I knew the sound of his horn.

Q. Did you object to his coming to your house?

*Stancil Williams.*

A. That boy haven't been to my house in seven or eight years. I know that.

Q. On this night you recognized the sound of his horn, not having heard it for seven or eight years?  
page 38 } A. Yes.

Q. You recognized it. Why didn't you go out there and tell him to get away?

A. I didn't know he was going to take her away.

Q. You didn't see anything wrong in her going out?

A. I didn't know she was going to take off anywhere.

Q. Did you go out and tell him to go away?

A. He had no business carrying my wife away.

Q. Why didn't you stop him?

A. I didn't know he was going to do it.

Q. Why didn't you go out and stop him?

A. I didn't know he was going to take her away.

Q. You knew the car had gone?

A. Because I heard it drive off.

Q. You had gotten up and looked?

A. Yes.

Q. You didn't see her do anything wrong on this night, did you?

A. No, but I know she left and she never had before in her life.

Q. You don't know whether she was doing anything wrong on this night?

A. No, but she stayed away four hours.

Q. You saw Ivory Williams, your son?

A. Yes.

page 39 } Q. He was in the house?

A. Yes.

Q. You heard him say his mother said "Don't hit me any more, you hurt me?"

A. He didn't see it.

Q. Do you know why he would come here and tell a story like that if it was not true?

A. No, sir.

Q. Is he lying about it?

A. No, sir.

Mr. Axson: Thank you.

By the Court:

Q. How much do you weigh?

A. About 207.

*Eugene Ross.*

Q. You are a powerful man, are you?

Mr. Oast: We object to that.

By Mr. Axson:

Q. Where were you working?

A. William Paxton.

page 40 } EUGENE ROSS,  
called as a witness on behalf of the defendant,  
having been first duly sworn, was examined and testified as  
follows:

DIRECT EXAMINATION.

By Mr. Oast:

Q. Your name is Eugene Ross?

A. Yes, sir.

Q. Do you know Stancill Williams?

A. Yes, sir.

Q. Did you know Cora Lee Williams?

A. I did.

Q. On the night she died did you have occasion to go to his  
house?

A. Yes, sir.

Q. Did you take her out in your automobile?

A. Yes, she was in my car.

Q. She was in your car?

A. Yes.

Q. That night?

A. Yes.

Mr. Oast: That is all.

page 41 } CROSS EXAMINATION.

By Mr. Axson:

Q. Where do you live?

A. Queen City.

Q. Did anybody ever tell you there was anything wrong  
about taking her out in your car?

A. She asked me to take her out. I can give you the details.

Q. Was there anything wrong about your taking her in your  
car?

*Eugene Ross.*

A. No more than she asked me to take her to her sister's to see her father.

Q. Did you take her?

A. Yes.

Q. Is that all you did?

A. Yes, sir.

RE-DIRECT EXAMINATION.

page 42 } By Mr. Oast:

Q. How long was she gone?

A. About an hour and fifteen minutes.

Q. What time did you get back?

A. About a quarter past ten at night.

Mr. Oast: That is our case, your Honor.

The Court: Do you have anything further, Mr. Axson?

Mr. Axson: No, sir.

(Court and counsel retired to chambers, after which they returned to the courtroom and instructions were read by the court to the jury.

The case was argued by counsel, the jury retired to consider its verdict and returned with the following:)

“We, the jury, find the defendant guilty of murder in the first degree and fix the penalty at death.

(Signed) J. C. MINTZ, Foreman.”

\* \* \* \*

A Copy—Teste:

H. G. TURNER, Clerk.



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