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PHONE ESSEX 3-5000

Court's Decision On Sheriff Ouster Is Month Away

Crowd Watches Eventful Trial

Circuit Judge Leon M. Bazile has said he expects he will need at least a month before announcing his decision in the ouster proceedings brought against Sheriff J. S. Dishman, of King George County.

Bazile heard eight hours of testimony and arguments Saturday as the trial ended with defense attorneys accusing Commonwealth's Attorney Horace T. Morrison of slandering the 68-year-old sheriff.

Morrison appeared as the principal prosecution witness on 18 allegations he had made against Dishman, accusing him of "malfeasance, misfeasance, incompetency and gross neglect of official duty.

Bazile said he has a full docket through June and he will need additional time to study the testimony.

After a parade of both prosecution and defense witnesses had taken the stand, Morrison himself was hotly assailed by Dishman's two lawyers, John D. Butzner Jr., of Fredericksburg, and Joseph A. Billingsley Jr., of King George.

'DESERVES A PAT'

"As a result of this case here today, Sheriff Dishman deserves a pat on his back," Billingsley declared, arguing that Morrison had failed to back up any one of his 18 accusations. "There has been no one in here to question Sheriff Dishman's truthfulness," the lawyer asserted.

Butzner pictured the defendant as "a man who has loyally served this county for 12 years" and the real hero of the proceedings. Butzner declared Morrison had based his case on "petty innuendoes and slanders." "Let him hang his head in shame."

The attack brought Morrison to his feet with a plea to address the court in answer to the two defense lawyers. "Both violated not only the Bible, but the code of ethics," Morrison declared. He said the code of the bar requires that no lawyer ever engage in a personal attack on another member of the profession in court, but that any charges be brought through proper channels. Morrison said it is possible the Bar Association could be called in to make a study of the matter.

R. H. L. Chichester, Stafford County Commonwealth's Attorney, who had been appointed to prosecute the case after Morrison disqualified himself, told the court "Mr. Morrison has not slandered any one" but simply was doing his duty as he saw it.

'SUCH A MESS'

"I am sorry," Judge Bazile said as the case concluded, "we have gotten into such a mess down here in this county."

The case which drew 250 witnesses and spectators produced a number of sensations and revelations.

Butzner and Billingsley summoned character witnesses in an attempt to attack the credibility of Morrison, who in turn called on witnesses to take the stand on his own behalf.

However, one of the witnesses called by Morrison balked at (See COURT DELAY, Page 3)

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Court Delays Decision on Ouster of Sheriff Dishman

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supporting him on the stand. W. A. Spillman, a farmer from Index, was asked by Chichester if he was acquainted with Morrison's reputation for truth and veracity in the latter's community.

Spillman hesitated and finally said, "Well, I'll have to say it is bad." As he left the stand, Spillman exchanged words with Morrison which were not audible in most of the courtroom.

Morrison also called three other witnesses to testify on the same question. W. A. Grigsby asked the same question by Chichester replied, "Well, I think it is good." G. D. Richardson and Mrs. Thelma Cleek, of Edgemoor, were called on the same question, although Dishman's lawyers asked that their testimony be struck because of a technicality over the wording of the character question.

Three other witnesses were called by the defense on the same question, on Morrison's general reputation for truth and veracity. They replied "bad" and said they would not believe him under oath. R. A. Peed, King George Commissioner of Revenue for 35 years, one of the three, was asked by Chichester: "Mr. Peed, you do not like Mr. Morrison very well?" "I don't think Mr. Morrison likes me," Peed replied. The other two witnesses were W. D. Taylor, a former School Board member, and W. Thomas Weaver, King George merchant.

SHERIFFS TESTIFY

Sheriffs from three neighboring counties testified for Dishman, saying in their contacts with him he had performed his duties satisfactorily. They are Sheriff A. R. MacGregor, of Stafford County; Garnett Brooks, of Caroline; and C. B. English, of Westmoreland.

Dishman also was called a competent sheriff by State Trooper C. T. Layne, who has been stationed in the county since 1948.

The prosecution said Layne may be prejudiced against Mor-

rison because of a request of the Commonwealth's Attorney two years ago that both Layne and Trooper D. A. Estes, the only two in the county at that time, be transferred out of King George.

Morrison took the stand to read a previously unreported letter to a State Police lieutenant asking the transfer. Morrison said he had first asked Del. Charles Unruh to take proper steps to get them removed from the county and later wrote the lieutenant. Morrison based his request on an allegation that one garage was getting most of the automobiles from wrecks on U.S. Route 301 and he was getting poor cooperation from State Police. The Commonwealth's Attorney said that in the past two years, however, the two troopers have been doing good work and the cooperation has improved.

Dishman took the stand late in the afternoon in an attempt to refute each of the 18 charges to which Morrison had testified at the opening of the trial.

One of the main accusations centered around the death of James Thomas Merritt, colored, in a house at Dahlgren Sept. 17, 1952. Morrison said although he received no report of the death, newlyuncovered evidence shows it might have been caused by poisoning and an exhumation may have to be ordered. Morrison asserted the sheriff had not called in the county medical examiner, but instead had a physician from Stafford pronounce the death.

EXAMINER CALLED:

The defense called Dr. R. N. Harris, King George medical examiner, who testified that at the date in question he was sick and Dr. L. F. Lee, Stafford County medical examiner, who said he was called in by Dishman to substitute. Lee said he ordered the body removed to a Fredericksburg funeral home, where an examination was made. Morrison did not elaborate on his report of the poisoning possibility.

Morrison and Dishman also differed sharply on the extent of investigations made in various break-ins. Dishman said generally the law officer who first got to the scene investigated a crime, although he never refused to help State Police. Morrison had contended the sheriff often made poor investigations or turned them altogether over to State Police.

An issue also was brought up over whether Dishman summoned witnesses when requested to do so for trial justice proceedings. Morrison contended in some cases witnesses were not in court because the sheriff had not delivered the papers. The defense said the sheriff in some cases did not receive the summons until late the day before a trial, although it is customary to give several days time for this.

The sheriff testified that in an ABC raid on which Morrison contends he refused to accompany agents, he (Dishman) was looking for a drunk driver.

ALLEGATION DENIED

Dishman, in answer to Morrison's charge that he is hard to find when needed, said he has no office telephone and had 174 square miles in the county to cover. He denied Morrison's allegation that he often was evasive on the witness stand to the detriment of the commonwealth's case in criminal trials.

Chichester told the court "I

think we have established a case." However, he said, "I was drafted for this job. I did not come down to King George to tell you people what to do and what not to do."

Bazile told the Stafford prosecutor the request had been "imposed with regret" in view of his other duties.

Bazile Saturday also entered an order ruling out Morrison's motion to invalidate the appointment of Trial Justice Bascom S. Pribble Jr. on technical grounds. "There is no merit in the contention made by the complainant," the judge wrote.

Morrison had maintained the minutes of the Board of Supervisors fail to show that they gave the required approval for King George and Stafford County to have the same trial justice. The judge said the original order signed by him shows approval was obtained from the board and that order cannot now be questioned.