

Judge Bundy's Statement To Jurors Concerning Not-Guilty Verdicts

Gentlemen of the Jury:

I want to make this observation.

The first of this week, on Monday, a man named Charles Lee was tried for assault with a deadly weapon. He was found guilty of simple assault. Under the evidence he could very well have been found guilty of that; or he could have very well have been acquitted, just how the jury saw it and just how they believed.

Following that James Fred Pulley was charged for driving drunk. The evidence in this case was considerably stronger than the evidence in the case of Charlie Lee. The jury in that case acquitted Mr. Pulley despite the fact of professional medical evidence to show the alcoholic content of his blood.

During the week three cases for drunken driving have been tried, in all of which the evidence was strong and compelling, in two of which there was scientific evidence to show conclusively and beyond a doubt that the defendant was under the influence of intoxicating liquor at the time. Not a single man tried in this court for drunken driving under the influence was found guilty.

I sit in the middle as umpire, so-to-speak, I am not on either side, the law says I have no business to be on either side and I don't want to be, and until all cases were disposed of this week I would be precluded from saying anything. I am the last one in the world to say a man should be convicted of something that he ought not to be convicted of.

I say to you gentlemen, and this I want you to remember. It is important that a man not be convicted if he isn't guilty, but it is equally important to the public for a man who is guilty to be convicted. The public is entitled to as much consideration, to as much protection as is an individual defendant.

In the last case you tried for driving drunk there was scientific testimony that the alcoholic content of the man's blood was 22 per cent almost 50 per cent more than that found by research for a man to be under the influence of intoxicants.

The law enforcement officers cannot do it all. You will probably get out and blame the court for this and that not being done.

When you come to blame and

criticize the Court, you appraise yourself and see what part you took in it and whether you made any contribution to law enforcement or not before you go to finding fault with somebody else.

—This statute is made for your protection and the protection of other people who use the highways.

I think I can understand how a jury could give this colored man who was tried for driving drunk the benefit of a reasonable doubt. The jury could very well have turned him loose or could very well have convicted him, but as to these other two cases, it doesn't mean anything to me whatsoever, I am completely at a loss to understand how these two defendants were acquitted under the evidence in the case, if you considered the evidence at all, or had any regard for your duties as jurors.

You can't expect the officers, who are your servants, to get out and run themselves ragged day and night and expect them to be assiduous in the performance of duty when every time they attempt to perform it, and have two cases as strong as these, for twelve jurors in their County to come and

slap them in the face.

Frankly I am considerably disappointed. I think it a sin and a shame. I was reading recently about the increase of crime in this country. I was reading that every seventeen seconds a serious crime is committed in the United States, and statistics show that fatalities on the highway, people maimed and crippled, increases every month.

It is going to keep on as long as men like you permit it to increase by turning folks loose that you know are guilty.

It is all right to feel sorry for a man who gets caught in a situation of this kind but that doesn't help law enforcement, doesn't protect you.

You are the ones who cry for protection if something happens. It is men like you who call for law enforcement officers — you expect them to come running, yet you slap them down when they perform their sworn duty.

I know the officers can make mistakes like everybody else. This matter whether a man is under the influence of intoxicating liquors or not is a matter of opinion, but in these cases opinion was not relied upon. It was shown by scientific evidence not beyond a reasonable doubt, but beyond any doubt, in the face of which you turned them loose and say "Go do it again"; that's what it amounts to

"Go do it again."

If you should read in the paper where one of these men runs over any one and kills him while driving drunk, don't forget what you have done here this week.

I hope it will remain with you as long as you live.

God forbid it ever comes to pass that some drunken driver runs over you or someone near and dear to you and kills them.

Remember what you did here this week.

Cotton exports from the U. S. from August 1961 through March 1962 were about one-third less than the similar-period average for the previous five seasons.

Production expenses of U. S. farmers in 1960 were nearly four times as much as in 1940 — 26.4 billion (b) dollars.

LEGAL NOTICES

ADMINISTRATRIX NOTICE

Having qualified as administratrix of the estate of W. H. Deppe, deceased, late of Jones County, North Carolina, this is to notify all persons having claims against the estate of said deceased to exhibit them to the undersigned at Pollocksville North Carolina, on or before the 25th day of June, 1963, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment.

This the 25th day of June, 1962.

Mrs. W. H. Deppe,
Administratrix Estate of
W. H. Deppe, deceased

Robert P. Bender
Attorney at Law
Pollocksville, N. C.
June 28, July 5, 12, 19

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