

Virginia, County of Albemarle, to-wit:

On the County Court of the said County.

The jurors of the Commonwealth of Virginia, in and for the body of the County of Albemarle and now attending the said court, upon their oath, present that

*John James -*

on the *11<sup>th</sup>* day of *July* in the year one thousand eight hundred and ninety-eight, and in the said county, ~~did~~ *with force and arms, in and upon one Julia Hatoff, then being over the age of twelve years, to wit, of the age of twenty years, violently and feloniously did make an assault; and her the said Julia Hatoff, then and there, to wit, on the day and year aforesaid, in the County aforesaid, feloniously did ravish and carnally know, against her will and by force,*

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of *Miss Julia Hatoff and Mrs Pauline E. Trunk*  
*Carl Hatoff, Dr. E. M. Magruder,*  
witness sworn in open court and sent to the Grand Jury to give evidence.

*Micajah Woods -*  
*Atty for Com with*

Admitted  
COMMONWEALTH'S  
EXHIBIT  
\* 1 July  
7/12/2023  
PENGAD 800-681-6989

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF ALBEMARLE

IN RE: JOHN HENRY JAMES

Case Number CM 230000474-00

Order of Dismissal of Indictment

CAME THIS 12<sup>th</sup> day of July, 2023, the Commonwealth, by her attorney, James Hingeley, and moved this Honorable Court to dismiss the indictment against John Henry James that was issued on July 12, 1898. In support of its motion the Commonwealth put on testimony from Dr. Jalane Schmidt, Associate Professor of Religious Studies at the University of Virginia and director of The Memory Project at the University of Virginia Karsh Institute of Democracy, regarding the historical background of the lynching of John Henry James and the subsequent, and posthumous, passing of an indictment against John Henry James for Rape of Julia Hotopp. After being placed under oath, Professor Schmidt testified as to the factual allegations that led to John Henry James' arrest, wherein no allegation of rape was made by Ms. Hotopp, his detention and ultimate lynching by a crowd of approximately 150 people, the lack of investigation conducted by authorities related to the unlawful lynching of John Henry James, and the finding that said perpetrators were unknown. Additionally Professor Schmidt testified about the overall campaign of racial terror visited upon people of color that came to predominate Jim Crow Virginia from the end of Reconstruction in 1877 until the 1970's.

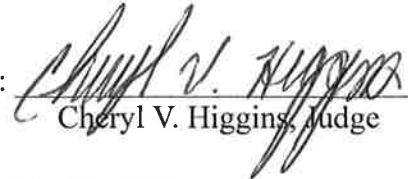
THEREAFTER, the Commonwealth, by her attorney, James Hingeley, made argument regarding the admitted record of proceedings from 1898, highlighting the inappropriateness and corruptness of the process of issuing the unlawful indictment of John Henry James for Rape, the caselaw of Abatement that should have precluded the issuance of the indictment from July 12, 1898, and the interests of justice that supported the Commonwealth's Motion to Dismiss.

WHEREFOR the Court found that 1) the indictment was improperly issued, inasmuch as the historical record establishes that John Henry James was killed before the indictment was returned; 2) that it was not in the interest of justice to issue the indictment, and that it was improper for the Commonwealth's Attorney in 1898, Micajah Woods, to have sought an indictment against John Henry James given that the historical record was substantially in conflict and was thus inconclusive such that no ethical prosecutor could have reasonably concluded that

the admissible evidence would be sufficient to support a conviction of Rape against John Henry James beyond a reasonable doubt; and 3) the indictment was not intended to be, and did not serve as an instrument of justice, but rather was used corruptly to sanction the racial terror lynching of John Henry James.


THEREFORE IT IS HEREBY ORDERED AND DECREED that the indictment of Rape against John Henry James is DISMISSED.

Enter:

  
Cheryl V. Higgins, Judge

Date: July 12, 2023

I ask for this:

  
James Hingeley, Commonwealth's  
Attorney, Albemarle County

RM  
jll

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ALBEMARLE

IN RE: JOHN HENRY JAMES

CASE NO.: CM230000474-00

MOTION

Comes now the Commonwealth's Attorney, James Hingeley, and presents the following motion, saying as follows:

1. On July 11, 1898 an African American man, John Henry James, was accused of assaulting a white woman, Julia Hotopp, in Albemarle County. The Commonwealth believes this was a false accusation.
2. Following his arrest, John Henry James was placed into custody at the Albemarle County jail, but then was transferred to a jail in Staunton to protect him from a mob that was forming around the Albemarle County jail.
3. On July 12, 1898 John Henry James was on a train returning from Staunton to Albemarle County when an armed and unmasked mob of white men seized Mr. James by storming the train when it slowed for a scheduled stop at Wood's Crossing in Albemarle County.
4. John Henry James was taken from the train and hanged from a nearby locust tree. After his death, the lynch mob fired dozens of bullets into Mr. James' body. There were published reports that Mr. James professed his innocence while he was being murdered.
5. At the time John Henry James was being lynched, a grand jury was meeting in Albemarle County Circuit Court to consider indicting Mr. James on the charge of assaulting Julia Hotopp. Micajah Woods, the Albemarle County Commonwealth's Attorney, presented evidence to the grand jury.
6. Despite having learned of the death of John Henry James while they were meeting, the grand jury proceeded to return a posthumous indictment charging Mr. James with rape. The indictment is attached hereto, marked as Exhibit 1.
7. The indictment presented in these circumstances should be without legal effect. Nevertheless, the indictment has remained in the court record, where it stands as an official, but wholly unjust, accusation of John Henry James.
8. No action of this Court can undo the injustice of the racial terror lynching that took place in Albemarle County 125 years ago, but this Court can and should purge the record that unjustly gives official credence to the charge against John Henry James.
9. No action of this Court can make amends for the failures of the Albemarle County Commonwealth's Attorney, Micajah Woods, and the Albemarle County Sheriff, Lucien

Watts, (who was present at the lynching and could have identified people in the mob), to bring charges against the perpetrators. The perpetrators of this racial terror lynching acted with impunity because they knew that the Albemarle County authorities would not hold them accountable.

10. It is in the interest of justice, healing, and restoration for the Court to make an accounting on the record disavowing the actions that caused the death of John Henry James on July 12, 1898 and acknowledging the complicity of those law enforcement officials who countenanced the racial terror lynching in Albemarle County.
11. The jurisdiction of this Court is invoked under *Va. Code* § 17.1-513 providing that Circuit Courts shall “have original jurisdiction of all indictments for felonies.”

WHEREFORE, the Commonwealth moves this honorable Court 1) to consider such evidence as may be heard in open Court on July 12, 2023 at 4:00 p.m., 2) to strike the indictment of John Henry James from the record, and 3) to grant such other and further relief as may be appropriate.

Respectfully submitted,



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