

THE PROSECUTOR'S PROGRESS

AN UPDATE FROM THE VIRGINIA BEACH COMMONWEALTH'S ATTORNEY'S OFFICE



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A MESSAGE FROM THE COMMONWEALTH'S ATTORNEY



During the week of April 19-25, 2015, the Office of the Commonwealth's Attorney will join thousands of communities across the country in observing National Crime Victims' Rights Week (NCVRW). As Virginia Beach's chief prosecutor, I cannot begin to tell you how important this week is for our community. Every day, I interact with citizens and law enforcement officers who have experienced the devastating impact of crime.

The national theme for NCVRW 2015, "Engaging Communities, Empowering victims," suits Virginia Beach perfectly. It reminds us to raise awareness of the rights of crime victims, expand partnerships, engage our community, and assist those in need. In doing so, we will empower crime victims and help them rebuild their lives. We will deter those who threaten the safety of our community.

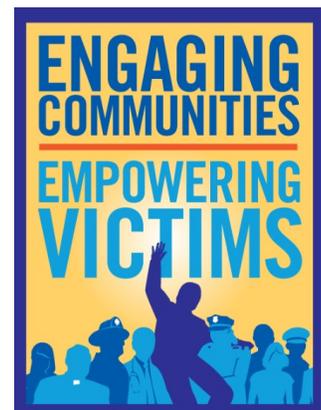
Please join the Office of the Commonwealth's Attorney at a ceremony honoring victims and witnesses on April 22nd at 7 p.m. at the Virginia Museum of Contemporary Art (2200 Parks Avenue, Virginia Beach, VA, 23451). A variety of law enforcement officials and citizens will be honored for their exemplary efforts in the fight against crime.

The crime rate in Virginia Beach is the lowest we have seen in a very long time. This is largely because of the partnership between law enforcement, the citizens of Virginia Beach, and the Office of the Commonwealth's Attorney. I am proud of our joint efforts to keep Virginia Beach one of the safest cities of its size. I want to personally thank each of you for everything you do to make a difference, and I hope to see you at the ceremony in April.

Sincerely,
Colin Stolle

SPECIAL POINTS OF INTEREST:

- *A message from Commonwealth's Attorney Colin Stolle*
- *Field Testing for All Drug Cases*
- *VBPD Monthly Muster Meetings*
- *Meet Attorneys B. Emery and J. Fulton*
- *Law Enforcement Officer of the Quarter: Officer Amy Edwards*



FIELD TESTING FOR ALL DRUG CASES

As of January 1st of this year, the Virginia Department of Forensic Science discontinued processing marijuana evidence in misdemeanor cases. And, because of a “backlog” of drug cases, the turnaround for Schedule I/II substances and marijuana in felony cases is now returned at an average of rate of 90 to 120 days. This is causing cases to be continued repeatedly. Eventually, this can lead to otherwise incarcerated defendants being released from custody prematurely. The good news is these issues can be cured by Field-Testing in all drug cases, whether misdemeanor or felony.

Virginia Code §19.2-188.1 permits *any law enforcement officer* to testify “as to the results of field tests that have been approved by the Department of Forensic Science” during a preliminary hearing for a Schedule I/II substance *or* in any trial for possession of marijuana in violation of §18.2-250.1. The following field tests have been approved for each substance:

- NIK Test Kit E – Marijuana
- NIK Test Kit A, K, L – Heroin
- NIK Test Kit G – Cocaine



See the Virginia Department of Forensic Science Website at <http://www.dfs.virginia.gov> for a list of all approved field tests for marijuana and those used in preliminary hearings. To successfully navigate through a trial or preliminary hearing, be prepared to present the following evidence:

1. I recovered what I believed to be, through my training and experience, marijuana;
2. I conducted a field test to determine the identity of the suspected marijuana;
3. I utilized NIK Test Kit E, which is a field test approved by the Department of Forensic Science for the detection of marijuana;
4. Describe the instructions for using the test (bring the instructions with you to show to the court if necessary);
5. I followed the instructions as directed and when breaking the tubes;
6. The test indicated a positive response for THC, which is a color change from clear to purple;
7. I provided the Defendant with Form DC-304, as provided by the Supreme Court.



If you are prosecuting the case yourself, the above should help to guide you through to a successful result. In felony preliminary hearing cases, the above testimony will help to certify felony drug cases to the Grand Jury. That will then give the Lab enough time to have the Certificate of Analysis ready for trial in the Circuit Court. By working together, we can keep those defendants who threaten our community with the possession and distribution of illegal drugs in custody and out of our neighborhoods.

MONTHLY MUSTER PRESENTATIONS FOR VBPD

If you have been making arrests and appearing in court for more than a few months, you now know the ever changing nature of the law that we all live by. Courts at all levels in the Commonwealth and in the federal system are constantly reviewing new cases for unique fact patterns, ways to distinguish previous holdings, and opportunities to make new law. It is challenging not only for lawyers to keep up to date, but for the men and women of the police department that we depend on for successful prosecutions. In an effort to make sure we are all aware of new holdings and decisions, our office schedules to attend muster for each police precinct once a month. The schedule is:

First Precinct—first Tuesday of the month

Second Precinct—second Wednesday of the month

Third Precinct—third Thursday of the month

Fourth Precinct—fourth Thursday of the month

We are always available, not only to advise on new updates, but to hear how our office can assist you in moving defendants from arrest to conviction. It is the perfect opportunity to communicate with each other on how we can all work together to better secure convictions.

WELCOME ATTORNEYS BRANDON EMERY AND JESSICA FULTON



Brandon Emery and Jessica Fulton joined the Commonwealth's Attorney's Office as Assistant Commonwealth's Attorneys on January 22, 2015. Mr. Emery recently worked at the Norfolk Commonwealth's Attorney's Office, prosecuting misdemeanor and felony cases primarily in Juvenile and Domestic Relations Court. He is currently assigned to the Fourth Precinct Prosecution Team.



Jessica Fulton joins us from San Diego, California, where she has experience in the City Attorney's Office- Criminal Division and the District Attorney's Office- Gang Prosecution Unit and Narcotics Division. She is currently assigned to the Third Precinct Prosecution Team.

We are eager to have Brandon and Jessica bring their knowledge and experience to our office. Please join us in welcoming them to the Virginia Beach prosecution team.



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TOGETHER, WE CAN
KEEP VIRGINIA BEACH
SAFE!



for trial and motions testimony by researching new areas of knowledge and becoming familiar enough with the details of a case to answer questions by both counsel and the court. She is quick to respond to requests for additional follow-up and “is meticulous with the detail she puts in her case files”. Officer Edwards exhibits the initiative and follow-through that has enabled the Office of the Commonwealth’s Attorney to gain successful prosecutions in taking illegal drugs and guns off the streets of our community. Thank you, Officer Edwards.

LAW ENFORCEMENT OFFICER OF THE QUARTER

Officer Amy J. Edwards

Some of the more serious offenses facing our community are those involving illegal drugs and guns. While all crime tears at our community, drugs and guns seem to tear down our neighborhoods and the people that live there.



Officer A.J. Edwards, currently assigned to the Community Policing Squad at the Fourth Precinct, is definitely doing her part to keep our neighborhoods safe from these crimes. She has over 20 open files involving guns and drugs with the Office of the Commonwealth’s Attorney. Throughout the process, from the street to the courtroom, she has been described as “enthusiastic, highly motivated, and productive”. Her initiative and ability to speak to suspects help to secure convictions in many cases. She also exhibits commitment to the prosecution process, even staying into the evening waiting for jury verdicts and sentencing. When a jury sees the case officer there that late at night, it conveys the message to all involved, that it is an important case. Officer Edwards prepares