

VIRGINIA:

IN THE HENRICO COUNTY CIRCUIT COURT

COMMONWEALTH OF VIRGINIA,

Plaintiff

v. Case Nos: CR170-00, CR170-00 & CR170-00

[REDACTED]

Defendant.

**MOTION FOR DISCOVERY AND FOR EXCULPATORY EVIDENCE**

COMES NOW the Defendant, by counsel, and in accordance with Rule 3A:11 of the Rules of the Virginia Supreme Court and Rule 3.8 of the Rules of Professional Conduct, herein respectfully requests that the Commonwealth and/or any and all of its agents provide to counsel for the Defendant, the following:

1. All written or recorded statements or confessions made by the accused, or the substance of any oral statements or confessions made by the accused to any law enforcement officer, the existence of which is known to the Attorney for the Commonwealth including any video made of the event.
2. Copies of written reports concerning any forensic evidence or other scientific reports and supporting documents as well as any and all written reports of a physical or mental examination of the accused or the alleged victim or victims made in connection with this case that are known by the Commonwealth's Attorney to be in the possession, custody or control of the Commonwealth;
3. The Commonwealth's Attorney produce and divulge to the Defendant and his counsel any and all records and/or information revealing any prior felony convictions or misdemeanor convictions involving moral turpitude which may be attributed to each Commonwealth's witness, including, but not limited to, all parties and potential witnesses

who may be called upon to testify;

4. The Commonwealth's Attorney produce and divulge to the Defendant and his counsel, pursuant to Giglio v. United States, 405 U.S. 105 (1972), and Napue v. Illinois, 360 U.S. 264 (1959), all evidence affecting the credibility of any prosecution witness, including but not limited to the contents of any plea negotiation between the Commonwealth and such witness, any agreement to give assistance, compensation or suggest a possible benefit to be conferred upon any prosecution witness;

5. Any Brady material pursuant to Brady v. Maryland, 373 U.S. 83 (1963) which includes any information known to the prosecution and law enforcement investigating the case that:

- a. could negate the Defendant's guilt;
- b. could lessen the degree of the offense; or
- c. could be used to impeach any Government witnesses.

6. The right to inspect all physical evidence intended to be introduced by the Commonwealth; and

7. Copies of the criminal record of the accused as well as the criminal record of any and all witnesses intended to be called by the Commonwealth, it being represented to this Court, that this information is unavailable to counsel for the accused, but is available to the Commonwealth Attorney's Office.

Respectfully Submitted:

By:   


Of Counsel

17  
W. Edward Riley, IV, Esquire  
Attorney for Defendant  
VSB No: 32905  
RILEY & WELLS  
2201 Libbie Avenue  
Richmond, Virginia 23230  
Telephone Number: (804) 673-7111  
Facsimile Number: (804) 673-7115

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing Motion for Discovery was sent via US Mail, postage prepaid, to the Honorable Shannon Taylor, Commonwealth's Attorney for the County of Henrico, P.O. Box 90775, Henrico, Virginia 23273 on this 7<sup>th</sup> day of February, 2017.



W. Edward Riley, IV

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF HENRICO

COMMONWEALTH OF VIRGINIA

v.

Case No.: CR17- [REDACTED] CR17- [REDACTED]  
CR [REDACTED]

Trial Date: March 14, 2017 @ 9:00 a.m.

[REDACTED]

ANSWER TO DEFENDANT'S MOTION FOR DISCOVERY

COMES NOW, the Commonwealth, as represented by Christy M. Noe, Assistant Commonwealth's Attorney, to respond to the defendant's motion for discovery. Pursuant to Rule 3A:11 of the Rules of the Virginia Supreme Court and Rule 3.8 of the Rules of Professional Conduct, the Commonwealth states the following:

1. The following summary from the ICR and/or Prosecutor Report contains any statements that may have been made by the defendant to law enforcement, and is included in the event it contains exculpatory information:

I 2016/05/01 Jones, Linwood C. PO. 860. PW, EB1, W

While operating stationary RADAR on Chippenham Pkwy, a Ford Pickup, traveling SB, passed my marked police car and entered RADAR at 59 mph (going away) in a posted 45 mph zone. I stopped the Ford on the Willey Bridge and [REDACTED] (A1), driver, had a moderate odor of alcohol. He stated he had a couple of beers earlier. S-F-S-T's were conducted with difficulty (see DUI worksheet). P-B-T .109. He was arrested for DUI. Miranda at 2227. Inventory of his vehicle found a sunglass case in the center console containing 2 pipes and a medicine bottle with marijuana. He stated it was not his and claimed he did not know it was in the vehicle. Breathalyzer results .09. He was charged with DUI and Possession of Marijuana. Marijuana field tested and placed into property. Vehicle towed by On Time Towing and entered into the tow book by CO 9647.

**Defendant Statements**

**Defendant Name:** [REDACTED]

**Statement 1 of 2**

**When was statement made?** Prior To Miranda

**Date/Time Miranda:**

**Who Read Miranda:** **Witnessed By:**

**Statement made to:** Jones, Linwood C. - (PO) **Date/Time of Statement:** 4/30/2016  
10:00pm

**Record made of Statement:** Yes **How:** Video

**Media Description:** **File Name:**

**Interview Location Description:** **Interview Witness:**

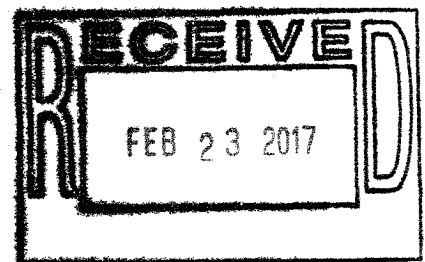
**Rights Waiver:** N/A

**Defendant Statement**

He stated he had a couple of beers earlier.

**Statement 2 of 2**

**When was statement made?** After Miranda



**Date/Time Miranda:** 4/30/2016 10:27pm

**Who Read Miranda:** Jones, Linwood C. - (PO) **Witnessed By:**

**Statement made to:** Jones, Linwood C. - (PO) **Date/Time of Statement:** 4/30/2016 10:35pm

**Record made of Statement:** Yes **How:** Video

**Media Description: File Name:**

**Interview Location Description:** police car **Interview Witness:**

**Rights Waiver:** N/A

**Defendant Statement**

Inventory of his vehicle found a sunglass case in the center console containing 2 pipes and a medicine bottle with marijuana. He stated it was not his and claimed he did not know it was in the vehicle.

**Involved Personnel Statements**

**Jones, Linwood C, PO, 860, PW, EB1, W, jon58**

Notes:

Stopped veh for speeding. [REDACTED] had been drinking and had difficulty with SFST's. He was arrested. Breath .09. Marijuana was also located his the vehicle.

The Commonwealth recognizes its continuing duty of disclosure and will make additional statements available upon its discovery.

- 2. Enclosed is the Defendant's oral statement located on the Driving Under the Influence Worksheet. The defendant may have made additional statements in connection with his performance of field sobriety tests.
- 3. Body worn camera video footage exists and will be made available at a mutually agreeable time upon request. The defendant may have made additional statements on the video recording.
- 4. To the best knowledge of the Commonwealth, the Defendant has the following prior criminal convictions.

JURISDICTION	CHARGE	DATE
Richmond, Virginia	Operate uninspected vehicle	August 13, 2013
Richmond, Virginia	Operate uninspected vehicle	August 13, 2013
New Kent, Virginia	Speeding 15-19 mph above speed limit	November 13, 2013

These records are in our office and available for your review upon request.

Respectfully submitted,

COMMONWEALTH OF VIRGINIA

By: \_\_\_\_\_  
Christy M. Noe  
Assistant Commonwealth's Attorney  
County of Henrico  
P. O. Box 90775  
Henrico, VA 23273-0775  
Telephone (804)501-4218  
Fax (804)501-4110

CERTIFICATE

I hereby certify that a true and correct copy of the foregoing Answer to Defendant's Motion for Discovery was faxed to W. Edward Riley, IV, Esq. at 673-7115 on February 23, 2017.

\_\_\_\_\_  
Christy M. Noe  
Assistant Commonwealth's Attorney



**OBJECTION TO ADMISSION OF  
CERTIFICATE OF ANALYSIS/VIDEO TESTIMONY**

Commonwealth of Virginia VA. CODE § 19.2-187.1; RULES 3A:21, 7C:7

Case No. CR17- [REDACTED]

County of Henrico [ ] General District Court [x] Circuit Court  
CITY OR COUNTY [ ] Juvenile and Domestic Relations District Court

P.O. Box 90775, Henrico, Virginia 23273  
COURT ADDRESS

[x] Commonwealth of Virginia v. [REDACTED]  
DEFENDANT

[ ] LOCALITY

04/30/2016  
OFFENSE DATE

3/14/2017 9:00 am  
TRIAL/HEARING DATE AND TIME

[x] Pursuant to Virginia Code § 19.2-187.1(B), the undersigned hereby objects to admission of the certificate of analysis filed by the attorney for the Commonwealth with the clerk of this court on 01/30/2017, in lieu of testimony, as evidence of the facts stated therein and of the results of the analysis or examination.

[ ] Pursuant to Virginia Code § 19.2-187.1(B1), and in response to the notice of intent to present testimony by two-way video conferencing filed by the attorney for the Commonwealth with the clerk of this court on [REDACTED], the undersigned hereby objects to admission of testimony by two-way video conferencing.

2/7/17  
DATE

[REDACTED SIGNATURE]  
SIGNATURE OF [ ] DEFENDANT [x] COUNSEL FOR DEFENDANT

W. Edward Riley, IV, Esquire  
PRINT NAME

RILEY & WELLS, 2201 Libbie Avenue, Richmond, Virginia 23230, (804) 673-7111  
ADDRESS/TELEPHONE NUMBER OF [ ] DEFENDANT [x] COUNSEL FOR DEFENDANT

**DEFENDANT'S CERTIFICATE**

I hereby certify that I have provided a copy of this OBJECTION TO ADMISSION OF CERTIFICATE OF ANALYSIS/VIDEO TESTIMONY to the attorney for the Commonwealth by [REDACTED] mailed, postage prepaid on 2/7/17, METHOD OF DELIVERY DATE

[REDACTED SIGNATURE]  
SIGNATURE OF [ ] DEFENDANT [x] COUNSEL FOR DEFENDANT