



## At the Corner of *Courthouse & Justice*

### Mission Statement

The mission of the Prince George Commonwealth's Attorney's Office is to help make the County of Prince George a safe place to live, work and play by prosecuting those cases where there is sufficient, legally admissible evidence in a manner that: (1) respects the dignity of those who are the unfortunate victims of crime and (2) promotes the ends of justice.

### Community

#### Outreach

Members of the Commonwealth Attorney's Office are available to make appearances and presentations to civic and community groups.

If your group or organization wants to schedule a presentation or appearance by a member of the Prince George Commonwealth's Attorney's Office, please contact the office staff at (804) 733-2790.



## A message from the Commonwealth's Attorney

Welcome to the third issue of our newsletter, ***At the Corner of Courthouse & Justice***. Spring has arrived and change is in the air. We have had several personnel changes in the past few months. We expect that, after a brief period of adjustment, we'll take advantage of the additional skillsets the new arrivals will bring to the office and our strong service to our community will continue uninterrupted.

After over five years, Assistant Commonwealth's Attorney, Eric Livingston has left for private practice. Thadeous Larkin will take over as an Assistant Commonwealth's Attorney on April 16, 2014. Thadeous is originally from New York State and comes to our office after having served as an Assistant Commonwealth's Attorney in Wythe County.

After two and a half years, the Victim Witness Coordinator, Natalie Mays has returned home to the west coast. Brenda Saunders moves from the Office Associate position into the role as Victim Witness Coordinator. Veronica Clements started working on March 17, 2014 in the position that Brenda vacated. Veronica comes to us after having worked as a deputy clerk in the Hopewell Combined Court.

This issue of our newsletter tackles sexual assaults and probation violations. Both of these issues are troubling. Sexual assaults are probably the most difficult crimes to prosecute. Victims are often hesitant to step forward and when they do come forward, they often find themselves under attack in court.

Probation violators are people who are returning to court because they didn't live up to a bargain they made with the court to keep the peace and remain on good behavior after being given suspended jail or prison time. It's very difficult for a court to determine what can be done to change the violator's behavior.

We look forward to working for you at the corner of courthouse and justice.

*Jay "C" Paul*



**DUTIES OF THE  
COMMONWEALTH'S  
ATTORNEYS' OFFICE**

The Commonwealth's Attorney's Office for the County of Prince George prosecutes all felony and misdemeanor cases in the Prince George Circuit Court, the Prince George General District Court, and the Prince George Juvenile and Domestic Relations District Court.

In addition to these duties, the Prince George Commonwealth's Attorney's office is also responsible for the following:

Responding to Motions filed in any criminal case;

Providing legal advice, when called upon, to local law enforcement in the investigation of criminal offenses;

Providing legal training to local officials and law enforcement officers;

Filing legal actions to force individuals to forfeit property and money from crimes;

Answering Petitions for Appeal in the Court of Appeals and Supreme Court of Virginia; and

Participating in the Hopewell, Prince George, Surry Drug Court.

*This office does not handle civil cases such as divorces, landlord/tenant disputes, estates, wills, real estate, etc.*

## **Update**

On January 13, 2014, approximately 20 students represented Prince George High School in the trial round of the Model Judiciary Program ("MJP"). Criminal Prosecution and Defense teams went head-to-head in separate trials against Patrick Henry High School.

Additional students volunteered

to serve as jurors for the trial phase. The feedback from sitting judges was valuable for the students and it was rewarding to see the positive results of their hard work.

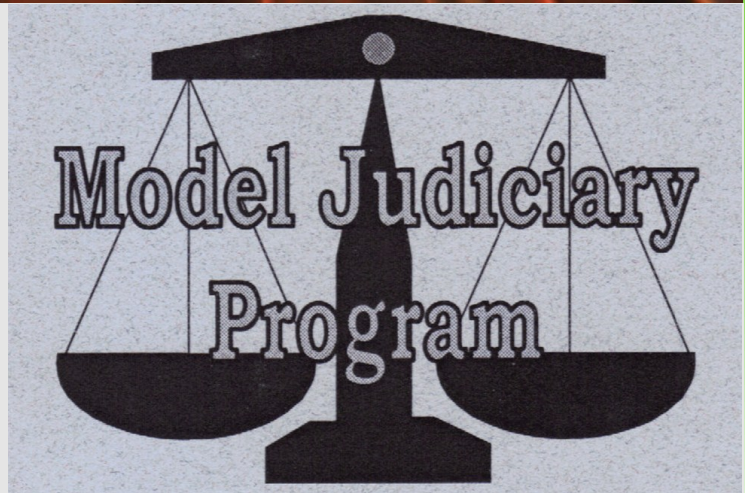
Two students, Virginia Kendall and Quan Dasalla, were selected by the school sponsor and advisors to participate in the appellate round. On March 12, 2014, Virginia and Quan presented their cases in the Court of Appeals of Virginia. This is a competitive round and only the best student attorneys throughout the Commonwealth are selected to argue before the Supreme Court of Virginia. Virginia and Quan did an outstanding job and both were selected to go to the Supreme Court of Virginia on April 18, 2014 for the final appellate round. If this were a sport such as wrestling or track, this would be the equivalent of earning your way into the state championships. If you see these young ladies or their school advisor, Sabine LaBossiere, please take the opportunity to congratulate them and wish them well in the Supreme Court.

This year, Assistant Commonwealth's Attorney, Mark Barnard, has done most of the work for the Commonwealth's Attorney's Office in regards to the Model Judiciary Program. Mark has taken a key role in making sure this is a positive experience for these students.

We are always looking for ways to add to the experiences of the participants in the program. We recently received help from the U.S. Army. Captain Emily Moy, an Administrative Law Attorney of the Office of the Staff Judge Advocate at Fort Lee, joined us for a recent practice. We believe more help is on the way. **HOOAH!**

On May 12, 2014, Virginia Kendall and Quan Dasalla are being recognized by the School Board for being selected to participate in the Module Judiciary Supreme Court round. The meeting will be held in the County Administration Building, 3<sup>rd</sup> floor Boardroom at 6:30 p.m. **LET'S PACK THE BOARDROOM TO SUPPORT THESE STUDENTS!**

Stay tuned, we'll report the Supreme Court results in a future edition of ***At the Corner of Courthouse & Justice.***



## **Hooah**

(hü-ä or who-ah) is the battle cry of the U.S. Army. It is used by US Army soldiers "Referring to or meaning anything and everything positive or anything except *no*."

## FELONY SEX OFFENSES

Some of the most difficult cases to prosecute are felony sex offenses. Quite often the victims are young and know something bad has happened to them, but are unable to adequately describe or testify what has happened to them. We strongly believe that these cases need to be pursued so we can get closure for the victims and protect our community from these predators.

Two of the eight criminal defendants who had felony sex offenses in the Prince George Circuit Court in 2013 were charged and convicted with failing to register as a sex offender because of prior convictions as required by state law. Another one of the eight was charged and convicted of soliciting sex with a minor with whom he was seven years older.

The remaining five criminal defendants were initially charged with sexual assaults against minors. One of the charges was reduced to a misdemeanor due to difficulty in proving the case. The other four were found guilty of felonies and received active terms of incarceration.

## Food for Thought

**Approximately 2 out of 3 rapes were committed by someone known to the victim.**

**Source: U.S. Department of Justice. 2005 National Crime Victimization Study. 2005**

<b>Felony Sex Offense Statistics on Cases Completed in Circuit Court by the PG Commonwealth's Attorney's Office in 2013</b>	<b>2013</b>
Number of Defendants	8
Number of defendants with at least 1 felony conviction	7
Number of Felony Sex Offense Charges	12
Charges Nolle Prosequi (dropped)	2
Charges Dismissed	0
Defendants with Active jail or prison time	7
Defendants with Active time of at least 1 year	6
Defendants with Active time of greater than 1 year	5
Defendants with Active time of greater than 3 years	2
Defendants with Active time of greater than 5 years	2



<http://www.thejameshouse.org/>

**The James House provides Free, Confidential, Sexual Violence, Domestic Violence and Stalking Services to include a 24-hour crisis line, emergency shelter, safety planning, private counseling, support groups, case management, a resource library, transitional services, food vouchers, emergency pet replacement and referrals to community resources.**

I was honored and privileged to serve on the Board of Directors for The James House for over 8 years and strongly recommend their services to anyone who finds themselves a victim of domestic violence or sexual assault.

*Jay "C" Paul*



# How the Prince George County Commonwealth's Attorney's Office is Working with other agencies to make sure we have the best response to Sexual Assaults

## Prince George County Sexual Assault Response Team

On February 16, 2012, the Prince George County Commonwealth's Attorney Office convened a meeting to establish a SART (Sexual Assault Response Team). The General Assembly directed Commonwealth's Attorney's Offices to implement interagency teams and to coordinate a multidisciplinary response to sexual violence in Virginia communities. In compliance with this law, our office met with representatives from the Police Department, Sheriff's Department, the James House, Fort Lee Family Advocacy, VCU Forensic Nurse Examiners, and the Victim Witness Coordinator, to establish our local SART. Our first task was to outline our mission and goals for our SART.

Our SART team is made up of local agencies responsible for responding to victims of sexual assault. Our office prepared a Cooperative Working Agreement that established our mission as one to provide a sensitive and competent multidisciplinary response to: (1) support efforts to restore the victims' well-being; and (2) to bring perpetrators to justice.

The SART multidisciplinary approach and response is critical because it eliminates or reduces the need for the victims to repeatedly discuss the trauma they endured. Additionally, coordination and cooperation among professionals enhances victim cooperation and the criminal justice response, ultimately increasing offender accountability. Importantly, a SART recognizes that victims of sexual assault and the criminal justice system have two distinct sets of needs and sometimes there are conflicts between these two sets of needs. Through this team approach, both sets of needs may be accommodated. Everyone on the SART agrees that victim safety is most important factor to consider.

Our SART team meets quarterly to discuss any current cases and training opportunities. As we move forward with our local SART in 2014, we look forward to increasing our ability to respond to these crimes and to the victims so that justice can be served. Should you have any questions about the Prince George County SART, please call Cecilie Hamilton, Assistant Commonwealth Attorney at 733-2790.

## Prince George County Adopts Nationally Accredited Model to Help Child Abuse Victims

On June 1, 2011, five agencies in Prince George County formalized a team partnership with Greater Richmond SCAN (Stop Child Abuse Now) and the V.C.U. Child Protection Team so that child abuse investigations there would be conducted more collaboratively. Prince George's Commonwealth's Attorney's Office, Police Department, Social Services, County Attorney's Office and Victim Witness Assistance Program joined with SCAN's Child Advocacy Center and with VCU's Child Protection Team of medical specialists so that alleged victims of child abuse are served with a more coordinated system of response. Benefits of this model of best practices include alleged victim children being interviewed in a child friendly facility and being interviewed by one highly trained child forensic interviewer while investigators watch in a nearby monitoring room. Other benefits to this team model include immediate referrals to trauma-specialized mental health services and ongoing and in-person staffing of cases at SCAN's Child Advocacy Center (CAC).

"We in Prince George have benefited immensely from the CAC's forensic interviewing services for years, and the more we learned about the CAC/ Multidisciplinary Team Model, the more we became convinced that we owe it to our community's children and families to observe the very highest standards," said Jay "C" Paul, Commonwealth's Attorney for Prince George County. "It's the notion that kids are served much better, and we are much more effective, when we work as a team."

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Prince George County was the fourth jurisdiction in the Greater Richmond area to form a Multidisciplinary Team that utilizes SCAN's CAC, joining Richmond City, Chesterfield, and Louisa Counties. Jay Paul: "At the end of the day, it's not about just working hard, it's about working smart. And it's clear to us in case after case that this model of collaborative investigation and child-centered practice has caught on as truly wise practice, and we are grateful to have become part of that. We in Prince George have worked as a team for years and this partnership is really just an extension of our existing team of really caring and competent human services professionals."

# Probation Violations

It is not unusual for people who are convicted of crimes to receive suspended jail or prison sentences (“suspended time”) in addition to any active time they may be required to serve. This suspended time is usually conditioned on factors related to the crime they committed. Some typical conditions may be no contact with the victim; refrain from the use of drugs; keep the peace, be of good behavior; pay court costs; pay restitution to the victim and complete a period of supervised probation.

It is for the benefit of everyone that individuals convicted of crimes learn from their mistakes and remain law abiding after they’ve served their debt to society. Unfortunately, some of these individuals do not learn their lesson and come back into court with violations. Some of these past offenders commit new crimes which puts the safety of law abiding citizens at risk.

These repeat offenders are brought back to court for probation violations. At a probation violation hearing, the defendant is entitled to representation by a defense attorney. In most instances, the defendant is found in violation of the terms and conditions of his/her suspended time and the only question is how much of the suspended time will the defendant serve. It is unusual for a person who is found in violation of the terms and conditions of his probation violation to be given all of his/her suspended time to serve. Usually all the time is revoked and all but a relatively small portion of time is re-suspended.

The amount of active time the defendant receives on a probation violation is set by the judge after considering a number of factors, including, but not limited to, the severity of the violation, the nature of the underlying offense and the likelihood the defendant will continue to violate the terms of probation.

We believe in the following:

1) That a person who receives a criminal conviction receives suspended time from a court is essentially making a deal with the court that he/she will remain crime free and follow all of the terms and conditions of probation in exchange for having to serve less active time and deal breakers need to be treated accordingly;

2) That if a person is a repeat offender of the same type of crime that he/she received suspended time that the original punishment was not severe enough to modify their behavior that the court should give the violator more active time for the probation violation than was given on the original charge;

3) That if a person commits a new crime while on probation, the time the violator received on the new crime should not be used to mitigate or reduce the amount of time the violator is given for the probation violation. Put another way – volume discounts are for shoppers at Sam’s club and should not be given to violators of probation; and

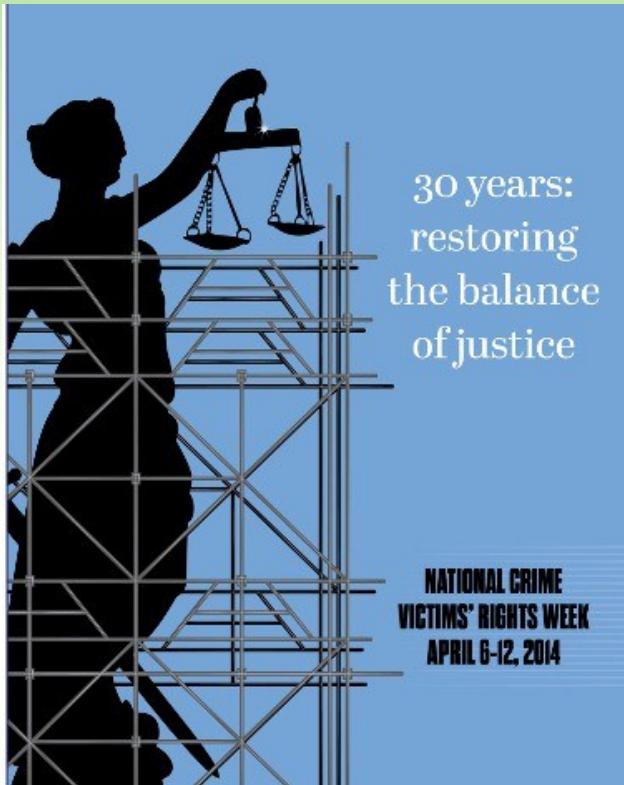
4) **When a person returns for a probation violation, it’s a failure.**

The legal consequences of the criminal conviction failed to impress upon the violator that he/she needed to make changes to their behavior to avoid future trouble with the law. In these instances, it is clear that the initial sanctions for the original criminal conviction were inadequate to address the criminal behavior. In order to address this situation, the Commonwealth’s Attorney’s Office, in addition to seeking increased sanctions against the defendant, will, if appropriate, work with defense attorneys and probation officers to place the defendant in programs, such as Drug Court, Detention Programs and Diversion Programs. We believe these programs when coupled with a period of incarceration can reduce the likelihood that a defendant will commit future crimes or probation violations. We will continue to work hard with our community partners at exploring solutions, such as re-entry programs for those incarcerated, to eliminate recidivism.

<b>Probation Violation Statistics on Cases Completed by PG Commonwealth’s Attorney’s Office through</b>	<b>2014</b>
<b>Number of Defendants</b>	<b>19</b>
<b>Number of Defendants found in violation</b>	<b>19</b>
<b>Number of Defendants Not found in violation</b>	<b>0</b>
<b>Number of Defendants who have had a probation</b>	<b>5</b>
<b>Number of Felony Probation violations Charged</b>	<b>55</b>
<b>Number of Misdemeanor Probation violations</b>	<b>6</b>
<b>Probation Violators with Active jail or prison time</b>	<b>19</b>
<b>Probation Violators with Active time of at least 1</b>	<b>12</b>
<b>Probation Violators with Active time of greater</b>	<b>7</b>
<b>Probation Violators with Active time of greater</b>	<b>2</b>
<b>Probation Violators with Active time of 5 or more</b>	<b>1</b>
<b>Average Active Jail or prison time for Probation Violators (19 violators)</b>	<b>1 year 5 months</b>
<b>Average Active Jail or prison time for repeat Probation Violators (5 violators)</b>	<b>1 year 4 months</b>

## Meet Cecilie Hamilton —Assistant Commonwealth's Attorney

*Cecilie Hamilton has been employed as a part-time Assistant Commonwealth Attorney in Prince George since 2008. She primarily prosecutes cases involving domestic violence, child abuse, and child sexual abuse. She also maintains a private practice in the City of Colonial Heights. Ms. Hamilton is married and has two young children and resides in Prince George County.*



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County Officials plant "pinwheels" in recognition of Child Abuse Prevention Month

## Proud Supporters of:

