



Commonwealth's Attorney

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**TO: The Loudoun County General District Court Judges
Chief Judge Deborah Welsh
Judge Lorie Sinclair Taylor
Judge William Fitzpatrick**
FROM: Buta Biberaj, Commonwealth's Attorney
DATE: December 30, 2022
RE: Prosecution of Misdemeanor Offenses

Greetings Judges:

I would like to have the opportunity to present to you changes that are occurring in the Office of the Commonwealth's Attorney that may impact your courts. I welcome the opportunity to discuss these changes and to have your comments and perspective as it relates to my intention to have our attorneys focus on the prosecution of jury trials in Circuit Court, and crimes that are violent and pose greater harm to our community.

As you may know, with the increase in the trials in Circuit Court and the introduction of body worn camera and related recordings in each case, the OCA is inundated and left with insufficient time to prosecute every infraction and low-level offense that is charged. To better serve our community and to ensure that we are providing safety and justice, we need to reallocate our resources towards the more egregious cases that are being charged by law enforcement and threaten the safety of our community. The most appropriate way for us to do so is to redirect our resources towards the crimes of violence and felonious criminal acts.

To provide the resources necessary to address the volume and intensity of the violent crimes and felonies, beginning with violations having been committed after January 16, 2023 we will defer to the court and law enforcement those cases that involve the following:

1. Traffic Offenses
 - a. traffic infractions (the consequences are fines);
 - b. reckless driving – speeding under 90 mph;
 - c. first offense driving on suspended / no operator's license;

- d. hit & run –property damage;
 - e. eluding; and,
 - f. registration and titling offenses.
2. Criminal Offenses – includes those offenses that are statutorily eligible for deferred findings:
- a. Trespass (deferred finding eligible);
 - b. Petty Larceny;
 - c. Possession of Schedule III / IV (deferred finding eligible);
 - d. Drunk in Public (max fine is \$250);
 - e. Underage Possession of Alcohol (deferred finding eligible);
 - f. Noise Complaints;
 - g. Violations of Ordinances;
 - h. Failure to Appear; and
 - i. Trials in Absence (not punishable by jail / fine only).

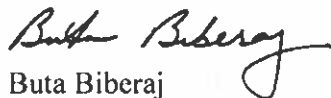
Our need to dedicate more time on the more egregious cases in General District Court (such as DUIs and assaults), crimes of violence in the Juvenile Courts (such as domestic violence, crimes against children, and the increase of violent crimes by juveniles), serious and violent crimes, felonies and trials in Circuit Court reduces our availability to prosecute the infractions and low-level, non-violent offenses.

As these changes will apply to offenses that are committed after January 16, 2023, it is anticipated that the current cases pending will not be impacted. We will collaborate with our law enforcement partners to provide trainings and guidance so that they are best prepared to present these cases to your courts.

Please let me know when you are available to meet with me (and anyone else in the Bar Association) if you are so inclined. As always, we are here to serve.

Thank you for your continued support and your service to our community.

Sincerely,



Buta Biberaj
Commonwealth's Attorney

