VIRGINIA [redacted]

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

[redacted] 2023

THE GRAND JURY CHARGES THAT:

COUNT 1

On or about the [redacted] 2022, in the City of Alexandria, Virginia, [redacted] did unlawfully and feloniously engage in sexual intercourse with [redacted] through the use of her mental incapacity.

VIRGINIA CODE § 18.2-61(A)(ii)

VCC RAP1128F9 [redacted]

COUNT 2

On or about the [redacted] 2022, in the City of Alexandria, Virginia, [redacted] did unlawfully and feloniously sexually abuse [redacted] through the use of her mental incapacity.

VIRGINIA CODE § 18.2-67.3(A)(2)

VCC RAP1144F9 [redacted]

COUNT 3

On or between the [redacted] 2020, and the [redacted] 2020, in the City of Alexandria, Virginia, [redacted] did unlawfully and feloniously sexually abuse [redacted] through the use of her mental incapacity.

VIRGINIA CODE § 18.2-67.3(A)(2)

VCC RAP1144F9 [redacted]

VIRGINIA:

IN THE
CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

COMMONWEALTH OF VIRGINIA

DOCKET NO. [redacted]

— *v.* —

[redacted]

Defendant.

ORDER TO DISMISS

THIS CAUSE came before the Court upon the Commonwealth's Motion to Dismiss the Indictment.

IT APPEARING to the Court, upon the representations of the Commonwealth, that exculpatory evidence came into the Commonwealth's possession on or about [redacted] 2024, and was disclosed to the defense on or about [redacted] 2024; and, after this evidence was discussed with the complaining witness and her parents on [redacted] 2024, the Commonwealth believes there is no reasonable likelihood of conviction and that it cannot prove the indicted crimes.

IT FURTHER APPEARING to the Court, upon the representations of the Commonwealth, that the expert for whom the Court authorized funds in this case fell ill in early [redacted] 2024, that he remains ill to date and that he has not completed tasks in this case; and, as of [redacted] 2024, has been excused by the Commonwealth from completing any evaluation in this matter. Therefore, for the good cause shown

IT IS ORDERED that *Commonwealth's Motion to Dismiss* is granted.

This cause is removed from the Court's jury-calendar on [redacted] 2024—[redacted] 2024.

The Defendant, through his counsel, shall return all RDM items to the Commonwealth on or before [redacted] 2024.

ENTERED this [redacted] 2024.

[redacted]

CIRCUIT COURT JUDGE

I ASK FOR THIS:

[redacted]

Cathryn F. Evans, VSB# 44064
Chief Deputy Commonwealth's Attorney
520 King Street, Suite 301
Alexandria, Virginia 22314
703-746-4100 (office)
703-746-4466 (fax)
Cathryn.Evans@AlexandriaVa.gov

SEEN WITHOUT OBJECTION:

[redacted]

Kimberly Stover
Counsel for the Defendant