

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA

vs.

DARWIN MARTINEZ TORRES
Accused.

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CRIMINAL NUMBER: FE-2017-1245

and KM-2018-229

ORDER

On June 15, 2018, Casey Lingan, the Chief Deputy Commonwealth's Attorney, DARWIN MARTINEZ TORRES, the Defendant, Joni Robin, Counsel for the Defendant, and Lindsay Wilhelm, an Interpreter fluent in the Spanish language, appeared before this Court. The Defendant is indicted for the felonies of CAPITAL MURDER IN THE COMMISSION OF ABDUCTION (COUNT I), ABDUCTION (COUNT II), CAPITAL MURDER IN THE COMMISSION OF RAPE (COUNT III), RAPE (COUNT IV), CAPITAL MURDER IN THE COMMISSION OF OBJECT SEXUAL PENETRATION (COUNT V and COUNT VII) and OBJECT SEXUAL PENETRATION (COUNT VI and COUNT VIII) and he appeared while in custody.

This case came before the Court this date for argument on the Defendant's Emergency Motion to Stay Material Witness Transfer to ICE Custody (DMT-58), and his Motion for a Material Witness Order (DMT-59). Kevin Alexander Cardona Torres, the person alleged to be a material witness, and Che Rogers, Attorney at Law, were also present in the courtroom.

The Court **ORDERED**, without objection, that Che Rogers be appointed to represent Kevin Alexander Cardona Torres in this matter. The Court further **ORDERED** that this matter be assigned to a separate KM file number.

Counsel for Mr. Cardona Torres did not object to the witness testifying in this case but did object to the witness's detention as a condition to accomplish his appearance.

Upon consideration of the arguments of the parties and for good cause shown, the Court found Kevin Alexander Cardona Torres to be a material witness and **granted** the Defendant's Motion to Stay Material Witness's Transfer to ICE Custody.

The Court **ORDERED** that Kevin Alexander Cardona Torres, (DOB: [REDACTED]; Alien Reg. #A209910487), the material witness, be held without bond in the Fairfax County Adult Detention Center pending further Order of the Court.

The Court further **ORDERED** that this matter is set for a review on **July 26, 2018 at 1:00 p.m.** before this Court.

Briefings on this issue shall be filed on or before July 12, 2018 and responses filed on or before July 19, 2018.

The Defendant and the material witness were remanded to the custody of the Sheriff.

Entered on June 15, 2018.

[REDACTED]

JUDGE RANDY I. BELLOWS