

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA)	CRIMINAL NUMBER FE-2017-1245
VERSUS)	
DARWIN MARTINEZ TORRES)	INDICTMENT - CAPITAL MURDER

ORDER FROM MAY 24, 2018 HEARING

On May 24, 2018, Casey Ligan and Robert McClain, the Assistant Commonwealth's Attorneys, DARWIN MARTINEZ TORRES, the Defendant, Joseph Flood, Daniel Goldman, and Joni Robin, Counsel for the Defendant, and Lindsay Wilhelm and Jaime de Castellvi, Interpreters 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 Defense motions #37, 45, 46, 47, 48, 49, 50, and 51 and Commonwealth's motion #1.

After discussion, it was agreed that the Commonwealth's motion #1, to Bar Suzanne Przygoda from Translating/Interpreting any Court Proceedings, be deferred at this time.

After hearing argument, the Court **granted** Defense motion #46, Motion to Appoint 3:1.2 Expert, by separate order.

The Court, after hearing argument, **granted** Defense motion #48, Motion to Appoint Neurotoxicologist, and a separate order was entered.

The Court heard argument and received evidence on Defense motion #50, Motion *In Limine* to Exclude Evidence of Animal Predation, and a separate order shall be entered.

The Court, after hearing argument, **granted** Defense #45, Motion to Preclude the Commonwealth and Its Witnesses from Inquiring into or Commenting on the Immigration Status of a Witness Without First Notifying the Court and the Defense Outside of the Presence of the Jury and Obtaining an Evidentiary

Ruling from the Court. The Court directed Counsel for the Defendant to draft language in a proposed order and provide it to the Commonwealth's Attorney before submitting it to the Court.

Counsel for the Defendant advised the Court that Defense #38, Motion to Designate Court-Appointed Interpreter would be withdrawn. A proposed order withdrawing the motion shall be submitted by Counsel for the Defendant.

The Court heard argument on Defense #49, Motion to Declare Virginia's Death Penalty Sentencing Scheme Unconstitutional for Failure to Meet Minimum Constitutional Requirements Set Forth in *Furman*, *Gregg*, and their Progeny. The Court, without objection, accepted Dr. Foglia's affidavit as a proffer of what she would testify.

Counsel for the Defendant and the Commonwealth's Attorney stated they would rest on the pleadings submitted on Defense #47, Motion to Declare Virginia's Death Penalty Sentencing Scheme Unconstitutional.

The Court **denied** Defense #47, for the reasons stated on the record.

The Court **denied** Defense #49, for the reasons stated on the record.

The Defendant was remanded to the custody of the Sheriff.

Entered on May 29, 2018.



JUDGE RANDY I. BELLOWS