

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 JUNE 28, 2018 HEARING

On June 28, 2018, Casey Ligan and Robert McClain, the Assistant Commonwealth's Attorneys, DARWIN MARTINEZ TORRES, the Defendant, Daniel Goldman, Joseph Flood, 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 #52, 53, 54, 55, and 56 and Defense Objection #57.

Inquiry was made to Counsel regarding a tentative estimate of the length of the trial in this case. The Commonwealth's Attorney moved to provide an estimate to the court clerk after consultation with Counsel for the Defendant. Counsel were instructed to confer with one another and then provide a tentative estimate to the court clerk by electronic mail.

Counsel for the Defendant submitted, and the Court entered, a separate order withdrawing Defense #38, Motion to Designate Court-Appointed Interpreter.

Counsel for the Defendant submitted, and the Court entered, a separate order granting, in part, Defense #45, Motion to Preclude the Commonwealth And Its Witnesses From Inquiring Into Or Commenting On The Immigration Status Of A Witness At Trial 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 **granted**, without objection by the Commonwealth's Attorney, Defense motion #53, Motion to Authorize Funds for Attorney Travel to El Salvador, by separate order.

Counsel for the Defendant moved to withdraw Defense motion #52, Defendant's Motion to Compel the Office of the Chief Medical Examiner to Comply with Subpoena Duces Tecum, without objection. Counsel for the Defendant shall submit a proposed order withdrawing the motion.

Defense #57, Defendant's Objection to Admission of Scientific Evidence, does not require consideration.

The Court, after hearing argument, found that Defense #54, Motion to Authorize funds for Witness Video Depositions, is premature, for the reasons stated on the record. The Court **ORDERED** that the motion be continued to the July 26, 2018 motions hearing.

After hearing argument, the Court **denied** Defense #55, Motion to Bifurcate the Penalty Phase of Trial, without prejudice, for the reasons stated on the record.

The Court, after hearing argument, **denied** Defense #56, Motion to Exclude Evidence of Unadjudicated Criminal Conduct as Violative of the Equal Protection Clause, for the reasons stated on the record. Counsel for the Defendant moved the Court to permit additional time to brief an issue raised by the Court. Counsel for the Defendant was granted leave to file a motion for reconsideration addressing the issue, in the event that Defense Counsel wished to do so.

The Commonwealth's Attorney advised that the notice of unadjudicated conduct would be filed with the Clerk the following day. Counsel for the Defendant moved the Court to place the filing under seal, which motion the Court **granted**, without objection.

The Court **ORDERED** that the notice of unadjudicated conduct be filed by the Commonwealth's Attorney **UNDER SEAL**.

The Defendant was remanded to the custody of the Sheriff.

Entered on July 2, 2018.



JUDGE RANDY I. BELLOWES