

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

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

ORDER

On August 17, 2018, the Defendant filed a number of motions. Attached to two of the motions, DMT-70 and DMT-71, was the *Commonwealth's Notice of Intent to Introduce Prior Unadjudicated Criminal Conduct*. The defense did not file it under seal, even though the Court had sealed the Commonwealth's notice by order entered on July 2, 2018. When the Court became aware that the attachments had not been filed under seal, the Court instructed its court clerk to place the attachments under seal consistent with the Court's July 2, 2018 order, and to notify counsel by email that this had been done. On August 17, 2018, Ms. Scerra sent an email to counsel that reads as follows:

Counsel,

Judge Bellows asked that I send the following message:

In reviewing Defense Motions #70 and 71, it appears that defense counsel has attached as Exhibit A to #70 and as Exhibit B to #71 a document that this Court ordered be placed **under seal** at the June 28, 2018 motions hearing. The Court will direct the Clerk's Office to place the exhibits under seal and the parties should treat them as sealed documents.

On August 22, at 3:43 pm, a draft order was submitted to Fairfax Circuit Court Chambers seeking to place under seal the entirety of four Defense motions (#69-72), even though the motions have been in the public domain, and available to the public, since August 17, 2018. Neither this Court nor Ms. Scerra were in the office on August 22 or August 23 and no email was sent advising the Court that a draft sealing order had been submitted. The Court and Ms. Scerra became aware of the draft order this morning. If the defense or the prosecution still seeks to have these motions placed under seal, they should notify Ms. Scerra and the Court will schedule an immediate hearing.

With regard to any future pleading that makes reference to the substance of alleged unadjudicated criminal conduct, the parties are hereby ordered to file the pleadings under seal. This includes the Commonwealth's opposition pleadings due to be filed today.

SO ORDERED, this 24 day of August 2018.



JUDGE RANDY I. BELLOWS