

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 APRIL 25, 2018 HEARING

On April 25, 2018, Raymond Morrogh, the Commonwealth's Attorney, and Casey Ligan, the Assistant Commonwealth's Attorney, 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 #38, 39, 40, 41, 42, 43, and 44.

After hearing argument, the Court **ORDERED** that Defense motion #38, Motion to Designate Court-Appointed Interpreter, be continued to the May 24, 2018 motions hearing date. The Court, with the consent of Counsel for the Defendant, instructed the Defendant to advise the interpreter if at any point in the proceedings he does not understand what the interpreter is saying so that it can be repeated to him. The Defendant, in person, stated his understanding of the Court's instruction and his agreement to follow it. Based on the suggestion of Defense Counsel, the Court also instructed the interpreters to interpret directly to the Defendant, and not through the electronic system. This is intended to further ensure the Defendant's understanding of proceedings.

The Court, after hearing argument, resolved Defense motion #40, Motion to Slow Hearings, without prejudice to the Defendant seeking further relief. The Court will permit breaks in the proceedings for

Defense Counsel to review with the Defendant the ongoing proceedings to ensure his understanding. The Court, without objection, imposed upon Defense Counsel the responsibility of requesting a break in the proceedings in order to communicate with the Defendant.

After hearing argument, the Court **granted**, by separate order, Defense motion #44, Motion to Authorize Additional Funds for Mitigation Records Collection.

The Court, after hearing argument, **denied** Defense motion #42, Motion to Bar Inquiry Into Immigration Status of Defense Witnesses, without prejudice, for the reasons stated on the record. The Commonwealth opposed a blanket order prohibiting such inquiries, but indicated that it has no present intention to make such inquiries. The Defendant may file, if so inclined, a motion seeking alternative relief.

The Court heard argument on the Defense motion #39, Motion to Require Unadjudicated Criminal Conduct Be Proven Beyond a Reasonable Doubt, which motion the Court **denied**, for the reasons stated on the record.

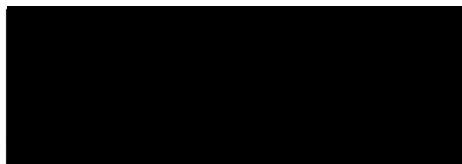
After hearing argument, the Court **granted** Defense motion #41, Renewed Motion to Appoint Prison Risk Assessment Expert, for the specific question approved in Commonwealth v. Lawlor, 285 VA 187, 252-254 (2013), and on the basis stated on the record, pursuant to § 19.2-264.3:1. Counsel for the Defendant shall submit a proposed Order.

The Court, after hearing argument, **denied** Defense motion #43, Defendant's motion to Bar Death Penalty Because Capital Punishment Violates Society's Evolving Standards of Decency, for the reasons stated on the record.

The Court, after discussion with Counsel, **ORDERED** that issues related to the number of jurors to be called, the use of a questionnaire and its contents, and the statements that the Court will make to the jurors at each stage of voir dire be addressed beginning at the September motions hearing.

The Defendant was remanded to the custody of the Sheriff.

Entered on April 27, 2018.



JUDGE RANDY I. BELLOWS