

guilty pleas. Counsel for the Defendant responded in the affirmative and the Commonwealth's Attorney stated he had no reason to question the Defendant's intellectual ability, capacity, and competence to knowingly, intelligently, and voluntarily plead guilty and waive the constitutional rights the Defendant will be giving up by entering pleas of guilty.

The Commonwealth's Attorney advised the Court that the Commonwealth was giving up the right to seek the death penalty in this case. The Commonwealth's Attorney further advised that the prosecution team had consulted with the family of the victim and that they concur with the resolution in this case.

The Defendant was arraigned upon the indictment, and the Defendant, in person and in writing signed by him, entered a plea of guilty to each count. The Court accepted the pleas of guilty and made them a part of the record after making specific inquiries of the Defendant and determining that the pleas were made voluntarily and with full understanding of the nature of the charges and the consequences of the pleas.

The Commonwealth's Attorney proffered the evidence in this case. Counsel for the Defendant had no additions to the proffer and the Defendant stated he had listened to the proffer and was in agreement with the evidence proffered.

In consideration of the Defendant's pleas of guilty and the evidence proffered, the Court found DARWIN MARTINEZ TORRES guilty of CAPITAL MURDER IN THE COMMISSION OF ABDUCTION WITH INTENT TO DEFILE (COUNT I), ABDUCTION WITH INTENT TO DEFILE (COUNT II), CAPITAL MURDER IN THE COMMISSION OF, OR SUBSEQUENT TO, RAPE (COUNT III), RAPE (COUNT IV), CAPITAL MURDER IN THE COMMISSION OF, OR SUBSEQUENT TO, OBJECT SEXUAL PENETRATION (LABIA MAJORA) (COUNT V), OBJECT SEXUAL PENETRATION (LABIA MAJORA) (COUNT VI), CAPITAL MURDER IN THE COMMISSION OF, OR SUBSEQUENT TO, OBJECT SEXUAL PENETRATION (ANUS) (COUNT VII), and OBJECT SEXUAL PENETRATION (ANUS) (COUNT VIII), as charged in the indictment.

The Court referred this case to the District Probation Officer for investigation and report before sentencing. This case was set on **March 28, 2019 at 10:00 a.m.**, for sentencing. The Defendant shall be held in custody without bond.

The Court entered an Order on Defense #54, Motion to Authorize Funds for Witness Depositions, which had been granted at an earlier hearing in this case.

A status hearing was held regarding the material witness Juan Antonio Torres Martinez, Case Number KM-2018-374. With the agreement of the parties and without objection by Counsel for the witness, the Court entered an Order of Withdrawal of Writ of Habeas Corpus Ad Testificandum.

The Court **ORDERED** that a status hearing in Case Number KM-2018-229 regarding the material witness Kevin Alexander Cardona Torres be set on November 29, 2018 at 9:30 a.m. Counsel for the Defendant moved the Court to waive the presence of the Defendant at that hearing, which motion the Court **granted**, without objection.

Given the entry of the Defendant's pleas of guilty, the Court **ORDERED**, without objection, that all pending motions are terminated as moot and that the future motions hearing dates previously set in this case be **vacated** and that the trial date of September 9, 2019 in this case be **vacated**.

Counsel for the Defendant withdrew the Defendant's motion for subpoena *duces tecum* to Loudoun County and that proceeding was **terminated**. The court clerk shall notify Counsel for Loudoun County that the motion has been withdrawn.

Counsel for the Defendant moved the Court to direct the Fairfax Adult Detention Center staff to permit the Defendant to communicate with Juan Antonio Torres Martinez before his deportation. The Court stated that the matter would be left up to the Adult Detention Center staff.

The Defendant was remanded to the custody of the Sheriff.

Entered on December 3, 2018.



JUDGE RANDY I. BELLOWS