

# WARRANT OF ARREST—MISDEMEANOR (STATE)

COMMONWEALTH OF VIRGINIA Va. Code § 19.2-71, -72

Fairfax General District Court  Criminal  Traffic  
CITY OR COUNTY  Juvenile and Domestic Relations District Court

### TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about [REDACTED] did unlawfully in violation of Section [REDACTED] DATE

18.2-57.2, Code of Virginia: assault and battery on spouse- who is a family or household member.

### Active Military Personnel - Not Military/Not Known

, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of [REDACTED]

[REDACTED], Complainant.

Execution by summons  permitted at officer's discretion.  not permitted.

DATE AND TIME ISSUED

*Liet Nguyen*  
 CLERK  MAGISTRATE  JUDGE  
Liet Nguyen

CCRE May be Required

CASE NO. [REDACTED]

ACCUSED: [REDACTED]

LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]

RESIDENCE LOCATION [REDACTED]

RACE	SEX	BORN	HT.	WGT.	EYES	HAIR
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

SSN [REDACTED]

DL# [REDACTED]

STATE [REDACTED]

### CLASS 1 MISDEMEANOR

EXECUTED by arresting the Accused named above on this day:

For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

DATE AND TIME OF SERVICE [REDACTED]

[REDACTED], ARRESTING OFFICER

BADGE NO., AGENCY AND JURISDICTION [REDACTED]

for

SHERIFF

Attorney for the Accused:

Short Offense Description:

**ASSAULT: ON FAMILY MEMBER**

Offense Tracking Number:

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code:

ASI -1315-M1

# M

Hearing Date/Time [REDACTED]

# STATE

Offense Tracking Number: [REDACTED]

FINE  
LOCALITY \$

**COSTS**

461 FIXED MISD FEE

462 FIXED DRUG MISD FEE

113 WITNESS FEE

113 IGNITION INTERLOCK

113 DUTY FEE [REDACTED]

113

113

120 CT. APPT. ATTY

121 TRIAL IN ABSENCE FEE

125 WEIGHING FEE

133 BLOOD TEST FEE

137 TIME TO PAY

192 TRAUMA CENTER FEE

234 JAIL ADMISSION FEE

243 LOCAL TRAINING ACADEMY FEE

244 COURTHOUSE SECURITY FEE

OTHER (SPECIFY)

TOTAL \$

[ ] Stay of the proceedings pursuant to § 16.1-131.1

I impose the following Disposition:

[ ] FINE [ ] CIVIL PENALTY of \$ \_\_\_\_\_  
with \$ \_\_\_\_\_ suspended

[ ] JAIL SENTENCE of \_\_\_\_\_  
imposed, [ ] of which \_\_\_\_\_ days  
mandatory minimum, with \_\_\_\_\_ suspended

[ ] NO ATTORNEY [ ] ATTORNEY WAIVED  
[ ] If convicted, no jail sentence will be imposed.

[ ] upon being of good behavior, keeping the peace, obeying this  
order and paying fines and costs.

Credit is allowed pursuant to § 53.1-187 for time spent in  
confinement.

[ ] Serve jail sentence beginning \_\_\_\_\_  
[ ] on weekends only

[ ] Work release [ ] authorized if eligible [ ] required  
[ ] not authorized

[ ] Public work force [ ] authorized [ ] not authorized

[ ] PROBATION for \_\_\_\_\_  
[ ] VASAP [ ] local community-based probation agency

[ ] DRIVER'S LICENSE suspended for \_\_\_\_\_

[ ] Restricted Driver's License per attached order  
[ ] Ignition Interlock for \_\_\_\_\_

[ ] RESTITUTION of \$ \_\_\_\_\_  
due by \_\_\_\_\_  
payable to \_\_\_\_\_  
with interest thereon from \_\_\_\_\_  
[ ] DATE OF LOSS OR DAMAGE [ ] TODAY'S DATE

[ ] as condition of suspended sentence

[ ] COMMUNITY SERVICE \_\_\_\_\_ hours to be completed by  
\_\_\_\_\_ and supervised by \_\_\_\_\_  
[ ] to be credited against fines and costs

[ ] Contact prohibited between defendant and victim/  
victim's family or household members

[ ] Reimburse Commonwealth for investigatory medical fees

[ ] Pay \$50 fee to the Court for Trauma Center Fund

[ ] Other: \_\_\_\_\_

[ ] Remanded for [ ] CCRE Report [ ] \_\_\_\_\_

[ ] Bail on Appeal \$ \_\_\_\_\_

DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA  
SUSPENDED EFFECTIVE IN 15 DAYS IF FINES, COSTS,  
FORFEITURES, PENALTIES OR RESTITUTION ARE NOT PAID.  
Va. Code § 46.2-395.

Accused was this day:  
[ ] in absence. [X] present

PROSECUTING ATTORNEY PRESENT (NAME)  
M. Leiva

DEFENDANT'S ATTORNEY PRESENT (NAME)

[ ] NO ATTORNEY [ ] ATTORNEY WAIVED  
[ ] If convicted, no jail sentence will be imposed.

INTERPRETER PRESENT (Spanish for both)

Plea of Accused:  
[X] not guilty [X] Witnesses sworn  
[ ] nolo contendere  
[ ] guilty [ ] Plea voluntarily and intelligently entered  
after the defendant was apprised of his right against  
compulsory self-incrimination and his right to  
confront the witnesses against him.

[ ] Plea and Recommendation

And was TRIED and FOUND by me:

[X] not guilty [ ] guilty as charged  
[ ] guilty of \_\_\_\_\_

VCC \_\_\_\_\_

[ ] facts sufficient to find guilt but defer adjudication/  
disposition to \_\_\_\_\_

DATE AND TIME  
and place accused on probation, §§ 4.1-305, 18.2-57.3,  
18.2-251 or 19.2-303.2.

[ ] A separate order for First Offender is attached and  
incorporated in this order.

[ ] Costs imposed upon defendant.

DATE JUDGE

And was FOUND by me to be:

[ ] driving a commercial motor vehicle  
[ ] carrying hazardous materials

[ ] I ORDER a nolle prosequi on prosecution's motion

[ ] I ORDER the charge dismissed

[ ] conditioned upon payment of costs (accord and  
satisfaction), § 19.2-151.

[ ] conditioned upon payment of costs and successful  
completion of traffic school, § 16.1-69.48:1.

[ ] under §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

The court finds both witnesses credible. Their accounts are so inconsistent.

Because the court cannot reconcile the differences in the A+V's testimony - both versions not being incredible - this necessarily causes reasonable doubt.