

WARRANT OF ARREST - FELONY

VA. CODE §§ 19.2-71, -72

Loudoun

CITY OR COUNTY

General District Court



Criminal



Traffic

☐ 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 06/28/2001 did unlawfully and feloniously in violation of Section

18.2-61

, Code of Virginia:

have sexual intercourse with " L. C. " 19 years old a person not the spouse of the accused, against the complaining witness's will, by force, threat, intimidation.

CASE NO.

C01-2309

2001-008674

ACCUSED:

HERNANDEZ, Walter

LAST NAME, FIRST NAME, MIDDLE NAME

Falls Church, Va

ADDRESS/LOCATION

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	MO.	BORN DAY	YR.	FT.	IN.	WGT.	EYES	HAIR
H	M	10	28	78	5	07	165	BR	BK
SSN									

Commonwealth of Virginia

WARRANT OF ARREST

FELONY



EXECUTED by delivering a copy to the Accused named above on this day:

29 JUNE 2001 0830

DATE AND TIME OF SERVICE

J.W. Russ, Jr.

ARRESTING OFFICER

9816 LCSO 053

BADGE NO., AGENCY AND JURISDICTION

for S.O. SIMPSON

SHERIFF

Attorney for the Accused:

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

RUSS, J.W. Jr./LCSO 9816

Complainant.

06/29/2001 07:45 AM

DATE AND TIME ISSUED

CCF is Required

CLERK ☐ MAGISTRATE ☐ JUDGE

Harry E. Householder, Magistrate

HEARING DATE AND TIME

Forthwith

P.O. Agent

PH 8/6/01 12³⁰

7-16 Lucella

Charlotte Hernandez

rel - as - 11

d 3m mtr

7-18-01

830

7-18-01

8-21-01

12³⁰ ph

ba a mtr

demi - no

charge

8/21/02

War/Sum

107GC-LO10117920

WAIVER OF PRELIMINARY HEARING

Understanding my right to a preliminary hearing before the Court named in this warrant to determine whether there is probable cause to believe that I committed a felony AND, having the consequences of my waiver explained to me by the Judge of this Court, I nevertheless WAIVE MY RIGHT TO A PRELIMINARY HEARING on the felony charged in this warrant.

ACCUSED

ATTORNEY FOR ACCUSED

- ☐ Motion to Change Bond on: _____
☐ changed to \$ _____
☐ no change

JUDGE
☐ The Accused named within was brought before me or appeared this day, and upon hearing the evidence, I order the case certified to the grand jury of this jurisdiction, at its next term date, having found probable cause to believe that the Accused committed the felony charged in this warrant.

☐ The Accused was this day:
☐ tried in absence
☐ present

The charge was reduced to 18-2-67.4

Prosecuting Attorney Present (NAME)
Worth
L. O. O'Connell

☒ DEFENDANT'S ATTORNEY PRESENT (NAME)
☐ NO ATTORNEY
☐ ATTORNEY WAIVED
☐ Translator/Interpreter Present:

NAME
The Accused PLEADED:

- ☐ not guilty
☒nolo contendere not guilty
☐ guilty

☒ Plea Bargain ☐ Plea and Recommendation

And was TRIED and FOUND by me:

- ☐ not guilty ☐ guilty as charged
☒ guilty of sent b. by 18-2-67.4
☐ facts sufficient to find guilt but defer adjudication/disposition and place accused on first time offender probation, §§ 18.2-57.3, 18.2-251 or 19.2-303.2.

- ☐ I ORDER the charge dismissed
☐ 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

Certified to the Circuit Court of this jurisdiction
DATE

JUDGE
I impose the following Sentence:

- ☐ Fine of \$ _____ with \$ _____ suspended;
☒ JAIL sentence of 12 months imposed
with 8 months suspended
conditioned upon being of good behavior and keeping the peace, and paying fines and costs. Pursuant to § 53.1-187, credit is granted for pre-trial detention.

- ☐ Serve jail sentence on weekends beginning _____
☐ Work release authorized if eligible
☐ Work release required
☐ Payment of \$ _____ to defray cost of incarceration

- ☐ On PROBATION for _____
☐ DRIVER'S LICENSE suspended _____
☐ Referred to VASAP
☐ Referred to local community-based probation program
☐ Restricted Driver's License
☐ Travel to/from work ☐ Travel to/from VASAP
☐ Travel during work ☐ Travel to/from school
☐ Medically necessary travel ☐ Ignition Interlock
☐ Travel to/from day care/school/medical service facility for child

- ☐ RESTITUTION of \$ _____ due by _____
Payable to _____
with interest thereon from _____ as condition of suspended sentence.

- ☐ _____ hours of community service to be performed for _____
☐ in addition to other sentence provisions
☐ to be credited against fines and costs

- at \$ _____ /hr.
☒ Other: He is now on license probation
5 months
☐ Bail on Appeal \$ _____
☐ Remanded for CCRE Report

DATE 8/2/00 JUDGE [Signature]

FINE

COSTS:

Misdemeanor Conviction	
112	} PROCESSING FEE {
140	
143	
107 DOAF	
132 CICF	
133 BLOOD TEST FEE	
137 TTP	
120 CT. APPT. ATTY. (state)	
113 WITNESS FEE	

Prelim. Hear. Assess.
120 CT. APP. ATTY. (state)
113 WITNESS FEE

Other (Specify):

TOTAL \$

TTP added

CRIMINAL COMPLAINT
Commonwealth of Virginia

RULES 3A-3 AND 7C-3

LANGUAGE BARRIER

Speaks Spanish
NEEDS INTERPRETER

Print ALL information clearly:

☒ General District Court

☐ Juvenile and Domestic Relations District Court

LOUDOWN

CITY OR COUNTY

Under penalty of perjury, I, the undersigned Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about

JUNE 28, 2001

in the ☐ City ☒ County ☐ Town

DATE OFFENSE OCCURRED

of LOUDOWN

I base my belief on the following facts:

THE VICTIM, L.C., ADVISED THAT THE SUSPECT GRABBED HER BY THE ARM AND FORCED INTO THE WOODS. SHE SAID THAT HE TOLD HER IF SHE DID NOT HAVE SEX WITH HIM (HER) HE WOULD TELL HER BOYFRIEND (HIS) THAT SHE WAS HAVING SEX WITH HIS BROTHER. SHE SAID THAT SHE TOLD HIM

The statements above are true and accurate to the best of my knowledge and belief.

In making this complaint, I have read and fully understand the following:

- By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued.
- The charge in this warrant cannot be dismissed except by the court, even at my request.

Russ, Jr. J.W. 9816

NAME OF COMPLAINANT (LAST, FIRST, MIDDLE)
(PRINT CLEARLY)

Subscribed and sworn to before me this day,

6/29/2001 08:00 AM

DATE AND TIME

SIGNATURE OF COMPLAINANT

☐ CLERK ☐ MAGISTRATE ☐ JUDGE

2001-008674

CRIMINAL COMPLAINT

ACCUSED: Name, Description, Address/Location

HERNANDEZ, WALTER

LAST NAME, FIRST NAME, MIDDLE NAME

FALLS CHURCH, VA.

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	MO.	BORN DAY	YR.	FT.	IN.	WGT.	EYES	HAIR
M	W	10	28	78	5	7	165	BRN	BLK
SSN									

RAPE 18.2-61 FEL "B"

ABDUCTION 18.2-47 FEL "B"

TO STOP BUT HELD HER ON THE GROUND. THERE WERE MARKS
THAT WERE CONSISTENT WITH HER BEING IN THE WOODS
SHE SAID THAT HE THEN PENETRATED HER VAGINA WITH HIS PENIS AND
EJACULATED. SHE HAD TOLD HIM TO STOP AND ATTEMPTED GET AWAY FROM HIM.
B

ID 50X50G8 TP-600 #000619 12:30:33				LXOPS		#11-79174		01/06/30-12:35	
LAST NAME		FIRST		MIDDLE		SUFFIX		OCA	
HERNANDEZ,		WALTER		RIGOBERTO		2001008673		VA	
ALIAS AND/OR NICKNAME				PLACE OF BIRTH (CITY-COUNTY)				STATE	
MARTINEZ, WALTER RIGOBERTO				EL SALVADOR				YY	
SEX		RACE		DOB		SOCIAL SECURITY NUMBER		HEIGHT FT. IN.	
M		W		10281978				5 07	
WEIGHT		EYES		HAIR		SCARS, MARKS, TATTOOS			
165		BRO		BLK		T-BACK, L&R HANDS, L FOREARM, L PALM			
HOME ADDRESS		STREET		CITY-TOWN		STATE		ZIP CODE	
UNKNOWN		UNKNOWN		FALL CHURCH		VA		-	
				RESIDENT OF CITY OR COUNTY				FAIRFAX COUNTY 029	
RAPE				ORIGINAL DISPOSITION					
18.2-61				WHEN COMPLETED, MAIL TO:					
				VIRGINIA STATE POLICE					
				RECORDS MANAGEMENT DIVISION					
				CENTRAL CRIMINAL RECORDS EXCHANGE					
				P.O. BOX 27472					
				RICHMOND, VA 23261-7472					
VA0530000		DATE OF OFFENSE		JURISDICTION					
-SO -LOUDOUN CO VA		06282001		053					
2 N CHURCH ST		DATE OF ARREST		JURISDICTION					
		06292001							
		PHOTO AVAILABLE THIS ARREST		ARRESTING OFFICER (LAST, FIRST, MI)		SHIELD/CODE			
		Y		J W RUSS JR		9816			
DISTRICT COURT OF CITY OR COUNTY		<input type="checkbox"/> GEN DIST <input type="checkbox"/> JDR		CIRCUIT COURT OF CITY OR COUNTY		<input type="checkbox"/> GEN DIST <input type="checkbox"/> JDR			
CASE NUMBER		INITIAL COURT DATE		CASE NUMBER		DATE OF FILING			
DISPOSITION (CHECK ONE)					DISPOSITION (CHECK ONE)				
GUILTY <input type="checkbox"/> DISMISSED <input type="checkbox"/>					GUILTY <input type="checkbox"/> DISMISSED <input type="checkbox"/>				
ADJUDICATED DELINQUENT <input type="checkbox"/> NOLLE PRSEQUI <input type="checkbox"/>					ADJUDICATED DELINQUENT <input type="checkbox"/> NOLLE PRSEQUI <input type="checkbox"/>				
DEFERRED ADJUDICATION <input type="checkbox"/> NOT GUILTY-INSANITY <input type="checkbox"/>					DEFERRED ADJUDICATION <input type="checkbox"/> NOT GUILTY-INSANITY <input type="checkbox"/>				
NOT GUILTY <input type="checkbox"/> CERTIFIED TO GRAND JURY <input type="checkbox"/>					NOT GUILTY <input type="checkbox"/> CERTIFIED TO GRAND JURY <input type="checkbox"/>				
GUILTY/CONVICTED OF: FELONY <input type="checkbox"/> ORIGINAL CHARGE <input type="checkbox"/>					GUILTY/CONVICTED OF: FELONY <input type="checkbox"/> ORIGINAL CHARGE <input type="checkbox"/>				
MISDEMEANOR <input type="checkbox"/> AMENDED CHARGE <input type="checkbox"/>					MISDEMEANOR <input type="checkbox"/> AMENDED CHARGE <input type="checkbox"/>				
CODE SECTION					CODE SECTION				
CHARGE:					CHARGE:				
SENTENCE IMPOSED BY COURT MONTHS DAYS					SENTENCE IMPOSED BY COURT YEARS MONTHS DAYS				
TOTAL TIME IMPOSED					TOTAL TIME IMPOSED				
TOTAL TIME SUSPENDED					TOTAL TIME SUSPENDED				
PROBATION: SUPERVISED <input type="checkbox"/> UNSUPERVISED <input type="checkbox"/>					PROBATION: SUPERVISED <input type="checkbox"/> UNSUPERVISED <input type="checkbox"/>				
DATE OF FINAL DISPOSITION:					DATE OF FINAL DISPOSITION:				

VA arrest



993392S

COMMITMENT ORDER

Commonwealth of Virginia

Case No.: 2001-08674ACCUSED: HERNANDEZ, WalterJurisdiction: LoudounADDRESS: Falls Church, Va

- ☐ General District (Traffic)
☒ General District (Criminal)
☐ General District (Civil)
☐ J & DR District Court
☐ Circuit Court

SSN: _____ DOB: 10/28/1978SEX: ☒ Male ☐ Female STATUS: ☒ Adult ☐ Juvenile CHARGED UNDER: ☒ State ☐ Local LawCHARGE(S):
Rape, abductionLANGUAGE
BARRIER
Speaks SPANISH
NEEDS INTERPRETER☐ Since accused is unable or unwilling to participate in a bail hearing, I order accused to be returned to Judicial Officer for bail determination.BAIL: ☐ Secured ☐ Unsecured ☐ Recognizance\$ ☒ Held without bail ☐ No additional bail required☐ Release by Judicial Officer to custody of responsible person or when accused is no longer intoxicated☐ Currently serving sentence☐ Charges pending in _____ Court

Hearing date and time if released on bail:

07/02/2001 08:30 AM

Court appearance location, date and time if not released on bail:

☒ General District ☐ J & DR ☐ Circuit
Loudoun07/02/2008 08:30 AM

Other conditions of bail:

Accused ☐ may ☒ may not depart the Commonwealth of Virginia.

Place initially detained (if other than this jurisdiction): _____

TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER: You are ordered to take custody of and convey the accused to the Court, unless otherwise released.

06/29/2001 07:59 AM

DATE AND TIME

☒ MAGISTRATE ☐ DISTRICT COURT CLERK ☐ JUDGE
Harry E. HouseholderReceived: 29 JUNE 2001 0845 a.m.

DATE AND TIME

By: [Signature]

CHECKLIST FOR BAIL DETERMINATIONS

Commonwealth of Virginia

Name of Accused WALTER HERNANDEZ 703-849-8565

Nature and Circumstances of the Offense RAPE ABDUCTION

Weight of the Evidence STRONG

Length of Time in Community NEW IN USA

Place of Employment UNEMPLOYED How Long

Family Ties MOTHER IN FALLS CHURCH

Involvement in Education

Financial Resources NONE

Pending Charges NONE

Was a firearm allegedly used in the offense? ☒ No ☐ Yes

Currently on probation or parole? ☐ No ☐ Yes

Prior criminal record NONE IN US NO CON. HISTORY

☐ Presumption pursuant to Virginia Code § 19.2-120 applies and has not been rebutted.

Prior charges of failing to appear NO

Is this person likely to obstruct or attempt to obstruct justice or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness, juror or victim? ☐ No ☒ Yes VICTIM

Other information considered NO GREY CARD EL SALVADOR

Bail Set NO BAIL

Special instructions or conditions JULY 2ND @ 8:30 AM

6/29/2001

DATE

[Signature]

☐ MAGISTRATE ☐ JUDGE

The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person is currently charged with:

1. An act of violence as defined in § 19.2-297.1;
2. An offense for which the maximum sentence is life imprisonment or death;
3. A violation of §§18.2-248, 18.2-248.01, 18.2-255 or §18.2-255.2 involving a Schedule I or II controlled substance if (i) the maximum term of imprisonment is ten years or more and the person was previously convicted of a like offense or (ii) the person was previously convicted as a "drug kingpin" as defined in § 18.2-248;
4. A violation of §§18.2-308.1, 18.2-308.2, or §18.2-308.4 and which relates to a firearm and provides for a minimum, mandatory sentence;
5. Any felony, if the person has been convicted of two or more offenses described in subdivision 1 or 2, whether under the laws of this Commonwealth or substantially similar laws of the United States;
6. Any felony committed while the person is on release pending trial for a prior felony under federal or state law or on release pending imposition or execution of sentence or appeal of sentence or conviction; or
7. An offense listed in subsection B of §18.2-67.5:2 and the person had previously been convicted of an offense listed in §18.2-67.5:2 and the judicial officer finds probable cause to believe that the person who is currently charged with one of these offenses committed the offense charged.

Virginia Code § 19.2-120

Additional information:

REFERENCES: NAME RELATION HOME PHONE WORK PHONE

1. LUZILLA HERNANDEZ MOTHER (703) 849-8565
2. _____

Verified: MRS. HERNANDEZ VERIFIED THAT DEFENDANT LIVED WITH HER
AT 7203 OAKLAND AVE, FALLS CHURCH VA 22042. DEFENDANT STATED HE DID NOT
KNOW THE ADDRESS OF HIS RESDENCE.

Was the probation/parole office notified?: _____

NCIC RECORD CHECK(S)

LOCAL RECORD CHECK(S)

CRIMINAL XX
TRAFFIC _____

CRIMINAL _____
TRAFFIC _____

Do the record checks provided coincide with the defendant's stated criminal
_history?

SID/FBI # _____

Explain:

NO PRIOR RECORD FOUND

_____ RECOMMENDED FOR PRETRIAL XX NOT RECOMMENDED FOR PRETRIAL

RECOMMENDATION/COMMENT: DEFENDANT'S CURRENT CHARGE WOULD PRECLUDE HIM FROM SERIOUS
CONSIDERATION FOR PRERELEASE.

Financial statement interview performed: YES

INTERVIEWER: Eduardo Barajas, Jr. Pretrial Evaluator

PRETRIAL RELEASE INFORMATION SHEET

DATE: 07-02-01

PERSONAL DATA

Name: HERNANDEZ, WALTER RIGOBERTO Race: H Sex: M
 Age: 22 DOB: 10-28-78 SSN: NONE Education: _____
 Place of birth (State or Country): EL SALVADOR
 Marital status: SINGLE Support children?: 2
 Total number of children living with defendant? 0

ADDRESS: FALLS CHURCH

How long?: JUST MOVED HERE own/rent/assist: RENT
 Living with: MOTHER Phone: (703) 849-8565
 Previous: TYSON'S CORNER
 Previous: _____

EMPLOYMENT: NONE. WAS SET TO BEGIN EMPLOYMENT AS A CARPENTER PRIOR TO INCARCERATION.

How long?: _____ Supervisor: _____
 Total Net Monthly Income? _____
 Position: _____ Phone: _____
 Previous: _____
 Previous: _____

CURRENT OFFENSE: RAPE, ABDUCTION

BOND: NONE

Criminal Statute # 18.2-61

CRIMINAL HISTORY: Per Defendant

OFFENSE	DATE	PLACE	DISPOSITION
<u>NONE</u>			

Are you on probation/parole/supervised release? NO

Jurisdiction: _____

Officer: _____ Offense: _____

Have you ever failed to appear for a court date? NO

If so, why?: _____

HEALTH

Physical: OK

Mental: OK

Alcohol use: YES

Drug use: NO

Treatment: _____

Information updated from previous interviews? _____ Date: _____