VIRGINIA

IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

COMMONWEALTH OF VIRGINIA

V

SARE ZEKTAW CF06000240

ORDER

This 6th day of July, 2006, came this matter to be heard upon several motions. The Court, having heard the evidence and argument of counsel, made the following rulings:

1. The defendant's motion in limine to admit prior acts was was granted.
2. The defendant's motion to suppress was denied.

The Court certifies that at all times during this hearing the defendant was personally present and his attorney was likewise personally present and capably represented the defendant.

And the defendant is remanded to jail in the custody of the Sheriff.

Lisa B Kemler

Lisa B Kemler, Judge

Entered: July 7, 2006

NOTE:
HEARING ON MOTION TO ~~SUPPR~~ SUPPRESS
J.A. 76-132
COURT'S RULING ON J.A. 132-34

1 but--

2 THE COURT: That's all right.

3 (Pause.)

4 THE COURT: [blip] --case with you,

5 is that subsequent to the **Redmond** case?

6 MS. GREENE: **Hilliard** is 2005. It's

7 three years later.

8 THE COURT: Okay.

9 (Pause.)

10 THE COURT: All right. Well, I think

11 I'm going to deny the motion to suppress, and let

12 me just outline a few of my reasons.

13 I think the Commonwealth is correct,

14 that there are essentially three issues that I

15 needed to consider when deciding the motion to

16 suppress. A, whether the Defendant knowingly,

17 voluntarily, intelligent waived his **Miranda**

18 rights, and the answer to that is, in my opinion,

19 yes.

20 Whether the Defendant's statements

21 were voluntary, i.e., or another way, were his

22 statements in any way coerced, and the answer to

1 that is no, they were not coerced, his statements
2 were voluntary.
3 And then three, which is really the
4 crux of the motion, whether the Defendant made a
5 clear unequivocal, unambiguous request for
6 counsel.
7 In reviewing the Supreme Court's
8 decision in **Davis**, the U.S. Supreme Court's in
9 **Davis**, and the more recent Virginia cases of
10 **Hilliard** and **Redmond**, I find that the Defendant's
11 statement, taken in the context of his entire
12 interview with Detectives Hind and Hickman, was
13 not a clear, unambiguous, or unequivocal
14 statement. His statement, I really like to talk
15 to lawyer, because this Oh, my God, oh, my Jesus-
16 -why? is really more akin to the statements that
17 were made by the--hold on one second.
18 Well, they're not in the same vein as
19 the statements made by the Defendants in the
20 **Hilliard** or **Redmond** cases. But I don't find the
21 totality of the circumstances of the interview in
22 this case, that they are--that it was a clear and

1 unequivocal request for a lawyer.

2 And for that reason, I'll deny the

3 motion to suppress. All right. I'm going to

4 hand you back the cases. Sorry. I marked them

5 up a little bit.

6 MS. GREENE: Thank you, Your Honor.

7 THE COURT: Okay. This case is set

8 for trial on the 17th?

9 MS. GREENE: 17th.

10 MR. IWEANOGE: Yes. 17th, Your

11 Honor.

12 THE COURT: Okay. All right.

13 MR. IWEANOGE: Thank you, Your Honor.

14 THE COURT: All right.

15 Do you want the right to waive form

16 back? Do we need that?

17 MS. GREENE: Thank you.

18 I believe that concludes the docket.

19 THE COURT: It does; yes.

20 MS. GREENE: Thank you, Judge.

21 THE COURT: Thank you. Good day.

22 THE BAILIFF: All right. Court is

1 adjourned.

2 (WHEREUPON, AT 3:26 O'CLOCK P.M., THE

3 PROCEEDINGS IN THE ABOVE-ENTITLED MATTER WERE

4 CONCLUDED.)

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