223 Va 706

3

IN THE

# Supreme Court of Virginia

AT RICHMOND

CLERK
SUPREME COURT OF VIRGINIA
RECEIVED
JAN 19 1982
RECEIVED
RICHMOND, VIRGINIA

RECORD NO. 810538

THOMAS EUGENE GREEN

Appellant

v.

COMMONWEALTH OF VIRGINIA

Appellee

JOINT APPENDIX

Randolph L. Herring
Attorney at Law
403 N. Robinson Street
Richmond, VA 23219

Counsel for Appellant

Jerry P. Slonaker
Assistant Attorney General
Attorney General's Office
Criminal Division
101 North 8th Street
Richmond, VA 23219

Counsel for Appellee

LAWYERS PRINTING COMPANY 7th & Franklin Bldg. Richmond, Virginia 23219 (804) 648-3664

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VIRGINIA: 80-557-F

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND, DIVISION II

November 10, 1980
(Date)

The GRAND JURY charges that:
On or about August 28, 19 80, in the City of Richmond

Thomas Eugene Green did

feloniously and unlawfully rob one Elizabeth O. Talley of United States currency and one wallet.

Va. Code § 18.2-58

R. L. Andrews
D. L. Houchins
Elizabeth O. Talley

Witnesses sworn and sent by the Court to the Grand Jury to give evidence.

Clerk

NOV 10 1980
A TRUE BILL.

Foreman

Commonwealth of Virginia

City of Richmond Juvenile and Domestic Relations District Court

*In re:* Thomas Eugene Green

The above-named juvenile is within the jurisdiction of this Court by reason of a verified petition filed against the juvenile in this cause, alleging the commission of an offense, namely:

Robbery

which if committed by an adult would be a felony, punishable by death or confinement in the penitentiary.

In compliance with the Code of Virginia, 1950, as amended, and on motion of the Commonwealth Attorney, a transfer hearing was conducted pursuant to proper notice to the juvenile, the juvenile's parents, guardian, legal custodian or other person standing in loco parentis or attorney.

Prior to this transfer hearing, a written study and report to the Court was prepared by the probation services or other qualified agency designated by the Court as required by the Code of Virginia, 1950, as amended; this report and study together with any other data and reports concerning the child which were available to the Court were also made available to counsel for the juvenile.

* * * * *

☑ The Court finds from the evidence presented that there is probable cause to believe the juvenile committed the delinquent act alleged.

☐ The Court finds that the evidence is insufficient to establish probable cause to believe that the juvenile committed the alleged delinquent act, and, therefore the case is dismissed.

* * * * *

From the evidence and upon consideration of the study and report (which was not considered until the finding concerning probable cause was made). The Court finds:

☑ That the child was fifteen or more years of age at the time of the alleged commission of the offense; the child is not amenable to treatment or rehabilitation as a juvenile through available facilities, considering the nature of the present offense, or such factors as the nature of the child's prior delinquency record, the nature of past treatment efforts, and the nature of the child's response to past treatment efforts; the child is not mentally retarded or criminally insane; and the interests of the community require that the child be placed under legal restraint or discipline.

☐ That the requirements for transfer not having been satisfied.

* * * * *

The Court

☐ Hereby RETAINS jurisdiction of the charge against the child.

☑ TRANSFERS and so certifies the child for proper criminal proceedings to the Circuit Court of Richmond Div. II - November 1980 Term, Virginia, which court of record has jurisdiction of this offense.

NAME OF CITY / COUNTY

The Court further orders that the juvenile be:

☑ Remanded to jail. Surety - $2,000.00

☐ Detained in the .....

NAME OF DETENTION FACILITY

☐ Released into the care and custody of the child's parent(s), guardian, or person standing in loco parentis.

☐ Continued on bond in the amount of $ .....

AMOUNT OF BOND

11/6/80

DATE

JUDGE

FORM DC-518 1/80 (114:9-704 7/80)

**Transfer / Retention Order**

FILE NO. .....

VIRGINIA: IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Judge Bryant

Probation Officer

In re: Thomas Eugene Green Race B Age 15 Sex M Document No. J-10517-9

9/19/80 D.O. Ass. boy

9-22-80

- [x] Child present & parent ~~or custodian present~~.
- [x] Charges/transfer hearing/ were served on the child.
- [x] Charges were/are to be/ served on parent or guardian.
- [x] Court to appoint attorney to represent child.
- [ ] ~~After constitutional safeguards, child waived attorney.~~
- [ ] ~~Parents to employ own attorney.~~
- [x] Bond with surety fixed at $ 1,000
- [x] Detention ~~or Jail~~ meantime in pursuant to 16.1-[illegible] of the Code of Va.
- [ ] ~~Child released to parent or custodian.~~
- [ ] ~~Witnesses present.~~
- [x] ~~Summon~~ Witnesses

EXECUTED

Hearing date 10-23-80 at 2:00 P.M.

AHB

10/1/80 Randolph Herring appointed. DI

By agreement of all of the parties continue to 11-6-80 at 2:00 P.M.

AHB

JUDGE BRYANT

VIRGINIA

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC
RELATIONS DISTRICT COURT

*** SUMMONS ***

DOCKET NUMBER J-0010517-09 98

TO: ELIZABETH TALLEY

ADDRESS: 312 W. ROANOKE ST.APT.1
RICH VA

YOU ARE SUMMONED TO APPEAR BEFORE THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT, LOCATED AT 2000 MECKLENBURG STREET, RICHMOND, VIRGINIA, ON THE 23 RD DAY OF OCTOBER, 1980, AT 2:00 P.M. TO TESTIFY AND THE TRUTH TO SAY IN THE CASE OF THE COMMONWEALTH OF VIRGINIA RE: THOMAS E. GREEN WHO STANDS CHARGED WITH: ROBBERY

ACCEPTED

GIVEN UNDER MY HAND THIS 10 TH DAY OF OCTOBER, 1980

SIGNED: W. J. Fitchett
DEPUTY CLERK

SHERIFF'S OFFICE 10-23

CITY OF RICHMOND JUVENILE
AND DOMESTIC RELATIONS
DISTRICT COURT

SUMMONS
(WITNESS)

COMMONWEALTH

RE:

ELIZABETH TALLEY
312 W. ROANOKE ST.APT.1
RICH VA

EXECUTED THIS ..... DAY OF
....., ....., BY
SERVING A TRUE COPY OF THE
ABOVE NOTICE ON .....
.....
.....

BY: .....

60

JUDGE BRYANT

VIRGINIA

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

*** SUMMONS ***

DOCKET NUMBER J-0010517-09 99

TO: DET. RICHARD ANDREWS

ADDRESS: 501 N. 9TH ST.
RICH VA

YOU ARE SUMMONED TO APPEAR BEFORE THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT, LOCATED AT 2000 MECKLENBURG STREET, RICHMOND, VIRGINIA, ON THE 23 RD DAY OF OCTOBER, 1980, AT 2:00 P.M. TO TESTIFY IN BEHALF OF THE COMMONWEALTH IN THE CASE OF THE COMMONWEALTH OF VIRGINIA RE: THOMAS E. GREEN WHO STANDS CHARGED WITH: ROBBERY

PROCESS RETURNED

OCT 16 1980

EXECUTED

GIVEN UNDER MY HAND THIS 10 TH DAY OF OCTOBER, 1980

SIGNED: M. F. Fitchett
DEPUTY CLERK

HEADQUARTERS

10-23

CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

SUMMONS
(WITNESS)

COMMONWEALTH

RE:

DET. RICHARD ANDREWS
501 N. 9TH ST.
RICH VA

EXECUTED THIS 15 DAY OF Oct, 80, BY SERVING A TRUE COPY OF THE ABOVE NOTICE ON above

BY: [illegible]

C6

VIRGINIA

Bryant

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC
RELATIONS DISTRICT COURT

City of Richmond Juvenile
and Domestic Relations
District Court

RETURN ORIGINAL TO COURT

Summons and Notice of Transfer Hearing

Juvenile Docket J-10517- 9

TO: THomas E. Green

Address:

and Parent-Custodian: Johnny Green

Address: 630 N. 29th St.

and Parent-Custodian:

Address:

SUMMONS TO APPEAR AND
NOTICE OF TRANSFER HEARING

You are NOTIFIED pursuant to Section 16.1-269 of the Code and SUMMONED to appear before the City of Richmond Juvenile and Domestic Relations District Court, located at 2000 Mecklenburg Street, Richmond, Virginia, on the 23rd day of October, 1980, at ~~9:30 A.M.~~ 2:00 P.M. to determine whether the charges against Thomas E. Green TO WIT:

robbery (see attached petition)

PROCESS RETURNED

OCT 17 1980

EXECUTED

COMMONWEALTH

RE:

Johnny Green
630 N. 29th St

Executed this 15 day of Oct, 1980, by serving a true copy of the above NOTICE on

Father

shall be transferred to the Circuit Court for criminal proceedings or shall be retained for further proceedings by this Court pursuant to the Juvenile and Domestic Relations Court Law.

You are advised that if at such hearing this case is retained for further proceedings under the Juvenile and Domestic Relations District Court Law, this Court, on motion agreed to by the Commonwealth and your attorney, may then and there conduct such further proceedings as may be necessary and proper.

Signed this 9th day of October, 1980,

jh

M. F. Fitchett
Deputy Clerk

BY: D L Hughes

| NAME | COURT JURISDICTION |
|---|---|
| Thomas E. Hill | Richmond |

| STREET ADDRESS | |
|---|---|
| 205 W. Roanoke St. # 15A | ☑ J & DR Court |
| Richmond, Va. | ☐ Circuit Court |

| RACE | SEX | AGE | DATE OF BIRTH |
|---|---|---|---|
| B | ☑ MALE ☐ FEMALE | 15 | 3-18-65 |

| CHARGE | COURT FILE NUMBER |
|---|---|
| Robbery | J-10517-9 |

| HEARING DATE & TIME (if applicable) | HEARING LOCATION (if applicable) |
|---|---|
| 10-20-80 at 2:00 P.M. | |

PLACEMENT IN: ☐ Shelter Care ☑ Detention Facility

PENDING ☑ Hearing (see back) ☐ Transfer (see back) ☐ Other

Bond $1,000

(☐ continued on back)

TO THE Director or Superintendent of: .....

You are hereby commanded to take the above-named juvenile into your custody in accordance with the appropriate instructions on the back of this card.

9-22-80
DATE

[signature]
☐ JUDGE ☐ CLERK ☐ INTAKE OFFICER

Received .....
Date and Time

by _____

FORM DC-533 4/80 (114:9-705 7/80)

7

Request for Appointment of a Lawyer

COMMONWEALTH OF VIRGINIA

Richmond Juvenile and Domestic Relations District Court

*in re:* Thomas Green

**TO THE JUVENILE:**
You have the right to be represented by a lawyer with respect to this charge. You may retain a lawyer at your own expense or, if it is determined by the court that you are unable to afford a lawyer, this court will appoint a lawyer to represent you. If the Court appoints a lawyer for you, you shall be required to pay the statutory fee of that lawyer if you are convicted. You may also waive your right to a lawyer.

REQUEST FOR APPOINTMENT OF A LAWYER

I have been informed this day of my right to representation by a lawyer in all hearings held by this Court to consider the charges pending against me. I certify that I am without means to employ a lawyer and request the Court to appoint a lawyer for me, knowing that if I am found guilty, I shall have to pay the amount of the court-appointed lawyer's fee as part of the costs of prosecution. This lawyer will represent me in all State courts on the charges until relieved or replaced by another lawyer.

9-22-80 — DATE

X Thomas E. Green — JUVENILE'S SIGNATURE

☐ I understand that if the Court appoints a lawyer and finds that I have the financial ability to pay for a lawyer, then the Court will require that I pay the cost of the lawyer as required by law.

☐ I certify that I am without means to employ a lawyer and request the Court to appoint a lawyer for the above-named juvenile.

9-22-80 — DATE

Dorothy L Green — PARENT OR GUARDIAN'S SIGNATURE

PARENT OR GUARDIAN'S SIGNATURE

The Court was advised that ....., a lawyer, has been retained to represent the juvenile in this Court. This information was provided by:

☐ the above-named person ☐ the lawyer ☐ .....

☐ JUDGE ☐ CLERK

**ORDER OF APPOINTMENT**

The Request for Appointment of a Lawyer was executed under oath. Having examined the juvenile and considered other competent evidence.

☐ I find that the Juvenile is not indigent and not entitled to representation by a court-appointed attorney.

☐ I find that the juvenile is indigent within the contemplation of the law;

☐ I find that the parent(s) or guardian are without means to employ a lawyer;
Therefore, I hereby appoint the lawyer indicated below to represent the juvenile at such hearings and all other stages of the proceeding in this court and in any other court to which this case may be appealed or certified until relieved or replaced by another lawyer.

Name, Address of Court-Appointed Lawyer

10-20-80 at 2:00 P.M.
(NEXT HEARING DATE AND TIME)

9-22-80
DATE

Clifford Dwyer
JUDGE

C9

FORM DC-513 1/80 (114:9-704 7/80) Request For Representation By A Lawyer File No. ..... 8

# REQUEST FOR WITNESS SUBPOENA

Va. Code §§8.01-407, 14.1-195, 16.1-265 19.2-267, and Rule 3A:15

CITY OR COUNTY

☐ GENERAL DISTRICT COURT (☐ Civil ☐ Criminal ☐ Traffic)

☐ JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Please subpoena the witnesses below to appear before the Court on the trial date shown. (See Va. Code §14.1-195 regarding limitation on compensation of subpoenaed witnesses.)

WITNESSES (IF MAILING ADDRESS IS RFD, P.O. BOX, ETC., PLEASE INDICATE LOCATION WHERE WITNESS CAN BE FOUND)

| | |
|---|---|
| NAME Elizabeth O. Talley<br>ADDRESS / LOCATION 312 W. Roanoke Street Apt. 1 Richmond<br>CITY OR COUNTY TELEPHONE | NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE |
| NAME Det. Richard L Andrews<br>ADDRESS / LOCATION Detective Division<br>CITY OR COUNTY TELEPHONE | NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE |
| NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE | NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE |
| NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE | NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE |
| NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE | NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE |

FILE NO.

## REQUEST FOR WITNESS

☐ Commonwealth of Virginia

☐ CITY ☐ COUNTY ☐ TOWN of

☐ PLAINTIFF(S)

*In re* / V.

DEFENDANT(S)

10

TRIAL DATE AND TIME

REQUEST ON BEHALF OF

☐ Commonwealth ☐ City, County or Town

☐ PLAINTIFF(S) ☐ DEFENDANT(S) ☐ JUVENILE

REQUESTED BY: NAME

SIGNATURE

COURT USE ONLY

| DATE RECEIVED | DATE ISSUED |
|---|---|
| | |

COMMONWEALTH OF VIRGINIA

Richmond
2000 Mecklenburg St.

JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

PLACE CHILD IN DETENTION HOME

In re:

Thomas Eugene Green — JUVENILE
3/18/65 — DATE OF BIRTH
15 — AGE
B — RACE
M — SEX
WEIGHT
HEIGHT

It appearing from the petition filed concerning the juvenile that the juvenile may come within the purview of the Juvenile and Domestic Relations District Court Law, and that the welfare of the juvenile requires that his custody be immediately assumed by the Court, in that

- ☐ the child has no parent, guardian, custodian or other suitable person able and willing to provide supervision and care for such child; or
- ☒ the release of the child would constitute an unreasonable danger to the person or property of others where the child is alleged to be delinquent; or
- ☐ the release of such child would present a clear and substantial threat of serious harm to such child's life or health.

It is hereby ORDERED that the juvenile be taken into immediate custody and

☒ placed in the custody of:

Richmond Detention Home, there to be detained
NAME OF AGENCY OR FACILITY

until brought before the Court on

- ☒ the next day on which the court sits as provided by law
- ☐ _____ at _____ AM/PM.

☐ be released pursuant to a warrant on bail or recognizance.

9/19/80
DATE

☐ CLERK ☒ JUDGE ☐ INTAKE OFFICER

jh

FORM DC-529 1/80 (114:9-704 7/80)

DETENTION ORDER

11

File No. 10

COMMONWEALTH OF VIRGINIA
IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT OF THE CITY/~~COUNTY~~ OF Richmond

In re a Child under eighteen years of age

| | | |
|---|---|---|
| ☐ | 1. CHILD'S NAME: Thomas Eugene Green | 2. DATE OF BIRTH: 3-18-65 3. AGE: 15 SEX: (M) F |
| | 4. CHILD'S ADDRESS: 205 W. Roanoke Street - Apt. 15-A - Richmond, Virginia | Telephone No. |
| ☐ | 5. FATHER'S NAME AND ADDRESS: Johnnie Green, Jr. - 630 N. 29 Street - Richmond, Virginia | Telephone No. |
| ☐ | 6. MOTHER'S NAME AND ADDRESS: Dorothy Parks Green - 205 W. Roanoke Street - Apt. 15-A Richmond, Virginia | Telephone No. |
| ☐ | 7. GUARDIAN / LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS AND ADDRESS: | Telephone No. |
| ☐ | 8. OTHER(S) AND ADDRESS(ES): | Telephone No. |
| ☐ | 9. OTHER(S) AND ADDRESS(ES): | Telephone No. |
| ☐ | 10. Child held in CUSTODY ☐ Yes ☑ No | |
| | 11. Place of Detention or Shelter Care | |
| | 12. Date and Time Taken into Custody ___/___/___ ___:___ ___m. | 13. Date and Time Placed in Detention or Shelter Care ___/___/___ ___:___ ___m. |
| | 14. The above information is not known to the petitioner: No(s). | |

PERSON TO BE SUMMONED

I, the undersigned petitioner, state under oath to the best of my knowledge, that the above-named child is within the purview of the Juvenile and Domestic Relations District Court Law in that, within this city/~~county~~, the child:

is a delinquent child in that he did unlawfully on the 28th of August, 1980, by force and violence take, steal and carry away from the person of Elizabeth O. Talley, one pocketbook containing $85.00 in U.S. currency and miscellaneous items valued at $10.00 property of the said Elizabeth O. Talley, against her will, in violation of Section 18.2-58 of the Code of Virginia.

9/19/80 Randolph Herrin, appointed.

WHEREFORE, the Petitioner requests that the child and the persons having his or her custody and control be summoned to appear before this Court, and that this Court enter such orders and judgments as the Court deems fit and proper in accordance with the law and which will serve the purpose and intent of the Juvenile and Domestic Relations District Court Law.

9-19-80
DATE

Richard L. Andrews
PETITIONER'S SIGNATURE

Det. Richard L. Andrews
PETITIONER'S NAME (PRINT OR TYPE)

Bureau of Police - 501 N. 9th Street - Richmond, Virginia
PETITIONER'S ADDRESS AND TELEPHONE NO. (COURT COPY ONLY)

Sworn/affirmed and signed before me on 9-19-80
DATE

Intake Officer
TITLE

Jean V. Waldrop
SIGNATURE

Transfer hearing
D.O.

12

# SUMMONS

| TIME OF APPEARANCE: MONTH | DAY | YEAR | TIME: | M. |
|---|---|---|---|---|
| COURT'S STREET ADDRESS AND TELEPHONE | | | | |

TO ANY SHERIFF OR POLICE OFFICER OR.....
I COMMAND YOU to summon the parties as designated in the above petition.

TO THE PERSON SUMMONED: I COMMAND YOU to appear in person before this Court at the date, place and time specified in this Summons to respond to the allegations in the petition in accordance with the provisions of the Juvenile and Domestic Relations District Court Law. Failure to appear at Court may subject you to contempt of court proceedings.

(114:9-704 7/80)

..... DATE ☐ CLERK JUDGE

FORM DC-511 4/80 NOTE: READ THE NOTICE ABOUT RIGHT TO REPRESENTATION BY A LAWYER ON THE BACK OF THIS SUMMONS.

## RIGHT TO REPRESENTATION BY A LAWYER

The Court will appoint a lawyer as guardian *ad litem* to represent any child alleged to be abused or neglected or for a child who is the subject of an entrustment agreement or of a petition terminating residual parental rights or is before the Court when the parent desires for good cause to be relieved of care and custody.

Prior to a hearing by the Court of any case involving a child alleged to be in need of services or alleged to be delinquent, such child has a right to be represented by a lawyer of the child's own choice or, if the Court determines that the child is indigent within the contemplation of the law and his or her parents, guardian, legal custodian, or other person standing *in loco parentis* does not retain a lawyer for the child, the Court shall appoint a lawyer to represent the child.

When the Court appoints a lawyer to represent the child, and finds that the parents are financially able to pay for the lawyer and refuse to do so, the Court shall assess the costs of legal services against the parents. The child in some cases may waive his right to be represented by a lawyer, if the Court finds that the child and parents, guardian, legal custodian, or other person standing *in loco parentis* consent in writing and the interests of such individuals are not adverse.

Prior to a hearing by the Court of any case involving a parent, guardian, or other adult who is charged with abuse and neglect of a child or who could be subjected to the loss of residual parental rights and responsibilities, such parent, guardian or other adult has a right to representation by a lawyer of his own choice, and if such parent, guardian, or other adult is indigent, the Court shall appoint a lawyer to represent him, and such parent, guardian, or other adult may waive the right to representation by a lawyer.

In all other cases, the Court in its discretion may appoint a lawyer or guardian *ad litem* to represent the interests of the child or the parent or guardian.

* * *

RECEIVED
SEP 19 1980
M VP, DEPUTY CLERK
CITY OF RICHMOND
JUVENILE & DOMESTIC
RELATIONS DISTRICT COURT

EXECUTED by delivering a true copy of this summons to the person named below this day.

..... DATE

..... SERVING OFFICER

.....

Badge No. agency and jurisdiction

.....

for _____ Sheriff

EXECUTED by delivering a true copy of this summons to the person named below this day.

..... DATE

..... SERVING OFFICER

.....

Badge No. agency and jurisdiction

.....

for _____ Sheriff

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

.....
DATE

.....
SERVING OFFICER

_____

Badge No. agency and jurisdiction

for_____

Sheriff

---

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

.....
DATE

.....
SERVING OFFICER

_____

Badge No. agency and jurisdiction

for_____

Sheriff

---

FORM DC-511-(REVERSE)-4/80

MEDICAL COLLEGE OF VIRGINIA
VIRGINIA COMMONWEALTH UNIVERSITY
MCV Station • Richmond, Virginia 23298

November 4, 1980

RECEIVED
NOV 5 1980
CITY OF RICHMOND
JUVENILE & DOMESTIC
RELATIONS DISTRICT COURT
DEPUTY CLERK

Mr. W. T. Eads, Court Administrator
Juvenile and Domestic Relations
District Court
2000 Mecklenburg Street
Richmond, Virginia 23223

RE: Thomas Eugene Green
J-10517

Dear Mr. Eads:

I saw Tommy at the Juvenile Detention Home on November 3rd for psychiatric evaluation per your request. Tommy was pleasant for the interview. Aside from your letter I had only Tommy for information but he seemed fairly reliable.

Tommy does not present signs of mental illness either by history or present examination. He does indicate various instances of hyperactivity, withdrawal, etc. but these are all quite compatible with somewhat immature emotional responses. He also may have some mild intellectual limitation but not enough to even suggest interference with competency before the court. He specifically realizes his situation before the court and seems able and willing to cooperate with his attorney. I therefore do not find cause to doubt his competency and I do not recommend hospitalization.

Tommy does indicate his desire for help. He states his strong motivation to change. He feels he needs somebody to set him straight by firm discipline; and that he needs help (like in a hospital) to set his "head straight". He feels he has done pretty well under a controlled environment. His history suggests an unsettled life.

However, there is not a great deal to suggest any specific psychiatric problems. His stated ability to do well in a structure (for example, his reports about his adjustment in the Detention Home and its school, etc.) suggest a need for this kind of help. His history of perhaps a major head injury when he was 7 years old again suggests the need for special assistance for that difficulty. He is, however, competent to proceed along with the system of the court.

I will be glad to respond further.

Sincerely,

John Mullaney, M.D.

JM/dcr

# City of Richmond
# Juvenile and Domestic Relations District Court

2000 MECKLENBURG STREET
RICHMOND, VIRGINIA
23223

CHIEF JUDGE
WILLARD H. DOUGLAS, JR.

JUDGES
ARLIN F. RUBY
ALTON E. BRYANT, JR.

COURT ADMINISTRATOR
WILLIAM T. EADS

October 14, 1980

Dr. John Mullaney
Associate Professor of Psychiatry
Virginia Commonwealth University
Medical College of Virginia
1200 East Broad Street
Richmond, Virginia 23219

Re: Thomas Eugene Green (b)15
J-10517

Dear Dr. Mullaney:

The above named boy is currently before the court on thirteen (13) petitions alleging that he did (1) unlawfully on 8/13/80 by force and violence take, steal and carry away a certain pocketbook and other property, valued at $255.00; (2) unlawfully on 9/4/80, by force and violence take, steal and carry away a certain pocketbook and other property valued at $370.00; (3) unlawfully on 8/28/80, by force and violaence take, steal and carry away one pocketbook containing $85.00 in U.S. currency and miscellaneous items valued at $10.00; (4) unlawfully on 9/11/80, by force and violence attempt to have carnal knowledge of Mrs. Florine Wallace, age 65; (5) unlawfully on 9/11/80, by force and violence take, steal and carry away $18.00 in U.S. currency; (6) unlawfully on 8/27/80, by force and violence take, steal and carry away $5.00 in U.S. currency and one Timex digital alarm clock valued at $20.00; (7) unlawfully on 8/27/80, break and enter with intent to commit robbery; (8) unlawfully on 8/27/80, by force and violence, attempt to have carnal knowledge by way of the anus; (9) unlawfully on 9/11/80, break and enter with intent to commit rape and robbery; (10) unlawfully on 7/18/80, break and enter with intent to commit robbery; (11) unlawfully on 7/18/80, by force and violence have carnal knowledge by way of the mouth; (12) unlawfully on 7/18/80, by force and violence have carnal knowledge by the anus; (13) unlawfully by force and violence take, steal and carry away from the person U.S. currency in the amount of $400.00.

Judge Alton E. Bryant, Jr. has ordered a psychiatric examination and report pursuant to Section 19.2-169 of the Code of Virginia, prior to hearing the evidence which is scheduled to be heard on November 6, 1980, at 2:00 P.M.

I am requesting that your department examine Thomas Eugene Green and furnish the court with a report of your findings prior to November 6, 1980, at 2:00 P.M. The youth is presently being detained in the City of Richmond Detention Home which is located at 2100 Mecklenburg Street.

I would appreciate your assistance in this matter.

Very truly yours,

W. T. Eads
Court Administrator

sh

Virginia

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT:

THE COMMONWEALTH OF VIRGINIA,

In re:

Thomas Eugene Green (b)15

Docket # J-10517

ORDER

The said Thomas Eugene Green is before this court charged with thirteen felonies and it is ORDERED that the said Thomas Eugene Green be examined by a psychiatrist, who is to report to the court the mental condition of the child and if the child is competent to stand trial purusant to Section 19.2-169 of the Code of Virginia.

It is also ordered that the clerk shall have on or before the 6th day of November, 1980, the above report.

Enter: 10/14/80

JUDGE

Department of Corrections
Division of Consolidated Laboratory Services
BUREAU OF FORENSIC SCIENCE

CERTIFICATE OF ANALYSIS

October 1, 1980

Central Laboratory
P. O. Box 999
Richmond, Virginia 23208

Tel. No. (804) 786-4707

TO: Chief of Police
Richmond Bureau of Police
501 North Ninth Street
Richmond, VA 23219

ATTENTION: Det. R. L. Andrews

Your Case # 80-09-11-1537-219

FS Lab # 80-2312

Victim(s): WALLACE, Florence

Examiner: Gordon R. Stangohr

Suspect(s): GREEN, Thomas Eugene

Date Received 9-19-80

Evidence Submitted By: R. L. Andrews

DESCRIPTION OF EVIDENCE:

Q-1 Deposit slip in name of Florine Wallace containing questioned writing on back.
K-1 thru K-3 Three handwriting forms containing specimen writing OF Thomas E. Green

RESULTS OF EXAMINATION:

It was concluded from comparisons of the submitted writings that Thomas Eugene Green, writer of the K-1 thru K-3 specimens, wrote the "Jerry Champ" name and telephone number on the back of Exhibit Q-1.

The questioned and specimen writings were photographed.

The evidence items are returned herewith.

GRS/lmg

Forensic Scientist

STATE OF VIRGINIA
CITY/COUNTY OF Richmond, to-wit:

THIS day personally appeared before me, Leola M. Grantley, a notary public, in and for said city/county in the Commonwealth of Virginia Gordon R. Stangohr, who signed the foregoing Certificate of Analysis, before me, and after being duly sworn, made oath (1) that he performed the analysis and/or examination the results of which are herein contained, (2) that said analysis and/or examination was performed in a laboratory operated by the Division of Consolidated Laboratory Services of the Commonwealth or authorized by such Division to conduct such analysis and/or examination and (3) that this Certificate of Analysis is true and correct.

Given under my hand this 1st day of October, 1980.

Notary Public

My commission expires February 4, 1983

Page 1 Of 1



DCLS FS 0077 (REV. 5-78)

Commonwealth of Virginia
Department of General Services
Division of Consolidated Laboratory Services
BUREAU OF FORENSIC SCIENCE

September 30, 1980

**CERTIFICATE OF ANALYSIS**

Central Laboratory
P. O. Box 999
Richmond, Virginia 23208

Tel. No. (804) 786-4707

TO: Chief
Richmond Bureau of Police
501 North 9th Street
Richmond, VA 23219

Attention: Detective R. L. Andrews

Your Case # 8007181220213

FS Lab # 80-0565

Victim(s): ANGUS, Bessy M.

Examiner: Joan Faunce

Suspect(s): GREEN, Thomas

Date Received 7-22-80

Evidence Submitted By: Detective T. C. Mann, Jr.

Item #1 - White blouse.
Item #2 - Bed sheet from victim's bed.

Evidence Submitted By: Detective R. L. Andrews

Date Received: 9-26-80

Item #3 - Physical Evidence Recovery Kit from Bessy Angus.

RESULTS OF EXAMINATION:

Item #1 - No Negroid hairs or seminal stains were found on the blouse. Two (2) missing front buttons appeared to have been torn off the blouse. The lowest button remains attached to a partially torn section of the shirt-tail.

Item #2 - No Negroid hairs or seminal stains were found on the fitted white sheet. An apparent fecal smear was noted near the center of the sheet. A small coarse purple fiber was also found on the sheet.

IN FUTURE CORRESPONDENCE REFERENCE THIS MATTER PLEASE REFER TO THE FS LAB # ABOVE

80-0565

Richmond Bureau of Police

RESULTS OF EXAMINATION: (continued)

Item #3 - No seminal fluid was identified on the saliva swabs, rectal swabs, rectal smear, swabs or smear labeled inner thighs or on the stained crotch area of the panties. The panties crotch was stained with apparent urine and a trace of blood. A trace of blood was also found in the pubic combings along with a Caucasian pubic hair and some debris. No Negroid hairs were found in the pubic combings or on the panties.

The evidence may be picked up in the laboratory.

JF:smp

Joan Faunce
Forensic Scientist

TATE OF VIRGINIA
ITY/COUNTY OF Richmond to-wit:

THIS day personally appeared before me, Shirley M. Patterson, a notary public, in and for said city/county in the Commonwealth of Virginia, Joan Faunce, who signed the foregoing Certificate of Analysis, before me, and after being duly sworn, made oath that he performed the analysis and or examination the results of which are herein contained, (2) that said analysis and or examination was performed in a laboratory operated by the Division of Consolidated Laboratory Services of the Commonwealth or authorized by such Division to conduct such analysis and/or examination and (3) that this Certificate of Analysis is true and correct.

Given under my hand this 30th day of September, 1980.

Shirley M. Patterson
Notary Public

My commission expires September 4, 1983

OFFICE OF THE
COMMONWEALTH'S ATTORNEY
JOHN MARSHALL COURTS BUILDING
800 EAST MARSHALL STREET
RICHMOND, VIRGINIA 23219

AUBREY M. DAVIS, JR.
COMMONWEALTH'S ATTORNEY

(804) 780-8045

Rec'd 10-20-80 L.H.

October 20, 1980

Honorable William T. Eads, Clerk
Juvenile Court
2000 Mecklenburg Street
Richmond, Virginia 23219

Re: Commonwealth v. Thomas Eugene Green

Dear Mr. Eads:

Please issue summonses for the following listed persons to appear on behalf of the Commonwealth in the above styled matter to be heard before Judge Bryant on November 6, 1980 at 2:00 o'clock P.M.

I request that the summons show 1:30 o'clock P.M. for each witness so that I can be sure they are present before trial.

(1) Betsy M. Angus
3724 Dunston Avenue (City)

(2) Mary L. Rorabough
617 West 32nd Street (City)

(3) Victoria G. Moore
1451 Westover Gardens Blvd. (City)

(4) Elizabeth O. Talley
312 West Roanoke Street, Apt. #1 (City)

(5) Eunice H. Dunton
4016 Northrop Road (City)

(6) Florine Wallace
3704 Dunston Avenue (City)

(7) Gordon R. Stanghor
Forensic Laboratory
14 North 14th Street (City)

1:30 P.M.

(8) Detective R. L. Andrews
Bureau of Police
Richmond, Virginia

(9) Detective D. L. Houchins
Bureau of Police
Richmond, Virginia

Your usual cooperation is appreciated.

Sincerely yours,

Aubrey M. Davis, Jr.

Aubrey M. Davis, Jr.
Commonwealth's Attorney

AMD,Jr:pl

10/20/80

Spoke with Mr. Davis advised him most Sum's have gone out - he said not to resum., he will notify wits to be here at 1:30

Pat Bell

MEDICAL COLLEGE OF VIRGINIA
VIRGINIA COMMONWEALTH UNIVERSITY
MCV Station • Richmond, Virginia 23298

November 4, 1980

RECEIVED
NOV 5 1980
CITY OF RICHMOND
JUVENILE & DOMESTIC
RELATIONS DISTRICT COURT
CLERK

Mr. W. T. Eads, Court Administrator
Juvenile and Domestic Relations
District Court
2000 Mecklenburg Street
Richmond, Virginia 23223

RE: Thomas Eugene Green
J-10517

Dear Mr. Eads:

I saw Tommy at the Juvenile Detention Home on November 3rd for psychiatric evaluation per your request. Tommy was pleasant for the interview. Aside from your letter I had only Tommy for information but he seemed fairly reliable.

Tommy does not present signs of mental illness either by history or present examination. He does indicate various instances of hyperactivity, withdrawal, etc. but these are all quite compatible with somewhat immature emotional responses. He also may have some mild intellectual limitation but not enough to even suggest interference with competency before the court. He specifically realizes his situation before the court and seems able and willing to cooperate with his attorney. I therefore do not find cause to doubt his competency and I do not recommend hospitalization.

Tommy does indicate his desire for help. He states his strong motivation to change. He feels he needs somebody to set him straight by firm discipline; and that he needs help (like in a hospital) to set his "head straight". He feels he has done pretty well under a controlled environment. His history suggests an unsettled life.

However, there is not a great deal to suggest any specific psychiatric problems. His stated ability to do well in a structure (for example, his reports about his adjustment in the Detention Home and its school, etc.) suggest a need for this kind of help. His history of perhaps a major head injury when he was 7 years old again suggests the need for special assistance for that difficulty. He is, however, competent to proceed along with the system of the court.

I will be glad to respond further.

Sincerely,

John Mullaney, M.D.

JM/dcr

1

VIRGINIA: 80-558-F

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND, DIVISION II

November 10, 1980
(Date)

The GRAND JURY charges that:
On or about August 13, 19 80, in the City of Richmond

Thomas Eugene Green did

feloniously and unlawfully rob one Mary L. Rorabough of United States currency, one brown shoulder bag and one black medical bag and contents.

Va. Code § 18.2-58

R. L. Andrews
Mary L. Rorabough

Witnesses sworn and sent by the Court to the Grand Jury to give evidence.

Clerk

NOV 10 1980
A TRUE BILL.

Foreman

Commonwealth of Virginia

City of Richmond Juvenile and Domestic Relations District Court

*In re:*

Thomas Eugene Green

The above-named juvenile is within the jurisdiction of this Court by reason of a verified petition filed against the juvenile in this cause, alleging the commission of an offense, namely:

Robbery

which if committed by an adult would be a felony, punishable by death or confinement in the penitentiary.

In compliance with the Code of Virginia, 1950, as amended, and on motion of the Commonwealth Attorney, a transfer hearing was conducted pursuant to proper notice to the juvenile, the juvenile's parents, guardian, legal custodian or other person standing in loco parentis or attorney.

Prior to this transfer hearing, a written study and report to the Court was prepared by the probation services or other qualified agency designated by the Court as required by the Code of Virginia, 1950, as amended; this report and study together with any other data and reports concerning the child which were available to the Court were also made available to counsel for the juvenile.

* * * * *

☑ The Court finds from the evidence presented that there is probable cause to believe the juvenile committed the delinquent act alleged.

☐ The Court finds that the evidence is insufficient to establish probable cause to believe that the juvenile committed the alleged delinquent act, and, therefore the case is dismissed.

* * * * *

From the evidence and upon consideration of the study and report (which was not considered until the finding concerning probable cause was made). The Court finds:

☑ That the child was fifteen or more years of age at the time of the alleged commission of the offense; the child is not amenable to treatment or rehabilitation as a juvenile through available facilities, considering the nature of the present offense, or such factors as the nature of the child's prior delinquency record, the nature of past treatment efforts, and the nature of the child's response to past treatment efforts; the child is not mentally retarded or criminally insane; and the interests of the community require that the child be placed under legal restraint or discipline.

☐ That the requirements for transfer not having been satisfied.

* * * * *

The Court

☐ Hereby RETAINS jurisdiction of the charge against the child.

☑ TRANSFERS and so certifies the child for proper criminal proceedings to the Circuit Court of Richmond Div. II - November 1980 Term, Virginia, which court of record has jurisdiction of this offense.

NAME OF CITY / COUNTY

The Court further orders that the juvenile be:

☑ Remanded to jail. Surety - $2,000.00

☐ Detained in the .....

NAME OF DETENTION FACILITY

☐ Released into the care and custody of the child's parent(s), guardian, or person standing in loco parentis.

☐ Continued on bond in the amount of $ .....

AMOUNT OF BOND

11/6/80

DATE

JUDGE

FORM DC-518 1/80 (114:9-704 7/80)

**Transfer / Retention Order**

FILE NO. .....

23

Sheet No. 1 of ____ sheets

VIRGINIA: IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Judge Bryant

Probation Officer

In re: Thomas Eugene Green Race B Age 15 Sex M Document No. J-10517-10

In Custody on another charge
9/25/80 Sum. & notice of trans. hearing iss. by EXECUTED & mother ret. 10/23/80 at 2:00 P.M

9-25-80

- [x] Child present ~~& parent or custodian present.~~
- [x] ~~Charges/~~transfer hearing/ were served on the child.
- [x] Charges ~~were~~/are to be/ served on parent or guardian.
- [x] Court to appoint attorney to represent child.
- [ ] ~~After constitutional safeguards, child waived attorney.~~
- [ ] ~~Parents to employ own attorney.~~
- [x] Bond with surety fixed at $ 1,000
- [x] Detention ~~or jail~~ meantime in pursuant to 16.1 [redacted]
- [ ] ~~Child released to parent or custodian.~~
- [ ] ~~Witnesses present:~~
- [x] ~~Summon witnesses~~ EXECUTED

~~Hearing date~~ 11-6-80 ~~at~~ 2:00 P.M.

Neb.

10/1/80 Randolph Herring appointed. DI

JUDGE BRYANT

VIRGINIA

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

*** SUMMONS ***

DOCKET NUMBER J-0010517-10 99

TO: MARY L. RORABOUGH

ADDRESS: 617 W. 32ND ST.
RICH VA

YOU ARE SUMMONED TO APPEAR BEFORE THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT, LOCATED AT 2000 MECKLENBURG STREET, RICHMOND, VIRGINIA, ON THE 6 TH DAY OF NOVEMBER, 1980, AT 2:00 P.M. TO TESTIFY AND THE TRUTH TO SAY IN THE CASE OF THE COMMONWEALTH OF VIRGINIA RE: THOMAS E. GREEN WHO STANDS CHARGED WITH: ROBBERY

PROCESS RETURNED
OCT 17 1980
EXECUTED

GIVEN UNDER MY HAND THIS 10 TH DAY OF OCTOBER, 1980

SIGNED: M. F. Fitchett
DEPUTY CLERK

SHERIFF'S OFFICE 11-6

CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

SUMMONS
(WITNESS)

COMMONWEALTH

RE:

MARY L. RORABOUGH
617 W. 32ND ST.
RICH VA

EXECUTED THIS ..... DAY OF

....., ....., BY

SERVING A TRUE COPY OF THE

ABOVE NOTICE ON .....

.....

.....

BY: .....

30

VIRGINIA

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

City of Richmond Juvenile and Domestic Relations District Court .

RETURN ORIGINAL TO COURT

Summons and Notice of Transfer Hearing

Juvenile Docket J-10517-10

TO: Thomas Green

Address: 205 W. Roanoke St., Apt. A-15

and Parent-Custodian: Dorothy Green

Address: same

and Parent-Custodian:

Address:

SUMMONS TO APPEAR AND NOTICE OF TRANSFER HEARING

You are NOTIFIED pursuant to Section 16.1-269 of the Code and SUMMONED to appear before the City of Richmond Juvenile and Domestic Relations District Court, located at 2000 Mecklenburg Street, Richmond, Virginia, on the ~~23rd~~ 6th day of ~~October~~ Nov. 1980, at ~~9:30 A.M.~~ 2:00 P.M. to determine whether the charges against Thomas Green TO WIT:

robbery (see attached petition)

PROCESS RETURNED

OCT 17 1980

EXECUTED

shall be transferred to the Circuit Court for criminal proceedings or shall be retained for further proceedings by this Court pursuant to the Juvenile and Domestic Relations Court Law.

You are advised that if at such hearing this case is retained for further proceedings under the Juvenile and Domestic Relations District Court Law, this Court, on motion agreed to by the Commonwealth and your attorney, may then and there conduct such further proceedings as may be necessary and proper.

Signed this 25th day of September, 1980,

jh

Deputy Clerk

COMMONWEALTH

RE:

Thomas Green
205 W. Roanoke St., Apt. A-15

Executed this 14 day of Oct, 1980, by serving a true copy of the above NOTICE on Thomas Green

BY:

31

# RIGHT TO COUNSEL

The Court will appoint a lawyer as guardian *ad litem* to represent any child alleged to be abused or neglected or for a child who is the subject of an entrustment agreement or of a petition terminating residual parental rights or is before the Court when the parent desires for good cause to be relieved of care and custody.

Prior to a hearing by the court of any case involving a child alleged to be in need of services or alleged to be delinquent, such child has a right to be represented by a lawyer of the child's own choice or, if the Court determines that the child is indigent within the contemplation of the law and his or her parents, guardian, legal custodian, or other person standing *in loco parentis* does not retain a lawyer for the child, the Court shall appoint a lawyer to represent the child.

When the Court appoints a lawyer to represent the child, and finds that the parents are financially able to pay for the lawyer and refuse to do so, the Court shall assess the costs of legal services against the parents. The child in some cases may waive his right to be represented by a lawyer, if the Court finds that the child and parents, guardian, legal custodian, or other person standing *in loco parentis* consent in writing and the interests of such individuals are not adverse.

Prior to a hearing by the Court of any case involving a parent, guardian, or other adult who could be subjected to the loss of residual parental rights and responsibilities, such parent, guardian or other adult has a right to representation by a lawyer of his/her own choice, and if such parent, guardian, or other adult is indigent, the Court shall appoint a lawyer to represent him/her, and such parent, guardian, or other adult may waive the right to representation by a lawyer.

In all other cases, the Court in its discretion may appoint a lawyer or guardian *ad litem* to represent the interests of the child or the parent or guardian.

VIRGINIA

Bryant

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

RETURN ORIGINAL TO COURT

Sheriff's Dept.
City of Richmond Juvenile and Domestic Relations District Court

11-6

Summons and Notice of Transfer Hearing

Juvenile Docket J-10517- 10

TO: Thomas E. Green

Address:

and Parent-Custodian: Johnny Green

Address: 630 N. 29th St.

and Parent-Custodian:

Address:

SUMMONS TO APPEAR AND NOTICE OF TRANSFER HEARING

You are NOTIFIED pursuant to Section 16.1-269 of the Code and SUMMONED to appear before the City of Richmond Juvenile and Domestic Relations District Court, located at 2000 Mecklenburg Street, Richmond, Virginia on the 6th day of Nov., 1980, at ~~9:30 A.M.~~ 2:00 P.M. to determine whether the charges against Thomas E. Green TO WIT:

COMMONWEALTH

RE:

Johnny Green
630 N. 29th St.

23

robbery (see attached petition)

PROCESS RETURNED

OCT 17 1980

EXECUTED

Executed this 15 day of Oct, 1980, by serving a true copy of the above NOTICE on

Father

shall be transferred to the Circuit Court for criminal proceedings or shall be retained for further proceedings by this Court pursuant to the Juvenile and Domestic Relations Court Law.

You are advised that if at such hearing this case is retained for further proceedings under the Juvenile and Domestic Relations District Court Law, this Court, on motion agreed to by the Commonwealth and your attorney, may then and there conduct such further proceedings as may be necessary and proper.

Signed this 9th day of October, 1980,

M. F. Fitchett

BY:

jh

# REQUEST FOR WITNESS SUBPOENA

Va. Code §§8.01-407, 14.1-195, 16.1-265 19.2-267, and Rule 3A:15

RICHMOND
CITY OR COUNTY

☐ GENERAL DISTRICT COURT (☐ Civil ☐ Criminal ☐ Traffic)

☒ JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Please subpoena the witnesses below to appear before the Court on the trial date shown. (See Va. Code §14.1-195 regarding limitation on compensation of subpoenaed witnesses.)

WITNESSES (IF MAILING ADDRESS IS RFD, P.O. BOX, ETC., PLEASE INDICATE LOCATION WHERE WITNESS CAN BE FOUND)

| | |
|---|---|
| NAME: Mrs. Mary L. Rorabough<br>ADDRESS / LOCATION: 612 N. 22nd Street<br>CITY OR COUNTY: Richmond, VA TELEPHONE: 232-5466 | NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE |
| NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE | NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE |
| NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE | NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE |
| NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE | NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE |
| NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE | NAME<br>ADDRESS / LOCATION<br>CITY OR COUNTY TELEPHONE |

34

FILE NO. 8

## REQUEST FOR WITNESS

☐ Commonwealth of Virginia

☐ CITY ☐ COUNTY ☐ TOWN of

☐ PLAINTIFF(S)

*In re* / V.

DEFENDANT(S)

10/23/80 3:00 p.m.

TRIAL DATE AND TIME

REQUEST ON BEHALF OF

☐ Commonwealth ☐ City, County or Town

☐ PLAINTIFF(S) ☐ DEFENDANT(S) ☐ JUVENILE

REQUESTED BY: NAME

SIGNATURE

COURT USE ONLY

| DATE RECEIVED | DATE ISSUED |
|---|---|
| | |

Court File No. 217-10

COMMONWEALTH OF VIRGINIA
IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT OF THE CITY/COUNTY OF RICHMOND

In re a Child under eighteen years of age

| | | | | |
|---|---|---|---|---|
| [X] | 1. CHILD'S NAME: THOMAS EUGENE GREEN | 2. DATE OF BIRTH 3/18/65 | 3. AGE 15 | SEX: (M)/F |
| | 4. CHILD'S ADDRESS: 205 W. Roanoke Street, Apt.# A-15, Richmond, Virginia 23224 | | Telephone No. 231-5021 | |
| [X] | 5. FATHER'S NAME AND ADDRESS: Johnny Green, Jr. 630 N. 29th Street, Richmond, VA 23223 | | Telephone No. | |
| [X] | 6. MOTHER'S NAME AND ADDRESS: Dorothy Parker Green-- 205 W. Roanoke Street, Apt. #A-15 | | Telephone No. 231-5021 | |
| [ ] | 7. GUARDIAN / LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS AND ADDRESS: State Board of Corrections A/C | | Telephone No. | |
| [ ] | 8. OTHER(S) AND ADDRESS(ES): | | Telephone No. | |
| [ ] | 9. OTHER(S) AND ADDRESS(ES): | | Telephone No. | |

PERSON TO BE SUMMONED

10. Child held in CUSTODY [X] Yes [ ] No Not on this charge

11. Place of Detention or Shelter Care Richmond

12. Date and Time Taken into Custody ___/___/___ ___:___ ___m.

13. Date and Time Placed in Detention or Shelter Care ___/___/___ ___:___ ___m.

14. The above information is not known to the petitioner: No(s).

I, the undersigned petitioner, state under oath to the best of my knowledge, that the above-named child is within the purview of the Juvenile and Domestic Relations District Court Law in that, within this city/county, the child:

is a delinquent child in that he did unlawfully on August 13, 1980, by force and violence, take, steal, and carry away from the person of one Mary L. Rorabough a certain pocketbook and other property, valued at $255.00, property of the said Mary L. Rorabough, against her will, in violation of Section 18.2-58 of the Code of Virginia.

WHEREFORE, the Petitioner requests that the child and the persons having his or her custody and control be summoned to appear before this Court, and that this Court enter such orders and judgments as the Court deems fit and proper in accordance with the law and which will serve the purpose and intent of the Juvenile and Domestic Relations District Court Law.

September 25, 1980
DATE

Richard L. Andrews
PETITIONER'S SIGNATURE

PETITIONER'S NAME (PRINT OR TYPE)

Dept. of Police--501 N. 9th Street
PETITIONER'S ADDRESS AND TELEPHONE NO. (COURT COPY ONLY)

Sworn/affirmed and signed before me on September 25, 1980
DATE

Intake Officer
TITLE

Rita S. Bailey
SIGNATURE

TRANSFER HEARING: 10/23/80 2:02 p.m.

# SUMMONS

| TIME OF APPEARANCE MONTH | DAY | YEAR | TIME: | M. |
|---|---|---|---|---|
| COURT'S STREET ADDRESS AND TELEPHONE | | | | |

TO ANY SHERIFF OR POLICE OFFICER OR .....

I COMMAND YOU to summon the parties as designated in the above petition.

TO THE PERSON SUMMONED: I COMMAND YOU to appear in person before this Court at the date, place and time specified in this Summons to respond to the allegations in the petition in accordance with the provisions of the Juvenile and Domestic Relations District Court Law. Failure to appear at Court may subject you to contempt of court proceedings.

..... _____

DATE ☐ CLERK ☐ JUDGE

(114:9-704 7/80)

FORM DC-511 4/80 NOTE: READ THE NOTICE ABOUT RIGHT TO REPRESENTATION BY A LAWYER ON THE BACK OF THIS SUMMONS.

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# RIGHT TO REPRESENTATION BY A LAWYER

The Court will appoint a lawyer as guardian *ad litem* to represent any child alleged to be abused or neglected or for a child who is the subject of an entrustment agreement or of a petition terminating residual parental rights or is before the Court when the parent desires for good cause to be relieved of care and custody.

Prior to a hearing by the Court of any case involving a child alleged to be in need of services or alleged to be delinquent, such child has a right to be represented by a lawyer of the child's own choice or, if the Court determines that the child is indigent within the contemplation of the law and his or her parents, guardian, legal custodian, or other person standing *in loco parentis* does not retain a lawyer for the child, the Court shall appoint a lawyer to represent the child.

When the Court appoints a lawyer to represent the child, and finds that the parents are financially able to pay for the lawyer and refuse to do so, the Court shall assess the costs of legal services against the parents. The child in some cases may waive his right to be represented by a lawyer, if the Court finds that the child and parents, guardian, legal custodian, or other person standing *in loco parentis* consent in writing and the interests of such individuals are not adverse.

Prior to a hearing by the Court of any case involving a parent, guardian, or other adult who is charged with abuse and neglect of a child or who could be subjected to the loss of residual parental rights and responsibilities, such parent, guardian or other adult has a right to representation by a lawyer of his own choice, and if such parent, guardian, or other adult is indigent, the Court shall appoint a lawyer to represent him, and such parent, guardian, or other adult may waive the right to representation by a lawyer.

In all other cases, the Court in its discretion may appoint a lawyer or guardian *ad litem* to represent the interests of the child or the parent or guardian.

RECEIVED * * *

SEP 25 1980

V.H.P. DEPUTY CLERK
CITY OF RICHMOND
JUVENILE & DOMESTIC
RELATIONS DIVISION COURT

PETITIONER NOTIFIED OF
HEARING DATE BY

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

.....
DATE

.....
SERVING OFFICER

Badge No. agency and jurisdiction

for_____

Sheriff

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

.....
DATE

.....
SERVING OFFICER

Badge No. agency and jurisdiction

for_____

Sheriff

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

.....
DATE

.....
SERVING OFFICER

Badge No. agency and jurisdiction

for_____
Sheriff

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

.....
DATE

.....
SERVING OFFICER

Badge No. agency and jurisdiction

for_____
Sheriff

FORM DC-311 REVERSE) 4/80

80-559-F

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND, DIVISION II

November 10, 1980
(Date)

The GRAND JURY charges that:

On or about September 4, 19 80, in the City of Richmond

Thomas Eugene Green did

feloniously and unlawfully rob one Eunice H. Dunton of United States currency, one handbag, one Bolova watch and one pair of eyeglasses.

Va. Code § 18.2-58

R. L. Andrews
D. L. Houchins
Eunice H. Dunton

Witnesses sworn and sent by the Court to the Grand Jury to give evidence.

Ina R. Purdy Clerk

NOV 10 1980
A TRUE BILL.

Bruce D. Jewett
Foreman

City of Richmond Juvenile and Domestic Relations District Court

In re:

Thomas Eugene Green

The above-named juvenile is within the jurisdiction of this Court by reason of a verified petition filed against the juvenile in this cause, alleging the commission of an offense, namely:

Robbery

, which if committed by an adult would be a felony, punishable by death or confinement in the penitentiary.

In compliance with the Code of Virginia, 1950, as amended, and on motion of the Commonwealth Attorney, a transfer hearing was conducted pursuant to proper notice to the juvenile, the juvenile's parents, guardian, legal custodian or other person standing in loco parentis or attorney.

Prior to this transfer hearing, a written study and report to the Court was prepared by the probation services or other qualified agency designated by the Court as required by the Code of Virginia, 1950, as amended; this report and study together with any other data and reports concerning the child which were available to the Court were also made available to counsel for the juvenile.

* * * * *

☑ The Court finds from the evidence presented that there is probable cause to believe the juvenile committed the delinquent act alleged.

☐ The Court finds that the evidence is insufficient to establish probable cause to believe that the juvenile committed the alleged delinquent act, and, therefore the case is dismissed.

* * * * *

From the evidence and upon consideration of the study and report (which was not considered until the finding concerning probable cause was made). The Court finds:

☑ That the child was fifteen or more years of age at the time of the alleged commission of the offense; the child is not amenable to treatment or rehabilitation as a juvenile through available facilities, considering the nature of the present offense, or such factors as the nature of the child's prior delinquency record, the nature of past treatment efforts, and the nature of the child's response to past treatment efforts; the child is not mentally retarded or criminally insane; and the interests of the community require that the child be placed under legal restraint or discipline.

☐ That the requirements for transfer not having been satisfied.

* * * * *

The Court

☐ Hereby RETAINS jurisdiction of the charge against the child.

☑ TRANSFERS and so certifies the child for proper criminal proceedings to the Circuit Court of Richmond Div II - November 1980 Term, Virginia, which court of record has jurisdiction of this offense.

NAME OF CITY / COUNTY

The Court further orders that the juvenile be:

☑ Remanded to jail. Surety - $2,000.00

☐ Detained in the .....
NAME OF DETENTION FACILITY

☐ Released into the care and custody of the child's parent(s), guardian, or person standing in loco parentis.

☐ Continued on bond in the amount of $ .....
AMOUNT OF BOND

11/6/80
DATE

JUDGE

FORM DC-518 1/80 (114:9-704 7/80)

**Transfer / Retention Order**

FILE NO. .....

31

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Judge Bryant

Probation Officer

In re: Thomas Eugene Green Race B Age 15 Sex M Document No. J-10517-11

In Custody on another Charge
9/25/80 Sum. & notice of tran. hearing iss. by EXECUTED & mother ret. 10/23/80 at 2:00 P.M.

9-25-80

- [x] Child present ~~& parent or custodian present~~
- [x] ~~Charges~~ transfer hearing/ were served on the child.
- [x] Charges ~~were/~~are to be/ served on parent or guardian.
- [x] Court to appoint attorney to represent child.
- [ ] ~~After constitutional safeguards, child waived attorney.~~
- [ ] ~~Parents to employ own attorney.~~
- [x] Bond with surety fixed at $ 1,000
- [x] Detention ~~or jail~~ meantime in pursuant to 16.1 [illegible] of the Code of Va.
- [ ] ~~Child released to parent or custodian.~~
- [ ] ~~Witnesses present.~~
- [x] Summon ~~witnesses~~ EXECUTED

Hearing date 11-6-80 at 2:00 P.m Meh.

10/1/80 Randolph Herring appointed. DI

JUDGE BRYANT

VIRGINIA

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

*** SUMMONS ***

DOCKET NUMBER J-0010517-11 99

TO: EUNICE H. DUNTON

ADDRESS: 4016 NORTHROP RD.
RICH VA

YOU ARE SUMMONED TO APPEAR BEFORE THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT, LOCATED AT 2000 MECKLENBURG STREET, RICHMOND, VIRGINIA, ON THE 6 TH DAY OF NOVEMBER, 1980, AT 2:00 P.M. TO TESTIFY AND THE TRUTH TO SAY IN THE CASE OF THE COMMONWEALTH OF VIRGINIA RE: THOMAS E. GREEN WHO STANDS CHARGED WITH: ROBBERY

PROCESS RETURNED
OCT 21 1980
EXECUTED

GIVEN UNDER MY HAND THIS 10 TH DAY OF OCTOBER, 1980

SIGNED: M. F. Fitchett
DEPUTY CLERK

SHERIFF'S OFFICE

CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

SUMMONS
(WITNESS)

COMMONWEALTH

RE:

EUNICE H. DUNTON
4016 NORTHROP RD.
RICH VA

EXECUTED THIS 20 DAY OF Oct, 1980, BY SERVING A TRUE COPY OF THE ABOVE NOTICE ON Eunice H. Dunton

BY [signature]

43

3

VIRGINIA

Bryant

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

*RETURN ORIGINAL TO COURT*

Summons and Notice of Transfer Hearing

Juvenile Docket J-10517-11

TO: Thomas Eugene Green

Address: 205 W. Roanoke St., Apt. A-15

and Parent-Custodian: Dorothy Green

Address: same

and Parent-Custodian:

Address:

You are NOTIFIED pursuant to Section 16.1-269 of the Code and SUMMONED to appear before the City of Richmond Juvenile and Domestic Relations District Court, located at 2000 Mecklenburg Street, Richmond, Virginia, on the ~~22nd~~ 6th day of ~~October~~ Nov. 1980, at ~~9:30 A.M.~~ ~~2:00 P.M.~~ to determine whether the charges against Thomas Eugene Green TO WIT:

robbery (see attached petition)

PROCESS RETURNED

OCT 17 1980

EXECUTED

shall be transferred to the Circuit Court for criminal proceedings or shall be retained for further proceedings by this Court pursuant to the Juvenile and Domestic Relations Court Law.

You are advised that if at such hearing this case is retained for further proceedings under the Juvenile and Domestic Relations District Court Law, this Court, on motion agreed to by the Commonwealth and your attorney, may then and there conduct such further proceedings as may be necessary and proper.

Signed this 25th day of September, 1980,

jh

Sheriff's Dept.
City of Richmond Juvenile
and Domestic Relations
District Court

SUMMONS TO APPEAR AND
NOTICE OF TRANSFER HEARING

COMMONWEALTH

RE:

Thomas Green
205 W. Roanoke St., Apt. A-15

Executed this 14 day of Oct, 1980, by serving a true copy of the above NOTICE on Thomas Green

BY:

44

VIRGINIA

Bryant

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

RETURN ORIGINAL TO COURT

Sheriff's Dept.
City of Richmond Juvenile and Domestic Relations District Court

Summons and Notice of Transfer Hearing

Juvenile Docket J-10517- 11

TO: Thomas E. Green

Address:

and Parent-Custodian: Johnny Green

Address: 630 N. 29th St.

and Parent-Custodian:

Address:

SUMMONS TO APPEAR AND NOTICE OF TRANSFER HEARING

You are NOTIFIED pursuant to Section 16.1-269 of the Code and SUMMONED to appear before the City of Richmond Juvenile and Domestic Relations District Court, located at 2000 Mecklenburg Street, Richmond, Virginia on the 6th day of Nov., 1980, at ~~9:30 A.M.~~ 2:00 P.M. to determine whether the charges against Thomas E. Green TO WIT:

COMMONWEALTH

RE:

Johnny Green
630 N. 29th St.

45

PROCESS RETURNED

OCT 17 1980

EXECUTED

robbery (see attached petition)

Executed this 15 day of oct 1980, by serving a true copy of the above NOTICE on

shall be transferred to the Circuit Court for criminal proceedings or shall be retained for further proceedings by this Court pursuant to the Juvenile and Domestic Relations Court Law.

You are advised that if at such hearing this case is retained for further proceedings under the Juvenile and Domestic Relations District Court Law, this Court, on motion agreed to by the Commonwealth and your attorney, may then and there conduct such further proceedings as may be necessary and proper.

Signed this 9th day of October, 1980,

M. F. Fitchett

BY:

jh

# REQUEST FOR WITNESS SUBPOENA

Va. Code §§8.01-407, 14.1-195, 16.1-265 19.2-267, and Rule 3A:15

Richmond
CITY OR COUNTY

☐ GENERAL DISTRICT COURT (☐ Civil ☐ Criminal ☐ Traffic)

☐ JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Please subpoena the witnesses below to appear before the Court on the trial date shown. (See Va. Code §14.1-195 regarding limitation on compensation of subpoenaed witnesses.)

WITNESSES (IF MAILING ADDRESS IS RFD, P.O. BOX, ETC., PLEASE INDICATE LOCATION WHERE WITNESS CAN BE FOUND)

EXECUTED

| | |
|---|---|
| NAME: Mrs. Eunice H. Dunton<br>ADDRESS / LOCATION: 4016 Northrop Road<br>CITY OR COUNTY: Richmond, VA TELEPHONE: 233-2563 | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: |
| NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: |
| NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: |
| NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: |
| NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: |

FILE NO.

## REQUEST FOR WITNESS

☐ Commonwealth of Virginia

☐ CITY ☐ COUNTY ☐ TOWN of

☐ .....

PLAINTIFF(S)

*In re / V.*

DEFENDANT(S)

10/23/80 - 2:00 P.M.

TRIAL DATE AND TIME

REQUEST ON BEHALF OF

☐ Commonwealth ☐ City, County or Town

☐ PLAINTIFF(S) ☐ DEFENDANT(S) ☐ JUVENILE

REQUESTED BY: NAME

SIGNATURE

COURT USE ONLY

| DATE RECEIVED | DATE ISSUED |
|---|---|
| | |

No. ( )

COMMONWEALTH OF VIRGINIA
IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT OF THE CITY/COUNTY OF

In re a Child under eighteen years of age

| | | | | |
|---|---|---|---|---|
| [X] | CHILD'S NAME: 1. THOMAS EUGENE GREEN | DATE OF BIRTH 2. 3/18/65 | AGE: 3. 15 | SEX: (M) F |
| | CHILD'S ADDRESS: 4. 225 W. Roanoke Street Apt. #A-15, Richmond, Virginia 23224 | | Telephone No. 231-5021 | |
| [X] | FATHER'S NAME AND ADDRESS: 5. Johnny Green, Jr. 830 N. 29th Street, Richmond, VA 23223 | | Telephone No. | |
| [X] | MOTHER'S NAME AND ADDRESS: 6. Dorothy Parker Green-- 225 W. Roanoke Street, Apt. #A-15 | | Telephone No. 231-5021 | |
| [ ] | GUARDIAN / LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS AND ADDRESS: 7. State Bureau of Corrections Rich. | | Telephone No. | |
| [ ] | OTHER(S) AND ADDRESS(ES): 8. | | Telephone No. | |
| [ ] | OTHER(S) AND ADDRESS(ES): 9. | | Telephone No. | |

PERSON TO BE SUMMONED

10. Child held in CUSTODY [X] Yes [ ] No Not on this charge

11. Place of Detention or Shelter Care Richmond

12. Date and Time Taken into Custody ___/___/___ ___:___ ___m.

13. Date and Time Placed in Detention or Shelter Care ___/___/___ ___:___ ___m.

14. The above information is not known to the petitioner: No(s).

I, the undersigned petitioner, state under oath to the best of my knowledge, that the above-named child is within the purview of the Juvenile and Domestic Relations District Court Law in that, within this city/county, the child:

IS A DELINQUENT CHILD IN THAT HE DID UNLAWFULLY ON September 4, 1980, by force and violence, take, steal, and carry away from the person of one Eunice H. Dunton, a certain pocketbook and other property, valued at $370.00, property of the said Eunice H. Dunton, against her will, in violation of Section 18.2-58 of the Code of Virginia.

WHEREFORE, the Petitioner requests that the child and the persons having his or her custody and control be summoned to appear before this Court, and that this Court enter such orders and judgments as the Court deems fit and proper in accordance with the law and which will serve the purpose and intent of the Juvenile and Domestic Relations District Court Law.

September 25, 1980
DATE

Richard L. Andrews
PETITIONER'S SIGNATURE

PETITIONER'S NAME (PRINT OR TYPE)

Dept. of Police 501 N. 9th Street
PETITIONER'S ADDRESS AND TELEPHONE NO. (COURT COPY ONLY)

Sworn/affirmed and signed before me on September 25, 1980
DATE

Intake Officer
TITLE

Rita S. Bailey
SIGNATURE

Transfer Hearing:
Hearing Date: 10/23/80 - 2:02 p.m.

47

# SUMMONS

| TIME OF APPEARANCE MONTH | DAY | YEAR | TIME: | M. |
|---|---|---|---|---|
| COURT'S STREET ADDRESS AND TELEPHONE | | | | |

TO ANY SHERIFF OR POLICE OFFICER OR.....

I COMMAND YOU to summon the parties as designated in the above petition.

TO THE PERSON SUMMONED: I COMMAND YOU to appear in person before this Court at the date, place and time specified in this Summons to respond to the allegations in the petition in accordance with the provisions of the Juvenile and Domestic Relations District Court Law. Failure to appear at Court may subject you to contempt of court proceedings.

(114:9-704 7/80)

..... DATE

☐ CLERK ☐ JUDGE

FORM DC-511 4/80

NOTE: READ THE NOTICE ABOUT RIGHT TO REPRESENTATION BY A LAWYER ON THE BACK OF THIS SUMMONS.

## RIGHT TO REPRESENTATION BY A LAWYER

The Court will appoint a lawyer as guardian *ad litem* to represent any child alleged to be abused or neglected or for a child who is the subject of an entrustment agreement or of a petition terminating residual parental rights or is before the Court when the parent desires for good cause to be relieved of care and custody.

Prior to a hearing by the Court of any case involving a child alleged to be in need of services or alleged to be delinquent, such child has a right to be represented by a lawyer of the child's own choice or, if the Court determines that the child is indigent within the contemplation of the law and his or her parents, guardian, legal custodian, or other person standing *in loco parentis* does not retain a lawyer for the child, the Court shall appoint a lawyer to represent the child.

When the Court appoints a lawyer to represent the child, and finds that the parents are financially able to pay for the lawyer and refuse to do so, the Court shall assess the costs of legal services against the parents. The child in some cases may waive his right to be represented by a lawyer, if the Court finds that the child and parents, guardian, legal custodian, or other person standing *in loco parentis* consent in writing and the interests of such individuals are not adverse.

Prior to a hearing by the Court of any case involving a parent, guardian, or other adult who is charged with abuse and neglect of a child or who could be subjected to the loss of residual parental rights and responsibilities, such parent, guardian or other adult has a right to representation by a lawyer of his own choice, and if such parent, guardian, or other adult is indigent, the Court shall appoint a lawyer to represent him, and such parent, guardian, or other adult may waive the right to representation by a lawyer.

In all other cases, the Court in its discretion may appoint a lawyer or guardian *ad litem* to represent the interests of the child or the parent or guardian.

RECEIVED
SEP 25 1980
CITY OF RICHMOND
JUVENILE & DOMESTIC RELATIONS DISTRICT COURT

* * *

PETITIONER NOTIFIED OF HEARING DATE BY

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

.....
DATE

.....
SERVING OFFICER

Badge No. agency and jurisdiction

for.....

Sheriff

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

.....
DATE

SERVING
..... OFFICER

Badge No. agency and jurisdiction
for_____
Sheriff

---

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

.....
DATE

SERVING
..... OFFICER

Badge No. agency and jurisdiction
for_____
Sheriff

---

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

.....
DATE

SERVING
..... OFFICER

Badge No. agency and jurisdiction
for_____
Sheriff

VIRGINIA: 80-560-F

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND, DIVISION II

November 10, 1980
(Date)

The GRAND JURY charges that:

On or about September 11, 19 80, in the City of Richmond

Thomas Eugene Green did

feloniously and unlawfully attempt to rape one Florine Wallace with the use of force.

Va. Code § 18.2-61 and 18.2-26

R. L. Andrews
D. L. Houchins
Gordon R. Stangohr
Florine Wallace

Witnesses sworn and sent by the Court to the Grand Jury to give evidence.

Clerk

NOV 10 1980

A TRUE BILL.

Foreman

Transfer / Retention Order

Commonwealth of Virginia

FILE NO. 560

City of Richmond Juvenile and Domestic Relations District Court

*In re:* Thomas Eugene Green

The above-named juvenile is within the jurisdiction of this Court by reason of a verified petition filed against the juvenile in this cause, alleging the commission of an offense, namely: Attempt Carnal Knowledge by force and violence

which if committed by an adult would be a felony, punishable by death or confinement in the penitentiary.

In compliance with the Code of Virginia, 1950, as amended, and on motion of the Commonwealth Attorney, a transfer hearing was conducted pursuant to proper notice to the juvenile, the juvenile's parents, guardian, legal custodian or other person standing in loco parentis or attorney.

Prior to this transfer hearing, a written study and report to the Court was prepared by the probation services or other qualified agency designated by the Court as required by the Code of Virginia, 1950, as amended; this report and study together with any other data and reports concerning the child which were available to the Court were also made available to counsel for the juvenile.

* * * * *

☑ The Court finds from the evidence presented that there is probable cause to believe the juvenile committed the delinquent act alleged.

☐ The Court finds that the evidence is insufficient to establish probable cause to believe that the juvenile committed the alleged delinquent act, and, therefore the case is dismissed.

* * * * *

From the evidence and upon consideration of the study and report (which was not considered until the finding concerning probable cause was made). The Court finds:

☑ That the child was fifteen or more years of age at the time of the alleged commission of the offense; the child is not amenable to treatment or rehabilitation as a juvenile through available facilities, considering the nature of the present offense, or such factors as the nature of the child's prior delinquency record, the nature of past treatment efforts, and the nature of the child's response to past treatment efforts; the child is not mentally retarded or criminally insane; and the interests of the community require that the child be placed under legal restraint or discipline.

☐ That the requirements for transfer not having been satisfied.

* * * * *

The Court

☐ Hereby RETAINS jurisdiction of the charge against the child.

☑ TRANSFERS and so certifies the child for proper criminal proceedings to the Circuit Court of Richmond, Div. II - November 1980 Term, Virginia, which court of record has jurisdiction of this offense.
NAME OF CITY / COUNTY

The Court further orders that the juvenile be:

☑ Remanded to jail. Surety - $2,000.00

☐ Detained in the .....
NAME OF DETENTION FACILITY

☐ Released into the care and custody of the child's parent(s), guardian, or person standing in loco parentis.

☐ Continued on bond in the amount of $ .....
AMOUNT OF BOND

11/6/80
DATE

[signature]
JUDGE

FORM DC-518 1/80 (114:9-704 7/80)

**Transfer / Retention Order**

FILE NO. .....

39

No. 4 of _____ sheets

VIRGINIA: IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Judge Bryant

Probation Officer _____

In re: Thomas Eugene Green Race B Age 15 Sex M Document No. J-10517-12

In Custody on another charge
9/25/80 Sum. & notice of trans. hearing ias. by EXECUTED mother ret. 10/23/80 at ~~9:00~~ 2:00 P.M.

9-25-80

- [x] Child present; ~~& parent or custodian present~~
- [x] ~~Charges/~~transfer hearing/ were served on the child.
- [x] Charges ~~were/~~are to be/ served on parent or guardian.
- [x] Court to appoint attorney to represent child.
- [ ] ~~After consideration of guidelines, child waived attorney.~~
- [ ] ~~Reluctantly appointed an attorney.~~
- [x] Bond with surety fixed at $ 1,000
- [x] Detention ~~[illegible]~~ meantime in pursuant to 16.1-[illegible]
- [ ] ~~Child released to parent or custodian.~~
- [ ] ~~Witness in [illegible]~~
- [x] Summon witnesses:

Hearing date 11-6-80 at 2:00 P.M.

Neb.

10/1/80 Randolph Herring appointed. DI

VIRGINIA

Bryant

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

RETURN ORIGINAL TO COURT

Summons and Notice of Transfer Hearing

Juvenile Docket J-10517-12

TO: Thomas E. Green

Address: 205 W. Roanoke St., ~~Rm~~ Apt. 15-A

and Parent-Custodian: Dorothy Green

Address: same

and Parent-Custodian:

Address:

You are NOTIFIED pursuant to Section 16.1-269 of the Code and SUMMONED to appear before the City of Richmond Juvenile and Domestic Relations District Court, located at 2000 Mecklenburg Street, Richmond, Virginia, on the ~~23rd~~ 6th day of ~~October~~ Nov. 1980, at ~~9:30 A.M.~~ 2:00 P.M. to determine whether the charges against Thomas E. Green TO WIT:

attemped rape (see attached petition)

PROCESS RETURNED

OCT 17 1980

EXECUTED

shall be transferred to the Circuit Court for criminal proceedings or shall be retained for further proceedings by this Court pursuant to the Juvenile and Domestic Relations Court Law.

You are advised that if at such hearing this case is retained for further proceedings under the Juvenile and Domestic Relations District Court Law, this Court, on motion agreed to by the Commonwealth and your attorney, may then and there conduct such further proceedings as may be necessary and proper.

Signed this 25th day of September, 1980,

M T Freeman

Deputy Clerk

jh

Sheriff's Dept.
City of Richmond Juvenile
and Domestic Relations
District Court

11-C

SUMMONS TO APPEAR AND
NOTICE OF TRANSFER HEARING

COMMONWEALTH

55

RE:

Thomas E. Green
205 W. Roanoke St., Apt. 15-A

Executed this 14 day
of Oct, 1980,
by serving a true copy of the
above NOTICE on Thomas
E. Green

BY: R Quellen DS

VIRGINIA

Bryant

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC
RELATIONS DISTRICT COURT

City of Richmond Juvenile
and Domestic Relations
District Court

RETURN ORIGINAL TO COURT

Summons and Notice of Transfer Hearing

Juvenile Docket J-10517-12

TO: Thomas Eugene Green

Address:

and Parent-Custodian: Johnny Green

Address: 630 N. 29th St.

and Parent-Custodian:

Address:

SUMMONS TO APPEAR AND
NOTICE OF TRANSFER HEARING

You are NOTIFIED pursuant to Section 16.1-269 of the Code and SUMMONED to appear before the City of Richmond Juvenile and Domestic Relations District Court, located at 2000 Mecklenburg Street, Richmond, Virginia, on the 6th day of Nov., 1980, at ~~9:30 A.M.~~ 2:00 P.M. to determine whether the charges against

TO WIT:

COMMONWEALTH

RE:

Johnny Green
630 N. 29th

96

attempt rape(see attached petition)

PROCESS RETURNED

OCT 17 1980

EXECUTED

Executed this 15 day of Oct, 1980, by serving a true copy of the above NOTICE on

Father

shall be transferred to the Circuit Court for criminal proceedings or shall be retained for further proceedings by this Court pursuant to the Juvenile and Domestic Relations Court Law.

You are advised that if at such hearing this case is retained for further proceedings under the Juvenile and Domestic Relations District Court Law, this Court, on motion agreed to by the Commonwealth and your attorney, may then and there conduct such further proceedings as may be necessary and proper.

Signed this 9th day of October, 1980,

jh

M. F. Fitch

Deputy Clerk

BY:

# REQUEST FOR WITNESS SUBPOENA

Va. Code §§8.01-407, 14.1-195, 16.1-265 19.2-267, and Rule 3A:15

CITY OR COUNTY

[illegible] DISTRICT COURT (☐ Civil ☐ Criminal ☐ Traffic)

[illegible] AND DOMESTIC RELATIONS DISTRICT COURT

[illegible] subpoena the witnesses below to appear before the Court on the trial date shown. (See Va. Code §14.1-195 [illegible] limitation on compensation of subpoenaed witnesses.)

WITNESSES (IF MAILING ADDRESS IS RFD, P.O. BOX, ETC., PLEASE INDICATE LOCATION WHERE WITNESS CAN BE FOUND)

| | |
|---|---|
| NAME: Mrs. Florine Wallace<br>ADDRESS / LOCATION: 3704 Dunston Avenue<br>Richmond 232-4639<br>CITY OR COUNTY / TELEPHONE | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY / TELEPHONE |
| Det. R.L. Andrews<br>ADDRESS / LOCATION: 501 N. 9th Street<br>CITY OR COUNTY / TELEPHONE | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY / TELEPHONE |
| NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY / TELEPHONE | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY / TELEPHONE |
| NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY / TELEPHONE | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY / TELEPHONE |
| NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY / TELEPHONE | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY / TELEPHONE |

FILE NO.

## REQUEST FOR WITNESS

☐ Commonwealth of Virginia

☐ CITY ☐ COUNTY ☐ TOWN of

☐ PLAINTIFF(S)

*In re* / V.

DEFENDANT(S)

TRIAL DATE AND TIME

REQUEST ON BEHALF OF

☐ Commonwealth ☐ City, County or Town

☐ PLAINTIFF(S) ☐ DEFENDANT(S) ☐ JUVENILE

REQUESTED BY: NAME

SIGNATURE

COURT USE ONLY

| DATE RECEIVED | DATE ISSUED |
|---|---|
| | |

COMMONWEALTH OF VIRGINIA
IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT OF THE CITY/COUNTY OF Richmond

In re: Child under eighteen years of age

| | |
|---|---|
| 1. NAME: Thomas Eugene Green | 2. DATE OF BIRTH: 3-18-65 3. AGE: 15 SEX: (M) F |
| 4. PARENT'S ADDRESS: 205 W. Roanoke Street - Apt. 15A - Richmond, Virginia | Telephone No. |
| 5. FATHER'S NAME AND ADDRESS: Johnny Green, Jr. - 630 N. 29th Street - Richmond, Virginia | Telephone No. |
| 6. MOTHER'S NAME AND ADDRESS: Dorothy Green - 205 W. Roanoke Street Apt. 15A - Richmond, Virginia | Telephone No. |
| 7. GUARDIAN, LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS AND ADDRESS: State Board of Corrections A/C | Telephone No. |
| 8. OTHER(S) AND ADDRESS(ES): | Telephone No. |
| 9. OTHER(S) AND ADDRESS(ES): | Telephone No. |
| 10. Child held in CUSTODY ☑ Yes on another charge ☐ No | |
| 11. Place of Detention or Shelter Care Detention Home | |
| 12. Date and Time Taken into Custody 9/19/80 2:00 P.m. | 13. Date and Time Placed in Detention or Shelter Care 9/19/80 6:00 P.m. |
| 14. The above information is not known to the petitioner: No(s). | |

PERSON TO BE SUMMONED

I, the undersigned petitioner, state under oath to the best of my knowledge, that the above-named child is within the purview of the Juvenile and Domestic Relations District Court Law in that, within this city/~~county~~, the child:

is a delinquent child in that he did unlawfully on the 11th of September, 1980, by force and violence attempt to have carnal knowledge of Mrs. Florine Wallace, age 65, in violation of Section 18.2-61 of the Code of Virginia.

WHEREFORE, the Petitioner requests that the child and the persons having his or her custody and control be summoned to appear before this Court, and that this Court enter such orders and judgments as the Court deems fit and proper in accordance with the law and which will serve the purpose and intent of the Juvenile and Domestic Relations District Court Law.

9/25/80
DATE

Richard L. Andrews
PETITIONER'S SIGNATURE

Det. R. L. Andrews
PETITIONER'S NAME (PRINT OR TYPE)

501 N. 9th Street - Richmond, Virginia
PETITIONER'S ADDRESS AND TELEPHONE NO. (COURT COPY ONLY)

Sworn/affirmed and signed before me on 9-25-80
DATE

Intake Officer
TITLE

Jean V. Waldrop
SIGNATURE

Detention Hearing: 9-25-80 58

Transfer Hearing 10/23/80

# SUMMONS

| TIME OF APPEARANCE: MONTH | DAY | YEAR | TIME: | M. |
|---|---|---|---|---|
| COURT'S STREET ADDRESS AND TELEPHONE | | | | |

TO ANY SHERIFF OR POLICE OFFICER OR .....

I COMMAND YOU to summon the parties as designated in the above petition.

TO THE PERSON SUMMONED: I COMMAND YOU to appear in person before this Court at the date, place and time specified in this Summons to respond to the allegations in the petition in accordance with the provisions of the Juvenile and Domestic Relations District Court Law. Failure to appear at Court may subject you to contempt of court proceedings.

54

..... ☐ CLERK JUDGE

DATE

FORM DC-511 4/80 NOTE: READ THE NOTICE ABOUT RIGHT TO REPRESENTATION BY A LAWYER ON THE BACK OF THIS SUMMONS.

## RIGHT TO REPRESENTATION BY A LAWYER

The Court will appoint a lawyer as guardian *ad litem* to represent any child alleged to be abused or neglected or for a child who is the subject of an entrustment agreement or of a petition terminating residual parental rights or is before the Court when the parent desires for good cause to be relieved of care and custody.

Prior to a hearing by the Court of any case involving a child alleged to be in need of services or alleged to be delinquent, such child has a right to be represented by a lawyer of the child's own choice or, if the Court determines that the child is indigent within the contemplation of the law and his or her parents, guardian, legal custodian, or other person standing *in loco parentis* does not retain a lawyer for the child, the Court shall appoint a lawyer to represent the child.

When the Court appoints a lawyer to represent the child, and finds that the parents are financially able to pay for the lawyer and refuse to do so, the Court shall assess the costs of legal services against the parents. The child in some cases may waive his right to be represented by a lawyer, if the Court finds that the child and parents, guardian, legal custodian, or other person standing *in loco parentis* consent in writing and the interests of such individuals are not adverse.

Prior to a hearing by the Court of any case involving a parent, guardian, or other adult who is charged with abuse and neglect of a child or who could be subjected to the loss of residual parental rights and responsibilities, such parent, guardian or other adult has a right to representation by a lawyer of his own choice, and if such parent, guardian, or other adult is indigent, the Court shall appoint a lawyer to represent him, and such parent, guardian, or other adult may waive the right to representation by a lawyer.

In all other cases, the Court in its discretion may appoint a lawyer or guardian *ad litem* to represent the interests of the child or the parent or guardian.

RECEIVED * * *

SEP 25 1980

DEPUTY CLERK
CITY OF RICHMOND
JUVENILE & DOMESTIC
RELATIONS DISTRICT COURT

PETITIONER NOTIFIED OF
HEARING DATE BY

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

..... DATE

..... SERVING OFFICER

Badge No. agency and jurisdiction

for _____

Sheriff

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

..... DATE

..... SERVING OFFICER

Badge No. agency and jurisdiction

for _____

Sheriff

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

.....
DATE

.....
SERVING OFFICER

Badge No. agency and jurisdiction

for _____

Sheriff

---

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

.....
DATE

.....
SERVING OFFICER

Badge No. agency and jurisdiction

for _____

Sheriff

80-561-5

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND, DIVISION II

November 10, 1980
(Date)

The GRAND JURY charges that:

On or about September 11, 1980, in the City of Richmond

Thomas Eugene Green did

feloniously and unlawfully rob one Florine Wallace of United States currency.

Va. Code § 18.2-58

R. L. Andrews
D. L. Houchins
Florine Wallace

Witnesses sworn and sent by the Court to the Grand Jury to give evidence.

Clerk

NOV 10 1980

A TRUE BILL.

Foreman

City of Richmond Juvenile and Domestic Relations District Court

In re: Thomas Eugene Green

The above-named juvenile is within the jurisdiction of this Court by reason of a verified petition filed against the juvenile in this cause, alleging the commission of an offense, namely:

Robbery

which if committed by an adult would be a felony, punishable by death or confinement in the penitentiary.

In compliance with the Code of Virginia, 1950, as amended, and on motion of the Commonwealth Attorney, a transfer hearing was conducted pursuant to proper notice to the juvenile, the juvenile's parents, guardian, legal custodian or other person standing in loco parentis or attorney.

Prior to this transfer hearing, a written study and report to the Court was prepared by the probation services or other qualified agency designated by the Court as required by the Code of Virginia, 1950, as amended; this report and study together with any other data and reports concerning the child which were available to the Court were also made available to counsel for the juvenile.

* * * * *

☑ The Court finds from the evidence presented that there is probable cause to believe the juvenile committed the delinquent act alleged.

☐ The Court finds that the evidence is insufficient to establish probable cause to believe that the juvenile committed the alleged delinquent act, and, therefore the case is dismissed.

* * * * *

From the evidence and upon consideration of the study and report (which was not considered until the finding concerning probable cause was made). The Court finds:

☑ That the child was fifteen or more years of age at the time of the alleged commission of the offense; the child is not amenable to treatment or rehabilitation as a juvenile through available facilities, considering the nature of the present offense, or such factors as the nature of the child's prior delinquency record, the nature of past treatment efforts, and the nature of the child's response to past treatment efforts; the child is not mentally retarded or criminally insane; and the interests of the community require that the child be placed under legal restraint or discipline.

☐ That the requirements for transfer not having been satisfied.

* * * * *

The Court

☐ Hereby RETAINS jurisdiction of the charge against the child.

☑ TRANSFERS and so certifies the child for proper criminal proceedings to the Circuit Court of Richmond Div. II November 1980 Term, Virginia, which court of record has jurisdiction of this offense.
NAME OF CITY / COUNTY

The Court further orders that the juvenile be:

☑ Remanded to jail. Surety - $2,000.00

☐ Detained in the .....
NAME OF DETENTION FACILITY

☐ Released into the care and custody of the child's parent(s), guardian, or person standing in loco parentis.

☐ Continued on bond in the amount of $ .....
AMOUNT OF BOND

11/6/80
DATE

JUDGE

FORM DC-518 1/80 (114:9-704 7/80)

**Transfer / Retention Order**

FILE NO. ....

CS150153
JC - 53

t No. 3 of ___ sheets

VIRGINIA: IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Judge Bryant

Probation Officer

In re: Thomas Eugene Green Race B Age 15 Sex M Document No. J-10517-13

In Custody on another charge
9/25/80 Sum. & notice of trans. hearing iss. by mother EXECUTED rat. 10/23/80 at 2:00 P.M.

9-25-80

- [x] Child present & ~~parent or custodian present.~~
- [x] Charges /transfer hearing/ were served on the child.
- [x] Charges ___ /are to be/ served on parent or guardian.
- [ ] Court to appoint attorney to represent child.
- [ ] Parents, guardians, child advised attorney.
- [ ] Bond set at $ 1,000 pursuant to 16.1-[illegible] of the Code of Va.
- [x] Detention ___ pursuant to [illegible] custodian.
- [ ] Continued in custody.
- [ ] Witnesses [illegible]
- [x] Summon witnesses.

Hearing date 11-6-80 at 2:00 P.M. MAB.

10/1/80 Randolp h Herring appointed. DI

NOV 6 1980

JUDGE BRYANT

VIRGINIA

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

*** SUMMONS ***

DOCKET NUMBER J-0010517-13 99

TO: FLORINE WALLACE

ADDRESS: 3704 DUNSTON AVE.
RICH VA

YOU ARE SUMMONED TO APPEAR BEFORE THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT, LOCATED AT 2000 MECKLENBURG STREET, RICHMOND, VIRGINIA, ON THE 6 TH DAY OF NOVEMBER, 1980, AT 2:00 P.M. TO TESTIFY AND THE TRUTH TO SAY IN THE CASE OF THE COMMONWEALTH OF VIRGINIA RE: THOMAS E. GREEN WHO STANDS CHARGED WITH: BREAK AND ENTER,ATTEMPTED RAPE AND ROBBERY

PROCESS RETURNED
OCT 21 1980
EXECUTED

GIVEN UNDER MY HAND THIS 10 TH DAY OF OCTOBER, 1980

SIGNED: M. F. Fitchett
DEPUTY CLERK

SHERIFF'S OFFICE 11-6

CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

SUMMONS
(WITNESS)

COMMONWEALTH

RE:

FLORINE WALLACE
3704 DUNSTON AVE.
RICH VA

EXECUTED THIS 20 DAY OF Oct, KSD, BY SERVING A TRUE COPY OF THE ABOVE NOTICE ON Florine Wallace

BY: [signature]

99

VIRGINIA

Bryant

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

RETURN ORIGINAL TO COURT

Summons and Notice of Transfer Hearing

Juvenile Docket J-10517-13

TO: Thomas E. Green

Address:

and Parent-Custodian: Johnny Green

Address: 630 N. 29th St.

and Parent-Custodian:

Address:

You are NOTIFIED pursuant to Section 16.1-269 of the Code and SUMMONED to appear before the City of Richmond Juvenile and Domestic Relations District Court, located at 2000 Mecklenburg Street, Richmond, Virginia on the 6th day of Nov., 1980, at ~~9:30 A.M.~~ 2:00 P.M. to determine whether the charges against Thomas E. Green TO WIT:

robbery (see attached petition)

PROCESS RETURNED

OCT 17 1980

EXECUTED

shall be transferred to the Circuit Court for criminal proceedings or shall be retained for further proceedings by this Court pursuant to the Juvenile and Domestic Relations Court Law.

You are advised that if at such hearing this case is retained for further proceedings under the Juvenile and Domestic Relations District Court Law, this Court, on motion agreed to by the Commonwealth and your attorney, may then and there conduct such further proceedings as may be necessary and proper.

Signed this 9th day of October, 1980,

M. F. Fitchett

Deputy Clerk

jh

Sheriff's Dept.

City of Richmond Juvenile and Domestic Relations District Court

SUMMONS TO APPEAR AND NOTICE OF TRANSFER HEARING

COMMONWEALTH

RE:

Johnny Green
630 N. 29th St.

Executed this 15 day of Oct, 1980, by serving a true copy of the above NOTICE on

Father

BY:

67

VIRGINIA

Bryant

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

RETURN ORIGINAL TO COURT

Sheriff's Dept.
City of Richmond Juvenile and Domestic Relations District Court

Summons and Notice of Transfer Hearing

Juvenile Docket J-10517-13

TO: Thomas E. Green

Address: 205 W. Roanoke St., Apt. 15-A

and Parent-Custodian: Dorothy Green

Address: same

and Parent-Custodian:

Address:

You are NOTIFIED pursuant to Section 16.1-269 of the Code and SUMMONED to appear before the City of Richmond Juvenile and Domestic Relations District Court, located at 2000 Mecklenburg Street, Richmond, Virginia, on the 14th day of Nov. 1980, at 2:00 P.M. to determine whether the charges against Thomas E. Green TO WIT:

robbery (see attached petition)

PROCESS RETURNED

OCT 17 1980

EXECUTED

shall be transferred to the Circuit Court for criminal proceedings or shall be retained for further proceedings by this Court pursuant to the Juvenile and Domestic Relations Court Law.

You are advised that if at such hearing this case is retained for further proceedings under the Juvenile and Domestic Relations District Court Law, this Court, on motion agreed to by the Commonwealth and your attorney, may then and there conduct such further proceedings as may be necessary and proper.

Signed this 25th day of September, 1980,

jh

Deputy Clerk

SUMMONS TO APPEAR AND NOTICE OF TRANSFER HEARING

COMMONWEALTH

RE:

THomas E. Green
205 W. Roanoke St., Apt. 15-A

Executed this 14 day of Oct, 1980, by serving a true copy of the above NOTICE on Thomas E Green

BY:

# REQUEST FOR WITNESS SUBPOENA

Va. Code §§8.01-407, 14.1-195, 16.1-265 19.2-267, and Rule 3A:15

CITY OR COUNTY

☐ GENERAL DISTRICT COURT (☐ Civil ☐ Criminal ☐ Traffic)

☐ JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Please subpoena the witnesses below to appear before the Court on the trial date shown. (See Va. Code §14.1-195 regarding limitation on compensation of subpoenaed witnesses.)

WITNESSES (IF MAILING ADDRESS IS RFD, P.O. BOX, ETC., PLEASE INDICATE LOCATION WHERE WITNESS CAN BE FOUND)

| | |
|---|---|
| NAME: Mrs. Florine Wallace<br>ADDRESS / LOCATION: 3704 Dunston Avenue<br>CITY OR COUNTY: Richmond TELEPHONE: 232-4639 | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: |
| NAME: Det. R. L. Andrews<br>ADDRESS / LOCATION: 501 N. 9th Street<br>CITY OR COUNTY: TELEPHONE: | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: |
| NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: |
| NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: |
| NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: |

FILE NO.

## REQUEST FOR WITNESS

☐ Commonwealth of Virginia

☐ CITY ☐ COUNTY ☐ TOWN of

☐ PLAINTIFF(S)

*In re* / V.

DEFENDANT(S)

TRIAL DATE AND TIME

REQUEST ON BEHALF OF

☐ Commonwealth ☐ City, County or Town

☐ PLAINTIFF(S) ☐ DEFENDANT(S) ☐ JUVENILE

REQUESTED BY: NAME

SIGNATURE

COURT USE ONLY

| DATE RECEIVED | DATE ISSUED |
|---|---|
| | |

COMMONWEALTH OF VIRGINIA
IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT OF THE CITY/COUNTY OF Richmond

In re a Child under eighteen years of age

| | | | |
|---|---|---|---|
| 1. CHILD'S NAME: Thomas Eugene Green | DATE OF BIRTH 2. 3-18-65 | AGE 3. 15 | SEX: (M) F |
| 4. CHILD'S ADDRESS: 205 W. Roanoke Street - Apt. 15-A - Richmond, Virginia | | | Telephone No. |
| 5. FATHER'S NAME AND ADDRESS: Johnny Green, Jr. - 630 N. 29th Street - Richmond, Virginia | | | Telephone No. |
| 6. MOTHER'S NAME AND ADDRESS: Dorothy Green - 205 W. Roanoke Street - Apt. 15-A - Richmond, Virginia | | | Telephone No. |
| 7. GUARDIAN / LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS AND ADDRESS: State Board of Corrections A/C | | | Telephone No. |
| 8. OTHER(S) AND ADDRESS(ES): | | | Telephone No. |
| 9. OTHER(S) AND ADDRESS(ES): | | | Telephone No. |
| 10. Child held in CUSTODY ☒ Yes on another charge ☐ No | | | |
| 11. Place of Detention or Shelter Care | | | |
| 12. Date and Time Taken into Custody 9/19/80 2:00 p.m. | 13. Date and Time Placed in Detention or Shelter Care 9/19/80 6:00 p.m. | | |
| 14. The above information is not known to the petitioner: No(s). | | | |

PERSON TO BE SUMMONED

I, the undersigned petitioner, state under oath to the best of my knowledge, that the above-named child is within the purview of the Juvenile and Domestic Relations District Court Law in that, within this city/~~county~~, the child:

is a delinquent child in that he did unlawfully on the 11th of September, 1980, by ~~force~~ Randolph Herr violence to the person of Mrs. Florine Wallace take, steal and carry away $18.00 in U.S. currency, against her will, in violation of Section 18.2-58 of the Code of Virginia.

WHEREFORE, the Petitioner requests that the child and the persons having his or her custody and control be summoned to appear before this Court, and that this Court enter such orders and judgments as the Court deems fit and proper in accordance with the law and which will serve the purpose and intent of the Juvenile and Domestic Relations District Court Law.

9/25/80
DATE

Richard L. Andrews
PETITIONER'S SIGNATURE

Det. R. L. Andrews
PETITIONER'S NAME (PRINT OR TYPE)

501 N. 9th Street - Richmond, Virginia
PETITIONER'S ADDRESS AND TELEPHONE NO. (COURT COPY ONLY)

Sworn/affirmed and signed before me on 9-25-80
DATE

Intake Officer
TITLE

Jean V. Wolding
SIGNATURE

Detention Hearing: 9-25-80

Transfer Hearing 10/23/80 - 2:00 pm

# SUMMONS

| TIME OF APPEARANCE: MONTH | DAY | YEAR | TIME: | M. |
|---|---|---|---|---|
| COURT'S STREET ADDRESS AND TELEPHONE | | | | |

TO ANY SHERIFF OR POLICE OFFICER OR .....
I COMMAND YOU to summon the parties as designated in the above petition.

TO THE PERSON SUMMONED: I COMMAND YOU to appear in person before this Court at the date, place and time specified in this Summons to respond to the allegations in the petition in accordance with the provisions of the Juvenile and Domestic Relations District Court Law. Failure to appear at Court may subject you to contempt of court proceedings.

52

..... DATE

☐ CLERK ☐ JUDGE

FORM DC-511 4/80 NOTE: READ THE NOTICE ABOUT RIGHT TO REPRESENTATION BY A LAWYER ON THE BACK OF THIS SUMMONS.

## [illegible] REPRESENTATION BY A LAWYER

The Court will appoint a lawyer as guardian *ad litem* to represent any child alleged to be abused or neglected or for a child who is the subject of an entrustment agreement or of a petition terminating residual parental rights or is before the Court when the parent desires for good cause to be relieved of care and custody.

Prior to a hearing by the Court of any case involving a child alleged to be in need of services or alleged to be delinquent, such child has a right to be represented by a lawyer of the child's own choice or, if the Court determines that the child is indigent within the contemplation of the law and his or her parents, guardian, legal custodian, or other person standing *in loco parentis* does not retain a lawyer for the child, the Court shall appoint a lawyer to represent the child.

When the Court appoints a lawyer to represent the child, and finds that the parents are financially able to pay for the lawyer and refuse to do so, the Court shall assess the costs of legal services against the parents. The child in some cases may waive his right to be represented by a lawyer, if the Court finds that the child and parents, guardian, legal custodian, or other person standing *in loco parentis* consent in writing and the interests of such individuals are not adverse.

Prior to a hearing by the Court of any case involving a parent, guardian, or other adult who is charged with abuse and neglect of a child or who could be subjected to the loss of residual parental rights and responsibilities, such parent, guardian or other adult has a right to representation by a lawyer of his own choice, and if such parent, guardian, or other adult is indigent, the Court shall appoint a lawyer to represent him, and such parent, guardian, or other adult may waive the right to representation by a lawyer.

In all other cases, the Court in its discretion may appoint a lawyer or guardian *ad litem* to represent the interests of the child or the parent or guardian.

RECEIVED

SEP 25 2030

CLERK
CITY OF [illegible]
JUVENILE & DOMESTIC
RELATIONS DIVISION COURT

* * *

EXECUTED by delivering a true copy of this summons to the person named below this day.

..... DATE

..... SERVING OFFICER

.....

.....

Badge No. agency and jurisdiction

for.....

Sheriff

EXECUTED by delivering a true copy of this summons to the person named below this day.

..... DATE

..... SERVING OFFICER

.....

.....

Badge No. agency and jurisdiction

for.....

Sheriff

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

.....
DATE

.....
SERVING OFFICER

Badge No. agency and jurisdiction

for_____

Sheriff

EXECUTED by delivering a true copy of this summons to the person named below this day.

.....

.....

.....

.....
DATE

.....
SERVING OFFICER

Badge No. agency and jurisdiction

for_____

Sheriff

80-562-F

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND, DIVISION II

November 10, 1980
(Date)

The GRAND JURY charges that:

On or about August 27, 19 80, in the City of Richmond

Thomas Eugene Green did

feloniously and unlawfully rob one Victoria G. Moore of United States currency and one Timex alarm clock.

Va. Code § 18.2-58

R. L. Andrews
Victoria G. Moore
D. L. Houchins

Witnesses sworn and sent by the Court to the Grand Jury to give evidence.

Clerk

NOV 10 1980

A TRUE BILL.

Foreman

Commonwealth of Virginia

City of Richmond Juvenile and Domestic Relations District Court

*In re:* Thomas Eugene Green

The above-named juvenile is within the jurisdiction of this Court by reason of a verified petition filed against the juvenile in this cause, alleging the commission of an offense, namely:

Robbery

which if committed by an adult would be a felony, punishable by death or confinement in the penitentiary.

In compliance with the Code of Virginia, 1950, as amended, and on motion of the Commonwealth Attorney, a transfer hearing was conducted pursuant to proper notice to the juvenile, the juvenile's parents, guardian, legal custodian or other person standing in loco parentis or attorney.

Prior to this transfer hearing, a written study and report to the Court was prepared by the probation services or other qualified agency designated by the Court as required by the Code of Virginia, 1950, as amended; this report and study together with any other data and reports concerning the child which were available to the Court were also made available to counsel for the juvenile.

* * * * *

☑ The Court finds from the evidence presented that there is probable cause to believe the juvenile committed the delinquent act alleged.

☐ The Court finds that the evidence is insufficient to establish probable cause to believe that the juvenile committed the alleged delinquent act, and, therefore the case is dismissed.

* * * * *

From the evidence and upon consideration of the study and report (which was not considered until the finding concerning probable cause was made). The Court finds:

☑ That the child was fifteen or more years of age at the time of the alleged commission of the offense; the child is not amenable to treatment or rehabilitation as a juvenile through available facilities, considering the nature of the present offense, or such factors as the nature of the child's prior delinquency record, the nature of past treatment efforts, and the nature of the child's response to past treatment efforts; the child is not mentally retarded or criminally insane; and the interests of the community require that the child be placed under legal restraint or discipline.

☐ That the requirements for transfer not having been satisfied.

* * * * *

The Court

☐ Hereby RETAINS jurisdiction of the charge against the child.

☑ TRANSFERS and so certifies the child for proper criminal proceedings to the Circuit Court of Richmond Div. II - November 1980 Term
NAME OF CITY / COUNTY, Virginia, which court of record has jurisdiction of this offense.

The Court further orders that the juvenile be:

☑ Remanded to jail. $2000.00 Surety

☐ Detained in the .....
NAME OF DETENTION FACILITY

☐ Released into the care and custody of the child's parent(s), guardian, or person standing in loco parentis.

☐ Continued on bond in the amount of $ .....
AMOUNT OF BOND

11/6/80
DATE

JUDGE

FORM DC-518 1/80 (114:9-704 7/80)

**Transfer / Retention Order**

FILE

No. ___ of _____ sheets

VIRGINIA: IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Judge _____ Bryant

Probation Officer _____

In re: Thomas Eugene Green Race B Age 15 Sex M Document No. J-10317- 14

In Custody on another charge

9/25/80 Sum. & notice of trans. hearing ins. boy & mother rot. 10/23/80 at ~~2:00~~ 2:00 P.M.

9-25-80

- [x] Child present ~~& parent or custodian present.~~
- [x] ~~Charges~~ under hearing/ were served on the child.
- [x] Charges ~~were~~ to be/ served on parent or guardian.
- [x] ~~Court to appoint attorney to represent child.~~
- [ ] ~~[illegible] child waived attorney.~~
- [ ] ~~[illegible]~~
- [x] ~~[illegible]~~ 1,000
- [x] ~~[illegible]~~ pursuant to 16.1-[illegible] of the Code of Va.
- [ ] ~~[illegible] guardian~~
- [ ] ~~[illegible]~~
- [x] Summon witnesses.

Hearing date 11-6-80 at 2:00 P.M. RGB

10/1/80 Randolph Herring appointed. DI

JUDGE BRYANT

VIRGINIA

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

*** SUMMONS ***

DOCKET NUMBER J-0010517-14 99

TO: VICTORIA MOORE

ADDRESS: 1451 WESTOVER GARDEN BLVD
RICH VA

YOU ARE SUMMONED TO APPEAR BEFORE THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT, LOCATED AT 2000 MECKLENBURG STREET, RICHMOND, VIRGINIA, ON THE 6 TH DAY OF NOVEMBER, 1980, AT 2:00 P.M. TO TESTIFY AND THE TRUTH TO SAY IN THE CASE OF THE COMMONWEALTH OF VIRGINIA RE: THOMAS E. GREEN WHO STANDS CHARGED WITH: BREAK AND ENTER, ATTEMPTED RAPE AND ROBBERY

PROCESS RETURNED
EXECUTED

GIVEN UNDER MY HAND THIS 10 TH DAY OF OCTOBER, 1980

SIGNED: M. F. Fitchett
DEPUTY CLERK

SHERIFF'S OFFICE 11-6

CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

SUMMONS
(WITNESS)

COMMONWEALTH

RE:

VICTORIA MOORE
1451 WESTOVER GARDEN BLVD
RICH VA

POSTED

~~EXECUTED~~ THIS 16 DAY OF OCT, 1980, BY SERVING A TRUE COPY OF THE ABOVE NOTICE ON .....

BY: B. Broadnax
DEPUTY SHERIFF

VIRGINIA

Bryant

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC
RELATIONS DISTRICT COURT

RETURN ORIGINAL TO COURT

Summons and Notice of Transfer Hearing

Juvenile Docket J-10517-14

TO: Thomas E. Green

Address:

and Parent-Custodian: Johnny Green

Address: 630 N. 29th St.

and Parent-Custodian:

Address:

You are NOTIFIED pursuant to Section 16.1-269 of the Code and SUMMONED to appear before the City of Richmond Juvenile and Domestic Relations District Court, located at 2000 Mecklenburg Street, Richmond, Virginia on the 6th day of Nov., 1980, at ~~9:30 A.M.~~ 2:00 P.M. to determine whether the charges against Thomas E. Green TO WIT:

robbery (see attached petition)

PROCESS RETURNED

OCT 17 1980

EXECUTED

shall be transferred to the Circuit Court for criminal proceedings or shall be retained for further proceedings by this Court pursuant to the Juvenile and Domestic Relations Court Law.

You are advised that if at such hearing this case is retained for further proceedings under the Juvenile and Domestic Relations District Court Law, this Court, on motion agreed to by the Commonwealth and your attorney, may then and there conduct such further proceedings as may be necessary and proper.

Signed this 9th day of October, 1980,

M. F. Fitchett

Deputy Clerk

jh

Sheriff's Dept.
City of Richmond Juvenile
and Domestic Relations
District Court

SUMMONS TO APPEAR AND
NOTICE OF TRANSFER HEARING

COMMONWEALTH

RE:

Johnny Green
630 N. 29th St.

Executed this 15 day
of Oct, 1980,
by serving a true copy of the
above NOTICE on

Father

BY: D. L. Keogh

VIRGINIA

Bryant

IN THE CITY OF RICHMOND JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Sheriff's Dept.
City of Richmond Juvenile and Domestic Relations District Court

11-6

RETURN ORIGINAL TO COURT

Summons and Notice of Transfer Hearing

Juvenile Docket J-10517-14

Name: Thomas Green

Address: 205 W. Roanoke St., Apt. 15-A

and Parent-Custodian: Dorothy Green

Address: same

and Parent-Custodian:

Address:

You are NOTIFIED pursuant to Section 16.1-269 of the Code and SUMMONED to appear before the City of Richmond Juvenile and Domestic Relations District Court, located at 2000 Mecklenburg Street, Richmond, Virginia, on the 6th ~~12th~~ day of ~~October~~ Nov. 1980, at 9:30 A.M. to determine whether the charges against Thomas Green TO WIT:

robbery (see attached petition)

PROCESS RETURNED

OCT 17 1980

EXECUTED

SUMMONS TO APPEAR AND NOTICE OF TRANSFER HEARING

COMMONWEALTH

RE:

Thomas Green
205 W. Roanoke St., Apt. 15-A

Executed this 14 day of Oct, 1980, by serving a true copy of the above NOTICE on Thomas Green

BY: D Mullens DS

08

Will be transferred to the Circuit Court for criminal proceedings or will be retained for further proceedings by this Court pursuant to Juvenile and Domestic Relations Court Law.

You are advised that if at such hearing this case is retained for further proceedings under the Juvenile and Domestic Relations District Court Law, this Court, on motion agreed to by the Commonwealth and your attorney, may then and there conduct such further proceedings as may be necessary and proper.

Signed this 25th day of September, 1980,

M Freeman

Deputy Clerk

# REQUEST FOR WITNESS SUBPOENA

Va. Code §§8.01-407, 14.1-195, 16.1-265 19.2-267, and Rule 3A:15

RICHMOND, VIRGINIA
CITY OR COUNTY

☐ GENERAL DISTRICT COURT (☐ Civil ☐ Criminal ☐ Traffic)

☑ JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Please subpoena the witnesses below to appear before the Court on the trial date shown. (See Va. Code §14.1-195 regarding limitation on compensation of subpoenaed witnesses.)

WITNESSES (IF MAILING ADDRESS IS RFD, P.O. BOX, ETC., PLEASE INDICATE LOCATION WHERE WITNESS CAN BE FOUND)

| | |
|---|---|
| NAME: VICTORIA G. MOORE<br>ADDRESS / LOCATION: 1451 WESTOVER GARDEN BLVD.<br>CITY OR COUNTY: RICHMOND TELEPHONE: 320-2790 | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: |
| NAME: Det. R. L. Andrews<br>ADDRESS / LOCATION: Bureau of Police<br>CITY OR COUNTY: TELEPHONE: | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: |
| NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: |
| NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: |
| NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: | NAME:<br>ADDRESS / LOCATION:<br>CITY OR COUNTY: TELEPHONE: |

FILE NO.

J-10517

## REQUEST FOR WITNESS

☐ Commonwealth of Virginia

☐ CITY ☐ COUNTY ☐ TOWN of

☐ PLAINTIFF(S)

*In re* / V.

DEFENDANT(S)

TRIAL DATE AND TIME

REQUEST ON BEHALF OF

☐ Commonwealth ☐ City, County or Town

☐ PLAINTIFF(S) ☐ DEFENDANT(S) ☐ JUVENILE

REQUESTED BY: NAME

SIGNATURE

COURT USE ONLY

| DATE RECEIVED | DATE ISSUED |
|---|---|
| | |

Court File No. J-10517-14 RST/fcl BRYANT

COMMONWEALTH OF VIRGINIA
IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT OF THE CITY ~~COUNTY~~ OF
RICHMOND, VIRGINIA

In re a Child under eighteen years of age

| | | |
|---|---|---|
| ☑ | 1. CHILD'S NAME: THOMAS EUGENE GREEN | 2. DATE OF BIRTH: 3/18/65 3. AGE: 15 SEX: (M) F |
| | 4. CHILD'S ADDRESS: 205 W. ROANOKE ST. APT. 15A RICHMOND, VA. | Telephone No. |
| ☑ | 5. FATHER'S NAME AND ADDRESS: JOHNNY GREEN, JR. 630 N. 29th ST. | Telephone No. |
| ☑ | 6. MOTHER'S NAME AND ADDRESS: DOROTHY GREEN 205 W. ROANOKE ST. APT. 15A | Telephone No. |
| ☐ | 7. GUARDIAN, LEGAL CUSTODIAN OR PERSON IN LOCO PARENTIS AND ADDRESS: STATE BOARD OF CORRECTIONS REGINALD TAYLOR AFTERCARE COUNSELOR | Telephone No. |
| ☐ | 8. OTHER(S) AND ADDRESS(ES): | Telephone No. |
| ☐ | 9. OTHER(S) AND ADDRESS(ES): | Telephone No. |
| ⇧ | 10. Child held in CUSTODY ☑ Yes NOT ON THIS CHG. ☐ No | |
| | 11. Place of Detention or Shelter Care | |
| | 12. Date and Time Taken into Custody ___/___/___ ___:___ ___m. | 13. Date and Time Placed in Detention or Shelter Care ___/___/___ ___:___ ___m. |
| | 14. The above information is not known to the petitioner: No(s). | |

PERSON TO BE SUMMONED

I, the undersigned petitioner, state under oath to the best of my knowledge, that the above-named child is within the purview of the Juvenile and Domestic Relations District Court Law in that, within this city/~~county~~, the child:

is a delinquent child in that he did unlawfully on August 27, 1980 by force and violence to the person of one Victoria G. Moore, take, steal and carry away $5.00 in U.S. currency and one Timex digital alarm clock valued at $20.00 against her will, in violation of Section 18.2-58 of the Code of Virginia

WHEREFORE, the Petitioner requests that the child and the persons having his or her custody and control be summoned to appear before this Court, and that this Court enter such orders and judgments as the Court deems fit and proper in accordance with the law and which will serve the purpose and intent of the Juvenile and Domestic Relations District Court Law.

9/25/80
DATE

Richard L. Andrews
PETITIONER'S SIGNATURE

DET. RICHARD L. ANDREWS
PETITIONER'S NAME (PRINT OR TYPE)

BUREAU OF POLICE
PETITIONER'S ADDRESS AND TELEPHONE NO. (COURT COPY ONLY)

Sworn/affirmed and signed before me on September 25, 1980
DATE

Intake Officer
TITLE

Jane E. Hoffman
SIGNATURE

TRANSFER HRG. 10/23/80 at 2pm

# SUMMONS

| TIME OF APPEARANCE MONTH | DAY | YEAR | TIME: | M. |
|---|---|---|---|---|
| COURT'S STREET ADDRESS AND TELEPHONE | | | | |

TO ANY SHERIFF OR POLICE OFFICER OR .....

I COMMAND YOU to summon the parties as designated in the above petition.

TO THE PERSON SUMMONED: I COMMAND YOU to appear in person before this Court at the date, place and time specified in this Summons to respond to the allegations in the petition in accordance with the provisions of the Juvenile and Domestic Relations District Court Law. Failure to appear at Court may subject you to contempt of court proceedings.

(114-9-704 7/80)

..... DATE

☐ CLERK ☐ JUDGE

FORM DC-511 4/80 NOTE: READ THE NOTICE ABOUT RIGHT TO REPRESENTATION BY A LAWYER ON THE BACK OF THIS SUMMONS.

# RIGHT TO REPRESENTATION BY A LAWYER

The Court will appoint a lawyer as guardian *ad litem* to represent any child alleged to be abused or neglected or for a child who is the subject of an entrustment agreement or of a petition terminating residual parental rights or is before the Court when the parent desires for good cause to be relieved of care and custody.

Prior to a hearing by the Court of any case involving a child alleged to be in need of services or alleged to be delinquent, such child has a right to be represented by a lawyer of the child's own choice or, if the Court determines that the child is indigent within the contemplation of the law and his or her parents, guardian, legal custodian, or other person standing *in loco parentis* does not retain a lawyer for the child, the Court shall appoint a lawyer to represent the child.

When the Court appoints a lawyer to represent the child, and finds that the parents are financially able to pay for the lawyer and refuse to do so, the Court shall assess the costs of legal services against the parents. The child in some cases may waive his right to be represented by a lawyer, if the Court finds that the child and parents, guardian, legal custodian, or other person standing *in loco parentis* consent in writing and the interests of such individuals are not adverse.

Prior to a hearing by the Court of any case involving a parent, guardian, or other adult who is charged with abuse and neglect of a child or who could be subjected to the loss of residual parental rights and responsibilities, such parent, guardian or other adult has a right to representation by a lawyer of his own choice, and if such parent, guardian, or other adult is indigent, the Court shall appoint a lawyer to represent him, and such parent, guardian, or other adult may waive the right to representation by a lawyer.

In all other cases, the Court in its discretion may appoint a lawyer or guardian *ad litem* to represent the interests of the child or the parent or guardian.

* * *

RECEIVED
SEP 25 1980
V.H.P.
CLERK OF RICHMOND
JUVENILE & DOMESTIC RELATIONS COURT

PETITIONER NOTIFIED OF HEARING DATE BY

EXECUTED by delivering a true copy of this summons to the person named below this day.

DATE

SERVING OFFICER

Badge No. agency and jurisdiction

for

Sheriff

EXECUTED by delivering a true copy of this summons to the person named below this day.

DATE

SERVING OFFICER

Badge No. agency and jurisdiction

for

Sheriff

EXECUTED by delivering a true copy of this summons to the person named below this day.

DATE

SERVING OFFICER

Badge No. agency and jurisdiction

for

Sheriff

EXECUTED by delivering a true copy of this summons to the person named below this day.

DATE

SERVING OFFICER

Badge No. agency and jurisdiction

for

## MOTION TO SUPPRESS

Thomas Eugene Green hereby moves the Court to direct that all statements made to Detective R. L. Andrews or other Richmond City Police Officers on or about September 19, 1980, be suppressed as evidence against him in any criminal proceeding.

The movant states that he did not understand his rights when read to him by the police and that he did not understand that his statements could be used against him in any criminal proceeding.

Randolph L. Herring
Counsel for Petitioner

Randolph L. Herring, Esquire
403 North Robinson Street
Richmond, Virginia 23220

## Certificate of Service

I hereby certify that a true copy of the foregoing Motion to Suppress has been hand delivered to Aubrey Davis, Commonwealth Attorney for the City of Richmond, on the 14th day of November, 1980.

Randolph L. Herring

Filed Nov. 14, 1980
Mitchell Lipscomb, Clerk
By Joy C. Lund, D.C.

## MOTION TO SUPPRESS

Thomas Eugene Green hereby moves the Court that certain property which was taken from his room at 205 West Roanoke Street, Apartment 15-A, Richmond, Virginia, and which was unlawfully seized by two police detectives of the City of Richmond on September 19, 1980, be returned to him and that it be suppressed as evidence against him in any criminal proceeding.

The movant states that the property was unlawfully seized because it was based on a consent search by the petitioner's mother.

Randolph L. Herring
Counsel for Petitioner

Randolph L. Herring, Esquire
403 North Robinson Street
Richmond, Virginia 23220

## Certificate of Service

I hereby certify that a true copy of the foregoing Motion to Suppress has been hand delivered to Aubrey Davis, Commonwealth Attorney for the City of Richmond, on the 14th day of November, 1980.

Randolph L. Herring

JUDGE WRIGHT
Clerk Purdy
Rptr Rangus

CS132022

Virginia:

In the Circuit Court of the City of Richmond, Division 11,

the 8th day of January, 19 81.

| | | |
|---|---|---|
| Commonwealth of Virginia, | plaintiff,) | Indictment for |
| | ) | a Felony - |
| against | ) | Case No. 80-557-F |
| | ) | through 80-564-F |
| Thomas Eugene Green, | defendant,) | |

Thomas Eugene Green (date of birth: 3/18/65), who stands indicted for eight (8) felonies, to-wit:

(Case No. 80-557-F) feloniously and unlawfully rob one Elizabeth O. Talley of United States currency and one wallet;

(Case No. 80-558-F) feloniously and unlawfully rob one Mary L. Rorabough of United States currency, one brown shoulder bag and one black medical bag and contents;

(Case No. 80-559-F) feloniously and unlawfully rob one Eunice H. Dunton of United States currency, one handbag, one Bolova watch and one pair of eyeglasses;

(Case No. 80-560-F) feloniously and unlawfully attempt to rape one Florine Wallace with the use of force;

(Case No. 80-561-F) feloniously and unlawfully rob one Florine Wallace of United States currency;

(Case No. 80-562-F) feloniously and unlawfully rob one Victoria G. Moore of United States currency and one Timex alarm clock;

(Case No. 80-563-F) feloniously and unlawfully break and enter in the daytime the dwelling house of Victoria G. Moore, there situate at number 3705 Crutchfield Street, with intent to commit larceny or a felony therein; and

(Case No. 80-564-F) feloniously and unlawfully break and enter in the daytime the dwelling house of Florine Wallace, there situate at number 3701 Dunston Avenue, with intent to commit larceny or a felony therein;

this day was led to the bar in the custody of the Sheriff of the City of Richmond, and also appeared Randolph L. Herring and Scott H. Swan, his Attorneys at law, and Aubrey M. Davis, Jr., Commonwealth Attorney for the City of Richmond.

Whereupon, the Court finding from the Orders of the City of Richmond Juvenile and Domestic Relations District Court of November 6th, 1980, that these cases have been transferred to this Court as provided for in Section 16.1-269 of the 1950 Code of Virginia as amended, the defendant was arraigned of said offenses, and after consultation with counsel, pleaded not guilty to said charges, and with the consent of the accused, given in person, after being advised by counsel, and with the concurrence of the Assistant Attorney for the Commonwealth, and of the Court, hereby entered of record, trial by jury was waived, and the Court proceeded to hear and determine these cases without the intervention of a jury, and having fully heard the evidence and argument of counsel, the Court doth find the said Thomas Eugene Green guilty as follows:

(Case No. 80-557-F) guilty of grand larceny from the person of the property of Elizabeth O. Talley, property in excess of $90.00, as charged in the Indictment, and doth fix his punishment at five (5) years in the Penitentiary;

(Case No. 80-558-F) guilty of grand larceny as charged in the Indictment, and doth fix his punishment at five (5) years in the Penitentiary;

(Case No. 80-559-F) guilty of feloniously and unlawfully robbing one Eunice H. Dunton of United States currency, one handbag, one Bolova watch and one pair of eyeglasses, as charged in the Indictment, and doth fix his punishment at ten (10) years in the Penitentiary;

(Case No. 80-560-F) guilty of feloniously and unlawfully attempting

to rape one Florine Wallace with the use of force, as charged in the Indictment, and doth fix his punishment at ten (10) years in the Penitentiary;

(Case No. 80-561-F) guilty of feloniously and unlawfully robbing Florine Wallace of United States currency, as charged in the Indictment, and doth fix his punishment at twenty-five (25) years in the Penitentiary;

(Case No. 80-562-F) guilty of feloniously and unlawfully robbing Victoria G. Moore of United States currency and one Timex alarm clock, as charged in the Indictment, and doth fix his punishment at twenty-five (25) years in the Penitentiary;

(Case No. 80-563-F) not guilty of breaking and entering as charged in the Indictment; and

(Case No. 80-564-F) not guilty of breaking and entering as charged in the Indictment.

It is, therefore, ordered that the said Thomas Eugene Green be, and he hereby is, acquitted of the charges of breaking and entering as charged in the Indictments in Cases No. 80-563-F and 80-564-F.

Whereupon, it being demanded of the defendant if anything for himself he knew or had to say why the Court should not now proceed to pronounce judgment against him according to law, and nothing being offered or alleged in delay thereof, it is ordered that the defendant be confined in the Penitentiary as follows:

(Case No. 80-557-F) five (5) years in the Penitentiary on the conviction of grand larceny from the person of the property of Elizabeth O. Talley, property in excess of $90.00, as charged in the Indictment;

(Case No. 80-558-F) five (5) years in the Penitentiary on the conviction of grand larceny as charged in the Indictment;
(Case No. 80-559-F) ten (10) years in the Penitentiary on the conviction of feloniously and unlawfully robbing one Eunice H. Dunton, as charged in the Indictment;
(Case No. 80-560-F) ten (10) years in the Penitentiary on the conviction of feloniously and unlawfully attempting to rape one Florine Wallace, as charged in the Indictment;

(Case No. 80-561-F) twenty-five (25) years in the Penitentiary on the conviction of feloniously and unlawfully robbing Florine Wallace, as charged in the Indictment; and
(Case No. 80-562-F) twenty-five (25) years in the Penitentiary on the conviction of feloniously and unlawfully robbing Victoria G. Moore, as charged in the Indictment;
or a total of eighty (80) years in the Penitentiary to be served by the defendant.

It is further ordered that the Commonwealth do recover of the said Thomas Eugene Green her costs incident to these proceedings and that the defendant be remanded to jail for transfer to the Penitentiary.

Enter this Order,

Frank H. Wingo Judge

Ent. Law O.B. pg.

Atty. Gen. Law. Ct. R. Taylor P+P Off.
2/4/81

-Assignment of Error: the defendant alleges that the Circuit Court of the City of Richmond, Division II erred: (1) in overruling his Motion to Suppress as evidence his confession; (2) in overruling his Motion to Suppress all evidence found pursuant to the consent to search by his mother; (3) in finding him guilty of the alleged rape of Flourine Wallace as such finding was not supported by the evidence.

1 V I R G I N I A :

2 IN THE CIRCUIT COURT OF THE CITY OF RICHMOND, DIVISION II

3

4

5 COMMONWEALTH OF VIRGINIA

6

7 -vs- 80-557-F

8 through

9 80-564-F

THOMAS EUGENE GREEN

10

11

12

13 Transcript of hearing on the motions to suppress

14 and the trial in the above-styled case on January 8, 1981,

15 10:00 a.m., before Hon. Frank A. S. Wright, Judge.

16

17

18

19

20

21 APPEARANCES:

22 Aubrey M. Davis, Esq., Commonwealth's Attorney
for the City of Richmond

23

24 Scott H. Swan, Esq., and Randolph L. Herring
Counsel for the Defendant

25 The defendant, Thomas Eugene Green, in person

# I N D E X

HEARING ON MOTIONS TO SUPPRESS ---------- Page 6

| | Direct | Cross | Re-Direct | Re-Cross |
|---|---|---|---|---|
| Det. R. L. Andrews | 14 | 56 | 85 | 86 |
| Det. David L. Houchins | 90 | 92 | -- | -- |

Ruling of the Court ---------- Page 134

ARRAIGNMENT AND TRIAL ---------- Page 140

| | Direct | Cross |
|---|---|---|
| Elizabeth O. Talley | 151 | -- |
| Mary L. Rorabough | 162 | -- |
| Victoria G. Moore | 167 | -- |
| Eunice H. Dunton | 177 | -- |
| Florine Wallace | 183 | -- |
| Gordon R. Stangohr | 192 | -- |
| Det. R. L. Andrews | 201 | 206 |
| Thomas Eugene Green | 210 | -- |

Argument by the Commonwealth ---------- Page 214

Argument by the Defense ---------- Page 228

Findings of the Court ---------- Page 231

Arguments on Sentencing ---------- Page 237

Imposition of Sentences ---------- Page 244

FJR/nnl

trial, and the Court will receive hearsay evidence that will establish probable cause, if any. Then, while the motions to the admissibility of the statements and the contents are not necessary for the Court to pass on the motion, as a general rule, because there were apparently several statements made, the Court would like the contents of any alleged statements made by the defendant to be introduced into evidence on the hearing of this motion up to the last statement.

All right, gentlemen, Mr. Davis, if you will call your witness, please.

MR. DAVIS: Detective Andrews, please.

DETECTIVE R. L. ANDREWS, a witness of lawful age called on behalf of the Commonwealth, having first been duly sworn, testifies and says, viz:

DIRECT EXAMINATION

BY MR. DAVIS:

Q. Mr. Andrews, would you state your name and your occupation for the record, please?

A. Detective R. L. Andrews, employed by the City of Richmond Bureau of Police, assigned to the Detective

1 Division, sex crimes investigations.
2 Q. Sir, were you so employed on or about the
3 19th day of September of last year?
4 A. Yes, sir, I was.
5 Q. All right, sir, calling your attention to
6 that date, did you have occasion to be involved in the
7 investigation of certain offenses which occurred in the area
8 of the 200 block of West Roanoke Street and Crutchfield and
9 northward in that area of the City of Richmond?
10 A. Yes, sir, I did.
11 Q. All right, sir, in that relationship, did
12 you have occasion to go to the Henderson Middle School for
13 the purpose of inquiring of one Thomas Eugene Green?
14 A. Yes, sir, I did.
15 Q. All right, would you relate to the Court
16 your purpose for going to the school on that particular date,
17 please?
18 A. I went to Henderson Middle School with
19 Detective Houchins, arriving there at approximately 2 p.m.
20 in the afternoon. The purpose was to arrest Thomas Eugene
21 Green.
22 Q. And what were you to arrest him for, sir?
23 A. For pocketbook snatch, robbery, which
24 occurred on Roanoke Street.
25 Q. All right, sir, what led you to go to the

1 school, as far as that particular individual, to make the
2 arrest?
3 A. He was identified by Mrs. Talley from a
4 photo spread which I produced.
5 Q. And Mrs. Talley's one of the victims of the
6 matters that are to be considered by the Court today; is that
7 correct, sir?
8 A. Yes, sir.
9 Q. All right, sir, after arriving at the
10 school, would you relate to the Court what transpired and
11 where you first went?
12 A. We first went to the, Detective Houchins
13 and myself first went to the principal's office and spoke
14 with him briefly. Within five minutes, the principal brought
15 the defendant, Thomas Green, to the office. Immediately,
16 Thomas Green was advised of his rights from LP card 119.
17 Q. All right, sir. Would you relate to the
18 Court what you advised him of, please?
19 A. Yes, sir. (Witness reading from card) "The
20 law requires that you be advised that you have been charged
21 with the following crime of pocketbook snatch, robbery; that
22 you have the absolute right to remain silent; your silence
23 will be guarded by the police; that anything you say may be
24 used against you in a court of law; that you have the right
25 to the presence of an attorney during this and any future

1 interviews, and if you cannot afford an attorney, one will be
2 appointed for you prior to any questioning, if you so desire.
3 If you fully understand these rights which I have explained
4 to you, they may be waived, and you can, if you so desire,
5 make a statement to me."
6 Q. All right. At the time you advised him,
7 who was present besides yourself, Detective Houchins, and the
8 defendant?
9 A. The school principal.
10 Q. All right, sir. Now, following that advice,
11 what, if anything, took place?
12 A. He started to say something. I told him at
13 that time, "I don't want you to say anything at this time."
14 Within five minutes of this time, his mother, who drives a
15 school bus for that school, was escorted into the office.
16 She was advised of the situation from the school. Detective
17 Houchins, myself, the defendant, and the defendant's mother
18 responded to 205 West Roanoke Street, Apartment No. 15-A,
19 which is Thomas Green's residence, where he lives with his
20 mother, arriving there at approximately 2:38 p.m. Upon
21 entering the residence, the defendant's mother signed a
22 permission-to-search form.
23 Q. All right, sir, the item that the sheriff
24 has handed to you, sir, would you identify that, please, sir?
25 A. (The witness examines.) This is a BP-107

form, permission to search. It is signed by Dorothy L. Green, 205 West Roanoke Street, Apartment No. A-15, at 2:38 p.m.

Q. All right, sir.

MR. DAVIS: Would the Court want that read into the record or --

THE COURT: I think you can read it for the record.

MR. DAVIS: All right, sir.

Q. (Continuing) Would you read the form for the record, please?

A. Yes, sir. The date on this is 9/19/80. Location: 205 West Roanoke Street, Apartment 15-A.

Q. Go ahead.

A. The form states: "I, Dorothy L. Green, having been duly informed of the constitutional right not to have a search made of the apartment herein mentioned without a search warrant, and of my right to refuse to consent to such a search, hereby authorize Detective R. L. Andrews and Detective D. L. Houchins, duly appointed officers of the City of Richmond, Virginia, to conduct a complete search of my" -- then I filled in -- "apartment located at 205 West Roanoke Street, Apartment 15-A, Richmond, Virginia. These police officers are authorized to take from my premises, building, or automobile any letters, papers, paraphernalia, material, or other property they may desire or deem necessary. This

1 written permission is being given by me to the above-named
2 duly appointed police officers voluntarily and without any
3 threats or promises of any kind." It's signed Dorothy L.
4 Green, 205 West Roanoke Street, Apartment No. A-15, which she
5 signed her name and address. I filled in the time, which was
6 1438, witnessed by Detective David L. Houchins, Sr., and
7 myself, Detective R. L. Andrews.
8 THE COURT: Do you desire to introduce that?
9 MR. DAVIS: May it please the Court, I move
10 that as a Commonwealth's exhibit.
11 THE COURT: Exhibit No. 1 for the Common-
12 wealth.
13 NOTE: Received and so marked by the Court
14 as Commonwealth's Exhibit No. 1.
15 Q. (Continuing) Now, did you inquire of Mrs.
16 Green if that was her apartment, sir?
17 A. Yes, sir.
18 Q. Did you inquire if she was the one that
19 rented the apartment and had control over the apartment?
20 A. Yes, sir.
21 Q. And did she indicate that she did, sir?
22 A. Yes, sir.
23 Q. Did you, subsequent to receiving that search,
24 did you make an effort to search the apartment?
25 A. Yes, sir.

1 Q. All right, sir, relate to the Court what
2 you did, please.
3 A. Your Honor, when this was signed, we were
4 in the living room, which would be directly when you walk
5 into the front door and to your left as you walk through the
6 door, would be a very small room, approximately four foot by
7 ten foot, which was indicated that that was the defendant's
8 bedroom.
9 I have a picture here, if you would like
10 to see the bedroom.
11 Q. Yes, sir. Could I have that, please?
12 Could I see it, please?
13 A. Yes, sir. (The witness complies)
14 Q. (Continuing) All right, sir, they are
15 actually pictures of the room that you searched that was
16 indicated to you by whom, that was the defendant's bedroom?
17 A. Yes, sir.
18 Q. Who indicated to you that it was the
19 defendant's bedroom?
20 A. By the mother and son.
21 Q. By mother and son?
22 A. Yes, sir.
23 Q. All right, sir, at the time you entered
24 that room, there weren't any padlocks on the door, were
25 there, sir?

1 A. No, sir, the door was open.
2 Q. It was sitting open for common observation
3 at the time, Officer?
4 A. Yes, sir.
5 Q. And you went in there with the permission
6 of Mrs. Green; is that correct?
7 A. Yes, sir.
8 Q. All right, sir.
9 MR. DAVIS: Judge, I move to introduce the
10 pictures as Commonwealth's Exhibit No. 2.
11 THE COURT: Two photographs, they will be
12 introduced as Commonwealth's Exhibits 2-A and 2-B.
13 NOTE: Received and so marked by the Court
14 as Commonwealth's Exhibits Nos. 2-A and 2-B,
15 respectively.
16 Q. (Continuing) Now, did you recover anything
17 from the defendant's bedroom, Detective Houchins?
18 A. Yes, sir.
19 Q. What did you recover, sir?
20 A. A clock, a digital clock, which had blue
21 numbers on it. It was sitting on the dresser, shown in one
22 of the pictures here, next to the television, that was plugged
23 in.
24 Q. Did you physically remove it yourself?
25 A. Yes, sir.

1 Q. Now, where was the defendant at the time
2 you entered his room, sir?
3 A. He was also in the room, beside his bed.
4 Q. Did he voice any objection to your entering
5 his room?
6 A. No, sir. He assisted us.
7 Q. In what way did he assist you?
8 A. Picking up the mattress, helping us look
9 for items.
10 Q. Was anything else removed from the house,
11 Mr. Houchins?
12 A. Yes, sir.
13 Q. What, sir?
14 A. From the house there was a watch, a pair
15 of earrings, and a little metal gold cross.
16 Q. How did you come into possession of those,
17 sir? Where did you find them?
18 A. They were in the bedroom, also, in a small
19 (indicating) porcelain canister in his bedroom.
20 Q. Did you physically remove those from the
21 canister yourself?
22 A. He showed us the canister, and we removed
23 them, yes, sir.
24 Q. When you say "he," who do you mean?
25 A. The defendant, Thomas Green.

1 Q. So the defendant showed you where those
2 items were?
3 A. Yes, sir.
4 Q. Was there any conversation between the
5 defendant and his mother in relationship to the items in the
6 house?
7 A. Yes, sir.
8 Q. What was that conversation, sir?
9 A. She wanted him to turn over everything that
10 wasn't his.
11 Q. Are they the words, or similar words, that
12 Mrs. Green used?
13 A. Similar words, yes, sir. She went to her
14 bedroom and brought in some articles and wanted to know if
15 they were hers or not, which he had given to her.
16 Q. Now, the only item that you recovered that
17 are in relationship to these cases, am I correct in saying,
18 is the clock itself; is that correct?
19 A. In the house, yes, sir.
20 Q. All right, sir. This Roanoke Street address
21 is situated within the city, is it not?
22 A. Yes, sir.
23 Q. On this side of the river?
24 A. Yes, sir.
25 MR. DAVIS: Would you answer Mr. Swan's

1 questions?

2 Well, I'm through as far as -- I realize

3 I'm not through --

4 THE COURT: Well, why don't you go ahead?

5 MR. DAVIS: I was going to limit, I limited

6 myself to this particular search at this point, but

7 if the Court wants me to, I will go through every-

8 thing.

9 THE COURT: I think the evidence is coming

10 in such a manner that I believe defense counsel can

11 follow it. I certainly have.

12 MR. DAVIS: All right, sir.

13 THE COURT: And I would go right ahead.

14 I don't think we will be confused.

15 MR. DAVIS: All right, sir.

16 THE COURT: Go right ahead and develop what

17 evidence you think is pertinent.

18 MR. DAVIS: Okay.

19 THE COURT: I would be interested, Mr. Davis,

20 as to what statements were made --

21 MR. DAVIS: Yes, sir.

22 THE COURT: -- in the principal's office

23 by the defendant, what conversations took place

24 between the parties there, or something.

25 MR. DAVIS: I will go into it now, if the

1 Court wants to get everything out at the same time.
2 Q (Continuing) Mr. Andrews, I believe you've
3 already testified, haven't you, that you told him that you
4 did not want any statements made at the time in the
5 principal's office; is that correct?
6 A Yes, sir.
7 Q Was anything said?
8 A Nothing was offered, no, sir.
9 Q All right, sir. Now, in relationship to
10 the advice you gave him, the rights you advised him of at
11 his home --
12 MR. SWAN: Objection. I don't think there
13 has been any evidence of such.
14 MR. DAVIS: All right.
15 Q (Continuing) Did you advise him of his
16 rights at his home after you arrived there, sir?
17 A Yes, sir.
18 Q All right, sir, what rights did you advise
19 him of?
20 A This was immediately after the clock-radio
21 was found.
22 Q All right, sir, and could you relate to
23 the Court what you advised the defendant of at that time,
24 please?
25 A This was again read from the card, BP-119.

(Witness reading) "The law requires that you be advised that you are being interviewed and charged with the following crimes, breaking and entering, several break-ins, robberies, assaults, sodomies" --

THE COURT: Well, what did you tell him on that particular day? That's what I want to know.

MR. DAVIS: Yes, sir, that's what he is getting into.

THE WITNESS: I just reread him his rights, Your Honor, at this point.

MR. DAVIS: Read to him what you read to him exactly on that date.

THE COURT: What I'm concerned with, when you say, "what you are charged with," what did you tell him at that time, charged with what?

THE WITNESS: Several, interviewed and charged with several robberies, break-ins, sodomies, and rapes, attempt rapes.

THE COURT: So they are the words that you used to him?

THE WITNESS: Yes, sir.

Q. (Continuing) All right, go ahead and tell him what the rights were you advised him of, sir, please.

A. "That you have the absolute right to remain silent; your silence will be guarded by the police; anything

1 you say may be used against you in a court of law; that you
2 have the right to the presence of an attorney during this or
3 any future interviews, and if you cannot afford an attorney,
4 one will be appointed for you prior to any questioning, if
5 you so desire. If you fully understand these rights which
6 I've explained to you, they may be waived, and you can, if you
7 so desire, make a statement to me."
8 This was read in front of the mother in the
9 living room, right next to his bedroom.
10 Q All right. Now, in relationship to that,
11 did he make any statement to you in regard to the charges?
12 A Yes, sir.
13 Q Or any other statements?
14 A Yes, sir.
15 Q All right, sir, what were his statements?
16 A That the clock-radio had come out of a
17 woman's home, an elderly woman's home. He took us then
18 outside of the residence to a patch of woods next door to
19 the apartment complex. There's an old abandoned home there,
20 and several items were pointed out by the defendant to myself
21 and Detective Houchins.
22 I have some pictures here, also.
23 Q Yes, sir. Could I see those pictures?
24 A Yes, sir. (The witness complies.)
25 THE COURT: Now, am I to understand that,

1 until the digital clock was found, the defendant had
2 made no admissions of any kind to you; is that correct?
3 THE WITNESS: Your Honor, immediately after
4 the permission-to-search form was signed, he was
5 advised by myself and Detective Houchins, anything
6 that doesn't belong here, doesn't belong to you, we
7 would like to have it. Then he started volunteering
8 the information. Then we stopped him and advised
9 him of his rights again.
10 Do you follow that?
11 MR. DAVIS: This was subsequent to having
12 advised him of his rights.
13 MR. SWAN: Objection. That's not what he
14 said.
15 MR. DAVIS: Well, what I understand --
16 MR. SWAN: That it was immediately after
17 getting the consent to search signed that he started
18 making --
19 THE COURT: I think Detective Andrews can
20 clarify that by simply giving us sort of a playback
21 on what you have already testified to. Follow it
22 chronologically for us up to the place, and give us
23 emphasis on when you advised him of his rights.
24 THE WITNESS: Yes, sir.
25 THE COURT: And on how many occasions.

1 If you will just summarize that for us, I think we
2 can follow your evidence better.
3 THE WITNESS: All right, Your Honor.
4 He was advised of his rights once at the
5 school. No statement was given at that time. We
6 then responded to the residence. Immediately upon
7 entering the residence, permission-to-search form
8 was signed by the mother. Immediately then, since
9 the statement said we could take anything, in the
10 search form, I said, "Okay, anything here that
11 doesn't belong or whatever we would like to have."
12 Now, at the same time, the clock was up
13 there, and I was investigating, I was assigned that
14 case, also. I recognized the clock, and that was
15 pointed out, and he said, "Yes, that came from a
16 house down the street." At that point, he was
17 advised of his rights again prior to anything else
18 being questioned or stated.
19 Q (Continuing) Now, would you read, at this
20 point, the rights that you advised him of the second time
21 following the clock? If they are different from -- well, just
22 read it. That would be the best way.
23 A (Witness reading) "The law requires that
24 you be advised" --
25 MR. SWAN: I will stipulate he would read

the same thing he read a little while ago from that card. I don't have any problems, unless the Court wants to hear it again.

MR. DAVIS: All right, sir.

THE COURT: No need of doing that. He can tell us if he told him the same thing again.

Q (Continuing) Were the rights the same as --

A Yes, sir.

Q -- as you advised him from the same form at the school with the principal?

A Yes, sir.

THE COURT: But on this occasion you referred to several breaking and enterings and sodomies?

THE WITNESS: Yes, sir.

THE COURT: Did you advise him of his rights more than once in the house?

THE WITNESS: In the house, no, sir.

Q (Continuing) Following the advising of those rights, so we can get back to the point where we were at before, you left the home, and he took you somewhere behind or beside 205 West Roanoke Street to the abandoned house; is that right, sir?

A Yes, sir.

Q And is that what's taken in these photographs?

A. Yes, sir.

MR. DAVIS: If it please the Court, I would like to enter these.

THE COURT: Are these pictures of the defendant?

THE WITNESS: Yes, sir.

MR. DAVIS: I would like, I will have Mr. Andrews point out what's going on, as far as those pictures are concerned.

THE COURT: All right. They will be received in evidence as Commonwealth's Exhibits 3-A and -B.

NOTE: Received and so marked by the Court as Commonwealth's Exhibit Nos. 3-A and 3-B, respectively.

THE COURT: Show them to the witness.

Q. (Continuing) Now, Mr. Andrews, when you arrived with the defendant at that location, relate to the Court what transpired, please.

A. He walked us through the woods. He was going to take us to some additional property, was his words, and there was some front steps to the abandoned house, and it's heavy underbrush there. He helped -- we helped him, rather, look for some property.

This picture here (indicating) indicates one of the victims. It's a DMV driver's license, I believe,

1 or identification. This is her picture, Mrs. Dunton, I
2 believe on this picture here (indicating). He's pointing
3 to it. He directed us to this picture.
4 Q. All right.
5 MR. DAVIS: Could that be identified as
6 Exhibit 3-A for the record?
7 THE COURT: All right, that will be 3-A.
8 Q. (Continuing) Now, Mr. Andrews, was anything
9 found there besides the DMV identification card?
10 A. Yes, sir.
11 Q. What was that?
12 A. Several credit cards, personal identifi-
13 cations, and a billfold, I believe.
14 MR. DAVIS: Judge, since there's going to
15 be questions --
16 You go ahead and give that photograph,
17 the second photograph, back to the Court, because
18 that basically shows the same thing as this other
19 one.
20 THE WITNESS: Yes, it does.
21 THE COURT: That will be 3-B.
22 MR. DAVIS: May it please the Court, could
23 I just hand them to him?
24 Q. (Continuing) Mr. Andrews, are they the
25 items that were recovered at the direction of the defendant

1 beside 205 --
2 A. Yes.
3 Q. -- West Roanoke Street?
4 A. In the woods, yes, sir.
5 MR. DAVIS: Judge, I would introduce those
6 as Commonwealth's Exhibit No. 4, so that they will
7 be in the record.
8 THE COURT: All right. All those items
9 will be kept by the Clerk together, the various
10 cards and the pocketbook, and marked as Exhibit No. 4.
11 NOTE: Received and so marked by the Court
12 as Commonwealth's Exhibit No. 4.
13 MR. DAVIS: So we can get everything on the
14 record, I would also ask if we can identify --
15 THE COURT: For purposes of identification
16 here, did this property appear to be the property
17 of another person?
18 THE WITNESS: Yes, sir, it did.
19 THE COURT: What person?
20 THE WITNESS: Mrs. Dunton, and I believe
21 some of the articles had her husband's name on it,
22 also.
23 MR. DAVIS: Judge, I would also like to hand
24 this clock to the defendant, to put it in the record
25 at this stage.

1 THE COURT: It will be received as
2 Exhibit 5.
3 NOTE: Received and so marked by the Court
4 as Commonwealth's Exhibit No. 5.
5 Q. (Continuing) Mr. Andrews, I hand you a
6 digital clock, sir, and ask you if you can identify that as
7 being an item that came out of the bedroom of the defendant
8 on the search of the home.
9 A. (The witness examines.) Yes, sir, this is
10 the clock that was in his bedroom.
11 Q. All right, sir. Now, does that particular
12 clock relate to one of the charges that are here today?
13 A. Yes, sir, it does.
14 Q. And what is that, sir?
15 A. Which charge?
16 Q. Yes, sir.
17 A. It was a breaking-in and robbery (pause,
18 checking notes).
19 Q. Do you know the victim's name, sir?
20 A. Lived on Crutchfield Street. Victoria G.
21 Moore.
22 Q. All right, sir, you can give that to the
23 sheriff so it can be marked.
24 Now, following in the chronological order,
25 tell the Court what occurred after finding this property,

1 please.

2 A. The property in the woods?

3 Q. Yes, sir.

4 A. At that time, the defendant was still in

5 custody. The mother was advised that we were going to take

6 him to police headquarters --

7 MR. SWAN: Judge, I would like the record

8 to be clear. He stated that the mother was advised.

9 Was it he that advised him, Detective Houchins, or

10 what the circumstances were?

11 THE COURT: Very well.

12 THE WITNESS: We were standing outside by

13 the car; myself, I know personally, did, and possibly

14 Detective Houchins also did. I don't know.

15 Q. (Continuing) All right, sir, what did you

16 advise the mother of, please, sir?

17 A. That we were going to take him to police

18 headquarters. He would be interviewed. From there, he would

19 be in the Juvenile Detention Home. Would she like to go?

20 That was the question to her.

21 Q. What was her response, sir?

22 A. She said no, she wouldn't, would not like

23 to go. At that point, she went inside and got some tennis

24 shoes for him, brought his tennis shoes out, and we left,

25 going to the police headquarters.

1 Q. All right, sir. Now, approximately what
2 time did you arrive at police headquarters, sir?
3 A. Approximately 3:30 p.m.
4 Q. All right, sir. Now, following, after your
5 arrival at the police headquarters, would you relate to the
6 Court what transpired, please?
7 A. Yes, sir.
8 Q. Where you went.
9 A. Yes, sir. Myself and the defendant went to
10 the police interview room. This is a one-room affair with
11 one door. The door was closed and locked. Just myself and
12 the defendant were there. Detective Houchins was not there
13 at this time. I had a tape recorder, also. I turned the tape
14 recorder on. The defendant was again advised of his rights
15 on the tape recorder.
16 Q. Let me ask you this, Mr. Andrews: Did
17 anything happen between the time you left the mother and the
18 time you went to the police headquarters?
19 A. Yes, sir.
20 Q. Did you go directly there?
21 A. No, sir.
22 Q. Well, keep it in chronological order. Would
23 you tell the Court exactly what happened in that period of
24 time?
25 A. Yes, sir. I'm sorry. When we got in the

car, I was driving the police vehicle. He was sitting to my right. Detective Houchins was following in another police vehicle. I asked him if he would take me to the different houses which he had gone to and acquired some of the property. He said yes. He directed me out of the parking lot onto Roanoke Street. He told me to turn right onto Roanoke Street. We proceeded down Roanoke Street to Dunston, I believe it is, right across the small creek there. He said to turn right at that location. We went down, and he indicated, or told me that, he pointed to a house, which was (pause, checking notes) 3704 Dunston Avenue. It's a brick home, sitting up on a hill. He said that that was one of the homes he had gone into and gotten some property.

Q. All right, sir, I'm going to hand you this photograph and ask you if you can identify that.

A. (The witness examines.) Yes, sir. This is the picture I took of the home where he told me to stop out front.

THE COURT: Whose home is it?

THE WITNESS: This is Mrs. Florine Wallace and her husband.

MR. DAVIS: Judge, I would move to introduce that as No. 6.

THE COURT: That will be Exhibit 6.

NOTE: Received and so marked by the Court

as Commonwealth's Exhibit No. 6.

Q (Continuing) Now, did he ever take you by a home other than that --

THE COURT: So received.

Q (Continuing) -- other than the Wallace home?

A Yes, sir, he did.

Q All right, sir, in relationship to all the charges, Mr. Andrews, would you point out to the Court everyone's home he took you by?

A Yes, sir. From 3704 Dunston, we circled the block. He was again telling me which way to proceed. We turned right on Crutchfield Street, Your Honor. There's a home on the right-hand side of the street. As we were proceeding, he said, "Stop here." He pointed to a white frame house and said that that was one of the homes that he had gone into and assaulted a woman.

MR. DAVIS: Could I ask you to hand this to him, Sheriff?

NOTE: At this point the witness examines a photograph.

THE WITNESS: Yes, sir.

Q (Continuing) What's that, sir?

A This is 3705 Crutchfield Street, the home of Victoria G. Moore.

MR. DAVIS: I move to introduce that as

1 No. 7, Your Honor.
2 THE COURT: All right, so received.
3 NOTE: Received and so marked by the Court
4 as Commonwealth's Exhibit No. 7.
5 Q (Continuing) Did he ever take you at or
6 near the home of one Mrs. Angus?
7 A Yes, sir, he did. That's the first home we
8 stopped at.
9 Q All right, sir. Did you take a photograph
10 of that?
11 A Yes, sir, I did.
12 Q All right, sir, would you show that to
13 Mr. Swan, please?
14 A (The witness complies.)
15 Q Thank you. Did the defendant point that
16 home out to you, also?
17 A Yes, sir. That's the first home he pointed
18 out.
19 MR. DAVIS: All right, sir, on the motion,
20 I move to introduce that as Commonwealth's Exhibit
21 No. 8.
22 THE COURT: That will be Exhibit No. 8.
23 NOTE: Received and so marked by the Court
24 as Commonwealth's Exhibit No. 8.
25 Q (Continuing) All right, sir, now, after

leaving Crutchfield, where did you all go, sir?

A. He told me to drive straight. I went back out to Roanoke Street, took a right. There's an apartment complex. If I took a right, I'd be heading towards Forest Hill Avenue, and there's a church at the left-hand side, and he indicated at the church or behind the church grounds, behind the apartment complex, is where he attacked a woman.

Q. Did you photograph that, too, sir?

A. Yes, sir. The general area, yes, sir.

Q. Could you identify that photograph, sir?

A. (The witness examines.) Yes, sir. This is the 200 block of West Roanoke Street, behind the church.

MR. DAVIS: All right, sir, I move to introduce that as Commonwealth's Exhibit No. 9, Your Honor.

THE COURT: So received.

NOTE: Received and so marked by the Court as Commonwealth's Exhibit No. 9.

A. (Continuing) He then told me to turn right -- correction -- turn left into the apartment complex. I drove a short distance into the complex. He pointed to an apartment building (pause, checking notes). I believe it's 312 West Roanoke.

THE COURT: What is the name of that church? I can't make it out from the photograph.

1 THE WITNESS: Your Honor, I don't know.
2 I'm sorry.
3 THE COURT: Do you have any objection to
4 Mr. Davis --
5 MR. SWAN: No, sir.
6 THE COURT: Where's that church located?
7 MR. DAVIS: It's located on the corner of
8 Roanoke and Northrop. I believe it's (pause), oh,
9 it's Seven-Day Adventist Church.
10 THE COURT: I know the whereabouts of the
11 church. I'm not taking judicial knowledge of the
12 evidence, but I could not identify it from the
13 photograph that was taken, but I'm familiar with the
14 general area.
15 A (Continuing) All right, he then pointed to
16 Apartment No. 312, which is in the apartment complex, and
17 stated that is where he grabbed a woman's pocketbook.
18 There are two pictures here. One is of the
19 front of 312. The second picture is taken from the inside of
20 the ground floor, showing a rear door, as well as a front door.
21 MR. DAVIS: All right, if it please the
22 Court, I move to introduce that as Commonwealth's
23 Exhibit No. 10, I believe, Judge.
24 THE COURT: All right, we will receive this
25 outside photograph of the outside of the apartment

1 complex as No. 10, and the inside, showing the
2 apartment stairway, is No. 11.
3 NOTE: Received and so marked by the Court
4 as Commonwealth's Exhibits Nos. 10 and 11,
5 respectively.
6 Q (Continuing) What is the location of the,
7 well, the names of those apartments? Do you know, Mr. Andrews?
8 A I sure don't.
9 Q Okay. All right, now, where did you go
10 from there, sir, or what transpired after you left there?
11 A We circled the apartment complex. He pointed
12 out something else. From there, we went out to Forest Hill
13 Avenue. He made mention of the school. He pointed to the
14 left. We never did go back there, where a woman was riding
15 a bicycle, and --
16 Q What school are you referring to, sir?
17 A Mr. Davis, I'm sorry; I don't even know.
18 Q What street is it on?
19 A On the left-hand side, right at the inter-
20 section. It's a Y intersection there. It's a little school,
21 sitting up on a hill, Spring Hill.
22 Q When you refer to the triangle, what
23 location? Do you know the location of the intersection,
24 Mr. Andrews?
25 A (Pause)

1 MR. DAVIS: All right, Judge, it is stipu-
2 lated that it is Patrick Henry School, which is
3 located at the corner of Dundee Avenue and Forest
4 Hill. Mr. Andrews is obviously not from South Side.
5 THE COURT: Thank you.
6 Q (Continuing) After that, where did you go,
7 sir?
8 A I proceeded directly to police headquarters,
9 down Semmes Avenue.
10 Q All right, sir, now, I want you to relate,
11 once you got to police headquarters, Mr. Andrews, this is when
12 you took him into the interview room; is that correct?
13 A Yes, sir.
14 Q And the police headquarters are located
15 where?
16 A 501 North Ninth Street.
17 Q It is not attached to the Juvenile Court
18 or --
19 A No, sir.
20 Q All right, sir, and go right ahead from the
21 point that you and he went into the interview room. I believe
22 you testified you and he went into the interview room and the
23 door was closed.
24 A Yes, sir.
25 Q What transpired after that?

1 A. The tape recorder was plugged in and turned
2 on. He was advised of his rights from the form, which he
3 signed. I believe you have the form there.
4 Q. All right, sir.
5 A. That's BP-116.
6 Q. All right, sir. Would you relate, would you
7 read the form to the Court, please, what you advised him of?
8 A. Yes, sir.
9 THE COURT: I think the form speaks for
10 itself, doesn't it?
11 THE WITNESS: Yes, sir.
12 THE COURT: May I see it?
13 THE WITNESS: Yes, sir. (The witness
14 complies.)
15 THE COURT: What's your next number?
16 MR. DAVIS: No. 12, I believe, Your Honor.
17 THE COURT: I think, under the circumstances,
18 Mr. Davis, I'm going to permit you to let him read
19 into the record the contents of the form. It will
20 be received in evidence, however, as Exhibit No. 12.
21 NOTE: Received and so marked by the Court
22 as Commonwealth's Exhibit No. 12.
23 Q. (Continuing) All right, sir, you can go
24 ahead. Read the contents of the form, please.
25 A. All right. Dated September 19th, 1980.

1 The time was 1549, which would be 3:49 p.m. The name of the
2 accused is Thomas Eugene Green, black male, 15, 205 West
3 Roanoke Street, Apartment No. A-15, Richmond, Virginia. "You
4 are being interviewed in connection with the alleged commission
5 of several attempt rapes, robberies, larcenies, and burglaries,
6 which have occurred in the last past 90 days in the vicinity
7 of the 200 block of West Roanoke Street, Richmond, Virginia,
8 including Dunston Avenue and Crutchfield Street; also, sodomy,
9 a purse snatch that occurred on August 28th, 1980. You have
10 an absolute right to remain silent and make no statement to
11 me, and your silence will be guarded by the police; any
12 statement you make without counsel can be used as evidence
13 against you; you have the right to the presence of an
14 attorney during this or any future interview the police might
15 have with you; the attorney may be one of your own choosing
16 which you retain, or, if you are without funds to obtain
17 counsel, the Court will appoint one for you. Do you under-
18 stand the rights that have been explained to you?" He
19 indicated yes. He wrote in "y-e-s" there. "You may volun-
20 tarily waive the above rights that have been explained to you
21 and make a statement, if you so desire." It's signed by
22 Thomas Green, witnessed by myself, R. L. Andrews.
23 Q Mr. Andrews, the time that you did this was
24 what time, sir?
25 A 1549, or 3:49.

1 Q I note that there was an indication of
2 Detective R. L. Andrews -- I mean D. L. Houchins being present,
3 and you scratched that out. Why is that, sir?
4 A I typed this up when I arrived at police
5 headquarters. I was under the impression that Detective
6 Houchins would be with me during the interview; however, he
7 stopped by the Juvenile Division first. I typed this up, and
8 then I found out Detective Houchins had to go on another call,
9 so I scratched out Detective Houchins' name and initialed it.
10 Q All right, sir.
11 MR. DAVIS: Judge, we would move to
12 introduce that as Commonwealth's Exhibit No. 12,
13 please.
14 THE COURT: It's been received in evidence.
15 MR. DAVIS: All right, sir.
16 Q (Continuing) Now, the matters that you were
17 getting ready to interview him about that are listed under
18 No. 1 in the rights form, are they the same matters in
19 relationship to where he had shown you that he had committed
20 these acts, sir?
21 A Yes, sir.
22 Q All right, sir. Now, following that --
23 MR. DAVIS: And I'm not going into the
24 whole statement. I don't believe the Court wants
25 that at this stage; just the relevant points.

THE COURT: I think you should introduce the evidence to get into the statement.

MR. DAVIS: I understand.

THE COURT: But once you do that, as far as the Court is concerned, I'm only considering its admissibility, not its contents.

Q (Continuing) All right, have you got the original statement there, sir?

A Yes, sir.

THE COURT: Now, you don't have to have the statement introduced -- I mean the contents. You may introduce the statement, but you don't have to read it to me, nor do I have to know the contents, but counsel may bring out portions of the contents that you think are pertinent to this inquiry.

MR. SWAN: Judge, we may bring out one part of it.

THE COURT: Very well.

MR. DAVIS: I've got some points. I would move to introduce for exhibit purposes at this stage the entire transcript; then I will go into the points.

THE COURT: Any objection to that?

MR. SWAN: No, sir.

THE COURT: All right, it will be received as Exhibit No. 13, and you may ask the witness to

1 refer to the points that you would like the Court
2 to be mindful of, sir.
3 MR. DAVIS: All right, sir.
4 NOTE: Received and so marked by the Court
5 as Commonwealth's Exhibit No. 13.
6 Q (Continuing) All right, Mr. Andrews, this
7 statement consists of approximately 25 pages; is that correct,
8 sir?
9 A Yes, sir.
10 Q Relating to page No. 1, after the defendant
11 signed the waiver form, you then, apparently while he was
12 doing that, or when you advised him, you read directly from
13 that onto the record of the tape.
14 A Yes, sir.
15 Q As far as the statement is concerned.
16 A Yes, sir.
17 Q And that's been transcribed on page 1 of
18 the statement; isn't that correct, sir?
19 A Yes, sir.
20 Q And what time, referring to page 1, does
21 it indicate on page 1, what time you started taking the
22 statement from the defendant?
23 A Yes, sir, 1549 hours.
24 Q All right, sir, that's 3:49 p.m.; is that
25 correct, sir?

1 A. Yes, sir; yes, sir.
2 Q. Now, does your statement indicate what time
3 you concluded taking the statement from the defendant?
4 A. Yes, sir.
5 Q. And what time was that, sir?
6 A. 1621, or 4:21 p.m.
7 Q. So you finished at 4:21 p.m.?
8 A. Yes, sir.
9 Q. All right, now calling your attention to
10 page 2, and referring to line 6, where it says "Andrews,"
11 would you read, starting with the word "Andrews," would you
12 read the question you asked at that time, sir?
13 A. Yes, sir.
14 Q. Go ahead.
15 A. "Okay. Tom, first of all, do you know what
16 a purse snatch is?" His response was "yeah."
17 Q. And what did he say? I mean, what was the
18 next question? Just continue to read the remainder of that
19 page, please.
20 A. All right. "Question: What is a purse
21 snatch? Answer: If you run up behind somebody and snatch
22 their pocketbook and run."
23 Do you want me to continue?
24 Q. Yes.
25 A. "Question: Do you know what attempt rape is?

1 Answer: No."
2 Q Go ahead.
3 A "Question: Okay. Attempt rape is, uh, -
4 do you know what 'intercourse' is?" He said "no."
5 MR. DAVIS: Judge, I might say that the next
6 line is an explanation given by Mr. Andrews, that
7 Mr. Swan might have seen. In light of such, maybe
8 the Court would rather read this and read it into
9 the record later.
10 THE COURT: I think the Court would prefer
11 to hear it orally.
12 Q (Continuing) All right, sir, go ahead.
13 A "Question: Do you know what fucking is?
14 Answer: Yeah."
15 Q And go ahead.
16 A "Question: Okay - that's what that is,
17 okay? It's not attempt rape, okay? Answer: Yeah.
18 Question: Do you know what robbery is? Answer: Yes.
19 Question: What is robbery? Answer: Like you beat somebody
20 up and take their money. Question: Okay. Do you know what
21 larceny is? Answer: No. Question: Alright, larceny is
22 when you take somebody's money, okay? Do you know that now?
23 Answer: Yes."
24 Q All right, sir, go to page 3, please.
25 A Three?

1 Q. Yes, sir, and continue to read. I'll stop
2 you when I want you to stop.
3 A. "Okay. Do you know what burglary is?
4 Answer: It's breaking in somebody's house."
5 Q. Now, burglary was the word that you used;
6 is that correct, sir?
7 A. Yes, sir.
8 Q. All right, sir, go ahead.
9 A. "Question: Right. Okay. Let me put -
10 write something else on here. Do you know what sodomy is?
11 Answer: No."
12 MR. SWAN: Judge, he's not reading verbatim
13 from the --
14 MR. DAVIS: Read it.
15 MR. SWAN: -- from the transcript, and I
16 would submit, really, for purposes of what I think
17 Mr. Davis wants to argue later, we can just refer
18 to the page number of the statement in the interest
19 of saving time. I think the statement does speak
20 for itself.
21 MR. DAVIS: Well, Judge, the Commonwealth
22 has the burden of showing that the waiver was
23 knowingly and intelligently made, and, of course,
24 questions of burglary --
25 THE COURT: I'm going to let you proceed

as you desire, provided you stay within the rules, but I would prefer the witness to read exactly what's on the page.

MR. DAVIS: All right, sir.

THE COURT: Not to paraphrase it.

THE WITNESS: Yes, sir.

Q (Continuing) You left out one word. Would you explain that word, please?

A All right, after he says, "breaking in somebody's house," then a question: "Right. Okay. Uhm, also, let me put - write something else on here. Do you know what sodomy is? S-o-d-o-m-y. Answer: No. Question: Alright, sodomy is, uhm, - do you know what a blow job is? Answer: Yeah. Question: Okay. When somebody gives you a blow job, that's what sodomy is, okay? Or else sodomy can also be" --

Q Read the exact words. I'm sure you're reading too fast.

A "Okay. When somebody gives you a blow job, that's what sodomy is, okay? Or else sodomy can also be, uhm, uh, fucking somebody in the rear, or something like that, you understand? Answer: Uh-huh. Question: Do you understand? Okay, so sodomy here, you do understand what that means? And these rights all apply to everything that's written here, correct? Answer: Yes. Question: Okay. And you still want to go ahead and talk to me about these? Can

you..... Answer: Yes. ..can you speak up so the tape recorder will pick you up? Answer: Yes. Question: Okay. You were present when we were at your home when we interviewed you, or advised you of your rights, and your mother was there also, right? Answer: Yes. Question: Okay. Alright, Thomas, are you feeling okay right now? Answer: Yes. Question: Okay. Answer: A little nervous. Question: A little nervous? That's perfectly understandable, okay? How old are you? Answer: Fifteen. Question: And where do you live? Answer: 205 West Roanoke Street, Apartment A-15. Question: That's within Richmond, Virginia? Answer: Yes."

Q All right, sir, that's all that you need to read from that page.

Now, at this point, referring to page 23, starting with line 6, Mr. Andrews, would you read that, please?

A The defendant starts off here, "Very nervous."

Q Well, I'm referring to line 6 there, which starts with Andrews, rather than that.

A Okay. "Okay. Okay, are you feeling okay now? Answer: Very nervous. Question: Still a little nervous? Answer: Yeah. Question: Uh, are you on drugs? Answer: Uh-uh, naw, uh-uh. Question: You're not? Are you on any type medication at all? Answer: No. Question: Are

you under a doctor's care? Answer: Uh-uh, I ain't never been," and it's a blank there. It was inaudible.

"Question: Uh, so you're feeling pretty good right now? Answer: Yeah. Question: Okay. Have myself or anybody promised you anything, or offered you anything for speaking with us? Answer: He say if I cooperate right, that y'all will talk to the Judge, tell him that I done fine, or something. Question: No, now remember, the only thing I told you was I can tell the Judge..." At that point, he says, "that I cooperated.... Question: ...that you cooperated with us." And then the defendant says, "That's all. Question: That's the only thing we've told you? Answer: Yes. Question: Okay. I can just tell the Judge whatever's on this tape recorder. Answer: Yeah. Question: Anything else you'd like to say? Answer: Naw. Question: Okay. Still feeling pretty good? Answer: Yeah."

Q. Okay, that's all I want you to read.

Now, during, without getting into all the details, during the interview of the defendant at police headquarters in the context of this 25 pages of statement, the defendant was confronted with certain questions about the places that he had pointed out to you; is that correct, sir?

A. Yes, sir.

Q. And subsequent to that, during the statement,

he admitted to those places; is that correct, sir? And his participation in the crimes.

A. Yes, sir.

Q. Likewise, did you not ask him about some other items, some other places that he might have been a suspect with?

A. Yes, sir.

Q. And in those cases, he denied he was involved in those?

A. He denied, yes, sir.

Q. So the statement that the defendant gave you related to not only things that he broke into but the things that he did not do, too?

A. Yes, sir.

Q. Now, following the interview, Mr. Andrews, what did you do with the defendant at that time?

A. He was transported to the Juvenile Division. From that point, he was taken to the Juvenile Detention Home.

Q. All right, and the person who gave you this statement we've been referring to is obviously Thomas E. Green that's on trial here today; is that correct?

A. Yes, sir.

MR. DAVIS: All right, would you answer Mr. Swan's questions, please, at this point?

1 CROSS-EXAMINATION
2 BY MR. SWAN:
3 Q. Mr. Andrews, you stated, I believe, your
4 purpose for going to the school to see the defendant was to
5 arrest him; is that correct?
6 A. Yes, sir.
7 Q. And you said that, you advised him there
8 about a pocketbook snatching and a robbery.
9 A. Yes, sir.
10 Q. That he had been identified from a photo-
11 graph by someone the day before; is that correct?
12 A. Yes, sir.
13 Q. Who was it that identified him the day
14 before?
15 A. A lady on West Roanoke Street, 312 West
16 Roanoke, Mrs. Talley, I believe.
17 Q. Mrs. Talley?
18 A. Yes.
19 Q. And that's one of the charges pending
20 against him today?
21 A. Yes, sir.
22 Q. And the charge that, in reference to that
23 offense, is for robbery?
24 A. Yes, sir.
25 Q. Correct?

1 A. Yes, sir.
2 Q. You took photographs, you got a photograph
3 of the defendant the day before?
4 A. Yes, sir.
5 Q. And how many people did you show this
6 photograph to?
7 A. Four.
8 Q. Four people?
9 A. Yes, sir.
10 Q. So Thomas Green was a suspect in at least
11 four offenses?
12 A. Yes, sir.
13 Q. And how many of those four, of the people
14 that you showed it to, how many of those people are victims
15 or parties to these offenses here?
16 A. Four. One lady's not here.
17 Q. Of the indictments. In other words, all
18 four people that you showed the pictures to are contained,
19 are victims in one of these twelve indictments; is that
20 correct?
21 A. Yes, sir. Correct me. I believe it was
22 five, a total of five people.
23 Q. Five people?
24 A. Yes, sir.
25 Q. But one who identified him, and the other

1 four could not?
2 A. No, sir, two people identified him.
3 Q. Two people identified him?
4 A. Yes, sir.
5 Q. Who was the second person, other than
6 Mrs. Talley?
7 A. Mrs. Moore.
8 Q. Mr. Moore?
9 A. Mrs. Moore.
10 Q. Mrs. Moore?
11 A. Yes, sir.
12 Q. And Mrs. Moore, the offense there is
13 robbery and breaking and entering on August 27th, 1980?
14 A. I believe so. Yes, sir.
15 Q. All right, so when you went to, well, you
16 said somebody else identified him. You said Mr. Moore.
17 A. No, sir.
18 Q. Excuse me. Who was the second party that
19 you said identified him?
20 A. Mrs. Moore.
21 Q. Mrs. Moore?
22 A. Yes, sir.
23 Q. So when you went to the school to arrest
24 him, which was the next day; is that correct?
25 A. On the 19th of September.

1 Q. Next day, is that the next day after you
2 showed him the photograph?
3 A. No, sir, I showed the photograph to Miss
4 Talley the evening, it was of the 18th.
5 Q. And she identified him?
6 A. Yes, sir.
7 Q. She said that this was the person that
8 robbed her?
9 A. Yes, sir, or took her pocketbook. Yes, sir.
10 Q. And you took the photographs to Mrs. Moore
11 the next day?
12 A. Several days later. It's indicated on the
13 back of the picture. I don't know the exact date.
14 Q. So Mrs. Moore did not identify the defendant
15 prior to the time you went to arrest him?
16 A. No, sir.
17 Q. And you only had one person identify him
18 prior to the time you went to arrest him?
19 A. Yes, sir.
20 Q. But he was a suspect in all of these cases
21 at that time?
22 A. Yes, sir.
23 Q. You knew that he was fifteen years of age?
24 A. When I met him, yes, sir.
25 Q. Well, you knew that before you went to pick

him up, didn't you?

A. Yes, sir.

Q. Before you went to arrest him.

A. Yeah, uh-huh.

Q. Isn't it a fact you'd known that he had been in Juvenile Court the day before?

A. That's where I originally met him, yes.

Q. And from there you obtained a photograph?

A. Yes, under the direction of the judge, yes, sir.

Q. So when you went to school, you were going to the school to arrest Thomas Green?

A. Yes, sir.

Q. And you planned to go from there to the house to look for whatever items might have been evidence in Mrs. Talley's case, or any of the others that he was a suspect in, correct?

A. I went primarily for the evidence in Miss Talley's case.

Q. Primarily for the evidence in Miss Talley's case?

A. Right, stumbled across the --

Q. Okay, but you went to the house looking for that, didn't you?

A. Yes, sir.

1 Q. And Mrs. Talley had told you, it was Mrs.
2 Talley who told you or that recognized him or identified him
3 the night of September the 18th?
4 A. Yes, sir.
5 Q. And when you interviewed Mr. Green, he was,
6 in fact, a suspect in the other offenses, correct?
7 A. Yes, sir.
8 Q. Why was he a suspect in the other offenses?
9 A. Handwriting sample, which I obtained on the
10 18th.
11 Q. And what did, what did you do with the
12 handwriting sample, and what did that tell you?
13 A. At that time, I had no results from an
14 expert.
15 Q. From your observation --
16 A. Yes, sir.
17 Q. -- what did you find?
18 A. From the handwriting samples, I figured he
19 was my suspect.
20 Q. In which case?
21 A. Mrs. Wallace.
22 Q. Mrs. Wallace?
23 A. Yes, sir.
24 Q. He was also a suspect in the Victoria Moore
25 case and the Bessie Angus case and Eunice Dunton case and the

Mary Rorabough case; was he a suspect in all those at the same time?

A. Uh (pause), I had the same memo on him on some of the cases, right.

Q. Same memo?

A. Right.

Q. All right, so you anticipated, when you went to the house, that you might find some of the items that had been taken in these various offenses?

A. Yes, sir.

Q. When you went to the school, it was you and Detective Houchins, and I take it you were dressed in civilian clothes.

A. Yes, sir.

Q. And you met the principal there?

A. No, the principal or the assistant principal. I don't recall which one it was.

Q. And one of them got Thomas Green and brought him down to the office?

A. Yes, sir.

Q. Then you sat there with him until his mother came?

A. Approximately five minutes, yes, sir.

Q. And you told him that he was being --

MR. SWAN: Your Honor, may I pick up one

1 of the exhibits?
2 Q. (Continuing) Does BP-119 conform to BP-116
3 here, this written rights waiver?
4 A. Yes, sir.
5 Q. Did you tell him, you said, "You are being
6 interviewed in connection with" --
7 A. No, sir.
8 Q. Excuse me. You told him he was being --
9 A. Charged.
10 Q. -- charged with pocketbook snatch or
11 robbery on Roanoke Street?
12 A. Right, pocketbook snatch, robbery, yes.
13 Q. That's what you told him?
14 A. Yes.
15 Q. Then his mother came in?
16 A. Yes, sir.
17 Q. And then from there you left and went to
18 the residence of Mrs. Green and the defendant, Thomas Green,
19 at 205 West Roanoke Street, Apartment A-15?
20 A. Yes, sir.
21 Q. And you went into the house or went into
22 the apartment?
23 A. Yes, sir.
24 Q. And once you got into the apartment, that's
25 when you said you saw the clock sitting on the dresser, correct?

1 A. After the permission to search was signed,
2 yes. The clock was in the bedroom.
3 Q. All right. When you say you got the
4 permission-to-search form signed, this was after you entered
5 the apartment?
6 A. Yes, sir.
7 Q. And the permission-to-search form, BP-107,
8 says: "I, Dorothy L. Green, have been duly informed of my
9 constitutional right not to have a search made of the
10 apartment" --
11 A. Right.
12 Q. -- "without a search warrant"?
13 A. Right.
14 Q. Which constitutional right did you advise
15 her of?
16 A. I told her I had a search warrant. I could
17 go either way, either execute a search warrant or else
18 permission to search.
19 Q. You told her you had a search warrant?
20 A. I had one with me.
21 Q. You told her you had a search warrant with
22 you?
23 A. If I remember correctly, yes, I told her
24 I had a search warrant with me.
25 Q. You told her you had a search warrant with

you?

A. Yes, if I remember correctly.

Q. Then you asked her to sign the consent-to-search form?

A. Yes, sir, I asked her. She was more than willing to help.

Q. But you told her you had a search warrant?

A. Yes, sir, if I remember correctly, I did.

Q. And then you signed the search warrant?

A. Yes.

THE COURT: Did you, in fact, have a search warrant?

THE WITNESS: Yes, sir, I did. I have it here.

Q. (Continuing) And this apartment is, when you come in the front door, you've got a living room, correct?

A. Yes, sir.

Q. Small living room, would you say?

A. (Pause)

Q. Not a large living room.

A. It was the largest room in the house.

Q. All right, the defendant's bedroom is not actually what you would call a bedroom, is it?

A. Very small.

Q. It's almost like a small closet?

1 A. Like ten foot by four foot.
2 Q. But it's not a bedroom as such in the
3 apartment; isn't that correct?
4 A. I have no idea of knowing. It's fixed up
5 to be a bedroom.
6 Q. Well, it's got a bed in it, but it's
7 actually a small --
8 MR. DAVIS: Judge, he answered the question.
9 He's arguing.
10 MR. SWAN: I'm just asking for a description
11 of the premises, Judge.
12 MR. DAVIS: The photographs in evidence
13 speak for themselves.
14 MR. SWAN: May I hand these to the witness?
15 Q. (Continuing) Officer Andrews, those two
16 photographs that are marked Commonwealth's Exhibit 2, 2-A
17 and 2-B, do those show the size of the room in which the bed
18 and the dresser is located? Is that right?
19 A. (The witness examines.) Yes, sir.
20 Q. Now, what kind of doors open into the
21 bedroom? Are they closet-type doors?
22 A. Yes, sir. They're bifold doors, yes, sir.
23 Q. Immediately, you say, after Mrs. Green
24 signed this permission to search, that the defendant, Thomas
25 Green, began to tell you about what?

1 A. Can you repeat the question?
2 Q. I believe you said that immediately after
3 Mrs. Green signed the permission to search, that Thomas Green
4 began to tell you something, and you said -- Is that not
5 correct?
6 A. I believe so.
7 Q. You're not sure?
8 A. (Pause) Immediately after the consent form
9 was signed, then the statement was made in front of the
10 mother to the defendant that we would like to have anything
11 that doesn't belong here.
12 Q. After she signed the consent to search, you
13 said to him, immediately after that, anything that doesn't
14 belong here, we would like to have?
15 A. Yes, sir. Something similar to that, yes,
16 sir.
17 Q. And then what happened? Then the defendant
18 began to do what? Or is that when you saw the clock?
19 A. I believe that Detective Houchins, he was
20 standing right in the doorway there. I think he saw the
21 clock first, but I did see it plugged up there. Meanwhile --
22 Q. When did you see the clock plugged up there?
23 A. Uh, within seconds after the permission to
24 search was signed.
25 Q. So you went immediately to the room?

1 A. (Pause) It's difficult for three or four
2 people to sit in there, but the defendant was in there with
3 Houchins, and I was the third person there, yes.
4 Q. It's a small room, and all three of you were
5 in this small room?
6 A. Yes, sir.
7 Q. His mother was outside in the living room?
8 A. No, she was in the doorway to the bedroom.
9 Q. To the bedroom?
10 A. Yes, sir.
11 Q. Or the doorway to the room where you were
12 interviewing him?
13 A. The doorway to the living room, which
14 connects his bedroom.
15 Q. And at that time you told him, you read
16 again from BP-119 to advise him of his rights?
17 A. Yes, sir; yes, sir.
18 Q. And at that time you said, "You are being
19 charged with breaking and entering, several robberies, assaults,
20 sodomies, and attempt rape"?
21 A. Something similar to that, yes, sir. It was
22 given orally.
23 Q. Orally, and that was based on the fact that
24 you had seen this clock?
25 A. Yes, sir.

1 Q. And the clock was the property that had
2 been taken from --
3 A. Miss Moore.
4 Q. Miss Moore, and the offenses in which Miss
5 Moore is involved are the robbery and the B&E?
6 A. Right.
7 Q. No sodomies?
8 A. (Pause) Not before the Court now, no.
9 Q. No assaults?
10 A. No.
11 Q. No attempt rape?
12 A. Not before the Court now, no.
13 Q. But he was a suspect in all of those when
14 you went over to the house, wasn't he?
15 A. Yeah.
16 Q. And your purpose in going to the house was
17 to look for evidence of those offenses, wasn't it?
18 A. Yeah. Yes.
19 Q. Didn't you tell Mrs. Green, the defendant's
20 mother, that you would do all you could to help Thomas?
21 A. No, sir. I said if he cooperated, the only
22 thing I could do was relate it to the Judge.
23 Q. Didn't you tell her that you would try to
24 help?
25 A. No, sir.

1 Q. You never used the words, "I'll try to
2 help"?
3 A. No. She used the words, "He needs help."
4 Q. And you said?
5 A. Probably does. I don't know.
6 Q. Then, after, after you told him he was
7 being charged now with the several robberies, assaults,
8 sodomies, and attempt rapes, you then advised him of the
9 rights as set forth in BP-119, correct?
10 A. He was advised of that within the --
11 Q. In the bedroom there?
12 A. Yeah, or in the doorway there.
13 Q. The doorway?
14 A. Yes.
15 Q. And it was at that point that he said that
16 he was going to take you to show you some additional property?
17 A. No, he started looking through his bedroom,
18 finding property, and it was just one continuous act. From
19 there, we went outside and found the other property.
20 Q. So you advised him of his rights, and he
21 said all right; he started showing you property in the house?
22 A. Yes.
23 Q. And then he took you outside and showed you
24 the property that's been introduced?
25 A. Yes, sir.

1 Q. Then you told his mother, before you left,
2 you said, "We are going to take Thomas to police headquarters
3 and interview him, and do you want to go?"
4 A. Right.
5 Q. But after you left there, you didn't go to
6 police headquarters; you drove around to these various
7 residences; is that correct?
8 A. Within five minutes, we were on the way,
9 yes.
10 Q. Five minutes on the way to where?
11 A. We left Roanoke Street, left his address.
12 We went around a circle, he pointing out different locations.
13 We spent no time whatsoever at any of the locations. It was
14 a matter of seconds, and then we went directly to police
15 headquarters.
16 Q. But you went to some seven, you went and
17 looked at least some seven or eight addresses after you left
18 his residence?
19 A. Yes, sir.
20 Q. And during this time, you were asking him
21 about these offenses, right?
22 A. Yeah, uh-huh.
23 Q. And you asked him about the offenses that
24 took place at each of these locations, correct?
25 A. No, we didn't go into detail at that time.

1 Q. Well, not detail, but you asked him
2 something about it, didn't you?
3 A. I said, "What happened there?" He told me.
4 Right.
5 Q. And you had some idea of what happened?
6 A. Yes, sir.
7 Q. From the reports that you had gotten?
8 A. Yes, sir.
9 Q. And after you would leave one location,
10 he would take you to another location?
11 A. Yes, he would.
12 Q. And you asked, you had some conversation
13 about that?
14 A. Yes.
15 Q. Correct?
16 A. Uh-huh.
17 Q. Then, when you got down to police
18 headquarters, it was the two of you in the interview room?
19 A. Yes, sir.
20 Q. And you typed in the BP-116?
21 A. That was done outside of the interview room.
22 Q. It was done shortly before you interviewed
23 him, though, right?
24 A. Yeah, uh-huh.
25 Q. And then I gave you this statement that

1 Q. Well, not detail, but you asked him
2 something about it, didn't you?
3 A. I said, "What happened there?" He told me.
4 Right.
5 Q. And you had some idea of what happened?
6 A. Yes, sir.
7 Q. From the reports that you had gotten?
8 A. Yes, sir.
9 Q. And after you would leave one location,
10 he would take you to another location?
11 A. Yes, he would.
12 Q. And you asked, you had some conversation
13 about that?
14 A. Yes.
15 Q. Correct?
16 A. Uh-huh.
17 Q. Then, when you got down to police
18 headquarters, it was the two of you in the interview room?
19 A. Yes, sir.
20 Q. And you typed in the BP-116?
21 A. That was done outside of the interview room.
22 Q. It was done shortly before you interviewed
23 him, though, right?
24 A. Yeah, uh-huh.
25 Q. And then he gave you this statement that

1 tell him something at some time, didn't you?
2 A. All right, on the way to police headquarters,
3 he said, "Well, couldn't you and I just talk to the Judge and
4 square it away that way?" I said, "No, the only thing we can
5 do is I relate to the Judge whatever you tell me."
6 Q. You say right here, "The only thing I told
7 you was I can tell the Judge that you cooperated with us."
8 That's what you say in your statement.
9 A. Yes, sir. He did cooperate to an extent,
10 yes. That's what I'm telling the Judge.
11 Q. Well, what conversation did you have with
12 him when you were driving around in the car about his
13 cooperation?
14 A. None whatsoever.
15 Q. He was just rattling on all this to you
16 without you saying anything to him to encourage him in any way?
17 A. Yes, sir. He talked about it was a nice day
18 outside. That's basically all the conversation from the time
19 we left the last crime scene to the headquarters.
20 Q. Was he ever with Houchins alone, that you
21 were not with him?
22 A. No, sir.
23 Q. He was not?
24 A. No, sir.
25 Q. Are you sure of that?

1 A. Yes, sir. We were within ten feet of him.
2 He was in custody from the time we came in contact. Neither
3 one of us were more than ten feet away from one another.
4 Q. Well, when you left the school and went to
5 the residence, how did you make --
6 A. Excuse me. Houchins was following me, okay?
7 Q. Houchins was following you, and where was
8 Thomas Green?
9 A. He was with Houchins.
10 Q. He was with Houchins?
11 A. Yes, sir.
12 Q. By himself with Houchins?
13 A. Yes, sir.
14 Q. You were in a separate car?
15 A. Yes, sir.
16 Q. So during that time he was with Houchins
17 alone, correct?
18 A. Yes, yes. I'm sorry. Yes.
19 Q. And when, on page 23, the defendant says,
20 "He say if I cooperate right," and so forth, the only other
21 police officer he was with, to your knowledge, was Officer
22 Houchins?
23 A. Yes. I said it. Uh-huh.
24 Q. And your written statement and the questions
25 that you asked him and the addresses that you referred to are

1 based primarily on what he told you, driving around in the
2 car; isn't that correct?
3 A. Yes, sir, uh-huh.
4 MR. SWAN: Could I have just one second,
5 Judge?
6 That's all the questions I have.
7 MR. DAVIS: I have no rebuttal questions.
8 THE COURT: You have a search warrant for
9 the home of the defendant?
10 THE WITNESS: Yes, sir.
11 THE COURT: Do you have it with you?
12 THE WITNESS: Yes, sir.
13 THE COURT: May I see it?
14 THE WITNESS: Yes, sir. (The witness
15 complies.)
16 THE COURT: Do you have the affidavit?
17 THE WITNESS: Yes, sir. (The witness
18 complies.)
19 THE COURT: Gentlemen, these are copies of
20 the search warrant.
21 Is that correct?
22 THE WITNESS: I believe so, Your Honor.
23 THE COURT: All right, and copies of the
24 affidavit. I'm going to clip them together.
25 THE WITNESS: Yes, sir.

1 THE COURT: You did not serve these?
2 THE WITNESS: No, sir, I didn't.
3 MR. DAVIS: Judge, I would move to introduce
4 them as Commonwealth's Exhibit No. 14 for the record.
5 THE COURT: All right.
6 MR. SWAN: Judge, I would like to have the
7 opportunity to see them first.
8 THE COURT: Certainly.
9 MR. SWAN: If I may.
10 THE COURT: Certainly.
11 NOTE: At this point Mr. Swan examines the
12 documents.
13 Received and so marked by the Court as
14 Commonwealth's Exhibit No. 14.
15 THE COURT: Going back to the school --
16 THE WITNESS: Yes, sir.
17 THE COURT: -- and you and your partner were
18 present and the principal was present and the
19 defendant's mother, relate to me what conversation
20 took place that led to you all going to the home.
21 You've merely related before that y'all left, but
22 you never said how you happened to leave or what was
23 said --
24 THE WITNESS: Yes, sir.
25 THE COURT: -- leading up to that.

1 THE WITNESS: The mother was advised of the
2 reason for him being placed into police custody,
3 which would be for the original pocketbook snatch,
4 and I told her I wanted to look for some property
5 that came from that.
6 THE COURT: Did you at that time tell her
7 that you had a search warrant?
8 THE WITNESS: Not at the school, no, sir.
9 Your Honor, I don't really recall if I ever did tell
10 her. To be completely honest, I don't know. I did
11 have it with me.
12 THE COURT: And did you tell her that you
13 were going to, you asked her to accompany you there,
14 or did you tell her you were going there?
15 THE WITNESS: Yes, sir; yes, sir.
16 THE COURT: Or did you ask her permission
17 to go there? How did it come about?
18 THE WITNESS: I told her I would like to
19 search her apartment. From that time, she was more
20 than helpful. She said, "Well, let me get somebody
21 to drive my school bus, and I will go with you."
22 THE COURT: And she went in your vehicle?
23 THE WITNESS: Yes, sir.
24 THE COURT: Did y'all have any conversation
25 on the way there?

1 THE WITNESS: Yes, sir.
2 THE COURT: Can you relate that?
3 THE WITNESS: Yes, sir. I asked her if he
4 had recently gotten a digital clock-radio. She said,
5 "Yes, he did. He bought it from somebody." That's
6 basically the only conversation that took place.
7 THE COURT: So you knew that it was likely
8 that this piece of evidence that we have here now,
9 that's Exhibit No. 5, might be there?
10 THE WITNESS: Yes, sir.
11 THE COURT: Did any other conversation take
12 place?
13 THE WITNESS: Yes, sir. She said that she
14 had told the probation officer about all the money
15 he had been having and, you know, she knew he was
16 having a lot of money and buying a lot of things.
17 Basically, that's it. She was more than helpful.
18 THE COURT: While you were there at the
19 home, I believe you stated that his mother said he
20 needs help?
21 THE WITNESS: Yes, sir.
22 THE COURT: And you indicated agreement with
23 her?
24 THE WITNESS: Yes, sir.
25 THE COURT: What type of help was she

1 THE CLERK: It's 14.
2 MR. DAVIS: I just wanted to be sure.
3
4 THE WITNESS STOOD ASIDE
5
6 THE COURT: Now, you have this Exhibit 13
7 that the officer testified from.
8 MR. DAVIS: Yes, sir.
9 THE COURT: All right. Refresh my recol-
10 lection as to the page you referred to.
11 MR. DAVIS: I referred to page 1, dealing
12 with the time that the statement was taken and the
13 fact that the rights --
14 THE COURT: All right, just tell me the
15 pages.
16 MR. DAVIS: And page 2 and page 3, and
17 down through where it says that's within Richmond,
18 Virginia, on page 4, and to the last page dealing
19 with -- I mean page 23, on down through where he
20 cut it off at, well, dealing with the time, 1619
21 hours, on page 24.
22 THE COURT: All right.
23 MR. DAVIS: Judge, I would like to talk to
24 Mr. Swan and introduce the court records of the
25 Juvenile and Domestic Relations Court of the

1 defendant's prior involvement with the criminal
2 justice system.
3 THE COURT: Well, does that have any
4 bearing on this now? I don't see any direct bearing
5 on it. It may have something to do with his
6 investigation, but I've got to try this young man
7 if these motions are sustained or not sustained,
8 and I'd just as soon not go into any prior in
9 involvement.
10 MR. DAVIS: Well, the leading case in
11 Virginia which deals with whether or not a juvenile
12 can voluntarily and intelligently waive his rights
13 under Miranda deals with the totality of the circum-
14 stances, and one of those circumstances to be
15 considered are the laws, whether or not the defendant
16 has had any prior involvement with the system, and
17 I think whether or not he's --
18 THE COURT: I think Mr. Davis is correct.
19 The Court wasn't mindful of that approach to it.
20 And do you stipulate the record?
21 MR. SWAN: Yes, sir.
22 THE COURT: All right, the Court will
23 receive it, but for that limited purpose only.
24 MR. DAVIS: That's the only reason it's
25 being introduced, Your Honor.

That's No. 15, I suppose.

THE CLERK: Yes, sir.

THE COURT: All right, it will be received as Exhibit 15.

NOTE: Received and so marked by the Court as Commonwealth's Exhibit No. 15.

THE COURT: All right.

MR. DAVIS: Call Detective Houchins, please.

DETECTIVE DAVID L. HOUCHINS, a witness of lawful age called on behalf of the Commonwealth, having first been duly sworn, testifies and says, viz:

DIRECT EXAMINATION

BY MR. DAVIS:

Q Mr. Houchins, for the record, would you state your name and your occupation, please?

A Yes, sir. Detective David L. Houchins, Richmond Bureau of Police, assigned to the Detective Division.

Q All right, I call your attention to the 19th day of September of 1980. Were you so employed on that date, sir?

A Yes, sir, I was.

Q All right, sir, did you accompany Detective

1 Andrews when he went to Henderson Middle School to pick up
2 the, to arrest the defendant on some charges?
3 A. It was Thompson Middle School.
4 Q. Thompson Middle School?
5 A. Yes, sir.
6 Q. Okay. Did you have occasion to be at the
7 home of the defendant when he and his mother and Detective
8 Andrews were present?
9 A. Yes, sir.
10 Q. All right, sir, did you have occasion to
11 drive the defendant from his home to police headquarters
12 in your police vehicle?
13 A. No, sir, I did not. I drove him from his
14 school to his home.
15 Q. All right, sir, I see. From the time you
16 drove from his school to his home, sir, did you make him any
17 promises of leniency if he cooperated in this case?
18 A. No, sir, I did not. When we left his
19 school, Detective Andrews and I admonished him at that time
20 we didn't want him to make any statements, and I also advised
21 him at that time, when he got in the car, that I did not want
22 him to say anything to me on the way to his house.
23 Q. Did you ever promise him any leniency at
24 any time when he was in your custody or in your presence, or
25 hear anyone else promise him any leniency?

1 A. No, sir, I did not because it was Detective
2 Andrews' case, and I was assisting him. I didn't have
3 anything to do with it.
4 MR. DAVIS: All right, answer Mr. Swan's
5 questions, please.
6
7 CROSS-EXAMINATION
8 BY MR. SWAN:
9 Q. You were in the car with him from the
10 school to the residence?
11 A. To his residence, yes, sir.
12 Q. And how long a drive is that?
13 A. Oh, I would say approximately ten or
14 fifteen minutes, straight on Forest Hill Avenue to Roanoke,
15 turn right on Roanoke.
16 Q. You are saying that you said nothing to
17 him during the whole time you were in the car?
18 A. That is correct. I was in the police car,
19 and I didn't want him to say anything to me.
20 Q. And you didn't say anything to him?
21 A. No, sir.
22 Q. So, for fifteen minutes, there was total
23 silence in the car?
24 A. The police radio was on.
25 Q. Other than the police radio, of course,

there was total silence from the time you left the school to the time you went to his residence?

A. To the best of my knowledge, yes, sir.

Q. Well, you would remember if you said anything, wouldn't you?

A. Yes, sir, that's correct, because I told him I didn't want him to say anything about the case, and I didn't want to hear anything about the case.

MR. SWAN: All right, that's all I have.

THE COURT: You may stand down.

THE WITNESS STOOD ASIDE

THE COURT: Do you have other witnesses you desire the Court to hear, Mr. Davis, at this time?

MR. DAVIS: No, sir, not at this time.

THE COURT: All right, Mr. Swan, do you and Mr. Herring have witnesses?

MR. SWAN: Judge, if Your Honor please, I have a psychological report that was prepared on Mr. Green, that Mr. Davis has agreed to stipulate to its introduction. It was prepared by a court psychologist for the Juvenile Court, City of Richmond.

1 sign Commonwealth's Exhibit No. 12, the rights
2 waiver form, and then advises him again about the
3 various offenses he's being charged with, and admits
4 that the addresses and the locations and the offenses
5 that he questions him about in this 25-page statement,
6 that those questions and answers and interview came
7 about as a result of the questions and answers that
8 he asked of the defendant while he was driving him
9 around to these various locations.
10 The officer, Officer Andrews, informs the
11 Court that he had a search warrant at the time that
12 he went to the residence, but the search warrant was
13 never displayed to Mrs. Green. The officer has
14 never stated to the Court why, if in fact he had a
15 valid search warrant, and we don't have the original;
16 we have only a copy.
17 THE COURT: Do you find any fault with that?
18 MR. SWAN: With his only having a copy?
19 THE COURT: Yes.
20 MR. SWAN: No, sir, no fault. I'm just
21 pointing it out. I'm not casting any kind of fault
22 upon the officer.
23 THE COURT: My examination of the search
24 warrant and of the affidavit does not indicate any
25 irregularities. They appear to be proper; is that

1 correct?

2 MR. SWAN: I don't know whether there are

3 any irregularities, Judge, and I cannot point to any.

4 All I can state, all I'm saying is we have a copy

5 here of a search warrant that the officer said he

6 had, that he did not execute the original. For what

7 reason, we do not know, and it has not been elicited.

8 He has not stated to the Court why it was not served.

9 The digital clock and the other physical

10 evidence, the pocketbook and the cards, were obtained,

11 of course, all there, the clock, at the residence,

12 and the other items outside the residence after the

13 interview with the defendant.

14 The defendant stated, in response to a

15 question from the police officers after they had

16 obtained the permission to search, signature on the

17 permission to search, they stated, "Anything that

18 doesn't belong to you, we want to have it," and then

19 the defendant began talking and telling them about

20 various items and pointed out, I imagine, the clock,

21 although Officer Andrews said he saw it and

22 recognized it, and at that point they say, "No,

23 don't say anything more."

24 Then they advised him of his rights, based

25 in part what he has just told them, and then they go

1 subsequently charged with. I submit to the Court
2 that the Commonwealth has carried its burden in
3 both cases.
4 THE COURT: All right, gentlemen, does
5 that conclude your arguments?
6 MR. DAVIS: It concludes mine, Judge.
7 MR. HERRING: I would like to make my
8 point. I don't think it's been addressed.
9 THE COURT: Certainly.
10 MR. HERRING: The question: Why wasn't
11 the search warrant served? I submit that one of
12 the possibilities would be that Detective Andrews
13 knew, and he admitted, that there were five or six
14 different instances which he was investigating, and
15 out of several of those, the witnesses, the victims,
16 could not identify their assailant.
17 So, he had a search warrant. He took it
18 to the door. I would submit that he was dealing
19 with a naive defendant. He realized that without
20 the defendant's confession, he would not be able
21 to have a strong case against the defendant; so,
22 rather than slap a warrant, search warrant, on the
23 defendant or his mother, which might have caused
24 them to in effect be more reluctant to cooperate,
25 he subtly maneuvered himself into a situation of

1 a subsequent search, and once the item of the clock
2 was found, from that point on, the defendant
3 cooperated fully.
4 And I would argue that that method of
5 getting around the per se requirement of the search
6 warrant tainted the whole process of the items found
7 and the subsequent confession.
8 MR. DAVIS: Judge, normally I know I don't
9 have a right, but that's something that didn't come
10 out in any testimony I've heard that he's raised,
11 which I submit to the Court is purely speculative.
12 Detective Andrews has testified, and they had an
13 opportunity to cross-examine him, and chose not to
14 take that approach. Now for this Court to be asked
15 to speculate and go outside the evidence that the
16 police, who appear to have treated this young man
17 far beyond anything that would indicate that they
18 were mistreating him, that now we are asked to
19 believe that they were using trickery and chicanery
20 for the purpose of getting a confession because they
21 knew of something else, and that would be ridiculous.
22 THE COURT: Gentlemen, I followed the evidence
23 carefully and your arguments. In this case, the
24 Court must consider whether or not the defendant was
25 capable of understanding the Miranda warnings.

1 There's no question that the police gave those
2 warnings at the school and repeated the warnings
3 when it became apparent that merchandise, which was
4 taken from one of the homes in the area, was
5 disclosed to the officers after the mother had
6 consented to the search.
7 In considering the evidence presented,
8 the Court must also look at the conduct of the
9 police. Mr. Herring's observation, perhaps, is
10 speculative. In this case, having the search
11 warrant, the officers could have searched the home
12 without anyone being present, and anything in
13 plain view or discovered incidental to the search
14 could have been used. They could then have gone
15 to the Thompson Middle School and confronted the
16 boy, and it's questionable whether that would have
17 been the better approach for the police officers
18 or not. While the Court is familiar with police
19 practices and has been associated with them for
20 many years, I'm not in a position to second-guess
21 what is the best way to investigate a case.
22 I do find from this evidence, however,
23 that the officers made no threats. There's no
24 evidence of any duress. There are no promises of
25 leniency; that their conduct was reasonable.

As I stated before, they repeated the warnings at the home. They did not question the defendant until his mother came. They sat in the principal's office silently waiting for the natural parent to arrive. I find that their conduct was most reasonable.

Now, that the defendant did voluntarily and freely make the statements and admissions attributed to him is quite apparent. The question before the Court, then, is: Did he fully understand the warnings that were given him? Because if he did not, the appellate court's rule that even though the statements may have been made voluntarily, they will be deemed not to have been.

This defendant was a boy fifteen years of age. He is not fortunate enough to be one of having the highest intellect, and he was still attending the middle school; he had not yet gone to high school.

Examining the reports, however, submitted does indicate to the Court that he was capable of understanding the words used and the warnings that were given. When that is considered in connection with his experience and background, and I'm referring to the fact or the facts that he was familiar with

courts on the very morning or day before, rather, he had had an attorney appointed to him by the Court. He knew that practice. He had been before the Juvenile Court on a number of occasions, and the inference I receive from that is that he had, on previous occasions, had attorneys appointed for him. He's been interviewed by attorneys and probation officers on numerous occasions in the past.

The Court cannot overlook the fact that a commitment to the Department of Corrections is an educational experience. Everyone familiar with the business that we are engaged in knows that people who have been so committed become very knowledgeable about the criminal processes.

When I consider all of that and the evidence I heard today of the careful manner that the officers conducted this investigation so as to see that the defendant's rights were understood by him and respected, I find that he did understand the Miranda warnings, that he understood them before he made any admissions in his home, and, accordingly, the statements made there were voluntarily, knowingly, and intelligently made, and that the defendant knowingly, voluntarily, and intelligently waived his

1 right to remain silent.

2 This subsequent statement or act by pointing
3 out the various dwellings on the way to the police
4 headquarters were also voluntarily made from the
5 evidence that the Court has received. There's no
6 evidence that any coercion was used on him. He had
7 just fully understood his rights. They'd been
8 repeated to him twice. All of that was voluntary.

9 The Court finds that the statement made
10 at the police headquarters, likewise, meets the
11 standard that is required. All of this is admissible,
12 and the Court overrules the motion that's made to
13 suppress the admissions or confessions of the
14 defendant.

15 Now, in regard to the search, it was, as
16 a matter of fact, I find from this evidence,
17 voluntary, and it certainly was a lawful and a
18 reasonable search; and, accordingly, that motion
19 is denied.

20 Now, I'm not going to undertake to go
21 through this evidence and dissect it piece by piece
22 or repeat the argument that you gentlemen have made,
23 but I do want the record to show that I have
24 considered the total circumstances surrounding the
25 interrogation of this defendant in arriving at the

conclusions I have just announced.

Gentlemen, it's quarter to two. It's appropriate that we have a recess for lunch.

The witnesses will be excused. They are to report back here at quarter to three.

There will be an arraignment this afternoon, and I want the defendant and his mother and father to consider whether or not they want trial by jury. Previously, the Court has been notified that the defendant did not desire a jury trial. I want the parents and the boy to understand it.

Now, the Court is not going to insist that there be a jury trial, but I want you gentlemen of the defense to confer with his parents and again with the defendant, and if y'all decide you would prefer a jury trial, or if the Commonwealth would desire one, I want to have that known so I can excuse these witnesses, because it's obvious we won't be able to complete this case today.

MR. DAVIS: We could indicate for the record, if the Court wants, that the Commonwealth would waive jury trial in all cases.

THE COURT: All right.

NOTE: At this point a luncheon recess was taken from 1:45 p.m. to 3:10 p.m.

the case, the order of it, to the discretion of counsel.

MR. DAVIS: All right, sir. I call Elizabeth O. Talley.

ELIZABETH O. TALLEY, a witness of lawful age called on behalf of the Commonwealth, having first been duly sworn, testifies and says, viz:

DIRECT EXAMINATION

BY MR. DAVIS:

Q. Mrs. Talley, I'm going to ask you a series of questions, ma'am, and I'd ask that you direct your answers to the Judge who is trying this, if you don't mind, please, ma'am.

For the record, would you state your name, please, ma'am?

A. Elizabeth O. Talley.

Q. And how old are you, Miss Talley?

A. Sixty-seven.

Q. And where do you reside, ma'am?

A. 312 West Roanoke Street, Apartment 1.

Q. Is that situated in the City of Richmond?

A. Yes.

Q. Is it south of the James River?

A. South of the James River, yes, uh-huh.

Q. Now calling your attention to the 28th day of August of 1980, did you live at that location on that date?

A. Yes, I did.

Q. All right, again calling your attention to that date, did you have occasion to have something unusual happen to you at your home that day?

A. Yes.

Q. All right, Mrs. Talley, would you relate to the Judge, please, ma'am, in your own words what transpired, please?

A. I had been to a Senior Citizens' meeting at church, and when I went to get out of my car in front of my apartment, I came on in, and my apartment's on the first floor. When I got to the landing in front of my door, this boy stepped from behind the partition between the back and the front, and I thought at first he was the paperboy, and I went on and unlocked my apartment, and when I went to raise up, he was right over my shoulder, and he said, "Do you know anybody in this building named Mary?" And I said, "No, I don't, but I am new over here, and maybe the lady across the hall does."

So, I stepped over there, and when I went

to knock at her door, her door came open. So, I stepped on in her apartment, and when I did, he stepped right on in behind me, and I had a bag with three or four items of groceries in it, and I went to put that down, and when I did, he snatched my pocketbook and run.

Q. Now, where was your pocketbook located, Mrs. Talley?

A. It was on my left arm (indicating).

Q. Was it, can you explain, show the Court how it was on your left arm?

A. It was just on my arm between here (indicating). It wasn't a shoulder bag.

Q. All right. Did your pocketbook contain anything?

A. It had about ninety dollars in it, and it had my driver's license and other things.

Q. Now --

A. But the police found my pocketbook at the back door, but it was an opened bag, and my billfold's right on top, and all he took was my billfold with the money, and some other papers in it.

Q. Have you ever recovered the money that was taken?

A. No.

Q. How about the billfold?

A. No.

Q. Now, subsequent to being accosted on that particular day, did you have occasion to be shown a number of photographs by the police of suspects, of the possible suspects, in this case?

A. Yes.

Q. Mrs. Talley, I'm going to hand you these photographs here, which consist of eight photographs, and ask if they were the photographs that were shown to you by the police officer in question.

A. (The witness examines.) Yes.

Q. All right. Now, were you able from those eight photographs to identify the party that committed this act against you?

A. Yes.

Q. Do you see that party, the picture in there that you identified on that date?

A. Yes.

Q. Would you point it out to the Court, please?

A. Here, top one (indicating).

Q. Did you have occasion after identifying that photograph --

THE COURT: Put some mark on it, Mr. Davis.

MR. DAVIS: I am, Judge. I'm getting to that. Thank you, Judge.

1 Q (Continuing) Did you have occasion after
2 identifying that photograph to sign your name on the rear
3 of the photograph and the date that you identified it?
4 A Yes, I did.
5 Q All right. I'm going to hand you the
6 photograph and ask if your initials and the date appear,
7 if your initials and date appear as you signed it on that
8 date.
9 A (The witness examines.) Yes.
10 Q May it please the Court, would you read
11 the name that's on the back, your name, and the date that
12 you signed it?
13 A Elizabeth Talley, 9/18/80.
14 MR. DAVIS: Do you want to put anything
15 else on it, Judge?
16 THE COURT: I think that's sufficient.
17 MR. DAVIS: I would move to introduce this
18 as Commonwealth's Exhibit No. --
19 THE COURT: The photograph she is referring
20 to is -- May I see it, Sergeant? She is referring
21 to the --
22 MR. DAVIS: Well, I don't want to mark it
23 up on the front.
24 THE COURT: No, I understand that. It's
25 in the upper right-hand corner of a young man in a

1 checkered shirt with suspenders. Mark this as
2 Commonwealth's Exhibit No. A.
3 Q. (Continuing) Now, Mrs. Talley, would you
4 relate to the Court how long you think you were in the
5 presence of the party that committed this act against you,
6 please?
7 A. I don't know. It seemed like longer than
8 it was, I guess, but four or five minutes or more.
9 Q. Do you see the party that committed this
10 act on August the 28th of last year in the courtroom today?
11 A. Yes.
12 Q. Would you identify him, if you can, please?
13 A. Right there, this boy (indicating defendant).
14 MR. DAVIS: Would the record show, Your
15 Honor, that she pointed to the defendant, Thomas
16 Eugene Green?
17 A. (Continuing) In the blue plaid shirt.
18 THE COURT: Let the record so show.
19 Q. (Continuing) Mrs. Talley, what other items
20 were in your pocketbook at the time it was taken, besides
21 the pocketbook itself and the billfold?
22 A. It was a set of my apartment keys, and they
23 did change my lock that day, and my driver's license, and
24 that's about all that was in there, and some pictures of
25 grandchildren.

1 Q Now, could you --
2 THE COURT: Mr. Davis, I'm not quite sure
3 I'm following this. Ask her to tell everything that
4 she says was taken from her.
5 MR. DAVIS: I understand. She has, I think,
6 testified --
7 THE COURT: Will you review that again?
8 MR. DAVIS: All right, sir.
9 Q (Continuing) All right, relate to the Court
10 every item that was taken from you that you can recall, will
11 you please, Miss Talley?
12 A That was taken from me?
13 Q Yes, when your pocketbook was taken from
14 your arm, from that point on, whether it was recovered or
15 not.
16 A You mean even if I got it back?
17 Q That's correct, whether it was recovered
18 or not.
19 A Well, I had two sets of car keys and two
20 sets of apartment keys, and I had a billfold with all my
21 Medicaid and all those papers in it.
22 THE COURT: What I want to know is what
23 property was taken.
24 MR. DAVIS: I understand.
25 THE COURT: All right.

1 MR. DAVIS: I'm getting, I'm ultimately
2 getting to that.
3 A. (Continuing) See, all that was in my
4 pocketbook when he snatched it.
5 Q. All right.
6 A. Although I got it back, except my billfold.
7 Q. And what else, was there anything in the
8 billfold?
9 A. About ninety dollars.
10 Q. Ninety dollars in United States currency.
11 A. And my driver's permit and the set of keys
12 to my apartment.
13 Q. Now, when the party ran from the building,
14 did he still have those items in his possession at that time?
15 A. He still had them in his possession then.
16 They found my handbag at the back door.
17 Q. How far was it from the point of your
18 handbag being taken, if you can just sort of estimate in the
19 courtroom, to the point where the back door is located?
20 A. It was out their apartment door and down,
21 I'd say, fifty feet. It may not have been quite that far.
22 I'm not good at judging feet.
23 Q. All right, Mrs. Talley, I'm going to have
24 you examine this photograph and ask you if you can identify
25 that.

A. (The witness examines.) Yes. That's the front of the building.

Q. The front of the building, and that's 312 West Roanoke?

A. 312, uh-huh.

Q. Is that the entrance door?

A. That's the entrance, uh-huh. That's the front.

MR. DAVIS: Judge, that's Commonwealth's Exhibit No. 10.

THE COURT: That you introduced in connection with the --

MR. DAVIS: That's correct.

THE COURT: -- the motions we heard earlier today.

MR. DAVIS: Yes, sir, and I would move to introduce it now at this stage of the trial.

THE COURT: I think we can introduce that into the proceeding as the same number. What is the number on it?

MR. DAVIS: No. 10, Your Honor.

THE COURT: All right, Commonwealth's Exhibit No. 10.

NOTE: Received and so marked by the Court as Commonwealth's Exhibit No. 10.

1 Q. (Continuing) And I'm going to hand you
2 another item and ask you if you are able to identify the
3 subject in that picture.
4 A. (The witness examines.) Yes, uh-huh.
5 Q. What is that?
6 A. This is the apartment, and right here is
7 where the bag was found (indicating).
8 Q. Would you point, please, ma'am, to His
9 Honor so he understands what's going on?
10 A. Right here is the apartment that I came
11 out of that he got my pocketbook at, and it was out this
12 door and down to the back door (indicating.)
13 THE COURT: May I see that photograph,
14 please, a little closer?
15 MR. DAVIS: Yes, sir.
16 Q. (Continuing) Now --
17 THE COURT: I take it this is a photograph
18 of the hall.
19 THE WITNESS: Uh-huh.
20 THE COURT: And the mat in front of the
21 door. Was that your apartment?
22 THE WITNESS: No, that was the other lady's
23 apartment that I went into, that he followed me in.
24 THE COURT: Very well. I follow your
25 testimony.

THE WITNESS: Uh-huh.

THE COURT: This is Exhibit No. 11. Do you want to introduce that?

MR. DAVIS: Yes, sir.

THE COURT: All right, it will be received in evidence.

NOTE: Received and so marked by the Court as Commonwealth's Exhibit No. 11.

Q (Continuing) Now, the ninety dollars was not recovered at the time; is that correct?

A No.

Q And also the billfold?

A No, I haven't gotten either.

Q And all the other property was recovered by the police; is that correct?

A Yes, uh-huh.

MR. DAVIS: All right, would you answer Mr. Swan's questions, please?

MR. SWAN: No questions, Your Honor.

THE COURT: Will you need Miss Talley further?

MR. DAVIS: I know of no reason, Judge, at this point.

THE COURT: Miss Talley, you are excused, and you are free to go.

THE WITNESS: All right.

THE WITNESS STOOD ASIDE

MR. DAVIS: Call Mary L. Rorabough, please.

MARY L. RORABOUGH, a witness of lawful age called on behalf of the Commonwealth, having first been duly sworn, testifies and says, viz:

DIRECT EXAMINATION

BY MR. DAVIS:

Q. Miss Rorabough, for the record, would you state your name, please?

A. Mary L. Rorabough.

Q. And your age, please. I know that ladies don't like to do that, but if you would, please.

A. Forty-two.

Q. Miss Rorabough, calling your attention to on or about the 13th day of August of 1980, did you have occasion on that particular date to be at or near the 3400 block of Spring Hill Avenue in the City of Richmond?

A. I was.

Q. What was your purpose in going there?

A. I was riding my bicycle. I was returning home.

Q. All right. Approximately what time of day or night were you there?

A. I don't know the exact time. It was evening.

Q. All right. Are you able to give any estimate of time?

A. Probably around 7:30 to 8:00. It was still light.

Q. All right. While in that block, did anything unusual happen to you?

A. Yes.

Q. All right, would you relate to the Court, please, ma'am, in your own words what transpired, please?

A. I was riding my bicycle. I found someone, I realized that someone was close behind me. My bicycle was jolted suddenly. I fell from the bicycle. A person ran, stood about ten feet from me, then came back at the bicycle, grabbed a bag that was secured to the back of my bicycle, and then ran with it.

Q. All right, now, what did the bag, would you give a description to the Court of what the bag was and what it contained, please, ma'am?

A. The bag was a brown corduroy bag, like a

book bag. It contained medical instruments and a book and a pair of glasses and a small purse that had cosmetics and change in it.

Q. All right, how much, how much change was in the purse?

A. Approximately three dollars.

Q. Do you know the value of the items that were in the bag?

A. The medical instruments are valued at approximately two hundred fifty dollars; the book, twenty-two. My glasses cost a hundred fifteen to replace. The cosmetics, I don't know. Probably five dollars or so.

Q. Now, as a result of this, did you suffer any injuries, Miss Rorabough?

A. My knee was injured.

Q. All right, to what extent?

A. I --

THE COURT: Well, Mr. Davis, he is not charged with any malicious wounding, is he?

MR. DAVIS: I think not, Judge, but I think it goes to the question of force used --

THE COURT: Very well.

MR. DAVIS: -- on the question of robbery.

Q. (Continuing) All right, to what extent, Miss Rorabough?

A. I had to go to the emergency room and have the knee debrided and sutured, and it subsequently became infected, and the fusion in the joint, well, will probably have some permanent limitation of mobility and pain.

THE COURT: I think I'm going to receive this evidence to the extent of what occurred at the scene.

MR. DAVIS: I understand.

THE COURT: But that's the full extent of it, Mr. Swan. There is no need to cross-examine her on that. I'm going to exclude these latter statements. The Court does not mean to say that the Court is not concerned with matters of that sort, but it has no bearing in this particular trial, this particular charge, I mean. Very well.

Q. (Continuing) Now, you are not able to identify the party that committed this act, are you?

A. I was on the ground underneath the bicycle, and I don't trust myself that well.

Q. Did you fall off the bicycle of your own volition, or was it caused by the jolt?

A. The bicycle was jolted.

Q. Now, the area in which this occurred in the 3400 block of Spring Hill Avenue, is that situated in the City of Richmond?

A. Yes.

Q. Is that on the south side of the James River?

A. Yes.

Q. Now, were you able to tell what race the individual was that committed this?

A. Yes.

Q. All right, would you explain to the Court, if you can, please?

A. The person was a black person.

Q. Could you tell whether it was a female or a male?

A. It was a male.

MR. DAVIS: All right, would you answer Mr. Swan's questions, please?

MR. SWAN: No questions.

THE COURT: All right.

Will you need Miss Rorabough later?

MR. DAVIS: No, sir.

THE COURT: You are excused. You are free to go.

THE WITNESS: Thank you.

THE WITNESS STOOD ASIDE

~~MR. DAVIS: Call Victoria Moore, please.~~

VICTORIA G. MOORE, a witness of lawful age called on behalf of the Commonwealth, having first been duly sworn, testifies and says, viz:

DIRECT EXAMINATION

BY MR. DAVIS:

Q. Miss Moore, I'm going to ask you a series of questions now. I'd appreciate it if you would direct your answers to the Judge, please, ma'am.

A. Yes, sir.

Q. For the record, would you please state your name?

A. Victoria G. Moore.

Q. How old are you, ma'am?

A. Sixty-four.

Q. All right, calling your attention to the 27th day of August of 1980, where did you live on that date?

A. 3705 Crutchfield Street.

Q. All right, again calling your attention to that date, did anything unusual happen to you at your home?

A. Definitely.

Q. All right, would you relate to the Court in your own words, please, ma'am, what transpired?

A. Well, it happened to be a Wednesday, my day off, so I had gotten up a little late, gone in to make some coffee, went out to get a newspaper, and I'd just about sat down with my cup of coffee and the paper, and I had the TV on for the news, when there was a knock on the door, or the bell rang, and I got up and answered it. It was this young fellow (indicating defendant), who he said he was from the newspaper, that I owed some money, and I told him I was prepaid, I was prepaid. He looked at me as though he didn't believe me, so I said, "Well, I'll get the receipts and show you." So, I thought I had closed -- there was a screen door, and I thought I had closed the other door, but evidently I didn't close it tight. I went into the bedroom, got the receipts, brought them out, and he was standing in the living room, because it was from the porch right into the living room, and I, he was standing inside my living room there, and I showed him the receipts, and he looked at them and then looked at me funny, and he put his hand on my breast, and I said, "What the hell do you think you're doing?" And with that, he clamped his hand over my mouth and told me to shut up, and I started to struggle. My glasses were knocked off, and I ended up on the floor there, still fighting him and

gasping for breath. I couldn't breathe very well.

And then he said, "Where's your money?" I says, "It's in the bedroom in my purse. Take it." He said, "No, you get it." So, he was behind me all this time; then sort of pushed me (indicating) into the bedroom, and I says, "In my purse." He said, "You get it." I said, "I don't carry a wallet." I said, "There's some, a few dollars in the checkbook." He said to take it out, and I took it out, gave it to him, and there was just a few dollars in it, and he threw it down on the floor, after he took the few dollars and said damn, and out of the corner of my eye, I saw he had taken a change purse out, and he turned around and he said, "I want that clock." I said, "Take it." It was on the night table beside the bed. He said, "No, you take it out, pull it out," or, you know, the plug from the wall, and I did.

And I don't know what he did with the clock, because he was behind me, and the next thing I knew, I was on the bed, and I tried to get over the other side of the bed. I did finally get over to the other side, but I was up against the wall, and he kept pushing me and telling me to turn over on my stomach, but I kept resisting there, and he threw a pillow over my head, and I just kept saying, "Please don't, please. I can't breathe. I can't breathe." And, I don't know, all of a sudden he just said, "Don't move

until I leave." And I heard a click in the front door, and that was when I got up and went to get my glasses and called my daughter-in-law on the phone.

Q. Now, Mrs. Moore, I'm going to --

MR. DAVIS: Excuse me a minute, Judge.

Q. (Continuing) I'm going to hand you this, please, ma'am, and ask you if you can identify that, the subject matter of that photograph.

A. (The witness examines.) That's my house at 3705 Crutchfield.

Q. Was that the same house in question on the date --

A. Yes.

Q. -- this offense took place?

A. Uh-huh.

Q. Would you, well, you referred to a door you thought you said closed and a screen door. Would you point out to the Court what you mean when you say that, please, ma'am? There was a screen door in front of your house.

A. There's a screen door and then the other door. I knew the screen door was unlocked because I had gone to pick the paper up, but it was the other door I thought I had closed before I went to get the receipts.

Q. All right, was it, the screen door, at the time you left to go get the receipts, open or closed?

A. It was closed, but not locked.

Q. Closed.

A. And he was on the porch.

Q. He was outside or inside the screen door?

A. He was outside the screen door.

Q. All right, and then you went to your room to get --

A. To get the receipts.

Q. -- to get receipts, and when you came back, where was he standing?

A. Right inside the living room. There's a chair there. There was a chair and a lamp there, and he was right there.

Q. So he came inside the house, apparently, while you were gone?

A. Yes.

MR. DAVIS: Judge, I would move to introduce this. This is Commonwealth's Exhibit No. 7 from the previous proceeding.

THE COURT: It will be received in evidence. May I see it?

NOTE: Received and so marked by the Court as Commonwealth's Exhibit No. 7.

Q. (Continuing) Now, do you know how much money was taken, or how much money was in the checkbook at

1 the time?
2 A. No. I never carried much money with me,
3 and it must have been, maybe it was three or four dollars.
4 I don't think it was more than that. I'm not sure, and I
5 don't know how much was in the change purse.
6 Q. Now I'm going to hand you this item and
7 ask you if you can identify this as being similar to the
8 clock that was taken.
9 A. (The witness examines.) Well, it's
10 similar to. It's a Timex and digital, and I still have the
11 box at the house, and that was given to the Judge at the
12 hearing.
13 Q. I will hand you this box and ask if this
14 is the box.
15 A. (The witness examines.) That's the box,
16 yes. It had been a gift to me, the clock.
17 Q. All right, and the clock was a Timex digital
18 wall clock; is that correct? According to this.
19 A. Yes.
20 MR. DAVIS: Judge, I would like to enter
21 these both, if I may.
22 THE COURT: Let's introduce them separately,
23 please. That will be Commonwealth's Exhibit B.
24 MR. DAVIS: All right, and introduce the
25 box as whatever number.

NOTE: Received and so marked by the Court as Commonwealth's Exhibits Nos. 5-A and 5-B, respectively.

THE COURT: Go ahead.

Q (Continuing) Now, you say you were all of a sudden on the bed. Did you get there of your own movement?

A No, he must have pushed me on the bed there. I was so hysterical trying to scream. The window was open. He pulled me back from that window.

Q Were you scared?

A Pardon?

Q Were you scared?

A You bet your life I was scared.

Q Mrs. Moore, did you have occasion following, subsequent to this offense taking place, to be shown a spread of photographs by Detective Andrews of the Police Department?

A Photographs of --

Q Different individuals.

A Oh, yes.

Q I'm going to hand you these eight photographs and ask you if they appear to be the photographs you were shown.

A (The witness examines.) That was some of them.

Q Okay, were you able to, were you able to

1 pick out the defendant, the party that committed this act
2 against you, from any of those photographs?
3 A. Yes, sir.
4 Q. Do you see that party in those photographs
5 today?
6 A. It's this one here (indicating). He was
7 in a different position in that time.
8 Q. What do you mean? In the folder?
9 A. Uh-huh.
10 MR. DAVIS: If it please the Court, she
11 identified this photograph (indicating).
12 Q. (Continuing) Now, did you have occasion
13 to write on the back of the photograph that you identified
14 that day your name?
15 A. Yes, I did, and the date.
16 Q. And the date.
17 A. Kind of shaky, but (pause).
18 Q. I'm going to hand you the photograph that
19 you have identified from the front and ask if you would turn
20 that over and see if that's the same photograph and the date
21 you identified it.
22 A. Yeah, that's Victoria Moore, 9/20 -- it
23 looks like 26 -- 80. It's all blurred there.
24 MR. DAVIS: Judge, this is Commonwealth's
25 Exhibit No. A that she has identified the photograph.

THE COURT: May I see it?

MR. DAVIS: Yes, sir.

THE COURT: She has identified this photograph in the right upper corner and that there is what purports to be the witness' name and date in support of the identification. All right, I will receive that. I understand her testimony. Go ahead. It's already Exhibit No. A. Now, the photograph is one of the individual wearing suspenders.

Q. (Continuing) Now, Mrs. Moore, do you see the party that committed these acts against you in the courtroom today?

A. Yes, sir.

Q. Would you point him out to the Court, if you can, please?

A. He's right here between these two lawyers (indicating defendant).

MR. DAVIS: If it please the Court, let the record show --

A. (Continuing) Of course, his hair was different. Today he's had it cut.

MR. DAVIS: All right, let the record show that she identified the defendant, Thomas Eugene Green.

THE COURT: All right.

Q (Continuing) I'm not sure I asked you, Mrs. Moore. The address, 3705 Crutchfield Street, is that located in the City of Richmond?

A Yes.

Q South of the James River?

A South Richmond.

Q Did you see the party when he left the house? How did he leave the house?

A I don't know. I didn't see him. I didn't move until I heard the click of that front door.

Q But you did hear something at the front door?

A I heard that click of the front door.

MR. DAVIS: Answer Mr. Swan's questions.

MR. SWAN: No questions.

THE COURT: I have a question for you. You say that the money was thrown on the floor.

THE WITNESS: No, he made me take the checkbook out of my purse. He took the money out and threw the checkbook on the floor.

THE COURT: What happened to the money?

THE WITNESS: He took the money out of the checkbook and threw the checkbook down and said, "Damn," because there wasn't much in it.

THE COURT: Any questions, gentlemen?

MR. SWAN: No, sir.

MR. DAVIS: I have no other questions.

THE COURT: Will you need Miss Moore further?

MR. DAVIS: I don't believe so, Judge.

THE COURT: Miss Moore, you are excused and free to go.

THE WITNESS: Thank you.

THE WITNESS STOOD ASIDE

MR. DAVIS: Eunice H. Dunton.

EUNICE H. DUNTON, a witness of lawful age called on behalf of the Commonwealth, having first been duly sworn, testifies and says, viz:

DIRECT EXAMINATION

BY MR. DAVIS:

Q Mrs. Dunton, I'm going to ask you a series of questions. If you would speak up so that the Court can hear you. I believe if you speak into that microphone, it will magnify it for the Court.

For the record, would you state your name, please?

A. Eunice Dunton.

Q. All right, Miss Dunton, calling your attention to the 4th day of September of 1980, did you have occasion to be at or near the 4000 block of Northrop Street that day?

A. Yes. I live on that street.

Q. Approximately what time of day or night was it that you were there?

A. Well, I was there all day, but I had gone downtown.

Q. All right, let me ask you this way: Did anything unusual happen to you in the 4000 block of Northrop Street that particular day?

A. Yes.

Q. Approximately what time of day or night did that occur?

A. Around 3 o'clock in the afternoon.

Q. All right. Would you relate in your own words, please, ma'am, to the Court what happened, please, ma'am?

A. I had gone downtown and had caught the bus home, Forest Hill bus, at approximately ten minutes to three. So, apparently, it was near 3:05, 3:10, around 3 o'clock,

1 when I got off the bus at the corner of Forest Hill and
2 Roanoke, and walked up Roanoke Street, and as most everyone
3 on my block does, I cut around the church on my block as I
4 came home.
5 As I came around the church, I was grabbed
6 from behind and struggled with my assailant. My purse was
7 ripped from my shoulder, and my glasses were knocked off,
8 and apparently when my purse was ripped from my shoulder,
9 my watch was also torn from my wrist.
10 Later, the glasses and the watch were
11 recovered by the policelady who came to investigate the
12 incident.
13 Q. During the time that you were assaulted
14 from the rear, did you remain on your feet?
15 A. Yes, although I think at the last, as he
16 finally managed to jerk the pocketbook from my shoulder,
17 that I went down on one knee, but I never actually fell.
18 Q. Can you describe to the Court what you
19 mean when you say you were grabbed from the rear?
20 A. Yes. As I was walking along, the first
21 time that I was aware of anything was when this arm came
22 around from my left shoulder and across my chest (indicating).
23 Q. Could you tell whether it was, what race
24 he was?
25 A. Yes. He was black.

Q. All right, I'm going to hand you this item and ask you if you can identify this.

A. (The witness examines.) Yes. This is the purse I was carrying the day it happened.

Q. Was it in the condition that it's in now prior to being assaulted?

A. No, no, it had two intact straps.

Q. Can you show the Court, if you don't mind, how the bag was situated on your arm, please?

A. Yes. I had it over my shoulder and up under my arm, with my arm clasped down against it (indicating), and I had several packages in my arms.

Q. Was there any struggle involved in getting the --

A. Yes. I held on to it and tried to break free from him. I dropped, in the process I dropped my packages, and he finally was able to jerk it from my shoulder.

Q. All right.

MR. DAVIS: Judge, if it please the Court, I would move to introduce this as Commonwealth's Exhibit No. C, I believe.

THE COURT: Very well. So received.

NOTE: Received and so marked by the Court as Commonwealth's Exhibit No. C.

Q. (Continuing) Miss Dunton, I'm going to hand

1 you some other items and ask you if you can identify them,
2 please, ma'am.
3 A. (The witness examines.) Yes. This is the
4 wallet I was carrying, and it's a bill that I have paid, an
5 appointment, my DMV ID card, Sears charge plate, my Miller &
6 Rhoads charge plate, the Visa, and my Thalhimers charge plate.
7 There is a Master Charge plate, which is missing.
8 Q. How about the billfold itself? Is that
9 your billfold?
10 A. Yes, this is my billfold.
11 Q. Were all those items in your pocketbook at
12 the time that they were taken?
13 A. Yes, they were, plus a house key and
14 various other cards.
15 Q. Now, these credit cards either have the
16 name of Alex G. Dunton on some of them or A. G. Dunton.
17 A. Yes. That's my husband.
18 Q. All right. Was there any currency or money
19 in your --
20 MR. DAVIS: Judge, if it please the Court,
21 excuse me, this is Commonwealth's Exhibit No. 4,
22 and I move to so introduce.
23 THE COURT: So received.
24 NOTE: Received and so marked by the Court
25 as Commonwealth's Exhibit No. 4.

1 Q. (Continuing) Was there any money of any
2 type in your billfold?
3 A. Yes.
4 Q. Or in your pocketbook. Excuse me.
5 A. Yes, in my billfold, there was -- I'm not
6 sure exactly how much. There was around, between a hundred
7 twenty and a hundred fifty dollars. I had deposited a check
8 that morning and had kept a hundred and fifty dollars out.
9 I had intended to do some shopping. I had not done as much
10 as I had intended because it had gotten late and I was getting
11 a little tired, and I had had about twenty dollars in addition
12 to that already in my purse. So, after I had purchased
13 several small items, I know I had over a hundred dollars left.
14 Q. What is your age, Miss Dunton?
15 A. I'm fifty-five.
16 Q. The area where this all took place, is that
17 situated in the City of Richmond?
18 A. Yes, sir, it is.
19 Q. South of the James River?
20 A. It's in South Richmond.
21 Q. You are not able to identify the party
22 that attacked you?
23 A. No. I was grabbed from behind. My glasses
24 were knocked off, and I do not see well at all, and I never
25 saw his face.

Q. Do you know the name of the church behind which you said you were walking?

A. Yes. It is the Seventh-Day Adventist Church.

Q. Is that situated close to an intersection?

A. It's on the corner of Northrop and Roanoke.

MR. DAVIS: Thank you. Would you answer counsel's questions?

MR. SWAN: We have no questions, Judge.

THE COURT: Very well.

You may stand down. You are excused and you are free to go. You can remain here if you like.

THE WITNESS: All right, thank you.

THE WITNESS STOOD ASIDE

MR. DAVIS: Call Miss Wallace, please.

FLORINE WALLACE, a witness of lawful age called on behalf of the Commonwealth, having first been duly sworn, testifies and says, viz:

DIRECT EXAMINATION

BY MR. DAVIS:

Q. Miss Wallace, would you state your name

for the record, please, ma'am?

A. Florine Wallace.

Q. How old are you, Miss Wallace?

A. Sixty-five.

Q. Miss Wallace, calling your attention to the 11th day of September of 1980, where did you live on that date?

A. 3704 Dunston Avenue.

Q. Is that in the City of Richmond, ma'am?

A. Yes.

Q. And is it south of the James River?

A. Yes.

Q. All right, again calling your attention to that time, did you have occasion to have something unusual happen at your home on that date?

A. Yes. My husband and I were sitting on the back porch, and I got up, come in the house at 3:30 to get me a glass of water.

Q. Is that a.m. or p.m., ma'am?

A. P.M.

Q. Okay.

A. And I fixed me a glass of ice water, and the doorbell rang. I went to the door. I didn't drink my water. I went to the door, and here this boy was standing, and he says, "Do you take the morning paper?" I said, "Yes."

He says, "Well, I'll be your paperboy tomorrow morning." And I said, "Okay." He said, "Do you want my name and address?" I asked him, did he have a pencil? He said no, and I stepped back about twenty-five feet -- I guess it's twenty-five feet; I didn't measure it -- to get a pencil and paper for him to write his name and address, name and phone number on the paper, and he stepped inside the door, which is the storm door, and wrote his name and phone number on the door facing of the door, and he laid the pen on the table right by the door. I have a small table about that wide (indicating), and he handed me the paper, and I took the paper, and he grabbed me.

Q How did he grab you, Ms. Wallace?

A He grabbed my arms. Then he pushed me towards the den, and right at the door, he throwed me on the floor and pulled up my dress. I had a dress on that day. Pulled up my dress, had my pants halfway down, and he asked me, where was my pocketbook? I says, "In the back room." He says, "What time will your husband be home from work?" I says, "He's here now," but he didn't believe me.

Well, he pulled me up off the floor. Well, he'd already throwed me, pushed me through the room with his hand over my face, and I only have fifty percent breathing. I'm disabled, totally disabled, from the DuPont Company and Social Security, and he had his hand over my face, my mouth,

1 my nose, and I was fighting him with all my strength to
2 breathe, and I hollered a couple of times, but my husband
3 didn't hear me, and when I could pull his hands off my face,
4 he pushed me on through the den and the kitchen and into the
5 bedroom, where my pocketbook was. I told him my pocketbook
6 was on the bed. He pushed me on the bed, covered my head
7 with a heavy bedspread, which was on the bed, Queen Elizabeth
8 it is, and took the money out of my pocketbook. Then he,
9 it was between sixteen and eighteen dollars. I don't know
10 exactly how much. Then he pulled me up off the bed, unzipped
11 my dress -- my dress was zippered down the back -- unzipped
12 my dress and jerked my bra, hooks off of my bra. Then he
13 throwed me to the floor, pulled my pants down, and he was
14 on top of me.
15 My husband walked in from off the porch
16 with an ashtray and set it on a glass-top kitchen table.
17 He heard it and jumped up and run out the other door, and my
18 husband, he was right in behind him, but, of course, he had
19 to step over me to get to him.
20 Q. Were you scared?
21 A. Who? Me?
22 Q. Yes.
23 A. I was frantic. When the police officer
24 got there, I couldn't even talk.
25 Q. All right, I'm going to hand you --

A. I'm nervous. I haven't slept hardly a week since then.

Q. I'm going to ask you if you can identify this piece of paper.

A. (The witness examines.) Yes.

Q. What is it?

A. It's a DuPont credit card slip from the credit union at DuPont. This is where he wrote his name, Jerry Camp, his phone number.

Q. Did you furnish that piece of paper?

A. Huh? Yes, and a pen. He laid the pen on the table.

Q. Whose name is listed on the other side?

A. Florine Wallace.

Q. That's you; is that right?

A. That's right.

MR. DAVIS: Judge, may it please the Court, I would move to introduce this as Commonwealth's Exhibit No. D, I believe it is.

THE COURT: All right.

NOTE: Received and so marked by the Court as Commonwealth's Exhibit No. D.

Q. (Continuing) I hand you this item, Miss Wallace, and ask you if you can identify that.

A. (The witness examines.) Yes.

Q What is it?

A This is my bra that he jerked the hooks off of it (indicating). See, one end of it is jerked off.

Q And that's the one you were wearing on the date this occurred?

A Yes.

MR. DAVIS: Judge, I would move to introduce that as Commonwealth's Exhibit No. whatever. E, I believe it is.

THE COURT: Is it E or D?

THE CLERK: E.

THE COURT: Very well.

NOTE: Received and so marked by the Court as Commonwealth's Exhibit No. E.

Q (Continuing) Now --

THE COURT: Oh, I see this would be D, the name on the paper that you handed to the Court. I will receive the writing as Exhibit D.

Q (Continuing) I'm going to hand you a photograph and ask you if you can identify the subject matter of that photograph, Miss Wallace.

A (The witness examines.) Yes. That's my house.

Q Now --

MR. DAVIS: Judge, may it please the Court,

that is Commonwealth's Exhibit No. 6 from the previous motion that was introduced.

THE COURT: Very well. May I see it?

MR. DAVIS: Yes, sir. I'm going to ask a couple of questions about it.

THE COURT: All right.

Q (Continuing) Now, Mrs. Wallace, what type of doors or door is on the front of that house, or was on the front of the house on the date this incident took place?

A It's a storm door and a wooden door.

Q All right. At the time that you entered the door, were both of those doors or either of those doors open or closed?

A You mean after I opened it?

Q At the time you heard the doorbell ring, how was the door situated at that time?

A When the doorbell rang, the wooden door was locked and the storm door was locked on the inside. When he said he was the paperboy, I had been paying the paperboy all along every two weeks. I thought he'd come to collect, and so I opened the door, the storm door, unhooked it, and I stepped back to get the paper and pen, and that's when he stepped inside the storm door.

Q When you stepped back, was the storm door --

A Unhooked.

1 Q. But it was closed at that time?
2 A. Uh-huh.
3 Q. And he was standing where?
4 A. Out on the porch.
5 Q. Can you identify the party that did this?
6 A. Yes.
7 Q. Do you see him this afternoon?
8 A. Yes.
9 Q. Would you point him out if you do, please,
10 ma'am?
11 A. (Indicating defendant)
12 MR. DAVIS: Let the record show that she
13 pointed to the defendant, Thomas Eugene Green.
14 THE WITNESS: I'll never forget his face.
15 THE COURT: Very well.
16 Q. (Continuing) I don't remember whether I
17 asked you or not. Is your address situated in the City of
18 Richmond?
19 A. Yes.
20 Q. And it's south of the James River?
21 A. Yes.
22 MR. DAVIS: Answer Mr. Swan's questions,
23 please, ma'am.
24 MR. SWAN: No questions, Judge.
25 THE COURT: Mr. Swan, I have observed that

1 of which Mr. Andrews will again probably testify to.
2 I move that the Court incorporate into the trial
3 of this case those admissions of the defendant,
4 the Court having ruled on the admissibility of the
5 confession, and so forth.
6 THE COURT: Well, gentlemen, I think the
7 Court has followed it carefully, and I can certainly
8 consider only those admissions that he made and
9 other things that are pertinent --
10 MR. DAVIS: I understand.
11 THE COURT: -- and would be proper evidence
12 here, but you should be mindful that the Court did
13 not hear or read the full written statement that he
14 gave to the officers at police headquarters.
15 MR. DAVIS: Yes, sir, I understand. I just
16 ask the Court to understand as far as matters of
17 admission that the Court has already heard, not to
18 try to go outside of it.
19 THE COURT: Mr. Swan.
20 MR. SWAN: Judge, I do not object to the
21 Court's incorporating as evidence in this case the
22 evidence that it heard in the motion, motions, to
23 suppress, so long as the Court knows our objection
24 to the introduction of those items into evidence for
25 the reasons stated in the motions to suppress. We

1 object to the introduction of the statements, any
2 statement, of the defendant, and we object to the
3 introduction of the evidence for the reason stated
4 in those motions.
5 THE COURT: Well, the Court had overruled
6 your motion this morning, and I understood that you
7 objected to the Court's actions, and those objections
8 will ride throughout the entire trial.
9 MR. SWAN: Thank you.
10 THE COURT: I will then, with your concur-
11 rence --
12 MR. SWAN: Yes, sir.
13 THE COURT: -- consider the evidence heard
14 this morning insofar as it would be admissible here.
15 MR. SWAN: Yes, sir.
16 THE COURT: Now, that doesn't preclude either
17 one of you from going over such portions of that
18 again, if you feel that it's appropriate, or any
19 other matters of like kind.
20 MR. SWAN: Yes, sir.
21
22
23
24
25

B. P. 107

City of Richmond, Virginia
Bureau of Police

PERMISSION TO SEARCH

Date: 9-19-80

Location : 205 W. Roanoke St. Apt. 15 A

I, Dorothy L. Green, have been duly informed of my constitutional rights not to have a search made of the apartment herein after mentioned without a search warrant and of my right to refuse to consent to such a search, hereby authorize, Det. R. L. Andrews and Det. D. L. Hoaline, duly appointed Police Officers of the City of Richmond, Virginia, to conduct a complete search of my apartment located at 205 W. Roanoke St., Apt. 15A, Richmond, VA.

These Police Officers are authorized by me to take from my premises, buildings or automobile, any letters, papers, paraphernalia, material or other property they may desire or deem necessary.

This written permission is being given by me to the above named, duly appointed Police Officers voluntarily and without any threats or promises of any kind.

Time: 14:38

Signed: Dorothy L Green

Address: 205 West Roanoke St #A15

Witnesses:
Det. David L. Hoaline Jr
Det R. L. Andrews

Note: Prepare in triplicate copies

LIST ARTICLES SEIZED ON REVERSE SIDE

Comth Exhibit # 1
Comth vs Thos. E. Green
Date: 1/8/81 Judge Fost

LIST ARTICLES FOUND AND SEIZED:

1 Timex Clock - electric

1 pair earrings & cross

Today's date is September 19, 1980, the time now is 1549 hours. This is Detective R. L. Andrews, presently at Police Headquarters, 501 North 9th Street, interviewing one Thomas Eugene Green, black male, fifteen years old, who lives at 205 West Roanoke Street, Apartment No. A-15, Richmond, Virginia.

Andrews: Alright, Thomas, I am Detective R. L. Andrews, of the Richmond, Virginia Bureau of Police. Now I am going to advise you of your rights and these will be the same rights which we explained to you today at your home, while your mother was there, and also at school earlier. Do you recall that?

Green: Yes, sir.

Andrews: Now these will be the same rights, except these are written out, okay?

Green: Uh-huh.

Andrews: Okay. You are being interviewed in connection with a purse snatch which occurred on August 28th, 1980, and also several attempt rapes, robberies, larcenies, and burglaries, which have occurred in the last past ninety days in the vicinity of the 200 block of West Roanoke Street, Richmond, Virginia, including Dunston Avenue and Crutchfield Street. You have an absolute right to remain silent and make no statement to me and your silence will be guarded by the police.
Any statement you make without counsel can be used as evidence against you.
You have the right to the presence of an attorney during this or any future interview the police might have with you. The attorney may be one of your own choosing which you retain, or if you are without funds to employ counsel, the court will appoint one for you.
Now, do you understand all these rights that have been explained to you?

Green: Yes.

Andrews: O kay. Uhm, if you do understand your rights, Thomas, just write "yes" right here.
Alright, now, Thomas, you may voluntarily waive the above rights that have been explained to you and make a statement if you so desire. That means "do away with them", okay? Understand that?

Green: Yes.

Andrews: Okay, now you've already went into some of the things and helped us recover some of the property earlier before we got here, so, if you want to go ahead and talk to me about it again, just go ahead and sign your name here, sir.
Okay. Alright, Thomas - what do they call you, "Tom"? Do you mind if I call you Tom?

Comth. Exhibit # 13 80-552 etc.
Comd. Green
Date: 1/8/81 J.S.W.

THOMAS EUGENE GREEN
Det. R. L. Andrews 09-19-80

Green: Yeah.

Andrews: Huh?

Green: Yes.

Andrews: Tom will be okay?

Green: Uh-huh.

Andrews: Okay. Tom, first of all, you know what a purse snatch is?

Green: Yeah.

Andrews: What is a purse snatch?

Green: If you run up behind somebody and snatch their pocketbook and run.

Andrews: Okay. Do you know what attempt rape is?

Green: No.

Andrews: Okay. Attempt rape is, uh, - do you know what "intercourse" is?

Green: No.

Andrews: Do you know what fucking is?

Green: Yeah.

Andrews: Okay - that's what that is, okay? It's not, uh, uh, it's, uh, an attempt rape, okay?

Green: Yeah.

Andrews: You know what robbery is?

Green: Yes.

Andrews: What is robbery?

Green: Like if you beat somebody up and take their money.

Andrews: Okay. Uhm, you know what larceny is?

Green: No.

Andrews: Alright, larceny is when you take somebody's money, okay. Do you understand that now?

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Green: Yes.

Andrews: Okay. You know what burglary is?

Green: It's breaking in somebody house.

Andrews: Right. Okay. Uhm, also, let me put - write something else on here.

Do you know what sodomy is? s-o-d-o-m-y.

Green: No.

Andrews: Alright, sodomy is, uhm, - you know what a "blow job" is?

Green: Yeah.

Andrews: Okay. When somebody gives you a blow job, that's what sodomy is, okay? or else sodomy can also be, uhm, uh, fucking somebody in the rear, or something like that, you understand?

Green: Uh-huh.

Andrews: You do understand? Okay, so sodomy here, you do understand what that means? And these rights all apply to everything that's written here, correct?

Green: Yes.

Andrews: Okay. And you still want to go ahead and talk to me about these? Can you.....

Green: Yes.

Andrews: ..can you speak up so the tape recorder will pick you up?

Green: Yes.

Andrews: Okay. You were present when we were at your home when we interviewed you, or advised you of your rights, and your mother was there also, righT?

Green: Yes.

Andrews: Okay. Alright, Thomas, are you feeling okay right now?

Green: Yes.

Andrews: Okay.

Green: A little nervous.

THOMAS EUGENE GREEN

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Andrews: A little nervous? That's perfectly understandable, okay? How old are you?

Green: Fifteen.

Andrews: And where do you live?

Green: Two-oh-five West Roanoke Street, Apartment A-15.

Andrews: That's within Richmond, Virginia?

Green: Yes.

Andrews: Southside, south of the river?

Green: Yeah.

Andrews: Okay. Alright, Thomas, now you've been pretty honest with us so far I think, okay?

Green: Yeah.

Andrews: Now what we do is go into these cases one by one, okay?

Green: Yeah.

Andrews: Now on the way over here, when we left your home, you told me which way to go, and we went by the house, the brick house on the corner of Dunston and Roanoke - do you know which house I'm speaking of?

Green: Yeah.

Andrews: Okay, can you describe the home to me?

Green: It a big pink house made out of brick, and the windows, uh, wood, the side of the windows made out of wood, and it had a storm door.

Andrews: Okay. Now, calling your attention back to July the 18th, that's in the middle of the summer, okay?

Green: Yeah.

Andrews: Do you know what day it was?

Green: Yeah.

Andrews: What day was it?

THOMAS EUGENE GREEN
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Green: July eighteenth, 1980.

Andrews: But do you know what day of the week is was/when you were over there?

Green: Uh-uh.

Andrews: Okay, was it, uh, ....

Green: Think it was on a Thursday or Wednesday.

Andrews: Wednesday or Thursday? Okay. Can you tell me what happened - I mean, why did you go to that house, and tell me what happened, Tom, okay?

Green: Yes.

Andrews: Go ahead and speak up, now.

Green: I just went in there for to get some money because I had need it for to go to the wrestling matches, and go to movies and stuff like that, and I just had need of the money, so I went knocking on the door, and then I knock her down and got her money and stuff. And then she tried to call the cops and I took the phone from her hand. And, uh, carried it in the back room and hid it all in the back. And then I left the house. I went home and changed clothes.

Andrews: Okay. How much money did you get there?

Green: One hundred - - one hundred and seventy-five.

Andrews: A hundred and seventy-five dollars?

Green: Yes.

Andrews: Where was the money at in the house?

Green: In her pocketbook.

Andrews: Okay. Can you describe the woman to me?

Green: She kind of small, short.

Andrews: How old do you think she is?

Green: I don't, I don't - I don't have no idea.

Andrews: Okay. Is she older than your mother?

Green: Yeah.

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Andrews: Older than your mother?

Green: Yeah, my mother's thirty-eight.

Andrews: Alright, how much older do you think this woman was?

Green: I don't have no idea, Grandma fifty, and I don't have no idea.

Andrews: Okay. Now you remember I asked you about sodomy, you know what that is, right? Blow job?

Green: Uh-huh. Yeah.

Andrews: Now you want to tell me about that also?

Green: Uh,I just laid her on the bed and stuck my penis in her mouth,that's all.

Andrews: Okay. Now, uhm, how about, did you fuck her in the tail?

Green: No.

Andrews: If you did now tell me.

Green: I stuck my finger up her tail, that's all.

Andrews: Stuck your finger up her tail, alright, which finger did you use?

Green: This.

Andrews: Are you right-handed?

Green: Yes.

Andrews: So you're saying you put your right finger....

Green: ...

Andrews: ....up her tail.

Green: Up her tail.

Andrews: Alright, was that before you stuck your penis in her mouth or after?

Green: After.

Andrews: After? Okay. And you say you got a hundred and seventy-five dollars then?

Green: Yes.

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Andrews: How many times did you hit her in the back?

Green: Twice.

Andrews: Just hit her twice? Are you sure?

Green: Yes.

Andrews: Okay. And how did you leave the home?

Green: I ran out and jumped on my bike and went on home, up the hill.

Andrews: Okay. Uhm, -----now, did you - what did you - where was she at when you stuck your penis in her mouth?

Green: In the bedroom.

Andrews: In her - on the bed or on the floor?

Green: On the bed.

Andrews: On the bed. Okay. Anything else you want to tell me about this case here?

Green: That's all.

Andrews: That's all. Okay.

Okay. Now, the - you remember the third house you took me by this morning? or this afternoon, do you remember that house?

Green: Yes.

Andrews: Alright, what street was that on?

Green: Crutchfield.

Andrews: That was on Crutchfield. Alright, can you describe the house to me?

Green: A big white house with a white storm door.

Andrews: Okay. Now this occurred on August the 27th?

Green: Yes.

Andrews: Do you remember what time you went over that house?

Green: Around about eight or eight-thirty, in between there.

THOMAS EUGENE GREEN
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Andrews: In the morning, or evening?

Green: Morning.

Andrews: Okay. Can you tell me what happened?

Green: I just knocked on the door, told her that the paper boy, then she opened it up. And then I told her that she ain't - she ain't hardly been paying her bill, and then she went back there in her room and found two slips on the shelf and then she opened the door and told me to leave, and then I closed the door and knocked her down. And I took her back in her back room and I asked her where her money at, and that's how she gave me the two dollars, and then after that I put her on her bed and stuck my finger up her tail. And she said "let me go" and then she said "you can have anything then" and I said "gimme the watch" and then she gave me the watch, and then I left.

Andrews: Okay. Did you take her watch from her?

Green: Uh-uh - the clock.

Andrews: This clock right here, you...

Green: ...yeah...

Andrews: ...this Timex clock?

Green: Yeah.

Andrews: Electric clock, right?

Green: Yeah.

Andrews: Okay. That's the clock you got from her house?

Green: Yes.

Andrews: And how much money did you get there?

Green: Two dollars.

Andrews: Two dollars? Was it, uhm, what kind of money was it?

Green: Just old dollar, and then two more dollars.

Andrews: Was it, you know, change, or was it folding money?

Green:

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Andrews: Folding money?

Green: Yeah.

Andrews: Okay. Can you describe the woman to me?

Green: She kind of tall, she had - she got white hair and she wear glasses.

Andrews: Okay, how old do you think she was?

Green: Forty-five, forty-seven.

Andrews: Okay. Why'd you go to her house?

Green: I just needed the money that morning.

Andrews: Had you ever seen her before? Think hard, now, had you ever seen her before?

Green: Yeah.

Andrews: Alright...

Green: ...took papers.

Andrews: Oh, you delivered her papers at one time?

Green: Yes.

Andrews: Ohhhhh, how long ago was that?

Green: I, the reason why I started delivering papers 'cause my grandmother - my mother's mother was came up here.

Andrews: Okay. So you stuck your right index finger up her tail?

Green: Yeah.

Andrews: Did you, at any time, have your penis out of your pants?

Green: No.

Andrews: Never did?

Green: No.

Andrews: Did you try to, uh, what was your intention - did you want to have sex with her, fuck her, or what?

Green: No. Not really.

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Andrews: Okay. So, why did you stick your finger up her tail?

Green: I don't know, I just did it, just to be doing it.

Andrews: Did you have, uh, an erection - do you know what an erection is? Did you have a hard on when you did that?

Green: Uh-uh.

Andrews: You didn't?

Green: No.

Andrews: What newspaper was it you were carrying?

Green: Evening.

Andrews: Evening newspaper.

Green: News Leader.

Andrews: Okay. And how long ago was that?

Green: Around - in June, June, yeah.

Andrews: Where did you grab her at, do you remember?

Green: 'Round the mouth.

Andrews: Around the mouth? Did you drag her back to the back, or what?

Green: No, she walked.

Andrews: She walked?

Green: She said "let me go" and then she walked in the back room. Then I asked her where the money, 2 she showed it to me I took that.

Andrews: Anything else you want to tell me about this one?

Green: No, that's all.

Andrews: Uh, this clock, this Timex clock, that's the one that was in your bedroom today, right?

Green: Yeah.

Andrews: Okay. Alright, that takes care of this one. Alright, now you took me to another house on Dunston Avenue today - can you describe that house to me?

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Green: A red, kind of burgundy and white brick house. Had a green chair on the porch.

Andrews: On the front porch?

Green: Yeah.

Andrews: Okay.

Green: Had some flowers on the porch and a storm door.

Andrews: When was it you went over there?

Green: I don't know, I don't remember the date.

Andrews: Wellllll.....

Green: I know - some - last month

Andrews: How about September the eleventh...

Green: ...this month

Andrews: ....a couple of weeks ago? Be two weeks ago yesterday I believe.

Green: Yes.

Andrews: No? A week ago yesterday - seven - eight days ago.

Green: Yeah.

Andrews: Is that about right?

Green: Yes.

Andrews: Okay. Can you tell me about what time you went there?

Green: Three-thirty.

Andrews: Morning or evening?

Green: Evening.

Andrews: Okay. Why did you go there?

Green: Same thing, I just needed the money.

Andrews: Okay, can you tell me what happened when you went there?

Green: She came to the door, I knocked on the door, she came to the door

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then she said "who is it?" I say the paper boy, and then I told her that I wasn't going to be taking the morning paper, then she said "alright" and then after that I said "I'm going to be the new morning paper boy" and then "do you want me to leave my name" then she say "yeah" I gave her the and I gave her the phone number - 644-1080. And then I knocked her down and grabbed her by her mouth. Then I axed her where her money at, she took me back there in the back, and in the room, and show me where the money at. It won't eleven dollars and a coupon, and then, and then after that her husband came in the room, and then I ran out.

Andrews: Okay. How much money did you get there?

Green: Eleven.

Andrews: Okay. And you say - did you write the name down?

Green: Yeah.

Andrews: What name did you write down?

Green: Jerry Champ.

Andrews: Jerry Champ? And what phone number was that?

Green: 644-1080.

Andrews: Whose phone number is that?

Green: That used to be my grandma phone.

Andrews: Used to be?

Green: Yeah, she got another one.

Andrews: Alright. You have a brother named Jerry?

Green: Jerry Green.

Andrews: Jerry Green? Where's he live at?

Green: With, with, with my father.

Andrews: And how did you think of the name "Champ?" Do you know anybody named Champ?

Green: My friend.

Andrews: What's his name?

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Green: Jerry Champion.

Andrews: And where's he live at?

Green: Right next door to my father.

Andrews: Okay. Do you have any idea how old this woman was?

Green: Uh-uh.

Andrews: How old do you think she was?

Green: Fifty, fifty-five.

Andrews: Did you ever see her husband?

Green: Uh-uh.

Andrews: Never did?

Green: Her husband had glasses on

Andrews: Okay. Now where was it you first knocked her down at?

Green: In the living room.

Andrews: The living room? And then how did ya'll get back to the back room?

Green: I picked her up and we walked.

Andrews: What did - what did you do to her clothes?

Green: Tore 'em off.

Andrews: Tore them off?

Green: Not - I, I just zipped the back down, and then that's when her husband came.

Andrews: What did you do to her bra - you know what a bra is?

Green: Yeah.

Andrews: What'd you do to that?

Green: I tore it.

Andrews: Tore it?

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Green: I just tore the back of it then I saw her husband, then I ran.

Andrews: Did you hit her any? You didn't hit her any?

Green: Nope.

Andrews: Okay. Uh, did you have your dick out of your pants?

Green: Nope.

Andrews: You didn't? Now if you did, tell me.

Green: Nope. Telling you the truth - nope.

Andrews: Did you get between her legs?

Green: Uh-uh, I got in back of her, that's all.

Andrews: In the back of her - did you put your finger up in her?

Green: Nope. Telling the truth - nope.

Andrews: Did you take her pants off?

Green: Uh-uh, she ain't have on no pants, she had on a dress, a_____

Andrews: Yeah, but her underpants?

Green: Uh-uh, nope.

Andrews: You didn't?

Green: Nope.

Andrews: Anything else you want to tell me about this one?

Green: No, _____

Andrews: How did you leave out of this house?

Green: I ran.

Andrews: You ran?

Green: Yes.

Andrews: Alright, how far is her house from where you live at?

Green: Right - round about two or four blocks.

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Andrews: Okay.
Did you ever hit her?

Green: No. I just covered her mouth up.

Andrews: Covered her mouth?

Green: Yeah.

Andrews: Did you ever grab her around the throat?

Green: Uh-uh - nope.

Andrews: And you say your dick never was out of your pants?

Green: Nope.

Andrews: Was your zipper down?

Green: No, sir.

Andrews: You didn't take your zipper down?

Green: Uh-uh.

Andrews: Okay. And you told her you were going to carry her newspaper?

Green: The morning.

Andrews: Okay. The piece of paper that you wrote the name Jerry Champ and that phone number - what color was it?

Green: Green.

Andrews: Green?

Green: Green or white, one of them - green or white.

Andrews: What did you do with that when you left?

Green: She kept it.

Andrews: She kept it? Anything else you want to tell me about this one?

Green:

Andrews: Okay.

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Andrews: Alright. Uhm, three-twelve West Roanoke Street, Apartment one. You remember on the way over here today you took me to the apartments Do you remember what apartment you took me to?

Green: Yeah.

Andrews: And the first apartment you pointed to - how long ago was it when you were over there?

Green: A - I don't know how long - it's been this month - last month it would have been this month.

Andrews: Do you know what time of day it was?

Green: In the evening time.

Andrews: About what time?

Green: Round about twelve or one.

Andrews: Can you tell me what happened there?

Green: She was coming in the front door, then I ran around the back, then I just walked in, and then she saw her newspaper laying on the floor and then she said "this a old paper" and then she went over next - her friend house and opened the door and backed up in the house and then I just snatched her purse and ran and dropped the pocketbook in the hall.

Andrews: Dropped the pocketbook in the hall?

Green: Uh-huh. Yeah.

Andrews: Did you take anything from the pocketbook?

Green: No, just the purse.

Andrews: Just the purse? Is...

Green: That's it...

Andrews: ...this the purse here?

Green: that brown one

Andrews: it's a brown one?

Green: Uh-huh.

Andrews: Okay. How much money was in it, do you know?

THOMAS EUGENE GREEN
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Green: Seventy-four.

Andrews: Seventy-four dollars? Alright, where did you go after - where did you take the purse to?

Green: I threw it back there where that old gray shack is.

Andrews: Right next to your...

Green: ...

Andrews: ....where you live at?

Green: Yeah.

Andrews: Alright. How old was this woman, do you know?

Green: 'Round about fifty, fifty-seven.

Andrews: Okay. Uh, did you - you said she went into the apartment next door to her's?

Green: Yes, sir.

Andrews: Didn't you go in there, too?

Green: Yes.

Andrews: You did?

Green: Yes.

Andrews: Did you see anybody else in the apartment?

Green: Uh-uh.

Andrews: Alright. Where was she at when you grabbed the pocketbook?

Green: She was next to the kitchen like, you know, a cut-in...

Andrews: Uh-huh.

Green: ...she was next to the TV.

Andrews: Was she holding the pocketbook when you took it from her?

Green: Yeah.

Andrews: Did you hit her?

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Green: Uh-uh.

Andrews: You didn't? Did you knock her down? Alright, anything else you want to tell me about that one?

Green: No.

Andrews: That's it? Nothing else you want to tell me about it? Okay.

Alright, you know where Nor~~folk~~ there is?

Green: No.

Andrews: Alright, let's see. See that woman on this driver's license?

Green: Uh-huh.

Andrews: Remember seeing her?

Green: Yeah.

Andrews: Alright, when was it you saw her?

Green: I saw her coming down _____going through the back of the church then I just grabbed her from behind and knocked her down and snatched her purse. I just took the purse up and ran.

Andrews: Alright, did you grab her anywhere?

Green: Around the throat.

Andrews: Around the throat?

Green: Uh-huh, and knocked her down. I just knocked her purse.

Andrews: Did you hit her?

Green: Uh-uh, I didn't hit her.

Andrews: How much money did you get out of there?

Green: Seventy, seventy-one.

Andrews: Wasn't it more like two hundred?

Green: Uh-uh.

Andrews: It wasn't?

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Green: Uh-uh.

Andrews: Seventy or seventy-one dollars?

Green: Yeah.

Andrews: Alright, what time of day was that?

Green: Time of day? Round about four, four-thirty.

Andrews: Four or four-thirty? Uh, how old was she?

Green: She looked around about forty-five.

Andrews: Alright, do you know how long ago that was? Or what day of the week it happened on?

Green: It happened September the thirteenth, something like that, thirteenth, fourteenth.

Andrews: How about September 4th?

Green: Yeah.

Andrews: Is September fourth about right?

Green: Yeah.

Andrews: That would be a little over two weeks ago. Okay. What were you wearing that day, do you know?

Green: Ah - shorts, but I don't know what color.

Andrews: Alright, do you remember what color shirt you had on?

Green: Tank top.

Andrews: Tank top? What color is it?

Green: White.

Andrews: Got any trim on it?

Green: Yeah, uh...

Andrews: What color is the trim on it?

Green: Orange looking color.

Andrews: Orange looking color?

Green: Yeah.

THOMAS EUGENE GREEN
Det. R. L. Andrews 09-19-80

Andrews: Alright. How tall are you?

Green: Five

Andrews: Five foot what?

Green: Five-foot-four or five-foot-three.

Andrews: Alright, and how much do you weigh?

Green: One-forty-two.

Andrews: Okay. And where do you take the property - the purse to - where do you take it to?

Green: Threw it in the dumpster.

Andrews: In the dumpster? But the driver's license - you kept that out?

Green: Yeah, I just threw it out there.

Andrews: Okay. Anything else you want to tell me about this one?

Green: No.

Andrews: That was robbery, you know that? Right?

Green: Yes.

Andrews: Okay. Alright. Uh, alright - you know where Spring Hill is - Spring Hill Avenue?

Green:

Andrews: Springfield - Spring Hill - Spring Hill Avenue. Alright, you remember the lady that was on the bicycle?

Green: Uh-huh.

Andrews: Alright, tell me about that one.

Green: I - I saw her turning in the alley and then I just ran behind her and she fell and I just took her pocketbook and got this little change purse and ran on around by the U-Totem....

Andrews: Uh-huh.

Green: ....and went home.

Andrews: Okay. What all did you get from her?

THOMAS EUGENE GREEN
Det. R. L. Andrews 09-19-80

Green: This black thing, and then I just threw it away when I got to the end of the alley - this black thing.

Andrews: What was in the black thing, do you know?

Green: Uh-uh - I ain't open it.

Andrews: Do you know how much money you got from her?

Green: 'Round about three dollars.

Andrews: Three dollars?

Green: Three or four.

Andrews: Okay. You don't know what was in that, uh, that bag?

Green: No.

Andrews: And where was it you threw the bag at?

Green: I, I threw it - I threw it when I got at the end of the alley - I ain't looked.

Andrews: She was on the bicycle, right?

Green: Yes.

Andrews: Did you knock her off the bicycle?

Green: No, she fell.

Andrews: She fell?

Green: Yes.

Andrews: After you grabbed the purse? How old was she, you got any idea?

Green: Kind of young.

Andrews: Kind of young? Older than me?

Green: Naw.

Andrews: Not older than me? I'm thirty-three.

Green: I don't think so, I don't know.

Andrews: Okay. Do you know what she was wearing?

Green: She was, she was wearing shorts and tennis shoes.

THOMAS EUGENE GREEN
Det. R. L. Andrews 09-19-80

Andrews: Do you know what, uh, - she was wearing shorts and tennis shoes? Do you know what color top she was wearing?

Green: No, uh-uh.

Andrews: Do you remember anything else at all about this one. And why did you snatch her pocketbook?

Green: Just like the others - I just needed the money.

Andrews: Needed the money, okay.

Green: I wasn't on drugs or nothing.

Andrews: Okay. Alright. You know where Bland Avenue is - Bland Street? How far is that from your house?

Green: It's, uh, three blocks round by U-Totem.

Andrews: Okay. Uh, do you remember grabbing somebody's purse over there?

Green: Nope.

Andrews: You don't?

Green: Nope.

Andrews: It was a white canvas type purse, you remember that?

Green: I ain't found no canvas type purse.

Andrews: You didn't?

Green: No.

Andrews: She was walking down the street, and somebody ran up behind her just like you say you do, and took her purse from her.

Green: No, I ain't grab no white canvas,you know, type purse from her, uh-uh.

Andrews: It was only four dollars in that purse, do you remember that one?

Green: I ain't grabbed nothing

Andrews: Okay. Okay. Do you remember a lady coming out of the U-Totem Store?

Green:

Andrews: And you asked her something about a bicycle or something?

Green: Uh-uh, I had my own bicycle that night because I had to go to the store and buy a loaf of bread.

Andrews: This girl had some money in her back pocket. This is going back to July now, took the money out of her back pocket?

Green: No, I don't think so, uh-uh, naw.

Andrews: You don't think so?

Green: Naw, not me, uh-uh.

Andrews: Okay. Okay, are you feeling okay now?

Green: Very nervous.

Andrews: Still a little nervous.

Green: Yeah.

Andrews: Uh, are you on drugs?

Green: Uh-uh, naw, uh-uh.

Andrews: You're not? Are you on any type medication at all?

Green: No.

Andrews: Are you under a doctor's care?

Green: Uh-uh, I ain't never been _____

Andrews: Uh, so you're feeling pretty good right now?

Green: Yeah.

Andrews: Okay. Have, uh, myself or anybody promised you anything, or offered you anything for speaking with us?

Green: He say if I cooperate right, that ya'll talk to the judge tell him that I done fine, or something.

Andrews: No, now remember, the only thing I told you was I can tell the judge...

Green: that I cooperated....

Andrews: ...that you cooperated with us.

Green: That's all.

Andrews: That's the only thing we've told you?

Green: Yes.

Andrews: Okay. I can just tell the judge whatever's on this tape recorder.

Green: Yeah.

Andrews: Uh, anything else you'd like to say?

Green: Naw.

Andrews: Okay. Still feeling pretty good?

Green: Yeah.

Andrews: Okay. The time now is 1619 hours. This concludes the interview with Thomas Eugene Green, presently at Police Headquarters, 501 North Ninth Street.

* * * * * * * * * *

Andrews: The time now is, uh, 1620 - couple of questions I want to ask you, Thomas. Okay?

Green: Okay.

Andrews: Uh, where'd the stamps come from?

Green: From the lady in the apartment in 312.

Andrews: Was that in her pocketbook?

Green: Yeah.

Andrews: Okay. How about this watch, where'd the watch come from, the silver watch?

Green: I found that on Broad Street because the officer told my mother.

Andrews: Okay. And a watch was taken from some of - one of these people wasn't it?

Green: Yeah.

Andrews: ....and you dropped it somewhere - where did you drop it?

Green: I dropped it down there where that old shack at.

Andrews: Can you describe the watch to me?

Green: It had a gold band and a burgundy face.

THOMAS EUGENE GREEN
Det. R. L. Andrews 09-19-80

Andrews: Burgundy face?

Green: Yeah.

Andrews: Okay. How about these earrings here?

Green: They belonged to a lady in, uh, A-3.

Andrews: A-3? Where's that at?

Green: Down Street, that last apartment I showed you.

Andrews: Oh. How did you get that?

Green: It was in her purse.

Andrews: You were in her apartment, or what?

Green: Yeah.

Andrews: Okay. How about this little thing here?

Green: That's the same thing, belonged to the same

Andrews: B elongs to her? Alright, anything else you want to tell me? Alright. The time now is 1621 hours. This does conclude the interview.

* * * * * * * * * * * * * *

# Search Warrant

Commonwealth of Virginia
City of Richmond

TO: Detective Richard L Andrews or any other police officer of the City of Richmond, Va.

WHEREAS an affidavit has been filed pursuant to law and complaint made before me by Detective Richard L Andrews that property belonging to Mrs Elizabeth O. Talley taken from her in a Grand Larceny of her pocketbook is being stored and kept at 205 W Roanoke St., Apt 15A, Richmond, Va.

and I being satisfied from the affidavit filed with me that there is reasonable and probable cause that there is now being concealed certain property, namely one brown leatherwallet with drivers license belonging to Mrs. Elizabeth O Talley, two keys that are used to gain entrance to Mrs Elizabeth O Talley's home

which are being illegally stored and kept at 205 W Roanoke St Apt 15A

You are hereby commanded and authorized, in the name of the Commonwealth of Virginia, to forthwith enter in the day or nighttime the said dwellinghouse described as follows: 205 W Roanoke St., Apt 15A

and there forthwith diligently search for the said stolen property and bring the same and the person or persons in whose possession the same are found, before the City of Richmond General District Court * Juvenile Division to be disposed of or dealt with according to law.

And you are hereby further required to make your return of this warrant to the aforesaid court of said City, showing all things done thereunder, with a particular statement of the things seized and the name of the person in whose possession they were found, if any, and if no person be found in possession of said article, your return shall so state, and you shall post a copy of this warrant on the door of the building or other place where said stolen property are found, and if there be no such door, then in any conspicuous place upon the premises. Comm. #14

Given under my hand and seal, this 19th day of September, 19 80 at 1:30PM.

Magistrate

Comth Exhibit # 14

* insert "Criminal" or "Manchester"

Comth v. Green

Date: 4/8/81

# Affidavit For Search Warrant

## Commonwealth of Virginia,
## City of Richmond, to-wit:

Before me, _____, a Magistrate of the City aforesaid, this day appeared Detective Richard L. Andrews and made oath as follows:

(1) Substantially the offense in relation to which search is to be made.

Pocketbook snatch from Mrs. Elizabeth C. Talley which occurred August 28, 1980 in the 300 block of W. Roanoke St., Richmond, Va.

(2) The material facts constituting probable cause for issuance of the warrant.

I met with Mrs. Elizabeth C. Talley at her home on Sept. 18, 1980 and showed her a photo-spread which contained pictures of black males which were similar in appearance. Mrs. Talley positively identified one of the photographs as being that of the black male which had snatched her pocketbook on August 28, 1980 in the 300 blk. of W. Roanoke St.

The pocketbook was found shortly after the male suspect ~~gg~~ grabbed it in the 300 blk. of W. Roanoke St. but the items mentioned below in article number 3 were missing from the pocketbook.

~~MMM~~ The picture that Mrs. Talley identified as being the person which took her pocketbook is a 15 year old black male. His name is Thomas Eugene Green and he lives with his mother at 205 W. Roanoke St. Apt. number 15A. The apartment is within the Roanoke Ridge Apts., Richmond, Virginia.

(3) What is to be searched for under the warrant.

(1) One brown leather wallet with a Va. drivers license in same which belongs to Mrs. Elizabeth C. Talley.
(2) Two keys that are used to gain entrance to Mrs. Talleys Apt.

The offense in relation to this search is made constitutes evidence of the commission of a crime.

(4) The entire apartment to be searched.

~~205~~ Apartment number 15A which is located within the Roanoke Ridge Apts. situated at 205 W. Roanoke St., Richmond, Va.

_____

Affiant

Subscribed and sworn to before me this _____ day of _____ , 19____.

_____

Magistrate

PREVIOUS COURT CONTACTS:

RE: GREEN, THOMAS EUGENE

| Date: | Charge: | Docket No.: | Disposition | Attorney: | PO: |
|---|---|---|---|---|---|
| .7/72 | Custody | 994-72L | Custody to father | | MR |
| | | | 5/25/72 Brought Forward Custody to mother | | |
| | | | 3/28/73 Brought Forward Custody to father | | |
| | | | 10/4/73 Visitation Rights to mother | | |
| 7/75 | Without proper parental care | 2583-75L | Custody to father with visitation to mother | | AN |
| 8/78 | Vandalism | Intake | Resolved | | AN |
| 9/78 | Assault | Intake | Resolved | | AN. |
| 30/78 | Concealed Weapon | J-10517-1L | 3/7/79 Dismissed | | JH |
| /79 | Petit Larceny | J-10517-2L | 4/17/79 Probation, Ordered to attend PBT | | JH |
| /79 | Breaking and Entering | J-10517-3L | 4/17/79 Probation, Ordered to attend PBT | | JH |
| /79 | Damage Property | J-10517-4L | 3/7/79 Dismissed | | JH. |
| 6/79 | G.L. Pursesnatch | J-10517-5L | Recom't. SBC - 6/5/79 | waived | GEM |
| 6/79 | Auto Theft reduced to unauthorized use of auto | J-10517-6L | 5/7/79 Comm't to SBC | waived | GEM |
| 4/80 | Petit Larceny - purse | J-10517-8(B) | Susp. Com't. to SBC 9/18/80 - Restitution | | |
| | | | ordered - Con't. 11/25/80 | Hopper | RST |
| 28/80 | Robbery | J-10517-9(B) | Trans. to Circuit Ct.II 11/6/80 - Nov. term | Herring | RST |
| 13/80 | Robbery | J-10517-10(B) | Trans. to Circuit Ct.II 11/6/80 - Nov. Term | " | " |
| 4/80 | Robbery | J-10517-11(B) | Trans. to Circuit Ct.II 11/6/80 - Nov. Term | " | " |
| 11/80 | Attempted Carnal Knowledge | J-10517-12(B) | Trans. to Circuit Ct.II 11/6/80 - Nov. term | " | " |
| 11/80 | Robbery | J-10517-13(B) | Trans. to Circuit Ct.II 11/6/80 - Nov. term | " | " |
| 27/80 | Robbery | J-10517-14(B) | Trans. to Circuit Ct.II 11/6/80 - Nov. term | " | " |
| 27/80 | Break & Enter | J-10517-15(B) | Trans. to Circuit Ct.II 11/6/80 - Nov. term | " | " |
| 27/80 | Attempted Carnal Knowledge | J-10517-16(B) | Dismissed - 11/6/80 Insufficient evidence | " | " |
| 11/80 | Break & Enter | J-10517-17(B) | Trans. to Circuit Ct.II 11/6/80 - Nov. term | " | " |
| 18/80 | break & Enter | J-10517-18(B) | Trans. to Circuit Ct.II 11/6/80 - Nov. term | " | " |
| 18/80 | Carnal Knowledge | J-10517-19(B) | Trans. to Circuit Ct.II 11/6/80 - Nov. term | " | " |



COMM. EXH. 15

Form 79—70

# COURT REPORT

**PREVIOUS COURT CONTACTS:** Con't. Page # 2

GREEN, THOMAS EUGENE

| Date: | Charge: | Docket No.: | Disposition | Attorney: | PO: |
|---|---|---|---|---|---|
| 8/80 | Carnal Knowledge | J-10517-20(B) | Trans. to Circuit Ct.II 11/6/80 - Nov. term | Herring | RST |
| 8/80 | Robbery | J-10517-21(B) | Trans. to Circuit Ct.II 11/6/80 - Nov. term | " | " |

CONFIDENTIAL PSYCHOLOGICAL REPORT

Juvenile Court Service Unit
15th Judicial District
2000 Mecklenburg Street
Richmond, Virginia 23223

Name: Thomas Eugene Green (B/M) Age: 14-0 DOB: 3-18-65

Referred By: Janet Hasell, Probation Counselor

Reason for Referral: Psychological Assessment for Placement Planning

Date of Evaluation: April 2, 1979

Techniques Employed: Bender Motor Gestalt Test
Weschler Intelligence Scale For Children - Revised (WISC-R)
House-Tree-Person (HTP)
Interview

| WISC-R Score | |
|---|---|
| VIQ: | 68 |
| PIQ: | 75 |
| FSIQ: | 70 |

xaminer: Nicholas R.M. Martin, M.A., Court Psychologist

BSERVATIONS:

homas, a 14-year-old, black male, approached the session in a cooperative ut clearly anxious and reserved manner. He was cooperative and fairly ell-engaged throughout the testing, but he gave indications of a lack of elf-confidence and a tendency to give up to easily in the face of challeng ituations which may well lie within his abilities. He spoke in a consis- ently soft voice, and his speech was slurred, often making it difficult to nderstand him due to his poor enunciation. During the interview, he was erbal, but his responses tended to be superficial and minimally revealing n a content level. He did not appear deceptive, but rather lacking in elf-awareness, insight, and both verbal and abstractional skills. All hings considered, this assessment was seen as a valid one, and conclusions rawn on the basis of observations and interview material are incorporated elow.

SSESSMENT FINDINGS:

homas' Bender copies reveal no clear indications of significant visual- otor impairment. He did, however, demonstrate a number of inaccuracies n his design reproductions. It is thought likely, though, that these rrors are more a reflection of intellectual dullness, failure to attend to etail, and failure to perfect those figures he did. He showed an ability o recognize his errors and to make some improvements when given encouragemen nd a second attempt. All things considered, it is doubted that any visual- otor impairment of a constitutional nature is present, certainly not to extent that could be expected to significantly interfere with day to y functioning.

:: Thomas Eugene Green

omas' Full Scale I.Q. of 70 falls at the lowest extreme of the Borderline nge of intelligence. His Verbal I.Q. of 68 falls toward the upper extreme the Mentally Deficient range, and his Performance I.Q. of 75 falls within e Borderline. Relative to his own means of achievement on these two oad subtests, Thomas demonstrated no significant relative strengths or aknesses. Intrasubtest scatter was variable, ranging from none to a eat deal, but considered moderate overall. Failure to attend to detail, ficits in his cultural and educational background, neglect to persevere tasks, failure to check his work, and limited verbal skills with regard organizing and expressing his thoughts, are all seen as factor interfering th optimal achievement as well as expression of his optimal intellectual tential. All things considered, Thomas is seen as currently functioning ward the lower end of the Borderline range of intelligence, with potential timated to lie somewhat higher, possibly within the Low Average.

terms of personality, Thomas appears a likeable boy, whose personality very much reflecting his intellectual dullness. He seems rather passive, cially insecure, and dependent upon others and available structure for idelines and direction. His social judgement is faulty, but this seems early a reflection of intellectual factors and lack of development, as posed to any characterological disturbance. His delinquency appears a flection of this faulty judgement and appears to have been also a nction of negative influence by a peer, for whom he reports he was being "look-out" during a breaking and entering. His concealed weapon offense pears to have reflected faulty judgement with regard to the means of fending himself against antagonistic peers at school. Again, however, is seemed a situational incident, reflecting intellectual and developntal factors, as opposed to characterological disturbance.

om information on file, Thomas' family background appears to have been a ry unstable and conflictual one, but he appears to have little insight to his past or any depth of awareness with regard to its influence on his esent relationships. This is not surprising given his intellectual level, t his preferred coping styles appear to have been denial, suppression, d avoidance. He describes himself as a happy boy with no problems in s present home (with his father), although he expresses a preference for turn to his mother's home. It is thought likely that Thomas' verbal and tellectual skills obviate the possibility of a very meaningful descripon of his family relationships, conflicts, and concerns.

cially, Thomas appears an unsophisticated boy, very much dependent upon ch immediacies as supervision, structure, and the influence of others. is is seen as a potential strength to the extent that he may be expected function well in a relatively structured and supportive environment, ere behavioral guidelines are clear and where the influence of peers and thority figures is a positive one. Alternatively, of course, he may be sceptible to inappropriate influences as an extension of the same tendenes. Similarly, ongoing worries and concerns tend to be handled passively, d it is unlikely that he takes a very active or assertive role with gard to intervention in dissatisfactions or with regard to seeking propriate others who can assist him when in need. Anger tends to be ppressed, as in going to his room to "cool off," or else expressed

Re: Thomas Eugene Green

through verbal abusiveness, with fighting behavior being rare and seeming to be more of a responsive than an antagonistic nature.

Thomas reports that he is currently enrolled in special education classes at the Bowser School, where he is making average achievement. On the basis of his intellectual level, it would seem quite appropriate for him to remain in special classes, where he can receive individualized attention in a program geared to his intellectual level and level of academic skill development.

SUMMARY & CONCLUSIONS:

Thomas appears a rather passive, emotionally constricted youth, who is currently functioning in the Borderline range of intelligence. His intellectual potential is estimated to lie somewhat but not greatly higher, perhaps within the Low Average range. He is seen as a rather socially undeveloped boy, with regard to the sophistication of his coping skills and social judgement, and his behavior is likely to be very much influenced by such immediacies as supervision, environmental structure, and the influence of others.

RECOMMENDATIONS:

1) Continued enrollment in special education.
2) Placement in an environment that can offer adequate supervision, structure, and appropriate adult role modeling. Careful investigation should be made of both his mother's and father's homes to evaluate the ability of either of them to meet his present needs in these regards. Placement in a Court Family Oriented Group Home or a non-psychiatric residential setting for adolescents, such as the Virginia Boys Home, would appear the most appropriate alternative for consideration if the parents' homes are deemed inappropriate.
3) Wherever placed, Thomas would benefit by encouragement toward the following: independence of appropriate judgement in the face of negative influence by peers; more appropriate communication skills in general (eye contact, clarity of enunciation, etc.); and a more active and assertive role with regard to sharing his feelings and concerns, expressing his dissatisfactions, and making his wishes known.

Submitted by: Nicholas R. M. Martin

Nicholas R. M. Martin,
Court Psychologist, M.A.

lha,shd

TRANSFER HEARING REPORT

R. S. Taylor/PO

I. NAME: GREEN, Thomas Eugene
DOB: 3/18/65 (Verified)
Date of Commission of alledged offenses: 7/18/80, 8/13/80, 8/27/80, 9/4/80, 9/1/80
Age at that time: 15-years-old

II. NATURE OF PRESENT OFFENSE

This report addresses twelve (12) petitions which were filed in this court on Thomas Eugene Green alleging that he is a delinquent child in that 1) he did unlawfully on July 1, 1980 break and enter in the daytime a certain residence, 3724 Dunston Avenue, with intent to commit robbery, in violation of Section 18.2-90 of the Code of Virginia; 2) that he did unlawfully on July 18, 1980 1980 by force and violence, have carnal knowledge of one Betsy Angus, by way of the the mouth, against her will, in violation of Section 18.2-361 of the Code of Virginia; 3) that he did unlawfully on July 18, 1980 by force and violence have carnal knowledge of one Betsy Angus, by the anus, against her will in violation of Section 18.2-361 of the Code of Virginia; 4) that he did unlawfully on August 13, 1980, by force and violence, take, steal, and carry away from the person of one Mary L. Rorabough, a certain pocketbook and other property, valued at $255.00, property of the said Mary L. Rorabough, against her will, in violation of Section 18.2-58 of the Code of Virginia; 5) that he did unlawfully on August 27, 1980 break and enter in the daytime, a certain residence, 3705 Crutchfield Street with intent to commit robbery, in violation of Section 18.2-90 of the Code of Virginia; 6) that he did unlawfully on August 27, 1980 by force and violence attempt to have carnal knowledge of one Victoria G. Moore, by way of the anus, against her will, in violation of Section 18.2-361 of the Code of Virginia; 7) that he did unlawfully on August 27, 1980 by force and violence to the person of one Victoria G. Moore, take, steal, and carry away $5.00 in U. S. Currency and one Timex digital alarm clock, valued at $20.00 against her will in violation of Section 18.2-58 of the Code of Virginia; 8) that he did unlawfully on September 4, 1980 by force and violence, take, steal, and carry away from the person of one Eunice H. Dunton, a certain pocketbook and other property, valued at $370.00, property of the said Eunice H. Dunton, against her will, in violation of Section 18.2-58 of the Code of Virginia; 9) that he did unlawfully on September 11, 1980, break and enter in the daytime a certain residence located at 3704 Dunston Avenue with intent to commit rape and robbery, in violation of Section 18.2-90 of the Code of Virginia; 10) that he did on July 18, 1980 by force and violence take, steal, and carry away from the person of Betsy Angus, U. S. Currency in the amount of $400.00, against her will in violation of Section 18.2-58 of the Code of Virginia; 11) that he did unlawfully on September 11, 1980 by force and violence to the person of Mrs. Florine Wallace, take, steal, and carry away $18.00 in U. S. Currency, against her will, in violation of Section 18.2-58 of the Code of Virginia; and 12) that he did unlawfully on September 11, 1980, by force and violence, attempt to have carnal knowledge of Mrs. Florine Wallace, age 65, in violation of Section 18.2-61 of the Code of Virginia.

III. PRIOR DELINQUENCY RECORD:

See Previous Contacts form appended.



DEF'S EXH. 1

IV. NATURE OF PAST TREATMENT EFFORTS & NATURE OF YOUTH'S RESPONSE THERETO:

Thomas Green has received treatment on both the state and local levels as he has received one prior commitment to the State Board of Corrections on 5/7/79 and has also been on aftercare supervision for a period of time. As a result of Thomas' prior 5/7/79 commitment, he was assigned to the treatment program at the Barrett Learning Center on 6/20/79. He remained at Barrett until he had completed that program and was released to return to live with his mother on 3/14/80 to receive aftercare supervision. While Thomas was assigned to Barrett, he was involved in their behavior modification program. Initially, he had experienced some problems in following rules and he had a tendency to be too playful at times, but he was eventually able to complete the requirements of that program and his behavior appeared to have stabilized as a result of his settling down in that program. Thomas had also been permitted to go home on several weekend home visits to stay with his mother prior to his release from the center to aftercare supervision.

When Thomas returned home for good on aftercare on 3/14/80, he was soon re-enrolled in school at the Thompson Middle School for the remainder of the 1979-80 school year and he had also re-enrolled at Thompson for this current 1980-81 school year up to the time that he was placed in detention on 9/19/80 for his alleged involvement in these present offenses for which he is now appearing in this court. Thomas had experienced some minor problems in school, but he was keeping up his school attendance for the most part. Thomas did appear serious about continuing in school.

Thomas has been living with his mother since he had been back home in the community and he had begun to encounter some problems at home due to his not complying with his curfew hours at times, not letting his mother know of his whereabouts and due to a lack of parental and adult supervision in the home at night while his mother worked a night shift at a local hospital. Thomas visited his father's home at times in the Church Hill area, but Mr. Green has not had any on-going contact with Thomas since he has been home.

Both Mr. and Mrs. Green still have alot of conflicts between them due to their divorce and they do not communicate that often at all concerning their children.

Thomas does have the potential to follow rules and also to avoid involving himself in further offenses out in the community, but he still needs to learn more self-control and more self-confidence. The lack of parental attention and supervision appears to have contributed to Thomas' present situation. I do feel that Mrs. Green was attempting to provide for Thomas as best as she could, but Thomas had begun to be somewhat resistant to her authority in recent months as he continued to act out in the community. He still tends to be quite impulsive and still lacks insight into his own personal difficulties as well as the consequences of his negative, delinquent actions.

Thomas is still in need of structure and supervision out in the community and he can benefit from further counseling and psychiatric treatment is also suggested for this youth. Thomas is still quite immature and it is quite doubtful that he will be able to survive being placed in an adult correctional institution, but there appears to be only limited choices at this time. It is felt that he could

benefit from a placement at some type of psychiatric placement. It is felt that his problems may be just this serious.

V. RECOMMENDATION:

If probable cause is determined in this case, it is recommended that these cases be certified and transferred to the Circuit Court for this youth to be tried as an adult in light of the seriousness of these offenses. It is also recommended that this youth's age, mental status and level of maturity be taken into consideration in disposing of these charges. This recommendation is made in light of the limited treatment alternatives available on the juvenile justice system level in terms of the help which Thomas needs.

Respectfully submitted,

Reginald S. Taylor

Reginald S. Taylor
Aftercare Counselor
October 28, 1980

RST/shd

MEDICAL COLLEGE OF VIRGINIA
VIRGINIA COMMONWEALTH UNIVERSITY
MCV Station • Richmond, Virginia 23298

November 4, 1980

RECEIVED
NOV 5 1980
CLERK
CITY OF RICHMOND
JUVENILE & DOMESTIC
RELATIONS DISTRICT COURT

Mr. W. T. Eads, Court Administrator
Juvenile and Domestic Relations
District Court
2000 Mecklenburg Street
Richmond, Virginia 23223

RE: Thomas Eugene Green
J-10517

Dear Mr. Eads:

I saw Tommy at the Juvenile Detention Home on November 3rd for psychiatric evaluation per your request. Tommy was pleasant for the interview. Aside from your letter I had only Tommy for information but he seemed fairly reliable.

Tommy does not present signs of mental illness either by history or present examination. He does indicate various instances of hyperactivity, withdrawal, etc. but these are all quite compatible with somewhat immature emotional responses. He also may have some mild intellectual limitation but not enough to even suggest interference with competency before the court. He specifically realizes his situation before the court and seems able and willing to cooperate with his attorney. I therefore do not find cause to doubt his competency and I do not recommend hospitalization.

Tommy does indicate his desire for help. He states his strong motivation to change. He feels he needs somebody to set him straight by firm discipline; and that he needs help (like in a hospital) to set his "head straight". He feels he has done pretty well under a controlled environment. His history suggests an unsettled life.

However, there is not a great deal to suggest any specific psychiatric problems. His stated ability to do well in a structure (for example, his reports about his adjustment in the Detention Home and its school, etc.) suggest a need for this kind of help. His history of perhaps a major head injury when he was 7 years old again suggests the need for special assistance for that difficulty. He is, however, competent to proceed along with the system of the court.

I will be glad to respond further.

Sincerely,

John Mullaney, M.D.

JM/dcr

Def's Exhibit # 2
comm. vs Green
Date: 1/8/81 Judge