

COMMONWEALTH of VIRGINIA



OFFICE OF THE COMMONWEALTH'S ATTORNEY CITY OF PORTSMOUTH



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MEDIA RELEASE

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Portsmouth, VA

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CONFEDERATE MONUMENT CASES IN THE CITY OF PORTSMOUTH

PORTSMOUTH, VA —

Today, the Portsmouth Commonwealth Attorney's Office moved to dismiss the charges against all arraigned individuals in relation to the June 10, 2020, Confederate Monument cases. The Commonwealth filed a sixteen-page Motion to Dismiss in the Clerk's Office for the General District Court and attached an appendix that included correspondence between our office with the Portsmouth Police Department.

The accused individuals were charged with either Destruction of Property or Principle in the 2nd Degree, Destruction of Property and Conspiracy to Commit Destruction of Property, or a combination thereof. An essential element of all crimes charged is intent. Here, the evidence showed that the Chief of Police wrote a letter that was included in the Investigative Case File, that stated:

"I advised my officers on scene of same and proceeded back to my office as I could not take any legal action without a victim. If the property holders, city leaders determined that citizens could damage same, then I don't have a crime...Therefore I had no other alternative but to await confirmation or denial from city leaders in order to prevent a false arrest or incite the crowd, who were told they could damage the property by an elected official, so citizen assumed they were acting without criminal intent."

Further, there had been no documentation of any attempt to assess value of the damage to the Confederate Monument until October 8, 2020, well after charges had been filed and after the first appearance of the Portsmouth Commonwealth's Attorney. As it relates to Felony Destruction of Property, value is an essential element as the Commonwealth would have to prove that the amount of damage, for the individuals charged, exceeded \$1,000.

Without criminal intent and the requisite value requirement, the Commonwealth could not ethically proceed with the charges against the named individuals.

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