

No. 21-988

---

In The  
SUPREME COURT OF THE UNITED STATES

DR. MARLA FAITH CRAWFORD,  
*Appellant (Plaintiff)*

vs

HENRICO COUNTY SCHOOL BOARD, et al.,  
*Appellees (Defendants)*

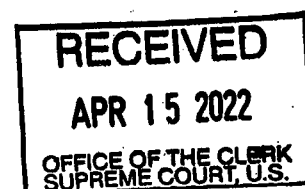
---

PETITION FOR RECONSIDERATION/REHEARING

---

Petition for a writ of certiorari denied March 21, 2022  
No Opinion Provided

Dr. Marla Faith Crawford, pro se  
Elite Educational Consulting  
6523 South Stevens Hollow Drive  
Chesterfield, Virginia 23832  
(804)397-4480  
eliteeducationalconsulting9@gmail.com



## QUESTION

1. Will this case matter serve the interest of the American citizens (general public) in the education of children under IDEA, Rehabilitation Act of 1973, ADA, McKinney Vento Homeless Act?
2. Will this case matter protect the constitutional rights of general public that includes parents, advocates, and those that seek an education for children?
3. Will this case matter protect the due process of those criminally charged and prosecuted as well the 5<sup>th</sup>, 6<sup>th</sup>, and 14<sup>th</sup> Amendment rights of American citizens?
4. Will this case matter safeguard the integrity of the judicial machinery and the Constitution of the United States?

## TABLE OF CONTENTS

QUESTIONS.....	i
TABLE OF CONTENTS.....	ii
TABLE OF AUTHORITIES.....	iii
INTRODUCTION.....	1
STATEMENT OF FACTS.....	2
ARGUMENT FOR RECONSIDERATION.....	4
CONCLUSION.....	12
Transcripts.....	App. 1 - 34
April 26, 2018 Trans. Crooke's	
Testimony.....	App. 1 - 11
September 26, 2018 Trans. Crooke's	
Testimony.....	App. 12 - 25
September 26, 2018 Trans. Judge's	
Ruling.....	App. 26 - 34
CERTIFICATE OF COMPLIANCE.....	v
CERTIFICATE OF SERVICE.....	vi

## TABLE OF AUTHORITIES

### Case Authorities

<i>Ferger v. C.H. Robinson Worldwide, Inc.</i> , No. C06-174RSL, 2006 WL 2091015, at *1 (W.D. Wash. July 25, 2006).....	9
<i>Napue v. Illinois</i> , 360 US 264 (1959).....	5
<i>United States v. Foster</i> , 874 F.2d, 491 (8 <sup>th</sup> Cir. 1988).....	5
<i>United States v. LaPage</i> , 231 F.3 <sup>rd</sup> 488 (9 <sup>th</sup> Cir. 2000).....	5
<i>Wyndham Associates v. Bintliff</i> , 398 F.2d 614, 618 (2 <sup>nd</sup> Cir. 1968).....	9

### Federal Authorities

4 <sup>th</sup> Amendment.....	7
5 <sup>th</sup> Amendment.....	7
6 <sup>th</sup> Amendment.....	7
14 <sup>th</sup> Amendment.....	7
ADA.....	2, 7, 11, 12
Every Student Succeed Act (ESSA).....	12
IDEA.....	2, 7, 11, 12
Rehabilitation Act of 1973.....	2, 7, 11, 12

McKinney Vento Homeless Act.....2, 7, 11, 12

**FEDERAL RULE(S) OF THE COURT**

Federal Civil Rule 21.....7, 8

## INTRODUCTION

Dr. Crawford is an African-American woman that engages in federally protected activities to ensure that disadvantaged and at-risk youths (homeless, disabled, at risk for dropout, sociably challenged, etc.) are able to gain access to a high quality education with the appropriate supports and services. She currently holds the following credentials: Ph.D. in Special Education Leadership, M.S. in Psychology (Applied Behavior Analysis), M.S. Interdisciplinary Science, M.Ed. in Curriculum & Instruction, B.S. in Biology Education and Restorative Justice (Mediation) Certification endorsed by the Office of the Executive Secretary of the Supreme Court of Virginia.

## STATEMENT OF FACTS

Dr. Crawford was engaging in protective activity under IDEA, ADA, Rehabilitation Act of 1973, and McKinney Vento for a homeless child that had a suspected disability at the time and has been since identified as having a disability. She was performing *pro bono* services for the homeless and disadvantaged family because the school unenrolled the student from school and refused to allow the student to gain access to an education with supports and services. The student's mother reached out to Dr. Crawford for assistance. While collaborating with the Virginia Department of Education agents over the phone, she was detained and charged with criminal trespassing. Her constitutional rights and federal protections

were remove for an act that she was not a party to. The State use of fabricated evidence (false testimony) by the Sergeant Crooke (See App. 4 - 10 : April 26, 2018 Trans. Crooke's Testimony) and subsequently he recanted on appeal (See App. 14 - 24 : September 26, 2018 Trans. Crooke's Testimony). Dr. Crawford was acquitted of the criminal act when the Circuit Court of Henrico County determined that "Dr. Crawford was talking with the Department of Education" and "did not engage in disruption at the school" (See App. 30 - 31 : September 26, 2018 Trans. Judge's Ruling).



## **ARGUMENT FOR RECONSIDERATION**

Office of the Attorney General abused its authority by prosecutorial misconduct to deny her witness testimony in her favor and through the State use of fabricated evidence (false testimony) by the Sergeant Crooke (See App. 4 - 10 : April 26, 2018 Trans. Crooke's Testimony) and subsequently he recanted on appeal (See App. 14 - 24 : September 26, 2018 Trans. Crooke's Testimony), Dr. Crawford was acquitted of the criminal act when the Circuit Court of Henrico County determined that "Dr. Crawford was talking with the Department of Education" and "did not engage in disruption at the school" (See App. 30 - 31 : September 26, 2018 Trans. Judge's Ruling).

If the prosecution obtains a criminal conviction using evidence that it knows is false, the conviction violates the defendant's constitutional right to due process (e.g., *Napue v. Illinois*, 1959). If the government knowingly presents false testimony about a significant issue and fails to correct it, courts automatically conclude that the government has violated the defendant's constitutional right to due process (e.g., *United States v. Foster*, 1988; *United States v. LaPage*, 2000).

This case is one that poses a detriment to the general public when seeking educational supports and services for disadvantaged youths and youths at-risk. A precedence that individuals' constitutional rights will be removed, they will be criminally charged, they

will be prosecuted, and they will be convicted of a crime that he or she is not a party to while lawfully seeking an education, supports and services for a child isn't a tenant that we can tolerate and that imposes a detriment to the integrity of the judicial machinery and the constitutional rights of American citizens.

With this being stated, shall this Court deny the reconsideration of the Petition for a Writ of Certiorari denied on March 21, 2022, this will send a message to the American citizens that their constitutional rights can be imposed on and that it is lawful for the authorities to charge, prosecute, engage in malicious prosecution (abuse of authority and act in conflict of interest by serving as legal counsel for an agency that's not a party to a criminal) to deny an individual their

constitutional rights as afford by the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>,  
and 14<sup>th</sup> Amendments of the United States  
Constitution when seeking an education with  
supports and services for homeless children and  
children with a suspected disability. Denying this  
petition for reconsideration will also send a  
message to American citizens that the federal  
mandates under IDEA, Rehabilitation Act of  
1973, ADA, and McKinney Vento Homeless Act **do**  
**not** have to be adhered to and you will be  
criminally charged, prosecuted, and convicted for  
being a lawful American citizen and seeking an  
education, supports and services for children.  
Additionally, denying this petition for  
reconsideration will also let the American citizens  
know that the Federal Civil Rule 21 of this Court  
does not have to be followed and or adhered to

and that the same reason a party wants to be severed from a joining party, the court can dismiss the claim and deny the motion to be served. Federal Civil Rule 21 states in pertinent part: Parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just. Any claim against a party may be severed and proceeded with separately. The use of Rule 21 results in separate actions. Motion to Sever pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 21. Misjoinder and Nonjoinder of Parties** Misjoinder of parties is not a ground for **dismissing an action**. While Rule 21 is entitled “Misjoinder and Non-Joinder of Parties,” the rule “authorizes the severance of any claim, even without a finding of improper joinder, where

there are sufficient other reasons for ordering a severance.” *Wyndham Associates v. Bintliff*, 398 F.2d 614, 618 (2nd Cir. 1968). On motion or on its own, the court may at any time, on just terms, add or drop a party. Rule 21 can also be used “to sever claims of parties, otherwise permissibly joined...to avoid prejudice *Ferger v. C.H. Robinson Worldwide, Inc.*, No. C06-174RSL, 2006 WL 2091015, at \*1 (W.D. Wash. July 25, 2006).

**The court used the same claim Dr. Crawford raised in her motion to server from the other party to dismissed the case, 30 days after her filing and determined Dr. Crawford’s motion to server was MOOT.** It was clear on its face that Dr. Crawford’s claims she raised in her motion to server would prejudice her outcome because the court adopted her position to dismiss the case. To

sever the parties was needed because the other party criminal conviction was upheld on appeal and Dr. Crawford was acquitted when the criminal case was reviewed *de novo* and found that Dr. Crawford was engaging in legal activity, had a bonafide right to conduct legal business because she was “talking with the Department of Education” and “did not disrupt” the operation of the school day. I appeal to this Court to reconsider and issue the Petition for A Writ of Certiorari filed and send the message that the constitutional rights of the American citizens shall be upheld and that seeking an education, supports and services for homeless and disable children is not a criminal act that warrant prosecution. I asked that this Court guard and protect the constitutional rights of the American

citizens and the educational rights of homeless and disabled children. This is a matter of public interest as it pertains to the constitutional rights of American citizens and federal mandates under IDEA, Rehabilitation Act of 1973, ADA, and McKinney Vento Homeless Act. Seeking an education for homeless and disabled children is not a criminal act and does not warrant the removal of constitutional rights that are designed to protect the public.



## CONCLUSION

The tenants of the Constitution for the United State must be safeguarded for all individuals that reside in the United States of America. I turn to this Court to ensure that lawful citizens are protected. The educational rights of children (homeless, disabled, or nondisabled) are upheld as the language in IDEA, ADA, Rehabilitation Act of 1973, McKinney Vento Homeless Act, and Every Student Succeed Act (ESSA) affords. The protections afforded parents and advocates that seek an education, supports and services are protected and free from acts of retaliation, intimidation, threats, etc., as the language in IDEA, ADA, Rehabilitation Act of 1973, McKinney Vento Homeless Act, and Every Student Succeed Act (ESSA) affords. Seeking an

education, supports and services for children is not a criminal act. Therefore, this Court's reconsideration is important and vital to the education of children and parental rights to support the education of their children.

Respectfully submitted  
/s/Dr. Marla Faith Crawford

VIRGINIA:

IN THE GENERAL DISTRICT COURT  
OF THE COUNTY OF HENRICO

-----  
COMMONWEALTH OF VIRGINIA,

vs.

Case No.:GC18006231-00

MARLA CRAWFORD  
-----

Transcript of the testimony and other incidents in  
the above, when heard on April 26th, 2018, before  
the Honorable L. NEIL STEVERSON, Judge.

CRANE-SNEAD & ASSOCIATES, INC.  
4914 Fitzhugh Avenue, Suite 203  
Henrico, Virginia 23230  
Tel. No. (804)355-4335

Crane-Snead & Associates, Inc.

1 APPEARANCES:

2

3 TANIA J. KREGAR, ESQUIRE

4 4301 E. Parham Road

5 Henrico, Virginia 23228

6 Assistant Commonwealth Attorney

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Crane-Snead & Associates, Inc.

## I N D E X

2		page
3	BROWN, Rachel	
4	Direct Examination by Ms. Kregar	100
5		
6	CHRISTIAN, Tonya	
7	Direct Examination by Ms. Kregar	12
8	Cross Examination by Ms. Lucas	37
9	Cross Examination by Dr. Crawford	42
10		
11	CRAWFORD, Marla	
12	Direct Examination by Dr. Crawford	120
13	Cross Examination by Ms. Lucas	123
14	Cross Examination by Ms. Kregar	132
15		
16	CROOK, Sergeant	
17	Direct Examination by Ms. Lucas	113
18	Cross Examination by Dr. Crawford	118
19		
20	EGGLESTON, Kirk	
21	Direct Examination by Ms. Kregar	59
22	Cross Examination by Ms. Lucas	79
23	Cross Examination by Dr. Crawford	88
24		
25		

Crane-Snead &amp; Associates, Inc.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SERGEANT CROOK, having previously been duly sworn,  
testified as follows:

Crane-Snead & Associates, Inc.

## 1 DIRECT EXAMINATION

2 BY MS. LUCAS:

3 Q How are you Sergeant Crook?

4 A Good.

5 Q Do you recognize me?

6 A Yes, ma'am.

7 Q Were you at the school on January  
8 30th at Colonial Trail Elementary School?

9 A Yes, ma'am.

10 Q Okay.

11 Why were you called --

12 MS. KREGAR: Objection. The date is before  
13 the incident, Judge.14 THE COURT: I want to hear about January  
15 31st.16 MS. LUCAS: And we are leading up to that,  
17 sir.

18 THE COURT: Tell me about January 31st.

19 THE WITNESS: I wasn't there on January  
20 31st.21 Q Did you agree to meet us at the  
22 school on January 31st, sir?23 A I gave my phone number to the  
24 mother and said if she wanted me to call me and I'll  
25 be there for her.

1           Q     And why did we ask you to accompany  
2     us because you knew we were coming that next day,  
3     correct?

4           MS. KREGAR:  Objection.

5           THE COURT:  Sustained.

6           How does he know what you want?

7           MS. LUCAS:  Excuse me?

8           THE COURT:  How does he know what you want?

9           MS. LUCAS:  Sir, if you would like me to  
10    play the videotape, if I could bring my audio tape

11    --

12           THE COURT:  Was he there on January 31st?

13    It's all we can do to get through January 31st.  I'm  
14    not going to go back to January 30th.

15           Do you have any questions you want to ask  
16    about January 31st?

17           Q     Sergeant Crook, were you to  
18    accompany us to the school on January 31st?

19           A     No, ma'am.

20           Q     You did not agree to do that?

21           A     I told the mother if she would call  
22    me, I would come meet her, yes.

23           Q     Why did you agree to meet us on  
24    that day?

25           A     I agreed to meet her on that day to



1 try to give her -- that day was very hard on her I  
2 could tell. I wanted her to know that if she needed  
3 me there, she could call me and I'll come.

4 Q Okay.

5 Was it communicated to you that on January  
6 31st we were coming back to enroll -- to bring  
7 Morocco back to school?

8 A No. I wasn't sure what was going  
9 on the next day. I want to say it was that  
10 afternoon that I thought you-all would hear  
11 something.

12 Q Hear what?

13 A But I didn't know about -- I didn't  
14 know. I mean, I know the school wanted to tell you  
15 something. I wasn't sure what. But I wanted her to  
16 know that if she needed me, I would be there for  
17 her. So, I gave her my phone number to use.

18 Q And you said to call you, correct?

19 A Call me, yes.

20 Q And who was in that conversation  
21 with you? Who was in the room with you when you  
22 said all that?

23 A She was there -- I don't know if it  
24 was her husband or whoever that gentleman was, and I  
25 believe you and Ms. Crawford were close by. We all

1 were out in front of the principal's office in the  
2 hallway.

3 Q And you were there because once  
4 again, you were called by who?

5 MS. KREGAR: Is she talking about the 30th  
6 or --

7 THE WITNESS: I think she is going back to  
8 the 30th because I wasn't there on the 31st.

9 Q You were called by who?

10 THE COURT: The 30th or the 31st?

11 MS. LUCAS: The 30th.

12 THE COURT: We are not going to talk about  
13 the 30th.

14 Q On the 31st were you called at all?

15 A No, ma'am.

16 Q Okay.

17 On the 31st were you scheduled to come to  
18 the school at 8 a.m.?

19 A No, ma'am.

20 MS. LUCAS: Once again I would like to  
21 present audio recording documenting the conversation  
22 we had with Sergeant --

23 THE COURT: Tell me what this has to do  
24 with trespassing on school property.

25 MS. LUCAS: Because we have a right to be

1 there to enroll a child.

2 THE COURT: Tell me what if Sergeant Crook,  
3 what if he was there on the 31st, what does that  
4 have to do with trespassing on school property?

5 MS. LUCAS: Because we had a right to be  
6 there.

7 THE COURT: So your answer is nothing?  
8 Your answer is nothing?

9 MS. LUCAS: Well, we are stating that in  
10 order to have a charge of trespassing you have to  
11 have a criminal intent. We had a purpose of  
12 enrolling the child. That is not criminal, sir.

13 THE COURT: Is there anything else you want  
14 to ask Sergeant Crook?

15 MS. LUCAS: No.

16 THE COURT: Do you want to ask Sergeant  
17 Crook anything?

18

19

20

21 CROSS-EXAMINATION

22 BY DR. CRAWFORD:

23 Q Did you or did you not have direct  
24 conversation with me about accompanying me on the  
25 31st?

1           A     I had direct conversation on the  
2 30th. I don't remember having a direct conversation  
3 with you about the 31st. The only person I really  
4 had direct conversation with was the mother. And I  
5 told her if she needed me, to call me.

6           DR. CRAWFORD: No more questions.

7           THE COURT: Next witness.

8           May Sergeant Crook be excused?

9           MS. KREGAR: For my purposes, yes, Judge.

10          MS. LUCAS: Yes.

11          THE COURT: Thank you, sir.

12

13                   (Witness stood aside.)

14

15          MS. LUCAS: We have no other witnesses.

16          THE COURT: Do you have any witnesses?

17          DR. CRAWFORD: No.

18          THE COURT: Remember, I told you in the

19 beginning, you have a right to testify. And if you

20 don't testify, nobody can ask you any questions.

21 But if you do choose to testify the Commonwealth

22 Attorney can cross-examine you and I might ask you

23 questions. But right now you have the right to not

24 say anything.

25           Do you wish to say anything or do you wish

1 CERTIFICATE OF COURT REPORTER  
2

3 I, Anne M. Nelson, hereby certify that I, having  
4 been duly sworn, was the Court Reporter in the  
5 General District Court of the County of Henrico,  
6 Virginia on April 26th, 2018 at the time of the  
7 hearing herein.

8 I further certify that the foregoing transcript is  
9 a true and accurate record of the testimony and  
10 other incidents of the hearing herein.

11 Given under my hand this day of April 26th, 2018.  
12  
13  
14

15  
16 \_\_\_\_\_  
Anne Marie Nelson  
17  
18  
19  
20  
21  
22  
23  
24  
25

Crane-Snead & Associates, Inc.

COPY

1 VIRGINIA:

2 IN THE CIRCUIT COURT FOR THE COUNTY OF HENRICO

3

4 -----;

5 COMMONWEALTH OF VIRGINIA, :

6 Plaintiff, :

7 vs. : Case No. CR18-1651-00M

8 :

9 KANDISE N. LUCAS, :

10 Defendant. :

11 -----;

12

13 Transcript of the testimony of

14 Sergeant Crooke the above-styled matter, when heard on

15 September 26, 2018 before the Honorable John Marshall,

16 Judge.

17

18

19

20

21

22

23

24

25

CRANE-SNEAD & ASSOCIATES, INC.  
4914 Fitzhugh Avenue, Suite 203  
Richmond, Virginia 23230  
Tel. No. (804) 355-4335

1   **APPEARANCES:**

2   Nate Green, Esquire  
3   Special Prosecutor, Commonwealth Attorney  
4   5201 Monticello Avenue, Suite 4  
5   Williamsburg, Virginia 23188-8213  
6         Counsels for the Commonwealth

7  
8   J. Robinson, Esquire  
9         Counsel for the Defendant Kandise Lucas

10  
11  
12   James Maloney, Esquire  
13   Seven South Adams Street  
14   Richmond, Virginia 23220  
15         Counsel for the Co-Defendant Dr. Crawford

16  
17   Stephen Mutnick, Esquire  
18   BLACKBURN CONTE SCHILLING & CLICK  
19   300 West Main Street  
20   Richmond, Virginia 23220

21  
22  
23  
24  
25  
  
CRANE-SNEAD & ASSOCIATES, INC.

1 WITNESS CROOKE: I do, your Honor.

2 THE COURT: All right, you can have a seat. All  
3 right, Mr. Maloney.

4 MR. MALONEY: Yes, sir.  
5  
6  
7  
8  
9  
10

11 **SERGEANT CROOKE**, the witness, having  
12 previously been duly sworn, testified as follows:  
13

14 DIRECT EXAMINATION

15 BY MR. MALONEY:

16 Q Good afternoon, Sergeant Crooke, how are you?

17 A Yes, sir.

18 Q I want to direct your attention to January the 30<sup>th</sup> of  
19 2018, you were called to Colonial Trail Elementary School by  
20 someone in administration and this is the occasion where you  
21 had the opportunity to speak with the three codefendants here  
22 Ms. Davis, Ms. Lucas and Dr. Crawford, is that correct?

23 A Yes, sir.

24 Q All right, when you arrived on scene, they appeared  
25 to be making some kind of request for records, is that right?

CRANE-SNEAD & ASSOCIATES, INC.



1 A Yes, sir.

2 Q Documents of some sort. And things were a bit  
3 contentious, correct?

4 A Um-hmm.

5 Q Specifically with respect to Dr. Crawford, she was  
6 conducting herself politely and professionally, is that correct?

7 A She was fine, yes, ma'am, sir.

8 Q And in fact on one occasion you said and I'm  
9 quoting you, you're doing good waiting your turn to speak,  
10 right?

11 A I don't remember that but I remember we had a nice  
12 conversation.

13 Q Well, at some point and what she was doing was she  
14 was trying to explain to you various regulations and various  
15 parental rights to records, is that correct?

16 A There was a law she kept stating. I wasn't familiar  
17 with the law but it's something to do with schools, yes, sir.

18 Q And in fact you were saying well that might be FOIA  
19 request -

20 A Exactly.

21 Q - and she was trying to politely correct you and that  
22 no, in fact, there was another regulation where it didn't have to  
23 be applied through FOIA?

24 A Correct.

25 Q All right, at some point during that time, you never

1 asked Dr. Crawford to leave, correct?

2 A I never asked anybody to leave, I don't think. The  
3 most I asked them to leave, I think I asked them to come back  
4 at 2:45 that day because the principal said he needed time to  
5 get with the home office.

6 Q Yes, correct. But at no point did you admonish Dr.  
7 Crawford that she had been asked to leave by the principal and  
8 was trespassing or anything like that?

9 A No, sir.

10 Q Towards the end, and this was all recorded on body  
11 camera, is that correct?

12 A Yes, sir.

13 Q And you've had the opportunity to review that,  
14 correct?

15 A Yes, sir.

16 Q Towards the end of your encounter with them, you  
17 actually asked Dr. Crawford to step out with you into the  
18 anteroom so you could continue the conversation with her,  
19 correct?

20 A I think what that was about, I think all of us left  
21 right then. It was the end of the thing. I think we'd come to  
22 some agreement about coming back or something with, but we  
23 all left and went out in the front lobby.

24 Q You all left, and she didn't need any extra prodding,  
25 she came along with you?

1           A     Yes.

2           Q     And at the end she advised you that one of the  
3 issues they were having was the child was withdrawn  
4 improperly and had a right to continue to attend the school,  
5 correct?

6           A     He hadn't been withdrawn improperly. I don't think  
7 he had been withdrawn. That was a discussion going on. She  
8 said that because of that law that the child had to stay there  
9 and I didn't understand the law.

10          Q     I understand.

11

12               MR. GREEN: I think I'm going to object to the  
13 hearsay, relevance and hearsay.

14               THE COURT: Hearsay, sustained.

15

16 BY MR. MALONEY:

17          Q     All right, in any case, you had a conversation with  
18 her about her returning to school the next morning, correct?

19          A     Well, I watched the video. I didn't remember it  
20 before but when I watched the video, I concentrated on the  
21 mother the whole time. I felt sorry for her. I was talking to the  
22 mother. And during that time on the video, you can hear Dr.  
23 Crawford and Ms. Lucas saying stuff to the side. And I think  
24 one of them said they'd be back every day if they had to and  
25 something else going on. And I said I'd be back in the

1 morning. I think at one time I said I'd be back at eight in the  
2 morning or something like that.

3 Q Right, you said on a couple of different occasions at  
4 the twenty minute thirty second mark you said, I'll be here at  
5 eight o'clock tomorrow morning, correct?

6 A I'm sure I said that, yeah, I think I said that.

7 Q And at 21:35 you said we'll see you here in the  
8 morning, correct?

9 A I think that was one of the lines, yes, sir.

10 Q And the very last thing you said at 21:48 is you said  
11 good luck to you all, I'll see you tomorrow, in the morning.

12 A I think so, yes, sir.

13 Q Okay.

14

15 MR. MALONEY: That's all I have. Please answer  
16 any questions counsel or the Court may have.

17 THE COURT: All right.

18 MS. ROBINSON: Yes, sir.

19

20 DIRECT EXAMINATION

21 BY MS. ROBINSON:

22 Q Sergeant Crooke?

23 A Yes, ma'am.

24 Q I represent Kandise Lucas, do you recall seeing this  
25 lady who is sitting behind me on the 30<sup>th</sup>?

1 A Yes, ma'am.

2 Q And the 31<sup>st</sup> at –

3 A I wasn't there the 31<sup>st</sup>.

4 Q Just the 31<sup>st</sup>?

5 A Just the 30<sup>th</sup> I was there, yes, ma'am.

6 Q I'm sorry?

7

8 THE COURT: Not the 31<sup>st</sup>, only the 30<sup>th</sup>.

9 WITNESS CROOKE: The 30<sup>th</sup>, yes, sir.

10

11 BY MS. ROBINSON:

12 Q All right and at the time that you saw her, where  
13 was she located within the school?

14 A She was in the principal's, I guess that main office  
15 right there.

16 Q And while she was in the principal's main office or  
17 the front office, did you have any direct communication with  
18 Ms. Lucas?

19 A I had some with her but not a whole lot.

20 Q And at the time when you saw her, about what time  
21 of day was it?

22 A It was 8:30 in the morning when I got there.

23 Q Okay and what was she doing when you got there  
24 and you saw her in the front office?

25 A She was the loud one. She was the one who kind of

1 made the conversation hard. I've always believed that if Ms.  
2 Davis and the principal could have got together, maybe  
3 something could have got worked out. They seemed to have,  
4 when they talked, you could tell they had something going on,  
5 they had a communication, they trusted each other. Ms.  
6 Lucas was always -

7 Q You said they trusted each other?

8 A They looked like they trusted each other. This is  
9 just from my -

10 Q From your perception?

11 A Perception from them.

12 Q Right.

13 A It looked like they trusted each other. When they  
14 talked, you could tell they understood each other. And that's  
15 what I was trying to do was get them together so they could  
16 talk and maybe figure a way out of this thing or get the records  
17 they wanted because the whole thing was about records and  
18 keeping her child in school. I felt for the mom. And Ms. Lucas  
19 was just, she kept yelling. And Ms. Crawford, at least when  
20 she tried to do something, would talk to me and I could have a  
21 conversation with her. Ms. Lucas was the only one that was  
22 really loud and just kind of made it really hard in there to  
23 really do anything.

24 Q But calling her the loudmouth, do you know -

25 A I didn't say loudmouth, I said she was loud.

1 Q You said she was loud?

2 A Yes, ma'am.

3 Q Okay, but in calling her a little loud, was she  
4 abusive in her behavior toward you?

5 A You asked me my opinion on that one, I would say it  
6 did get to that point, yes, ma'am.

7 Q And when you say it got to that point, did you ask  
8 her to leave the school premises?

9 A I did not, no, ma'am.

10 Q All right, do you recall at any point in time while you  
11 were there did anyone else direct Ms. Lucas to leave?

12 A No, I mean, -

13 Q And you were only -

14 A - the main thing was I was trying to get them, I was  
15 trying to help them. I asked them to go to our headquarters,  
16 the FOIA stuff, anything I could do to help them. But the way  
17 they were interfering with the school and the school couldn't  
18 give an answer right then. And I didn't think it was  
19 unreasonable for them to ask them to come back at 2:45 so  
20 the principal could talk to the main office and get his bearings  
21 on what he should do. So my whole thing was trying to get  
22 them to go, come back at 2:45 and see what the school had to  
23 say.

24 Q All right. And did you give them any instruction as  
25 to whether they should leave and come back at 2:45 or remain

1 there at 2:45?

2 A No, well it was my --

3 Q Your direct, your instruction to Kandise Lucas?

4 A No, no, ma'am.

5 Q You didn't say anything about leaving or staying and  
6 coming back at another time, you just wanted them to know  
7 records would be released at 2:45?

8 A At 2:45 I knew that they would have some answer, I  
9 didn't know what would be released. But I knew the school  
10 said that by that time the main office should have an answer  
11 for you all.

12 Q All right at that time when you said the main office  
13 should have an answer, did you have any idea where the  
14 child's records were?

15 A I knew that the records that he could release were  
16 there and that evidently they had shown them beforehand  
17 supposedly from what I was told. But they said they weren't  
18 the records they wanted. They wanted some other records that  
19 I want to say had to do with emails. And of course, to me that  
20 right away to me I thought was FOIA and the principal just  
21 said he had to have instruction from the main office, I believe,  
22 to --

23 Q When you were in the main office, were any students  
24 in the main office?

25



1 MR. GREEN: Your Honor, I think now all of it's been  
2 irrelevant but I don't see the relevance of this of the interaction  
3 on the 30<sup>th</sup>.

4 THE COURT: I agree based on this line of  
5 questioning.

6 MS. ROBINSON: May he answer just that last?

7 THE COURT: Move on from there.

8 MS. ROBINSON: Okay.

9

10 BY MS. ROBINSON:

11 Q And you did not return, yes, sir, you did not return  
12 to the school on the 31<sup>st</sup>, no contact with anyone at the school  
13 on the 31<sup>st</sup>?

14 A No, ma'am.

15 Q Was it your original intention on the 30<sup>th</sup> to have  
16 returned on the 31<sup>st</sup>?

17 A Yes, ma'am.

18 Q Of January?

19 A Um-hmm.

20 Q Would it have been part of your normal duty or was  
21 there some reason why you didn't?

22 A No, no, no, no, no. Like I said, I felt for the mom, I  
23 wanted to help her if there was some way I could. I gave her  
24 my phone number to call me if she needed me. But later on in  
25 the day I was told that schools, you know, has their own thing

1 and I was told that it was their thing if they want somebody  
2 else to call, they let schools handle schools matters. Pretty  
3 much that's all.

4 Q Yes, sir, okay. While you were there on the 30<sup>th</sup>,  
5 how many officers did you see at the time?  
6

7 MR. GREEN: Objection, your Honor, relevance.

8 THE COURT: Sustained.

9 MS. ROBINSON: Pass the witness then.

10 THE COURT: Mr. Mutnick?

11 MR. MUTNICK: On the 30<sup>th</sup>, Judge, I don't have any  
12 questions.

13 THE COURT: All right.

14 WITNESS CROOKE: Thank you, your Honor.

15 THE COURT: Is the officer free to go?

16 MR. MALONEY: Yes.

17 WITNESS STOOD ASIDE;  
18

19 MR. MALONEY: Judge, I call Dr. Crawford.

20 THE COURT: All right.

21 MS. ROBINSON: May I approach the  
22 Commonwealth, sir? He's having technical problems.

23 THE DEPUTY: You can have a seat, face the Judge  
24 once you're done. Face the Judge and raise your right hand.

25 THE COURT: Do you swear or affirm the testimony

1 STATE OF VIRGINIA,  
2 COUNTY OF HENRICO, to-wit:  
3

4 I, MEDFORD W. HOWARD, Registered Professional  
5 Reporter and Notary Public for the State of Virginia at large, do  
6 hereby certify that I was the Court Reporter who transcribed  
7 the recorded proceedings of **COMMONWEALTH OF VIRGINIA**  
8 **v. KANDISE N. LUCAS**, heard in the Circuit Court for the  
9 County of Henrico. **I have transcribed the recording to the**  
10 **best of my ability to understand the proceedings herein.**

11 I further certify that the foregoing transcript, pages  
12 numbered 1 through 308 is a true and accurate record of the  
13 proceedings herein reported, **to the best of my ability to**  
14 **understand the audio recording.**

15 Given under my hand this 3rd day of December,  
16 2018.  
17

18  
19 ORIGINAL SIGNED

20  
21 /s/ Medford W. Howard  
22 Registered Professional Reporter  
23  
24  
25

CRANE-SNEAD & ASSOCIATES, INC.

1 VIRGINIA:  
2 IN THE CIRCUIT COURT FOR THE COUNTY OF HENRICO  
3  
4 -----:  
5 COMMONWEALTH OF VIRGINIA, :  
6 Plaintiff, :  
7 vs. : Case No. CR18-1651-00M  
8 :  
9 KANDISE N. LUCAS, :  
10 Defendant. :  
11 -----:

12  
13 Transcript of the Judge's ruling in  
14 the above-styled matter, when heard on September 26, 2018  
15 before the Honorable John Marshall, Judge.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CRANE-SNEAD & ASSOCIATES, INC  
4914 Fitzhugh Avenue, Suite 203  
Richmond, Virginia 23230  
Tel No (804) 355-4335

1   **APPEARANCES:**

2   Nate Green, Esquire  
3   Special Prosecutor, Commonwealth Attorney  
4   5201 Monticello Avenue, Suite 4  
5   Williamsburg, Virginia 23188-8213  
6           Counsels for the Commonwealth

7  
8   J. Robinson, Esquire

9

10

11

12           Counsel for the Defendant

13

14

15

16

17

18

19

20

21

22

23

24

25

CRANE-SNEAD & ASSOCIATES, INC

1           THE COURT: Overall, we begin on January 30<sup>th</sup>.  
2   The request for records in concern over Morocco being  
3   unenrolled was based on the Virginia Department of Education  
4   decision by the state superintendent. At some time during the  
5   30<sup>th</sup>, because it wasn't at the school that day because they  
6   started, Crooke testified it was all about getting records. And  
7   at some time during that day, a decision was made and  
8   handed down to Principal Eggleston that indeed Morocco  
9   would be unenrolled.

10           Well go to the 31<sup>st</sup>. All three Defendant's knew that  
11   Morocco had been unenrolled because Ms. Lucas testified she  
12   had filed a due process claim and emailed everyone the day  
13   before and the due process claim was based on him being  
14   removed or unenrolled. So the purpose on January 31<sup>st</sup> as  
15   Sergeant Crooke testified to about getting the records had  
16   changed.

17           So the goal on the 31<sup>st</sup> was to take Morocco into  
18   school and take him into class despite the state  
19   superintendent's decision. This intent was shown by the direct  
20   action to take Morocco to school with no discussion as had  
21   taken place the day before on the 30<sup>th</sup>. It was taken directly to  
22   class.

23           This case comes down to the parties not being happy  
24   with the state superintendent's decision and trying to force  
25   Principal Eggleston to accept their authority over that of the

1 state superintendent. No authority other than the state  
2 superintendent and the Henrico school officials had given  
3 Principal Eggleston any other direction other than Morocco was  
4 unenrolled and he was bound to follow it.

5 From the outset, my handwriting is terrible. From  
6 the outset, it could have been predicted that a confrontation  
7 was contemplated by attempting to take Morocco to class with  
8 all the parties' knowledge of the state superintendent's  
9 decision. Mr. Eggleston on January the 3<sup>rd</sup> had even assisted  
10 to get Morocco an appeal that he didn't have at that point and  
11 Mr. Eggleston, based on the videos that the Court has seen,  
12 conducted himself in an acceptable manner in light of the  
13 behavior exhibited towards him on the video.

14 Now, we'll go to Ms. Davis first. Ms. Davis as  
15 Morocco's mother had a good faith basis to be at the school.  
16 Because obviously she was concerned about what had now  
17 become the decision that was going to be enforced to unenroll  
18 Morocco. The evidence shows that Ms. Davis was following the  
19 advice of Dr. Crawford and Ms. Lucas in trying to bring  
20 Morocco to school. The evidence shows that Ms. Davis had  
21 little role in the interactions with Mr. Eggleston in her  
22 willingness to talk to Channel 12 at Ms. Lucas' request does  
23 not rise to the level of her being in concert of action with Ms.  
24 Lucas' stated intention to stage a sit in in civil disobedience.  
25 Her behavior is not what has prompted, is not what disrupted

CRANE-SNEAD & ASSOCIATES, INC

1 the school. The evidence is not clear that Ms. Davis was told  
2 to leave.

3 The Court cannot find beyond a reasonable doubt  
4 therefore, that Ms. Davis trespassed after being told by Mr.  
5 Eggleston to leave.

6 Dr. Crawford. The Court has to accept Dr.  
7 Crawford's statements as to the law of the federal regulations  
8 since none of those regulations were introduced into evidence.  
9 The Court has to rely on her knowledge and that based on  
10 that knowledge, she had a good faith basis to believe that  
11 Morocco had a right to be at school and as the advisor to Ms.  
12 Davis, she had a good faith basis to be there with her.

13 However, Dr. Crawford also knew of the decision  
14 that had been made to unenroll Morocco but not by Principal  
15 Eggleston but the state superintendent and the schools. Her  
16 role by the evidence was to try and get someone at the  
17 Department of Education to advise Principal Eggleston that  
18 despite the superintendent's decision, Morocco should be in  
19 school. She could have done this anywhere. It did not have to  
20 be at the school.

21 Despite being at the school approximately four and a  
22 half hours, she was never successful in getting someone at the  
23 state department of education to tell Principal Eggleston what  
24 she wanted them to tell him. But she would expect Principal  
25 Eggleston to ignore the state superintendent and the school



1 system decision and rely on her. That is not reasonable.

2 The Court finds from the evidence that Dr.  
3 Crawford's behavior did not cause a disturbance at the school.  
4 The Court also finds that it isn't clear that Dr. Crawford was  
5 told to leave and therefore, the Court has to find Dr. Crawford  
6 not guilty.

7 Kandise Lucas. The conduct exhibited by Ms. Lucas  
8 on the video created a situation that, again, was expected  
9 based on the prior knowledge that Morocco had been  
10 unenrolled by the state superintendent. The conduct and  
11 situation is something that Ms. Davis testified she did not want  
12 Morocco to see and that is why he was taken to the car. The  
13 Court finds it was not okay for the other five- to ten-year-old  
14 students to witness the behavior the Court has seen on the  
15 video. Kids were seen on the video and Ms. Lucas testified that  
16 kids were walking by.

17 The librarian, not a party to the situation, saw the  
18 conduct exhibited on the video and called for a lockdown. That  
19 lockdown remained in effect based on the behavior of Ms.  
20 Lucas and remained while she and the other parties were  
21 there. Important to note is where the behavior on the video  
22 took place. Commonwealth Exhibit 5 shows the foyer area  
23 where the Defendants were and that is directly next to the  
24 library. From the map, it shows the area is next to the office  
25 and access to the gym is through the same hallway that foyer

CRANE-SNEAD & ASSOCIATES, INC

1 is in.

2           Based on that, for almost the whole day, the kids  
3 couldn't leave the classrooms for gym because of where it was  
4 located and the disturbance that had occurred and the library  
5 was shut down because the access to the library was directly  
6 next to the foyer and that's why the librarian had called for the  
7 doctor.

8           Pursuant to Commonwealth Exhibit 6, regulation R-  
9 11-08-001, these disruptions meet the requirements of A4.  
10 And pursuant to the language in *Pleasants v. Commonwealth*  
11 dealing with protests at school, the Court said when the  
12 protest demonstration became unduly disruptive of the  
13 educational process and to good order and discipline in the  
14 school, it became not only the right but the duty of the  
15 principal to take reasonable measures to restore order so that  
16 the educational process might continue. And in that case,  
17 based on that, the good faith right to be there was overcome.  
18 Requirement A5 is met by the comments Ms. Lucas made in  
19 the video toward Ms. Christian.

20           Ms. Lucas was told to leave the property repeatedly.  
21 Her answer is similar, one of her answers was similar to the  
22 answer in the Rayyan's case that was cited by Counsel that  
23 said in the Court of Appeal case said arrest me. She also said  
24 this is now civil disobedience in a city.

25           Based on the disruption at the school caused by Ms.

1 Lucas, the repeated request for her to leave and her statements  
2 that any claim of right she had was lost. For that reason, I find  
3 her guilty in the trial.

4

5

JUDGE'S RULING CONCLUDED.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CRANE-SNEAD & ASSOCIATES, INC

1 STATE OF VIRGINIA,  
2 COUNTY OF HENRICO, to-wit:

3  
4 I, MEDFORD W. HOWARD, Registered Professional  
5 Reporter and Notary Public for the State of Virginia at large, do  
6 hereby certify that I was the Court Reporter who transcribed  
7 the recorded Judge's ruling of **COMMONWEALTH OF**  
8 **VIRGINIA v. KANDISE N. LUCAS**, heard in the Circuit Court  
9 for the County of Henrico. **I have transcribed the recording**  
10 **to the best of my ability to understand the proceedings**  
11 **herein.**

12 I further certify that the foregoing transcript, pages  
13 numbered 1 through 8 is a true and accurate record of the  
14 proceedings herein reported, **to the best of my ability to**  
15 **understand the audio recording.**

16 Given under my hand this 9<sup>th</sup> day of October, 2018.

17

18

19

20

Medford W. Howard

21

Registered Professional Reporter

22

Notary Public for the State of Virginia at Large

23

Notary Registration Number: 224566

24

25 My Commission Expires: October 31, 2018.

CRANE-SNEAD & ASSOCIATES, INC