

No. 21-988

In The
SUPREME COURT OF THE UNITED STATES

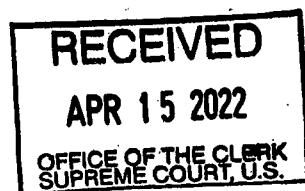
DR. MARLA FAITH CRAWFORD,
Appellant (Plaintiff)

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

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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 5th, 6th, and 14th Amendment rights of American citizens?
4. Will this case matter safeguard the integrity of the judicial machinery and the Constitution of the United States?

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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 4th, 5th, 6th, and 14th 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 sever from the other party to dismissed the case, 30 days after her filing and determined Dr. Crawford's motion to sever was MOOT. It was clear on its face that Dr. Crawford's claims she raised in her motion to sever 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.

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App. 1

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6 Assistant Commonwealth Attorney

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Crane-Snead & Associates, Inc.

App. 2

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

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DIRECT EXAMINATION

1 BY MS. LUCAS:

2 Q How are you Sergeant Crook?

3 A Good.

4 Q Do you recognize me?

5 A Yes, ma'am.

6 Q Were you at the school on January

7 30th at Colonial Trail Elementary School?

8 A Yes, ma'am.

9 Q Okay.

10 Q Why were you called --

11 MS. KREGAR: Objection. The date is before

12 the incident, Judge.

13 THE COURT: I want to hear about January

14 31st.

15 MS. LUCAS: And we are leading up to that,
16 sir.

17 THE COURT: Tell me about January 31st.

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

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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

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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

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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

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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?

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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

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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

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Anne Marie Nelson

17

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CPY

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.

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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

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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 30th 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?

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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

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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?

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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

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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 30th?

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1 A Yes, ma'am.
2 Q And the 31st at –
3 A I wasn't there the 31st.
4 Q Just the 31st?
5 A Just the 30th I was there, yes, ma'am.
6 Q I'm sorry?

7
8 THE COURT: Not the 31st, only the 30th.
9 WITNESS CROOKE: The 30th, 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

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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.

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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

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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

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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 30th.

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 31st, no contact with anyone at the school
13 on the 31st?

14 A No, ma'am.

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

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

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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 30th,
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 30th, 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

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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.

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CRANE-SNEAD & ASSOCIATES, INC
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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

8 J. Robinson, Esquire

10
11
12 Counsel for the Defendant

1 THE COURT: Overall, we begin on January 30th.
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 30th, 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 31st. 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 31st as
15 Sergeant Crooke testified to about getting the records had
16 changed.

17 So the goal on the 31st 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 30th. 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

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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 3rd 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

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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

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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

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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.

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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.

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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 9th 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.

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