

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

DATE: July 12, 2011  
JUDGE: Bonnie L. Jones

COMMONWEALTH OF VIRGINIA

vs.

CASE NO.: 10-1010-03

DARRIS ALTONY NEWSOME, DEFENDANT

DOB: 4/8/59

SSN: XXX-XX-3464

SEX: Male

RACE: Black

OFFENSE : Indecent Act with a child (F)  
CODE SECTION : 18.2-370.1  
OFFENSE DATE : Between 4/1/95 through 10/11/95  
VCC NUMBER : SEX-3635-F6

CRIMINAL ORDER

Attorney for the Commonwealth : Donna Maw  
Attorney for the Defendant : Carter Allen  
Court Reporter : Cindy Zember

The defendant, who was led to the bar in the custody of the jailor of this Court, was present and represented by the retained attorney named above.

Whereupon the defendant was arraigned and after private consultation with his said attorney, pleaded NOT GUILTY to the indictment, which plea was tendered by the accused in person.

After being advised by the Court of his right to trial either by jury or by the Court, and, after consultation with counsel, the accused knowingly and voluntarily waived his right to trial by jury to which waiver the Commonwealth concurred and which the Court approved.

The Court then impaneled 24 qualified jurors, free from exception for the trial of the defendant. Whereupon the attorney for the Commonwealth and the attorney for the

Exhibit 2 2

defendant each alternately exercised their rights to strike the names of four veniremen from the panel, as provided by law, and the remaining twelve jurors, constituting the jury for the trial of the defendant, were sworn.

After opening statements, the evidence was presented by the Commonwealth and the defendant.

At the conclusion of the Commonwealth's case, the attorney for the defendant moved the Court to strike the Commonwealth's evidence on grounds stated to the record, which motion was overruled and exception was noted.

At the conclusion of all the evidence and the defendant having presented his evidence, the attorney for the defendant renewed his motion to strike the Commonwealth's evidence on the same grounds, which motion was overruled and exception was noted.

After hearing the evidence, the instructions of the Court and argument of counsel, the jurors were sent to the jury room to consider their verdict. They subsequently returned their verdict in open Court, in the following words:

We, the jury, in the case of Commonwealth v. Darris Altony Newsome, find the defendant guilty of an indecent act with child by parent.

A separate proceeding limited to the ascertainment of punishment was then held before the same jury. After hearing further evidence, the jurors were sent to the jury room to consider punishment. The subsequently returned in open Court, the following verdict:

We, the jury, in the case of Commonwealth v. Darris Altony Newsome, having found the defendant guilty of an indecent act with child by parent, fix his punishment at 6 mos.

After the jury returned its verdict, no motion was made to poll the jury as to its verdict.

The Court confirmed the jury's verdict finding the defendant GUILTY of indecent act with child by parent, in §18.2-370.1.

I certify that the document to which this authentication is affixed is a true copy of an original record in the Hampton Circuit Court, that I have the custody of the record and I am the custodian of that record.

LINDA BATCHELOR SMITH, CLERK

By \_\_\_\_\_

Deputy Clerk

Exhibit 2

The imposition of sentence in this case is continued until September 30, 2011, at 9:00 o'clock A.M., pending a presentence report prepared by a Probation Officer of this Court.

The defendant is committed into custody.

S/BONNIE L. JONES

JUDGE

Clerk:abb

I certify that the document to which this authentication is affixed is a true copy of an original record in the Hampton Circuit Court, that I have the custody of the record and I am the custodian of that record.

LINDA BACHELOR SMITH, CLERK

By \_\_\_\_\_

Deputy Clerk

Exhibit 2

NO. 1011-065

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

November 1, 2010

**The Grand Jury Charges that:**

On or between April 1, 1995 through October 11, 1995, in the said City

**DARRIS ALTONY NEWSOME**

unlawfully and feloniously did penetrate the labia majora or anus of A.H., a child under the age of thirteen years, with an object other than for a bona fide medical purpose, in violation of § 18.2-67.2 (A)(1) of the Code of Virginia (1950) as amended.

Virginia Code: 18.2-67.2 (A,1)

Witness sworn in Court and sent to the Grand Jury to give evidence  
K. Harrison, Hampton Police Division

A True Bill:

**DATE:** November 1, 2010

Kathleen Whalen  
Foreman

Linda B Smith  
Clerk

12/03 GP  
W. BOYLE/APPT'D  
RAP-1136-F9

I, Linda B. Smith, Clerk of the Circuit Court for the City of Hampton, do hereby certify that the authentication is affixed is a true copy of an original record in the Hampton Circuit Court, that I have the custody of the record and I am the custodian of that record.

LINDA BATCHELOR SMITH, CLERK

By M. Robinson

Deputy Clerk

Exhibit 3

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

DATE: July 12, 2011  
JUDGE: Bonnie L. Jones

COMMONWEALTH OF VIRGINIA

vs.

CASE NO.: 10-1010-10

DARRIS ALTONY NEWSOME, DEFENDANT

DOB: 4/8/59  
SEX: Male

SSN: XXX-XX-3464  
RACE: Black

OFFENSE : Object Sexual Penetration (F)  
CODE SECTION : 18.2-67.2  
OFFENSE DATE : Between 4/1/95 through 10/11/95  
VCC NUMBER : RAP-1136-F9

CRIMINAL ORDER

Attorney for the Commonwealth : Donna Maw  
Attorney for the Defendant : Carter Allen  
Court Reporter : Cindy Zember

The defendant, who was led to the bar in the custody of the jailor of this Court, was present and represented by the retained attorney named above.

Whereupon the defendant was arraigned and after private consultation with his said attorney, pleaded NOT GUILTY to the indictment, which plea was tendered by the accused in person.

After being advised by the Court of his right to trial either by jury or by the Court, and, after consultation with counsel, the accused knowingly and voluntarily waived his right to trial by jury to which waiver the Commonwealth concurred and which the Court approved.

The Court then impaneled 24 qualified jurors, free from exception for the trial of the defendant. Whereupon the attorney for the Commonwealth and the attorney for the

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Exhibit 3

defendant each alternately exercised their rights to strike the names of four veniremen from the panel, as provided by law, and the remaining twelve jurors, constituting the jury for the trial of the defendant, were sworn.

After opening statements, the evidence was presented by the Commonwealth and the defendant.

At the conclusion of the Commonwealth's case, the attorney for the defendant moved the Court to strike the Commonwealth's evidence on grounds stated to the record, which motion was overruled and exception was noted.

At the conclusion of all the evidence and the defendant having presented his evidence, the attorney for the defendant renewed his motion to strike the Commonwealth's evidence on the same grounds, which motion was overruled and exception was noted.

After hearing the evidence, the instructions of the Court and argument of counsel, the jurors were sent to the jury room to consider their verdict. They subsequently returned their verdict in open Court, in the following words:

We, the jury, in the case of Commonwealth v. Darris Altony Newsome, find the defendant guilty of an object sexual penetration.

A separate proceeding limited to the ascertainment of punishment was then held before the same jury. After hearing further evidence, the jurors were sent to the jury room to consider punishment. The subsequently returned in open Court, the following verdict:

We, the jury, in the case of Commonwealth v. Darris Altony Newsome, having found the defendant guilty of object sexual penetration, fix his punishment at 5 yrs.

After the jury returned its verdict, no motion was made to poll the jury as to its verdict.

The Court confirmed the jury's verdict finding the defendant GUILTY of object sexual penetration.

Exhibit 3

The imposition of sentence in this case is continued until September 30, 2011, at 9:00 o'clock A.M., pending a presentence report prepared by a Probation Officer of this Court.

The defendant is committed into custody.

S/BONNIE L. JONES

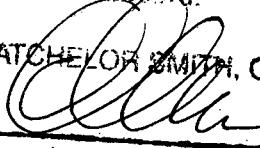
JUDGE

Clerk:abb

I certify that the document to which this authentication is affixed is a **true** copy of an original record in the Hampton Circuit Court, that I have the custody of the record and I am the custodian of the record.

LINDA BACHELOR SMITH, CLERK

By



Deputy Clerk

Exhibit 3

NO. 1011-061

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

November 1, 2010

**The Grand Jury Charges that:**

On or between April 1, 1995 through October 11, 1995, in the said City

**DARRIS ALTONY NEWSOME**

unlawfully and feloniously, being eighteen years of age or older, did knowingly and intentionally and with lascivious intent, sexually abuse as defined in § 18.2-67.10(6) of the Code of Virginia (1950), A.H., a child under the age of eighteen years and to whom he was not legally married, while maintaining a custodial or supervisory relationship over such child, in violation of § 18.2-370.1 of the Code of Virginia (1950) as amended.

Virginia Code: 18.2-370.1

Witness sworn in Court and sent to the Grand Jury to give evidence  
K. Harrison, Hampton Police Division

A True Bill:

DATE: November 1, 2010

Kathleen M. Smith  
Foreman

Linda B. Smith  
Clerk

12/03 GP  
W. BOYLE/APPT'D  
SEX-3635-F6

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LINDA BATCHELOR SMITH, CLERK  
By M. Robinson  
Deputy Clerk

Exhibit 2

**Additional material  
from this filing is  
available in the  
Clerk's Office.**