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**APPENDIX A
UNPUBLISHED**

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 25-1186

**LEON BARCLEY STUSALITUS, An Individual,
Plaintiff - Appellant,**

v.

**ANGELIQUE ORTIZ, a/k/a A. M. Ortiz; KELVIN
WRIGHT, In his supervisory capacity as Chief of
Police,**

Defendants - Appellees.

**Appeal from the United States District Court for the
Eastern District of Virginia, at Norfolk. Jamar
Kentrell Walker, District Judge. (2:24-cv-00202-
JKW-LRL)**

**Submitted: September 22, 2025 Decided: December
2, 2025**

**Before KING, RUSHING, and BENJAMIN, Circuit
Judges.**

Affirmed by unpublished opinion. Judge Benjamin wrote the opinion, in which Judge King and Judge Rushing joined.

ON BRIEF: Matthew J. Weinberg, INMAN & STRICKLER, P.L.C., Virginia Beach, Virginia, for Appellant. Melissa Hamann, Deputy City Attorney, Adam J. Lantz, Assistant City Attorney, Office of the City Attorney, CITY OF CHESAPEAKE, Chesapeake, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

DEANDREA GIST BENJAMIN, Circuit Judge:

Leon Barclay Stusalitus sued Officer Angelique Ortiz and Chief of Police Kelvin Wright (in his supervisory capacity) for malicious prosecution. The district court granted the defendants' motion for summary judgment. We hold that the district court did not err by granting the defendants' summary judgment motion.

I.

Stusalitus' former partner Alaina Cmelik went to a Chesapeake Police Department station to make a report against him for three separate incidents of alleged abduction, occurring on July 22, August 12, and August 15 of 2021. Ortiz took Cmelik's statement

and then walked her to the magistrate judge's office. Cmelik presented an affidavit to the magistrate judge, and the magistrate judge found that probable cause existed to issue arrest warrants for three counts of felony abduction. Stusalitus was arrested on those warrants. Stusalitus eventually accepted a plea deal, in which he agreed to a two-year no-contact protective order in exchange for the prosecution to *nolle prosequi*¹ the charges against him.

After accepting the plea deal, Stusalitus filed a complaint with the Chesapeake Police Department. The police department investigated Stusalitus' allegations and determined that Ortiz should have first elevated the felony abduction charges to its criminal investigations section before going to the magistrate judge. The department sent a letter to Stusalitus informing him that his complaint had been investigated, and that the matter had been handled administratively.

Stusalitus then filed a complaint in federal district court, claiming that the defendants maliciously prosecuted him. The defendants filed a motion for summary judgment, and the district court ultimately granted the motion and dismissed the malicious prosecution claim. The district court reasoned that Stusalitus did "not present any evidence to contradict the factual allegations in

¹ "[A] nolle prosequi is a discontinuance which discharges the accused from liability on the indictment to which the nolle prosequi is entered." *Miller v. Commonwealth*, 234 S.E.2d 269, 273 (Va. 1977).

[Cmelik's] affidavit that was presented to the magistrate." J.A. 80.²

We agree and affirm the district court. We have jurisdiction pursuant to 28 U.S.C. § 1291, as this is an appeal of a final decision from the United States District Court for the Eastern District of Virginia.

II.

"We review a district court's grant of summary judgment de novo." *Bhattacharya v. Murray*, 93 F.4th 675, 686 (4th Cir. 2024) (citing *Guthrie v. PHH Mortg. Corp.*, 79 F.4th 328, 342 (4th Cir. 2023)).

A.

To state a claim of malicious prosecution, Stusalitus must show that (1) the defendants seized him " 'pursuant to legal process that was *not supported by probable cause*, and (2) that the criminal proceedings have terminated in [his] favor.' " *Durham v. Horner*, 690 F.3d 183, 188 (4th Cir. 2012) (internal quotation marks omitted & emphasis added). A reviewing court generally accords "great deference" to a magistrate judge's determination of probable cause. *United States v. Leon*, 468 U.S. 897, 914 (1984). We should decline "to defer only when the finding was not supported by substantial evidence in the record or when the basis of the determination was a knowingly or recklessly false affidavit." *United States v. Davis*,

² Citations to "J.A." refer to the joint appendix filed by the parties. The J.A. contains the record on appeal from the district court. Page numbers for citations to the J.A. utilize the "JA#" numbering at the bottom of the page on each document.

94 F.4th 310, 316 (4th Cir. 2024) (citation omitted).³ The affidavit on which a magistrate judge relies is also entitled to a “presumption of validity,” and a plaintiff who seeks to overcome that presumption must raise the possibility that information therein is false, with “more than conclusory” allegations. *Franks v. Delaware*, 438 U.S. 154, 171 (1971).

B.

Stusalitus presents two main arguments on appeal—both fail because he cannot show that his arrest was not supported by probable cause.

i.

First, he asserts that under Virginia law, a magistrate judge may only issue a felony arrest warrant based on a civilian complaint if it is first authorized by the Commonwealth’s Attorney or by a law enforcement agency having jurisdiction over the alleged offense. *See* Va. Code Ann. § 19.2-71 (2021). This argument is irrelevant. While the department conceded that Ortiz should have elevated the charges to its investigations section, the first *prima facie* element to meet a malicious prosecution claim is whether the person was arrested without *probable cause*—not whether the arrest warrant itself was

³ Stusalitus seems to argue that the level of deference given to a magistrate judge is higher for search warrants, and thus *United States v. Davis*, 94 F.4th 310 (4th Cir. 2024), is inapplicable to the arrest warrants here. Appellant’s Br. (ECF No. 12) at 6–7. That is not true. The Fourth Circuit has routinely used the standard in *Davis* to review a magistrate judge’s finding of probable cause for arrest warrants. *See, e.g., United States v. Clenney*, 631 F.3d 658, 663 (4th Cir. 2011) (citing *Franks v. Delaware*, 438 U.S. 154, 155–56, 171 (1971)); *see also Cahaly v. Larosa*, 796 F.3d 399, 408 (4th Cir. 2015).

properly issued. Whether the arrest warrants had proper authorization has no bearing on whether the magistrate judge had probable cause to issue the warrants.

ii.

Second, Stusalitus argues that the district court overlooked “clear” evidence contradicting Cmelik’s affidavit. The evidence that Stusalitus points to are pictures of Cmelik’s diary entries that he attached to his summary judgment opposition brief. But the diary entries are anything but clear.

A threshold issue with the diary entries is authentication. Stusalitus fails to swear to the authenticity of the entries or even attach them to an affidavit or declaration. Unauthenticated evidence presented in such an incautious way should not be considered. *See Orsi v. Kirkwood*, 999 F.2d 86, 92 (4th Cir. 1993) (“To be admissible at the summary judgment stage, ‘documents must be authenticated by and attached to an affidavit. . . .’ ” (quoting 10A CHARLES A. WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 2722, at 58–60 (1983 & 1993 Supp.))); *see also* FED. R. CIV. P. 56(c)(1)(A). “In particular, a letter must be attached to an affidavit and authenticated by its author in the affidavit or a deposition.” *Orsi*, 999 F.2d at 92 (internal quotations omitted).

Furthermore, the diary entries do not show that Cmelik’s affidavit was false. Most of the entries do not include any dates. There is an entry that is dated July 19, 2021, but that is three days *before* Stusalitus allegedly abducted Cmelik. Stusalitus also does not point to any one statement in Cmelik’s affidavit that is contradicted due to the attached diary

entries. And Stusalitus' conclusory allegations that the affidavit is "entirely illogical" cannot overcome the presumption that the affidavit on which the magistrate judge relied was valid. Appellant's Br. (ECF No. 12) at 10 (hereinafter "Opening Br.").⁴

We could find that probable cause was lacking if Stusalitus made a showing that "a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit." *Franks*, 438 U.S. at 155–56. Stusalitus fails to do this, arguing instead that Ortiz "recklessly obtained the felony abduction warrants . . . without investigating the statements made by Cmelik." Opening Br. at 9. Even if he made a successful showing that portions of the affidavit were false, we would still need to determine whether the affidavit, without the false statements, would warrant a probable cause finding. See *Cahaly v. Larosa*, 796 F.3d 399, 408 (4th Cir. 2015); see also *Franks*, 438 U.S. at 156. But without any argument or evidence that undermines the veracity of the affidavit itself, the court cannot undergo that analysis

* * *

Accordingly, Stusalitus fails to show a genuine dispute of material fact regarding whether his arrest was supported by probable cause. The judgment of the district court is thus

AFFIRMED.

⁴ Page numbers for citations to ECF documents utilize the page numbers in the red header on each document.

APPENDIX B
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

Case No. 2:24-cv-202

LEON BARCLEY STUSALITUS,

Plaintiff,

v.

OFFICER ANGELIQUE ORTIZ, et al.,

Defendants.

OPINION & ORDER

Plaintiff Leon Barclay Stusalitus was charged with felony abduction in violation of Va. Code § 18.2-47. The magistrate who issued the warrant for the plaintiff's arrest did so based on an affidavit written by the alleged victim. The plaintiff contends that the police officer who walked the alleged victim to the magistrate's office—and that officer's supervisor, who was not present before the magistrate at all—engaged in a malicious prosecution. The defendants moved for summary judgment.¹

¹ The defendants previously moved to dismiss the Complaint. ECF No. 7. In his response, the plaintiff conceded that Counts II and IV are time-barred. ECF No. 14 at 2. Therefore, the Motion

The Court has considered the arguments in the parties' briefing and concluded it is not proper to hold a hearing, because the plaintiff has not made "a substantial preliminary showing" that the affidavit on which the magistrate based his probable cause determination included a knowingly, intentionally, or recklessly false statement that was "necessary to the finding of probable cause." *United States v. Sanders*, 107 F.4th 234, 252 (4th Cir. 2024) (describing the "narrow exception" established in *Franks v. Delaware*); *Franks v. Delaware*, 438 U.S. 154, 171 (1978) (requiring "more than conclusory" allegations that an affidavit is false, in order to "mandate an evidentiary hearing" on the validity of probable cause); *see also* Fed. R. Civ. P. 78(b); E.D. Va. Civ. R. 7(J). Accordingly, the hearing set for February 4, 2024, is **CANCELED**.

For the reasons stated herein, the Motion for Summary Judgment will be **GRANTED**.

I. BACKGROUND

The following facts are undisputed and control the outcome of the motion:

1. An alleged victim went to the police station to make a report against the plaintiff. ECF No. 25 ¶ 6; *see* ECF No. 26 at 5 (not disputing this fact).
2. Defendant Ortiz took the alleged victim's statement, then walked the alleged victim

to Dismiss will be **GRANTED IN PART**, and Counts II and IV will be **DISMISSED**. The Motion to Dismiss will be **DENIED AS MOOT** with respect to Counts I and III, which the Court resolves on the Motion for Summary Judgment.

over to the magistrate's office. ECF No. 25 ¶¶ 6, 12; *see* ECF No. 26 at 7 (not disputing these facts).

3. The alleged victim herself presented a sworn statement to the magistrate. ECF No. 25 ¶ 13; ECF No. 25-8 (handwritten statement); *see* ECF No. 26 at 8 (not disputing this fact).
4. The magistrate found probable cause to issue arrest warrants for three counts of felony abduction.² ECF No. 25 ¶ 13; ECF No. 25-9 (warrants); *see* ECF No. 26 at 8 (not disputing this fact).
5. The plaintiff was arrested on those warrants. ECF No. 25 ¶ 14; *see* ECF No. 25-9.

II. JURISDICTION

This Court has original jurisdiction over the plaintiff's claims under 28 U.S.C. §§ 1331 and 1343(a)(3).

III. LEGAL STANDARDS

A. Summary Judgment

A court may "grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to

² The parties agree that the magistrate also issued warrants for misdemeanor domestic assault and battery, at the same time he issued the warrants for abduction. ECF No. 25 ¶ 13; *see* ECF No. 26 at 8 (not disputing this fact). But the record contains no evidence of assault or battery charges. *See* ECF No. 25-9 (warrants). Therefore, the Court will disregard this fact.

judgment as a matter of law." Fed. R. Civ. P. 56(a); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250 (1986). A "dispute about a material fact is 'genuine' . . . if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Anderson*, 477 U.S. at 248.

"The party moving for summary judgment bears the initial burden of demonstrating the absence of a genuine dispute of material fact." *Med. Mut. Ins. Co. of N. Carolina v. Gnik*, 93 F.4th 192, 200 (4th Cir. 2024) (citation omitted); see *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). To do that, the movant must support their assertions as to undisputed facts by "citing to particular parts of materials in the record" or "showing that the materials cited do not establish the . . . presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact." Fed. R. Civ. P. 56(c)(1).

If the moving party is successful in the first instance, then the burden "shifts to the non-movant to set forth specific facts showing that there is a genuine issue for trial." *Gnik*, 93 F.4th at 200 (quotation marks omitted); see *Celotex*, 477 U.S. at 324. "The facts and all justifiable inferences arising therefrom must be viewed in the light most favorable to the non-movant." *Gnik*, 93 F.4th at 200. However, if the non-movant "fails to properly support an assertion of fact or fails to properly address another party's assertion of fact as required by Rule 56(c), the court may . . . consider the fact undisputed for purposes of the motion" or may "grant summary judgment if the motion and supporting materials . . . show that the movant is entitled to it." Fed. R. Civ. P. 56(e).

B. Malicious Prosecution Claims Under 42 U.S.C. § 1983

A successful malicious prosecution claim under 42 U.S.C. § 1983 requires the plaintiff to prove a violation of the Fourth Amendment. *See Thompson v. Clark*, 596 U.S. 36, 42–43 (2022). That, in turn, requires proof that the plaintiff was seized without probable cause. *Harris v. Town of Southern Pines*, 110 F.4th 633, 639 (4th Cir. 2024). Thus, to survive summary judgment on a malicious prosecution claim, the plaintiff must raise a genuine dispute as to whether the charges against them were based on probable cause. *See id.* at 635. Whether there is probable cause to bring a criminal charge is a question of law. *United States v. Allen*, 631 F.3d 164, 171 (4th Cir. 2011).

IV. ANALYSIS

There is no genuine dispute as to whether the charges against the plaintiff were supported by probable cause, because the plaintiff does not present any evidence to contradict the factual allegations in the affidavit that was presented to the magistrate. Courts must “defer” to a magistrate’s finding of probable cause except “when the finding was not supported by substantial evidence in the record or when the basis of the determination was a knowingly or recklessly false affidavit.” *United States v. Davis*, 94 F.4th 310, 316 (4th Cir. 2024); *see Sanders*, 107 F.4th at 250; *see also Illinois v. Gates*, 462 U.S. 213, 238 (1983) (“[T]he duty of a reviewing court is simply to ensure that the magistrate had a substantial basis for concluding that probable cause existed.”) (quotation marks omitted, alterations accepted). The

affidavit on which a magistrate relies is entitled to a "presumption of validity," and a plaintiff who attempts to overcome that presumption must raise the possibility that information therein is false, with "more than conclusory" allegations. *Franks v. Delaware*, 438 U.S. 154, 171 (1978).

The defendants adequately raise whether the validity of probable cause is beyond dispute. See ECF No. 25 at 15–20. In his opposition brief, the plaintiff asserts that the alleged victim "went to [the police] to make false charges against [him]." ECF No. 26 at 5. And in his deposition, the plaintiff said those charges were "without any evidence." ECF No. 25-1 at 39. But the plaintiff does not say which statements in the alleged victim's affidavit are false, and he provides no evidence to contradict what the alleged victim presented to the magistrate.³ In other words, the plaintiff merely makes a "conclusory" allegation that the affidavit on which the magistrate found probable cause was knowingly or recklessly false. *Franks*, 438 U.S. at 171. That is insufficient as a matter of law to overcome the presumption that the magistrate's finding was valid. See *Davis*, 94 F.4th at 316.

Both sides' briefs focus almost entirely on the extent to which Defendant Ortiz should have

³ Instead of citing evidence to raise a factual issue as whether the alleged victim's affidavit was false, the plaintiff speculates about the reason the alleged victim might have made false statements, ECF No. 26 at 5 ("in order to gain leverage over [the plaintiff] regarding their unborn child"), and makes arguments that, even if they cited to the record—which they do not—would be inadmissible at trial under Fed. R. Evid. 602, *e.g.*, *id.* (asserting that the alleged victim made "other frivolous accusations in other jurisdictions," which were also supported by "absolutely nothing").

investigated the alleged victim's allegations before taking her to the magistrate to present them.⁴ But nothing Defendant Ortiz did in this case matters, because it is undisputed that the affidavit presented to the magistrate came from the alleged victim, not from Officer Ortiz. ECF No. 25 ¶ 13; ECF No. 25-8 (handwritten complaint); see ECF No. 26 at 8 (not disputing this fact). Likewise, nothing Defendant Wright did or did not do makes any difference, because he provided no evidence before the magistrate who authorized the charges against the plaintiff.

The plaintiff asserts that "by bringing the charges herself and 'standing up the witness' to the magistrate," Defendant Ortiz "buoyed the apparent credibility" of the alleged victim's statements. ECF No. 26 at 7. But that is an argument about the reasonableness of the magistrate's determination, not a fact that raises the possibility that the affidavit

⁴ In his deposition, the plaintiff was asked "what accusations made by" the alleged victim he claimed "Officer Ortiz should have viewed as questionable." ECF No. 25-1 at 41. The plaintiff answered:

In the written criminal complaint there is a very specific line written by [the alleged victim] where she claims that in late June I, the defendant, had choked her against her will and wouldn't stop. And she crossed it out and initialed it. I think that would have—any reasonable person would have said, Hey, wait a second. It sounds like somebody is trying to kill you. Are you sure that this happened?

Id. Notably, the defendant said Defendant Ortiz should have questioned the alleged victim's allegations, but the plaintiff still provides no contrary facts to raise the possibility that the affidavit the alleged victim presented to the magistrate was false.

itself was false. And without any fact that undercuts the veracity of the affidavit, the Court cannot even reach the question of whether the magistrate's judgment was correct. *See Davis*, 94 F.4th at 316.

Therefore, the Court finds that there is no genuine dispute as to whether the charges against the plaintiff were based upon probable cause. That entitles the defendants to judgment as a matter of law.⁵

V. CONCLUSION

The defendants' Motion to Dismiss (ECF No. 7) is **GRANTED IN PART**, and Counts II and IV of the Complaint are **DISMISSED**. The remainder of the motion is **DENIED AS MOOT**.

The defendants' Motion for Summary Judgment (ECF No. 24) is **GRANTED**.

The Clerk is **DIRECTED** to enter judgment in favor of Defendants Officer Angelique Ortiz and Kelvin Wright as to Counts I and III.

IT IS SO ORDERED.

/s/ JKW

Jamar K. Walker

⁵ The defendants argue that if there were a genuine dispute as to the validity of probable cause to support the plaintiff's charges, summary judgment would still be appropriate on the basis of qualified immunity. ECF No. 25 at 20-21. Because the Court decides the Motion on the merits of the malicious prosecution claims, it declines to reach qualified immunity.

United States District
Judge

Norfolk, Virginia
January 31, 2025

APPENDIX C

[Text from left side of form]

CRIMINAL COMPLAINT RULES 3A:3 AND 7C:3 Commonwealth of Virginia

CITY OR COUNTY *Chesapeake*

☐ General District Court

☐ Juvenile and Domestic Relations District
Court

Under penalty of perjury, I, the undersigned
Complainant swear or affirm that I have reason to
believe that the Accused committed a criminal
offense, on or about

DATE OFFENSE OCCURRED *June 2021 – August*
2021 in the ☒ City ☐ County ☐ Town

of *Chesapeake*

I base my belief on the following facts: (Print
ALL information clearly.)

*Multiple incidents at my home where he physically
restrained me against my will, confiscated my phone
and car keys to trap me & prevent me from leaving,
and removed the ignition chip out of my car's engine
so I couldn't leave. He used force to hold me down
while I was screaming for help, which he later
laughed about. He has been stalking and harassing
me and on one incident in late June he put me in a
chokehold until I almost passed out and he wouldn't
free [initialed above: asc] me. I was and have been
scared for my life and have been unable to sleep
because he shows up at my door every few days.
Those incidents occurred in front of my son who is
afraid as well, he is 3 years old and I feel helpless and*

afraid. He would not listen when I told him not to touch me & he overpowered me several times.

The statements above are true and accurate to the best of my knowledge and belief.

In making this complaint, I have read and fully understand the following:

- By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued.
- The charge in this warrant cannot be dismissed except by the court, even at my request.

NAME OF COMPLAINANT (LAST, FIRST, MIDDLE) (PRINT CLEARLY) *Alaina* [scribbled in original] *Cmelik, Alaina Stewart*

SIGNATURE OF COMPLAINANT /s/ *Al*— [(illegible loops)]

Subscribed and sworn to before me this day.

DATE AND TIME *9/25/21 @ 11:35 AM*

[] CLERK [X] MAGISTRATE [] JUDGE /s/ *G— A—* — [(illegible)]

FORM DC-311 REVISED 07/11 (A203855 4/20)

[Text from right side of form]

CRIMINAL COMPLAINT

ACCUSED: Name, Description, Address/Location

LAST NAME, FIRST NAME, MIDDLE NAME
Stusalitus, Alaina Stewart [heavily scribbled in
original] [written below: *Leon Barclay*]

COMPLETE DATA BELOW IF KNOWN

RACE *W* SEX *M* BORN MO. ☒ DAY ☒ YR. *1982*
HT. FT. *5* IN. *9* WGT. *170* EYES *Bl* HAIR *Br*
SSN [XXX-XXX]-*9369*

☐ Complainant is not a law-enforcement officer or
animal control officer. Authorization prior to
issuance of felony arrest warrant given by

☐ Commonwealth's attorney
☒ Law-enforcement agency having
jurisdiction over alleged offense

NAME OF PERSON AUTHORIZING ISSUANCE
OF WARRANT *A. HERRERA 1311J8*

DATE AND TIME AUTHORIZATION GIVEN
9/25/21 [half-formed @] *1058hRS*

[Text on reverse of form]

*on 7/13/2021 he removed the ignition aip [sic]
from my car's engine, took my car keys &
my phone and prevented me from leaving*

*on 7/22 he physically restrained me and
stopped me from leaving*

on 8/12 he took my phone and car keys again.

on 8/15 he physically restrained me and held my wrists not freeing me no matter what I did, following me around for 1 hour+, not leaving me alone

7/13/2021 – following me around the house, I felt powerless to leave or get help

7/22/2021 – wrapped his arms around my body and would not let go no matter what I said or did, about 45 mins -1 hour, used physical force to hold me down and would not release me

8/12/2021 – took my stuff and kept following me around the house, blocking doorways and paths and unlocking locked doors in my house to get to me, he pulled me by my wrist out of my son's bed and into the other room

on 8/15/21 – he blocked my path and kept unlocking my locked doors, he pulled me out of bed by my wrist and dragged me to the other room against my will, would not leave me alone or listen to me, held my wrists and kept me pushed up against the wall so I couldn't get away from him

APPENDIX D

[Text from left side of form]

WARRANT OF ARREST – FELONY

COMMONWEALTH OF VIRGINIA Va. Code §
19.2-71,-72

CITY OR COUNTY *Chesapeake*

☐ General District Court ☐ Criminal ☐
Traffic

☒ Juvenile and Domestic Relations District
Court

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the
Commonwealth of Virginia forthwith to arrest and
bring the Accused before this Court to answer the
charge that the Accused, within this city or county,
on or about 07/22/2021 did unlawfully and
feloniously in violation of Section

18.2-47 , Code of Virginia:

[(illegible)]ce, intimidation or deception, and without
legal justification or excuse, seize, take, transport,
detain or secrete [handwritten: *Alaina*] Stewart
Cmelik, his cohabitant within the past 12 months,
with the intent to deprive that person of her
personal liberty or to withhold or conceal her from
any person, authority or institution lawfully entitled
to her charge.

OR#: 21-102776

[VERTICAL STAMP:
FILED IN CLERK'S OFFICE
2021 OCT 15 PM 2:32

CHESAPEAKE CIRCUIT COURT
BY /s/ A- [(illegible)] D.C.]

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

Alaina Stewart Cmelik
Complainant.

CCRE/Fingerprinting Required

DATE AND TIME ISSUED 09/25/2021 11:44 AM

[] CLERK [X] MAGISTRATE [] JUDGE /s/ G— A—
– [(illegible)] [Printed text below: George Afentakis]

TAKE BUCCAL SAMPLE IF LIDS SHOWS NO
DNA SAMPLE IN DATA BANK

FORM DC-312 (MASTER, PAGE ONE OF TWO)
03/21

Check if sample previously taken: Check if
sample taken for this arrest:

[Text from right side of page]

CASE NO. JA100005-01-00

ACCUSED:

LAST NAME, FIRST NAME, MIDDLE NAME
Stusalitus, Leon Barclay

ADDRESS/LOCATION Unknown

COMPLETE DATA BELOW IF KNOWN

RACE W SEX M BORN MO. DAY YR. [XX/XX]/1982
HT. FT. 5' IN. 9" WGT. 170 EYES BLU HAIR BRO
SSN [XXX-XX]-9369
D.L.# STATE

☐ Commercial Driver's License

☐ Commercial Motor Vehicle ☐ Hazardous
Materials

CLASS 5 FELONY

☒ EXECUTED by arresting the Accused named
above this day:

DATE AND TIME OF SERVICE 9-25-2021 @ 2025

INV. *JW GREGORY* , Arresting Officer

BADGE NO., AGENCY AND JURISDICTION
126591 CSO 126

for

SHERIFF *J. OSULLIVAN*

Attorney for the Accused:

Faith Winstead (A)

Short Offense Description (not a legal definition):
ABDUCTION: BY FORCE, ETC, TO DEPRIVE OF
LIBERTY

Offense Tracking Number:

550JM2100021035

FOR ADMINISTRATIVE USE ONLY
Virginia Crime Code: KID-1010-F5

[Text from right side margin]

F

Hearing Date/Time *9/27/21* [text above: *9*] #4

12/21/21 Room #4

1

[Vertical barcode]

FELONY

[REVERSE SIDE OMITTED AS NON-MATERIAL]

APPENDIX E

[Text from left side of form]

WARRANT OF ARREST – FELONY

COMMONWEALTH OF VIRGINIA Va. Code §
19.2-71,-72

CITY OR COUNTY *Chesapeake*

☐ General District Court ☐ Criminal ☐
Traffic

☒ Juvenile and Domestic Relations District
Court

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the
Commonwealth of Virginia forthwith to arrest and
bring the Accused before this Court to answer the
charge that the Accused, within this city or county,
on or about 08/12/2021 did unlawfully and
feloniously in violation of Section

18.2-47 , Code of Virginia:

[(illegible)]e, intimidation or deception, and without
legal justification or excuse, seize, take, transport,
detain or secrete Alaina Stewart Cmelik, his
cohabitant within the past 12 months, with the
intent to deprive that person of her personal liberty
or to withhold or conceal her from any person,
authority or institution lawfully entitled to her
charge.

OR#: 21-102776

[VERTICAL STAMP:
FILED IN CLERK'S OFFICE
2021 OCT 15 PM 2:32

CHESAPEAKE CIRCUIT COURT
BY /s/ A- [(illegible)] D.C.]

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

Alaina Stewart Cmelik
Complainant.

CCRE/Fingerprinting Required

DATE AND TIME ISSUED 09/25/2021 11:54 AM

[] CLERK [X] MAGISTRATE [] JUDGE /s/ G— A—
– [(illegible)] [Printed text below: George Afentakis]

TAKE BUCCAL SAMPLE IF LIDS SHOWS NO
DNA SAMPLE IN DATA BANK

FORM DC-312 (MASTER, PAGE ONE OF TWO)
03/21

Check if sample previously taken: Check if
sample taken for this arrest:

[Text from right side of page]

CASE NO. JA100005-02-00

ACCUSED:

LAST NAME, FIRST NAME, MIDDLE NAME
Stusalitus, Leon Barclay

ADDRESS/LOCATION Unknown

COMPLETE DATA BELOW IF KNOWN

RACE W SEX M BORN MO. DAY YR. [XX/XX]/1982

HT. FT. 5' IN. 9" WGT. 170 EYES BLU HAIR BRO

SSN [XXX-XX]-9369

D.L.# STATE

☐ Commercial Driver's License

☐ Commercial Motor Vehicle ☐ Hazardous
Materials

CLASS 5 FELONY

[X] EXECUTED by arresting the Accused named
above this day:

DATE AND TIME OF SERVICE *9-25-2021 @ 2023*

INV. JW GREGORY, Arresting Officer

BADGE NO., AGENCY AND JURISDICTION

126591 CSO 126

for

SHERIFF *J. O'SULLIVAN*

Attorney for the Accused:

Faith Winstead (A)

Short Offense Description (not a legal definition):

ABDUCTION: BY FORCE, ETC, TO DEPRIVE OF
LIBERTY

Offense Tracking Number:

550JM2100021035

FOR ADMINISTRATIVE USE ONLY

Virginia Crime Code: KID-1010-F5

[Text from right side margin]

F

Hearing Date/Time *9/27/21* [text above: *9*] #4

12/21/21 #4

[Vertical barcode]

FELONY

[REVERSE SIDE OMITTED AS NON-MATERIAL]

APPENDIX F

[Text from left side of form]

WARRANT OF ARREST – FELONY

COMMONWEALTH OF VIRGINIA Va. Code §
19.2-71,-72

CITY OR COUNTY *Chesapeake*

☐ General District Court ☐ Criminal ☐
Traffic

☒ Juvenile and Domestic Relations District
Court

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the
Commonwealth of Virginia forthwith to arrest and
bring the Accused before this Court to answer the
charge that the Accused, within this city or county,
on or about 08/15/2021 did unlawfully and
feloniously in violation of Section

18.2-47 , Code of Virginia:

[(illegible)]ce, intimidation or deception, and without
legal justification or excuse, seize, take, transport,
detain or secrete Alaina Stewart Cmelik, his
cohabitant within the past 12 months, with the
intent to deprive that person of her personal liberty
or to withhold or conceal her from any person,
authority or institution lawfully entitled to her
charge.

OR#: 21-102776

[VERTICAL STAMP:
FILED IN CLERK'S OFFICE
2021 OCT 15 PM 2:32

CHESAPEAKE CIRCUIT COURT
BY /s/ A- [(illegible)] D.C.]

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

Alaina Stewart Cmelik
Complainant.

CCRE/Fingerprinting Required

DATE AND TIME ISSUED 09/25/2021 11:57 AM

[] CLERK [X] MAGISTRATE [] JUDGE /s/ G— A—
– [(illegible)] [Printed text below: George Afentakis]

TAKE BUCCAL SAMPLE IF LIDS SHOWS NO
DNA SAMPLE IN DATA BANK

FORM DC-312 (MASTER, PAGE ONE OF TWO)
03/21

Check if sample previously taken: Check if
sample taken for this arrest:

[Text from right side of page]

CASE NO. JA100005-03-00

ACCUSED:

LAST NAME, FIRST NAME, MIDDLE NAME
Stusalitus, Leon Barclay

ADDRESS/LOCATION Unknown

COMPLETE DATA BELOW IF KNOWN

RACE W SEX M BORN MO. DAY YR. [XX/XX]/1982
HT. FT. 5' IN. 9" WGT. 170 EYES BLU HAIR BRO
SSN [XXX-XX]-9369
D.L.# STATE

☐ Commercial Driver's License

☐ Commercial Motor Vehicle ☐ Hazardous
Materials

CLASS 5 FELONY

☒ EXECUTED by arresting the Accused named
above this day:

DATE AND TIME OF SERVICE *9-25-2021 @ 2021*

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BADGE NO., AGENCY AND JURISDICTION
126591 CSO 126

for

SHERIFF *J. O'SULLIVAN*

Attorney for the Accused:

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Hearing Date/Time *9/27/21* [text above: 9] #4

12/21/21 #4

[Vertical barcode]

FELONY

[REVERSE SIDE OMITTED AS NON-MATERIAL]