

Virginia:
IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Commonwealth of Virginia,

Plaintiff

v.

Docket #: CR09-999

Cameron Paul Crockett,

Defendant

Commonwealth's Response To Preservation Of Human Biological Evidence

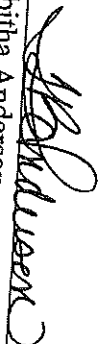
1. Virginia Code §19.2-270.4:1 provides for the storage, preservation, and retention of "specifically identified" human biological evidence. Defendant has failed to identify, as the statute requires "human biological evidence."
2. Defendant instead, makes his request on the speculation that in the future, human biological evidence *may* be identified on items currently in the custody of the Virginia Beach Police Department. The Commonwealth does not agree that an airbag or seat belt is the equivalent to specifically identified "human biological evidence" as defined by the statute.
3. The airbag recovered from the defendant's vehicle remains in Property and Evidence. The Commonwealth has no objection to it remaining there either by agreement or by a general order from the Court until such time as the defendant has exhausted all of his direct and collateral appeals. However, an order under §19.2-270.4:1 is inapplicable as no human biological evidence has been identified.
4. The seat belt mechanism remains in the vehicle. The vehicle remains in the Property and Evidence vehicle lot. Although this matter has been refused for appeal by the Virginia Supreme Court, the matter remains open until all evidence in the vehicle, should remain intact and in its original condition until all appeals have been exhausted.
5. The Commonwealth has no objection to the vehicle and all items in the vehicle remaining in the Property and Evidence lot either by agreement or by a general

order from the Court until such time as the defendant has exhausted all of his direct and collateral appeals. However, an order under §19.2-270.4:1 is inapplicable as no human biological evidence has been identified.

6. Since there has been no specifically identified human biological evidence, the Commonwealth opposes the transfer of any items to the Department of Forensic Science as there is no statutory provision that applies.

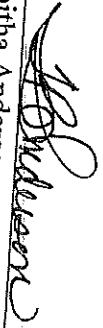
7. The Commonwealth opposes defendant's request for appointment of a guardian ad litem to review items in the custody of the Virginia Beach Police Department in the above-referenced docket number as 19.2-270.4:1 does not apply to the defendant's request *and* he already has counsel of record in this case. Further, there are no motions or matters currently pending before the Virginia Beach Circuit Court which would require the appointment of a guardian ad litem.

8. The Commonwealth does not adopt or agree with the defendant's recitation of the facts or history of the case as represented in his Motion for Preservation of Biological Evidence Pursuant to Virginia Code §19.2-270.4:1.


Tabitha Anderson
Assistant Commonwealth's Attorney

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Response was mailed to counsel of Record, Afshin Farashahi, at One Columbus Center, Suite 604, Virginia Beach, VA 23462 this 14th day of April, 2015.


Tabitha Anderson