

VCJC Takes On Criminal Issues Large and Small White Elected as Co-chair

The Virginia Criminal Justice Conference (VCJC) was created in 2006, when Henry County Commonwealth's Attorney Bob Bushnell and VTLA stalwart Andrew Sacks gathered a group of top-flight prosecutors and defense attorneys to confer on criminal justice issues. The Conference was designed to develop information and proposals on areas where both sides might agree on ways to help the system better fulfill its mission.

VCJC's 50-plus members include prosecutors, defense attorneys in private practice, public defenders, jurists from every level of Virginia courts, distinguished legal scholars, a Deputy Attorney General, a circuit court clerk (who is also an attorney), and counsel to the House and Senate Courts Committees and the State Crime Commission.

The Conference held its fourth annual meeting in Williamsburg on September 25th and 26th to consider a wide range of issues under study over the last year and to elect new officers. Richmond attorney Ed Riley, of Riley and Wells, and Halifax County Commonwealth's Attorney Kim White were elected to two-year terms as Co-chairs of the Conference, to succeed Linda Curtis and Michael HuYoung. Fauquier County C. A. Jonathan Lynn will serve as Conference Secretary, and Richmond attorney Esther Windmueller as Membership Chair.

Legislative proposals adopted for 2010 include amendments to Code §§ 19.2-257 & 19.2-264.3 to permit jury sentencing upon a guilty plea in a capital case, and an amendment to § 19.2-76.1 to allow attorneys for the Commonwealth to move for dismissal, without prejudice, of un-served warrants.

Issues under study for the coming year include: discovery in criminal cases; the use of depositions; the role of trial judges when one or more parties are unrepresented; procedures for misdemeanor warrants issued without the involvement of prosecutors or law-enforcement agencies, and others.

Most of the topics taken up originate with VCJC members, but the Conference has also been asked by the General Assembly and the Office of the Executive Secretary of the Supreme Court to make recommendations on specific legislative and rule-making proposals.

Each VCJC legislative proposal represents a substantial consensus among Conference members on the specific topic addressed, but the study and discussion of issues where such a consensus is unlikely can also help all parties to refine their positions and better delineate the issues. One such issue is Virginia's response to the *Melendez-Diaz* decision, which has been discussed among VCJC members and will be monitored and studied for the near future. Philosophical differences will remain, but the scrutiny of pertinent proposals by prosecutors, defenders, judges, clerks and scholars has already helped all concerned to better understand the areas of disagreement.

The Virginia Criminal Justice Conference is supported by financial and operational support from VTLA, registration fees for the annual meeting, and voluntary contributions from a majority of the Conference members.