

Stand Up Virginia

Petition for Removal of Commonwealth's Attorney for Fairfax County Steve T. Descano

WHEREAS, Virginia Code Section 24.2-233 states in pertinent part; "Upon petition, a circuit court may remove from office any elected officer ... [f]or neglect of duty, misuse of office, or incompetence in the performance of duties... has a material adverse effect upon the conduct of the office."

WHEREAS, the Commonwealth's Attorney for Fairfax County Steve T. Descano has failed in his duties, *inter alia*, by deliberately and consistently failing to fully protect victims of crime as required by both the Virginia Code and the Constitution of Virginia;

WHEREAS, the Commonwealth's Attorney for Fairfax County Steve T. Descano has misused his office to further a political and social agenda at the urging and behest of his political patrons instead of serving the people of Fairfax County and especially those victims of crime as he was elected to so do;

WHEREAS, the Commonwealth's Attorney for Fairfax County Steve T. Descano has deliberately and consistently failed to follow certain laws of the Commonwealth of Virginia including, *inter alia*, those mandatory, minimum provisions with which he disagrees and has ordered his assistants to do the same;

WHEREAS, the Commonwealth's Attorney for Fairfax County Steve T. Descano has demonstrated incompetence in the performance of his duties, which has had a material adverse effect upon the conduct of his office, as evidenced by the Fairfax County Circuit Court's recent decision in *Commonwealth v. Harwinder Sangha* resulting in the dismissal of any misdemeanor appeal before said judge wherein the Commonwealth Attorney's office refuses to appear, as well as *Commonwealth v. Kelvin Omar Gonzalez*, whereby his office's nine month failure to turn over exculpatory evidence resulted in the defense being unable to locate a key witness in a murder case;

WHEREAS, the Commonwealth's Attorney for Fairfax County Steve T. Descano seeks an increase in staffing and budget from the Fairfax County Board of Supervisors despite removing his assistants from a majority of misdemeanor offenses in Fairfax County courts;

WHEREAS, those policies implemented by Commonwealth's Attorney for Fairfax County Steve T. Descano, has resulted in an exodus of experienced attorneys thereby decreasing the effectiveness of the Office;

WHEREAS, the Commonwealth's Attorney for Fairfax County Steve T. Descano has chosen to malign and blame previous administrations instead of solving the problems that his leadership has created;

THEREFORE, with heavy hearts that circumstances have led the undersigned to seek the implementation of this unique remedy under the Code of Virginia Sections 24.2-233 *et seq*, the undersigned registered voters of Fairfax County and Fairfax City hereby ask the Fairfax County Circuit Court to immediately suspend the Commonwealth's Attorney for Fairfax County from his Office upon the filing of this petition, as allowed for by Virginia Code Section 24.2-236, and respectfully requests this matter be subsequently set for a trial governing his removal pursuant to Virginia Code Section 24.2-235 *et seq*.

IN SIGNING THIS PETITION EACH SIGNATORY AFFIRMS AND REPRESENTS UNDER PENALTY OF PERJURY THAT HE/SHE HAS READ AND UNDERSTANDS THE FOREGOING ALLEGATIONS AND REQUESTS FOR ACTION BEING MADE THEREFROM, IS OVER THE AGE OF EIGHTEEN YEARS, IS A RESIDENT AND A REGISTERED VOTER OF FAIRFAX COUNTY OR FAIRFAX CITY, AND IS IN FACT THE PERSON WHOSE NAME THAT SIGNATORY PURPORTS TO BE AND THAT THE SIGNATORY'S SIGNATURE BELOW IS THE GENUINE SIGNATURE OF THE PERSON THAT SIGNATORY PURPORTS TO BE.

#	Name	Signature	Residence Address	Date Signed	Last 4 of SSN (Optional)
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Additional Signature Lines and Required Circulator Affidavit on Reverse Side

Petition for Removal of Commonwealth's Attorney for Fairfax County Steve T. Descano
 (Continued from reverse side)

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#	Name	Signature	Residence Address	Date Signed	Last 4 of SSN (Optional)
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AFFIDAVIT

Commonwealth of Virginia, County of Fairfax/Fairfax City:

I _____, swear or affirm that (i) my full residential address in the Commonwealth of Virginia, County or Fairfax/City of Fairfax is _____, (ii) I am not a minor, (iii) I am not a felon whose voting rights have not been restored; (iv) I have witnessed the signature of each person who signed this page; and (v) I consent to the jurisdiction of the Courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein. I understand that falsely signing this Affidavit is a felony punishable by a maximum fine of up to \$2,500 and/or imprisonment up to ten years.

_____, signed _____ in the presence of a notary.
 Circulator Signature Date

The foregoing instrument was subscribed and sworn before me this _____ day of _____, 2021 by

 (Circulator Name)

 Notary Signature

 Registration #

 Commission Expiration