

VIRGINIA :

IN THE CIRCUIT COURT FOR CULPEPER COUNTY

Commonwealth of Virginia

v.

Daniel Harmon-Wright
a/k/a Daniel Sullivan

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Case No. _____

COMMONWEALTH’S OPPOSITION TO BAIL BOND

COMES NOW THE COMMONWEALTH, by counsel, and moves in opposition to the defendant’s motion for bond in the above styled case pursuant to VA Code, 1950, § 19.2-120, and as grounds therefore states as follows:

I. Statutory presumption against granting of bail § 19.2-120 (B)

As a reflection of the public policy of the Commonwealth, the legislature has imposed a statutory presumption against bail in acts of violent crime including murder and voluntary manslaughter.¹ In the instant case, the defendant is charged with murder pursuant to VA Code 1950, § 18.2-32, and given this serious charge he bears the burden of rebutting such statutory presumption. In light of the information in paragraphs II and III below, the defendant cannot be said to have rebutted such presumption. In fact, the evidence that relates to the various statutory considerations concerning bail-bond fortifies the presumption against bond and merits in favor of denying the defendant’s motion.

¹ § 19.2-120 (B) “The judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person is currently charged with:

1. An act of violence as defined in § 19.2-297.1”

II. Nature and circumstances of the offense charged § 19.2-120 (D)(1)

Incident Summary²

On February 9, 2012 at about 10:06 am, the Culpeper Police Department was notified by the staff of Epiphany Catholic School, located at 309 North East Street in Culpeper, Virginia, about a suspicious person in the parking lot. The person had been to the school the preceding Monday and this particular day (Thursday) she returned and had been spotted attempting to enter the school's annex building by a side fire door for unknown reasons.³ This person was later identified as a white female named Patricia Cook, 54, of Culpeper, Virginia. After attempting to enter the school, she was witnessed sitting alone in the driver's seat of her vehicle (a green, 2007 Jeep Wrangler). The vehicle had an expandable heat/sun screen completely covering the windshield of the vehicle such that she would not have a view of anything in front of the vehicle unless she was to remove the shield. The vehicle was within a marked space within the lot directly in front of the above mentioned school's annex building. Given the unknown reasons for her presence on the property, her apparent refusal to leave after being advised by a school official that she was on private property, and her having been to the property on Monday without any apparent legitimate purpose, the staff members called the police in order to investigate the situation.

Officer Daniel Harmon-Wright responded to the area and made contact with Patricia Cook at the driver's side window. Ms. Cook was sitting alone and was unarmed. Officer Harmon-Wright asked for Cook's identification, which she displayed, but reportedly refused to hand over to Harmon-Wright. In a later interview, Harmon-Wright stated that when he reached inside the Jeep to take possession of Cook's identification, she put the automobile in gear and

² This summary does not rule out the existence of additional incriminating information concerning the event, but is offered solely on the issue of bail bond in demonstration of the "nature and circumstances of the offense charged."

³ The annex building houses two middle school classrooms, and is used for 7th and 8th grade instruction.

slowly began to roll the vehicle forward while simultaneously rolling the driver's door window up on his arm. The order to stop was given by Harmon-Wright, but reportedly, Ms. Cook continued to roll the vehicle forward toward the exit of the parking lot. During this time, Harmon-Wright stepped up onto the running board of the Jeep, and continued to order her to stop. After about 10 feet, the vehicle, still within the parking lot, came to a stop. Harmon-Wright was seen jumping off of the running board of the Jeep, physically separating himself from the vehicle. At this point, the vehicle resumed rolling toward the exit of the parking lot, with the sun screen still blocking the driver's view. Witnesses observed the vehicle advancing past Harmon-Wright's position, whereupon Harmon-Wright ran forward in order to regain a position adjacent to the driver's side window. Upon nearing the driver's door, he was seen both grasping at the door handle, and then grasping at the driver's door, exterior, side-view mirror. He continued his commands to stop saying "stop or I'll shoot." At or before the vehicle pulled out of the parking lot and onto the roadway of North East Street, Harmon-Wright discharged his weapon into the driver's door window two times. These shots struck the victim Patricia Cook, but were not fatal wounds. Ms. Cook then pulled out of the school parking lot and onto North East Street at about 5 to 10 miles per hour. At this point, multiple witnesses have reported that Harmon-Wright advanced his position into the roadway behind the vehicle and discharged 5 additional shots from behind the Jeep into the back of Ms. Cook, who was later pronounced dead as a result of this second volley of gunfire.⁴ The crime scene examination indicated that 5 shots were discharged from a location at or behind the rear of the vehicle, as the vehicle began to

⁴ The Medical Examiner would confirm that two immediately fatal wounds resulted from this rearward gunfire. One shot proceeded through the rear left corner of the Jeep, traveled through the interior of the Jeep from back to front entering the driver's seat head rest and striking the victims skull and entering her brain. The second immediately fatal wound traveled a similar path from the rear of the vehicle and ultimately striking the victim in the back severing her spine and entering the heart and lung.

proceed down North East Street from the parking lot exit at approximately 5 to 15 miles per hour. (See CW exhibits 1 & 2).

Officer Harmon-Wright was witnessed by responding officers as being distraught at the shooting scene and stated numerous times that he was going to “lose his [f]-ing job.”

III. § 19.2-120 (D) (2)

a. History and characteristics of the person charged including his

i. character

ii. past conduct

iii. history relating to substance abuse

On August 30, 2006, a Town of Culpeper Police Lieutenant approved and concurred with a Town of Culpeper Police Sergeant’s recommendation that Daniel Harmon-Wright not be hired as a police officer with the Town of Culpeper.⁵ The two officials concluded that due to Harmon-Wright’s dress, demeanor, attitude, and most importantly, his admission of severe alcohol abuse, that Harmon-Wright was not an appropriate candidate for police officer. During the background investigation, Harmon-Wright admitted to numerous instances of alcohol abuse during both his career in the Marine Corps (which led to discipline), and also to having driven under the influence of alcohol as recently as three months prior to his employment interview. (See CW exhibit 3). To date, no records can be found which would show that he has ever addressed this alcohol abuse issue, or that the police agency required him to address this issue.⁶

Both of the above officials would state that Harmon-Wright was hired despite their recommendation and that this was the first and only time either could recall having such a

⁵ Daniel Harmon-Wright was originally hired as a police officer with the Town of Culpeper Police Department under the adoptive name of Daniel Sullivan. In 2010, he changed this adoptive name to Harmon-Wright to reflect the names of his natural parents.

⁶ The social worker who conducted a psychological examination of Harmon-Wright prior to employment could not give an “unconditional recommendation” of hire due to the issue of alcohol abuse in Harmon-Wright’s history. (See CW exhibit 4).

recommendation reversed. Within 6 months of his hire date, Harmon-Wright was officially reprimanded for a truthfulness/integrity violation which occurred during his time at the police academy (while on the payroll of the Town Police Department). (See CW exhibit 5). This violation led to him being placed on the department maintained “Brady” list which was hand-delivered to the local Commonwealth’s Attorney in November of 2007.⁷ The Town of Culpeper maintained a “Brady” list in order to advise the Commonwealth’s Attorney as to truthfulness issues so that the Commonwealth could make an evaluation as to whether to turn over such information to defense attorneys in cases where such officer may testify as a witness. (See CW exhibit 6).

The instant case involves what can be described, among other things, as excessive use of force. One month prior to the shooting of Patricia Cook, Daniel Harmon-Wright was formally reprimanded for an excessive force violation that involved the use of his firearm. (See CW exhibit 7). On January 9, 2012, one month to the day prior to the shooting, Harmon-Wright was reprimanded for an October 10, 2011 incident where he forced his way into a local residence with his gun drawn and brandished the weapon at two occupants of the home. At the time, he possessed neither probable cause nor a warrant to enter the home. In fact, he had been chasing a 15 year old boy that he had been running after on a “suspicious persons” complaint. He had lost sight of the boy, and after receiving a tip that he lived in a particular house he banged on the door of the house with his gun pointed at the door. A female occupant of the home asked what was wrong, to which Harmon-Wright demanded that she vacate the home. She protested as she was

⁷ The list name is derived from *Brady v. Maryland* 373 U.S. 83 (1963) which requires that exculpatory information be turned over to the defendant in a criminal case. This includes information that may be used to impeach the credibility of a witness. The theory behind a “Brady” list is that officers who have been found to be untruthful in connection with their employment may be called as witnesses in various cases and in such event, the defense should be advised that the witness against their client has been found to be untruthful with his/her own employer. Whether such information may be used is obviously dependent upon the rules of cross-examination and depends upon all facts and circumstances, but disclosure of the “Brady” listed officer may be viewed as a “best practices” measure on the part of the department.

only dressed in under garments and a t-shirt, but he persisted in his demand that she “get out of the house now.” Once she opened the door, and he saw her state of undress, he allowed her to put on pants, but then had her vacate her own home while he cleared the house room to room with his weapon raised. During this he encountered the woman’s 18 year old son whom he ordered to the floor after brandishing the weapon in the young man’s face. As it turned out the person who he had been chasing was not there, but was some distance away. As it further turned out, the boy he had been chasing had not committed any criminal violation and was on his way to school that morning. Harmon-Wright received a letter of reprimand for this violation which arose out of a formal internal affairs investigation that came on the heels of a complaint by the home owner. The infraction that was sustained was for excessive use of force.

IV. Miscellaneous Discipline

During the investigation into this incident, there have been additional items of discipline found that may be given weight in connection with the issue of the rebuttable presumption against bail. These items are attached as **CW exhibits 8A – 8D** for whatever weight the Court may choose to assign.

V. Miscellaneous Good Conduct

In addition to the forgoing, the investigation into this incident has revealed personnel file documents that constitute information FAVORABLE to the accused in connection with the issue of the rebuttable presumption against bail. As the accused or his attorney may not have access to this material, it is provided as **CW exhibits 9A – 9L**.

VI. Conclusion

In view of the foregoing, the Commonwealth maintains that the defendant cannot rebut the presumption against bail. Given all of the circumstances and legal standards that apply to this matter, his motion for bail should be denied.

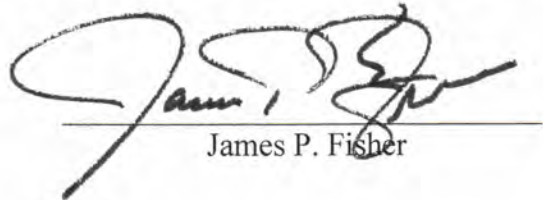
RESPECTFULLY SUBMITTED,
COMMONWEALTH OF VIRGINIA



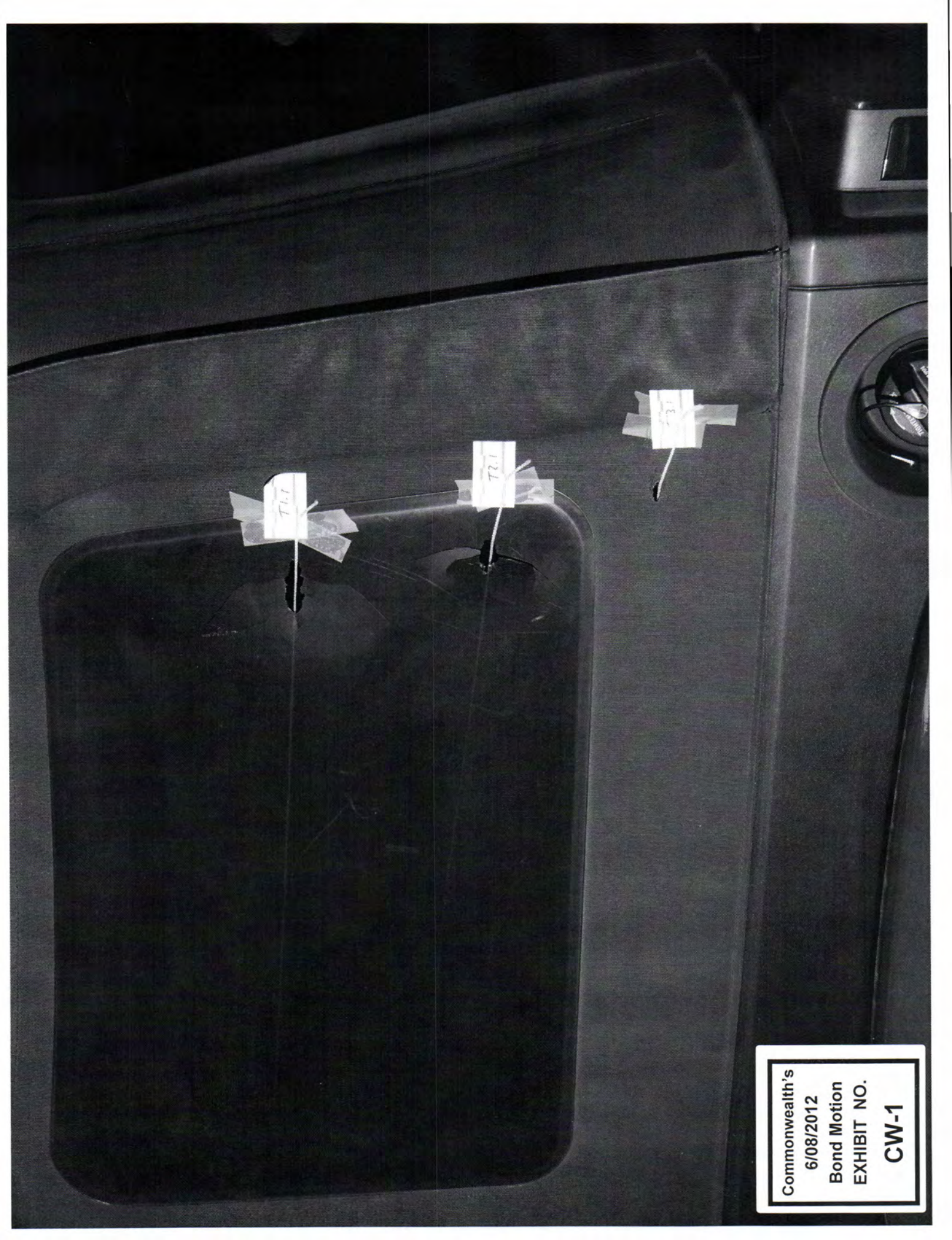
By: _____
James P. Fisher, Esq., VSB# 29668
Commonwealth's Attorney-Fauquier County
Special Prosecutor – Culpeper
29 Ashby Street
Warrenton, VA 20186
540-422-8120
540-422-8121 facsimile

Certificate of Service

I hereby certify that the forgoing opposition memorandum with attachments has been delivered to counsel Daniel Hawes (for the accused) this 7th day of June, 2012, by electronic mail at d.l.hawes@defenserrights.org.



James P. Fisher



T-11

T-12

T-13

Commonwealth's
6/08/2012
Bond Motion
EXHIBIT NO.
CW-1



Commonwealth's
6/08/2012
Bond Motion
EXHIBIT NO.
CW-2



Culpeper Police Department
Background Investigation Report



Applicant: Sullivan, Daniel
Date: 8/23/2006

**Commonwealth's
6/08/2012
Bond Motion
EXHIBIT NO.
CW-3**

30.) SUMMARY OF DEROGATORY INFORMATION (INCLUDE ITEM NO. FROM ABOVE): Applicant's use of alcohol has clearly affected his judgment in the past and appears to presently be a problem. Applicant states during his interview he has operated a vehicle while under the influence as recent as 3 months in the past. Applicant admits to doing things while under the influence of alcohol which he normally would not do but continues to consume alcohol. Applicant describes his demeanor as cheerful when consuming alcohol but admits to at least 4 fights that he has been in because he was drinking. Applicant was demoted in the military for alcohol related issues and continues to consume alcohol on a regular basis. Applicant has been refused from reenlistment in the military for a past shoulder injury and hearing loss.

APPROVED BY / DATE <i>8/30/06</i>	APPROVED BY / DATE	REVIEW BY CHIEF OF POLICE / DATE
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Commonwealth's
6/08/2012
Bond Motion
EXHIBIT NO.
CW-4

RECOMMENDATION:

There is only one note of caution standing between Mr. Sullivan and an unconditional recommendation for hire. On at least two occasions, as indicated by self report during his background investigation, excessive or improper consumption of alcohol resulted in disciplinary action. He also reports current and frequent drinking to the point of intoxication.

Culpeper Police Department

Memo

To: Recruit Officer Daniel Sullivan
From: Chief Dan Boring
Date: December 7, 2006
SUBJECT: Making Misleading Statements to Academy Staff

Commonwealth's
6/08/2012
Bond Motion
EXHIBIT NO.
CW-5

It is with regret that I advise you that this office has received information from the staff of the Central Shenandoah Criminal Justice Training Academy that clearly documents statements made by you following an injury that occurred while you were participating in defensive tactics training. In summary, the information provided shows that you provided different and misleading statements to different members of the academy staff with regard to your ability to return to training and to complete the course of instruction. While I clearly understand that your motivation for equivocating on this matter was to facilitate your continued course of study and to avoid time lost to make up missed training, the effect of this behavior was to create doubt in the minds of the academy staff regarding your credibility and truthfulness.

It is my belief that your actions in this matter were in violation of the Department's Rules and Regulations Section, A-20 – Truthfulness, which states:

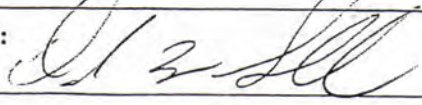
“When questioned by competent authority, employees shall give complete and honest answers to any question related to their official duties, fitness to hold public office, or violations of the regulations or general orders of the Department.”

While the questions regarding your medical status may appear to be a trivial matter, the fact that you failed to be completely honest in your response and that you then persisted in this prevarication makes it significant. It is critical that you understand the importance that this department places on truthfulness and integrity. It is the foundation upon which everything else is built. Our nation's entire system of justice which, in its extreme, permits our officers to deprive citizens of their property, their liberty, and perhaps their life, is totally dependent upon each officer's integrity and truthfulness. Your actions in this matter demonstrated a lack of judgment, reflected poorly on your character, and diminished the reputation of our department.

You are hereby admonished that any further instances in which you are less than completely truthful will result in disciplinary action which may include the loss of your employment. Your appeal rights are set forth in the Town's Personnel Handbook, and in the Law Enforcement Officer's Procedural Guarantee, as set forth in Title 9.1 of the Code of Virginia. A copy of the written reprimand will be placed in your permanent personnel file.

With that having been said, I extend my sincere best wishes for continued improvement and for a long and successful law enforcement career.

c: Town Manager
Capt. Jenkins
File


Received:  Date: 12/13/06

Culpeper Police Department

Commonwealth's
6/08/2012
Bond Motion
EXHIBIT NO.
CW-6

MEMORANDUM

 COPY

DATE: November 13, 2007
TO: Mr. Gary Close, Commonwealth Attorney Culpeper County
FROM: Chief Scott Barlow 
SUBJECT: Brady v. Maryland, 373 U.S. 83 (1963)

Sir,

I would like to bring to your attention three officers where Brady may apply to their testimony. I do not believe that any of these officers would intentionally be untruthful in court, but I do have an Internal Affairs case file on each officer for being untruthful.

In each of these cases the incident occurred prior to me taking over as the Chief of Police. The officers were disciplined for their respective actions.

1) Officer

Officer was asked if he had done a follow-up interview with a crime victim. He advised that he had. It was later found that he had not conducted such follow-up interview. When confronted he told the truth in this matter.
(Case file available for your review)

2) Officer Dan Sullivan:

Officer Sullivan injured himself during his stay at the regional academy. When asked he was untruthful about his injury. I believe that this was done for the sole purpose of completing the academy without being recycled.
(Case file available for your review)

3) Sergeant was asked by a defense attorney to stand in for another officer on a court case. The defense attorney made a request of the judge to have the case dismissed. The assumption seemed to be that Sergeant



Town of Culpeper Police Department
An Internationally Accredited Agency
740 Old Brandy Road, Culpeper, Virginia 22701
(540) 727-3430 Fax: (540) 727-7528



January 9, 2012

Officer Dan Harmon-Wright
Culpeper Police Department
740 Old Brandy Road
Culpeper, Virginia 22701



Officer Harmon-Wright,

This letter is to advise you that the Internal Affairs Investigation that was conducted against you has been completed. Lieutenant Lee Rees conducted the investigation and upon the conclusion of this investigation he has classified this complaint as a Sustained complaint. On January 6, 2012 the Chief of Police reviewed the facts and circumstances of this investigation and has concurred with Lieutenant Rees' classification of Sustained. The Chief of Police has remanded this investigation back to my office for proper disposition.

After reviewing the facts and circumstances of the investigation it is apparent that excessive force was utilized. You were assisting on a call in the area of Farley Street for a suspicious person.

You observed the individual flee on foot from Officer Brittany Jenkins. No crime had been committed and the pursuit of the individual was based solely on him running from the police and failing to stop when you commanded to so. It doesn't appear that you inquired to Officer Jenkins what the violation of law was. Upon further investigation it was determined that the individual had run into a house on Garr Avenue. You proceeded to knock on the side door while Officer Jenkins knocked on the front door.

Based upon your statements, You had drawn your service weapon and had advised Officer Jenkins to draw her service weapon. Contact was made with the owner of the house a Mrs. Wilson who was partially clothed and could not have been a threat to the police. You and Officer Jenkins entered the residence with guns drawn. Mrs. Wilson's other son who was inside the residence was ordered to the ground and according to the facts and circumstances of the investigation never appeared to be a threat to the officers on the scene. The individual who fled on foot was in fact Mrs. Wilson's son Christopher who only in the best light was truant from school. He was located by Deputy Wyant.

Our meeting in regards to this investigation and our conversation about the details of this case will serve as a Counseling Session and will serve as the final disposition of this investigation.

Thank you and Be Safe,

Captain Ricky A. Pinksaw
Deputy Chief of Police
Culpeper Police Department

Memo

To: Officer Daniel Sullivan
From: Lieutenant Troy Steele
CC: Chief Scott Barlow, Captain C.R. Jenkins
Date: January 3, 2008
Re: Written Letter of Reprimand-Vehicle Accident

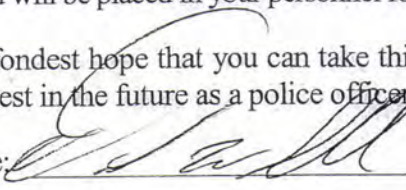
ORIGINAL

On August 13, 2007 you were responding code to a dispatched call for service. While you had your emergency equipment activated you ran through a red light and collided into another vehicle causing a substantial amount of damage. It was determined through the accident investigation that this was a major/avoidable collision.

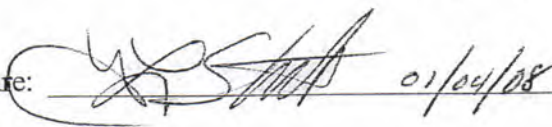
You are reminded that as police officers with the Town of Culpeper we are held to a higher standard than the average citizen. When we are responding to calls for service that require an emergency response it is our responsibility to ensure the safety of motorists on our streets as well as your own safety. You need to recognize that when entering an intersection while operating your emergency equipment you need to use due care to ensure that an accident does not occur. Please be reminded that all officers of this department are governed by Virginia State Code 46.2-920, as well as Culpeper Police Department General Order 18.2.1. It is more important to remember that we are more of a benefit to our victims and complainants when we arrive on scene complaints safely.

On December 17, 2007 the department's accident review panel met and reviewed the details of your case. It was the determination of this panel that you were involved in an Avoidable/Major crash. The accident review panel has recommended to the Chief of Police that you were to receive a written letter of reprimand. The Chief of Police has concurred with the recommendation of the accident review panel and this letter of reprimand will be placed in your personnel folder.

It is my fondest hope that you can take this letter as a learning experience, and wish you the best in the future as a police officer with the Town of Culpeper.

Signature: 

Date Received: 1/4/08

Issuing Supervisors Signature: 

Commonwealth's
6/08/2012
Bond Motion
EXHIBIT NO.
CW-8A

**Culpeper Police Department
Squad C**

Memo

To: Lt. T. Steele
From: Sgt. W. W. Hickman
CC: Captain C.R. Jenkins, Captain R. A. Pinksaw
Date: 10/15/09
Re: Counseling Session

On October 15, 2009, Officer D. Sullivan and I (Sgt. Hickman) had a one on one counseling session on proper departmental policy and procedures for pursuits. This counseling session was held to review a pursuit that Officer D. Sullivan initiated on October 11, 2009. Officer D. Sullivan was explained the mistakes made in this particular pursuit and the correct actions that should have been taken.

At the end of the session, Officer D. Sullivan stated he understood the mistake that was made and will take corrective measures in the future to avoid the same mistakes. Officer D. Sullivan was asked to give roll call training to his squad on the policy and procedures for pursuits in the next week.

Commonwealth's
6/08/2012
Bond Motion
EXHIBIT NO.
CW-8B



EMPLOYEE EVALUATION FORM

EMPLOYEE'S NAME: Daniel Sullivan

REASON FOR ACTION:

- Recognition for Outstanding Performance
Unsatisfactory Work Performance
Disruptive Work Behavior
Other
Excessive Absence or Lateness
Insubordination
Violation of Department Rules and/or Safety Rules

DESCRIPTION—Provide in a complete but concise manner, relevant information regarding the employee's actions, or behaviors displayed (attach additional sheet if necessary). Officer Sullivan upon entering the police department parking lot and pulling into a parking space, collides with another police cruiser. Officer Sullivan states a wire was hanging below the dash, preventing him from reaching/pressing the brake pedal.

ACTION TAKEN BY SUPERVISOR:

- Commendation
Verbal Supervisory Warning
Written Reprimand Recommendation
Written Supervisory Warning

REASON FOR ACTION: I do not see how, with the positioning of the wiring, he could not brake in time. Inspection of the vehicle could have prevented the incident if the wire truly was to blame. Officer Sullivan states he noticed the wire hanging down a week ago and took no actions to correct the matter. Coming into the lot, his foot should not have been on the accelerator or pulling into parking space his foot should have been on the brake. Damage is consistent with heavy braking causing the front end to "dip". Appears he may have been going to fast pulling into the the space or his mind was pre-occupied with something else.

NOTICE: The employee is advised that further violations of rules, regulations or policies may result in further discipline, up to and including recommendation of suspension from duty and/or termination of employment.

EMPLOYEE'S COMMENTS I agree with the action taken... I disagree with the action taken for the following reasons: I agree with the action being taken. I disagree with the box checked "Unsatisfactory Work Performance". I think "Other" would be more applicable.

EMPLOYEE'S SIGNATURE: [Signature] DATE: 10/20/09

SUPERVISOR'S SIGNATURE: [Signature] DATE: 10/20/09

This document shall serve as a Written Record to the Employee regarding the described conduct. The employee is advised that further violation of rules, regulations or policies may result in further discipline, up to and including suspension from work and/or termination of employment.

- Copy to Personnel Files and to the employee
Remove from Personnel File on (Date)
Employee met with Supervisor - Date 10/20/09

Commonwealth's
6/08/2012
Bond Motion
EXHIBIT NO.
CW-8C

**Culpeper Police
Department**

Memo

To: Lt. T. Clark

CC:

From: Sgt. A Cooper



Date: 1-07-11

Re: Attendance of Ofc. Wright

Dear Sir,

On this date I was contacted via Nextel by Ofc. Wright at 0530 hours. Ofc. Wright stated that he had received a new phone last night which he used as an alarm clock. He said he did not hear it go off this morning, and therefore overslept. He further stated that he was now up, and was just leaving his home in Gainesville. He advised that because of this, he would not be able to report to duty at 0545 as required, but would be about 30 minutes late. Ofc. Wright contacted me again at 0606 hours and advised that he had arrived at CPD. He reported for duty a few minutes later.

The reason for this documentation, is that timely attendance has been a bit of a challenge for Ofc. Wright in the past, and I know he has already been counseled about this on several occasions.

Commonwealth's
6/08/2012
Bond Motion
EXHIBIT NO.
CW-8D

Troy Steele

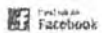
From: Chris Jenkins
Sent: Monday, October 25, 2010 4:20 PM
To: Troy Steele
Cc: Rick Pinksaw
Subject: FW: Joseph Costello--hammer case
Attachments: image001.jpg

Troy,

Please pass along to both Dan & Jeff my appreciation for a **job well done!!!** Also please note for their evaluation folders.

Thanks

Chris R. Jenkins
Chief of Police



Culpeper Police Department
740 Old Brandy Road
Culpeper, VA 22701
(540) 829-5509
Fax: (540) 727-7528

From: DALE DURRER [<mailto:DDURRER@CULPEPERCOUNTY.GOV>]
Sent: Thursday, October 21, 2010 4:48 PM
To: Chris Jenkins
Cc: CA - Gary Close
Subject: Joseph Costello--hammer case

Chris—

I wanted to pass along a brief note to let you know how well two of your officers testified yesterday in a very important case in Circuit Court. Officer D.W. Wright and Officer J.B. Sadler were concise, prepared and displayed a calm demeanor yesterday in Circuit Court. Officer Wright's testimony was particularly important because the Commonwealth was able to admit several witness statements as substantive evidence through him as an excited utterance exception to the rule against hearsay. Several of the original eyewitnesses were family members of the Defendant who had selective memories of the incident.

Best,

Dale Durrer
Assistant Commonwealth's Attorney
Special Assistant United States Attorney
County of Culpeper
Western District of Virginia

Commonwealth's
6/08/2012
Bond Motion
EXHIBIT NO.
CW-9A



EMPLOYEE EVALUATION FORM

EMPLOYEE'S NAME: D.W. Sullivan

REASON FOR ACTION:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Recognition for Outstanding Performance | <input type="checkbox"/> Excessive Absence or Lateness |
| <input type="checkbox"/> Unsatisfactory Work Performance | <input type="checkbox"/> Insubordination |
| <input type="checkbox"/> Disruptive Work Behavior | <input type="checkbox"/> Violation of Department Rules and/or Safety Rules |
| <input type="checkbox"/> Other: | |

DESCRIPTION—Provide in a complete but concise manner, relevant information regarding the employee's actions, or behaviors displayed (attach additional sheet if necessary). **Officer Sullivan responded to assist an officer with a call on this date. Sullivan's response was immediate and when he arrived he immediately took charge of the situation and he did so appropriately. Officer Sullivan used excellent verbal commands with the subject, they were clear and concise, and when the subject did not comply Officer Sullivan used an appropriate handcuffing technique to detain him. After the subject was detained Sullivan was able to use his verbal skills to calm the situation enough to begin getting information from the subject. Officer Sullivan showed no hesitation or indecisiveness in his actions, which left no doubt in the subjects mind, that Sullivan was in control of the situation.**

(Cite specifics, attach additional sheets if necessary)

ACTION TAKEN BY SUPERVISOR:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Commendation | <input type="checkbox"/> Written Reprimand Recommendation |
| <input type="checkbox"/> Verbal Supervisory Warning | <input type="checkbox"/> Written Supervisory Warning |

REASON FOR ACTION: Officer Sullivan is to be commended for the way he handled this irrational and very emotional subject, if he had not acted as he did, the situation could have quickly spiralled out of control.

(Cite specifics, attach additional sheets if necessary)

NOTICE: The employee is advised that further violations of rules, regulations or policies may result in further discipline, up to and including recommendation of suspension from duty and/or termination of employment.

EMPLOYEE'S COMMENTS I agree with the action taken I disagree with the action taken for the following reasons: _____

EMPLOYEE'S SIGNATURE: *D.W. Sullivan* **DATE:** 2/22/10

SUPERVISOR'S SIGNATURE: *S.A. Roy* **DATE:** 2-22-10

This document shall serve as a Written Record to the Employee regarding the described conduct. The employee is advised that further violation of rules, regulations or policies may result in further discipline, up to and including suspension from work and/or termination of employment.

- | | |
|---|--|
| <input checked="" type="checkbox"/> Copy to Personnel Files and to the employee | <input checked="" type="checkbox"/> Employee met with Supervisor - Date <u>2/22/10</u> |
| <input type="checkbox"/> Remove from Personnel File on (Date) _____ | <i>[Signature]</i> |

Commonwealth's
6/08/2012
Bond Motion
EXHIBIT NO.
CW-9B



EMPLOYEE EVALUATION FORM

EMPLOYEE'S NAME: **Officer D. W. Harmon-Wright**

REASON FOR ACTION:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Recognition for Outstanding Performance | <input type="checkbox"/> Excessive Absence or Lateness |
| <input type="checkbox"/> Unsatisfactory Work Performance | <input type="checkbox"/> Insubordination |
| <input type="checkbox"/> Disruptive Work Behavior | <input type="checkbox"/> Violation of Department Rules and/or Safety Rules |
| <input type="checkbox"/> Other: | |

DESCRIPTION—Provide in a complete but concise manner, relevant information regarding the employee's actions, or behaviors displayed (attach additional sheet if necessary). **While performing foot patrol at the Depot on 01-29-11, Officer Harmon-Wright located graffiti on the side of the new apartment complex building on Wausau Place. Officer Harmon-Wright took the initiative to create an incident and document his findings. He attempted to locate the owner of the building to notify him of the vandalism. He photographed the graffiti, which appears to be gang related. He also photographed footprints which were in the snow. Additionally, a known drug dealer lives in the complex. Officer Harmon-Wright also noted the vehicle tag numbers that were in the vicinity. He forwarded copies of the photographs to the Street Crimes Unit and to Lt. Terrill who maintains the department gang file.**

(Cite specifics, attach additional sheets if necessary)

ACTION TAKEN BY SUPERVISOR:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Commendation | <input type="checkbox"/> Written Reprimand Recommendation |
| <input type="checkbox"/> Verbal Supervisory Warning | <input type="checkbox"/> Written Supervisory Warning |

REASON FOR ACTION: I believe this type of self initiative action should be recognized. Officer Harmon-Wright went the extra mile to document this vandalism, which not only documents possible gang activity, but also informs the owner of the building of the vandalism so it can be promptly removed. This type of activity encompasses the concept of community policing.

(Cite specifics, attach additional sheets if necessary)

NOTICE: The employee is advised that further violations of rules, regulations or policies may result in further discipline, up to and including recommendation of suspension from duty and/or termination of employment.

EMPLOYEE'S COMMENTS I agree with the action taken I disagree with the action taken for the following reasons: _____

EMPLOYEE'S SIGNATURE: *D. W. Harmon-Wright* **DATE:** 1/30/11

SUPERVISOR'S SIGNATURE: *Judith Brooks* **DATE:** 1/30/11

This document shall serve as a Written Record to the Employee regarding the described conduct. The employee is advised that further violation of rules, regulations or policies may result in further discipline, up to and including suspension from work and/or termination of employment.

- | | |
|---|--|
| <input checked="" type="checkbox"/> Copy to Personnel Files and to the employee | <input type="checkbox"/> Employee met with Supervisor – Date _____ |
| <input type="checkbox"/> Remove from Personnel File on (Date) _____ | |

Commonwealth's 6/08/2012 Bond Motion EXHIBIT NO. CW-9C
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Chris Jenkins

From: Chris Jenkins
Sent: Thursday, January 26, 2012 10:17 AM
To: Dan Sullivan
Cc: Tommy Clark; Rick Pinksaw
Subject: Job Well Done

Dan,

I was recently contacted by the family members of Henry Christner (101 Morningside Dr.) to express appreciation for the assistance that you provided their father who lives alone and had fallen. They were very impressed with the care and compassion you showed their family and they stated to me "we couldn't have asked for a more professional response". Dan please accept my thanks for a job well done.

Keep up the Good Work!

Be safe.....

Chris J.

Chris R. Jenkins
Chief of Police



Culpeper Police Department
740 Old Brandy Road
Culpeper, VA 22701
Work: (540) 829-5509
Fax: (540) 727-7528

FOIA Disclaimer

You are hereby advised that, pursuant to the Virginia Freedom of Information Act, written correspondence (including, but not limited to, letters, e-mails and faxes) from and to the Town of Culpeper and its officials and employees, and others acting on its behalf, may be subject to disclosure as being a public record. This includes the e-mail address(es) and other contact and identifying information for parties involved in the correspondence.

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CW-9D



TOWN OF CULPEPER

POLICE DEPARTMENT

130 West Cameron Street • Culpeper, Virginia 22701

(540) 727-3430 FAX (540) 727-7528



January 11, 2010

Officer Dan Sullivan
Culpeper Police Department

Dear Officer Sullivan,

I am in receipt of a letter from Ms. Patricia Cobb expressing her gratitude for your assistance to her during the severe snow storm on December 19th. In her letter, Ms. Cobb explained that she was caring for her 11 week old granddaughter and was stranded in her home without transportation and without food or diapers for the infant. She further explained that you made the round trip from her home, then to WalMart and back on their behalf and delivered the needed formula and diapers. Ms. Cobb wrote she had been "panicking and scared" for the baby and she wanted to let me know "what a wonderful kindness" you had rendered.

Please accept my personal thanks for your continued dedication, professionalism, and efforts to support the goals of this agency.

A copy of this letter will be made part of your permanent personnel record.

Sincerely,

Scott H. Barlow
Chief of Police

cc: Lt. T. Steele
Capt. C. Jenkins
Town Manager's Office

Commonwealth's
6/08/2012
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CW-9E



January 9, 2009

Chief Scott Barlow:

I'm writing in regard to the help I received from one of your Police Officers on Saturday, December 19, 2009.

My Daughter was stranded in Charlottesville and I was taking care of her 11 week old baby, my Granddaughter. My Daughter had expected to return on Friday night but due to the snow was unable to return until Sunday, December 20. My Daughter was using my car.

My Granddaughter and I were at my house, 640 Highview Court

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and I hadn't brought any extra Simlac or Diapers with me from my Daughter's home. I called the Copper Town Police to see if they could help me get these items at approximately 5:30 AM on Saturday. Officer Sullivan called me and Len came to my home and I gave him money for the formula & Diapers. He went to Walmart and purchased these items and brought them to me. It was still snowing and my road hadn't been cleared.

I just wanted to let you know what a wonderful kindness Officer Sullivan did on that snowy Saturday. I was panicking and was scared my Grand daughter was going to starve.

To death. I am very grateful that
officer Sullivan was there to help me out.
Thank you again officer Sullivan
and may God bless you and the
Culpeper - Town Police.

Sincerely,

Patricia Cobb



TOWN OF CULPEPER
POLICE DEPARTMENT

130 West Cameron Street • Culpeper, Virginia 22701
(540) 727-3430 FAX (540) 727-7528



June 26, 2008

Officer Daniel Sullivan
Culpeper Police Department


Dear Officer Sullivan,

I am in receipt of a letter from Mr. Richard Acey thanking our Department for our assistance with a crime perpetrated against an elderly citizen. Mr. Acey appreciated not only your promptness in responding to their request for assistance, but your taking the time to guide them on what would happen and providing contact information. Mr. Acey extended his gratitude for making the ordeal palatable through the professionalism and courtesy of our officers.

It is good to see that as an officer in the early years of service, you are performing your duties in a manner that reflects well on our Department.

A copy of this letter will be made part of your permanent personnel record.

Sincerely,



Scott H. Barlow
Chief of Police

cc: Lt. Steele/Lt. Clark
Capt. Jenkins
Town Manager's Office

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EXHIBIT NO.
CW-9G

To: Chief Scott Barlow

From: Richard A. Acey

Dear Sir:

I had a unfortunate experience of being introduced to the Town of Culpeper Police Department as a result of a friend of mine in his 90's who was taken advantage of in a pave the driveway scam.

I happened to be there in order to take him to a Doctor's visit. I did not realize at the time what was going on and found out by him calling me the next day complaining about being scammed.

Officer Sullivan was to be the first to show up on the scene, in what I would call, record time. I had the called just a few minutes earlier and spoke to someone monitoring the phone and he was also professional and polite.

Anyway Officer Sullivan took all the particulars from my friend and me and guided us on what would happen from there on. I got further information later that day and called the police again and a returned call was made by Officer Cooper and I provided him with additional information on the case.

The following afternoon, Det. Taylor came to my friends house and got into final details of the crime. The next day, I went to the Police department to see if I could pick out the criminal and spoke with Det. Taylor and identified one of the two people involved.

I just want to commend you on the great force that you have. I found dealing with the police a little daunting, since I never had the occasion, but came very quickly to the realization that there is hope for us all with such a fine force.

Thank the Officers involved, for my friend and me, and please accept gratitude for making this ordeal palatable through the professionalism and courtesy of your Officers. You can be, as I am, very proud of the Culpeper Police Department under your tutelage.

Respectfully yours,

Richard A. Acey
compacey@verizon.net

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EXHIBIT NO.
CW-9H

Honorable Discharge



FIDELI CERTA MERCES

from the Armed Forces of the United States of America

This is to certify that

LANCE CORPORAL (E3) DANIEL W. SULLIVAN 225 75 8208

was Honorably Discharged from the

United States Marine Corps

on the 20TH day of FEBRUARY 2006 This certificate is awarded

as a testimonial of Honest and Faithful Service

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CW-91

S. E. Brown

S. E. BROWN
Colonel, USMC



UNITED STATES MARINE CORPS
 MARINE CORPS MOBILIZATION COMMAND
 15303 ANDREWS RD.
 KANSAS CITY, MO 64147-1207

IN REPLY REFER TO:
 IRRD

20 FEB 2006

DEAR LCPL D. W. SULLIVAN,
 This discharge certificate is a testimonial of your honorable service. It signifies that you have served in a proficient and industrious manner in the defense of your country. No greater honor accrues to any citizen.
 On behalf of the Commandant of the Marine Corps, please accept the gratitude of our great nation and best wishes in your future endeavors.

S. E. BROWN
 Colonel, USMC
 Commander

D. W. SULLIVAN
 874 DECATUR CIRCLE
 CLAREMOUNT CA 917110000

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 CW-9J



Certificate of Good Conduct

CORPORAL DANIEL W SULLIVAN 225 75 8208

*Having conducted yourself in a creditable manner,
you are, by direction of the Commandant of the
Marine Corps, awarded a Good Conduct Medal*

FIRST AWARD

for the period

10 SEPTEMBER 1998

to

9 SEPTEMBER 2001

*Your conduct during this period denotes honest
and faithful service in keeping with the
highest traditions of the Marine Corps.*

JAMES W LUKEMAN

LIEUTENANT COLONEL, USMC

COMMANDING

2NDBN 5THMAR 1STMARDIV

MCB BOX 555473

UNIT

10 September 2001

DATE OF AWARD



DEPARTMENT OF THE NAVY

USS ESSEX (LHD-2)

FPO AP 96643-1661

1650

00

20 NOV 01

From: Commanding Officer, USS ESSEX (LHD 2)
To: Corporal Daniel W. Sullivan 225-75-8208/0351 USMC

Subj: LETTER OF APPRECIATION

1. I take great pleasure in expressing my appreciation for your exemplary performance as a member of Ship's Platoon from September to November 2001 on board USS ESSEX (LHD 2), while deployed in support of Blue/Green, ARGEX and East Timor Humanitarian Assistance Operations. You displayed exceptional knowledge, dedication, initiative and ability to adapt to rapidly changing situations. Your efforts contributed substantially to the success of ESSEX' mission of providing amphibious support to elements of the 31st MEU.

2. Your assistance in maintaining accurate account of personnel significantly enhanced the proper allocation of berthing spaces. Truly dedicated to your tasking, you assisted in maintaining a high state of morale for the embarked troops. Your ability to learn and respond was clearly observed during Combat Cargo operations, when you professionally and expeditiously assisted in the movement of troops and vehicles/equipment. Your diligence, resourcefulness and perseverance significantly contributed to the accomplishment of ESSEX' mission.

3. I applaud your professionalism, dedication-to-duty and accomplishments, and extend to you my sincere congratulations for a job "Well Done!"

A handwritten signature in black ink, appearing to read "S. A. Berg".

S. A. BERG

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EXHIBIT NO.
CW-9L