

'He cut her in the face' – Gruesome testimony certifies June 11 murder to grand jury

By JEREMY MOSER
Star-Tribune Staff Writer

The gruesome testimony of the former stepdaughter of Jesus Armando Ochoa Sanchez, 41, played a key role in certifying the murder case to a grand jury in Pittsylvania County Juvenile and Domestic Relations Court Wednesday.

The 15-year-old testified during a preliminary hearing Wednesday afternoon that she witnessed Sanchez, her stepfather at the time, attack her mother, Xochil Ochoa, with a knife in their home on Mt. Cross Road on June 11.

"He cut her in the face," the girl testified through tears at Wednesday's hearing. Sanchez, dressed in an orange jumpsuit, was present.

The hearing resulted in Judge Turpin certifying Sanchez's two charges of first degree murder and assault of a law enforcement officer to Pittsylvania Circuit Court. Commonwealth Attorney Bryan Haskins reported the charges will go before the February Grand Jury next year.

Prosecutors called a number of witnesses for the hearing, starting with the young girl.

The girl described a scene on June 11 when Sanchez allegedly appeared at their home unexpectedly after leaving in anger two weeks prior following an argument with her mother.

"He left the house when he was angry, and he was accusing [my mom] of things," the girl said. "I wasn't expecting him to come back."

She described locking herself in her room when Sanchez appeared in the home and listening for her mother to tell if she was awake.

According to the 15-year-old's testimony, she heard her mother open the door to their bathroom and then heard her scream out.

The girl said she then left her room and encountered her mother being attacked by Sanchez with a knife.

"I see her pressed up against the [bathroom] door and he cuts her," the girl said.

The girl said her mother tried to get away but fell onto the floor where Sanchez continued to cut her. At that point, the girl said she threw herself onto Sanchez's back, beating him and telling him to stop before he threw her off.

The young girl said her older brother then came at Sanchez with a chair and pushed him back.

When the girl's sister, 10 years old at the time, awoke, the girl said she persuaded her siblings to follow her outside and call the police, leaving her mother, who they thought might still be alive, inside.

"I had to leave my mom. I didn't want to leave her but I had to take care of [my siblings]," the girl said. "I told her that I loved her before she died."

Deputies from the Pittsylvania County Sheriff's Office were also called as witnesses. They testified to the events that followed once police arrived on the scene.

Capt. Corey Webb explained how the plan was initially to wait for a SWAT team to arrive before they gained knowledge that a living victim possibly remained inside.

Webb testified that he took a team of three others to breach the front door of the home which resulted in a violent encounter with Sanchez.

Investigator Nathan Spencer testified that he fired shots at Sanchez after seeing him point a rifle at the opened door.

"He brought [the rifle] up and pointed it at us," Spencer said.

Webb testified that following the shots being fired, he observed Sanchez from outside the home sitting on the floor of the living room with a rifle on the floor beside him.

He also testified that in response to orders to show his hands, Sanchez said, "Shoot me, I'm already dead."

Webb said he tased Sanchez and subdued him.

EMTs were called to Ochoa, who was found on the floor of the dining room, but they were unable to resuscitate her.

Sanchez's defense presented no evidence at the hearing, but argued that there was not clear evidence of premeditation.

Haskins disagreed, arguing the injuries Sanchez allegedly inflicted onto Ochoa were evidence of intent.

"He's in such a rage that he throws [his stepdaughter] off him multiple times," Haskins said during closing arguments. "The cutting of the face is clearly sufficient to show intent to kill."

The charges against Sanchez will now proceed through circuit court nearly five months after the date of Ochoa's murder.

Haskins told the Star-Tribune that the reason for the delay was a psychological evaluation of Sanchez requested by his defense.

"He's competent to stand trial," Haskins said.

Sanchez remains in custody under no bond.

COVID-19 leaving Danville court backed up with trial cases

By JEREMY MOSER

Star-Tribune Staff Writer

Attorneys and judges in the Danville judicial system report that as restrictions on court processes continue due to COVID-19, cases are being backed up for months and due process for accused persons is being deferred.

After Gov. Ralph Northam ordered statewide shutdowns in March in response to COVID-19, the Virginia Supreme Court declared a state of judicial emergency suspending almost all court processes save for emergency proceedings.

And while in the months since courts have been able to proceed with most all necessary hearing, jury trials are still prohibited in most Virginia localities.

Danville Assistant Commonwealth Attorney Petra Haskins says this is the biggest issue the courts are facing, as it's placed a heavy burden on prosecutors' ability to close cases.

"The Supreme Court held in their order that we were prohibited from having jury trials because the nature of a jury trial is that everyone is on top of each other," Haskins said. "You have 12 jurors sitting on top of each other. Our facilities are not big enough to allow for six-foot social distancing."

Defendants in court have a constitutional right to a jury trial if they request one, and so in cases where jury trials are demanded by the defendant, they end up having to be continued each month as the judicial emergency is renewed.

"The most obvious effect is on the defendant," Haskins said. "If...They exercise a right to a jury trial...they cannot have their trial until the Supreme Court says they can. So some people, their case will be continued yet again."

In some cases, like the case against Demetri Wingate in Danville Circuit Court, defendants are being held without bond in the city jail for over a year as their jury trial is held up.

Wingate has had jury trial dates set for an indictment for rape by force or threat over four times, and each time it has had to be continued as the judicial emergency has been extended for another month.

"I have prepared for this case four times now," Haskins said. "It was supposed to be heard on Nov. 10, and because the jurisdiction still doesn't have approval to do jury trials, it has been moved once again."

Wingate was arrested in September 2019 and has remained in jail since with no trial.

Haskins says Danville has submitted a plan to the Virginia Supreme Court to be approved to hold jury trials as some other jurisdictions in Virginia have, but out of 120 jurisdictions, each must be approved individually, and Danville so far has not been approved.

Haskins added that this has placed a strain on Danville, a particularly busy jurisdiction, and created a backlog of cases piling up in the system.

"We've had a percentage of our cases that have not been able to be resolved," Haskins said. "We have seven months of a backlog of cases, and once the emergency is lifted, we have to proceed with those cases carefully."

Included in the judicial emergency order is a "tolling" on statutory speedy trial requirements. Normally, prosecutors have five months to bring the case against an imprisoned person to trial.

The tolling essentially paused the timer, meaning that in cases that were pending before the initial judicial emergency, the time that passed before bringing it to trial before the emergency was instated will pick up where it left off after the emergency is lifted.

In some cases, once the emergency is lifted or Danville is approved to hold jury trials, prosecutors may have a very limited amount of time to bring the case to trial.

The effects of this issue extend not just to defendants, but to the prosecutors, defense attorneys, judges, witnesses and victims of crimes.

"It's been very frustrating to everybody involved in the criminal justice system," Haskins said. "We have to explain to the witnesses that the case was continued again, and we've got to talk to the victims' families. We can't give them any answers."

Haskins says the Commonwealth Attorney's Office in Danville has been making an effort to resolve as many cases as possible through the use of plea agreements which can be settled without a jury.

The courts are also still able to hold bench trials, which involve the trying of a case before a judge without a jury present.

"We're trying to be as fair as we can to those individuals who are waiting for our system to work," Haskins said.

640 Rescue facing closure due to lack of members

By JEREMY MOSER
Star-Tribune Staff Writer

While facing pressure from the county government to improve call response rates, the small membership of the 640 Rescue Squad in Java has a last chance to gain new members and improve call response before it's forced to close.

In an effort to address a long-standing issue with rescue squads in Pittsylvania County not answering a high enough percentage of calls, the Pittsylvania County Board of Supervisors, at the recommendation of the newly formed Fire and Rescue Commission, issued a resolution instating minimum standards for rescue squad response rates.

According to data obtained from Pittsylvania County Public Safety, 640 Rescue Squad answered 34 percent of their first-due calls in the last six months of 2019. They were one of five EMS agencies who answered less than 70 percent of their calls in that time period.

Mike Shelton, the captain of the 640 Rescue Squad, says that their trouble with responding to calls comes from a lack of members, an issue that has struck them and many other rescue agencies in rural areas due to many of their long-standing members aging out of the service, and new volunteers being hard to come by.

"It's happening all around," Shelton said. "But we're such a small community, that I think we're the bleeding edge of it."

On the sign outside of their station on Java Road is a message saying "volunteers needed." Shelton said that message has been on that sign for two years and they've barely gotten any takers.

As the five regular, committed members of 640 Rescue sat in their squad room at their station on Friday, not one of them was under the age of 60.

According to 640 Rescue's president, John Farson, the history of 640 Rescue Squad dates back to 1984 when members of the Java community wanted a quicker EMS response than the surrounding agencies could provide.

One of their long-time members, Gerald Cooper, told of why he got into volunteering as an EMT in the first place, and why he believes a good EMS response agency in Java is important.

"It was 2003 when I joined. I did CPR on my mother right down the road from here for 45 to 50 minutes," Cooper said. "It was an icy February morning and an ambulance eventually came out of Chatham. The nearest [640] member was coming from Spring Garden on ice. [The defibrillator] was right here, but there were no members. That's when I decided, I wasn't going to be in that situation again."

If 640 Rescue is unable to demonstrate that they are able to improve their numbers to the county, they will have to shut down, which Shelton says is likely to see them merged into Gretna Fire and Rescue.

Shelton said that would likely result in the existing 640 station becoming a satellite station of Gretna, so that the ambulances would still be used in that area.

However, the group is not giving up on surviving as their own rescue squad.

"We don't want to shut the doors," Shelton said. "[Merging with Gretna] is the only viable thing I can see right now."

To avoid closing, Cooper said that "a couple drivers would go a long ways."

Currently, Shelton and Cooper are the two EMTs that provide the service, and what they really need are some local people who are able to drive the ambulances to the calls and transport patients when needed.

Drivers don't need to be certified as EMTs, and Cooper said that it wouldn't be a large commitment compared to other rescue squads, because the call volume in Java is low compared to other areas