



Bondsman's gun used in murder of Dominguez

Man Nguyen claimed to not know the terms of release despite posting bail

BY OLIVIA ANDERSON

Content warning: *This story contains graphic details of a sexual assault.*

The homicide of Alexandria resident Karla Dominguez last summer sparked widespread uproar because her alleged murderer, Ibrahim Bouaichi, had been released on bond in April despite having been indicted for allegedly raping and assaulting Dominguez in October 2019.

Now, new information reveals that the bondsman who posted bail for Bouaichi knew him beforehand and that both the vehicle and weapon Bouaichi used to commit the murder belonged to the bondsman, Man Nguyen.

According to documents acquired by the Alexandria Times through a resident-submitted FOIA request, Nguyen, a surety bondsman with the Virginia Department of Criminal Justice Services, posted the \$25,000 bail to release Bouaichi from the Alexandria Detention Center after Bouaichi's sister reached out.

The terms of the bond, which were set by now retired Circuit Court Judge Nolan B. Dawkins, required Bouaichi to remain at his parents' home in Greenbelt, Maryland. Prosecutors from the Alexandria Commonwealth's Attorney's office did not ask that Bouaichi be given a GPS tracking ankle bracelet, and Dawkins did not order one.

Despite signing for Bouaichi's bond, Nguyen later claimed at a DCJS hearing during which he was stripped of his bondsman's license that he was not aware of the terms of Bouaichi's release

SEE **BONDSMAN**

| 5



PHOTO/OLD TOWN FESTIVAL OF SPEED AND STYLE

CRUISING on King Street

The Old Town Festival of Speed and Style hit streets this past weekend, bringing a collection of vintage sportscars and motorcycles to the Port City. For more photos check out page 14.

INSIDE

The Other Alexandria:

Discover one of the namesakes behind Parker-Gray.

Page 17

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Page 20

Looking back on 9/11

Residents reflect on tragedy 20 years later

BY CODY MELLO-KLEIN

Everyone remembers where they were when, 20 years ago, planes descended from a crystal-clear blue sky and crashed into the World Trade Center, the Pentagon and a Shanksville, Pennsylvania field. But for people who were near the crash sites on Sept. 11, 2001, those memories are particularly vivid, even two decades later.

Many current residents of Alexandria witnessed, and in some cases experienced, the events of 9/11. The memories of that day still linger in the Port City, and its impact has rippled out to affect Alexandrians in ways they may not fully understand.

In honor of the 20th anniversary of 9/11 this week, the Alexandria Times spoke with three residents about their experiences and recollections of how they and the city responded on that day and in the weeks that followed. Here are their stories.

The military man

Retired Lt. Gen. Bob Wood had just gotten off the phone with his daughter, who called him after learning that two planes had hit the



BOB WOOD

World Trade Center buildings at 8:46 and 9:03 a.m. He was trying to help her calm down. Wood, who was director of strategic planning for the U.S. Army at the time, looked up at the T.V. in his Pentagon office to see smoke spewing from the Twin Towers.

SEE **9/11**

| 9

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BONDSMAN FROM | 1

because he wrote between 16 and 20 bonds per week and he contended that it was “not his job” to track the Defendant’s compliance with the conditions of his bond.

In addition to not reporting that Bouaichi was living in a tent in the woods instead of with his parents, Nguyen employed Bouaichi at a kiosk in Arundel Mills Mall, asked him to dog-sit his two dogs, gave him the keys to his house and car and left a bag containing unlocked handguns in the closet of his house, according to the DCJS hearing document.

On July 29, 2020, in the midst of Nguyen’s two days at the beach, Bouaichi took Nguyen’s car and gun, drove to Dominguez’ Alexandria apartment and allegedly fatally shot her.

Nguyen testified that he had known Bouaichi off and on for 10 years and considered him a “nice guy,” according to the unredacted case file that the Times received.

A complaint was filed by the Alexandria Magistrate in August 2020 regarding Nguyen’s involvement in the case and Nguyen subsequently lost his bail bond license, but the case raises questions as

to how the existing criminal justice process allowed this tragic string of events to unfold as it did.

Karla Dominguez and Ibrahim Bouaichi

Back in October 2019, Dominguez accused Bouaichi of raping her in her home. Bouaichi was arrested and detained without bond at the William G. Truesdale Adult Detention center and testified at a preliminary hearing in December 2019.

In January 2020, a grand jury indicted Bouaichi on five felonious charges: rape, sodomy, strangulation, malicious wounding and abduction with the intent to defile. While awaiting his trial in jail, which was originally set for March 30, 2020, the COVID-19 pandemic hit and the trial date was deferred to May 4.

On April 8, 2020, Bouaichi’s defense lawyers filed a bond motion requesting he be released from jail, citing a case for factual innocence, the right to a speedy trial and Bouaichi’s potential for contracting COVID-19 while in jail. They also argued that Bouaichi was not a threat to the community, did not have a criminal record and had already been incarcerated for six months.

Bouaichi’s lawyers shared

several details from the night of the alleged rape in October, including that Bouaichi, who had been in a relationship with Dominguez for four months, had driven Dominguez to her place of employment in D.C. where she worked as an exotic pole dancer. But instead of going

to work, defense attorneys said at the bond hearing that the two went to several bars.

Frank Salvato, one of Bouaichi’s lawyers, said that after the incident, Dominguez told a sexual assault nurse examiner that “she had had alcohol during the course of the evening and she

could not even remember the quantity of alcohol, where the alcohol was taken, what she had to drink or anything along those lines,” according to the bond transcript acquired by the Times.

Assistant Common-

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BONDSMAN

FROM | 5

wealth's Attorney Robert Strange, however, said that Bouaichi drove around to several bars trying to find

cocaine instead of driving Dominguez to her job. The two got into an argument and Dominguez left for home in an Uber.

Bouaichi showed up at her

apartment uninvited about an hour later after she got home, at which point prosecutors said Dominguez ran into the bathroom inside her bedroom and locked the door.

"The defendant entered through the sliding glass patio door and broke into the bathroom. He strangled her and dragged her by the hair into the living room and kitchen area, dragged her back into the bedroom where he forced her to perform oral sex and forcibly raped her," Strange said at the bond hearing.

Strange also said forensic evidence corroborated Dominguez' version of events: a SANE report revealed evidence of a genital injury and detectives found an injury consistent with a bite mark on Bouaichi's arm.

"There was hair that has been pulled out and broken fingernails as well, and Dominguez also told the police that she even bit the defendant's arm while he was raping her," Strange said.

Still, Dawkins ruled in favor of Bouaichi's lawyers' request for his release.

The 22-minute April 2020 bond hearing resulted in Judge Dawkins setting a \$25,000 bond, \$5,000 for each charge, and ordering Bouaichi to stay at his parents' home in Greenbelt, Maryland except when meeting with his counsel or pre-trial services.

"The defendant is to remain at his parents' home and have no other travel outside of, I guess, his community, except to meet with his attorney," Dawkins said at the April 2020 bond hearing.

Dawkins did not order Bouaichi to wear a GPS tracking device and the prosecution, led by Commonwealth's Attorney Bryan Porter's office, did not request one.

Man Nguyen

On April 9, 2020, Nguyen, who had been a bail bondsman for five years, signed the recognizance that included these conditions, meaning that he "either knew or in the competent exercise of his duty as a bail bondsman, should have been known pri-



COURTESY PHOTO

Karla Elizabeth Dominguez Gonzalez

or" to signing the bond, according to argument laid out by DCJS.

"I either don't recall or have no knowledge on the condition of his bond set by the courts [condition for Bouaichi not to leave his parents' house except for special circumstances]," Nguyen said in his written testimony to DCJS. "I only found out about his condition of his bond as report [sic] by the news media after her murder. And I didn't see any ankle electronics monitor on him."

In his testimony, Nguyen also stated that he did not remember the conditions of Bouaichi's release because he wrote between 16 and 20 bonds per week and contended that it was "not his job" to track Bouaichi's compliance with his bond conditions.

Nguyen testified that before the July 29 murder, Bouaichi reached out on Facebook asking to go to the park to meet Nguyen's 2-year-old son.

"We would regularly go to the park like a few time [sic] per week to go get exercise and let my son play in the playground," Nguyen wrote in an emailed statement to DCJS Regulatory Investigator KerriAnne Cooper.

Because he didn't see Bouaichi wearing an ankle monitor, Nguyen claimed he did not think Bouaichi was

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| 7



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BONDSMAN FROM | 6

violating the conditions of his bond.

Nguyen said that he and Bouaichi discussed the details of his charges “many times” but that Bouaichi always maintained his innocence and said that he and Dominguez had a relationship. According to Nguyen, Bouaichi told him that because Dominguez was not a citizen and did not possess a green card, the only way she could avoid deportation was to claim to be the victim in a sexual crime.

“He has always maintained his innocence to me and claim [sic] to me that she is an illegal alien and she cry [sic] rape so she don’t get deported by ICE. He said base [sic] on what her immigration lawyer told her, the only way she can’t be deported is if she is a victim of a sexual crime,” Nguyen testified.

“So therefore he claim [sic] she falsely accused him a few weeks later. And also he claim [sic] he never been arrested before ever in life [sic]. So I gave him the benefit of the doubt so I believe him,” Nguyen said.

In order to “help out” Bouaichi, Nguyen offered him a job as a cashier at his kiosk in the Arundel Mills shopping mall.

“I would pick him up and take him to work daily. He was a great employee and get [sic] along great with other employees and customers. He never stole any money,” Nguyen wrote in his testimony.

Nguyen testified that he planned a trip to Ocean City, Maryland from July 28 to July 30 and asked Bouaichi to watch his two dogs while he was away.

According to Nguyen, while the initial agreement was for Bouaichi to watch the dogs at Bouaichi’s parents’ home, the only place he was allowed to inhabit per the

HOW ONE BECOMES A BAIL BONDSMAN

As defined by the Code of Virginia, a surety bail bondsman is licensed by the State Corporation Commission as a property and casualty insurance agent and “sells, solicits or negotiates surety insurance on behalf of insurers licensed in the Commonwealth.” The bondsman posts bail for an arrested person through borrowing money from a surety company and ensures the arrested person attends all required court appearances.

To be eligible for an initial license, one must be a minimum of 18 years old, be a legal U.S. citizen or legal resident alien, have received a high school diploma or GED, have completed training requirements at a private securities training school and earned a 70% or higher on the bail bondsman exam.

terms of his bail, Bouaichi and his parents subsequently got in a fight and they kicked him out. Bouaichi was living in a tent in the woods, Nguyen said, so he offered Bouaichi his car, a 2013 black Nissan Altima, and home to stay in while he watched the dogs.

“I asked him if he can watch my dogs for 2 days still, but at my home this time because obviously he is still homeless. I gave him the keys to my home and car (only to go work or get food),” Nguyen wrote.

Nguyen testified that on the day of his trip he removed two handguns, the ammunition, his professional badge and his handcuffs from his car and put them into a hidden place in his bathroom with towels on top of them. Nguyen said he did not tell Bouaichi there were firearms in his home.

Nguyen’s handgun endorsement had expired four



PHOTO/DEPARTMENT OF CRIMINAL JUSTICE SERVICES

Man Nguyen.

months prior, on March 30, 2020. On Feb. 3, 2020, DCJS fined him \$500 due to a late payment of forfeited bail bonds.

Nguyen claimed that he tried to call Bouaichi several times while away, but that the calls went unanswered. Upon arriving home two days later, on July 30, he discovered his car and handguns were missing and subsequently called the police, Nguyen testified.

Bouaichi allegedly killed Dominguez on July 29 using Nguyen’s handgun. He then led police on a high-speed chase on Aug. 5 in Nguyen’s Nissan. During the chase Bouaichi shot himself, again using Nguyen’s gun, and died three days later.

On Aug. 6, 2020, Alexandria Magistrate Elizabeth Fuller filed a complaint with DCJS stating that Nguyen had violated several statutes and regulations of his licensure. On Aug. 14, 2020, DCJS sent Nguyen a Notice of Summary Suspension, Intent to Revoke Registration and Notice of Informal Fact Finding Conference.

An Informal Fact Finding Conference was held on Sept. 1, 2020 to determine whether the department had a proper basis to sanction or summarily revoke Nguyen’s surety bail bond license due to code violations.

The reported code violations included conducting a bail bond transaction

that demonstrates bad faith, dishonesty, coercion, incompetence, extortion or untrustworthiness; coercing, suggesting aiding and abetting, offering promise of favor or threatening any person on whose bond he is surety or offers to become surety, to induce that person to commit any crime; and

failing to comply with any of the statutory or regulatory requirements governing licensed bail bondsman.

Jean Humbrecht, Nguyen’s counsel at the DCJS hearing, contended at the Informal Fact Finding Conference that Nguyen did not

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| 9

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BONDSMAN FROM | 7

violate any bail bond statute or regulation applicable to the facts of this case. Humbrecht argued that his “only statutory duty” was to ensure Bouaichi’s appearance in court “and that his duty did not include helping to ensure that the Defendant did not violate the terms of his bond,” according to the files sent to the Times.

Humbrecht submitted le-

gal definitions of “conduct,” “bad faith,” “dishonesty” and “incompetence” to make the point that Nguyen did not specifically violate any applicable law.

Presiding Hearing Officer Terry C. Frye refuted these claims by providing examples of Nguyen’s exhibited incompetence, such as allowing Bouaichi full access to his home, not owning a gun safe or trigger locks and failing to ascertain whether Bouaichi working at

his kiosk would itself violate the terms of his bond.

“I believe that if a bondsman is acting in a competent manner, he cannot take affirmative steps to enable the Defendant to violate the terms of the bond, which the bondsman himself has signed off on,” Frye said.

Ultimately, Frye determined that DCJS acted “properly and within the bounds of the law” in summarily suspending Nguyen’s surety bail bond license and affirmed the revok-

ing of his license.

“[The Department Director] summarily suspended the Respondent’s bail bond license because she specifically found that the Respondent’s continued operations would constitute a potentially life-threatening situation, or result in personal injury or loss to the public or to a consumer, or that may result in imminent harm, personal injury or loss,” Frye said during his testimony. “Clearly, the deaths of two in-

dividuals, including the alleged victim of a previous serious crime, constitute an injury or loss to the public.”

Nguyen’s conduct was determined to have constituted “grounds for disciplinary actions,” but only insofar as licensure is concerned. The Times has not uncovered any information indicating that Nguyen has faced a criminal investigation since his license suspension.

-oanderson@alextimes.com

9/11 FROM | 1

“I’ll never forget, I said, ‘Just keep your head down’ and hung up the phone, and then the plane hit the side of my office,” Wood said.

The impact from the crash flung Wood across his office. When he was able to get up and take stock of his surroundings, smoke and heat were spreading into his office – and his door was jammed shut.

Wood’s executive assistant, realizing her boss was trapped, gathered some

other people and worked to break down his office door. Brig. Gen. Karl Eikenberry, who would go on to serve as the U.S. ambassador to Afghanistan, ended up rescuing Wood.

When Wood finally escaped from his office and rounded up the rest of his staff, none of them knew what had happened.

“I had no idea it was a plane that hit the building,” Wood said. “You know the picture of the cut of the Pentagon? The first window to the left of that cut that

wasn’t broken on the third floor, I was sitting behind that window. I heard two things one after the other, which they tell me was the plane hitting the ground and skipping into the building.”

Wood was also unaware that just behind the wall in his office, two people had been killed by the plane crash.

Wood and his nine staff members left their offices and put their training as members of the military to good use.

“We made our way down through the hallways of the Pentagon, which were filling up with smoke, into the main courtyard. I was

constantly looking in all my offices making sure everybody was out, even as we

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| 10



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2021

CANDIDATE PROFILE

Florence King aims for council

Independent candidate focuses on flooding, affordable housing and density

BY ALLISON HAGEMAN



FLORENCE KING

Florence King tells people who ask that she almost had no choice but to run for City Council. As a long-time Alexandrian, King said she sees how the tremendous increase in density in recent years has priced out residents who want to remain in the city. King wants to help the city pivot back to being affordable for both newcomers and those deeply rooted here.

"I am here to serve all of Alexandria. It's not a fragmented city to me, I feel that the West End is just as important as the waterfront," King said.

King is the owner of FMK Financial Literacy Center and has lived in Alexandria for 30 years. She is a candidate who is well acquainted with the city and the local

elections process, having worked as a city elections officer for 25 years, vice chair of the Alexandria Historical Resources Commission for 15 years and chairwoman of the city's Commission on Employment.

In 2018, King was selected as a Living Legend of Alexandria and now sits on the nonprofit's board. She received this award for her years of volunteer work and her FMK Financial Literacy Center seminars. The seminars taught people about balancing checkbooks, time

SEE KING

| 6

Bondsman in Karla Dominguez case charged

Nguyen faces criminal contempt of court, trial set for January

BY OLIVIA ANDERSON AND CODY MELLO-KLEIN

Content warning: This story contains graphic details related to sexual assault.

The bail bondsman in the Karla Dominguez murder case has been charged with criminal contempt of court and faces trial in January in the Alexandria Circuit Court. Man Nguyen's car and gun were used by Ibrahim Bouaichi to kill Karla Dominguez last summer while Bouaichi was out on bond for allegedly raping Dominguez.

Commonwealth's Attorney Bryan Porter filed a motion to issue a *capias* warrant in

October 2020 and will investigate the case during the trial, which is set to take place on Jan. 25, 2022. If Nguyen is convicted, the prosecution can push for whatever sentence it deems fit. Porter declined to comment due to the active nature of the case.

While there are various kinds of contempt of court charges in which courts and judges may punish summarily for contempt, the type Nguyen faces is defined by the Code of Virginia as "exhibiting disobedience or resistance of an officer of the court, juror, witness or other person to any lawful process, judgment, decree or order of the court."

SEE BONDSMAN

| 9



Power Outage

A power outage in Del Ray on Saturday disrupted the annual Art on the Avenue festival on Mount Vernon Avenue, as most restaurants were unable to open on what is usually for them one of the busiest days of the year. Read the full story on page 13.

INSIDE

River Farm

Historic property is taken off the market.
Page 3

Pets

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Page 15

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BONDSMAN FROM | 1

In Nguyen’s case, this refers to his alleged violation of the recognizance he signed acknowledging that Bouaichi was to stay at his parents’ home in Greenbelt, Maryland while awaiting trial.

Following Dominguez’ accusation that Bouaichi raped her and his subsequent indictment, now-retired Circuit Court Judge Nolan B. Dawkins released Bouaichi on a \$25,000 bond that Nguyen posted and signed off on shortly after. Dawkins did not require that Bouaichi wear a GPS ankle bracelet.

What’s clear is that Nguyen, who had known Bouaichi for more than a decade, signed the terms of the recognizance and then proceeded to employ Bouaichi at his mall kiosk and allow Bouaichi to stay at his house, where he had

left his gun, and dog-sit while Nguyen went on vacation. What’s not as clear is whether the charge will hold up in a courtroom, as Nguyen maintains that he did not violate the terms of the bond willfully, even though the Commonwealth’s Attorney’s motion asserts that he did.

What’s opaque is how the arguably mangled criminal justice system that was supposed to protect Dominguez seemed to help facilitate her eventual demise, and how similar situations can be prevented from occurring in the future.

What actually happened?

The Alexandria Times first reported last year that Bouaichi allegedly killed Dominguez on July 29, 2020 while out on bond. Dominguez had accused Bouaichi of raping her in her home the year prior and he was



The Alexandria courthouse in Old Town.

PHOTO/CODY MELLO-KLEIN

subsequently indicted by a grand jury in January 2020 on five felonious charges: rape, sodomy, strangulation, malicious wounding and abduction with the intent to defile.

When the COVID-19

pandemic hit, Bouaichi’s trial date was delayed and his lawyers requested he be released on bond. A 22-minute hearing resulted in his release. Several months later he drove to Dominguez’ house with Nguyen’s car

and shot and killed her with Nguyen’s gun. Bouaichi later shot himself while being pursued by police, again using Nguyen’s car and gun, and died days later.

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Since those original articles, the Times learned through a resident-submitted FOIA request that not only did Nguyen own the vehicle and gun Bouaichi used to murder Dominguez, the two had known each other off and on for about 10 years.

They met through a mutual friend who owned a gas station and considered one another acquaintances that would occasionally go out together, according to Nguyen.

“He seemed mentally stable and everything,” Nguyen told the Times in

an interview. “He was a little annoying in the past. He acted a little childish here and there, but I never saw him as a violent criminal who could kill somebody, you know?”

When Bouaichi’s sister reached out to Nguyen to bail him out last year, Nguyen agreed. On April 9, 2020, the court granted the bond with three specific provisions: that Bouaichi post a secured bond in the aggregate amount of \$25,000; that Bouaichi remain at his parents’ home in Greenbelt, Maryland except to meet with his lawyer or pretrial services; and that Bouaichi have no contact with

Dominguez.

Nguyen posted bail and signed a recognizance outlining the specific terms of the release but said that because of the large number of people he bails out on a daily basis, the specific conditions of Bouaichi’s bond “slipped [his] mind.”

Bouaichi reached out to Nguyen a couple months after his release, asking to meet up. Once again, Nguyen agreed, and the two spent time at the dog park, drinking at restaurants and working together at Nguyen’s kiosk.

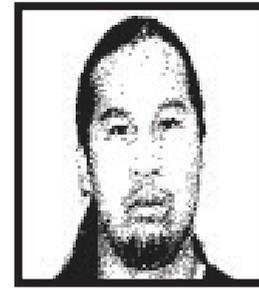
According to Nguyen, it didn’t cross his mind once that Bouaichi might be violating the terms of his bond. Dawkins had not ordered an electronic ankle bracelet for Bouaichi to ensure his house arrest; Nguyen asserted that if he had seen one, he would not have hired or even spent time with Bouaichi.

“What judge gives out house arrest just based on trust with no ankle bracelet?” Nguyen said. “If the judge gave an ankle bracelet and he was not doing what he was supposed to do, then [Dominguez] would be alive today.”

Nguyen said that during their conversations Bouaichi told him the details of the case, accusing Dominguez, who was from Venezuela and did not have legal status in the United States, of lying about the rape allegation in order to avoid deportation.

Because the two were friends and he had no reason to think otherwise, Nguyen said he believed Bouaichi’s story. He speculated that Dominguez’ allegations did not constitute “real rape” because the two previously dated and had sex many times before.

“Maybe they were drunk; maybe he wanted to have sex with her and she was

**MAN NGUYEN**

like, ‘Get off me’ in a fight or whatever,” Nguyen said. “She might have said ‘No,’ but was it a real rape – like he pinned her back and against her will? I didn’t think so because I know him.”

During the April 2020 bond hearing, Bouaichi’s attorneys argued that on the night of the alleged rape Dominguez consumed alcohol and “could not even remember the quantity of alcohol.” However, prosecutors pointed to forensic evidence in the form of a SANE report that revealed a genital injury on Dominguez, and the fact that detectives found an injury consistent with a bite mark on Bouaichi’s arm and other evidence of a fight at her apartment.

One month after Nguyen posted his Virginia bond, Bouaichi was arrested in Maryland and charged with several traffic offenses, including reckless driving and driving under the influence of alcohol.

Although Nguyen admitted to the Times that Bouaichi told him this, he said that he continued to employ him at the kiosk because he still didn’t know Bouaichi was ordered to stay with his parents.

“I didn’t think nothing of it. For me, it didn’t matter to me either way ... He never told me his condition. He didn’t say, ‘Hey, I’m not supposed to leave the house but don’t tell nobody,’” Nguyen said. “... I wish he did tell me that because if I did continue to hang out

with him and take him out of the house, then of course I would [be violating] the judge’s order. But he never told me that, so I’m thinking that he’s out as a free man on bond, that he can do what he wants as long as he doesn’t get in trouble.”

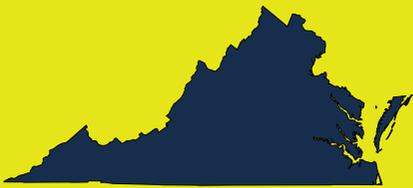
Nguyen told the Times that Bouaichi knew he was a gun owner because of his work as a bail bondsman and social media posts of himself at the gun range, but that Bouaichi did not know where he kept the guns. He claimed he never would have asked Bouaichi to watch his home and dogs while away at the beach last July if he was aware that in doing so he was breaking the law.

Essentially, Nguyen’s version of events includes forgetting the terms of Bouaichi’s bond; not sensing the level of violence Bouaichi would later prove he was capable of; offering “benefit of the doubt” that Dominguez was lying about the rape; and experiencing complete stupefaction upon returning home from his vacation to find his car and gun missing.

“Yeah, I did give him the benefit of the doubt. ... I never saw him to be violent or do any harm towards her,” Nguyen said. “When he actually stole my gun and my car and did the act, I was very surprised. I was appalled and in shock.”

But that’s not how Alexandria Magistrate Elizabeth Fuller remembers it.

According to Fuller, whose office issues arrest warrants and holds bail hearings, Nguyen came to work in the days following the murder nearly boasting and joking about the fact that the gun and car belonged to him and that Bouaichi had stayed at his home.

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BONDSMAN FROM | 10

“He was telling this officer about what happened and almost bragging about it. The officer said to me, ‘You will never believe what he just said to me,’” Fuller said. “So I said, ‘I’ve got to do something about it.’”

Bouaichi shot himself using Nguyen’s gun on Aug. 5, 2020, while being chased by police, and died three days later. On Aug. 6, the day after Bouaichi’s self-inflicted mortal wound, Fuller filed a complaint with the Virginia Department of Criminal Justice Services that Nguyen had violated several statutes and regulations of his licensure as a bail bondsman.

DCJS then opened an investigation where regulator investigator KerriAnne Cooper talked to Nguyen. An Informal Fact Finding Conference took place in September 2020, resulting in the revocation of Nguyen’s bail bondsman license.

Terry Frye, the presiding hearing officer at the IFFC, did not provide comment in time for the Times’ publication, and DCJS declined an interview, stating that the department does not offer comments on investigative cases.

Fuller said that Dominguez’ murder was likely the product of a COVID-19-induced “perfect storm.”

“I would like to say that under normal circumstances he would not have been released. The law does state that there are some crimes for which no bond can secure the safety of the public or the victim,” Fuller said. “I believe that in [this situation], that was the case.”

According to Fuller, her decision to file a complaint was categorical.

“Someone had to do something,” Fuller said. “We were just horrified seeing this guy work and still con-

“I would like to say that under normal circumstances he would not have been released. The law does state that there are some crimes for which no bond can secure the safety of the public or the victim.”

– Elizabeth Fuller, magistrate, Alexandria

tinuing to make money after we knew he was the one who had bonded him out. See, that’s the thing: We knew [Nguyen] was the one who bonded him out, which in and of itself was bad enough because he didn’t adhere to the bond conditions.”

What does it all mean?

There are two ways in which one can be charged with contempt of court in Virginia: directly and indirectly. Direct charges apply to those who defy the court’s orders while in court, whereas indirect charges apply to disobedience that occurred beyond the courtroom.

Nguyen is facing an indirect criminal contempt of court charge for his role in helping Bouaichi violate the terms of his bond, because Nguyen was outside the physical presence of court



ELIZABETH FULLER

at the time of violation.

For contempt of court charges that appear in district court, Virginia law states that a judge cannot issue a fine higher than \$250 or sentence jail time longer than 10 days. But because Nguyen faces a misdemeanor or offense in Alexandria Circuit Court, the criminal charge is considered more serious and therefore allows for a potentially harsher sentence.

According to the Commonwealth’s Attorney’s motion, Nguyen’s actions “constituted the knowing and willful violation of several of the provisions contained in the court order and recognizance. Therefore, the court should issue a capias charging the defendant with such contempt.”

The question, then, becomes: Will the prosecution be able to prove that Nguyen “willfully” violated the court order?

Nguyen doesn’t think so, since he claims he was unaware of Bouaichi’s bond terms.

“I should be able to beat the charge because [with contempt of court] you gotta purposefully, willfully, intentionally disobey the judge’s order. I didn’t willfully, intentionally do that,” Nguyen said.

Pat Woodward, a defense attorney and former federal prosecutor, offered a different take.

“I think [criminal contempt of court] is the appropriate filing,” Woodward told the Times in an in-

terview. “The bondsman is pledging to the court that someone return to court. ... The specific terms of this contract seem to obligate the bondsman to ensure the defendant’s compliance with pretrial release conditions.”

But Woodward also highlighted the multi-jurisdictional difficulties this particular situation poses. For instance, Nguyen’s residence is located in Bowie, Maryland, so the Alexandria Commonwealth’s Attorney has no jurisdiction over Nguyen providing Bouaichi with access to the Glock semi-automatic pistol he used to kill Dominguez.

Additionally, the fact that

Bouaichi was arrested and released on bond in Maryland might have gotten lost in the jurisdictional shuffle, which underscores the importance of pretrial counsel.

“It gets tricky when you [get] folks who are released in other jurisdictions. In this case, you would’ve had a pretrial services officer in Virginia assigned to the case, and [Bouaichi] should have been in regular communication with his pretrial services officer,” Woodward said.

The ongoing question of how, and if, Bouaichi communicated with his pretrial

SEE BONDSMAN | 12

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BONDSMAN FROM | 11

services officer continues to hang in the air.

Nguyen, perhaps unsurprisingly, argued that the blame for the lack of enforcement and Dominguez' eventual murder lies with whoever Bouaichi's pretrial services officer was.

"At the end of the day, his pretrial [services officer] dropped the ball, and that girl would be alive today if they followed the pretrial and he would be in jail for violating the conditions for being arrested," Nguyen said. "If they want to charge someone, charge the pretrial officer with whatever the charge is for not doing their job."

Fuller, while deeply in support of Nguyen's licensure removal, partially echoed this sentiment.

"I do not know why they

didn't know he was out on bond; it's like living a bad lifetime movie," Fuller said. "... "Nobody responsible, really, is being held responsible. [Bouaichi] is dead; the judge is retired. How did everybody in this whole process drop the ball?"

At the time of the case, pretrial services fell under the purview of the Alexandria Sheriff's Office. As of Jan. 1., 2021, it is handled by Alexandria Criminal Justice Services.

In an emailed statement provided to the Times, Alexandria Sheriff Dana Lawhorne noted that the city accepted a grant from DCJS 25 years ago to create a pretrial and local probation program for which the Sheriff's Office would serve as the "administrative and fiscal agent."

"As a courtesy to the city, my staff provided additional resources to this program for

which we received no additional compensation. Budget reductions took a toll on my operations, and it became necessary to rescind the agreement in order to free up resources," Lawhorne wrote in the statement.

"Individuals are assigned to the pretrial program by a magistrate or judge and are monitored in accordance with DCJS policies and state law," Lawhorne continued in his statement. "On any given day, there are hundreds of individuals in the program. The most effective way to monitor their movement is with a GPS monitor. A judge has to order GPS monitoring for anyone in a pre-trial status."

Even if the prosecution wins and Nguyen is convicted of criminal contempt of court, how much of a difference would it make? Or is Nguyen's involvement part

“There’s no justice in this. It was something that was entirely preventable if anybody in the process had been doing their job effectively.”

– Elizabeth Fuller, magistrate, Alexandria

of a larger, systemic issue?

In Fuller's eyes, a victory for the prosecution in Nguyen's case would be a small consolation for the fact that Dominguez is gone.

"It doesn't bring her back," Fuller said. "There are horrible injustices that happen all the time, every day. ... I can deal with the day-to-day crime because that's the state of the fallen world. But why I can't reconcile this is because she didn't need to be dead. She

had already experienced unimaginable trauma and abuse, and she didn't need to be dead on top of it."

"There's no justice in this. It was something that was entirely preventable if anybody in the process had been doing their job effectively," Fuller added. "It's just such a string of tragic consequences. Every step along the way, the system completely failed this woman."

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School Board hopefuls debate virtually

Candidates talk SROs, special education and staff retention in forum

BY OLIVIA ANDERSON

Alexandria School Board candidates gathered on Oct. 13 for a virtual debate ahead of the Nov. 2 general election.

Hosted by the Alexandria PTA Council, the forum included all School Board candidates except for Ricardo Roberts.

The debate covered topics like building modernization, school safety and students with disabilities, some of which drew disparate answers from candidates but most of which highlighted many common goals.

There are currently 15 candidates across three districts vying for nine School Board seats, with seven candidates in District B,

SEE SCHOOL

| 8

Magistrate fired over comments to Times

Court official filed original complaint against bondsman in Dominguez case

BY OLIVIA ANDERSON

Magistrate Elizabeth Fuller, the woman who filed the complaint that ultimately led to the bondsman in the Karla Dominguez homicide case losing his license, has been fired for comments she made to the Alexandria Times earlier this month.

The Department of Magistrate Services claimed that Fuller violated the Canons of Conduct for Virginia Magistrates by providing public comment about her decision to file a complaint against bail bondsman Man Nguyen, whose gun and car Ibrahim Bouaichi used last summer to allegedly kill Dominguez, his rape accuser.

Fuller was first placed on administrative leave on Oct. 12, which the Times learned through an undisclosed source that was not Fuller herself, and fired Tuesday for commenting on "two matters currently before the court."

The first case in question, Dominguez' murder, has concluded as both Dominguez and Bouaichi are dead; and the second case, Nguyen's criminal contempt of court



ELIZABETH FULLER

charge that was filed by Commonwealth's Attorney Bryan Porter, Fuller did not comment on because she was unaware of it.

The termination letter stated that her firing was effective immediately and health insurance for herself and her son will end in less than two weeks, on Oct. 31. Fuller had been informed on Saturday there would be a meeting on Tuesday, but was provided with no additional information.

In the termination letter, Magistrate Regional Supervisor Elizabeth Edwards said she does not "have confidence" in Fuller's judgment as a magistrate.

"You have demonstrated a flagrant disregard of your responsibility ... which has resulted in a public and wide-spread decimation [sic] of your

inappropriate conclusory commentary," Edwards wrote.

Edwards did not respond to the Times' request for comment.

Fuller, meanwhile, defends her decision to file the complaint against Nguyen and said she doesn't regret any comments she made.

"I am not sorry that I did the right thing, and that I know I did the right thing," Fuller said. "Sometimes, in life, the right thing will cost you. I was the only person in a position to speak up for this woman."

Legal permissibility

Fuller was terminated for violating Canon 3, Article B6, which states that "a magistrate shall abstain from public comment about a pending, impending or concluded proceeding in any court or magistrate's office. Furthermore, a magistrate shall not disclose or use, for any purpose unrelated to official duties, nonpublic information acquired in a magistrate capacity."

But some experts are questioning the canon of conduct's legal permissibility.

Kathryn Foxhall, a long-time free-

SEE FULLER

| 6

INSIDE

King Street:

Council makes 100 block closure permanent. Page 9

The Other Alexandria:

Chart one local family's history of service. Page 39

ALEXANDRIA TIMES 2021
VOTER GUIDE
Page 19

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FULLER FROM | 1

dom of information reporter and recipient of multiple Society of Professional Journalists awards, highlighted the canon's curiously – and arguably aggressively – broad scope.

“I can imagine that in some limited cases that might be necessary. But to make it that broad, which is probably not necessary, is simply to give people in power the ability to do whatever they want, and it's alarming,” Foxhall said.

In the courtroom, there exists an ongoing debate of whether to interpret a law broadly or narrowly. Frank LoMonte, director of the Brechner Center for Freedom of Information and a former attorney, said this particular canon might work if interpreted narrowly.

“If it's interpreted to mean, ‘Don't give away confidential information that you learn because you are judging a case,’ then it's probably a perfectly legitimate use of the canon,” LoMonte said. “But to say that judges are forbidden from speaking to the media about anything they can learn in the course of their employment would be an overly broad interpretation. ... If it is understood to include even proceedings that are concluded, then that seems indefensibly broad.”

Perhaps the larger question this situation raises, then, is whether or not the canon is actually constitutional.

Enshrined at the beginning of the constitution, the First Amendment Freedom of Press clause reads: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

As part of the Supreme Court law of the United States, the First Amendment overrides much else in

a courtroom even for public employees. In Fuller's case, this may indicate that the department's repression of magistrates from making any kind of public comment whatsoever regarding their work could potentially be deemed unconstitutional.

LoMonte pointed out that the First Amendment clearly protects the rights of public employees to discuss their work, stressing that one does not inherently sign away all rights to talk about their work upon assuming a government position. He said that a literal interpretation of the canon “raises real constitutional red flags.”

“I think there's a pretty strong argument that that canon would be unconstitutionally broad if it is understood to include comments made about cases you're not assigned to,” he said. “I think they can probably enforce it as to a pending case a judge is presiding over ... but I don't think it can be broadly applied to anything and everything you learn in the course of your job without crossing the line of the First Amendment.”

Fuller's case resembles several recent free speech lawsuits, including a 460-member immigration judges' union that sued three Department of Justice officials in Alexandria last year.

The union sought to block a policy by the DOJ's Executive Office for Immigration Review that prohibits immigration judges from speaking personally about immigration issues and operations of the courts they preside over, according to Reuters.

DOJ's policy supports that all speech by immigration judges about immigration law or court operations is “official speech that arises from judges' duties as DOJ employees,” but the complaint argued, citing *U.S. v. National Treasury Employees Union*, that DOJ's constraints on immigration-related comments by immigration judges is “outweighed by the

“You have demonstrated a flagrant disregard of your responsibility ... which has resulted in a public and wide-spread decimation [sic] of your inappropriate conclusory commentary.”

– Elizabeth Edwards,
magistrate regional supervisor

public's profound interest in immigration issues.”

The lawsuit, while still in litigation, argues that the DOJ policy violates judges' First and Fifth Amendment rights because it is “unconstitutionally vague.”

That there is an abundance of free speech cases across the country is nothing new, but what makes Fuller's situation unique are the tragic circumstances surrounding it that some say yielded a disproportionate, particularly cruel punishment.

Foxhall speculated that the decision could be an abuse of power and attempt at censorship.

“We shouldn't be silencing people across the board in cases where the information should be coming out. That's a recipe for rot; it's a recipe for corrosion within the public sector,” Foxhall said. “The public has the right to this information as much as they have a right to well-spent tax dollars.”

Shedding light

According to Fuller, Chief Magistrate Adam Willard discouraged her from filing the complaint against Nguyen in August 2020 after she learned that not only did the weapon and vehicle used in the Dominguez murder belong to Nguyen, but that he came to work “nearly joking” to officers about it.

“[Willard] used the same canons I got fired over to say, ‘We're supposed to remain impartial; I don't think you should

do anything about it,’” Fuller said. “I just didn't tell him that I did it and just did it anyway... This magistrate system didn't even want me to file the motion [to terminate Nguyen's bondsman's license].”

Due to Fuller's complaint, the Department of Criminal Justice Services held an informal fact finding conference that led to the revocation of Nguyen's bondsman license.

Both Willard and the Office of the Executive Secretary's Legislative and Public Relations Director Alisa Padden declined the Times' request for comment.

At the time she filed the complaint, Fuller emphasized that her main priority was pursuing accountability and hoping the news of Dominguez' murder got picked up because in her eyes, it appeared that mostly everyone else desired to bury the case.

“Her death was forgotten,” Fuller said. “I was like, ‘I could still sit here at this office and keep my mouth shut and have this job for a little while longer, but it would not be the truth. It would be like sitting on the truth.’”

Fast forward one year to the resulting pandemonium and eventual termination, and Fuller said the word “hypocrisy” comes to mind.

According to Fuller, one chief magistrate in the system ran for public office during his tenure, and two others that she is aware of committed acts which breach the canons of conduct with-

out facing repercussions.

“We're supposed to uphold all of this integrity, and nobody has integrity. I know of a lot of people that violated canons, and they did not end up fired,” Fuller said. “It's hypocritical and it shows that this is an embarrassment. All I did was confirm the embarrassment of the courts and that's why I'm being punished.”

The juxtaposition of the other alleged offenses with Fuller's fate raises questions as to why exactly her actions in particular were met with such severity. The Times has filed a FOIA request seeking answers to this question.

As far as next steps, LoMonte postulated that Fuller has a strong case in a court of law, should she decide to sue the state.

LoMonte called attention to the fact that Fuller's perspective as someone with “unique, firsthand eyewitness information” is particularly valuable due to the compelling public interest in the case.

“The idea of a canon is not to prejudice the outcome of a case, not to indicate that you're biased or to indicate that you think another judge is biased,” LoMonte said. “I understand why [that part of it] exists, but if it's literally understood to mean that you can never, ever talk about anything that has happened inside of your courthouse, that feels like it would be quite hard to defend if it were challenged under the First Amendment.”

While Fuller does plan to seek legal counsel going forward, she said the overarching goals are much bigger than just her.

“At the end of the day, I had to speak up for someone who did not receive justice, who we did not protect,” Fuller said. “The courts did not protect this woman. Nobody who could have protected her [did so], and if I don't have a job because I'm the one saying that, and I'm the only one saying that, so be it.”

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