

## **W16\_sheriffs office\_indepth\_COY**

# **COVERSHEET**

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Superintendent of Schools David Jeck speaks Monday with school board members about the budget.  
FAUQUIER TIMES STAFF PHOTO/DANIEL BERTI

## School officials consider hiring freeze to pay for teacher raises

School board members: Freeze on vacant positions could increase class sizes

By Daniel Berti  
FAUQUIER TIMES STAFF WRITER

Fauquier County is grappling with a teacher shortage, and school administrators are now considering a hiring freeze on more than 70

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See **RAISES**, page 4

## Fauquier deputies violated man's constitutional rights with 'unlawful' arrest, judge rules

Court rejects 'qualified immunity' defense

By Coy Ferrell  
FAUQUIER TIMES STAFF WRITER

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No criminal charges filed, civil litigation may be imminent

By Coy Ferrell  
FAUQUIER TIMES STAFF WRITER

Now-former Fauquier County Sheriff's Deputy Brock Smith, 25, is the focus of a criminal investigation after his cruiser struck a civilian vehicle on U.S. 17 Feb. 25, killing Mary and Brian Dangerfield a short distance from their home. Smith had not been charged as of Tuesday. An attorney for the couple's estate said March 23 that the family plans to pursue civil litigation.

Smith is no longer employed with the sheriff's office, according to an email sent by Sheriff Jeremy Falls on March 23.

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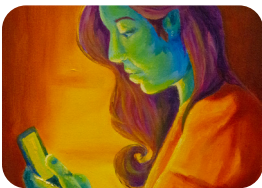
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See page 2.



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# Fauquier deputies violated man's constitutional rights with 'unlawful' arrest, judge rules

FSCO, from page 1

against Souter were invalid, that the deputies obtained an arrest warrant based on an irrelevant criminal statute and that they “unlawfully arrested [Souter] ... in the absence of probable cause.”

The deputies maintained throughout the case that they should not be held liable.

Ellis had repeatedly urged the parties to settle out of court, saying that the facts of the case were undisputed and that the deputies clearly knew — or should have known — that they were acting outside the law. “It’s one thing to make a mistake of law or fact, but this isn’t a mistake; this is a blunder,” Ellis told the attorneys at a hearing in September 2021, according to the official transcript.

Ellis also dismissed the deputies’ claims that they were exempt from civil liability due to “qualified immunity,” a legal doctrine that often protects public employees from lawsuits if they were acting in an official capacity.

“I’m unclear, Mr. Krone, why you think qualified immunity has anything in the world to do with this,” Ellis told Philip Krone, one of the attorneys for the Virginia Division of Risk Management, which provided the deputies’ legal defense.

“[The deputies] made a mistake; they shouldn’t have made the mistake; it has nothing to do with unclear law. It has nothing to do with the situation where a law enforcement officer has to exercise judgement in a particular situation that the law hasn’t covered. This is a straightforward sort of thing,” Ellis told Krone.

“[The lawsuit] ought to be settled. You all don’t need to spend time on this. [Souter] shouldn’t have been arrested,” Ellis added at another point.

But attorneys for Souter and the deputies failed to come to an out-of-court agreement, leading Ellis to issue an 18-page ruling on March 23.

The deputies violated Souter’s constitutional protection against “unlawful arrest, unreasonable seizure and excessive use of force,” Ellis ruled. The opinion also stated that the deputies were civilly liable for “false arrest” and “assault and battery” under Virginia law. Ellis dismissed a claim that Souter had been the object of “malicious prosecution.”

## Details of the Souter case

The 2018 arrest came after Souter had allegedly violated the terms of an emergency protective order that one of his tenants had obtained against him.

A day after Irby and McCauley served the order to Souter, the electricity and water went out in the tenant’s rented room. The tenant called the police and claimed that Souter had cut off her power and water and that by doing so had violated the protective order. (Souter’s attorneys said that he had not cut off the tenant’s utilities, pointing out that the residence is in a poor state of repair and that utility outages are common.)



Seen in a photo uploaded to the Fauquier County Sheriff’s Office Facebook page on Jan. 25, 2018, then-Sheriff Bob Mosier poses with Creston Irby after promoting him to the rank of corporal.

Based on the tenant’s accusations, Jacobs went to a magistrate and obtained an arrest warrant against Souter. Jacobs claimed that Souter’s alleged actions had violated the terms of the protective order.

Irby, McCauley and Jacobs then came to Souter’s home to arrest him. Souter resisted, and McCauley used a stun gun to subdue him, according to Ellis’s ruling. Souter sustained injuries and was bleeding from the head as the deputies took him into custody.

But even if Souter’s alleged actions had violated the order — and the federal judge emphasized repeatedly that they would not, even if true — Jacobs cited the wrong criminal statute in asking the magistrate for criminal charges, Ellis ruled.

Each of the three deputies “knew or reasonably should have known that there was no valid basis for the issuance of a warrant against [Souter] because [Souter] was not alleged to have engaged in any acts of threat, force or violence” that would have violated the protective order, according to the ruling.

Further, Ellis wrote, the deputies each knew or should have known that Jacobs had cited the wrong statute to charge Souter in the first place. And regardless of whether Souter resisted arrest or not, the deputies’ use of force against him make them liable for assault and battery, Ellis ruled, because the arrest itself was illegal.

While the Fauquier County Sheriff’s Office is not named in the suit, the deputies are covered by a state-run liability insurance policy for sheriff’s deputies and other “constitutional officers,” according to federal court documents. Any financial settlement would be paid out of that fund.

Souter’s attorney, Victor Glasberg, told the *Fauquier Times* last week that the deputies’ refusal to admit any wrongdoing means that he will push for the largest-possible financial settlement for his client. “The public is going to pay for a much more expensive resolution,” he said. The deputies’ insistence that they did nothing wrong, he added, “raises the stakes from every standpoint — especially a financial one.”

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## Timeline

**April 5, 2012:** Hired by Fauquier County Sheriff Charlie Ray Fox, Andrew McCauley is first sworn in as a sheriff’s deputy, according to an oath filed in circuit court.

**July 2014:** Creston Irby, then a recruit with the Goochland County Sheriff’s Office, completes a 22-week law enforcement basic academy in Hanover County, according to a Richmond Times-Dispatch article from that time.

**Sept. 22, 2014:** Also hired by Fox, Lucas Jacobs is first sworn in as a sheriff’s deputy in Fauquier County, according to an oath filed in circuit court.

**Dec. 28, 2015:** Hired by newly elected Fauquier County Sheriff Bob Mosier, Irby is first sworn in as a Fauquier County sheriff’s deputy, according to an oath filed in circuit court. His term officially begins Jan. 1, 2016.

**June 2016:** Mosier promotes McCauley to master deputy sheriff, according to a Facebook post from the sheriff’s office.

**April 2017:** Irby and McCauley represent the sheriff’s office at the Mid-Atlantic DUI Conference in Virginia Beach, according to a Facebook post from the sheriff’s office.

**December 2017:** Mosier promotes McCauley from master deputy sheriff to corporal, according to a Facebook post from the sheriff’s office.

**January 2018:** Mosier promotes Irby from deputy to deputy first class, according to a Facebook post from the sheriff’s office.

**Sept. 17, 2018:** Hired by Mosier, Garrett Smith is first sworn in as a sheriff’s deputy, according to an oath filed in circuit court.

**Nov. 10, 2018:** Irby, McCauley and Jacobs arrest Matthew Souter at his home in The Plains and charge him with violating the terms of a protective order and fleeing from law enforcement.

**Feb. 28, 2019:** Prosecutors drop the protective order violation charge against Souter. Souter is also found not guilty of fleeing from law enforcement.

**April 2, 2019:** Smith graduates from the Rappahannock Regional Criminal Justice Academy’s Jail Officer Basic Training School, according to a Facebook post from the sheriff’s office. He won three awards: Overall Achievement, Top Academic Achievement and the Charles E. Murray Jr. Award for Top Performance Achievement.

**Sept. 28, 2019:** Irby arrests Greg and Carla Drew at their home in Vint Hill and transports them to the Fauquier Adult Detention Center, where Smith conducts a search of Carla Drew.

**October 2019:** Mosier promotes Irby from deputy first class to sergeant, according to a Facebook post from the sheriff’s office.

**November 2019:** Mosier promotes Jacobs from deputy first class to master deputy, according to a Facebook post from the sheriff’s office.

**Jan. 3, 2020:** All charges against Gregory and Carla Drew are dismissed. The charges are later expunged from the record entirely.

**July 2, 2020:** The Drews file a federal civil rights lawsuit against deputies Irby and Smith.

**August 2020:** Smith graduates from the Rappahannock Regional Criminal Justice Academy’s Law Enforcement Basic School, according to a Facebook post from the sheriff’s office.

**September 2020:** Mosier promotes Smith, now assigned to the patrol division, from deputy to deputy first class, according to a Facebook post from the sheriff’s office.

**Nov. 3, 2020:** Souter files a federal civil rights lawsuit against Irby, McCauley and Jacobs.

**Nov. 17, 2020:** A federal judge denies a motion from Irby’s and Smith’s attorneys to dismiss the Drew lawsuit, allowing the case to proceed.

**February 2021:** Now listed as a detective, McCauley is recognized as the 2020 Veterans of Foreign Wars Post 9835 Law Enforcement Officer of the Year, according to a sheriff’s office Facebook post. McCauley was nominated for the award “by his peers and with the approval of Sheriff Mosier,” the Facebook post said, adding that McCauley “demonstrates a powerful work ethic with a tenacious investigative style and attention to detail.” (“The sheriff’s office stands by the nomination,” said an email this week from the sheriff’s office.)

**March 2021:** Mosier promotes Jacobs from master deputy sheriff to detective, assigning him to the criminal investigations division, according to a sheriff’s office Facebook post. (“Det. Jacobs continues to perform at a high level within our agency,” said an email this week from the sheriff’s office.)

**June 25, 2021:** Days before a scheduled jury trial was set to begin in the Drew case, the parties settle out of court for an undisclosed financial sum.

**Sept. 22, 2021:** Attorneys for Souter and the three deputies make oral arguments in front of a federal judge, who urged the attorneys to reach a settlement out of court. “No fair-minded person can conclude that Mr. Souter should have been arrested in these circumstances,” said Judge T.S. Ellis III, according to the official transcript of the hearing.

**Jan. 18, 2022:** Mosier resigns as sheriff after Gov. Glenn Youngkin appoints him as Virginia Secretary of Public Safety and Homeland Security. Lt. Col. Jeremy Falls, Mosier’s highest-ranking deputy, is sworn in as the interim sheriff for Fauquier County, pending a special election in November of 2022.

**March 23, 2022:** A federal judge rules that Irby, McCauley and Jacobs violated Souter’s civil rights by charging, arresting and assaulting him.

# Fauquier deputies violated man’s constitutional rights with ‘unlawful’ arrest, judge rules

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## Irby named in separate lawsuit

The 2018 incident is not the only recent case that has landed Fauquier sheriff’s deputies — and Irby specifically — in federal court.

On Sept. 28, 2019 — less than a year after participating in the Souter arrest — Irby arrested a married couple, Greg and Carla Drew, at their Vint Hill home after a neighbor complained to 911 that they were arguing in their driveway. Irby responded to the call and arrested the couple within 75 seconds, using a stun gun on Greg Drew in the process, according to the couple’s court filings.

The Drews alleged that Irby had a non-confrontational conversation with the couple but became agitated when Carla Drew asked him which neighbor called the sheriff’s office. After forcing Greg Drew against a wall and firing his stun gun, Irby then entered the Drews’ home and pointed the stun gun at Carla Drew when she verbally objected to Irby’s treatment of her husband, the couple claimed.

Based on information provided by Irby, a magistrate charged Greg Drew with public intoxication — even after a breathalyzer test found no evidence that he had consumed alcohol, according to the lawsuit — and obstruction of justice by threat or intimidation. Carla Drew was charged with obstruction of justice. All charges against the Drews were later expunged from the record, according to federal court documents.

After their arrest, the Drews were taken to the Fauquier County Adult Detention Center. Garrett Smith, a deputy at the jail, performed a “gratuitous, sexually intrusive search” on Carla Drew after refusing to wait for a female deputy to perform the search as Drew requested, according to the couple’s lawsuit. Greg Drew was not searched

at all — either upon his arrest or at the jail — according to the lawsuit.

(Smith’s first name is spelled “Garrett” in sheriff’s office Facebook posts and in circuit court documents; it is spelled “Garret” in federal court documents.)

Irby and Smith were each sued in their individual capacities; the Fauquier County Sheriff’s Office was not named as a defendant in the Drews’ lawsuit.

“As a result of Deputy Irby’s actions complained of herein, [Gregory] Drew has suffered physical injury,” the original complaint claimed, “and both Drews have suffered humiliation, embarrassment and severe emotional distress, not in the least at having been abused in front of their children.”

The lawsuit further claimed that Carla Drew had “suffered a severe and gratuitous assault and battery on her person, bodily integrity and privacy, and the accompanying humiliation and embarrassment.”

Unlike in the Souter case, a court never made a ruling on the factual merits of the 2019 incident, and attorneys for Irby and Smith denied wrongdoing. But after nearly a year of litigation that included hundreds of pages of arguments and depositions, the parties settled out of court for an undisclosed sum in June 2021. The settlement came just days before the case was scheduled for a jury trial.

Glasberg, who also represented the Drews in their civil case, said that the terms of the settlement did not allow him to disclose how much money the state liability fund paid out due to the case.

“It is a shame that police departments, sheriff’s offices and the Virginia Division of Risk Management insist on defending indefensible law en-

forcement actions, that the public has to pay for the consequences and that the offending officers typically suffer no adverse professional consequences,” Glasberg said in a statement last week.

The sheriff’s office also declined to disclose the amount paid out as a result of the Drew settlement. “The case was resolved to avoid the cost and expense of litigation,” said FCSO Lt. Col. Chad Brubaker in an email on Tuesday.

## Response from the sheriff’s office

In response to a detailed list of questions from the *Fauquier Times*, Brubaker generally declined to comment about the specifics of the Souter and Drew lawsuits — and the agency’s responses to the incidents.

Brubaker declined to say whether the sheriff’s office altered any policies or procedures in the wake of the Drew and Souter incidents. “The sheriff’s office will take time to review the opinion and make any changes deemed necessary,” he said.

Internal investigations were conducted in response to the incidents, he said. But, he added, “the results are considered a personnel matter,” and he declined to comment further.

When asked for comment on Ellis’s March 23 ruling in the Souter case, Brubaker said that “the sheriff’s office only recently received the opinion and cannot comment at this time.”

Jacobs, McCauley and Smith are each still employed by the sheriff’s office, Brubaker said. Jacobs and McCauley are now detectives and Smith is assigned to the patrol division. Irby left the sheriff’s office in 2019 “to seek employment elsewhere,” Brubaker said.

The *Fauquier Times* sent the same list of questions to the Virginia Division of Risk Management attorneys representing the deputies but did not receive a response by press time.

Reach Coy Ferrell at [cferrell@fauquier.com](mailto:cferrell@fauquier.com)



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FAUQUIER TIMES STAFF PHOTO/DANIEL BERTI

## School officials consider hiring freeze to pay for teacher raises

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By Daniel Berti  
FAUQUIER TIMES STAFF WRITER

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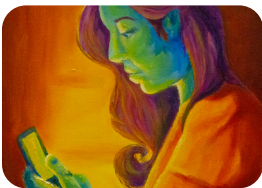
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See page 2.



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## Man who tried to steal ATM sentenced to 50 months in prison

By Liam Bowman

PIEDMONT JOURNALISM FOUNDATION

A Washington, D.C. man who last year attempted to steal an ATM machine from a Warrenton gas station was sentenced to four and a half years in prison Monday.

Anthony Price, 35, one of two men convicted of the April 2021 attempted burglary, pleaded guilty to felony charges of breaking and entering a building, possessing burglary tools and possessing stolen property. Price's co-defendant, Damon Thomas, 33, also of Washington, D.C., is scheduled to be sentenced April 14.

On April 1, 2021, according to court filings, Price and Thomas intended to break into the BP gas station on Lee Highway and tow away the store's ATM machine with a stolen van. But due to a string of similar burglaries in surrounding counties, Fauquier Sheriff's deputies were surveilling the location when the pair arrived and interrupted the burglary.

Around 2:30 a.m., according to an affidavit filed by the Fauquier County Sheriff's Office, a FCSO surveillance team observed a white work van and a green Dodge Challenger stop near the gas station and saw the driver of the Dodge get into the van.



Anthony Price

The work van, which had been stolen from Kemper Carpet & Flooring in Gainesville, then circled the gas pumps and pulled up to the front door of the store. The surveillance team watched as a man – later identified as Thomas – exited the van and used a yellow crowbar to smash his way into the store, the affidavit said. As Thomas retrieved a long yellow tow strap to supposedly affix to the ATM, sheriff's office cruisers entered the parking lot and attempted to stop the van, "which began to speed off."

Striking one of the patrol cars, the van sped out of the parking lot and continued down the Lee Highway access road before stopping, the affidavit said, at which point Price and Thomas got out and fled on foot from the scene. About an hour later, deputies located Price hiding in the bushes of a nearby residence. During his arrest, Price was bitten by a deputy's canine and had to receive hospital treatment, according to plea documents.

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## Head-on crash near Delaplane kills one, critically injures another

### Gainesville man charged with manslaughter

By Coy Ferrell

FAUQUIER TIMES STAFF WRITER

A Boyce resident is dead and his wife critically injured after another driver crossed the solid center line Thursday, March 24 on the two-lane section of U.S. 17 north of Delaplane and collided head-on with their vehicle, according to the Virginia State Police. The crash occurred at 8:22 p.m.

Daniel Shomette, 57, died at the scene and Marcella Shomette, 58, suffered life-threatening injuries.

The Shomettes were traveling north in a 2006 Ford Taurus when Kevin Hagan, a 67-year-old Gainesville resident who was driving south in a 2014 Ford C-Max, "attempted to pass another southbound vehicle, crossed a solid centerline, and collided head-on" with the Shomettes' vehicle, according to the state police.

Hagan has been charged with driving under the influence, involuntary aggravated manslaughter and improper passing, according to the state police. He was arrested and was being held without bond at the Fauquier Adult Detention Center as of Monday morning.



Kevin Hagan

Fire and rescue personnel responded from Upperville. They found that one of the occupants had already died and another had sustained "critical" injuries, according to an

after-action report from the Fauquier County Department of Fire, Rescue and Emergency Management. With paramedics from Warrenton on board, an ambulance from Upperville transported the injured person to a local trauma center after the patient had been extracted from the vehicle.

First responders found that a third person involved in the crash was "out walking around and refused medical treatment," according to the DFREM report.

Marcella Shomette and Kevin Hagan were wearing seatbelts, according to the state police; Daniel Shomette was not.

Units from Marshall and Warren County assisted the Virginia State Police with traffic control and with removing Daniel Shomette from the vehicle.

## Fauquier deputy involved in fatal crash was driving 100 mph with emergency lights off, state police says

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The Camry, driven by Brian Dangerfield, was attempting to cross the highway to turn left onto the highway from a small subdivision where the couple lived, according to the crash report.

The state police rejected a March 7 public records request from the *Fauquier Times* seeking more information about the crash, citing an "open/active criminal investigation."

The sheriff's office announced Feb. 28 that Smith had been placed on administrative leave while the agency conducts "an internal review of the incident, pursuant to sheriff's office policies and procedures." Falls refused to say last week whether Smith violated any department policies.

**Civil lawsuit may be imminent**

Virginia Beach-based attorney Jeffrey Breit is representing the Dangerfields' estate. In a March 17 letter to county officials, he wrote that "a claim is being made for personal injuries, wrongful death and other damages resulting from this incident."

Breit sent a separate notice to the county advising the preservation of all records related to the incident ahead of potential litigation, he told the *Fauquier Times* last week.

Breit said last week that, after meeting with the Dangerfields' family, he planned to draft a civil complaint and send the draft to attorneys representing the county. The county could then opt to settle the matter outside of court before the case is filed, he added.

"This is a case that will be against an officer acting in a grossly negligent way," Breit said. He said that there is video, GPS tracking data and a "black box" from Smith's cruiser, all of which recorded evidence related to the crash.

Breit said that, based on his understanding, Smith was responding to a call for service without authorization. He also said that Smith had been traveling at 100 m.p.h. "for a long period of time" before striking the Dangerfields' vehicle. Smith had "voluntarily dispatched himself" to a call, adding that Smith was "told he was too far away ... and no longer needed," Breit said.



Seen in a photo upload to the sheriff's office Facebook page on Nov. 24, 2021, then-Sheriff Bob Mosier poses with Brock Smith after promoting him to the rank of deputy first class.

### Brian and Mary Dangerfield

The following obituary was posted by Covenant Funeral Service in Fredericksburg:

"Brian Paul Dangerfield and Mary Gordon Dickinson Dangerfield left this world suddenly and together, just as they had lived their lives for 43 years, on Friday, Feb. 25, 2022. They leave behind their daughter, Brittany Gordon Henderson; son-in-law Tyler Henderson; and the love and light of their eyes, grandsons Austen Joseph and Jaxon Gordon.

"Brian was born on Dec. 10, 1956 and was preceded in death by his father, Edward Dangerfield; mother Joy Dangerfield; and brother Edward Dangerfield, Jr. Brian is survived by his four sisters-in-law, Wanda Dangerfield and Mary's three sisters.

"Mary was born on Feb. 4, 1957 and was preceded in death by her father, Eubank Gordon Dickinson; and mother Alice Kendall Dickinson. Mary is survived by her three sisters, Peggy Lee Dickinson, Debra Lee Tate (Michael), and Joanie Lee Dickinson.

"Brian and Mary are both survived by many cousins, nieces and nephews.

"Brian had a long career of 45 years with IBM and Lockheed Martin while Mary had many jobs over the years. She was always known for her caring nature, friendship and willingness to help others. Brian and Mary shared a love of antique shopping and, of course, photography, using every opportunity to capture the memories and joy of their lives and travels.

"The love between them and Brittany was such a strong bond, greater than just daughter and parents; they were truly best friends. This bond deepened with the arrival of Brittany's two boys, Austen and Jaxon, who gave Grandma and Grandpa so much happiness with their nature walks or just walking through the streets of downtown Fredericksburg, including a stop at their favorite haunt, Hyperion.

"The laughter and love between sisters and family, gathered together, grows stronger through the memories shared. Mary and Brian will always be with us in spirit, until we meet again!

"It was basically an accident waiting to happen," Breit claimed.

Falls refused to comment on these allegations.

Smith had been a sworn deputy since November of 2019, according to documents filed in Fauquier County Circuit Court. He was assigned to the county jail as of Oct. 8, 2020, when he graduated from the Rappahannock

Regional Criminal Justice Academy's Jail Basic School, according to a Facebook post from the sheriff's office.

By September of 2021, Smith had been assigned to the patrol division and had graduated from the RRCJA's Law Enforcement Basic School, according to a separate Facebook post.

Reach Coy Ferrell at [cferrell@fauquier.com](mailto:cferrell@fauquier.com)



**SPORTS:** Hawkins retires as Liberty wrestling coach; cashless ticketing. **Pages 17-19, 22**

## Warrenton Town Council passes budget after false starts

June 16 vote means employees will receive paychecks on time

By Colleen LaMay  
FAUQUIER TIMES STAFF WRITER

After weeks of unproductive debates and one failed vote, the Warrenton Town Council voted 5-1 last week to pass a budget for fiscal year 2023, which begins July 1. Council members had barely two weeks to spare before the police and other essential town workers would have been expected to report to work without pay.



FAUQUIER TIMES STAFF PHOTO/ROBIN EARL  
Warrenton Town Councilman Renard Carlos changed his vote on the 2023 budget from "no" to "yes."

See **BUDGET**, page 6

## Brandie Schaeffer is stepping down — on her own terms

Warrenton's town manager has served in role since 2018

By Coy Ferrell  
FAUQUIER TIMES STAFF WRITER

After nearly four years at the helm of Warrenton's government, Town Manager Brandie Schaeffer has announced that she will step down next month. "I think that Warrenton needs to tackle the next challenges in front of it, and I need

See **SCHAEFFER**, page 14



## Juneteenth on Main Street

Lillie Williams and the Chihamba Dance Troupe celebrated Juneteenth in Old Town Warrenton this weekend along with hundreds of visitors. See **page 4**.

FAUQUIER TIMES STAFF PHOTO/COY FERRELL

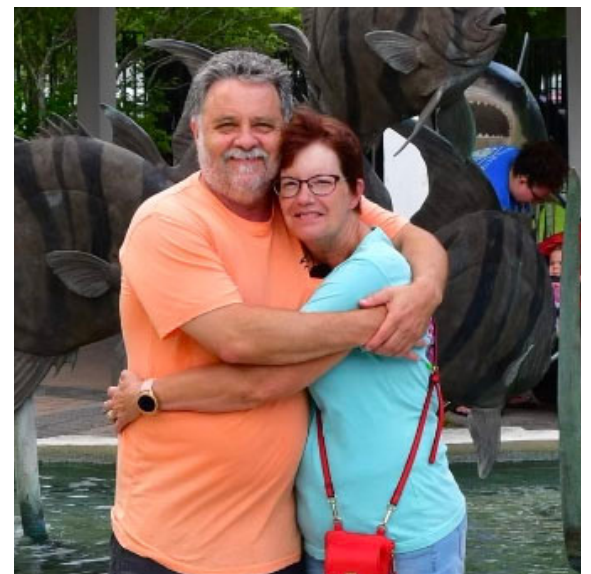
## County will pay family \$5 million to settle claim in deputy-involved fatal crash

Special prosecutor appointed, but no charges yet for former deputy Brock Smith

By Coy Ferrell  
FAUQUIER TIMES STAFF WRITER

The family of Mary and Brian Dangerfield has reached a \$5 million settlement with the county after the couple was killed in a Feb. 25 crash involving now-former Fauquier County Sheriff's Deputy Brock Smith. Smith was driving his police cruiser at 100 mph northbound on U.S. 17 near Goldvein with no emergency lights activated when he struck the Dangerfields' vehicle as the couple was pulling out of their neighborhood, according to Virginia State Police investigative documents. The speed limit on that stretch of U.S. 17 is 55 mph.

See **CRASH**, page 9



Mary and Brian Dangerfield were killed Feb. 25 after a police cruiser driven by a Fauquier County Sheriff's Office deputy struck their vehicle.

What time is it? It's Half Past Moon in Marshall. See **page 2**.



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## County will pay family \$5 million to settle claim in deputy-involved fatal crash

CRASH, from page 1

The \$5 million payout “is the full extent of insurance available for those claims,” according to a joint statement issued June 16 by attorneys for the county and the Dangerfield family.

A special prosecutor, Culpeper Commonwealth’s Attorney Paul Walther, was appointed in March, but no criminal charges had been filed against Smith as of June 16. Walther said May 26 that “I can confirm that the investigation is ongoing,” but declined *Fauquier Times*’ requests for further comment.

The state police rejected a March 7 public records request from the *Fauquier Times* seeking more information about the crash, citing an “open/active criminal investigation.”

Fauquier Sheriff Jeremy Falls initially placed Smith on administrative leave after the incident; Smith had been hired by former Sheriff Bob Mosier in late 2019. Falls fired Smith on March 23. In response to inquiries from the *Fauquier Times*, Falls declined to say whether Smith broke any departmental policies.

Smith was driving on a section of highway between Morrisville and Goldvein when his vehicle struck a 2018 Toyota Camry with Mary and Brian Dangerfield inside, according to a state police crash report. Brian Dangerfield died at the scene, and Mary Dangerfield died later that day after being transported to a hospital.

“This tragedy was unfortunate and avoidable,” said Jeffrey Breit, an attorney for the Dangerfield family, as part of the June 16 joint statement.

The statement said that “the county and the Fauquier County Sheriff’s Office confirm retraining on policies for proper operation of vehicles has occurred with all sheriff’s office

personnel.” The statement added that “this and other policies that relate to the safety of law enforcement personnel and [the] general public have and will be ongoing in the future to help tragedies like this from ever being repeated.”

Kevin Biniazan, another attorney for the family, said in the joint statement that “the family is grateful that the claims were resolved quickly and without drawn-out litigation, but this money could never replace the loss of Mr. and Mrs. Dangerfield. Not a day goes by when the grandchildren don’t ask about their grandparents.”

Attorneys for the Dangerfield family first announced March 17 that they would pursue civil litigation, when Breit sent a letter to county officials informing them that “a claim is being made for personal injuries, wrongful death and other damages resulting from this incident.”

“This is a case that will be against an officer acting in a grossly negligent way,” Breit told the *Fauquier Times* in March. He said that there is video, GPS tracking data and a “black box” from Smith’s cruiser, all of which recorded evidence related to the crash.

Breit said that, based on his understanding, Smith was responding to a call for service without authorization. He also said Smith had been traveling at 100 mph “for a long period of time” before striking the Dangerfields’ vehicle. Smith had “voluntarily dispatched himself” to a call, adding that Smith was “told he was too far away ... and no longer needed,” Breit said.

“It was basically an accident waiting to happen,” Breit claimed.

Falls has declined to comment on these allegations.

Reach Coy Ferrell at [cferrell@fauquier.com](mailto:cferrell@fauquier.com)

## Police pay was at stake in Warrenton budget debate

POLICE, from page 8

Purcellville, a Loudoun County town with a population about the same as Warrenton’s, will start its police officers at \$51,700 beginning next month, up from \$48,800 currently.

Sharon Rauch, Purcellville’s human resources director, said that while the town council there has made yearly pay increases a priority, the police department still struggles to recruit and retain officers. Four of the 23 budgeted positions in the department are currently vacant, she said.

One of the main reasons for that, she explained, is that larger nearby agencies like the Loudoun County Sheriff’s Office (minimum salary as of July 1: \$55,100) and the Leesburg

Police Department (minimum salary as of July 1: \$54,300) not only pay more, but also have more opportunities for training and advancement, putting smaller departments like Purcellville’s at a disadvantage.

McGowan emphasized that local governments shouldn’t take police officers for granted, explaining that he believes the nationwide shortage of good police officers will only become more acute in the coming years. Some officers “struggle through” in large part because they have already paid into the state retirement system. But, he said, “The system is breaking down.”

He concluded, “We hope people realize what’s important and they fund it – they spend the money.”

Reach Coy Ferrell at [cferrell@fauquier.com](mailto:cferrell@fauquier.com)

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# Fauquier Times

October 19, 2022

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VIRGINIA PRESS ASSOCIATION: BEST SMALL NEWSPAPER IN VIRGINIA 2017-2021



InFauquier magazine is cozy for fall. See inside.

## Jury acquits Parker Webb on rape charge

By Coy Ferrell

FAUQUIER TIMES STAFF WRITER

In the end, the jury believed Parker Webb. At 7:40 p.m. Thursday, Oct. 13, a court clerk read the verdict: not guilty. Those words came as vindication for Webb and his family a year and a half after a woman had come forward and accused him of raping her at a house party.

The trial lasted three very full days. It culminated 19 months to the day after March 13, 2021, when a 20-year-old woman report-

ed to the Fauquier County Sheriff's Office that Webb, then 21, had raped her the night before, after a party at Webb's parents' house in New Baltimore. She, like several others at the gathering that night, had been drinking heavily; she fell asleep on a couch in the home's living room, she told investigators. She regained consciousness to Webb raping her in his bedroom in the basement, she said.

See **WEBB**, page 4



Parker Webb

### Sheriff's office investigation of deputy's brother replete with mistakes

By Coy Ferrell

FAUQUIER TIMES STAFF WRITER

Det. Kurt Schlichting, employed by the Fauquier County Sheriff's Office since the early 2000s, was assigned in March 2021 as the "lead detective" to investigate an alleged rape involving Parker Webb, the brother of a Fauquier County sheriff's deputy.

There is no evidence in

the public record that the suspect's relation to a deputy directly influenced the investigation. But during Webb's trial last week, Schlichting was forced to admit in front of a jury that the sheriff's office should have never taken the case in the first place and should have asked the Virginia State Police to intervene.

See **SHERIFF**, page 4



FAUQUIER TIMES STAFF PHOTO/COY FERRELL

### Main Street magic

At the Warrenton Wizard Walk on Oct. 15, Evie, 7, of Boyce, is delighted with Vick Gisin's magic tricks. See more photos on page 6.

## Warrenton Town Council delays apartment density decision

Alternate proposal could bring affordable housing units to Old Town

By Colleen LaMay

FAUQUIER TIMES STAFF WRITER

The Warrenton Town Council at its regular Tuesday evening meeting Oct. 11 voted to table for 30 days a proposal that could create at least

60 and eventually as many as 136 affordable housing units in the core of Old Town.

The apartments would go above shops in the central business district. Up to 1,108 units,

See **DENSITY**, page 6

## 2 candidates run for 2 open seats on Warrenton Town Council

Both will win unless a write-in candidate gets more votes

By Colleen LaMay

FAUQUIER TIME STAFF WRITER

The Warrenton Town Council has two at-large seats up for grabs in the November general election and two candidates — David McGuire and Paul Mooney — seeking those seats. That means both will win unless a write-in candidate earns more votes.

See **CANDIDATES**, page 8



Paul Mooney



David McGuire

International Gold Cup is Oct. 22. See special section, pages 17-24.



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## Jury acquits Parker Webb on rape charge

WEBB, from page 1

Less than 24 hours after the incident, she went to a hospital and submitted to an intimate medical exam, the results of which the prosecutor and defense attorney argued over in excruciating detail during last week's trial. What exactly did the scratch on the woman's genitals mean? Where exactly was the woman in her menstrual cycle? Which underwear was the woman actually wearing that night? The prosecutor and defense attorney argued over these questions at length.

The woman repeated the same story on the witness stand in April, at a preliminary hearing, and last week during the jury trial. According to two people who were in a nearby room in Webb's house that night, she told them the same details moments after the alleged rape.

"She said, 'I woke up and Parker was f----- me,'" testified one witness who spoke to the woman moments after she left Webb's bedroom. "She was sobbing."

Webb was arrested more than 10 months after the woman had first gone to the sheriff's office with the allegation. The detective assigned to the case was eviscerated by the prosecutor when he took the stand; in front of the jury, the detective admitted to a litany of shortcomings in his efforts to investigate the allegation.

Despite visiting Webb's home twice, for instance, Det. Kurt Schlichting did not attempt to get a search warrant for the alleged crime scene,

and never asked to see it at all. In fact, he admitted, the sheriff's office should have called in the Virginia State Police to investigate the case since Webb's brother was a Fauquier County sheriff's deputy. (See accompanying story.) Schlichting's various — and admitted — missteps repeatedly proved fodder for Webb's attorney during the trial.

Webb never spoke to investigators about the incident, advised by his parents and lawyer in the days afterward that responding to "innuendo" could hurt his case. He told at least two people at the time that he had no memory of the night at all — he was too drunk, he said, to recall anything. In court he said that those were lies he told out of shame for cheating on his then-girlfriend.

At 1:30 p.m. Thursday, Oct. 13, Webb took the witness stand. He said that the woman was not only conscious during the incident, but that she had insisted that Webb join her in his bedroom in the early morning hours of March 13, 2021. She initiated sexual contact, he said, though Webb denied that penetrative sex ever occurred.

Then, Webb said, in the middle of the sexual encounter, the woman abruptly got up and left the room, explaining that she was going to the bathroom. According to Webb, she never came back. He went to sleep, waking up the next morning to accusations from several people in their shared friend group that he had raped her.

Against the advice of his parents, he told one person in a text message that he didn't remember anything from his encounter with the woman because he was too drunk. But, Webb added, he wouldn't have raped the woman because "I literally have one dream in life, and I'm not stupid enough to ruin it." Webb explained on the witness

stand that his "dream" was to become a firefighter. He lied about his memory of the incident, he testified, because "I was disappointed in myself."

Webb's attorney, Justin Daniel, argued that the woman fabricated the entire story. There were no eyewitnesses to the sexual encounter itself, he pointed out, and since no physical evidence was collected from the scene, most of the case against Webb relied on witness testimony.

The alleged victim probably felt guilty about helping Webb cheat on his ex-girlfriend, he argued, and lied about the incident as an "excuse" to make herself look better. Or, he argued, she was concerned that admitting to a consensual sexual encounter with Webb would hurt her chances to date another man in their friend group. Even, as some witnesses testified, she was upset after the encounter with Webb, Daniel continued, it was probably because she felt guilty for actions that she had consciously initiated.

Senior Assistant Commonwealth's Attorney Abigail Romero argued that Webb's accuser had no incentive to fabricate the story. "She had to go through a humiliating process" and submit to a "pretty invasive procedure," Romero said. She had to testify in public about "the worst time in her life." The alleged victim's story, "has never wavered, never changed," Romero argued.

"Is it reasonable to believe that [Webb's accuser] would go through this whole ordeal for nothing?" Romero asked the jury in her closing statement.

"You have every reason to believe her," Romero told the jury. The seven men and five women on the jury deliberated for about two hours. They ultimately disagreed.

Reach Coy Ferrell at [cferrell@fauquier.com](mailto:cferrell@fauquier.com)

## Sheriff's office investigation of deputy's brother replete with mistakes

SHERIFF, from page 1

Webb's brother, Zachary Webb, was first sworn in as a deputy in February 2019 and was assigned to the jail. He was serving in the patrol division as of February 2021, according to a Facebook post from the sheriff's office. He was still employed as a deputy as of Jan. 26, according to public records.

Even if the sheriff's office had been the appropriate agency to investigate the allegation, Schlichting acknowledged to the jury that he was "out of [his] element;" had little to no training or experience in sexual assault cases; asked the alleged victim "inappropriate" questions; failed to report the existence of some evidence and submitted inaccurate reports about other evidence; failed to make any effort to investigate the alleged crime scene; and chose not to tell prosecutors about it until nine months after the incident.

Schlichting is still employed as a detective in the criminal investigation division of the sheriff's office.

After a grueling three-day trial, a jury acquitted Webb. Jury deliberations are private, and the degree to which Schlichting's mistakes and oversights played a role — if any — in the jury's decision to find Webb not guilty can be answered only by the jurors themselves.

What is clear is that Webb's attorney repeatedly reminded the jury during the trial that the sheriff's office did not arrest Webb until more than 10 months after the alleged victim came forward with the claim that Webb had raped her the night before.

### Statement from the Fauquier County Office of the Commonwealth's Attorney

"First and foremost, we're incredibly impressed with the victim's bravery and fortitude. She did the right thing, and it was not an easy thing to do. Knowing how difficult this process was for her makes this verdict even more disappointing.

"Non-stranger sexual assaults are some of the most difficult types of cases to prosecute. What the public is not aware of is that the vast majority of sexual assaults are committed by someone who is known to the victim. Many of those assaults occur away from the view of potential corroborating witnesses. Most victims of sexual assault don't have visible injuries. The defense's own expert stated that 96% of victims do not have injuries. Lastly, and contrary to public opinion, the rate of false reports of sexual assaults is less than 9%.

"Sexual assault continues to be an incredibly under-reported crime. Victims don't want to come forward. When they do report a sexual assault, they're often met with police who lack the training to handle these cases. If their case is one of the few that actually makes it to trial, they're often met by juries who simply don't care. Because people tend to look at non-stranger sexual assaults as less serious, less violent forms of rape and that's simply not true. Any sexual assault is a serious offense. Rape is always, by its very nature, violent. There is no such thing as a 'non-violent' rape. We will continue to work with our law enforcement partners to educate and train our first responders on how to properly handle sexual assault investigations."

It was Senior Assistant Commonwealth's Attorney Abigail Romero, the prosecutor for the Webb case, who questioned Schlichting most intensely during the trial, pressing him to admit a series of mistakes in the investigation he led. It was apparently an effort to emphasize to the jury that the investigation's missteps were not because Webb's accuser failed to report the incident quickly or accurately. She argued to the jury that the fact that the investigation "leaves something to be desired" was only a distraction from the woman's allegations.

The *Fauquier Times* contacted the sheriff's office on Monday, Oct. 10 — before the trial began — with a detailed list of questions about the investigation and the agency's internal policies. A spokesperson acknowledged receipt of the email, but no one from the sheriff's office

responded to the questions by press time Tuesday, Oct. 18.

### 'This delay is not at all attributable to the victim'

The reason for the "delay," in arresting Webb is unclear, as Romero put in court documents and in statements in the courtroom. The delay "is not at all attributable to the victim," Romero wrote in an Aug. 10 motion. "The victim in this case promptly reported this offense and was cooperative in every aspect of the investigation. Law enforcement could have obtained a[n arrest] warrant immediately following [the alleged victim's March 13, 2021] report, but they did not and the commonwealth cannot speak to their reasons for not doing so."

In fact, Schlichting chose not to report the allegation to the commonwealth's attorney's office until

December 2021, nine months after Webb's accuser came forward. In a court motion Romero filed this summer, she revealed that prosecutors do not have direct access to the sheriff's office's investigative files.

"Unfortunately, the Office of the Commonwealth's Attorney does not have access to the Fauquier County Sheriff's Office report management system, as many prosecutors in other counties do," Romero wrote in the Aug. 10 motion, "so prosecutors in Fauquier rely on the assigned detectives, deputies and sheriff's office administrative staff to send them copies of reports in a timely fashion." (Prosecutors have full access to the Warrenton Police Department's reporting system.) Absent a report from the sheriff's office, prosecutors had no idea Webb had been accused of rape until nine months after the fact.

Schlichting never said why he waited to tell prosecutors about the woman's report, which ultimately proved credible enough on its own for a magistrate to issue a warrant for Webb, for a judge to certify the charge to a grand jury and for a grand jury to indict Webb — but not enough for a jury to convict him.

Webb was arrested Jan. 27, 2022, more than 10 months after the woman first came forward with the allegation. He spent eight and a half months in jail awaiting trial.

Webb's arrest also came nine days after then-Fauquier County Sheriff Bob Mosier resigned to become the Virginia Secretary of Public Safety and Homeland Security, though there is no allegation made in any public document that these two events are connected.

See SHERIFF, page 8

# Warrenton Planning Commission to lose half its 6 members

Commission must have at least five members to conduct business

By Colleen LaMay

FAUQUIER TIMES STAFF WRITER

The Town of Warrenton is looking to fill half the seats on its six-member Planning Commission after two members declined to seek reappointments and a third gave notice that he is moving out of the town limits this fall and will be ineligible to serve.

The Warrenton Planning Commission must have a quorum — at least five members — to make decisions at its monthly meetings. The role of the commission is to make recommendations to the town council on land-use applications, policies and plans, including the controversial proposal for an Amazon data center here.

“Certainly, we have not seen a vacancy of three come all at once, so there is an urgency to this,” Mayor Carter Nevill said at the Oct. 11 morning work session for the town council. “I think that all of us know some people who probably want to get involved in the town, and the planning commission is one of the most important roles that can serve this town.”

Neville said that council members will stand ready to interview candidates who apply for the open slots. The town council members would like to appoint replacements as soon as possible.

Chair Susan Rae Helander and members Ali Zarabi and Gerald Johnston will not seek reappointment. Their terms end Dec. 31. Johnston notified Helander on Sept. 20 that he must vacate his seat because he is moving out of town. Johnston’s replacement will serve out the remainder of his



FAUQUIER TIMES STAFF PHOTO/ROBIN EARL  
Susan Rae Helander has served on the Warrenton Planning Commission for more than 20 years.

term, which expires Dec. 31, 2025, Nevill said.

Helander, first appointed in 2000, wrote in a letter to the Warrenton Town Council that she made her decision “with great sadness and some elation.”

“As chair, we have accomplished a tremendous amount of significant work with the assistance of your dedicated staff,” Helander wrote to the town council.

“The town is embarking on changes and redirection but there will always be those who do not understand the need for growth.

“Without growth, there is no town,” she wrote.

Zarabi, also appointed in 2000, wrote, “It has been an honor and a privilege to have had an opportunity to share and bring my experiences and voice to many discussions and deliberations. The bodies of government can and must change to accommodate new interests and citizens willing to step up and serve.”

Perhaps the most controversial land-use recom-

## How to apply for a seat on the Warrenton Planning Commission

- Submit application, cover letter and resume at <https://www.warrentonva.gov/329/Apply-to-Serve> or mail to Warrenton Town Council, c/o Town Clerk, P.O. Box 341, Warrenton, VA 20188
- Applicants must live within the town limits.

mendation facing the planning commission is the proposed Amazon data center. The company has postponed two planning commission work sessions without giving a reason. When Amazon postponed its September appearance with the planning commission, the understanding was the company would address the commissioners on Oct. 25, instead.

Hundreds of area residents have spoken up against the data center, citing concerns about noise, lighting, transmission lines and more.

“We haven’t dealt with something on this scale that will directly impact Warrenton,” Zarabi said of the Amazon proposal. He said he has never spent as much time reading as he has since Amazon proposed coming to town. And, he said, “I generally don’t enjoy reading.”

Zarabi said his job was to learn as much as possible about the Amazon proposal and listen to every citizen who wants to speak up before the planning commission makes a recommendation to the town council. The council has the option of approving or denying Amazon’s application, regardless of the planning commission’s recommendation.

When a public hearing will be scheduled on the data center is uncertain. “I might get lucky and not have to vote on it,” Zarabi joked.

Reach Colleen LaMay at [clamay@fauquier.com](mailto:clamay@fauquier.com)

## Sheriff’s office investigation of deputy’s brother replete with mistakes

SHERIFF, from page 4

### Failure to collect evidence

More pertinent to the alleged incident itself, Schlichting never made any effort to search the bedroom where the woman said she had been raped. He also made no attempt to gain a warrant for the bedsheets on which both prosecutors and Webb agreed some kind of sexual contact occurred. Webb’s accuser was menstruating at the time of the alleged incident, and Webb’s attorney argued that there should have been blood on the sheets if Webb had in fact raped the woman.

But since neither Schlichting nor anyone else from the sheriff’s office ever collected the sheets as evidence, both the prosecutor and Webb’s attorney had to rely on two witnesses — Webb’s mother and Webb’s then-girlfriend — to testify about the state of the sheets. Both witnesses testified that they didn’t see any blood.

Despite visiting Webb’s residence twice in the days after the alleged incident, Schlichting also failed to notice two cloud-connected security cameras that captured video of anyone entering or leaving the residence through the garage or front door.

It was only after the sheriff’s office assigned additional detectives, Det. Dawn Arrington and Det. Candace Shaw, to the case that the sheriff’s office obtained a search warrant for archived security camera footage, after Arrington noticed the security camera on the home’s front porch.

But that was in February 2022, nearly a year after Schlichting was first assigned to the case. By then, the footage had been deleted from the camera company’s servers, and the search warrant produced no video.

It turns out that Webb’s father had kept a hard copy of the video files from the night of the alleged rape. But he testified during the trial that no one from the sheriff’s office ever asked him about it. Instead, Webb’s defense attorney asked the father for the footage, and it was played during the trial to establish a timeline of the goings and comings of the people at the house that night.

Schlichting testified that he had no idea a copy of the video existed until last week’s trial.

### Evidence handling

There were also problems surrounding the evidence that Schlichting did collect.

Webb’s accuser went to Fauquier Hospital the evening of March 13, 2021, reporting that she had been raped less than 24 hours before. She was sent from there to Inova Fairfax Hospital, which, unlike Fauquier, has specially trained nurses on hand to perform forensic examinations for sexual assault investigations.

Schlichting accompanied her there, and the forensic exam took place in Fairfax at about 1 a.m. Along with completing a Physical Evidence Recovery Kit, the nurse collected the clothes the woman was

wearing to submit for DNA testing, handing them over to Schlichting.

When Webb’s accuser arrived home from the hospital, however, she realized that she had changed some of her clothes after the alleged incident and called Schlichting to tell him this, according to Schlichting’s and her testimony. At some point on March 14, 2021, Schlichting went to the woman’s house to collect the clothes she said she was wearing during the encounter with Webb.

Though Schlichting included these clothes in a bag of evidence he submitted to the sheriff’s office’s evidence locker, he didn’t include in any written report that he had collected the clothing. Additionally, “I made a mistake and failed to include [the clothing] on the lab form,” Schlichting testified at the trial, meaning that the clothing was never sent to a lab for DNA testing.

Schlichting sent the woman’s other clothing — the clothing she said had no connection to the incident — to a state lab, which found no evidence of male DNA.

The clothing Webb’s accuser said she was wearing during the incident sat in an evidence locker for 17 months, unreported and untested. Webb’s trial was originally scheduled to begin Aug. 17, 2022. But less than two weeks before that trial date, Schlichting realized his mistake while reviewing evidence for the upcoming trial, according to his testimony last week. After Schlicht-

ing’s supervisor, who is not named in court documents, approved Schlichting’s updated evidence report, the sheriff’s office forwarded the report to prosecutors.

It took a follow-up email from Romero to Schlichting to confirm that the clothing had never been sent to a lab for testing, according to a court document filed by Romero. By now, it was Aug. 9, eight days before the trial was set to begin.

A judge agreed to postpone the trial to allow for DNA testing of the clothing, and lab tests concluded that there was more than a 99% chance that biological material found on the clothing was from Webb or a patrilineally-related male. Those test results were presented at least week’s trial, and both the prosecutor and defense attorney argued that it corroborated their client’s version of events.

But the “discovery” of the evidence 17 months after the fact proved fodder for Webb’s attorney to cast doubt on how seriously the sheriff’s office took the complaining witness’ allegations.

Even some of the evidence Schlichting did report had incorrect information attached to it, the detective testified during the trial. He blamed the inaccuracies on a software system used by the sheriff’s office that is “a little confusing” and “not a perfect system,” noting that details written on stickers attached to the evidence bags were correct.