

ATTORNEY FOR THE COMMONWEALTH



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MEMORANDUM

April 2, 2020

To: Commonwealth's Attorney's Office Staff
Victim-Witness Staff
Henry County Sheriff's Office
Virginia State Police
Virginia Department of Game and Inland Fisheries
Martinsville-Henry County Bar Association
Patrick County Bar Association
21st Judicial District Judges
Henry County Circuit and District Court Clerks

From: M. Andrew Nester

RE: Response to Governor's Executive Order Number 55
Reduction in Workforce Due to COVID-19
Suspension of In-Person Office Visits

On March 30, 2020, in response to the continued spread of COVID-19 "coronavirus," Governor Ralph Northam issued Executive Order Number 55. In such EO, the Governor ordered Virginians to stay home unless they had a necessity to travel. This order enhances and extends the previous EO-53 issued on March 23, 2020.

Considering the provisions of EO-53 and EO-55, and in conjunction with our partners in Henry County local government, our office is currently working on a reduced staff schedule and is temporarily suspending in-person visits by the public, defense attorneys and law enforcement officers. Although EO-55 exempts the operation of government and our work is permitted to continue as usual, nevertheless, in an effort to do our part in restricting the spread of this virus, our office made the responsible decision to put these changes into effect. A copy of the notice that is posted on our front office door is attached hereto for reference.

Effective Wednesday, April 1, 2020 our office split into two teams. The workforce in the office was reduced to 50% of the normal staff. While one team works a day in the office the other team works from home. Our office will continue this work schedule until at least June 10, 2020, which is the expiration of EO-55 or until such order of the Governor is rescinded or extended as necessary.

Our office teams are divided as follows:

Team 1

Attorneys – Dawn Futrell, Jessica Henson and Awbrey Watts
Clerical Staff – Shannon Barker and Jennifer Surber
Victim Witness – Robin Byrd

Team 2

Attorneys – Andrew Nester, Roxanne Reeves and Wayne Withers
Clerical Staff – Hilda Mabry and Amy Southers
Victim Witness – Jane Janey

As mentioned above, our office is temporarily suspending in-person visits by the public, defense attorneys and law enforcement officers. Recognizing our office is essential to providing services to the public, we will have very limited exceptions as to when individuals outside of our office may be permitted access.

Everyone is encouraged to communicate with our office by phone, email, fax, US Mail or video conferencing. If you have a document or other items that you need to retrieve from our office, or provide to our office, please inquire if the material can be provided or delivered by one of the means outlined above. If one of these methods are not a viable option, please call our office to coordinate a way to accept delivery, or provide the items, by the safest means possible.

Also, recognizing our office provides open file access to our files for criminal discovery, we will ask attorneys to only come to the office and look at files that are pending trial or preliminary hearings within a week or less of a scheduled office visit. In order to view our files during this time, attorneys must call to schedule an appointment and files will only be available for view in the lobby area of our office. Furthermore, when scheduling your appointment, we will only permit one attorney at a time in our lobby area given our limited space.

In addition to the above, we fully recognize that in-person meetings with law enforcement officers will be necessary. With this in mind, we ask the officer and prosecutor handling the case to coordinate with each other to determine the safest means necessary to meet while respecting social distancing guidelines. Again, if the matter can be discussed or resolved without an in-person meeting such is the preferred course of action. Also, if the matter has not been assigned to a specific prosecutor, please call the office to speak to an available prosecutor. As previously noted, three of our six prosecutors will be working from home daily on a rotating basis. Furthermore, both prosecutors and staff will have full phone, email and computer access to the office remotely. To the greatest extent possible, discussion of unassigned cases will be directed to the team working remotely that particular day.

Clerk's offices within the courthouse, as well as the Civil Division of the Henry County Sheriff's Office, are still welcome to send a representative to the lobby window to deliver and retrieve work related items. Again, we ask that if any of the items can be electronically delivered that such means be attempted first.

Our office fully recognizes this is not the most desirable way to conduct our ordinary business and we look forward to returning to normal operating procedures in the coming weeks. However, we are certainly experiencing unusual times as we attempt to accommodate the needs of the public, defense attorneys and law enforcement officers. To this end, our primary focus is the safety of our office employees and their families. We further have a responsibility to do our part in our community to limit the spread of disease to the greatest extent possible.

I greatly appreciate everyone's cooperation during these temporary changes. If anyone has questions please do not hesitate to ask. I finally ask that you stay safe and take care of yourselves and your families.



****NOTICE****



In response to the COVID-19 pandemic, our office is NOT ACCEPTING IN-PERSON VISITS until further notice.

We apologize for any inconvenience; however, the health and safety of our employees and the community is our main concern.

We are still available to assist anyone by phone at 276-634-4500 or by email. Documents can be sent to our office by email, by fax at 276-634-4509, or by US Mail to 3160 Kings Mountain Road, Suite D, Martinsville, VA 24112.

Defense attorneys or law enforcement officers that need to meet with an attorney should contact the attorney handling the specific case directly to make arrangements.