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New prosecutor in place for recall petitions case

Scheduling conflicts will likely prevent a hearing set for Wednesday from taking place.

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247-4635

October 6, 2008

GLOUCESTER

It took some doing, but a replacement prosecutor is in place to try the civil court cases of four Gloucester County Supervisors facing a citizen effort to have them ousted from office.

Substitute Circuit Court Judge Westbrook J. Parker appointed John T. "Jack" Randall to replace Gloucester Commonwealth's Attorney Robert D. Hicks, said Gloucester Circuit Court Clerk Margaret Walker Thursday afternoon. Because Randall is not currently serving as a commonwealth's attorney, the Virginia Supreme Court had to consent to the appointment, Walker said.



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At issue in the case are petitions circulated by Gloucester County Citizens for Accountable Representation — a group that alleges that Supervisors Teresa Altemus, Robert "Bobby" Crewe, Michelle Ressler and Gregory Woodard should be removed from office because they conducted public business in secret and have lost the confidence of county residents.

The four were also indicted this summer by a special grand jury on misdemeanor charges of conducting county business in secret, unlawful warrantless search and computer trespass in the dismissal of two former county employees and hiring a friend of Altemus as interim county administrator. Ressler and Crewe are also charged with a count of coercing or intimidating a county employee.

The civil and criminal proceedings are separate and Hicks has been removed from both after defense lawyers alleged his involvement is politically motivated and a judge agreed there could be a

"perception of partiality." A Virginia Beach prosecutor was previously named to handle the misdemeanor charges, but related court dates have yet to be scheduled.

Based on conversations during Parker's inaugural proceeding in the case on Sept. 18, and the fact that Randall is a former assistant prosecutor now in private legal practice, it would appear that area prosecutors weren't exactly chomping at the bit to take part.

During the September hearing in which Hicks was disqualified, he and Parker remarked that they both were having trouble finding someone willing to be a replacement.

Even with Randall now in place, it does not look like a planned Wednesday hearing is going to happen — or at least nothing of substance is likely to take place.

On Friday, Randall said his court schedule this week will prevent him from attending the Wednesday hearing and his understanding was that it would be continued.

Randall is an attorney with the Suffolk branch of Stallings & Bischoff where he specializes in criminal law, DUIs, traffic offenses, juvenile and children's law, personal injury and domestic relations.

He served as a police officer in Virginia Beach before spending four years as an assistant commonwealth's attorney in Southampton County/City of Franklin. Randall, who has a law degree from Regent University, moved to private practice this summer, he said.

The Wednesday proceeding was to hear arguments on motions filed in the recall petitions case. Prior to Thursday, the only motion on the table was to have the civil trial delayed until the conclusion of the supervisors' criminal trials.

Added to that now are motions challenging the legitimacy of citizen petitions seeking to remove Altemus, Ressler, Crewe and Woodard from office. Two separate pairs of attorneys are representing the supervisors, but with little exception documents filed in the cases are nearly identical.

Essentially, the motions rely on technical arguments. Attorneys for the supervisors contend that the petitions do not comply with Virginia law regarding the removal of an elected officer because only the petition circulator was sworn under oath and not every signer. In addition, it is alleged that the petitions were not adequately worded to show the signers agreed with the allegations, understood them, or that they had read the grand jury report.

The defense also maintains that the bundling of multiple petitions for each supervisor violates Virginia law and that some of the associated signatures contain irregularities.

In early September, the citizens' group filed petitions bearing almost 6,000 names. Walker later certified the signatures on the petitions to the court, although only the number meeting the legal threshold of 10 percent of the total voters in a particular contest.

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