

FGM SURVIVOR'S GUIDE

— TO —

LEGAL REMEDIES

IN THE STATE OF
VIRGINIA

DEVELOPED FOR [AHA](#) FOUNDATION

THROUGH THE PRO BONO ASSISTANCE OF

WHITE & CASE LLP

LAST UPDATED: JANUARY 5, 2022





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DISCLAIMER

THE CONTENTS OF THIS MEMORANDUM ARE INTENDED TO CONVEY GENERAL INFORMATION ONLY AND ARE NOT INTENDED TO PROVIDE LEGAL ADVICE OR OPINIONS FOR ANY PURPOSE OR PARTICULAR CIRCUMSTANCE.

THE CONTENTS OF THIS MEMORANDUM SHOULD NOT BE CONSTRUED AS NOR RELIED UPON FOR LEGAL ADVICE IN ANY PARTICULAR CIRCUMSTANCE OR SITUATION.

AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF VIRGINIA SHOULD BE CONTACTED FOR ADVICE ON SPECIFIC LEGAL ISSUES.

THIS MEMORANDUM IS NOT A SUBSTITUTE FOR AN IN-PERSON OR TELEPHONE CONSULTATION WITH AN ATTORNEY LICENSED TO PRACTICE LAW IN VIRGINIA CONCERNING ANY SPECIFIC LEGAL ISSUE.

INTRODUCTION

THIS GUIDE AIMS AT PROVIDING SURVIVORS OF FEMALE GENITAL MUTILATION (“FGM”) WITH A **COMPREHENSIVE FRAMEWORK** EXPLAINING BOTH CIVIL AND CRIMINAL REMEDIES AVAILABLE TO THEM IN THE COURTS OF VIRGINIA.

FIRST, Virginia has enacted anti-FGM laws creating a **criminal** cause of action against FGM perpetrators, transporters, and legal guardians who consent to the procedure.

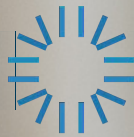
SECOND, survivors can potentially pursue both **criminal** and **civil recourse** under several Virginia state laws not directly related to FGM.

THIRD, Virginia law provides survivors with various **rights** and **protections** in Virginia’s criminal justice system.

PLEASE NOTE THAT VIRGINIA PROHIBITS MINORS FROM SUING ON THEIR OWN AND REQUIRES THEM TO BE **REPRESENTED BY AN ADULT**.¹ TO THAT END, MINORS CAN INSTITUTE AND PROSECUTE A LEGAL ACTION THROUGH THE REPRESENTATION OF A “**NEXT FRIEND**.” A “NEXT FRIEND”, WHILE TYPICALLY THE PARENT OF THE MINOR, CAN ALSO BE ANY COMPETENT AND RESPONSIBLE ADULT WHO BRINGS SUIT IN THE MINOR’S NAME.² THE “NEXT FRIEND” DOES NOT NEED TO BE FORMALLY APPOINTED BY THE COURT; HOWEVER, IF IT APPEARS TO THE COURT THAT THE “NEXT FRIEND” IS NOT A SUITABLE PERSON FOR SUCH PURPOSE OR DOES NOT ACT IN THE MINOR’S BEST INTEREST, THE SUIT CAN BE **DISMISSED** WITHOUT PREJUDICE OR ANOTHER PERSON CAN BE ASSIGNED AS THE “NEXT FRIEND”.³

HOW DO I KNOW IF I AM A SURVIVOR OF FGM?

FGM is a practice that spans many different countries and communities, each with their own customs that occur at different ages. For example, in the Somali community, most girls are cut between the ages of 5 and 10 years old, while in some Nigerian communities, girls are often cut when they are christened at 8 days old. A description of the different types of FGM can be found at www.who.int, and the different practices in various communities and countries of origin can be found at www.28toomany.org. If you are unsure whether you have been the victim of FGM, you should consult your OB/GYN or contact help@theahafoundation.org.



REMEDIES AVAILABLE TO SURVIVORS UNDER VIRGINIA ANTI-FGM LAW

VIRGINIA IS ONE OF 40 STATES THAT HAVE CRIMINALIZED THE PRACTICE OF FGM. THIS MEANS THAT PERPETRATORS OF FGM, THOSE WHO TRANSPORT FOR THE PURPOSE OF FGM, OR LEGAL GUARDIANS WHO CONSENT TO THE PROCEDURE CAN BE PROSECUTED UNDER **CRIMINAL** LAW. SURVIVORS OF THE CRIME ALSO HAVE MANY OTHER LEGAL REMEDIES AT THEIR DISPOSAL TO PUNISH PERPETRATORS AND RECEIVE FORMS OF COMPENSATION. WHILE VIRGINIA LAW PERMITS SURVIVORS OF FGM TO PURSUE A SPECIFIC **CIVIL** CAUSE OF ACTION, THEY MAY ALSO BE ELIGIBLE TO SEEK REMEDIES UNDER SEVERAL OTHER **CIVIL** CAUSES OF ACTION.

CIVIL LAW AND **CRIMINAL LAW** OFFER DIFFERENT FORMS OF JUSTICE TO SURVIVORS OF FGM. A **CRIMINAL** CASE IS A LAWSUIT BROUGHT BY A PUBLIC PROSECUTOR, WHO IS AN EMPLOYEE OF EITHER THE FEDERAL, STATE, OR LOCAL GOVERNMENT. SURVIVORS MAY PARTICIPATE IN THE TRIAL, BUT ONLY AS WITNESSES AND ONLY IF THE PROSECUTOR ALLOWS THEM TO. IF THE DEFENDANT IS FOUND GUILTY IN A **CRIMINAL** CASE, HE OR SHE MAY BE PUNISHED WITH FINES OR TIME IN PRISON. THE SAME WRONGFUL CONDUCT MAY GIVE RISE TO BOTH **CRIMINAL** AND **CIVIL** CHARGES, AND SO SURVIVORS SHOULD ALWAYS CONSIDER PURSUING BOTH FORMS OF RELIEF.

A **CIVIL** LAWSUIT IS BROUGHT BY A PRIVATE CITIZEN (THE “PLAINTIFF”). IN THE CASE OF FGM, THE PLAINTIFF IS USUALLY THE SURVIVOR, AND THE PERSON BEING SUED (THE “DEFENDANT”) IS USUALLY THE CUTTER OR SOMEONE WHO ASSISTED THE CUTTER. IF THE DEFENDANT IS FOUND LIABLE IN A **CIVIL** CASE, HE OR SHE MAY BE ORDERED TO PAY MONEY TO THE PLAINTIFF.

WE WILL DISCUSS THE **CRIMINAL** AND **CIVIL** OPTIONS IN TURN.

CRIMINAL PROSECUTION OF FGM PERPETRATORS

VA. CODE § 18.2-51.7

Criminal prosecutions against perpetrators of FGM under Virginia law can be brought only by state prosecutors. While survivors of FGM cannot themselves bring criminal actions, they can provide valuable assistance to the prosecuting attorneys bringing those actions.

Virginia law defines FGM as the circumcision, excision, or infibulation of the whole or any part of the labia majora or labia minor or clitoris.⁴ Anyone who knowingly performs FGM, or any parent or legal guardian that either transports a minor in their care for the purpose of FGM or knowingly consents to FGM on a minor is guilty of a Class 2 Felony⁵ and may be subject to imprisonment for up to 20 years, a fine no greater than \$100,000, or both.⁶

Most felonies in Virginia (including FGM) have no statutes of limitations, meaning a felony criminal case can be filed at any time.⁷

However, there is an exception for surgical procedures performed by a licensed physician which are deemed necessary for the health of the person on whom the procedure is performed or when medically necessary for a person in labor. The person performing the procedure must also be licensed as a medical practitioner in the location where the procedure takes place.⁸

The most important way a survivor can assist a prosecuting attorney is by providing evidence, especially in the form of live testimony at trial. However, there are other forms of evidence that prosecuting attorneys may request from the survivor, including medical records, documented correspondence with the defendant, the names of other witnesses, the identities of other survivors, and information about the defendant.



CIVIL CAUSE OF ACTION AVAILABLE TO SURVIVORS

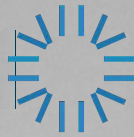
VA. CODE § 8.01-42.5

In addition to the criminal action summarized above, victims may commence a cause of action in civil court. Civil court may be more convenient, as victims only need to show that it is more likely than not that the defendant is responsible for the alleged FGM. Additionally, civil courts may be more willing to allow certain types of evidence that would not be permitted in a criminal trial. Note that victims of FGM may choose to pursue both criminal and civil causes of action.

Virginia law recognizes a specific cause of action for victims of FGM, which allows minors who are victims of FGM under the criminal statute (summarized in Section above) to sue the perpetrator for compensatory and punitive damages and reasonable attorney fees and costs, regardless of whether the perpetrator has been charged or convicted of the alleged criminal violation.⁹ Compensatory damages allow a victim to recover for actual losses they have incurred (for example, for medical bills), whereas punitive damages seek to punish the defendant for the harm caused. Virginia law caps the amount of punitive damages that may be recovered in any single cause of action at \$350,000.¹⁰

The civil cause of action includes the same elements as the criminal offense that are summarized in the above Section. Unlike the criminal statute, this civil cause of action does have a statute of limitations, as victims must commence such action within 10 years of (x) the date of the last instance of FGM and (y) the date on which the victim turns 18, whichever occurs later.¹¹ Civil causes of action against perpetrators of FGM under Virginia law cannot be brought by the minor themselves. However, the minor can be represented by any competent and responsible adult as a “next friend”, which may include the minor’s parent or guardian.¹²

Since the civil cause of action expressly references the relevant provision of the criminal code, the same exceptions apply.¹³ Accordingly, any civil cause of action will be unsuccessful if the cutting occurred in connection with a surgical procedure, was deemed necessary for the victim’s health and was performed by a licensed physician.¹⁴



OTHER CRIMINAL AND CIVIL CAUSES OF ACTION AVAILABLE TO SURVIVORS OF FGM IN VIRGINIA

ADDITIONAL CRIMINAL LAWS

IN ADDITION TO THE FGM STATUTE, THERE ARE SEVERAL OTHER CRIMINAL LAWS FOR WHICH A PERPETRATOR OF FGM MAY BE CONVICTED:

1. CONSPIRACY TO COMMIT A FELONY (VA. CODE § 18.2-22)

Conspiracy to commit a felony occurs when a person conspires, confederates, or combines with another, either within or outside the state of Virginia, to commit a felony within the state, or vice versa. Since Virginia law defines FGM as a felony, it follows that any individual who conspires with the principal to carry out FGM, whether by facilitating, planning, enabling or as a parent that consents to its occurrence, could be guilty for conspiracy to commit a felony. At least two individuals are required for a conspiracy. In the case of FGM, this would require the principal (the person performing the cutting) and any other person whose actions directly enabled the cutting by performing any of the undertakings or roles previously described in this paragraph.

A person who conspires to commit FGM is guilty of a Class 5 Felony.¹⁵ In Virginia, Class 5 felonies may constitute either a felony or a misdemeanor based on the court's determination of the severity of the crime and its outcome.¹⁶

As a misdemeanor, the person convicted may only be subject to imprisonment for up to one year, a fine of \$2,500, or both.¹⁷ A claim of conspiracy as a misdemeanor must be filed within one year of the offense.¹⁸

As a felony, the person convicted may be subject to anywhere from 1 to 10 years in jail with no fine.¹⁹ In Virginia, most felony crimes have no statute of limitations, meaning a claim of conspiracy as a felony can be filed at any time.²⁰

2. BATTERY (VA. CODE § 18.2-57)

Battery occurs when a person willfully or maliciously, without consent, touches or strikes another person either by their own physical touch or by another object.²¹ To establish a case for battery the plaintiff must demonstrate two elements: (1) that the defendant intentionally made physical contact with the victim, and (2) that physical contact was against the victim's will or substantially at variance with the consent given.²² Most instances of FGM would likely constitute battery because they frequently involve the unconsented touching of another person, which is defined as any contact that is either against the victim's will or against their consent.²³

Any person guilty of battery is guilty of a misdemeanor and upon conviction is subject to imprisonment not exceeding one year, a fine of \$2,500, or both.²⁴ A claim of battery must be filed within one year of the offense.²⁵

3. ASSAULT (VA. CODE § 18.2-57)

Assault occurs when a person either attempts to commit a battery (see paragraph 2 above) or puts another person in reasonable fear of receiving bodily harm.²⁶ While battery requires physical contact, assault requires only that the assailant either attempt to cause bodily harm or have caused the victim to fear that bodily harm would occur. In most instances, FGM would likely constitute assault, since it frequently results in serious bodily harm, which is defined as any detriment, hurt, loss, or impairment that could fairly be considered an injury to the human body.²⁷

Any person guilty of assault is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year, a fine of \$2,500, or both.²⁸ A claim of assault must be filed within one year of the offense.²⁹

4. CAUSING OR ENCOURAGING ACTS RENDERING CHILDREN DELINQUENT OR ABUSED (VA. CODE § 18.2-371)

This offense occurs when any person over the age of 18 (including the parent of the victim), willfully contributes to, encourages, or causes any act, omission, or condition that results in, among other things, the minor victim's abuse³⁰ (which includes physical or mental injury or the substantial risk of disfigurement of a child by the parent).³¹ To the extent a parent performed, enabled, or actively facilitated FGM on their child, it's likely they would be guilty of this crime, since it resulted in the physical disfigurement of the child, thus constituting abuse, as defined under Virginia law.

Any person guilty of causing or encouraging acts rendering children delinquent or abused is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year, a fine of \$2,500, or both.³² A claim of causing or encouraging acts rendering children delinquent or abused must be filed within one year of the offense.³³

5. ABDUCTION (VA. CODE § 18.2-47)

Abduction occurs when a person who, by force, intimidation, or deception, and without legal justification or excuse, seizes, takes, or detains another person with the intent to deprive such person of their liberty.³⁴ Abduction and kidnapping are synonymous within the statute.³⁵ The Virginia Supreme Court has recognized that a conviction for abduction requires proof of restraint of the victim either by transportation or detention, either of which may be accomplished by force, intimidation or deception. To the extent a victim was transported to a destination or not permitted to leave a location for purposes of performing FGM, this would constitute abduction.

Any person guilty of abduction is guilty of a Class 5 felony. In Virginia, Class 5 felonies constitute either a felony or a misdemeanor based on the court's determination of the severity of the crime and its outcome.³⁶

As a misdemeanor, the person convicted may only be subject to imprisonment for up to one year, a fine of \$2,500, or both.³⁷ A claim of abduction as a misdemeanor must be filed within one year of the offense.³⁸

As a felony, the person convicted may be subject to anywhere from 1 to 10 years in jail with no fine.³⁹ In Virginia, most felony crimes have no statutes of limitations, meaning a claim of abduction as a felony can be filed at any time.⁴⁰

ADDITIONAL CIVIL CAUSES OF ACTION

SURVIVORS MAY BE ELIGIBLE TO SEEK ADDITIONAL REMEDIES UNDER SEVERAL RELATED CIVIL CAUSES OF ACTION IN ADDITION TO THE CRIMES SUMMARIZED ABOVE. FOR A DISCUSSION OF THE REASONS WHY A VICTIM MAY CHOOSE TO FILE A CIVIL CLAIM (AS OPPOSED TO CRIMINAL), PLEASE SEE ABOVE SECTION.

ANY PERSON FOUND LIABLE FOR A CIVIL CAUSE OF ACTION MAY BE RESPONSIBLE FOR ECONOMIC DAMAGES TO THE PLAINTIFF, WHICH COULD INCLUDE THE COSTS OF MEDICAL TREATMENT FOR INJURIES, LOST WAGES, AND ANY FUTURE LOSS OF INCOME.⁴¹ THE DEFENDANT MAY ALSO BE REQUIRED TO PAY NON-ECONOMIC DAMAGES, INCLUDING LOSS OF SUPPORT, OR PAIN AND SUFFERING.⁴² IF THE COURT FINDS THAT THE DEFENDANT INTENDED HARM TO RESULT, THE PLAINTIFF MAY BE AWARDED PUNITIVE DAMAGES AS A MEANS TO PUNISH THE DEFENDANT'S WRONGFUL BEHAVIOR.⁴³

1. BATTERY

Virginia, like many jurisdictions, has merged the criminal and common law causes of action for battery, so they have the same elements.⁴⁴ Thus, to establish battery in a civil cause of action, a plaintiff must show two things: (1) that the defendant intentionally made physical contact with them, and (2) the plaintiff did not consent to such physical contact, or the physical contact exceeded any consent that had been provided. Most instances of FGM constitute an unwanted physical contact by another person, so that a victim would likely be able to successfully establish a civil cause of action for battery.

In Virginia, the survivor of battery must file their civil case within two years of the incident.⁴⁵

2. ASSAULT

Similar to battery, assault has the same elements in a civil action as under criminal law. This means a plaintiff must establish there was an overt intentional act by the defendant that created a reasonable apprehension in the plaintiff of immediate, harmful or offensive contact to their person.⁴⁶ Note that unlike battery, which requires actual physical contact, assault only requires that the assailant either (i) attempted to cause bodily harm or (ii) caused the victim to fear that bodily harm was imminent. Since FGM often causes victims to suffer physical injury, it holds that most victims would be able to successfully establish a civil action for assault.

In Virginia, the survivor of an assault must file their civil cause of action within two years of the incident.⁴⁷

3. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Intentional infliction of emotional distress is the tort of deliberately or

recklessly acting to cause another person to suffer from emotional harm. For an intentional infliction of emotional distress claim in Virginia, the plaintiff must show that (1) the defendant's conduct is intentional or reckless; (2) the conduct is extreme and outrageous; (3) the defendant's conduct caused the plaintiff's emotional distress; and (4) such emotional distress is severe.⁴⁸

While bodily impact or physical injury is not necessary to succeed in a claim of intentional infliction of emotional distress, it is helpful. Plaintiffs who argue they have suffered intentional infliction of emotional distress without evidence of any physical symptoms can still be successful in their claims, but will likely be required to undergo a medical examination to assess their mental health.⁴⁹ The plaintiff must also show the infliction of emotional distress was intentional or reckless.

The plaintiff must also show that the emotional distress they suffered is severe. To be considered severe, the emotional distress must be "so severe that no reasonable man could be expected to endure it."⁵⁰ Virginia courts have held that severe emotional distress is any severe and disabling emotional or mental condition that causes some form of physical injury, such as confinement to a hospital or loss of income.⁵¹ Whether FGM constitutes intentional infliction of emotional distress would largely hinge on the particular facts of the matter (including the emotional consequences for the victim).

In Virginia, the survivor of intentional infliction of emotional distress must file their civil cause of action within two years of the incident.⁵²

4. FALSE IMPRISONMENT

False imprisonment occurs when a person completely confines another against his or her will and the person being confined knows that he or she is confined or is harmed thereby.⁵³ To maintain an action for false imprisonment, it is not necessary to show the defendant's wrongful intention.⁵⁴ A defendant who falsely imprisons another, even in good faith, is still liable for damages.⁵⁵ A victim of FGM may be able to successfully establish a cause of action for false imprisonment, to the extent they were detained or forced to remain in a specific location so FGM could be performed.

In Virginia, the survivor of false imprisonment must file their civil cause of action within two years of the incident.⁵⁶

5. NEGLIGENT SUPERVISION

If the survivor is a minor, and the negligence of the survivor's parent allowed for the FGM to occur, the survivor may have a civil cause of action against such parent for negligent supervision of a child. To establish liability for this cause of action, a plaintiff must prove the defendant failed to use the degree of care an ordinarily prudent parent would exercise under the same or similar circumstances.⁵⁷ This tort requires the plaintiff to demonstrate negligence, which includes the following four elements: (1) the defendant owed a duty to the plaintiff; (2) the defendant breached that duty; (3) the plaintiff suffered actual injury; and (4) the defendant's actions caused the injury.⁵⁸

While Virginia case law has carved out several exceptions under which a child is unable to maintain a cause of action against their parent despite the parent's negligence, it is unlikely that any such exceptions would apply to a claim of negligent supervision arising from FGM. For example, the parental immunity doctrine (see below) only protects a parent from liability arising out of their unintentional conduct.⁵⁹ The exceptions would likely not apply to negligent supervision arising out of FGM, as consent to FGM likely amounts to either intentional or willful and wanton misconduct.⁶⁰

In Virginia, the victim of negligence must file their civil cause of action within two years of the incident.⁶¹

PARENTAL IMMUNITY DOCTRINE

The Virginia Supreme Court has recognized the doctrine of parental immunity, pursuant to which a minor is prevented from bringing a civil action against their parent for personal injuries caused by the parent's negligence within the context of the parent-child relationship.⁶² A parent can only benefit from parental immunity for unintentional conduct, such as pure negligence, that arises out of ordinary parental activities.⁶³ Conversely, Virginia case law holds that the doctrine does not apply where the parent's conduct is either willful and wanton or intentional, does not involve customary child-care issues, or is not within the exercise or ordinary parental authority or supervision.⁶⁴

Considering this, it is unlikely that a jury would find it reasonable for a parent to consent to FGM on their child given that there are no medical benefits and FGM falls outside ordinary parental discretion. Thus, a survivor bringing a civil cause of action in Virginia against their parent based on consenting to or facilitating FGM would likely be unaffected by the doctrine of parental immunity.



RIGHTS OF ALL SURVIVORS UNDER THE VIRGINIA CRIMINAL JUSTICE SYSTEM

Virginia law provides numerous protections to crime survivors, including survivors of FGM. Under Virginia state law, survivors or their representatives are entitled to (i) be notified of their rights, (ii) be notified of protection and law enforcement contacts, (iii) seek financial assistance and social services, (iv) be notified of court proceedings, (v) attend and participate in the hearing, and (vi) provide a victim impact statement, among other things.⁶⁵

The survivor has the right, but is in no way obligated, to participate in the criminal trial.

The survivor has the option to be provided with assistance in submitting an oral or written survivor impact statement concerning the impact of the crime, which will be considered prior to sentencing.⁶⁶ This statement contains information such as the victim's mental and physical health because of the crime, and enhances the victim's claim against the perpetrator.⁶⁷

If FGM was performed by a family member, the survivor may qualify for certain protections provided under Virginia state law to survivors of domestic abuse.

Survivors of domestic abuse are allowed to ask the court to file an order for protection, which orders the abuser to refrain from (i) committing future family violence, (ii) communicating directly with or threatening the victim or member of their household, (iii) acquiring the addresses of the victim's place of residence or the place of employment of the victim or a member of their household, and (iv) engaging in any conduct directly specified toward the victim or member of their household, including: acts of violence, force, or threat; criminal offenses that may result in injury to person or property; or communication or other contact by the abuser.⁶⁸

Any person that knowingly or purposely violates a protective order is guilty of contempt and can be guilty of a misdemeanor, punishable by up to 12 months in jail but with a mandatory term of at least 60 days, a fine of \$2,500, or both.⁶⁹

A survivor may also be entitled to victim compensation by the Crime Victims' Compensation Fund (the "Virginia Victims Fund"). The Virginia Victims Fund can pay service providers to directly assist in supporting victims with paying their bills.⁷⁰ If the claim is eligible, the agency can seek restitution from the defendant to cover costs of medical expenses, funeral expenses, lost wages, prescriptions, temporary housing, mileage for medical appointments, loss of support from an offender removed from a home in domestic violence, counseling for victims, and other things.⁷¹

A claim made to the Virginia Victims Fund for compensation must be made within one year of the incident.⁷² If more than one year has passed, the victim may include a letter explaining their delay and the final judgement is left up to the agency.⁷³ If a victim is 18 years or older, and they are not incapacitated, they must sign their own application for their claim, even if they were a minor at the time of the crime.⁷⁴ If the victim is under 18 years of age, the victim must have a guardian serve as the victim's claimant.⁷⁵ If the guardian is not the parent, the claimant must prove legal guardianship.⁷⁶ The claim form must include copies of bills, receipts, invoices, and insurance documentation related to the injury.⁷⁷

CONCLUSION

FOR MORE INFORMATION, PLEASE CONTACT AHA FOUNDATION AT **INFO@THEAHAFoundation.ORG.**





ENDNOTES

1. Va. Code § 8.01-8.
2. *Wilson v. Smith*, 63 Va. (22 Gratt.) 493 (1872).
3. *Wilson v. Smith*, 63 Va. (22 Gratt.) 493 (1872).
4. Va. Code § 18.2-51.7
5. Va. Code § 18.2-51.7.
6. Va. Code § 18.2-10(a-c).
7. Va. Code § 19.2-8.
8. Va. Code § 18.2-10(d).
9. Va. Code § 8.01-42.5(a).
10. Va. Code § 8.01-38.1.
11. Va. Code § 8.01-42.5(b).
12. Va. Code § 8.01-8.
13. Va. Code § 8.01-42.5(b).
14. See Va. Code § 18.2-51.7.
15. Va. Code § 18.2-22(a)(2).
16. Va. Code § 18.2-10(e).
17. Va. Code § 18.2-11(a).
18. Va. Code § 19.2-8.
19. Va. Code § 18.2-10(e).
20. Va. Code § 19.2-8.
21. *Hinkel v. Commonwealth*, 137 Va. 791, 119 S.E. 53 (1923).
22. *Mayr v. Osborne*, 293 Va. 74, 795 S.E.2d 731 (2017).
23. *Mayr v. Osborne*, 293 Va. 74, 795 S.E.2d 731 (2017).
24. Va. Code § 18.2-11(a).
25. Va. Code § 19.2-8.
26. Va. Code § 18.2-57(a).
27. *McGowan v. Commonwealth*, 72 Va. App. 513, 850 S.E.2d 376 (2020).
28. Va. Code § 18.2-11(a).
29. Va. Code § 19.2-8.
30. Va. Code § 18.2-371.
31. Va. Code § 16.1-228.
32. Va. Code § 18.2-11(a).
33. Va. Code § 19.2-8.
34. Va. Code § 18.2-47.
35. *Turner v. Commonwealth*, 54 Va. App. 458, 680 S.E.2d 312 (2009).
36. Va. Code § 18.2-10(e).
37. Va. Code § 18.2-11(a).
38. Va. Code § 19.2-8.
39. Va. Code § 18.2-10(e).
40. Va. Code § 19.2-8.

ENDNOTES



41. Clark v. Commonwealth, 54 Va. App. 120, 128 (2009).
42. Clark v. Commonwealth, 54 Va. App. 120, 128 (2009).
43. Clark v. Commonwealth, 54 Va. App. 120, 128 (2009).
44. Clark v. Commonwealth, 54 Va. App. 120, 128 (2009).
45. Va. Code § 8.01-243(A).
46. Flayhart v. InterOcean Ugland Mgmt. Corp., 45 Va. Cir. 542, 545 (1998).
47. Va. Code § 8.01-243(A).
48. Harris v. Kreutzer, 271 Va. 188, 624 S.E.2d 24 (2006).
49. Harris v. Kreutzer, 271 Va. 188, 199 S.E.2d 24 (2006).
50. Harris v. Kreutzer, 271 Va. 188, 624 S.E.2d 24 (2006).
51. Russo v. White, 241 Va. 23, 400 S.E.2d 160 (1991).
52. Va. Code § 8.01-243(A).
53. Moronese v. Scott, 70 Va. Cir. 47 (Cir. Ct. 2005).
54. Moronese v. Scott, 70 Va. Cir. 47 (Cir. Ct. 2005).
55. Moronese v. Scott, 70 Va. Cir. 47 (Cir. Ct. 2005).
56. Va. Code § 8.01-243(A).
57. Griffin v. Shively, 227 Va. 317, 315 S.E.2d 210 (1984).
58. Chen v. Chesapeake Bay Bridge, No. CL 19-15, 2021 Va. Cir. LEXIS 106 (Cir. Ct. Feb. 26, 2021).
59. Wright v. Wright, 213 Va. 177, 191 S.E.2d 223 (1972).
60. Pavlick v. Pavlick, 254 Va. 176, 491 S.E.2d 602 (1997).
61. Va. Code § 8.01-243(A).
62. Pavlick v. Pavlick, 254 Va. 176, 491 S.E.2d 602 (1997).
63. Smith v. Kauffman, 212 Va. 181, 183 S.E.2d 190 (1971).
64. Smith v. Kauffman, 212 Va. 181, 183 S.E.2d 190 (1971).
65. Va. Code § 19.2-11.01(A).
66. Va. Code § 19.2-11.01(4).
67. Va. Code § 19.2-11.01(4).
68. Va. Code § 19.2-152.10(1-4).
69. Va. Code § 18.2-60(a).
- 70.. Va. Code § 19.2-11.01(2)(a).
71. Va. Code § 19.2-11.01(2)(a).
72. VVF Claim, Virginia Victims Fund, 2019.
73. VVF Claim, Virginia Victims Fund, 2019.
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