

VIRGINIA: IN THE CIRCUIT COURT OF LOUDOUN COUNTY

COMMONWEALTH OF VIRGINIA

v.

SCOTT ZIEGLER,

DEFENDANT

CASE NO. CR00037536-00

MOTION FOR NOLLE PROSEQUI

COMES NOW the Commonwealth of Virginia, by her attorneys for the Commonwealth, and moves this Court pursuant to Code § 19.2-265.3 to grant the Commonwealth's motion to *nolle prosequi* the above-captioned indictment.

Defendant Ziegler is charged with falsely publishing, during a livestreamed meeting of the Loudoun County School Board on June 22, 2021, his following statement: "To my knowledge we don't have any record of assaults occurring in our bathrooms."

The good cause supporting the motion is as follows:

1. The Defendant has been tried and convicted by a jury of his peers for an unrelated act of retaliation against an LCPS special education teacher, for which he faces a maximum punishment of 12 months in jail and a \$2,500 fine, as well as other collateral consequences. The trial of that case lasted 5 days and required the summoning of numerous jurors and witnesses. LCPS spent additional taxpayer funds providing attorneys to many witnesses.

2. Additionally, other publicly available evidence, including the Special Grand Jury report, sheds light on the Commonwealth's factual allegations in the instant indictment.

3. The Commonwealth submits that the orderly administration of justice, judicial economy, and the ends of justice mitigate against expending the significant additional resources that would be required to try the Defendant by jury on the instant Class 3 misdemeanor indictment.

A prosecutor has the responsibility of a minister of justice and not simply that of an

advocate. Va. R. Prof'l. Conduct 3.8, cmt. 1. The Commonwealth is satisfied that justice has been done in the Defendant's cases, and that *nolle prosequi* is appropriate under these circumstances.

WHEREFORE, for the reasons stated, the Commonwealth moves this Court to order a *nolle prosequi* of the above-listed indictment.

Respectfully submitted,

COMMONWEALTH OF VIRGINIA

By:



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CERTIFICATE OF SERVICE

I certify that on December 20, 2023, I served a true copy of the foregoing by email on Erin M. Harrigan, Esq., counsel for the Defendant.



Brandon T. Wrobleski
Special Assistant to the Attorney General