

VIRGINIA:

IN THE
CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

COMMONWEALTH OF VIRGINIA
Petitioner,

DOCKET NO.

MO 19001660

— v. —

William EVANS,

Otto L. TUCKER,

Edward GADDIS,

Morris MURRAY,

Clarence STRANGE.

Defendants.

ORDER

CAME NOW the Attorney for the Commonwealth and prayed the Court to dismiss the charges of disorderly conduct against the defendants named above; and

IT APPEARING THAT the defendants were charged with disorderly conduct in August, 1939, at the Alexandria Library facility on Queen Street; and

IT APPEARING THAT the defendants were lawfully exercising their constitutional rights to free assembly, speech and to petition the government to alter the established policy of sanctioned segregation at the time of their arrest; and

IT APPEARING THAT the conduct in which the defendants were engaged at the time of their arrest, to wit: sitting peacefully in a library reading books, was not in any fashion disorderly or likely to cause acts of violence; and

IT APPEARING THAT the defendants were, in fact, not breaking any law and no criminal charge was appropriate at the time of their arrest; and

IT APPEARING THAT the judge assigned to the case elected to avoid issuing a ruling, with the result being that the criminal charges were never adjudicated and the

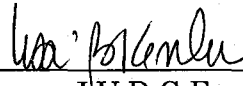
defendants never declared guilty or innocent; and

IT APPEARING THAT, therefore, the disorderly conduct charges remain technically extant today, 80 years after they were instituted, and

IT APPEARING THAT, in the time period since these charges were instituted the Supreme Court and Virginia Courts have held that government endorsed segregation and the policy of "separate but equal" are unconstitutional, diminish the dignity of American citizens and fail to ensure the lofty ideals contained in the Declaration of Independence, that all men are created equal and should enjoy the right to life, liberty and the pursuit of happiness,

IT IS HEREBY ORDERED THAT the disorderly conduct charges against the five defendants named above should be and hereby are DISMISSED with prejudice.

Entered this 18th day of October, 2019.



J U D G E

I ASK FOR THIS:



Bryan L. Porter
Attorney for the Commonwealth