



Dinwiddie County
Office of the
Commonwealth's Attorney



Commonwealth's Attorney
Amanda Nicole Mann

14008 Boynton Plank Road
P.O. Box 296
Dinwiddie, Virginia 23841
Office (804) 469-4536 Fax (804) 469-4054

Office Manager
Audra B. Barricks

Assistant Commonwealth's Attorneys
Terry Driskill
Jacquelyn M. Heim

Investigator
Edward Poarch

Administrative Staff
Bailey Balderson
Nicki Stephenson

Victim/Witness Office
Mindy Stell

For Immediate Release – November 4, 2024

NEWS RELEASE

Motions to Nolle Prosequi Charges Granted
Commonwealth vs. Kaiyell D. Sanders – CR23-70
Commonwealth vs. Brandon E. Rodgers – CR23-73

On Friday, November 1, 2024, the Office of the Dinwiddie County Commonwealth's Attorney filed motions to nolle prosequi (withdraw) the charges in the above-referenced cases. The motions were granted by the Dinwiddie County Circuit Court and are included with this news release as the documents are a matter of public record filed with the Dinwiddie County Circuit Court Clerk's Office.

The Commonwealth pursued this resolution after a thorough review of the law and evidence in both cases, along with careful consideration of all aspects of the jury trial in the related case of Commonwealth vs. Wavie Jones. The jury swiftly found Mr. Jones not guilty in early October, concluding a 4-day trial which provided a comprehensive prosecution and defense. This is not the verdict we sought, but we respect the jury's decision and appreciate the jurors' service to Dinwiddie County. We encourage others to do the same as citizens serving jury duty support fairness in criminal justice in communities everywhere.

While the citizens have spoken in the death of Irvo Otieno, I, as the elected Commonwealth's Attorney, am also responsible for doing so through the prosecutorial decisions I make. I was not involved in seeking charges in this matter, but resolving the cases became my duty and responsibility nearly a year ago and I committed to the vigorous prosecution of the cases. Following the trial, it was incumbent upon me to re-evaluate the remaining 2 cases. That work included focusing on the physical and testimonial evidence presented on the record in open court during the trial. Ultimately, the sum total of that evidence

presentation led me to determine there is not a legally appropriate path forward with Commonwealth vs. Kaiyell D. Sanders and Commonwealth vs. Brandon E. Rodgers; therefore, I am ethically required to seek the withdrawal of charges.

Please know I well understand this is additional difficult news for Mr. Otieno's family and friends, who have suffered great loss. I sympathize with them and continue to pray for their peace and comfort.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF DINWIDDIE

COMMONWEALTH OF VIRGINIA

v.

Case No.: CR230000-70

**KAIYELL D. SANDERS,
DEFENDANT.**

MOTION TO NOLLE PROSEQUI

Comes now the Commonwealth, by counsel and moves, pursuant to Va Code § 19.2-265.3, that the indictment now pending against the defendant be disposed of on an order of *nolle prosequi* for good cause, and offers the following in support:

1. This matter is currently set for a trial by jury from December 2, 2024 to December 6, 2024.
2. The defendant is one of three co-defendants, the first co-defendant being found not guilty by a jury of his peers in Dinwiddie Circuit Court on October 3, 2024.
3. The Commonwealth Attorney who brought these charges made certain decisions at the outset concerning charging and investigation.
4. It is the duty of the Commonwealth to conduct an ongoing and continuous evaluation of all cases. After careful examination of the facts and the law in this case, the Commonwealth is of the opinion that given the jury's verdict in the first case, the result is likely to be the same given the parallel evidence for all charged.

5. The Commonwealth's duty is to pursue justice. It is charged with doing the right thing, even when that is an unpopular thing. The Commonwealth has heard the jury's determination and respects their verdict.

Wherefore, the Commonwealth respectfully requests that the Court grant its Motion to *nolle prosequi*, for good cause shown.

Respectfully submitted,

COMMONWEALTH OF VIRGINIA

By: Amanda Nicole Mann
Amanda Nicole Mann
Commonwealth's Attorney for Dinwiddie County
14008 Boydton Plank Road
Post Office Box 296
Dinwiddie, Virginia 23841
Telephone: (804) 469-4536
Facsimile: (804) 469-4054
Email: anmann@dinwiddieva.us

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing is delivered by email to Ed Riley, Esq., Counsel for the Defendant, this 1st day of November, 2024.

Amanda Nicole Mann
Amanda Nicole Mann

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF DINWIDDIE

COMMONWEALTH OF VIRGINIA

v.

Case No.: CR230000-70

KAIYELL D. SANDERS,
DEFENDANT.

ORDER

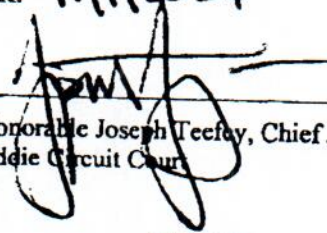
On this day came the Commonwealth, by counsel, on its Motion to *Nolle Prosequi*, and moved the Court to *nolle prosequi* the above-referenced matter for good cause.

UPON CONSIDERATION THEREOF, the Court hereby ORDERS that the indictment in case number CR23000070-00 be disposed of on an order of *nolle prosequi* and the defendant is hereafter discharged from further appearance on this matter.

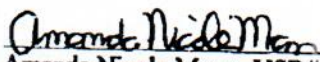
The Clerk is further ordered to forward a copy of this order to both counsel for the Commonwealth and the Defendant.

ENTER:

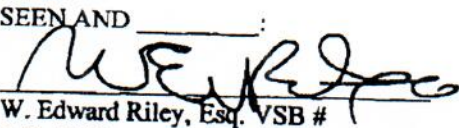
11/1/2024


The Honorable Joseph Teeley, Chief Judge,
Dinwiddie Circuit Court

SEEN AND AGREED:


Amanda Nicole Mann, VSB# 72855
Commonwealth's Attorney
Dinwiddie County
14008 Boydton Plank Road
Post Office Box 296
Dinwiddie, Virginia 23841
Telephone: (804) 469-4536
Facsimile: (804) 469-4054
Email: ammann@dinwiddieva.us

SEEN AND


W. Edward Riley, Esq. VSB #
R.T. Williams, III VSB # 84691
Counsel for Defendant
1518 Willow Lawn Dr., Suite 200
Richmond, Virginia 23230
Phone: (804) 673-7111
Facsimile: 804-673-7115
Email: eriley@rileywells.com

COPY, TESTE:

J. Barrett Chappell, Jr.

NOV 04 2024

DINWIDDIE CIRCUIT COURT

 Deputy Clerk

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF DINWIDDIE

COMMONWEALTH OF VIRGINIA

v.

Case No.: CR230000-73

**BRANDON EDWARD RODGERS,
DEFENDANT.**

MOTION TO NOLLE PROSEQUI

Comes now the Commonwealth, by counsel and moves, pursuant to Va Code § 19.2-265.3, that the indictment now pending against the defendant be disposed of on an order of *nolle prosequi* for good cause, and offers the following in support:

1. This matter is currently set for November 19, 2024 to be scheduled for a trial by jury.
2. The defendant is one of three co-defendants, the first co-defendant being found not guilty by a jury of his peers in Dinwiddie Circuit Court on October 3, 2024.
3. The Commonwealth Attorney who brought these charges made certain decisions at the outset concerning charging and investigation.
4. It is the duty of the Commonwealth to conduct an ongoing and continuous evaluation of all cases. After careful examination of the facts and the law in this case, the Commonwealth is of the opinion that given the jury's verdict in the first case, the result is likely to be the same given the parallel evidence for all charged.
5. The Commonwealth's duty is to pursue justice. It is charged with doing the right thing, even when that is an unpopular thing. The Commonwealth has heard the jury's determination and respects their verdict.

Wherefore, the Commonwealth respectfully requests that the Court grant its Motion to *nolle prosequi*, for good cause shown.

Respectfully submitted,

COMMONWEALTH OF VIRGINIA

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Email: anmann@dinwiddieva.us

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing is delivered by email to Jeffrey Everhart, Esq., Counsel for the Defendant, this 1st day of November, 2024.

Amanda Nicole Mann
Amanda Nicole Mann

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF DINWIDDIE

COMMONWEALTH OF VIRGINIA

v.

Case No.: CR230000-73

BRANDON EDWARD RODGERS,
DEFENDANT.

ORDER

On this day came the Commonwealth, by counsel, on its Motion to *Nolle Prosequi*, and moved the Court to *nolle prosequi* the above-referenced matter for good cause.

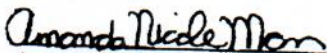
UPON CONSIDERATION THEREOF, the Court hereby ORDERS that the indictment in case number CR23000073-00 be disposed of on an order of *nolle prosequi* and the defendant is hereafter discharged from further appearance on this matter.

The Clerk is further ordered to forward a copy of this order to both counsel for the Commonwealth and the Defendant.


ENTER: 11/1/2024


The Honorable Joseph Teefey, Chief Judge,
Dinwiddie Circuit Court

SEEN AND AGREED:



Amanda Nicole Mann, VSB# 72855
Commonwealth's Attorney
Dinwiddie County
14008 Boydton Plank Road
Post Office Box 296
Dinwiddie, Virginia 23841
Telephone: (804) 469-4536
Facsimile: (804) 469-4054
Email: anmann@dinwiddieva.us

SEEN AND ALSO :


Jeffrey Everhart, Esq. VSB #
Counsel for Defendant
4100 East Parham Road, Suite C
Henrico, Virginia 23228
Phone: (804) 672-1087
Facsimile: 804-672-0545
Email: everhartlaw@comcast.net

COPY, TESTE:
J. Barrett Chappell, Jr.

NOV 04 2024

DINWIDDIE CIRCUIT COURT

Deputy Clerk