

VIRGINIA: IN THE CIRCUIT COURT OF SMYTH COUNTY

IN RE: February 5, 2022 Death of Charles J. Givens

REPORT OF THE SPECIAL GRAND JURY

This is the final report of the Special Grand Jury impaneled by this Court based upon the July 19, 2022, request of the Attorney for the Commonwealth of Smyth County, pursuant to Virginia Code Section 19.2-206(A).

Although not required by *Virginia Code Section 19.2-213*, it is the opinion of the Special Grand Jury that a report should be made to the Circuit Court.

This Special Grand Jury met on August 23, 2022 and October 21, 2022 and heard testimony of Virginia State Police Special Agent Heath Seagle and multiple witnesses including Corrections Officers employed at Marion Correctional Treatment Center ("MCTC"). We reviewed video footage, the autopsy report, multiple photographs and other exhibits. We also heard testimony of the medical examiner who completed the autopsy.

In conclusion, we find the following:

1. The death of Charles Givens is suspicious. The testimony of each of the Corrections Officers was nearly identical but it was not consistent with the findings of the medical examiner nor was it consistent with the physical evidence. However, there is not sufficient evidence at this time to support an indictment. We recommend that the case be reconsidered should other evidence come to light.
2. Upon completion of the autopsy the medical examiner expressed concern about his findings to the MCTC Administration. He was alarmed by the reaction that he described as "nonchalant." We find that this to be irresponsible and unacceptable.
3. Nearly every witness described the living conditions in this area of MCTC where mentally ill inmates are housed as unsuitable. Specifically, they described it as very hot in summer months and extremely cold in winter. More than one witness had observed ice formed on the water in toilets. We find these conditions to be inhumane and deplorable.

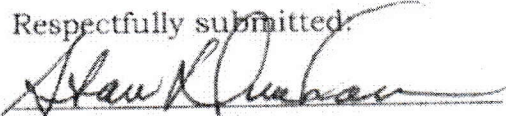
We respectfully submit that this report be released to the following:

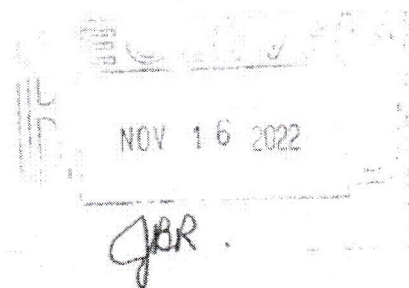
1. Harold W. Clarke, Director, Virginia Department of Corrections
2. Jeffery Artrip, Warden, Marion Correctional Treatment Center
3. The Honorable Jason Miyares, Attorney General of Virginia
4. Office of the State Inspector General
5. Kim Hobbs, sister of Charles Givens

We thank the Court for allowing us to be of service and hope this has been of help to the community.

This report is endorsed by Stan Dunham, appointed by the Court as foreman of the Special Grand Jury at its first meeting, August 23, 2022. All members of the Special Grand Jury were consulted and concurred in the report herein.

Respectfully submitted:


Stan Dunham, Foreman



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ORDER

It appearing that the Special Grand Jury impaneled by Order entered August 24, 2022, pursuant to the July 19, 2022, request of the Attorney for the Commonwealth has completed its work, and after mature consideration of the Report of the Special Grand Jury submitted to the Court on November 17, 2022, the Court finds that a thorough inquiry was made as to the matter brought before the Special Grand Jury and that no indictment has been found in the death of Charles J. Givens.

The Court also finds that the members of the Grand Jury expressed concerns about the subject of investigation and related matters and that it is proper to send the Report to those recipients recommended by the Grand Jury, it is ORDERED, consistent with the request of the Special Grand Jury, that the Clerk shall, with the assistance of the Commonwealth's Attorney, send a copy of the Report to the following:

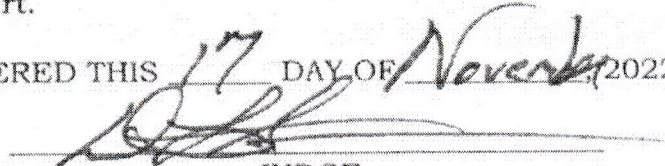
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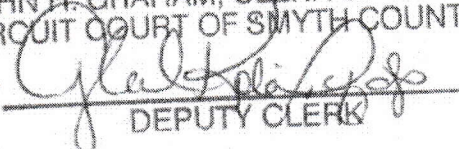
It is further ORDERED pursuant to *Virginia Code Section 19.2-213*, that this Special Grand Jury is discharged and the documents including the full report,

exhibits and all recordings shall be sealed and not open to public inspection. Unless there is a subsequent Order of the Court to the contrary, the sealed container shall be destroyed 3 years after entry of this Order pursuant to *Virginia Code Section 19.2-212*. Costs of this Special Grand Jury including any transcripts of recordings required by further Order of this Court shall be paid as set forth in *Virginia Code Section 19.2-215*.

Nothing further remaining to be done in this matter, it is Ordered stricken from the docket of this Court.

ENTERED THIS 17 DAY OF November, 2022:


JUDGE

A COPY, TESTE:
JOHN H. GRAHAM, CLERK OF THE
CIRCUIT COURT OF SMYTH COUNTY
BY 
DEPUTY CLERK