

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF CHESAPEAKE

In Re: A Petition of at Least 4,651 Registered Voters
Residing in the 18th Senatorial District for Judicial Recall of

Senator L. Louise Lucas
Respondent

Civil No:

PETITION

1. Senator L. Louis Lucas is a Virginia State Senator for the 18th Senatorial District duly elected to her office in 2019 by a majority of qualified voters. The total votes cast in the 2019 senate election for the 18th Senatorial District totaled 46,519.
2. The 18th Senatorial District includes the counties of Greensville, Sussex, City of Emporia, as well as parts of Brunswick County, Isle of Wight County, Southampton County, Surry County, and the cities of Chesapeake, Franklin, Portsmouth and Suffolk.
3. This Circuit Court has jurisdiction over this petition as the 18th Senatorial District lies within the territorial borders of this Circuit Court.
4. This petition seeks the judicial recall of Senator L. Louis Lucas pursuant to 24.2-233 of the Code of Virginia (1950) as amended for misuse of office and has been signed by at least 10% or at least 4,652 signatures of qualified registered voters living in the 18th Senatorial District.

FACTS

5. The petition involves the conduct and actions of Senator Lucas on June 10, 2020 occurring in the City of Portsmouth, Virginia.
6. On June 10, 2020, Senator Lucas joined a crowd of protestors in Portsmouth, Virginia who were, at that time, peacefully protesting the removal of a confederate Civil War statue.
7. The City of Portsmouth had placed “no trespassing” signs on permanent fencing surrounding the statue.
8. Uniformed Portsmouth Police were on location of the protest and arrests of protestors for trespassing had occurred earlier in the day for unlawful activity.
9. Senator Lucas arrived at the scene, of which the entire event was captured by individuals live streaming the event and posted on various social websites.
10. Senator Lucas, using the authority of her office and position in the public, directed the Portsmouth Police Department Officers to not arrest any protestors and that the protestors were within their rights as taxpayers to vandalize the statue if they chose to.
11. Senator Lucas knew that the protestors intended on vandalizing and destroying the monuments and told officers that people in fact had every right to vandalize the statue. After her order to the police to not arrest anyone or disburse the crowd.
12. In grandiose behavior and in front of several witnesses, the actions of Senator Lucas caused persons in the crowd to announce on social media that no one will be arrested on the direction of Senator Lucas.
13. Based on the order of Senator Lucas, the Police did not arrest or disburse the crowd that began to rapidly build up.

14. The Vice Mayor of the City of Portsmouth came to the scene and pled with the protestors to allow the City Council to vote and properly remove the statute in accordance with the law. In the middle of this plea, Senator Lucas told the crowd “to hell with City Council and people have a right to be on their property” – further inciting the mob to engage in lawless behavior.
15. Shortly after Senator Lucas gave her order to police, a lawless mob had formed around the statute with criminal intent to vandalize the property. The mob consisted of prominent members of the community to include school teachers and lawyers from the Portsmouth Public Defenders office.
16. The mob turned into a riot as the vandalism stopped and the destruction of the monument began. The riot consisted of three or more persons which jeopardized the public safety, peace or order of the community and the property of the City of Portsmouth.
17. As the temperament of the mob became more violent, individuals are witnessed climbing on the statute and hitting the solidier statutes with sledge hammers until one soldier statute fell causing serious life-threatening injury to a protestor on the ground.
18. Senator Lucas had no authority, express, implied or granted to her, to order the Portsmouth Police to not arrest individuals violating the law.
19. The Chief of Police for Portsmouth publicly stated in a news report given to local media that “no arrests will be made” by another elected official – which that elected official was Senator Lucas.
20. It took substantial time for the Chief of Police to determine who the elected official was that ordered the “no arrests will be made order”.
21. As time elapsed for the Portsmouth Police to determine who was making orders and whether they were lawful, the peaceful protest to turn into a violent riot resulting in substantial property damage and serious bodily to at least one individual.
22. All available video of the incident published on social media sites and news media is incorporated in this complaint and the prosecutor is requested to obtain all media available from all sources including social media, police body camera and incorporate that video into the evidence at the Respondents trial.

MISUSE OF OFFICE

23. All previous paragraphs are attached and incorporated herein.
24. Senator Lucas willingly entered a volatile situation in the City of Portsmouth where protesting in various communities in the Commonwealth have turned from lawful peaceful protests to violent unlawful protests in matters of minutes.
25. Senator Lucas knew, that when she entered the area, her actions would escalate the aggression of the protestors.
26. Senator Lucas knew, that announcing to the police that they “could not arrest” protestors for being on city property, despite the city posting no trespassing signs, would cause the crowd to unlawfully trespass on the monument and granting the protestors freedom from prosecution for any actions they took that evening.
27. Senator Lucas also knew that the General Assembly passed laws this year that allowed localities to peacefully remove Confederate statutes and relocate them on or after July 1, 2020 and that steps were in place for the lawful and timely removal of the statute.

28. Senator Lucas, using the influence and power of her office, unlawfully order the Portsmouth Police Department to not perform their lawful sworn duty to the community to preserve property and life.
29. Senator Lucas knew, that her unlawful order would promote lawless behavior by the community and incited an otherwise peaceful protest into an unlawful riot. Such conduct is a felony under 18.2-408 of the Code of Virginia.
30. Senator Lucas knew that when local government officials pleaded with the crowd not to take action but to allow City Council to handle it, that continuing to tell the crowd they did not have to abide by no trespassing signs was illegal and unlawful and would further escalate the crowd to commit lawless behavior.
31. Senator Lucas knew that she did not have authority to make an order to the police to not arrest unlawful behavior would cause confusion in the ranks of the police department.
32. Senator Lucas knew that protests have turned violent in many areas of the country and Commonwealth, and the possibility of dangerous criminal behavior could result in a crowd that was told by Senator Lucas that the “police will not arrest you” and had freedom of prosecution.
33. As a direct result of Senator Lucas actions, a protestor suffered substantial life-threatening injury caused by rioters forcing part of the statute to the ground on to another protestor.
34. Senator Lucas actions in the ordering of the police not to arrest, announcing to the protestors they would not be arrested, undermining the authority of local city leaders by telling the crowd they could disobey lawful no trespassing signs knowing at all times that a sitting Virginia Senator has no authority to make sure an order, is a misuse of office as defined 24.2-233(1) Code of Virginia.

Wherefore, voters consisting of at least 10% of the votes casted in the 2019, or at least 4,652 qualified voters move this Court for the removal of Senator L. Lucas from office immediately.

Petition Signatures to follow.