

THE PROSECUTOR'S PROGRESS

AN UPDATE FROM THE VIRGINIA BEACH COMMONWEALTH'S ATTORNEY'S OFFICE



VOLUME 2, ISSUE 1 FALL 2015



A MESSAGE FROM THE COMMONWEALTH'S ATTORNEY



The crime rate in Virginia is among the lowest it has been since 1963. This is due, in large part, to our local law enforcement; however, it is also a result of the efforts of our community in the fight against crime. Our city is one of the safest of its size, and safety leads to better quality of life for all of us.

When I speak to community groups I am always impressed by citizens' involvement with their schools, civic leagues/neighborhood groups, and religious institutions. I enjoyed visiting Virginia Beach neighborhoods on National Night Out in August. The turnout for this important event was great as we came together for a night of getting to know our neighbors and taking a stand against violence in the community.

Let's work together to keep the crime rate low. I encourage you to get involved in your neighborhood civic league. Attend your precinct's Citizens' Advisory Committee meetings. Information on when and where your precinct meets can be found here: <http://www.vbgov.com/government/departments/police/opsdiv/Documents/PD290.pdf/>. Consider participating in the Citizens' Police Academy. Get to know the police officers in your precinct. Look out for your neighbors and report any strange activity going on in your neighborhood. If you witness a crime, cooperate with the investigators and provide truthful information to them. Continue that cooperation in the courtroom so that violent offenders are removed from our streets. Together, we can keep Virginia Beach safe!

Sincerely,
Colin Stolle

SPECIAL POINTS OF INTEREST:

- *Community Cooperation: Important in the Fight Against Crime*
- *Holiday Safety Reminders*
- *Featured Cases of the Quarter*
- *The Consumer Corner: Beware of Construction Fraud Scams*



OCA REMINDS YOU TO BE SAFE THIS HOLIDAY SEASON

Happy Halloween! Please consider the following safety tips for trick-or-treating this year.

- Trick-or-treating begins at dusk and ends at 8:00 p.m. for children age 12 and younger.
- If you're passing out Halloween treats, turn your porch light on; if you are not participating, turn your porch light off.
- Do not let young children trick-or-treat alone. Send them with an adult or a large group.
- Walk on the sidewalk and look carefully before crossing the street. Drivers, drive slowly and keep an eye out for children in the road.
- Only accept wrapped candy. Inspect your children's bag of candy before allowing them to eat it.
- Instruct your children not to go into a stranger's home. Talk to your children about what to do if approached by a stranger.
- Carry a cell phone with you. Dial 911 in an emergency.



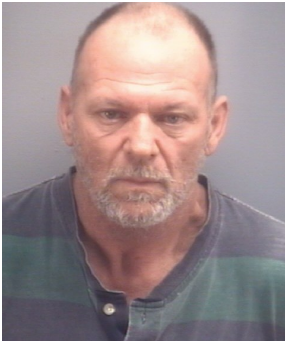
The Commonwealth's Attorney's Office reminds you to celebrate the holiday season safely. From Thanksgiving to New Year's Day, there are plenty of festivities to enjoy with friends and family. Remember to be safe when doing so. Do not drink and drive! Consider the following advice when celebrating this holiday season:

- Make a plan for a safe ride home BEFORE the celebration begins to ensure everyone gets home safely.
- If you are hosting a holiday party, offer non-alcoholic drinks for designated drivers, and make sure all your guests leave with a sober driver or in a taxi.
- Take advantage of the City's "Do-Not-Tow" program in municipal parking lots. If you find you've had too much to drink and you are parked in one of the municipal parking lots (2nd, 4th, 19th, 25th streets and Rudee Loop), advise the parking lot attendant that you would like to leave your vehicle overnight. You can also contact a police officer or call (757)-385-5600. A "Do-Not-Tow" sticker will be placed on your windshield. You must pick up your car between 8 a.m. and noon the next day.

To view the Commonwealth's Attorney's Office public safety announcement on DUI, please visit: <https://youtu.be/gc6EeXBKMEI>.

Drinking and driving is completely preventable: either don't drink, or don't drive. Buckle up and have a safe holiday season!

FEATURED CASES OF THE QUARTER



Commonwealth v. Timothy Dewayne Phelps

Charges: Construction Fraud

Sentence: 5 years

Facts: Between October and December 2013, Phelps made an agreement with the victims to build a 50'x80' garage. The victims paid him \$20,000 when signing the contract. They gave him an additional \$20,000 to purchase materials. He eventually convinced them to pay him an additional \$15,000, \$45,000, and \$20,000, yet only dug a foundation. He then stopped communicating with them and performed no additional work on the garage. They reported it to police and Phelps was arrested and convicted. He must pay back \$90,000 in restitution to the victims after completing his prison sentence.



Commonwealth v. Richard Allen Salayi Jr.

Charges: Possession of Child Pornography (25 counts)

Sentence: 21 years, 4 months

Facts: In October 2013, the National Center for Missing and Exploited Children and Internet Crimes Against Children Bedford began investigating Richard Allen Salayi Jr. for possession of child pornography. On March 7, 2014, Virginia Beach Police Department investigators executed a search warrant on Salayi's home in Virginia Beach. They located numerous child pornography images on CDs and his cell phone and took him into custody. When interviewed by investigators, Salayi admitted to possessing the images but claimed that he planned to "collect information" on offending websites to eventually deliver to law enforcement.

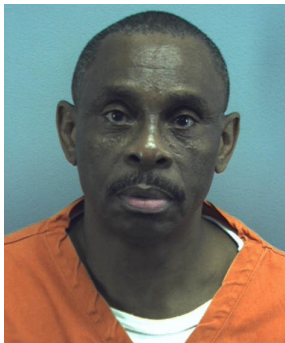


Commonwealth v. Robert Ryan Pirzad

Charges: DUI – Victim Permanently Impaired, DUI-2nd Offense, Refusal- 2nd Offense, Suspended Operators License (2 counts), DUI- 1st Offense, Refusal- 1st Offense, and a Violation of Probation

Sentence: 14 years, 1 month (Twice the Virginia State Sentencing Guidelines' recommendation)

Facts: On Jan. 6, 2015, Pirzad and his friend, Jesse Williams, drank alcohol at bars at the Oceanfront. When it was time to leave, Pirzad decided he was the "most sober" of the two, and got in Williams' car with Williams to drive home. A friend followed them and pleaded with them not to drive, but she was unsuccessful. Pirzad eventually lost control of the car and crashed into a guardrail as he came off the I-264 exit ramp at Lynnhaven Parkway. Williams suffered life-threatening injuries and remains hospitalized and unconscious. Pirzad's blood draw taken at the hospital shows he had an alcohol blood serum level of .20 and marijuana in his system. He was also arrested for DUI at the Oceanfront on Dec. 5, 2014.



Commonwealth v. Darryl Babb

Charge: Rape

Sentence: 35 Years

Facts: On July 16, 1984, Babb sexually assaulted a woman after sneaking into her Chic's Beach home in the middle of the night. He held her down as she kicked, screamed, and bit him. When he left, he told her not to call the police, and stated, "I know where you work." Babb was identified as a suspect in 2014 by a DNA hit. This sentence will run concurrently with a 90-year sentence Babb is serving for unrelated offenses of Object Sexual Penetration and Burglary.

For more details on these cases and other Commonwealth's Attorney's Office news, visit:

<http://www.vbgov.com/news/Pages/home.aspx?department=commonwealths-attorney>



Virginia Beach
Commonwealth's Attorney's Office
2425 Nimmo Pkwy,
Building 10 B, 2nd Floor
Virginia Beach, VA 23456

Phone: 757-385-4401
E-mail: OCAAdmin@vbgov.com



**TOGETHER, WE CAN
KEEP VIRGINIA
BEACH SAFE!**

The Office of the
Commonwealth's Attorney is
dedicated to serving our
community.

To request the Office's
assistance at your community
event, please e-mail Public
Information Officer
Macie Pridgen at
mpridgen@vbgov.com.

The Consumer Corner

Beware of Construction Fraud Scams

If you read Page 3 of this newsletter, you saw that defendant Timothy Phelps is serving 5 years for construction fraud. The victims in that case took appropriate steps to ensure they hired a legitimate contractor, but Phelps still managed to scam them out of \$90,000. The CWA Office reminds citizens to be aware of these scams in our community.

Many families spend their hard earned money on home construction and improvements. Most contractors are legitimate, but you should be aware of how to protect yourself from those who want to steal your money. These scammers take payment up front and do little to no work afterwards. They may even disappear from the area and stop taking your phone calls.

Watch for these warning signs:

- If someone knocks on your door and gives you an offer that sounds too good to be true, don't fall for it!
- Be suspicious of high pressure sales tactics. If someone wants your business, they'll be happy to give you time to research.
- If the contractor demands all the money up front, it's probably a scam. Some payment up front is okay, but you should never pay in full until the job is done and inspected.



How can you avoid falling victim?

- Don't do business with contractors who knock on your door; find listed, licensed, and insured local construction companies. Check their references at www.bbb.org.
- Get at least three written estimates.
- Have a written contract. Pay with a personal check or credit card, which can be tracked more easily than cash.
- Never pay the full price of a job before it's done; pay in increments as work is completed.
- If you pay in advance for the contractor to purchase materials, make sure they arrive at your home along with invoices indicating what was bought and paid.

If problems occur either during construction or afterward, first contact your contractor in writing and keep a record of the communication. If he or she does not make corrections willingly, file a written complaint with the Board for Contractors by visiting: <http://www.dpor.virginia.gov/boards/contractors/> or calling (804) 367-8504. You should also file a police report, although the issue may be civil rather than criminal.

Please share this warning with your friends, family, and neighbors. Citizens in Virginia Beach play an important role in keeping our city safe!