

1 **Prosecution:** Officer Colwell

2 **Judge:** Officer Colwell

3  
4 **Judge:** <tape> still under oath <not clear>

5  
6 **Prosecution:** Officer Colwell did you come into contact with this defendant Mr. Smith on  
7 the 17th of June

8 **Officer Colwell:** yes mam

9  
10 **Prosecution:** where was that

11 **Officer Colwell:** it was at the spring hill elementary school

12  
13 **Prosecution:** is that here in fairfax county

14 **Officer Colwell:** yes mam

15  
16 **Prosecution:** when you first came in contact with him where was he what was he doing

17 **Officer Colwell:** he was coming down the hall with his son's class and was walking next to  
18 his son holding his son's hand and the class was headed outside

19  
20 **Prosecution:** why were you there

21 **Officer Colwell:** we received a call for a trespassing complaint it said

22  
23 **Prosecution:** from the principal

24 **Officer Colwell:** I'm not sure <judge interrupts> it came from our

25 **Judge:** <not clear> who just tell us what told <not clear>

26  
27 **Prosecution:** you were there because of a trespassing complaint

28 **Officer Colwell:** correct

29  
30 **Prosecution:** alright and you came into contact with the principal

31 **Officer Colwell:** yes mam

32  
33 **Prosecution:** alright and what did Mr what did the principal ask you to do

34 **Officer Colwell:** he

35 **Defense:** I'm going to object your honor <not clear> testified to the <not clear>

36 **Judge:** what did you do as a result of talking to the principal

37 **Officer Colwell:** I talked to Mr Smith and attempted to find out what he was doing there  
38 and just trying to find out what was going on, I also spoke with the principal and several  
39 other people around him to make sure he

40 **Judge:** next question

41  
42 **Prosecution:** and then did there come a time when you asked Mr. Smith to leave

43 **Officer Colwell:** yes mam

44  
45 **Prosecution:** when was that



1 **Officer Colwell:** we had given him a tress notice of trespass the school had typed a couple  
2 up, I told him that typed several up that way we could have a copy to give to Mr. Smith and  
3 that the school could have a copy to keep on file there and a copy would be kept by our  
4 police station and myself and the principal and another officer went outside to serve it to Mr.  
5 Smith

6  
7 **Prosecution:** ok what happened

8 **Officer Colwell:** we I explained to him that the letter stated that he needed to leave the  
9 property if he came back he would be arrested and I you know I gave it to him and there  
10 was a spot for him to sign on it he refused to sign it and we told him he needed to leave the  
11 property or he would be arrested the other officer actually told him if he went out to the  
12 soccer field

13 **Defense:** your honor <objects not clear>  
14 ? : <not clear>

15  
16 **Officer Colwell:** ok I told him

17 **Judge:** <not clear> extend his presence the witness may have said, I won't receive it as  
18 the truth of what the officer said <not clear> to what was said <not clear>

19 **Officer Colwell:** the other officer actually told him that if he went onto the soccer field he  
20 would be arrested

21 **Judge:** next question

22 **Officer Colwell:** I told him that if he did not leave the property he would be arrested and  
23 Mr. Smith took the paper put it in his pocket in his fanny pack and told us that we had a job  
24 to do and he had a job to do and walked out to the soccer field and at that time he was  
25 placed under arrest

26  
27 **Prosecution:** <not clear>

28 **Officer Colwell:** yes mam

29  
30 **Prosecution:** and do you have a copy or <not clear>

31 **Officer Colwell:** yes mam

32  
33 **Prosecution:** ok <not clear>

34 **Officer Colwell:** I have my copy one of the originals  
35 <not clear>

36  
37 **Judge:** any objection <not clear>

38 **Defense:** no your honor

39 **Judge:** cross examination

40 **Prosecution:** Did Mr Smith

41 **Judge:** <not clear>

42 **Prosecution:** file the order

43 **Officer Colwell:** yes mam

44  
45 <not clear>



1 **Defense:**<not clear> what was that

2 **Officer Colwell:** No mam

3  
4 **Defense:** is it mandatory

5 **Officer Colwell:** correct and basically told him what it said

6  
7 **Defense:** and so you read this form then correct

8 **Officer Colwell:** correct

9  
10 **Defense:** ok and the form says that somebody then needs a visitors pass or they will be  
11 charged with trespassing am I right

12 **Officer Colwell:** I'd have to look at it again

13 **Defense:** <not clear>

14 **Officer Colwell:** the second paragraph says for their presence you'd need a visitors pass

15  
16 **Defense:** <not clear> is that right

17 **Officer Colwell:** next paragraph tells ya can't be on there without prior approval of the  
18 administrative staff, <tape> it says there

19  
20 **Defense:** officer if I can show you an ariel photo of that area  
21 <tape>

22 **Officer Colwell:** so

23 <not clear>

24  
25 **Defense:** recognize that at all officer

26 **Officer Colwell:** yeah that looks right

27  
28 **Defense:** ok that would be the spring hill elementary school were referring to

29 **Officer Colwell:** think so the roads are, I'm mean it looks right from the air but I'm not sure  
30 what the roads are and the markings but

31  
32 **Defense:** ok and that red line that goes around it does that appear to be the border of the  
33 school

34 **Officer Colwell:** no this out here is actually part of the schools fields right here

35  
36 **Defense:** <not clear>

37  
38 **Defense:**<not clear> field we have been talking about

39 **Officer Colwell:** yes mam

40  
41 **Defense:** for identification your honor if we can have these

42 **Judge:** well refer to them we don't need them marked

43 **Defense:** thats fine

44 **Judge:** were not a court of record

45 **Defense:** I know but just to error on the side of caution



1 **Defense:** Did those, did you recognize those photo's at all up there

2 **Officer Colwell:** <tape>sure that one taken from, this looks like part one of the entrances  
3 to the school, this one here I don't know

4 **Defense:** a different view of that same  
5 <tape>

6 **Defense:** ok thats fine

7  
8 **Defense:** that first photo then that you do recognize off to the right hand side of the photo is  
9 that the soccer field we are talking about

10 **Officer Colwell:** correct

11  
12 **Defense:** is the spot where Mr Smith was arrested in that photo  
13 **Officer Colwell:** right up here

14  
15 **Defense:** could you put an X where that was  
16 **Officer Colwell:** this is where we started the conference <tape> were all down here <not  
17 clear>

18  
19 **Defense:** <tape> street then where the parking lot is <tape> be a road here  
20 **Officer Colwell:** that road out front is lewinsville road that runs along, this is the school, this  
21 is lewinsville road and this here is the parking lot and the soccer fields are over here and  
22 here was right here he went off the sidewalk and started walking out to the fields

23  
24 **Defense:** ok  
25 **Officer Colwell:** this school sidewalk inside the parking lot that sidewalk

26  
27 **Defense:** ok, he was going then to the left of you <not clear>  
28 **Officer Colwell:** that actually is the entrance into the parking lot where the X is, the parking  
29 lot the sidewalk runs along whit the parking lot there the whole length along the front of the  
30 school.

31 **Defense:** ok  
32

33 **Judge:** you can step down