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COURT OF APPEALS OF VIRGINIA
RICHMOND, VIRGINIA

IN THE COURT OF APPEALS OF VIRGINIA

Record No. 0446-26-2

Lower Court No. CL25000145-00

DONNA WATSON

Appellant

v.

CAROLYN ROMERO AND RIVERSIDE CRIMINAL JUSTICE AGENCY

Appellees

OPENING BRIEF OF APPELLANT - PRO SE

Donna Watson

2841 River Bank Circle

Charles City, VA 23030

Phone: 804-731-6623

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TABLE OF AUTHORITIES

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Abi-Najm v. Concord Condominium LLC, 280 Va. 350 (2010)

Colby v. Boyden, 241 Va. 125 (1991)

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Glazebrook v. Board of Supervisors, 266 Va. 550 (2003)

Messina v. Burden, 228 Va. 301 (1984)

Newman v. Walker, 270 Va. 291 (2005)

Statutes

Virginia Code 8.01-229 - Tolling of statute of limitations

Virginia Code 8.01-230 - Accrual of cause of action

ASSIGNMENTS OF ERROR

- 1 - The circuit court erred in sustaining the demurrer despite allegations that probation officials ignored repeated failed drug tests and warnings regarding the decedent's addiction.**
- 2 - The circuit court erred in ruling that the statute of limitations barred the claims despite allegations of concealed records and delayed discovery under Virginia Code 8.01-229.**
- 3 - The circuit court erred in concluding no duty existed despite active probation supervision and court ordered monitoring.**
- 4 - The circuit court improperly resolved factual disputes on demurrer without allowing discovery.**

STATEMENT OF THE CASE

This appeal arises from the dismissal of claims against probation officer Carolyn Romero and Riverside Criminal Justice Agency. The complaint alleged that probation authorities were responsible for monitoring compliance with court ordered probation conditions that prohibited drug activity.

Despite repeated drug test failures and communications indicating relapse into opioid dependency, the complaint alleged that probation authorities failed to intervene or enforce supervision requirements. The circuit court dismissed the claims on demurrer and plea in bar.

STATEMENT OF FACTS

The decedent was under active probation supervision and subject to court orders prohibiting drug activity.

He repeatedly failed drug tests during this period and informed authorities he was struggling with opioid dependency.

The complaint alleged that probation authorities were aware of these violations yet failed to take action.

The decedent later voluntarily admitted himself to a behavioral health hospital seeking treatment for opioid dependency.

The complaint alleged probation authorities still failed to intervene despite these warning signs.

The appellant further alleged that supervision records and communications were withheld despite repeated requests.

These withheld materials delayed discovery of the full circumstances surrounding probation supervision.

STANDARD OF REVIEW

A circuit court decision sustaining a demurrer is reviewed de novo. Courts must accept all well pleaded facts as true and may not resolve factual disputes at the pleading stage. *Abi-Najm v. Concord Condominium LLC*; *Glazebrook v. Board of Supervisors*.

ARGUMENT

I - Duty of Probation Supervision

Probation officers are responsible for monitoring compliance with court ordered conditions. The complaint alleged repeated drug test failures while the decedent was under active supervision. Accepting these allegations as true, the complaint sufficiently alleged duty and breach.

CONCLUSION

For these reasons, the appellant respectfully requests that the Court of Appeals reverse the judgment of the circuit court and remand the case for further proceedings so that the claims may be heard on their merits.

JUDICIAL RECUSAL ISSUE

The Appellant later discovered that the originally assigned judge had a conflict of interest involving organizations connected to the probation system implicated in the litigation. The judge participated in proceedings before the conflict was disclosed.

After the Appellant raised the conflict with the court, the matter was later reassigned to a retired judge for a subsequent hearing. The initial participation of a conflicted judge created procedural irregularities affecting the fairness of the proceedings.

CERTIFICATE OF SERVICE

I certify that a copy of this brief was mailed to counsel for the appellees on the date of filing.

Donna Watson - Appellant Pro Se

SUPPLEMENTAL AUTHORITY AND REQUEST FOR RELIEF

The Appellant respectfully submits the following additional authority and clarification regarding the appropriate disposition of this appeal.

Virginia law recognizes that the statute of limitations may be tolled where material facts have been concealed or where the plaintiff could not reasonably discover the cause of action. See *STB Marketing Corp. v. Zolfaghari*, 240 Va. 140 (1990); *Grimes v. Suzukawa*, 262 Va. 330 (2001); and *Richmond Redevelopment & Housing Authority v. Laburnum Construction Corp.*, 195 Va. 827 (1954). These cases confirm that when a defendant conceals material information or fails to disclose critical facts necessary for discovery of a claim, the statute of limitations does not begin to run until the wrongdoing could reasonably be discovered.

In the present matters, the Appellant repeatedly sought records and information that were incomplete, conflicting, or withheld entirely. Because key evidence remained within the possession and control of the defendants, the Appellant could not reasonably discover the full circumstances earlier. Under Virginia Code § 8.01-229(D), the statute of limitations should therefore be tolled.

Additionally, these cases were dismissed at the pleading stage before discovery occurred, despite the presence of unresolved factual disputes and allegations of concealed or withheld evidence. Virginia law is clear that disputed factual matters should not be resolved on demurrer. See *Abi-Najm v. Concord Condominium LLC*, 280 Va. 350 (2010).

The Court of Appeals has several options in resolving this appeal. The Court may:

- 1. Affirm the judgment of the circuit court;**
- 2. Reverse and remand the case to the circuit court for further proceedings consistent with the Court's opinion; or**
- 3. Reverse and enter the judgment the trial court should have entered where the record permits such relief.**

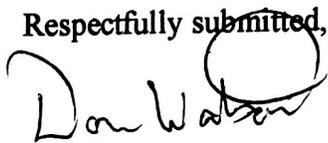
Because the record demonstrates unresolved factual disputes, conflicting evidence, and the withholding of critical information, dismissal at the pleading stage was improper. At minimum,

the Appellant was entitled to discovery and the opportunity to present evidence before a fact-finder.

These matters have remained unresolved for years despite the Appellant's repeated efforts to obtain withheld records and present her claims on their merits, resulting in continued and substantial hardship.

Accordingly, the Appellant respectfully requests that the Court reverse the judgment of the circuit court and remand the case for further proceedings so that the claims may be adjudicated on their merits. Alternatively, the Court may enter such judgment as the trial court should have entered.

Respectfully submitted,

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Donna Watson

03/30/2026

Appellant, Pro Se



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2 - The circuit court erred in ruling that the statute of limitations barred the claims despite allegations of concealed records and delayed discovery under Virginia Code 8.01-229.

3 - The circuit court erred in concluding no duty existed despite active probation supervision and court ordered monitoring.

4 - The circuit court improperly resolved factual disputes on demurrer without allowing discovery.

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Despite repeated drug test failures and communications indicating relapse into opioid dependency, the complaint alleged that probation authorities failed to intervene or enforce supervision requirements. The circuit court dismissed the claims on demurrer and plea in bar.

STATEMENT OF FACTS

The decedent was under active probation supervision and subject to court orders prohibiting drug activity.

He repeatedly failed drug tests during this period and informed authorities he was struggling with opioid dependency.

The complaint alleged that probation authorities were aware of these violations yet failed to take action.

The decedent later voluntarily admitted himself to a behavioral health hospital seeking treatment for opioid dependency.

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The appellant further alleged that supervision records and communications were withheld despite repeated requests.

These withheld materials delayed discovery of the full circumstances surrounding probation supervision.

STANDARD OF REVIEW

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ARGUMENT

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CONCLUSION

For these reasons, the appellant respectfully requests that the Court of Appeals reverse the judgment of the circuit court and remand the case for further proceedings so that the claims may be heard on their merits.

JUDICIAL RECUSAL ISSUE

The Appellant later discovered that the originally assigned judge had a conflict of interest involving organizations connected to the probation system implicated in the litigation. The judge participated in proceedings before the conflict was disclosed.

After the Appellant raised the conflict with the court, the matter was later reassigned to a retired judge for a subsequent hearing. The initial participation of a conflicted judge created procedural irregularities affecting the fairness of the proceedings.

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In the present matters, the Appellant repeatedly sought records and information that were incomplete, conflicting, or withheld entirely. Because key evidence remained within the possession and control of the defendants, the Appellant could not reasonably discover the full circumstances earlier. Under Virginia Code § 8.01-229(D), the statute of limitations should therefore be tolled.

Additionally, these cases were dismissed at the pleading stage before discovery occurred, despite the presence of unresolved factual disputes and allegations of concealed or withheld evidence. Virginia law is clear that disputed factual matters should not be resolved on demurrer. See *Abi-Najm v. Concord Condominium LLC*, 280 Va. 350 (2010).

The Court of Appeals has several options in resolving this appeal. The Court may:

1. Affirm the judgment of the circuit court;
2. Reverse and remand the case to the circuit court for further proceedings consistent with the Court's opinion; or
3. Reverse and enter the judgment the trial court should have entered where the record permits such relief.

Because the record demonstrates unresolved factual disputes, conflicting evidence, and the withholding of critical information, dismissal at the pleading stage was improper. At minimum,

the Appellant was entitled to discovery and the opportunity to present evidence before a fact-finder.

These matters have remained unresolved for years despite the Appellant's repeated efforts to obtain withheld records and present her claims on their merits, resulting in continued and substantial hardship.

Accordingly, the Appellant respectfully requests that the Court reverse the judgment of the circuit court and remand the case for further proceedings so that the claims may be adjudicated on their merits. Alternatively, the Court may enter such judgment as the trial court should have entered.

Respectfully submitted,

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Statutes

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ASSIGNMENTS OF ERROR

The circuit court erred in sustaining the demurrer despite allegations that the defendant knowingly used a vulnerable confidential informant suffering from the disease of addiction.

The circuit court erred in ruling that the statute of limitations barred the claims despite allegations supporting tolling due to concealed records and delayed discovery.

The circuit court erred in accepting immunity arguments despite allegations that the defendant acted outside the scope of lawful duties.

The circuit court improperly resolved disputed factual issues on demurrer before discovery.

The proceedings were tainted when a judge with a conflict of interest participated before recusal.

STATEMENT OF THE CASE

This appeal arises from the dismissal of claims concerning the recruitment and use of the Appellant's son as a confidential informant despite known addiction and repeated drug test failures.

STATEMENT OF FACTS

The Appellant's son had previously overdosed and required Narcan before being recruited as a confidential informant.

He was on probation and subject to court supervision prohibiting drug activity.

He repeatedly informed authorities that he was failing drug tests and struggling with opioid dependency.

He voluntarily admitted himself to a behavioral health hospital for treatment and remained approximately eleven days.

Shortly after discharge he was directed to conduct another drug purchase.

He died approximately one week later.

STANDARD OF REVIEW

A ruling sustaining a demurrer is reviewed de novo and all well pleaded facts must be accepted as true.

ARGUMENT

I - Conduct Outside Scope of Lawful Duties

The complaint alleged that the defendant knowingly used an addicted and vulnerable informant despite repeated warnings and failed drug tests.

II - Tolling of the Statute of Limitations

Virginia law permits tolling when facts are concealed or cannot reasonably be discovered.

III - Factual Disputes Cannot Be Resolved on Demurrer

Virginia courts consistently hold that factual disputes cannot be resolved at the demurrer stage.

JUDICIAL RECUSAL ISSUE

The originally assigned judge had a conflict of interest involving organizations connected to probation.

The judge participated in hearings before the conflict was disclosed.

The conflict was discovered and reported by the Appellant.

A retired judge was later assigned.

CONCLUSION

The Appellant respectfully requests reversal and remand for further proceedings.

CERTIFICATE OF SERVICE

I certify that a copy of this brief was mailed to counsel for the appellee.

Donna Watson Appellant Pro Se

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SUPPLEMENTAL AUTHORITY AND REQUEST FOR RELIEF

The Appellant respectfully submits the following additional authority and clarification regarding the appropriate disposition of this appeal.

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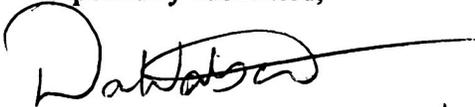
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Donna Watson

03/30/2026

Appellant, Pro Se