



MARK D. STILES  
CITY ATTORNEY

## City of Virginia Beach

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In Reply Refer to Our File No.: CA16318

October 10, 2023

Tina E. Sinnen, Clerk of Court  
City of Virginia Beach Circuit Court  
CIVIL DIVISION  
2425 Nimmo Parkway  
Virginia Beach, VA 23456-9002

CL 23 . 5039

Re: Petition for Writ of Special Election – Sheriff

Dear Ms. Sinnen:

Enclosed please find a Petition and an Order for a Writ of Special Election to fill a vacancy in the office of Sheriff. Please file the Petition and the Order on behalf of City Council and direct this matter to the Chief Judge's attention.

Should you have any further questions concerning this matter, please feel free to contact me at (757) 385-4215. Thank you for your attention in this matter.

Sincerely,

Dana Harmeyer  
Senior City Attorney

DRH/ka  
Enclosures

FILED  
VIRGINIA BEACH CIRCUIT COURT  
2023 OCT 10 PM 3:26  
TINA E. SINNEN, CLERK  
BY [Signature]

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH**

IN THE MATTER OF:

SPECIAL ELECTION TO FILL  
VACANCY IN THE OFFICE OF  
SHERIFF  
FOR A TERM  
ENDING DECEMBER 31, 2025

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CL23- 5039

**ORDER OF WRIT OF SPECIAL ELECTION**

IT APPEARING TO THE COURT:

1. That the Sheriff, elected for a term ending on December 31, 2025 resigned his office effective September 29, 2023; and

2. That the Code of Virginia § 24.2-228.1(A) provides that the governing body shall “petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6 [of Title 24.2 of Code of Virginia];” and

3. That the Code of Virginia § 24.2-228.1(A) further provides that “the governing body may request in its petition that the special election be held on the date of the next general election in November , and the court may order the special election to be held on that date.”

4. Early voting for the November 2023 election has commenced. Therefore, the next ensuing general election to be held in November will be held on November 5, 2024; and

5. That on the 3rd day of October, 2023 the City Council of the City of Virginia Beach adopted a Resolution requesting the Court to order a special election for the purpose of filling the vacancy in the Office of Sheriff at the November 5, 2024 general election;

NOW THEREFORE, it is hereby ORDERED, ADJUDGED, AND DECREED:

I. That the Petition for Entry of Order of Writ of Special Election and the attached Exhibits submitted by the City Council of the City of Virginia Beach, by counsel, in this matter are hereby filed; and

- II. That the Court orders a special election to be held on November 5, 2024 for the purpose of electing a qualified voter to fill the vacancy in the Office of Sheriff for a term that commences in accordance with § 24.2-201 and ending on December 31, 2025; and
- III. That the election shall be conducted and the ballots counted in the manner provided by law for other elections, and the results thereof shall be certified to the Court; and
- IV. That a copy of this Order shall serve as the Writ of Election. The Sheriff of the City of Virginia Beach shall forthwith serve a certified copy of this Order upon the Secretary of the Electoral Board of the City of Virginia Beach and the general registrar of the City of Virginia Beach. The Sheriff shall make his returns to the Court that he has executed the same. The general registrar shall thereupon forthwith cause to be posted certified copies of this Order at not less than ten (10) public places in the City, or have notice of the election published once in a newspaper of general circulation in the City at least ten (10) days before the election; and
- V. That the Clerk of the Court shall forthwith send a certified copy of this Order to the Virginia Board of Elections and to the City Attorney.

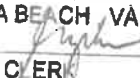
Entered this 16 day of October, 2023.

Judge 

I ask for this:



Mark D. Stiles, Esq. (VSB No. 30683)  
City Attorney  
Dana R. Harmeyer, Esq. (VSB No. 76816)  
Senior City Attorney  
*Counsel for the City of Virginia Beach*  
Office of the City Attorney  
Municipal Center, Building One  
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(757) 385-4531 (Office)  
(757) 385-5687 (FAX)

**CERTIFIED TO BE A TRUE COPY**  
OF RECORD IN MY CUSTODY  
TINA E. SINNEN, CLERK CIRCUIT COURT  
VIRGINIA BEACH, VA  
BY   
DEPUTY CLERK