



VIRGINIA:

**BEFORE THE THIRD DISTRICT SUBCOMMITTEE, SECTION II
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
STACEY THARP DAVENPORT**

VS B Docket No. 22-032-124923

**SUBCOMMITTEE DETERMINATION
(PUBLIC ADMONITION)**

On April 3, 2023, a meeting in this matter was held before a duly convened Third District Subcommittee, Section II consisting of Robert S. Westermann, Esq., Subcommittee Chair; Guy C. Crowgey, Esq., Member; and Randi C. Nagel, Lay Member. During the meeting, the Subcommittee unanimously voted to approve an agreed disposition for a Public Admonition pursuant to Part 6, § IV, ¶ 13-15.B.4 of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar (VSB), by Renu M. Brennan, Bar Counsel, Stacy Tharp Davenport, Respondent, and Craig S. Cooley, Respondent's Counsel.

WHEREFORE, the Third District Subcommittee, Section II of the VSB hereby serves upon the Respondent, the following Public Admonition:

I. FINDINGS OF FACT

1. At all times relevant hereto, Respondent has been licensed to practice law in Virginia. She was admitted to the Virginia State Bar on October 11, 2002. Respondent has no disciplinary history.
2. Since her election in 2019, Respondent has been the Commonwealth's Attorney for Chesterfield County.
3. On February 2, 2022, Respondent, in her capacity as Commonwealth's Attorney, issued a press release announcing that the trial of John H. Howard was scheduled for April 18, 2022.
4. The full text of the press release was as follows:

26-year-old Cold Case Scheduled in Chesterfield County Circuit Court for April 2022

Commonwealth's Attorney Stacey Davenport Travels to New York to Prepare for Lunsford Trial

Chesterfield, Virginia; February 2, 2022 – The first-degree murder trial of John Howard, arrested by Chesterfield County Police in May of 2021, for the 1996 murder of Linda Lunsford has been scheduled to begin on April 18, 2022, in Chesterfield Circuit Court. Chesterfield Commonwealth's Attorney Stacey Davenport stated, *"Linda Lunsford was murdered by her former boyfriend and co-worker John Howard on the day-after Christmas in 1996. The brutality of her murder was compounded by the fact her body was never recovered. Ms. Lunsford's family has endured decades of pain while receiving no justice."* Davenport continued. *"It is time for the Lunsford family to receive the justice they deserve."*

About the Case – On December 26, 1996, Ms. Linda Lunsford, a 38-year-old mother of five disappeared after working her shift at the Walmart in Midlothian, Virginia. Her family reported her missing after she did not return home, and her car was found in a parking lot off Midlothian Turnpike. The Chesterfield County Police Department (CCPD) began investigating, but Ms. Lunsford's body was never recovered, and the case grew cold. In May of 2021, after continued investigation, the CCPD arrested John Howard, 62, of Hanover County and charged him with the first-degree murder of Linda Lunsford.

Commonwealth's Attorney Stacey Davenport will personally prosecute John Howard. Davenport is currently meeting with witnesses as she prepares for the April trial. Among those witnesses is the primary detective assigned to the case in 1996, who now lives in Buffalo, New York. With a list of over 75 potential witnesses scattered across the country, Davenport is working with prosecutors in more than 5 states. *"I appreciate the dedication of Chief Katz and the Chesterfield County Police Department because they never stopped investigating the death of Linda Lunsford,"* said Commonwealth's Attorney Davenport. She added. *"The Lunsford family and the people of Chesterfield deserve to bring these 26 years of pain to closure. Beginning on April 18th, as Chesterfield's chief prosecutor, I plan to do just that."*

If citizens have information on the murder of Linda Lunsford, they can anonymously contact Crime Solvers at 804-748-1278.

About Commonwealth's Attorney Stacey Davenport: Elected in 2019, Stacey Davenport leads a staff of 34, prosecuting cases in Chesterfield, a county of over 350,000 Virginia residents. A graduate of Wake Forest University and the University of Richmond School of Law, Davenport has 20 years of defense and prosecution experience, with extensive expertise in prosecuting cases of violence against women.

5. The same day, NBC 12 published a story, online and on air, specifically reporting that Respondent's press release referred to the brutality of the murder.
6. On February 9, 2022, a radio show announced an upcoming interview with Respondent regarding the Lunsford murder. A post on the Facebook page of the radio show host stated that Lunsford had been "brutally murdered." The radio show's Facebook post received many comments, which were later taken down, concerning the murder.
7. Respondent states she never agreed to talk about the Lunsford case on the radio show.
8. After hearing the radio show promotion, Gregory Sheldon, Esq., ("Sheldon"), counsel for Howard, contacted the Commonwealth's Attorney's Office to relay his concerns that the radio program would poison the jury pool.
9. After being informed of how the radio show was advertising Respondent's upcoming interview, Respondent did not appear on the radio show.
10. On February 28, 2022, Sheldon filed a Motion to Bar the Commonwealth from Making Further Public Comments About the Case. In the Motion, Sheldon pointed out that Respondent's statement in the press release discussed the "brutality of [Lunsford's] murder" despite the fact that her body was never discovered. Sheldon also filed a Motion for Change of Venue and a Motion to Continue.
11. At a motions hearing on March 29, 2022, Chesterfield County Circuit Court Judge Lynn Brice granted the Motion to Bar the Commonwealth from Making Further Public Comments about the case. The Court found that "the press releases, the content of them, the overall timing of the recent publicity, all in the Court's mind present a substantial risk of interfering with the fairness of this jury trial." Judge Brice also granted the Motion to Continue and took the Motion for Change of Venue¹ under advisement.
12. Respondent tried the case in Chesterfield Circuit Court. The case concluded on August 26, 2022. Howard was convicted of first-degree murder as charged in the indictment.
13. On November 15, 2022, the Court denied defense motions to strike and to set aside the verdict. On February 7, 2023, Howard passed away prior to sentencing.
14. Respondent asserts that (1) she did not intend for her statement to interfere with Howard's right to a fair trial; (2) there were three decades of coverage prior to her

¹ On the first day of trial, after the jury was selected and out to lunch, the Court denied the motion for change of venue and noted Sheldon's exception.

statements and thus she did not believe her statements would interfere with Howard's trial; (3) Respondent's press release was based on the public indictment; and (4) based on voir dire, no jurors read or heard about Respondent's press release.

15. Respondent cooperated in the bar's investigation of this matter.

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 3.6 Trial Publicity

- (a) A lawyer participating in or associated with the investigation or the prosecution or the defense of a criminal matter that may be tried by a jury shall not make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication that the lawyer knows, or should know, will have a substantial likelihood of interfering with the fairness of the trial by a jury.

III. PUBLIC ADMONITION

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Admonition, and Stacey Tharp Davenport is hereby so admonished. Pursuant to Part 6, § IV, ¶ 13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

THIRD DISTRICT SUBCOMMITTEE,
SECTION II OF THE VIRGINIA STATE BAR

By: _____

Robert S. Westermann
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on April 11, 2023, a true and complete copy of the Subcommittee Determination (Public Admonition) was sent by email to DavenportS@chesterfield.gov and by certified mail to Stacey Tharp Davenport, Respondent, Chesterfield County Commonwealth's Attorney Office, P. O. Box 25, Chesterfield , VA 23832, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Craig Stover Cooley, counsel for Respondent, at P.O. Box 7268, Richmond, VA 23221, and by email tocooleycs@msn.com



Renu M. Brennan
Bar Counsel

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OF THE VIRGINIA STATE BAR

IN THE MATTER OF
STACEY THARP DAVENPORT

VSB Docket No. 22-032-124923

AGREED DISPOSITION
PUBLIC ADMONITION

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, § IV, ¶ 13-15.B.4, the Virginia State Bar, by Renu M. Brennan, Bar Counsel, and Stacey Tharp Davenport, Respondent, and Craig Stover Cooley, Esquire, counsel for Respondent, hereby enter into the following agreed disposition for a Public Admonition as follows:

I. STIPULATIONS OF FACT

1. At all times relevant hereto, Respondent has been licensed to practice law in Virginia. She was admitted to the Virginia State Bar on October 11, 2002. Respondent has no disciplinary history.
2. Since her election in 2019, Respondent has been the Commonwealth's Attorney for Chesterfield County.
3. On February 2, 2022, Respondent, in her capacity as Commonwealth's Attorney, issued a press release announcing that the trial of John H. Howard was scheduled for April 18, 2022.
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and co-worker John Howard on the day-after Christmas in 1996. The brutality of her murder was compounded by the fact her body was never recovered. Ms. Lunsford's family has endured decades of pain while receiving no justice." Davenport continued. "It is time for the Lunsford family to receive the justice they deserve."

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11. At a motions hearing on March 29, 2022, Chesterfield County Circuit Court Judge Lynn Brice granted the Motion to Bar the Commonwealth from Making Further Public Comments about the case and prohibited the parties from commenting in any fashion about the case until the conclusion of the case. The Court found that “the press releases, the content of them, the overall timing of the recent publicity, all in the Court’s mind present a substantial risk of interfering with the fairness of this jury trial.” Judge Brice also granted the Motion to Continue and took the Motion for Change of Venue¹ under advisement.
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III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and Respondent tender to a subcommittee of the Third District, Section II Committee for its approval the agreed disposition of a PUBLIC Admonition as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the Third District Committee.

If the agreed disposition is approved, the Clerk of the Disciplinary System shall assess costs.

THE VIRGINIA STATE BAR

Renu Brennan

Renu M. Brennan
Bar Counsel

Stacey Sharp Davenport
Stacey Sharp Davenport, Esquire
Respondent

Craig Stover Cooley
Craig Stover Cooley
Counsel for Respondent