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## **FJP Statement on VA Supreme Court Decision Protecting CA Buta Biberaj's Prosecutorial Discretion**

[Fair and Just Prosecution](#) Executive Director Miriam Krinsky, a former federal prosecutor, issued the following statement in response to today's decision from the Virginia Supreme Court annulling a Circuit Court judge's unprecedented order that removed Loudoun County Commonwealth's Attorney Buta Biberaj's entire office from a case with no prior notice:

"Today's decision by the Virginia Supreme Court is a win for well-settled prosecutorial discretion and for the people of Loudoun County, who elected Commonwealth's Attorney Buta Biberaj based on her smart and innovative vision of public safety and commitment to roll back the harms of decades of tough-on-crime policies championed by her predecessor, who also happened to be the lower court judge in this case.

Discretion is a power uniquely vested in chief prosecutors, who are chosen through democratic elections precisely so that the community can determine what vision of justice can best promote safety, equity and fairness. It is essential that this authority is protected from judicial intrusion and overreach. That's why over 60 current and former elected prosecutors and attorneys general from Virginia and across the country filed an [amicus brief](#) in the state's highest court in this case, noting that the judge's 'dramatic and unprecedented move sent a clear message to CA Biberaj: exercise your discretion according to the court's values and judgment or risk losing oversight and control of your cases.'

Efforts to prevent CA Biberaj from carrying out the exact work she was elected to do based simply on a disagreement with decisions squarely within her established prosecutorial discretion undermine the sanctity of separation of powers and erode the will of the voters. We applaud the Virginia Supreme Court for ensuring that CA Biberaj and her staff have the opportunity to be heard – and to represent the voice of the people – before a judge takes the extreme action to remove her entire office from a case."

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*Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP's work, visit our [website](#) and follow us on [Facebook](#), [Twitter](#), and [LinkedIn](#).*