



AMINA MATHENY-WILLARD

Attorney & Counselor at Law

AMINA MATHENY-WILLARD, PLLC

Dominion Tower / Bank of America Bldg.

999 Waterside Drive, Suite 2525, Norfolk, VA 23510

Email: amina@aminalaw.com

LAW FIRM CONTACT:

Firm Tel.: ☎ 757.777.3441

Firm Text: 📠 757.239.3961

Firm Fax: 📠 757.282.7808

Firm Website: 🌐:

Website: www.aminalaw.com

AMEERA MATHENY, PARALEGAL - Email: Ameera@AminaLaw.Com

May 2, 2022

**Motion to Clarify Prior Defense Counsel's Motion
to Withdraw and Seal Motion**

Jennifer Wren, Honorable Clerk
Hampton Juvenile and Domestic Relations Court
8th Judicial District of Virginia
220 North King Street P O Box 69104
Hampton, VA 23669
Tel.: 757-727-6147
Via Facsimile: 757-727-6082
Via Email: jwren@yacourts.gov

RE: Commonwealth v. Cory Bigsby
Firm File Number: 201042022
Court Date / Time: June 13, 2022 at 10:00 a.m.
Location: Hampton Juvenile and Domestic Relations Court
Case Number(s): JA058601-03-00 JA058601-04-00 JA058601-05-00
JA058601-06-00 JA058601-07-00 JA058601-08-00
JA058601-09-00

Dear Honorable Clerk Wren:

Please find enclosed a Motion and an Order concerning the above referenced matter.

I have forwarded the enclosed Motion and Order to the Commonwealth for their endorsement.

I ask that you make the attached documents part of the file.

Should you have any questions, the best number to reach me is: 757-652-6462. You may reach my paralegal, Ameera by contacting my office number: 757-777-3441.

Sincerely,

Amina Matheny-Willard
Attorney and Counselor at Law

AMW/amw



AMINA MATHENY-WILLARD, P.L.L.C
Attorney & Counselor at Law



Enclosure: Motion, Order and Attachments

cc: **Cory Bigsby**

Anton Bell, Commonwealth Attorney
Kevin Kulp, Assistant Commonwealth Attorney
Hampton Commonwealth Attorney's Office
236 North King Street
Hampton VA 23669
Tel.: 757-727-6442
Via Facsimile: 757-727-6802
Via Email: abell@hampton.gov; kjkulp@hampton.gov

VIRGINIA: IN JUVENILE & DOMESTIC RELATIONS DISTRICT COURT
FOR THE CITY OF HAMPTON

1 COMMONWEALTH OF VIRGINIA)
2)
3 v.) Case Nos. JA058601-03-00; JA058601-04-00
4) JA058601-05-00; JA058601-06-00
5) JA058601-073-00; JA058601-08-00
6) JA058601-09-00
7)
8 CORY BIGSBY)
9 Accused.)

10
11 MOTION TO CLARIFY PRIOR DEFENSE COUNSEL'S MOTION TO
12 WITHDRAW AND SEAL MOTION

13
14 COMES NOW Cory Bigsby, by counsel, Amina Matheny-Willard, and
15 MOVES this Honorable Court to accept this Motion to Clarify Prior Defense Counsel's
16 Motion to Withdraw and to Seal Motion.

17 In Support of his Motion, Cory Bigsby states as follows:

- 18 1. Mr. Bigsby was charged with felony charges, unrelated to Codi Bigsby's
19 disappearance, by the Hampton Police Department in February 2021;
- 20 2. Mr. Bigsby was denied his Constitutional right to counsel during his
21 interrogation, a fact, brazenly, acknowledged by the Hampton Chief of
22 Police;
- 23 3. The Hampton Chief of Police initiated and continues a campaign to target
24 Mr. Bigsby and to deflect from his department's cascading series of failures
25 which have led to the prolonged disappearance of Codi Bigsby (*Please See*
26 *Attached Demand to Cease and Desist and Notice Pursuant to Va. Code*
27 *§15.2-209 along with a thumb drive counsel will deposit to the file*);
- 28 4. The Commonwealth Attorney has argued vehemently for Mr. Bigsby's
29 continued incarceration, rendering him unable to search for his son. The

**VIRGINIA: IN JUVENILE & DOMESTIC RELATIONS DISTRICT COURT
FOR THE CITY OF HAMPTON**

30 Commonwealth then argues, through public statements from the Hampton
31 Chief of Police, that it is up to Mr. Bigsby to find his son. Mr. Bigsby would
32 happily spend every waking moment of his day searching for his son, but
33 the Commonwealth chooses to lock him in a cage while deflecting public
34 attention from their own failures by suggesting he isn't doing enough to
35 help in their search;

36 5. The proposition from the Commonwealth that Mr. Bigsby should trust the
37 Commonwealth in their "search" to find Codi is juxtaposed with Mr.
38 Bigsby's real experiences of being harassed, threatened, and denied his
39 Constitutional rights by Chief Talbot and his officers (representatives of the
40 Commonwealth), after he came forward to report his son missing and to
41 seek law enforcement assistance in finding him;

42 6. Mr. Bigsby's family subsequently retained Attorney Jeffrey Ambrose on
43 Mr. Bigsby's behalf;

44 7. During the period of time that Mr. Bigsby was represented by Attorney
45 Ambrose, Mr. Bigsby and his counsel had numerous disagreements over
46 case strategy;

47 8. On April 7, 2022, Mr. Bigsby notified Attorney Ambrose that "you're fired"
48 and that he wanted to hire new counsel;

49 9. On April 14, 2022, there was a hearing on Attorney Ambrose's Motion to
50 Withdraw;

51 10. The Motion to Withdraw cited "an ethical conflict... precludes further
52 representation." as the basis for Attorney Ambrose's withdraw. In a hearing

VIRGINIA: IN JUVENILE & DOMESTIC RELATIONS DISTRICT COURT
FOR THE CITY OF HAMPTON

53 before this Court Attorney Ambrose again cited "an ethical conflict...
54 precludes further representation";

55 11. Missing from the both the papers filed by Attorney Ambrose and his
56 courtroom presentation, was the specific nature of the "ethical conflict"
57 which was Mr. Bigsby's termination of him as his attorney:

58 a. The way in which Attorney Ambrose withdrew led to community-
59 wide speculation that the "ethical conflict" indicated some sort of
60 evidence of guilt;

61 b. Attorney Ambrose himself, apparently understanding the gravity of
62 the negative publicity Mr. Bigsby faced from his filing, commented
63 to local media that "My withdrawal has nothing to do with any kind
64 of confession by my client, contrary to rumor. The ethical problem
65 compromised my duty as an attorney and his rights as a defendant."

66 12. Unfortunately, Attorney Ambrose's attempt to clarify the highly
67 inflammatory Motion was *too little, too late* - the damage had already been
68 done;

69 13. At this juncture:

70 a. The Commonwealth's public statements, through its Chief of
71 Police;

72 b. The Commonwealth's statements during one of the bond hearings;
73 and

74 c. Attorney Ambrose's Motion to Withdraw

75 all may likely taint a future jury pool;

**VIRGINIA: IN JUVENILE & DOMESTIC RELATIONS DISTRICT COURT
FOR THE CITY OF HAMPTON**

76 14. Mr. Bigsby further clarifies that prior counsel's Motion to Withdraw was
77 filed, Mr. Bigsby expressly, and in no uncertain terms, terminated him after
78 he and his family became unhappy with the attorney's services;

79 15. Mr. Bigsby told Attorney Ambrose "you're fired;"

80 16. Attorney Ambrose responded by filing his Motion to Withdraw, citing "an
81 ethical conflict". This is not untrue, as it would be unethical for Attorney
82 Ambrose to continue representing Mr. Bigsby after Mr. Bigsby terminated
83 Attorney Ambrose's professional services; however, the filing lacks facts
84 sufficient for Mr. Bigsby to be confident that his Constitutionally protected
85 choice regarding his right to counsel will not be used to infer some sort of
86 guilt as the case progresses.

87 **THEREFORE**, Cory Bigsby PRAYS that this Honorable Court Seal / Redact the
88 Motion to Withdraw in this case, with the exception of:

- 89 1) the name of prior counsel; and
90 2) the words "I wish to withdraw."

91 or, alternatively, enter Order and sealing the Motion.

92 Mr. Bigsby obviously consents to the withdrawal, which was already ordered, but
93 the record should not remain tainted with language that may be used by the Commonwealth
94 to continue to taint a future jury pool.

95

96

97

VIRGINIA: IN JUVENILE & DOMESTIC RELATIONS DISTRICT COURT
FOR THE CITY OF HAMPTON

98

99 *Respectfully Submitted,*

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

By: 

Amina Matheny-Willard, VSB#: 43566

Attorney and Counselor at Law

Amina Matheny-Willard, PLLC

999 Waterside Drive, Suite #2525

Norfolk, Virginia 23510

Firm Tel.: 757.777.3441; Firm Fax: 757.282.7808; Firm Text: 757.239.3961

Website: www.aminalaw.com; Email: amina@aminalaw.com

CERTIFICATE OF SERVICE

I hereby certified that I forwarded the foregoing MOTION to:

Anton Bell, Esquire

Kevin Kulp, Esquire

Hampton Commonwealth's Attorney

236 N. King St.

Hampton, VA 23669

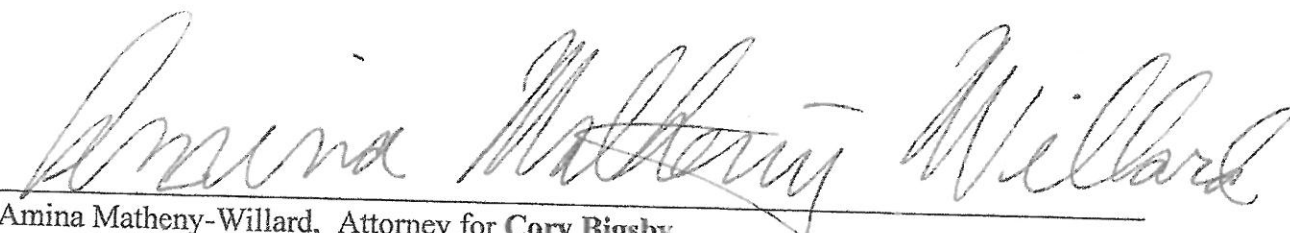
Tel.: 757-727-6442

Via Facsimile: 757-727-6802

Via Email: abell@hampton.gov

Via Email: kjkulp@hampton.gov

on: May 2, 2022.



Amina Matheny-Willard, Attorney for Cory Bigsby

VIRGINIA: IN JUVENILE & DOMESTIC RELATIONS DISTRICT COURT
FOR THE CITY OF HAMPTON

134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165

COMMONWEALTH OF VIRGINIA)
)
v.)Case Nos. JA058601-03-00; JA058601-04-00
) JA058601-05-00; JA058601-06-00
) JA058601-073-00; JA058601-08-00
) JA058601-09-00
)
CORY BIGSBY)
Accused.)

ORDER

(Motion to Clarify Prior Defense Counsel's Motion to Withdraw and to Strike Pleading)

WHEREAS, Mr. Bigsby, by and through his counsel, Amina Matheny-Willard,
MOVED this Honorable Court to accept his Motion to Clarify Prior Defense Counsel's
Motion to Withdraw and to Strike Pleading and **FOR GOOD CAUSE SHOWN,**

IT IS HEREBY ORDERED, that, the Motion to Strike the Pleading / Motion to
Withdraw as Counsel is:

- Granted and the Pleading Will be Placed Under Seal;
- Denied.

IT IS FURTHER ORDERED, that

ENTER:

Honorable Judge

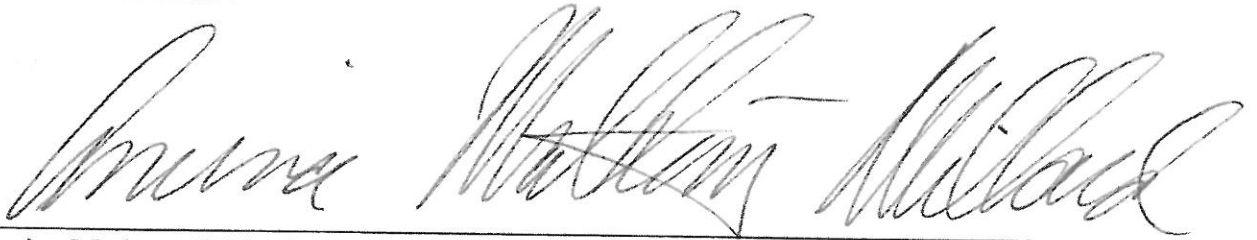
DATE: _____

Amina Matheny-Willard, PLLC
99 Waterside Drive, Suite 2525
Norfolk, Virginia 23510
Amina Matheny-Willard, Esq.
Cell: 757.632.6462
(757-65-A-M-I-N-A)
Firm Tel.: 757.777.3441
Firm Text: 757.339.3961
Firm Fax: 757.282.7808
Email: amine@aminlaw.com
Website: www.aminlaw.com
PARALEGAL
Amina Matheny / Cell: 757.632.6462
Email: amine@aminlaw.com

VIRGINIA: IN JUVENILE & DOMESTIC RELATIONS DISTRICT COURT
FOR THE CITY OF HAMPTON

166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192

I ASK FOR THIS:



Amina Matheny-Willard, Attorney for Cory Bigsby
Cell/Text: 757-652-6462 (757-65-A-M-I-N-A)

SEEN AND _____:

Anton Bell, Commonwealth Attorney

Amina Matheny-Willard, PLLC
99 Waterside Drive, Suite 2525
Norfolk, Virginia 23510
Amina Matheny-Willard, Esq.
Cell: 757.652.6462
(757-65-A-M-I-N-A)
Firm Tel: 757.717.3441
Firm Text: 757.239.3961
Firm Fax: 757.282.7808
Email: amina@aminlaw.com
Website: www.aminlaw.com
PARALEGAL
Cora Matheny / Cell: 757.633.9891
Email: amcora@aminlaw.com