



KYM L. WORTHY
PROSECUTING ATTORNEY

COUNTY OF WAYNE
OFFICE OF THE PROSECUTING ATTORNEY

FRANK MURPHY HALL OF JUSTICE
1441 ST. ANTOINE STREET
DETROIT, MICHIGAN 48226-2302

Press Release
February 11, 2016
Two Pages

Contact: Maria Miller
Wayne County Prosecutor's Office
Assistant Prosecuting Attorney
(313) 224-5817
(313) 213-0457
mmiller@waynecounty.com

For Immediate Release

State Senator Virgil Smith Enters Felony Guilty Plea

Judge Talon to decide whether to accept the plea after sentencing memorandums are filed

On May 12, 2015 Prosecutor Kym L. Worthy charged State Senator Virgil Smith, 35, of Detroit, in connection with a non-fatal shooting incident involving his 35-year-old ex-wife. On May 10, 2015 at approximately 1:00 a.m., Smith's ex-wife came to his home on Wexford Street and discovered another woman there. It is alleged that Smith physically assaulted his ex-wife and shot at her 2015 Mercedes multiple times with a rifle.

Guilty Plea and Conditions

Today Smith entered a guilty plea as charged to Malicious Destruction of Personal Property \$20,000 or more, a felony carrying a maximum penalty of 10 years. The guilty plea was discussed with the complainant. As a result of the guilty plea the charges of Felonious Assault, Domestic Violence Assault and Battery, and Felony Firearm will be dismissed with the following conditions:

- Five years probation with the first 10 months to be served in the Wayne County Jail without early release.
- The defendant must resign his position as a state senator.
- The defendant cannot hold elective office or appointed office during the full term of his probation.
- Submit to a mental health evaluation; the defendant must fully comply and provide monthly documentation with recommended treatment.
- Supply monthly documentation of alcohol and drug treatment.

-more-

- Surrender the weapon used in the crime or indicate the location where the weapon was disposed.
- Full restitution in an amount to be determined by the Court.
- The defendant waives any privilege and agrees to the release of the statement below.

Prosecutor Worthy said, "It is rare for the WCPO to dismiss a felony firearm charge when the weapon in question was discharged. In this case, however, after extensive review of the medical and psychiatric records of the defendant, I am convinced that there are extenuating circumstances to support dismissal of that charge. The following documented medical conditions contributed to the behavior of this defendant: 1. He suffers from bipolar depression, hypomanic; 2. He has a neurocognitive disorder related to a traumatic brain injury arising out of a documented rollover automobile accident that occurred on December 19, 2014, in Houston, Texas; and 3. He is presently in treatment for his alcohol dependency."

Judge Lawrence Talon will decide whether he will accept the plea at the March 14, 2016 sentence hearing. He has requested that both parties present a sentencing memorandum on March 1, 2016, to aid the court in determining whether he will accept the plea agreement. If the court does not accept the plea agreement, by law the defendant may withdraw his guilty plea. The defendant will remain on bond.

#####