



# PIKRALLIDAS & ASSOCIATES

ATTORNEYS & COUNSELLORS AT LAW

Demetrios C. Pikkallidas\*  
John L. Bauserman, Jr.  
J. Kevin Wright  
\*Admitted in Virginia and the District of Columbia

LAWYERS ROW  
10605 Judicial Drive, Building A-4  
Fairfax, Virginia 22030  
TEL: 703-267-2600  
FAX: 703-273-8046  
www.piklaw.com

October 28, 2011

Hon. Barbara G. DeCatur, Clerk  
Stafford County Circuit Court  
1300 Courthouse Road  
P. O. Box 69  
Stafford, VA 22555

**Re: Request for issuance of Writ of Quo Warranto**  
**David Johnston v. Eric L. Olsen**

Dear Ms. DeCatur:

Please find attached for filing a petition for a Writ of Quo Warranto along with the filing fee tendered today. I would ask that you promptly present the request for Writ to a Judge of this for review without delay. Because the relief sought is a challenge to the eligibility of the Defendant to run for public office in Stafford County in the upcoming election on November 8, 2011, time is of the essence. Please contact me promptly concerning the amount of the mandatory bond required of the Plaintiff pursuant to Va. Code §8.01-637 (C) and to schedule a trial date in the matter..

Thank you for your kind attention to this matter.

With kind regards, I am

Sincerely yours,

John L. Bauserman, Jr.

JLB\s  
Attachment  
cc: Mr. David Johnston

**VIRGINIA: IN THE CIRCUIT COURT FOR STAFFORD COUNTY**

**DAVID JOHNSTON,**

**Plaintiff,**

v.

**Case No:** CL11001270-00

**ERIC L. OLSEN,**

**Defendant**

11-05-2017 10:15 AM  
CLERK OF COURT  
STAFFORD COUNTY

**PETITION FOR WRIT OF QUO WARRANTO**

NOW APPEARS the Plaintiff, David Johnston, and hereby files this Petition for a Writ of Quo Warranto pursuant to §8.01-636(A)(4) and §8.01-637 of the Code of Virginia, 1950, as amended, to challenge the qualification of Eric L. Olsen to be on the ballot as a candidate for the Office of Commonwealth's Attorney for Stafford County and in support thereof states and argues as follows:

(1) David Johnston is a registered voter in the County of Stafford who resides in the County of Stafford, Virginia.

(2) Pursuant to Va. Code §15.2-1600, the voters of each county shall elect an attorney for the Commonwealth.

(3) Pursuant to Va. Code §15.2-1601 officers required by §15.2-1600 are subject to the residency requirements set forth in Chapter 15 of the Code of Virginia, 1950, as amended.

(4) Before an individual can qualify to vote in Virginia, he must be a resident both of the Commonwealth of Virginia and of the locality in which he seeks to vote; and residence for all purposes of qualification to vote requires both domicile and place of abode.

(5) To establish domicile, a person must live in a particular locality with the intention to remain there for an unlimited time.

(6) A place of abode is defined as the physical place where a person dwells.

(7) That the word “residence” as a prerequisite to the right to vote is not to be understood in its popular sense as denoting merely the act of abiding in a particular place. The word as used in the suffrage laws expresses a distinct legal idea, and denotes a relationship which the law creates between an individual and a particular locality. Kegley v. Johnson, 207 Va. 54, 147 S.E.2d 735 (1966) (quoting Bruner v. Bunting, 15 Va. Law Reg. At 514).

(8) It may be safely said as a matter of law that as used in the Virginia election laws, the term “residence” is substantially synonymous with domicile. Id.

(9) A change of place without the intent to abandon the old and acquire a new domicile will not work a change of legal residence. Id.

(10) “The term ‘residence’ as used in the clauses of the constitutions of the various states defining political right, is synonymous with ‘a domicile,’ denoting a permanent dwelling place to which the party when absent intends to return.” Kegley v. Johnson, 207 Va. 54, 147 S.E.2d 735 (1966) (quoting In Simmons v. Land, 19 Va. Law Reg. 890).

(11) For the purpose of voting and holding office a man cannot have more than one legal residence. When he acquires a new legal residence he loses the old, but to effect this there must be both act and intention. Williams v. Com., 116 Va. 272, 81 S.E. 61 (1914).

(12) Every person is deemed to have a domicile somewhere. Before a domicile once established becomes lost or changed, a new domicile must be acquired by removal to a new locality with intent to remain there, and the old domicile must be abandoned without intent to

return. One does not acquire domicile where he is if he has no intention of staying and had no intention of abandoning his former home when he left there. Dotson v. Com., 192 Va. 565, 66 S.E. 2d 490 (1951).

(13) On defendant Olsen's Certificate of Candidate Qualification, Olsen swore under oath that he resided at 1257B Poplar Road, Stafford, VA 22556.

(14) Upon information and belief, the residence otherwise known as and located at 1257 Poplar Road is zoned for one (1) residential home.

(15) Upon information and belief, the zoning ordinance(s) of Stafford County does not allow for a second address on a residential parcel zoned for one residence.

(16) Upon information and belief, there were no occupancy permits issued by Stafford County for a second dwelling at 1257 Poplar Road.

(17) Upon information and belief, there is no address on record in Stafford County known as "1257B Poplar Road."

(18) Upon information and belief, defendant Olsen purportedly moved into a garage located on the same property as the residence located at 1257 Poplar Road without the requisite or corresponding intent to abandon his usual place of abode and residence in the City of Fredericksburg and without the requisite or corresponding intent to permanently or indefinitely reside at that location on Poplar Road.

(19) At the time Mr. Olsen swore that he resided at 1257B Poplar Road he continued to maintain his home in the City of Fredericksburg where his wife and family resided and where his

child remained enrolled in the Fredericksburg City school system.

(20) Mr. Olsen gave as his Post Office address on the Statement of Candidate Qualifications the mailing address of the Office of Commonwealth Attorney in Stafford County which is P. O. Box 66, Stafford, Virginia 22556.

(21) Upon information and belief, defendant Olsen listed his home for sale in the City of Fredericksburg for sale by owner and listed a selling price that was far in excess of its fair market value, all of which further demonstrates the lack of intent on the part of Mr. Olsen to abandon his usual and long established domicile in the City of Fredericksburg and lack of corresponding intent to relocate permanently within Stafford County.

(22) That Olsen has the burden of proving that he meets the registration requirements.

(23) The facts are clear that Olsen was not a legal resident of Stafford County at the time he filed his Statement of Candidate Qualifications in Stafford County. It is not enough that he may subsequently declare an intent to relocate or to stay in Stafford County, regardless of the upcoming election results. The intent to remain in Stafford County and to abandon his old domicile in the City of Fredericksburg must be shown to have existed at the time he filed his sworn Statement of Candidate Qualifications in Stafford County for office and he further must be shown to have been a bona fide resident for at least thirty days before his putative election.

(24) There are substantial facts and attendant circumstances present in the instant case which show that candidate Olsen never intended to abandon his residence in the City of Fredericksburg and establish a new domicile in Stafford County, including, but not limited to, the

following:

(a) Defendant Olsen's family did not accompany him in his alleged move to Stafford County; and,

(b) Mr. Olsen's teenage minor child remained in the Fredericksburg City Public Schools during all relevant times addressed herein, including at the present time of the filing of this petition; and,

(c) Mr. Olsen purportedly was staying above a garage that was not zoned for occupancy and the address given by candidate Olsen on his Statement of Qualifications was not an address recognized by Stafford County; and,

(d) That candidate Olsen used as his mailing address the Post Office Box for the Office of the Commonwealth Attorney; and,

(e) Mr. Olsen listed his home as for Sale by Owner, but listed the home at a selling price that upon information and belief was far in excess of its fair market value; and,

(f) Upon information and belief, Mr. Olsen frequently did not stay in said garage at 1257 Poplar Road during the relevant period of time, but instead continued to use his home in the City of Fredericksburg as his principal place of abode and dwelling, in company of his wife and teenage son.

(25) The evidence shows that notwithstanding Mr. Olsen's purported residence in the garage located at 1257 Poplar Road, with the alleged, unrecognized street address of "1257B," this address was a fictitious residence offered by candidate Olsen for the sole purpose of attempting to

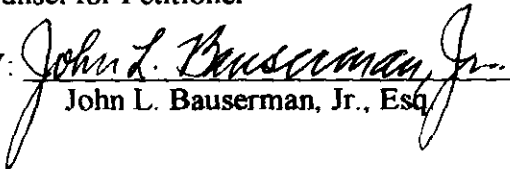
satisfy the residency requirements for candidates for the elective office of Commonwealth's Attorney in Stafford County.

WHEREFORE, upon the premises considered, for the reasons stated above, your Petitioner respectfully requests that the Court issue a writ of Quo Warranto to Eric L. Olsen and declare that Olsen was not a resident of Stafford County at the time he filed his Statement of Qualification and is therefore ineligible to seek the Office of the Commonwealth Attorney for Stafford County; and, for such other relief as the Court may deem just and equitable including, but not limited to, an award of attorney's fees and costs.

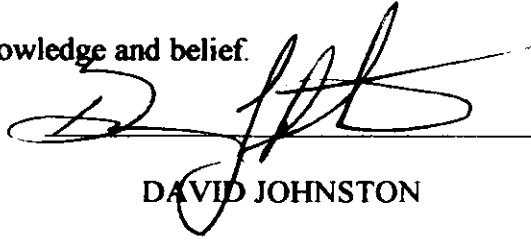
Respectfully submitted,  
DAVID JOHNSTON  
By Counsel

John L. Bauserman, Jr., Esq., VSB#33816  
Pikrallidas & Associates  
10605 Judicial Drive, Bldg. A-4  
Fairfax, Virginia 22030  
(703) 267-2600; fax (703) 273-8046  
Counsel for Petitioner

BY:

  
\_\_\_\_\_  
John L. Bauserman, Jr., Esq.

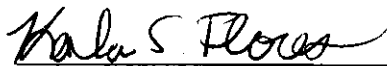
I, David Johnston, hereby swear under oath that the facts contained in this petition are true and accurate to the best of my knowledge and belief.

  
\_\_\_\_\_  
DAVID JOHNSTON

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF Fredericksburg to wit:

The foregoing petition was acknowledged before me this 27<sup>th</sup> day of October, 2011 by  
David Johnston.

My Commission Expires:

  
\_\_\_\_\_  
NOTARY PUBLIC  
Notary I.D. No. 7325742

