

# Invoking George Floyd, Va. prosecutor rebukes police over violent stop of Black driver

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The routine stop for suspected speeding began calmly but suddenly escalated after a White Leesburg police officer told a Black driver he spotted flakes of marijuana in his SUV and ordered him out to perform a search, video shows.

Michael Wyche denied he had drugs, refused the search and tried to roll up his window. Officer Jon Graham grabbed him and punched him repeatedly in the face before he and another officer pulled Wyche from the vehicle and pinned him to the pavement, according to video and testimony.

Graham later testified he used force because he feared Wyche was reaching for a weapon, but he acknowledged nothing illegal was found in the SUV. Wyche, 32, of Manassas, was charged with felony assault on an officer and obstruction of justice.

The assault charge was dropped as the case proceeded. On Thursday, Loudoun County's prosecutor moved to drop the remaining charge with prejudice — meaning it can't be filed again — and said the case was unwarranted and could have led to the type of tragedy that sparked this summer's nationwide protests against police killings of Black men and women. A Loudoun County Circuit Court judge approved the motion without comment at a brief hearing.

“We were concerned that the events of this case could and would fracture the trust our community has for our justice system,” Commonwealth’s Attorney Buta Biberaj wrote in an email. “This is a case that will provide our law enforcement partners the opportunity to use to educate their members, provide additional training, and ensure that the events resulting in the death of George Floyd never occur in Loudoun County.”

It is rare for a prosecutor to issue a public rebuke to a police department in her jurisdiction. The arrest predated Biberaj, who was elected in November on a platform of holding police accountable for misconduct, along with other progressive prosecutors in neighboring jurisdictions.

Graham declined to comment on the case, but Leesburg Police Chief Gregory C. Brown said in a statement that there was probable cause for the arrest and that the department has an excellent reputation for integrity. Brown said the use of force was reviewed and found to be appropriate.

“It is the responsibility of the prosecuting authority to objectively review the case and decide the appropriate course of action,” the statement said. “Although the Police Department and the Commonwealth Attorney’s office don’t always agree on that course of action, the officers of the Leesburg Police Department will always strive to provide quality police services in order to keep the community safe.”

The encounter began around 11:30 p.m. on May 5, 2019, when Graham stopped Wyche for allegedly speeding, according to the motion to dismiss the case. Wyche pulled into a Leesburg 7-Eleven.

Footage from Graham’s body-worn camera, which was submitted as evidence in the case, begins with the officer making the stop and walking up to the driver’s side window of Wyche’s vehicle.

Things began normally. “How’s it going, sir?” Graham can be heard asking.

Wyche begins looking for his license and registration before Graham eventually asks him: “Do you smoke marijuana?” Wyche replies that he does when he is in D.C., where it is legal to smoke pot on private property.

Graham tells the driver the reason he is asking is because he sees marijuana “scrap” on the center console of Wyche’s SUV, the video shows. Wyche denies there is anything illegal in his vehicle, and Graham tells him he needs to get out of his car for a search.

Wyche tells Graham he won’t get out and won’t let Graham search his vehicle.

“I’m telling you what’s going to happen,” Graham tells Wyche.

Soon after, Wyche can be heard telling Graham on the video that he’s rolling up the window of his car as Graham tells him to stop. The video is shaky, and it’s unclear what’s happening, but the sounds of scuffling can be heard.

Graham later testified at a preliminary hearing that he grabbed Wyche as the driver was attempting to roll up the window. Graham testified Wyche was clawing his arm, which was becoming locked by the window moving upward.

On the video, Graham can be heard saying, “Stop resisting,” as he and another officer struggle with Wyche. A short time later, Wyche can be heard saying, “What are you doing man? Why are you punching me?”

Graham testified at the preliminary hearing that he feared Wyche was reaching for a weapon, so he punched him in the face multiple times. Wyche was then pulled from the car and pushed to the ground. Nearby, the video shows a third officer had a barking police dog. Wyche was taken into custody. No gun was found in the SUV, authorities said.

Biberaj said in an interview that the evidence showed a number of inconsistencies in Graham’s testimony, including that his arm was not trapped by the window of Wyche’s vehicle and Wyche appeared to be leaning away from the officer, not clawing his arm while he remained inside the SUV. The discrepancies were significant enough that she felt the testimony was not reliable.

Wyche declined to comment, but after the judge dismissed the charge against him, he leaped in the air in the courtroom and clicked his heels together. Biberaj said Wyche has no criminal record.

“Our decision to dismiss the obstruction charge is not an endorsement or condonation of Mr. Wyche’s actions but an acknowledgment that his experience that night was of sufficient consequence that justice demands that we do no more as a system,” Biberaj wrote in an email.



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