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**NEWS RELEASE
FOR IMMEDIATE RELEASE**

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**Commonwealth v. Justin Gary Barboza
Repeat DUI Offender Sentenced to Max in Hit and Run Crash**

Virginia Beach, Va. – Colin D. Stolle, Commonwealth's Attorney for the city of Virginia Beach, announced that Justin Gary Barboza, age 29, formerly of the 4400 block of Bowden Avenue in Virginia Beach, Virginia, was sentenced today for charges of DUI – 3rd Offense within 10 Years and Hit and Run – Personal Injury. Circuit Court Judge James C. Lewis sentenced Barboza to the maximum sentence of fifteen (15) years in prison. Judge Lewis also imposed a fine of \$1,000 and revoked Barboza's license. This sentence was significantly greater than the Virginia State Sentencing Guidelines recommendation, which called for a sentence no greater than six (6) months in jail.

Barboza pled guilty on December 21, 2021. Had this matter gone to trial, the Commonwealth's evidence would have proven that on August 26, 2021, at approximately 8:15 a.m., Justin Gray Barboza drove east on Shore Drive in the City of Virginia Beach approaching the intersection with First Court Road. A 54-year-old woman walked her dog across the intersection in the crosswalk. While in the crosswalk, Barboza struck the woman with his passenger side mirror, knocking her to the pavement. He did not stop but instead fled east on Shore Drive. The victim was seriously injured, suffering a fractured skull, concussion, and facial injuries. Witnesses assisted her at the scene as she lay on the ground bleeding. Her uninjured dog was retrieved, and rescue and police came to the scene. Barboza did not report the incident to police, provide his information to the victim, or render assistance to the victim.

A witness who was not aware of the crash saw Barboza driving fast on Shore Drive and pull over into the American Brew parking lot to check his damaged passenger side mirror. American Brew is one mile from the crash location.

Pieces of the passenger side mirror from the Barboza's vehicle were left at the scene, and officers were able to determine that the suspect vehicle was a 2011 to 2018 Dodge Ram pickup truck. Multiple city surveillance cameras were reviewed, and officers tracked a general location frequented by the offender, in a white pickup truck, at Shore Drive and Greenwell Road. That area was saturated with officers and at 6:20 p.m., officers saw Barboza driving the white Dodge Ram, missing its passenger side mirror, on Greenwell Road. Police stopped him and observed that he had slurred speech, a strong odor of alcohol, bloodshot and watery eyes, and swayed as he walked. He was unsure of the date and time. He ultimately admitted to consuming four (4) beers, and he had marijuana in his pocket and edible marijuana in the car. Barboza showed impairment on all three administered standardized field sobriety tests. A blood test taken at 7:24 p.m. showed he had a .06 BAC and had active THC and Xanax in his system.

When questioned about the hit and run crash Barboza initially denied being involved in the crash. During the course of the investigation, blood draw, and arrest process, he gave varying and inconsistent statements about who he had hit, where it happened, and whether a pedestrian was involved. Ultimately, Barboza admitted hitting a "lady with a dog", that he heard the thump on his mirror, that he looked back and she was on the ground, but that it looked like she was getting up. He admitted that he should have stopped to see if she was okay, but did not, because he was late for work. He admitted he stopped at the American Brew to check his mirror then drove to work.

Barboza was previously convicted of DUI - BAC between .15 and .20, DUI 2nd Offense in 5 years, felony Hit and Run, and misdemeanor Hit and Run.

Deputy Commonwealth's Attorney Wendy Alexander prosecuted this case. Please contact Macie Allen if additional information is desired.

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