VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NEWPORT NEWS

COMMONWEALTH OF VIRGINIA,

v. **Case No.: CR26000450-01, -02**

TAYLIN ISAIAH STOKES,
DEFENDANT.

ORDER

THIS MATTER comes before the Court upon Defendant Taylin Isaiah Stokes' (hereinafter "Stokes") Motion to Dismiss, filed on July 28, 2026. After hearing oral argument, the Court took the matter under advisement.

Stokes stands charged with a violation of Virginia Code § 18.2-287.4, which prohibits the carrying of a loaded firearm with an extended magazine.[1] On March 4, 2026, Stokes was found guilty of the charge in the Newport News General District Court. On appeal, Stokes filed this motion, arguing that Virginia Code § 18.2-287.4 is an unconstitutional special law as prohibited by the Constitution of Virginia, Article IV, § 14.

In his motion, Stokes cited a recent decision from the Circuit Court for the City of Richmond, in which Judge J. McClenney found this statute to be an unconstitutional special law. *Commonwealth v. Jamonte K. Huggins*, CR26M-357, 12 (Richmond City Cir. Ct. Mar. 17, 2026). Judge McClenney analyzed the statute using the special laws' prohibition test set forth in *Benderson Dev. Co. v. Sciortino*, 236 Va. 136, 147 (1988). *Huggins* at 2. Pursuant to the *Benderson* test, Judge McClenney made two determinations. First, she found that Virginia Code § 18.2-287.4 "does not 'affect all persons similarly situated or engaged in the same business throughout the state without discrimination."[2] *Huggins* at 10 (quoting *Benderson*, 236 Va. at 150). Second, she found that the statute "does not bear [a] substantial or reasonable relationship toward the legislative goal

[1] Stokes also stands charged with making an improper left turn in violation of Virginia Code § 46.2-846.
[2] In its responsive pleading and at oral argument before this Court, the Commonwealth argued that Virginia Code § 18.2-287.4 is not discriminatory because the law is applied equally to all individuals within the listed cities and counties. However, the pertinent inquiry here is not how the law is enforced but whether all persons in the listed cities and counties are similarly situated. According to Judge McClenney's analysis, the "select cities and counties are not alike in location, geography, population, population density, in quality (whether urban or rural), or in proximity." *Huggins* at 10.

of achieving gun safety." *Huggins* at 12 ("Virginia Code § 18.2-287.4 includes a selection of cities and counties that bear no similarity to one another and is therefore only included 'without rhyme or reason'" (quoting *Riddleberger v. Chesapeake W. Ry.*, 229 Va. 213, 221 (1985)).

This Court finds Judge McClenney's analysis persuasive and agrees that Virginia Code § 18.2-287.4 is an unconstitutional special law pursuant to the Constitution of Virginia, Article IV, § 14. Therefore, Stokes' Motion to Dismiss is **GRANTED**.

The Clerk is directed to send attested copies of this Order to counsel of record.

ENTERED THIS 21st DAY OF February, 2026

Bryant L. Sugg, Judge