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June 11, 2009

Dear Greg,

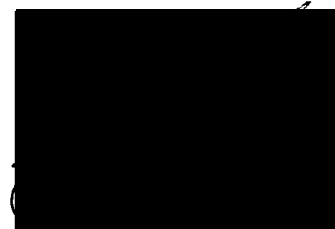
This letter is to inform you that you are being placed on administrative leave with pay starting today, June 11, 2009. Prior to returning to work PDS requires that you present yourself to the Fairfax City and Fairfax County authorities and the VA State Police in the presence of a supervising Staff Investigator in order to demonstrate that there is no outstanding warrant for your arrest in Virginia. You have until close of business June 19, 2009 to make this demonstration. PDS will make every effort to accommodate your schedule and your lawyer's schedule to select a date and time to present yourself to the authorities.

If you do not make this demonstration by June 19, 2009, you will be placed on leave without pay and you will have until close of business July 3, 2009 to either make the demonstration or resign your position at PDS. If you do not make the demonstration or resign within that time period you will be terminated.

If there is a warrant for your arrest, PDS will assess the situation and determine your status at that time.

Starting today, and until you receive written authorization from me, you will relinquish your PDS's identification(s) and you will refrain from using any PDS equipment, databases and email accounts. You will not participate in any PDS case. If anyone requests that you do any work on any PDS case you must decline unless authorized in writing by me.

You or your lawyer should communicate with me to set a time for presenting yourself to the authorities.



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V I R G I N I A:

IN THE CIRCUIT COURT FOR ARLINGTON COUNTY

COMMONWEALTH OF VIRGINIA)

vs.) CR No. 09-1236/

GREGORY SLATE,) 10-61

Defendant.)

* * * * *

ORIGINAL

The above-entitled matter came on for
plea on Tuesday, January 26, 2010, commencing
at 9:44 a.m. at 1425 North Courthouse Road,
Arlington, Virginia, before Janice A. Salas,
Notary Registration No. 264765, Notary Public.

BEFORE:

THE HONORABLE JOANNE F. ALPER

* * * * *

A P P E A R A N C E S

ON BEHALF OF THE COMMONWEALTH:

THEOPHANI STAMOS, ESQUIRE

Deputy Commonwealth's Attorney

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ON BEHALF OF THE DEFENDANT:

JONATHAN SHAPIRO, ESQUIRE

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1 P R O C E E D I N G S

2 - - - - -

3 THE CLERK: Gregory Slate.

4 (The defendant was sworn.)

5 MS. STAMOS: Judge, there are a number of
6 documents that -- one of which is an information
7 that we are tendering to the Court. I don't have
8 any copies with me. There's one indictment and
9 one information, Judge.

10 THE COURT: So the indictment is the
11 original charge?

12 MS. STAMOS: It's being amended, I
13 believe.

14 THE COURT: Mr. Shapiro, has there been
15 a -- well, I guess there needs to be a waiver of
16 indictment for the Court to proceed on the
17 information.

18 MR. SHAPIRO: We're glad to do that if
19 the Court wants to. This is a misdemeanor charge,
20 however, Judge. I don't think the indictment's
21 part --

22 MS. STAMOS: I think we can proceed

1 simply on the information, Judge.

2 THE COURT: All right.

3 MR. SHAPIRO: Yes.

4 THE COURT: But you understand your
5 client has received the information. This is all
6 part of the plea agreement?

7 MR. SHAPIRO: That's correct.

8 THE COURT: Mr. Slate, before I accept
9 your guilty plea, I'm going to ask you some
10 questions. If you don't understand any of my
11 questions, let me know and I'll either rephrase
12 them or I'll explain them to you. At any time you
13 wish to do so, feel free to consult with your
14 attorney before answering any of my questions.

15 What is your full name, sir?

16 THE DEFENDANT: Gregory Slate.

17 THE COURT: What is your date of birth?

18 THE DEFENDANT: [REDACTED] [REDACTED]

19 THE COURT: What's the last grade of
20 school that you completed?

21 THE DEFENDANT: College, undergraduate.

22 THE COURT: So you're a college graduate?

1 THE DEFENDANT: Yes.

2 THE COURT: What is your occupation?

3 THE DEFENDANT: I'm an investigator.

4 THE COURT: Criminal investigator or --

5 THE DEFENDANT: The defendant. Yes. For
6 the Public Defender Service.

7 THE COURT: And are you the person who's
8 charged in the information in this case with
9 driving under the influence of alcohol?

10 THE DEFENDANT: Yes.

11 THE COURT: And you're also charged with
12 hit and run as a felony.

13 THE DEFENDANT: Yes.

14 THE COURT: And you're entering a plea by
15 agreement to the lesser included crime of hit and
16 run as a misdemeanor.

17 THE DEFENDANT: Yes.

18 THE COURT: Do you fully understand the
19 charges against you?

20 THE DEFENDANT: Yes.

21 THE COURT: Have you discussed the
22 charges and their elements with your attorney?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you understand that by
3 pleading guilty -- you understand what the
4 Commonwealth must prove before you can be found
5 guilty of these charges?

6 THE DEFENDANT: Yes.

7 THE COURT: Have you had enough time to
8 discuss with your attorney any defenses you might
9 have to the charges?

10 THE DEFENDANT: Yes.

11 THE COURT: Have you discussed with your
12 attorney whether you should plead guilty or not
13 guilty?

14 THE DEFENDANT: Yes.

15 THE COURT: After these discussions, did
16 you decide for yourself that you had should plead
17 guilty?

18 THE DEFENDANT: Yes.

19 THE COURT: Are you pleading guilty
20 freely and voluntarily?

21 THE DEFENDANT: Yes.

22 THE COURT: With respect to the hit and

1 run, are you pleading guilty because you are
2 guilty of this charge?

3 THE DEFENDANT: Yes.

4 THE COURT: With respect to the driving
5 under the influence charge, that apparently is an
6 Alford plea?

7 THE DEFENDANT: Yes.

8 THE COURT: Can you explain to me your
9 understanding of an Alford plea.

10 THE DEFENDANT: Means that I'm disputing
11 that I am guilty of the charge, but that I am
12 pleading guilty because I think it's in my best
13 interest instead of facing a felony trial.

14 THE COURT: And you understand that --
15 you've looked with your attorney at the evidence
16 that the Commonwealth would have to put before a
17 judge or jury on that felony charge?

18 THE DEFENDANT: We were allowed to look
19 at it, yes.

20 THE COURT: And you're concerned about
21 proceeding forward with a jury; is that correct?

22 THE DEFENDANT: Correct.

1 THE COURT: Are you either on probation
2 or parole for any other charges?

3 THE DEFENDANT: No.

4 THE COURT: Are you under the influence
5 of any drugs or alcohol at this time?

6 THE DEFENDANT: No.

7 THE COURT: Has anyone connected with
8 your arrest and prosecution, such as the police,
9 the Commonwealth's attorney, or anyone else
10 threatened or forced you to plead guilty?

11 THE DEFENDANT: No.

12 THE COURT: Other than what's set forth
13 in this plea memorandum, has anyone made any
14 promises with you about your guilty plea in
15 exchange for that plea?

16 THE DEFENDANT: No.

17 THE COURT: I'm going to ask you some
18 questions about the memorandum that's been signed
19 by you, your attorney, and the Commonwealth. Have
20 you read this memorandum?

21 THE DEFENDANT: Yes.

22 THE COURT: Did you understand it?

1 THE DEFENDANT: Yes.

2 THE COURT: Has your attorney gone over
3 it with you?

4 THE DEFENDANT: Yes.

5 THE COURT: And are all the statements of
6 fact contained in the memorandum true?

7 THE DEFENDANT: Yes.

8 THE COURT: Paragraph 10 of the
9 memorandum states that the range of punishment in
10 Virginia for the crime of driving under the
11 influence is confinement in jail for not more than
12 12 months and a fine of not more than \$2,500,
13 either-or both, and suspension of your driver's
14 license or privilege to drive for 12 months. Is
15 that your understanding of the range of
16 punishment --

17 THE DEFENDANT: Yes.

18 THE COURT: -- for this charge?

19 THE DEFENDANT: Yes.

20 THE COURT: And for hit and run as a
21 misdemeanor, confinement in jail for not more than
22 12 months and a fine of not more than \$2,500,

1 either-or both, and the Court may suspend the
2 driver's license for six months. Is that your
3 understanding of the range of punishment --

4 THE DEFENDANT: Yes.

5 THE COURT: -- for that charge?

6 THE DEFENDANT: Yes.

7 THE COURT: You might wait until I finish
8 the question.

9 THE DEFENDANT: Okay.

10 THE COURT: I don't understand quite the
11 attitude that you are giving me in answering the
12 questions. It looks like you're bored or somehow
13 think this is somehow beneath you in responding to
14 my questions. That's certainly the attitude and
15 the demeanor you've had as I've been looking at
16 you and listening to you.

17 If this is something you'd rather not do,
18 then we can certainly set this for trial.

19 THE DEFENDANT: No. I'm sorry, Your
20 Honor.

21 THE COURT: It appears in paragraph 17
22 that there's been a sentence that's been agreed to

1 by you, your attorney, and the Commonwealth.

2 That appears to be on the driving under
3 the influence charge: Confinement in jail for 365
4 days, of which 355 days will be suspended for a
5 period of two years from the date of your release,
6 a fine of 1,500, of which \$1,200 will be
7 suspended, and revocation of your driver's license
8 or privilege to drive for 12 months, and you may
9 petition the Court for a restricted license with
10 the approval of ASAP.

11 Is that your understanding of the agreed
12 sentence for that charge?

13 THE DEFENDANT: Yes.

14 THE COURT: And for hit and run as a
15 misdemeanor, confinement in jail for 365 days, all
16 of which will be suspended for two years from the
17 date of your release. Is that your understanding
18 of the sentence on that charge?

19 THE DEFENDANT: Yes.

20 THE COURT: And a condition of your
21 suspended sentences are that you enter and
22 complete ASAP, that you are of general good

1 behavior, and you'll be on supervised probation
2 required to follow the rules of probation; is that
3 correct?

4 THE DEFENDANT: Yes.

5 THE COURT: I don't see a notation
6 here -- and I'm just reading quickly -- as to
7 whether those are consecutive or concurrent
8 sentences.

9 MS. STAMOS: Counsel arranged this plea
10 agreement with Mr. Frio. Can counsel shed any
11 light on that question? Is it to be concurrent?

12 MR. SHAPIRO: The sentences are -- the
13 probation is concurrent, so it's two years with
14 probation. The sentences are consecutive, but
15 it's an effective sentence of 10 days.

16 THE COURT: I understand. I'm just
17 talking about the suspended portion. Clearly the
18 effective sentence --

19 MR. SHAPIRO: Yes.

20 THE COURT: All right. And you
21 understand you're also going to be required to pay
22 the court costs of this proceeding?

1 THE DEFENDANT: Yes.

2 THE COURT: And the sentences will be
3 served consecutively, meaning one right after the
4 other, with the effective service of 10 days at
5 this point in time; is that correct?

6 THE DEFENDANT: Yes.

7 THE COURT: Now, do you understand when
8 there's been an agreed sentence the Court has
9 three options? The first option is I can accept
10 your guilty plea and sentence you pursuant to the
11 agreement. Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: The second option is if I
14 don't think it's an appropriate sentence, I can
15 refuse to impose the sentence. You would have the
16 right to withdraw your guilty plea and go to trial
17 before another judge. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: And the third option is if I
20 don't think I have sufficient information to make
21 an informed decision as to the appropriateness of
22 this sentence, I can continue this matter to

1 another day and order a presentence investigation
2 report to be prepared by our probation office. Do
3 you understand those are the Court's three
4 options?

5 THE DEFENDANT: Yes.

6 THE COURT: Are you satisfied with the
7 services of your attorney in this case?

8 THE DEFENDANT: Absolutely.

9 THE COURT: Do you understand that by
10 pleading guilty you may waive or give up any right
11 you have to appeal any of the decisions of this
12 Court?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand all the
15 questions that I've asked you?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you do wish to ask me any
18 questions?

19 THE DEFENDANT: No.

20 THE COURT: Mr. Slate, based upon your
21 signature on the plea memorandum and your
22 responses to my questions, the Court finds that

1 your pleas of guilty -- your Alford plea and plea
2 of guilty have been freely, intelligently, and
3 voluntarily made, that you understand the nature
4 of the charges against you, and the consequences
5 of your pleas, and I'll accept them at this time.

6 Ms. Stamos?

7 MS. STAMOS: Judge, the facts are that
8 the defendant and Rachel Primo work together as
9 investigators at the Office of the Public Defender
10 for the District of Columbia. On May 29, 2009,
11 they and other coworkers went to a bar after work.
12 They arrived at about 6:30 and stayed until about
13 9 p.m. The defendant had numerous drinks during
14 that time, including shots. Although he was
15 buying drinks for others, his bar bill came to
16 \$106.

17 The defendant and Ms. Primo left the bar
18 together, and he drove her in her car to a friend
19 of Ms. Primo's home in Arlington. They left D.C.
20 and drove into Virginia. The defendant was
21 intoxicated. At the beginning of Route 66, the
22 defendant began to drive a bit erratically. About

1 500 feet prior to Lee Highway on Route 66 the
2 defendant drove off the roadway.

3 Ms. Primo's car was damaged from the
4 accident. The defendant got out of the car and
5 walked away, and he did not provide any of the
6 information required by law nor did he contact
7 police in a timely manner.

8 THE COURT: Mr. Shapiro, do you have any
9 comment on the Commonwealth's proffer?

10 MR. SHAPIRO: Your Honor, the facts
11 concerning the DUI are disputed and our evidence
12 would have been to the contrary. We understand
13 that the Commonwealth believes it could prove
14 those facts, however, and that was part of the
15 calculation in this case.

16 THE COURT: All right. Were there
17 considerations -- does he have a prior record?
18 I'm just trying to find out what the
19 considerations were for the agreed sentence so I
20 can make a determination as to whether it's
21 appropriate under the circumstances.

22 MR. SHAPIRO: I can tell you what I

1 think, Judge. This was the result of lengthy
2 negotiations, numerous meetings with the assistant
3 Commonwealth attorney as well as Mr. Trodden.
4 Both sides investigated the case fully. I think
5 it was a mutual decision that there were risks for
6 both parties in going forward, and that this was
7 an appropriate result.

8 I know that Mr. Frio had a number of
9 meetings with the young woman whose car was
10 involved, and he ultimately decided that this was
11 a -- in the Commonwealth's view, a fair result.

12 MS. STAMOS: And counsel can correct me,
13 but I don't believe that there's any criminal
14 record. I'm not seeing one. I don't know what
15 to -- since no traffic record comes up and
16 counsel -- I mean, the Court asked about the
17 record specifically.

18 THE COURT: Yes.

19 MS. STAMOS: Counsel would have to shed
20 light on it because I don't see anything from NCIC
21 in here.

22 MR. SHAPIRO: If I may just have a

1 moment.

2 (Pause in the proceedings.)

3 MR. SHAPIRO: It's a little murky, Your
4 Honor, but it's --

5 MS. STAMOS: There's no printout here,
6 Judge. I'm sorry to interrupt, but there is a
7 Virginia -- it looks as though there is an NCIC
8 number out of Virginia, but I don't have the
9 criminal history attached to it.

10 MR. SHAPIRO: The defendant believes that
11 there's no final conviction in a case he was
12 involved in in 2002. That's the best information
13 that I have.

14 THE COURT: Given the fact that it's a
15 DUI and I have to make this decision, I'd like to
16 know without having to order a full PSI.

17 MR. SHAPIRO: No, Your Honor. It was not
18 a driving offense. It was resisting without force
19 is what I understand it, and I think that was a
20 Chicago -- Florida charge.

21 THE COURT: For which there was no
22 disposition, which I see why there was nothing

1 showing up on the Commonwealth's records.

2 MR. SHAPIRO: Yes.

3 THE COURT: Mr. Slate, based on your plea
4 of guilty and the Alford plea and the
5 Commonwealth's proffer of the evidence, the Court
6 finds you guilty of driving under the influence
7 and hit and run as a misdemeanor.

8 I will sentence you pursuant to the
9 agreement as follows: For driving under the
10 influence, your sentence will be confinement to
11 jail for 365 days, of which 355 days will be
12 suspended for a period of two years from the date
13 of your release from custody. The Court will
14 impose a fine of \$1,500, of which 1,200 is
15 suspended, and your driver's license will be
16 revoked for a period of 12 months.

17 You may petition the Court for a
18 restricted license when you have ASAP approval and
19 that will only be to go to and from work and to
20 and from any probation or ASAP appointments. On
21 the hit-and-run misdemeanor, the Court will
22 sentence you to 365 days in jail, all of which

1 will be suspended for a period of two years from
2 the date of your release.

3 The conditions of your suspended sentence
4 are that you be of general good behavior. You'll
5 be on supervised probation required to follow the
6 rules of probation. You'll be required to
7 undergo -- enter, rather, and complete ASAP
8 program, and to pay the court costs of this
9 proceeding, and you can work out a schedule for
10 the payment of those costs with the clerk once
11 you're released from custody.

12 And if I hadn't said it previously, any
13 sentences will run consecutively with each other.

14 MR. SHAPIRO: Your Honor, may the
15 defendant turn himself in later today if that's
16 agreeable?

17 THE COURT: Any objection?

18 MS. STAMOS: No. No, Your Honor.

19 THE COURT: All right. He's going to
20 have to go through the book and release process
21 now, but why don't we say 7 p.m. tonight. They
22 usually like to do it after business hours I

1 think.

2 MS. STAMOS: Eight.

3 THE COURT: Eight.

4 MR. SHAPIRO: Thank you, Judge.

5 THE COURT: 8 p.m. tonight. He'll go
6 through the book and release, and then they'll
7 give him instructions on when to come in.

8 MR. SHAPIRO: All right. Thank you.

9 THE CLERK: He's going to have to be
10 booked on the information too.

11 THE COURT: Yes. Here's the information
12 as well.

13 (Whereupon, the proceedings at 9:59 a.m.
14 were concluded.)

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I, Janice A. Salas, do hereby certify that the foregoing proceedings were taken by me in stenotype and thereafter reduced to typewriting under my supervision; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

JANICE A. SALAS

Certified Court Reporter No. 0315136