

SENTENCING ORDER

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

FEDERAL INFORMATION PROCESSING
STANDARDS CODE: 059

Hearing Date: [REDACTED]

COMMONWEALTH OF VIRGINIA)

CRIMINAL NUMBER [REDACTED]

VERSUS)

)

INDICTMENT – INVOLUNTARY
MANSLAUGHTER

On [REDACTED], [REDACTED], Assistant Commonwealth's Attorney, [REDACTED] the Defendant, Patricia Roselle, a Spanish interpreter for the Defendant, and Manuel Leiva, Counsel for the Defendant, appeared before this Court. The Defendant is indicted for the felony of INVOLUNTARY MANSLAUGHTER and he appeared while on bond.

As a preliminary matter, the Assistant Commonwealth's Attorney moved the Court to amend the indictment. Without objection by the Defendant or his Counsel, the Court granted the motion and **ORDERED** that the indictment be amended as follows: the heading of the indictment was changed from "INVOLUNTARY MANSLAUGHTER" to "RECKLESS DRIVING," in the body of the indictment the words "feloniously kill and slay [REDACTED]" were replaced with the words "drive a motor vehicle in a manner so as to endanger life, limb, or property," and the code section was changed from "18.2-36" to "46.2-852."

The Defendant was arraigned upon the amended indictment, and the Defendant, in person and in writing signed by him, entered an Alford plea of guilty. The Defendant stated personally and through his Counsel that he wished to enter an Alford plea of guilty because he believed that the evidence which the Commonwealth would present at a trial upon a plea of not guilty would be sufficient to convict him of the offense charged in

the amended indictment and that it is in his best interest to enter an Alford plea of guilty. After making specific inquiries of the Defendant and determining that the Alford plea was made voluntarily and with full understanding of the nature of the charge and the consequences of the Alford plea, and after hearing the Commonwealth's proffer of the evidence, the Court accepted the Alford plea of guilty and made it part of the record.

In consideration of the Defendant's Alford plea of guilty and the Commonwealth's proffer of the evidence, the Court found [REDACTED] guilty of RECKLESS DRIVING, as charged in the amended indictment. The Court further found that the evidence of guilt is substantial and negates the Defendant's claim of innocence and that the Defendant intelligently concluded that his best interest required the entry of the Alford plea of guilty.

The Defendant, in person, advised the Court that he waived his right to a pre-sentence investigation and report and wished to be sentenced today.

Before pronouncing the sentence, the Court inquired if the Defendant desired to make a statement and if the Defendant desired to advance any reason why judgment should not be pronounced. The Defendant concurred in proceeding to sentencing.

The Court **SENTENCES** the Defendant to incarceration in jail for a term of 360 days. The total sentence imposed is **360 days**. The Defendant is to begin serving his sentence on [REDACTED] at 6:00 p.m.

The Court **SUSPENDS** 120 days of the sentence for a period of one year, upon the following conditions:

GOOD BEHAVIOR. The Defendant shall be of good behavior for one year to commence upon his release from incarceration.

SUPERVISED PROBATION. The Defendant is placed on probation, to commence upon his release from incarceration, under the supervision of a Probation Officer for one year, or unless sooner released by the Court or by the Probation Officer. The Defendant shall comply with all the rules and requirements set by the Probation Officer.

The Court **ORDERED** that the Defendant's operator's license be suspended for a period of 6 months. The Defendant may petition the Court for a restricted operator's license.

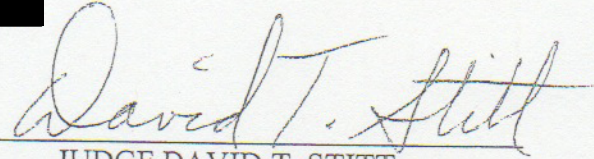
COSTS. The Defendant shall pay all costs of this case.

CREDIT FOR TIME SERVED. The Defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Va. Code § 53.1-187.

The Court certifies that at all times during these proceedings, the Defendant was present and his attorney was present and capably represented the Defendant.

The Defendant was released to report to the Adult Detention Center on [REDACTED], at 6:00 p.m., to begin serving his sentence.

Entered on [REDACTED]



JUDGE DAVID T. STITT

DEFENDANT IDENTIFICATION:

Alias: NONE
SSN: unknown
DOB: [REDACTED]
SEX: M

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: 360 days

TOTAL SENTENCE SUSPENDED: 120 days

ABSTRACT OF CONVICTION

ADDRESS: [REDACTED]

SSN/OL#: unknown STATE of OPERATOR'S LICENSE: unknown

STATUTE: 46.2-852

VIOLATION: State

OL SURRENDERED: no

SEX: M

DOO: [REDACTED]

DOB: [REDACTED]