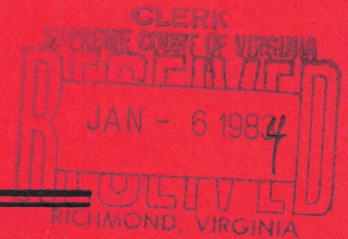


227 Va 289



IN THE  
**Supreme Court of Virginia**  
AT RICHMOND

RECORD NO. 830182

RUDOLPH V. REASE,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

APPENDIX

David J. Fudala  
HIRSCHKOP AND GRAD, P.C.  
108 North Columbus Street  
Alexandria, VA 22313

Linwood Wells  
Assistant Attorney General  
Supreme Court Building  
101 North Eighth Street  
Richmond, VA 23219

Counsel for Appellant

Counsel for Appellee



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VIRGINIA

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA ) Indictment - Robbery

vs. )

RUDOLPH V. REASE ) #18024

This 17th day of November, 1972, came the Commonwealth, by her Attorney, and the defendant, RUDOLPH V. REASE, who stands convicted of a felony, to-wit: robbery, being confined in jail, was brought into Court, and put to the bar of the Court, in custody of a Deputy Sheriff, also appeared Stanley M. Franklin, Counsel for the defendant.

Thereupon, the Court Reporter was sworn.

And the Probation Officer of this Court, to whom this case had been previously referred for investigation, appeared in open Court with a written report, copies of which had previously been furnished to Counsel for the defendant, Attorney for the Commonwealth and the Court. Counsel for the defendant then advised the Court that he had discussed the report with the defendant and the defendant was fully advised of the contents thereof.

Thereupon, the accused and his Counsel were given the right to cross-examine the Probation Officer as to any matter contained in said report, and to present any additional facts bearing upon the matter as he desired to present. The report of the Probation Officer is hereby filed and made a part of the record of this case.

Thereupon, it was demanded of him, RUDOLPH V. REASE, if anything he knew or had to say why the Court should not proceed to pass sentence and judgment upon him, and nothing being offered



or alleged in delay of judgment, it is ADJUDGED and ORDERED that RUDOLPH V. REASE, do serve ten (10) years in the Penitentiary House of this Commonwealth, at hard labor, but in mitigation of punishment, it appearing compatible with the public interest so to do, the Court does now suspend seven (7) years of the said sentence, conditioned upon the defendant's good behavior and that he shall be on active probation subject to the conditions set forth in P. B. Form 2 Revised 5 - 71 for a period of five years upon his release from confinement.

The fee of the Court Reporter who recorded the evidence and incidents of trial in this case is hereby assessed as costs in this case as provided by Sec. 17-30.1 of the 1950 Code of Virginia, as amended.

Stanley M. Franklin, Attorney who was heretofore appointed to represent the defendant in this case is hereby allowed a fee of \$ 200.00

The Court certifies that the defendant was present at all stages of this trial.

The defendant is remanded to jail to await transportation to the Penitentiary.

  
JUDGE

Entered in Common Law  
Order Book No. 13021  
page 419 and 42,

WAIVER OF EXTRADITION

SHERIFF'S OFFICE  
ARI 12

SEP 11 03 41 '82

I, Rudolph Valentino Rease, hereby certify that I freely and voluntarily agree to accompany any duly authorized officer of the State of Virginia as a prisoner from Terre Haute, Indiana, to the State of Virginia for the purpose of serving a valid sentence of/for: Probation Violation

FURTHERMORE, I hereby waive all formalities and I am willing to return to the State of Virginia, without the Governor's requisition or other papers legally necessary in such cases, and I exonerate Mr. Thomas F. Keohane, Jr., Warden of the United States Penitentiary, Terre Haute, Indiana, the institution in which I am now confined, from any blame, compulsion, or interference in this connection.

Rudolph Valentino Rease 05113-158  
Signature Reg. No.

I hereby certify that the above was signed in my presence and that this Agreement has been made without compulsion of the authorities here and upon the free desire of the said Rudolph Valentino Rease.

Gordon D. Pleus  
GORDON D. PLEUS

Administrative Systems Manager

Patricia M. Branan

PATRICIA M. BRANAMAN

Administrative Systems Supervisor

Dated at the United States Penitentiary, Terre Haute, Vigo County, Indiana, this \_\_\_\_\_  
7th day of September, 1982.



V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

|                          |   |                       |
|--------------------------|---|-----------------------|
| COMMONWEALTH OF VIRGINIA | ) | CRIMINAL NUMBER 18024 |
|                          | ) |                       |
| VERSUS                   | ) | INDICTMENT - Robbery  |
|                          | ) |                       |
| RUDOLPH V. REASE         | ) |                       |

This 5th day of November, 1982, came the Commonwealth, by her Attorney, and the Defendant, RUDOLPH V. REASE, who stands convicted of a felony, to-wit: Robbery, was brought into Court and put to the Bar of the Court in the custody of a Deputy Sheriff; also appeared Robert Machen, Counsel for the Defendant.

Thereupon, the Court Reporter was sworn.

And it appearing to the Court that on the 13th day of September, 1972, the Defendant, was convicted of a felony, to-wit: Robbery, the said case was continued for investigation and pre-sentence report by a Probation Officer of this Court; that on the 17th day of November, 1972, the Defendant was sentenced to serve a term of Ten (10) Years in the Penitentiary House of this Commonwealth, Seven (7) Years of said sentence was suspended conditioned upon the Defendant's good behavior; and that he be on active probation for a period of Five (5) Years upon his release from confinement; all of which is reflected by prior orders of this Court in this case.

And the Court having been advised by John Fellows, Probation and Parole Officer, that the Defendant had violated the terms of his probation and the defendant was brought into Court and ordered to show cause why the aforesaid suspension of sentence should not be revoked.

The Court then proceeded to hear all of the statements of the Attorney for the Defendant and argument of Counsel, and in consideration whereof the Court doth find the Defendant in violation of his probation, it is ORDERED


that all of the heretofore suspended sentence be and the same is hereby ORDERED into execution. It is therefore, ADJUDGED and ORDERED that the Defendant, RUDOLPH V. REASE, serve Seven (7) Years in the Penitentiary House of this Commonwealth.

The fee of the Court Reporter who recorded the evidence and incidents of trial in this case is hereby assessed as costs in this case as provided by Sec. 19.2-165 of the 1950 Code of Virginia, as amended.

The Court certifies that the Defendant was present at all stages of trial in this case.

Robert Machen, Attorney at Law, who was heretofore appointed to represent the Defendant in this case is hereby allowed a fee of \$~~200.00~~ <sup>200.00</sup>

The Defendant is hereby remanded to jail to await transportation to the Penitentiary.

  
JUDGE BURCH MILLSAP

DOB:6-15-50

JAIL CREDIT 17 days

DOF:11-24-71



VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

|                          |   |                      |
|--------------------------|---|----------------------|
| COMMONWEALTH OF VIRGINIA | ) | Indictment - Robbery |
|                          | ) |                      |
| vs.                      | ) |                      |
|                          | ) |                      |
| RUDOLPH V. REASE         | ) | Cr. No. 18024        |

This 24th day of November, 1982, came the Commonwealth, by her Attorney, and the Defendant, RUDOLPH V. REASE, who stands convicted of a felony, to-wit: Robbery, being confined in jail, was brought into Court and put to the Bar in custody of a Deputy Sheriff and also appeared David J. Fudala, Counsel for the Defendant.

Thereupon, the Court Reporter was sworn.

Whereupon, Counsel for the Defendant moved the Court to reconsider the sentence imposed on the 5th day of November, 1982, which motion, upon hearing testimony, and argument, the Court denied.

Thereupon, Counsel for the Defendant moved the Court to set bond in this case, pending an appeal, which motion the Court denied.

It is ORDERED by the Court that in the event the Defendant or his Counsel files a notice of appeal the transcript is to be prepared and is hereby made a part of the record in this case.

The fee of the Court Reporter who recorded the evidence and incidents of trial in this case is hereby assessed as costs, as provided in Section 19.2-165 of the 1950 Code of Virginia, as amended.

The Court certifies that the Defendant was present during all stages of this trial.

The Defendant is hereby remanded to jail to await transportation to the Penitentiary.

  
JUDGE BURCH MILLSAP



VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

|                          |   |                      |
|--------------------------|---|----------------------|
| COMMONWEALTH OF VIRGINIA | ) | Indictment - Robbery |
|                          | ) |                      |
| vs.                      | ) |                      |
|                          | ) |                      |
| RUDOLPH V. REASE         | ) | Cr. No. 18024        |

This 7th day of January, 1983, came the Commonwealth, by her Attorney, and the Defendant, RUDOLPH V. REASE, who stands convicted of a felony, to-wit: Robbery, being confined in jail, was brought into Court and put to the Bar in custody of a Deputy Sheriff and also appeared David J. Fudala, Counsel for the Defendant.

Thereupon, the Court Reporter was sworn.

Whereupon, the Attorney for the Defendant moved the Court to withdraw as counsel and appoint counsel for the purpose of an appeal to the Supreme Court, and the Court questioned the Defendant as to his ability to pay and the Court upon hearing statements of the Defendant, declared the Defendant to be indigent and appoints David J. Fudala, to represent the said Defendant.

And the Defendant is hereby remanded to jail.

  
JUDGE WILLIAM G. PLUMMER

### Assignments of Error

1. The trial court erred in revoking Petitioner's suspended sentence and committing him to the state penitentiary, as the court had no power over him pursuant to Virginia Code §19.2-306 because he was not brought before the court within one year after the expiration of a specified term of probation.

2. The trial court erred in ruling that a period of federal incarceration "tolls" the statutory time limit for probation revocation hearings pursuant to Virginia Code §19.2-306.

PRINTERS NOTE:

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830182

FILED

DEC 20 1982

JAMES E. HOOFNAGLE  
Clerk of the Circuit Court  
Fairfax County, Va.

JAN 18 1983

1 VIRGINIA

2 IN THE CIRCUIT COURT OF FAIRFAX COUNTY

3 - - - - - x  
4 COMMONWEALTH OF VIRGINIA :

5 vs. :

CRIMINAL NO. 18024

6 RUDOLPH V. REASE, :

7 Defendant. :

8 - - - - - x  
9

10 Fairfax, Virginia

11 Friday, November 5, 1982

12 The above-entitled cause came on to be heard before  
13 the Honorable Burch Millsap, Judge of the Circuit Court  
14 of Fairfax County, in the courthouse, Fairfax, Virginia,  
15 beginning at 2:59 o'clock p.m.

16 APPEARANCES:

17 On behalf of the Commonwealth of Virginia:

18 JAMES F. HURD, JR.  
19 ASSISTANT COMMONWEALTH ATTORNEY

20 On behalf of the Defendant:

21 ROBERT MACHEN, ESQUIRE  
22  
23

P R O C E E D I N G S

(The court reporter was previously sworn.)

THE COURT: Commonwealth of Virginia vs.  
Rudolph V. Rease, Criminal Case 18024. Are the parties  
ready?

MR. HURD: Yes, Your Honor, we are.

THE COURT: Let the record show the Commonwealth  
of Virginia is represented by the Assistant Commonwealth  
Attorney. The defendant is present in court and represented  
by his attorney. The probation officer is present.

Mr. Rease, do you wish to show cause why your  
probation should not be revoked?

MR. REASE: No, sir.

THE COURT: You do not wish to show cause,  
do you agree?

MR. MACHEN: Yes, Your Honor.

THE COURT: Do you wish to have any witnesses  
testify on behalf of the defendant?

MR. MACHEN: No, Your Honor. We would present  
argument, if it please the Court.

THE COURT: Will there be any witnesses on  
behalf of the Commonwealth?

MR. HURD: No, sir.

1 THE COURT: Just proceed with Mr. Rease's  
2 argument.

3 MR. MACHEN: Thank you, Your Honor. Your  
4 Honor, Mr. Rease came back. He has been asking, as you  
5 can see from the record, in letters to you for quite some  
6 time with regard to the case to have this matter adjudicated.  
7 At the time he realizes that while he was placed on probation  
8 in 1976 or '77, whenever the sentence was applied to him,  
9 that he had violated the terms of his probation.

10 Since that time --

11 THE COURT: I think in 1972 I placed him on --  
12 I sentenced him in 1972 to ten years, seven suspended and  
13 then he was paroled after that and then got into additional  
14 trouble. Is that --

15 MR. MACHEN: I think that is correct, Your  
16 Honor, that he was in serving. Then he came out of the  
17 three years that he was serving and placed on probation,  
18 as I understand. That was my understanding of the case.  
19 He got into trouble.

20 He was sentenced to 18 years in the federal  
21 penitentiary. Since that time he has served seven years  
22 and almost -- six years, nine or ten months, as of this time  
23 for the trouble that he got into afterwards. That is why



1 there are a number of letters within the file to try to  
2 go ahead and get this adjudicated, because he realizes  
3 what he has done.

4 Your Honor, I think to say this -- and he  
5 realizes he made the mistake. He has served in, you might  
6 say, some of the most terrible places in the country with  
7 the Level 6 and 7 type prisons. He was moved from Lewisburg  
8 down to Atlanta. Then when the Cuban refugees came in, he  
9 was moved out to Marion, Illinois to a very tough environment.

10 One incident in his entire prison record would  
11 show, I believe, that he had a good adjustment to the  
12 conditions that he was under. He has, during that period  
13 of time, I think, too, with his addiction to drugs, as you  
14 have heard before today and during the period of time he  
15 has worked himself through the programs. Of course, he  
16 worked through the normal things of making a living in the  
17 electrical area, in the carpenter shop and other places  
18 to try to develop some skills.

19 He has taken some college work while he was there  
20 and gotten his GED. He has kicked the drug habit. I think  
21 the record would show he has been a coordinator in prison and  
22 has been a drug counselor in prison.

23 He looks to the Court to say to him right now

1 that his sister does have a counselor's job for him  
2 if he could get out of prison and try to get his life in  
3 order.

4 The man is 30-something years old at this  
5 point in time. I think he is 32.

6 MR. REASE: Yes, sir.

7 MR. MACHEN: 32 years old at this time.

8 He has a son. I think he is a young man now that would  
9 look to his father and would like to have some relationship  
10 to him after he straightens his life out.

11 We realize, of course, that there are a number  
12 of years still left because of his probation violation.  
13 But for seven hard years he has had to think this over,  
14 what it is all about.

15 We would ask the Court at this time to consider  
16 in any kind of sentence imposition that he is on federal  
17 probation from October 19, 1982 until October the 19th, 1994.  
18 If he makes any breaches of his violation, he will go back  
19 for another 12 years, back to the places where he came from,  
20 which is significantly, I think, different from the Virginia  
21 State Prison.

22 THE COURT: How long was he out of Virginia  
23 before he committed the bank robbery, the federal crime?

1 MR. MACHEN: I believe, Your Honor, it was  
2 about a year --

3 MR. REASE: Two years and ten months.

4 MR. MACHEN: Two years and ten months he  
5 was on probation before he -- Your Honor, I think the  
6 history of this is what is reflected there, along with  
7 what he has related to me; that there is a whole significant  
8 change in his life for that point in time. Whereas the  
9 man did not have respect for his fellow man, I think he was  
10 involved in a drug program that was telling him don't do  
11 the things and the people that he was fooling around with  
12 at the time were telling him it was all right to do these  
13 kind of things.

14 At this point in time, I think, after the  
15 six, seven years drying out in the federal prison system  
16 and getting moved about as he was done from his own indication,  
17 to see the hell hole that he has to live with, I think that  
18 has made a significant change in him.

19 At this time, I think the Court -- the punishment  
20 aspect of it, I think, has been borne out for the crime that  
21 he has committed, giving him a total of just about ten  
22 years -- he was facing twelve years -- to go back in case  
23 he messes up.



1 I think the Court should consider this. If  
2 they want to impose any sentence, certainly a six-month  
3 time, to give him the indication. But I think at this point  
4 in time, with the twelve years hanging over his head, that  
5 the Court could go ahead and release him so he could get  
6 his life in order and move on.

7 MR. HURD: Your Honor, every case, of course,  
8 has to be evaluated on its own merits. But there are some  
9 categories of cases, it seems to me, that call for almost  
10 automatic revocation. I frankly think this is one of those.

11 He committed a serious offense, was put on  
12 probation and then violated his probation by committing  
13 not only another serious offense, but the same type of  
14 offense and one of the most serious ones that we know.

15 In short, if we don't invoke the entire time  
16 that was suspended in the first place for this type of  
17 violation, we may as well close up shop on the revocation  
18 business. I would ask that the entire time be revoked.  
19 The mitigating circumstances simply do not outweigh the  
20 subsequent violation.

21  
22 THE COURT: Does the probation officer have any  
23 comment?

1 THE PROBATION OFFICER: No, Your Honor.

2 THE COURT: Would the defendant rise?

3 (The defendant stood.)

4 THE COURT: Mr. Rease, do you have anything  
5 you wish to say to the Court at this time?

6 MR. REASE: Yes, sir. Only that I hope you will  
7 take into light the fact I almost did seven years in the  
8 federal system. I have facilitated a job as part of my  
9 parole plan from the federal system. I know I violated  
10 my probation and am deeply sorry. I am ready to go back  
11 into society and to do something meaningful for my life  
12 and my kid. I don't think any further incarceration would  
13 benefit me. I have been through a lot of ups and downs  
14 since I have been locked up. Besides, it has had a lot  
15 of effect on my family, our relationship. They have been  
16 taking care of my kid ever since I have been locked up.  
17 Because of them moving me so far away from home, I haven't  
18 been able to see him that much.

19 I am just tired of doing time, Your Honor, and  
20 I think I am ready for society. I think that I have went to  
21 school and have obtained enough knowledge -- obtained a marketable  
22 skill, so I don't have to do these things no more.  
23

1 I know the charges I had at the state, as  
2 well as for the federal, were two serious charges and  
3 there is nothing I can do -- you know, do about it now.  
4 I did the time for both, you know, and I know it is a  
5 serious crime. You know, I just want another chance.

6 THE COURT: Mr. Rease, the seven years you  
7 have just served for your bank robbery, you served very  
8 few months on the original robbery charge in the state  
9 system. There were very few months. But evidently it  
10 wasn't long enough to have very much effect on you, because  
11 within a couple of years, you committed another serious  
12 crime of robbery.

13 Most of the time you have served is with reference  
14 to that time. I sincerely hope that you have found your  
15 way. But the Court cannot overlook the fact that you  
16 committed a robbery, one of the most serious crimes in the  
17 Commonwealth of Virginia and then within a short time  
18 thereafter, you committed another crime in the Commonwealth of  
19 Virginia with a bank and you are charged on the federal level.

20 The Court doesn't have much discretion in this  
21 case -- not much alternative but to order into execution the  
22 balance of your sentence of seven years. You are remanded  
23 to the custody of the sheriff.



1 MR. MACHEN: Your Honor, I am Robert Machen.

2 It was Mr. Franklin who was listed on--

3 THE COURT: Right. It has been changed.

4 MR. MACHEN: Thank you, Your Honor.

5 (Whereupon, at 3:08 o'clock p.m., the hearing  
6 in the above matter was concluded.)

7  
8 - - - - -

9 CERTIFICATE OF REPORTER

10 I, Bonita L. Clark, do hereby certify that I took  
11 the stenographic notes of the foregoing proceedings and  
12 reduced the same to typewriting; that the foregoing is a  
13 true record of said proceedings; that I am neither related  
14 to nor employed by any of the parties to the action in which  
15 this proceedings was taken; and further, that I am not a  
16 relative or employee of any attorney or counsel employed  
17 by the parties hereto, nor financially interested in the  
18 action.

19 Bonita L. Clark

20 Court Reporter, CVR-CM

830182

11/5 sub  
11/24  
CR 9/15/ED  
full 5/52

DEC 29 1982

JAMES E. HOGFNAGLE  
Clerk of the Circuit Court  
of Fairfax County, Va.

V I R G I N I A

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

----- X  
:  
COMMONWEALTH OF VIRGINIA :  
:  
vs :  
:  
RUDOLPH V. REASE :  
:  
Defendant :  
:  
----- X

CRIMINAL NO. 18024

Fairfax, Virginia

Wednesday, November 24, 1982

The above-entitled matter came on to be heard  
before the Honorable Burch Millsap, Judge of the Circuit  
Court of Fairfax County, in the courthouse, Fairfax,  
Virginia, beginning at 10:02 o'clock a.m.

APPEARANCES:

On behalf of the Commonwealth of Virginia:

JAMES F. HURD, JR., ESQUIRE

On behalf of the Defendant:

DAVID J. FUDALA, ESQUIRE

Defendant; present in person.

CV

I N D E XWITNESSESDIRECTCROSSREDIRECTRECROSS

J. Richard Faulkner

13

20

21

22

David Dale

23

26

--

--

Daisy R. Wise

30

31

31

--

Rudolph Rease

32

38

44

--

EXHIBITSIDENTIFIEDADMITTEDDefendant's

Nos. 1 through 11

11

11

No. 12

12

12



P R O C E E D I N G S

(In open court.)

(The court reporter was sworn.)

THE COURT: The Commonwealth of Virginia versus  
Rudolph Rease, Criminal Case 18024.

MR. FUDALA: Good morning, Your Honor.

THE COURT: Let the record show that the Commonwealth of Virginia is represented by the Assistant Commonwealth Attorney and the defendant is present in Court and represented by his attorney.

Please be seated, Mr. Rease.

Do you have a motion?

MR. FUDALA: Yes. Your Honor, this comes on and the defendant raises a motion for reconsideration of revocation of his probation which this Court revoked his probation on November 5th of this year and imposed a seven-year sentence upon a previously suspended sentence which Mr. Rease had received back in 1972.

I filed a legal memorandum with the Court. I have a few things that I want to move into evidence and some testimony, but to briefly outline the argument --

THE COURT: Before you do that, all the witnesses who are going to testify, please rise.

1 Is either party requesting a rule on the  
2 witnesses?

3 MR. HURD: Yes, sir.

4 THE COURT: All the witnesses who are going to  
5 testify will have to wait on the outside of the courtroom.  
6 While waiting on the outside of the courtroom, please do  
7 not discuss your testimony with anyone and after you testify  
8 please do not discuss your testimony that you have given.  
9 Just wait on the outside.

10 All right, Mr. Fudala?

11 MR. FUDALA: Your Honor, the argument that I  
12 presented to the Court in my memorandum very clearly shows  
13 that Mr. Rease is entitled to be released from the custody  
14 of the State of Virginia today.

15 The facts, as Your Honor is aware as reflected  
16 in the file, are that he was convicted of armed robbery  
17 in this Court in September of 1972. Your Honor sentenced  
18 him on November 17th, 1972. At that time you imposed an  
19 explicit sentence on him of ten years in the State peniten-  
20 tiary with seven years of that ten years suspended and  
21 a specific probation period of five years, a supervised  
22 probation of five years. And the order in the Court's  
23 file indicates that.

1           That probation was to start running when Mr.  
2 Rease was released on parole in 1974. Mr. Rease went to  
3 the State Department of Corrections and was paroled from  
4 the Virginia Department of Corrections on July 22nd, 1974.  
5 That's when his term of probation began, July 22nd, 1974.

6           On November 1st, 1976, Your Honor, in your file,  
7 has a letter from Mr. Fellows, who was the probation officer  
8 of Mr. Rease at that time. He advised Your Honor that  
9 Mr. Rease had been arrested and incarcerated in the Arlington  
10 County jail to face federal bank charges in Alexandria,  
11 Virginia.

12           Again -- Well, then on November 8th, 1976, Mr.  
13 Rease was arraigned on the federal charge in Alexandria  
14 for bank robbery. That admittedly was during the term  
15 that he was under probation with this Court, during that  
16 five-year term.

17           Then again on November 18th, 1976, Mr. Fellows  
18 again wrote to Your Honor. Again that letter is indicated  
19 in Your Honor's file. I don't have a copy of it, but it  
20 is in the file.

21           Mr. Fellows again advised Your Honor that Mr.  
22 Rease had been arraigned in federal court for bank robbery  
23 and that he was in the Arlington County jail.



1           As a result of that letter, on November 24th,  
2           1976, Your Honor issued a bench warrant for Mr. Rease's  
3           arrest indicating that the Court had been informed of a  
4           possible probation violation relating to the federal bank  
5           robbery charge and that he should be arrested immediately  
6           and brought before Your Honor.

7           That bench warrant was never served, never  
8           executed, until Mr. Rease was released from Terre Haute,  
9           Indiana in October of 1982, at which time he signed a waiver  
10          of extradition and came back here to Virginia.

11          Now the record also reflects that on January  
12          7th, 1977, Mr. Rease was sentenced in federal district  
13          court by Judge Bryan to 18 years in the federal penitentiary.  
14          Following that sentencing, Mr. Fellows again wrote to Your  
15          Honor informing the Court of the sentencing. That was  
16          January 13th, 1977, that Mr. Rease had been sentenced in  
17          federal court and that he was in the Arlington County deten-  
18          tion center.

19          At the end of January 1977, Mr. Rease moved to --  
20          They moved him to Lewisburg, and Mr. Rease was in the custody  
21          of the federal authorities until November of 1982 when  
22          he was brought back here on a detainer to face the proba-  
23          tion revocation.

1           Now also during the course of time that Mr. Rease  
2 was incarcerated in the federal penitentiary there were  
3 numerous letters exchanged between Mr. Rease and Your Honor,  
4 Mr. Rease and his State probation officer, and Mr. Rease  
5 and his federal probation officer. Some of those letters  
6 are in the file and I would move into evidence some of  
7 the other letters from Your Honor to Mr. Rease.

8           In particular, on April 14th, 1977, when Mr.  
9 Rease was in Lewisburg, he received a letter from the Clerk  
10 of the Court of Fairfax stating in response to an inquiry  
11 about his State detainer that nothing would be done until  
12 he served his federal sentence. Attached to that was a  
13 copy of the detainer which had been lodged at Lewisburg.  
14 That detainer was lodged on March 18th, 1977.

15           During the next few years, Mr. Rease continued  
16 to write to Your Honor, and Your Honor on February 27th,  
17 1979 denied him a release of the detainer and then again,  
18 I believe, in April of 1981 and September 1981, denying  
19 Mr. Rease's request to release the detainer.

20           As Your Honor is aware from your communication  
21 to Mr. Rease, there were numerous requests to release that  
22 detainer or have something done about that detainer.

23           Now Mr. Rease's probation period, his five years,

1 ended on July 22nd, 1979. That's five years from July  
2 22nd, 1974, when he was released on parole from the Virginia  
3 State Department of Corrections.

4 On July 22nd, 1980, the power of this Court over  
5 Mr. Rease to revoke his probation or suspended sentence  
6 ended. That's according to explicit statutory provision  
7 of 19.2-306, which I cited in my memorandum, but it is  
8 clear that under 19.2-306 -- I'm only citing the relevant  
9 language: "Caused the defendant to be arrested and brought  
10 before the Court at any time within one year after the  
11 probation period."

12 Now that language is very explicit, and the cases  
13 I've cited in the memorandum, Bick versus Commonwealth,  
14 Dyke versus Commonwealth, Richardson versus Commonwealth,  
15 all construe that very strictly to be a jurisdictional  
16 statute, that within one year after the probation term,  
17 if a probation term is prescribed in a sentence, then it  
18 must be brought before the Court, it must be heard, and  
19 the Court must make its ruling concerning revoking the  
20 suspended sentence.

21 It is a jurisdictional statute. And it was not  
22 met. We are two and a half years beyond July 22nd, 1980.  
23 That's when the Court could have last acted with regard



1 to Mr. Rease.

2 Now those cases, Your Honor, that I've cited  
3 I think leave no question unanswered concerning Mr. Rease.  
4 He didn't abscond. He didn't make himself unavailable.  
5 He in fact affirmatively asked many, many times what is  
6 going to happen to my detainer. What is going to happen?  
7 Well, nothing happened.

8 In March of April of 1977, the Commonwealth elected  
9 at that time to wait. And Mr. Rease served his federal  
10 time, came back here, and now faces seven years in the  
11 State penitentiary.

12 I submit, Your Honor, and I think the law is  
13 absolutely clear in the State of Virginia that Your Honor  
14 lost power over him in July of 1980.

15 Now, I anticipate the argument from the Common-  
16 wealth that, well, how can we then control our people who  
17 are possibly faced with a federal sentence and how are  
18 we supposed to deal with that?

19 Well, one way it can be dealt with is that the  
20 statute is very clear that if the Court does not propose  
21 a specified probation period -- for instance, in this case  
22 if Your Honor had not given a specific five-year probation  
23 period -- then the power of the Court -- and Your Honor

1 does not give a specific suspended sentence period -- then  
2 the power of the Court extends for one year beyond the  
3 maximum sentence that he could have been sentenced for.

4 Assuming he could have gotten 20 years, for instance,  
5 for this offense -- I'm not sure, but assuming that, Your  
6 Honor would have 21 years worth of power over him had you  
7 not imposed a specific probation period.

8 But the statute is absolutely clear and the statute  
9 exists for a very, very sound reason. Efforts to rehabilitate  
10 an inmate and due process considerations demand that an  
11 inmate know specifically and exactly when the power of  
12 the Court over him will terminate.

13 Many studies have been done and there have been  
14 many cases written. In fact, the Interstate Compact on  
15 Detainers, the whole purpose behind that was to get charges  
16 taken care of so you don't have a guy sitting in prison  
17 wondering about what is going to happen to him when he  
18 gets out because it's detrimental to rehabilitation and  
19 it's undue punishment of the man and it's unfair and it's  
20 a violation of due process. That's why we have those rules.  
21 That's why Virginia has this statute.

22 Virginia is very, very strict, in fact I think  
23 stricter than general due process considerations.

1 Now I won't argue the case any further unless  
2 Your Honor wishes, but I think the cases I've cited clearly  
3 show that the Commonwealth --

4 THE COURT: Do you want to put on evidence?

5 MR. FUDALA: Yes, I do.

6 THE COURT: What evidence do you wish to put  
7 on?

8 MR. FUDALA: I want to move into evidence several  
9 exhibits which the Commonwealth has.

10 THE COURT: Are they out of the Court files?

11 MR. FUDALA: Some of them are, or they are corre-  
12 spondence between the Court or the probation office and  
13 Mr. Rease.

14 Do you have any objection to any of these?

15 MR. HURD: No, I have no objections.

16 MR. FUDALA: They're exhibits -- I' have pre-  
17 marked them Exhibits 1 through 11.

18 THE COURT: The Court will admit.

19 (Whereupon, the items referred  
20 to were marked as Defendant's  
21 Exhibits Nos. 1 through 11  
22 for the purposes of identifi-  
23 cation and admitted into



1 evidence.)

2 MR. FUDALA: Your Honor, I would also move into  
3 evidence -- I'm not sure exactly how to do this -- the  
4 Court file. There are many things in the Court file which  
5 I don't have. But as Exhibit 12, the entire Court file.

6 THE COURT: The Court will admit as one exhibit  
7 the Court file.

8 (Whereupon, the item referred  
9 to was marked as Defendant's  
10 Exhibit No. 12 for the purpose  
11 of identification and admitted  
12 into evidence.)

13 MR. FUDALA: I would also like to call as a witness  
14 Mr. Rease's parole officer, his federal parole officer,  
15 Mr. Rick Faulkner.

16 THE COURT: Do you have any opening statement?

17 MR. HURD: No, Your Honor. I will just defer,  
18 if I may, to our view when the evidence is presented and  
19 concluded.

20 THE COURT: All right.

21 Whereupon,

22 J. RICHARD FAULKNER

23 a witness, was called for examination by counsel on behalf

1 of the Defendant, and, having been first duly sworn, was  
2 examined and testified upon his oath as follows:

3 DIRECT EXAMINATION

4 BY MR. FUDALA:

5 Q Mr. Faulkner, would you state your full name,  
6 please?

7 A J. Richard Faulkner, Jr.

8 Q Mr. Faulkner, how are you employed?

9 A I'm a United States probation and parole officer  
10 with the U.S. District Court in Alexandria.

11 Q How long have you held that position?

12 A Eight years.

13 Q Mr. Faulkner, are you currently the parole officer  
14 of Mr. Rudolph Rease?

15 A Yes, I am.

16 Q And that is under the federal bank robbery charge  
17 stemming out of the conviction in 1976?

18 A That's correct.

19 Q How long will Mr. Rease be under your parole  
20 supervision?

21 A He has an expiration date with us of October  
22 19, 1994.

23 Q That's supervised parole?

1           A     That's supervised parole.

2           Q     Will you tell the Court, Mr. Faulkner, how you  
3 first came to personally meet Mr. Rease?

4           A     Mr. Rease --

5           MR. HURD: Pardon me, Your Honor. If I may,  
6 I would object to that as being irrelevant. The issue  
7 here is whether or not this Court has jurisdiction.

8           THE COURT: I think this whole issue is a  
9 jurisdictional question, isn't it, as a matter of law?

10          MR. FUDALA: No, sir. In my initial motion that  
11 is the key issue, but I have another. Even if Your Honor  
12 does consider that there is power, on a motion to reconsider  
13 I'd like to put on evidence to convince Your Honor that  
14 this man should not be revoked.

15          THE COURT: On what basis?

16          MR. FUDALA: That he has been substantially  
17 rehabilitated.

18          THE COURT: How do we know that because he hasn't  
19 been out in the public? Virginia paroled him one time  
20 as rehabilitated and within a few days he robbed a bank.

21          MR. FUDALA: I understand, sir.

22          THE COURT: Now he's been out a few days and  
23 you say he's rehabilitated from the federal penitentiary.

1 MR. FUDALA: Well, sir, I think the period of  
2 incarceration for six years -- I think Your Honor would  
3 want to know what happened while he was in prison and that  
4 will be determinative.

5 Also, Your Honor, if we do have to note an appeal  
6 there is a question of bond.

7 THE COURT: I'll let you make a record for appeal,  
8 but the Court cannot assume he's rehabilitated because  
9 he hasn't been out in public long enough to give us any  
10 indication of rehabilitation. Last time he was out in  
11 public he robbed a bank.

12 MR. FUDALA: That was many years ago, sir.

13 THE COURT: I know it, but he's been in the peni-  
14 tentiary every since.

15 MR. FUDALA: I would like to make the record.

16 THE COURT: Go ahead and make the record.

17 BY MR. FUDALA:

18 Q How did you first come to meet Mr. Rease?

19 A Mr. Rease's case was initially assigned to me  
20 during the period of his incarceration. At that time I  
21 would track his progress through the Federal Bureau of  
22 Prisons through progress reports and if there had been  
23 any furloughs or any requests to come home during that



1 period of time or if he had been allowed to be released  
2 from the institution . we would have been responsible.  
3 He did not have any furloughs during that six-year period.

4 Q Are you familiar with his institutional record?

5 A Yes, I am.

6 Q Would you just tell the Court what that is?

7 A Yes.

8 Q And where he served his time.

9 A Initially he was moved from Virginia. Once he  
10 received his sentence from Judge Bryan of 18 years, he  
11 was moved on January or approximately January 17, 1977  
12 to the United States penitentiary at Lewisburg, Pennsylvania.

13 He had one incident at Lewisburg, Pennsylvania.  
14 That was January 9, 1979, in which he had a fight with  
15 another inmate. Both inmates were segregated and eventually  
16 separated.

17 He was then moved to the United States penitentiary  
18 in Atlanta as a segregation move. During that period of  
19 time a change happened in the Bureau of Prisons. They  
20 changed their mission and he was moved to Marion, which  
21 is a more secure institution, but at that time it was merely  
22 a population movement and not for disciplinary reasons.

23 Q What do you mean by a population movement?

1       A     They changed the population or the mission of  
2     the Bureau of Prisons at Atlanta. The penitentiary is  
3     being closed and at that time we were incarcerating Haitians  
4     that were refugees in the country.

5       Q     Excuse me, Mr. Faulkner. Marion is a Level 6  
6     facility, isn't it?

7       A     Yes, it is.

8       Q     That's the highest designation?

9       A     Yes. It took the place of Alcatraz.

10      Q     And if I understand you, Mr. Rease was not moved  
11     there because of disciplinary reasons?

12      A     No, he was not. He was later transferred from  
13     Marion on to Terre Haute and he was paroled from Terre  
14     Haute on to what we would call paroled under paper because  
15     there was a detainer from Fairfax County for the revocation.

16            During the entire six years of his incarceration  
17     he had one incident that occurred on January 9, 1979. That  
18     was for fighting another inmate. He was segregated. He  
19     lost 20 days of statutory good time. That was restored  
20     on May 6, 1981. So therefore he had a clear -- He ended  
21     up with a clear record because all of his statutory time  
22     or good time was restored to him.

23      Q     In your experience, Mr. Faulkner, is that unusual

1 to have a clear institutional record for six years in the  
2 penitentiary?

3 MR. HURD: Objection, Your Honor.

4 THE COURT: Sustained.

5 BY MR. FUDALA:

6 Q Now, Mr. Faulkner, how did you personally come  
7 to first see Mr. Rease?

8 A On January -- I see that on November 7th Mr.  
9 Rease reported to my office. He made a phone call and  
10 made an appointment and came into the office.

11 THE COURT: What year? This year?

12 THE WITNESS: Yes, Your Honor.

13 Excuse me. I said November 7th. On November  
14 7th my records indicate he was released from the Fairfax  
15 County Adult Detention Center. On November 8th, the next  
16 day, he reported to my office and we then opened his case  
17 as an active supervised parole case whereas before we were  
18 carrying it on paper as an inactive case while he was in  
19 the State custody.

20 I set up a file. We discussed his institutional  
21 record, his plans for the future, and I then, in checking  
22 back, found that he had been inadvertently released from  
23 the Fairfax County Adult Detention Center, and I contacted



1 the Court as well as the probation office here. I gave  
2 them the necessary information as to where he was and he  
3 was then incarcerated again or arrested by Alexandria police  
4 on November 12th.

5 While he was in my office, we basically set up  
6 a plan for what he would be doing on parole, where he would  
7 be living, and he gave me information as to a prospective  
8 employer. My understanding was that after he left my office  
9 he went on an interview, he was accepted for employment,  
10 had worked two days prior to being arrested, and in our  
11 estimation he did everything. If we said that he had to  
12 do a, b, and c, he did A, B, and C to establish himself  
13 on parole. Everything else was done very positively. We  
14 had good contact with the defendant as well as his family.

15 BY MR. FUDALA:

16 Q Where was he living?

17 A He was living with his family at 400 Mount Vernon  
18 in Alexandria. His case was going to eventually be  
19 transferred for parole supervision to the State Alexandria  
20 office.

21 MR. FUDALA: Thank you, Mr. Faulkner. I have  
22 no further questions.

23 THE COURT: Cross-examine?



## CROSS-EXAMINATION

BY MR. HURD:

Q Mr. Faulkner, I take it from the time he was sentenced, actually before that time, until he was released to Fairfax County authorities he was continuously in federal custody. Is that true?

A That's correct. From October 20, '76, until October 19, 1982, he was in federal custody.

Q And when he was released to Fairfax County on October the 19th, that was on the detainer which was lodged as a result of that bench warrant from Judge Millsap that issued on November 24th, 1976. Is that true?

A That's correct.

Q In effect, that bench warrant just followed him around the federal system and was waiting for him at the time that he was --

A It just stays in the file as a detainer and once a person finishes their sentence, then they notify the detaining authorities that they are to come forthwith to pick him up or they're going to release him, and arrangements then are made either with the sheriff's department in the county here to go to the institution and pick up the prisoner.

MR. HURD: Thank you. That's all I have.

1 MR. FUDALA: I have one or two questions about  
2 that.

3 REDIRECT EXAMINATION

4 BY MR. FUDALA:

5 Q Mr. Faulkner, do your records indicate during  
6 what period of time Mr. Rease was in federal custody but  
7 incarcerated in Arlington County Detention Center?

8 A He was arrested the day the bank robbery occurred  
9 which was October 20, '76. He remained there, to the best  
10 of my knowledge and from what I could find in researching  
11 my records, until some time on or about January 17, at  
12 which time he was then taken to Pennsylvania.

13 Q Now in your experience, Mr. Faulkner, was there  
14 anything that would have prevented Mr. Rease from having  
15 been brought before this Court even though he was in federal  
16 custody?

17 MR. HURD: Objection, Your Honor. That calls  
18 for speculation.

19 MR. FUDALA: In his experience.

20 THE COURT: I'll let him testify from his personal  
21 knowledge.

22 THE WITNESS: I can only -- I have never worked  
23 in the State system, except as a juvenile officer, but

1 in the federal system, we would bring him over during that  
2 period of time. Logistics are so much easier when they  
3 are in our jurisdiction to bring them before the Court  
4 and impose a sentence.

5 BY MR. FUDALA:

6 Q You also said in talking about the detainer  
7 following him around the system that once a person finishes  
8 his or her sentence, then they're released to the detaining  
9 authority. You don't mean to say that that's the only  
10 time that they're released, do you?

11 A No. They can of course be writted out and any  
12 time during the period of incarceration they can be brought  
13 back because of detainer to a court.

14 MR. FUDALA: All right. Thank you. No other  
15 questions.

16 RECROSS-EXAMINATION

17 BY MR. HURD:

18 Q In that regard, you're referring to solely  
19 federal procedure, are you not? In other words, we have  
20 here a case involving federal incarceration and a State  
21 probation, and what you're referring to is strictly  
22 federal on both.

23 A Well, actually a prisoner who is in doing a



1 federal sentence can be brought back to the State of  
2 California or Virginia if he has a detainer on him. He's  
3 brought in on a writ of course. Then he can be brought  
4 back and given that sentence either made concurrent with  
5 the federal sentence -- sometimes that's -- In some courts,  
6 some jurisdictions, they say you cannot do that, but  
7 generally it's a consecutive sentence.

8 MR. HURD: That's all I have.

9 THE COURT: You may step down. Be careful.

10 Call your next witness.

11 MR. FUDALA: David Dale, Your Honor.

12 THE COURT: May this witness be excused?

13 MR. FUDALA: Yes, sir, unless the Commonwealth --

14 MR. HURD: As far as I'm concerned, he may be  
15 excused.

16 Whereupon,

17 DAVID DALE

18 a witness, was called for examination by counsel on behalf  
19 of the Defendant, and, having been first duly sworn,  
20 was examined and testified upon his oath as follows:

21 DIRECT EXAMINATION

22 BY MR. FUDALA:

23 Q Please state your full name.



1 A My name is David Dale.

2 Q Mr. Dale, where do you live?

3 A I live in Arlington, Virginia; 2768 North Randolph  
4 Street.

5 Q And, sir, how are you employed?

6 A I'm employed by a company called Tricom.

7 Q Tricom, c-o-m?

8 A Right.

9 Q What kind of company is that?

10 A It's a company that's dedicated to the care of  
11 inner city children ranging in necessary care from  
12 delinquent at one end of the spectrum to neglected or  
13 shelter type children on the other end.

14 Q What city do you operate from?

15 A Washington, D.C.

16 Q Is that under public funding?

17 A Yes, it is.

18 Q Do you get children committed to you by the courts?

19 A All children are committed wards of the court.

20 Q Do you know Mr. Rudolph Rease?

21 A Yes, I do.

22 Q How did you come to know him?

23 A He applied for a job. I don't know the exact

1 time, two or three weeks ago, two weeks ago, something  
2 like that. And I felt that we could use a man of his  
3 experience and background.

4 Q Let me stop you there. Were you aware of his  
5 experience and background?

6 A Yes, I was and where he had come from recently.

7 Q You knew that he had been in Marion, Illinois,  
8 and Atlanta and the federal system for about six years?

9 A I didn't know where, you know the specific  
10 institution, but I did know he had been incarcerated.

11 Q All right, go on. I'm sorry.

12 A I felt that we could probably take him on in  
13 a maintenance category at first and then hopefully maybe  
14 give him an opportunity to work into a counselor's job.  
15 It has been our experience that gentlemen who have had  
16 incarceration within their lifetime sometimes have a little  
17 bit better understanding of where some of these kids that  
18 we're trying to help come from.

19 Q All right; and did you give him a job?

20 A Yes, I did.

21 Q Did he ever work for you?

22 A Yes, he did.

23 Q For what period of time?

1           A     He was in our employ for just a very short few  
2 days because his freedom was terminated, which is the basis  
3 for this hearing today, but he was very prompt in showing  
4 up for work. He really threw himself into the job. I  
5 was impressed with his tenacity in trying to learn some  
6 of the maintenance capabilities and techniques that we  
7 use in and around these homes.

8           Q     If Mr. Rease is released from custody, are you  
9 still willing to have him in your employ?

10          A     Very definitely.

11               MR. FUDALA: No other questions.

12               THE COURT: Cross-examination.

13                       CROSS-EXAMINATION

14               BY MR. HURD:

15          Q     Tell me what exactly his duties were and would  
16 be if he were released. You mentioned something about  
17 the care of children committed to you by the courts. What  
18 exactly would he be doing with respect to those people?

19          A     His -- The position that I hired him for when  
20 he first came in our employ was as a maintenance individual.  
21 He was learning the process of how to repair pipes and  
22 plaster holes in the wall and things like that.

23               Quite often with children of this nature we



1 have need for a number of repairs in the facilities. We  
2 operate four different facilities. He would be involved  
3 in all of those facilities in repairing damage caused by  
4 these kids, and, by virtue of that, he comes in very close  
5 contact with the children that are living in those  
6 facilities.

7 Q Well, how is it that his background in the  
8 penitentiary and having been convicted of two robberies  
9 has any benefit to you or to the children that he would  
10 come in contact with?

11 A Well, please understand that the types of children  
12 that are contained in these facilities are on the road  
13 to the same type of mistakes that this gentleman has made.

14 Q But if he's operating as a maintenance person,  
15 why would that make any difference?

16 A Make any difference about what?

17 Q The fact that he has the background that would  
18 be related. In other words --

19 A You misunderstood what I first said.

20 Q Didn't you say that he was working in maintenance  
21 for a facility that is for children who have been committed  
22 to you by the courts? Is that what you said?

23 A Yes.



1           Q     Now what I'm trying to understand is why it makes  
2 any difference that as a maintenance individual or a main-  
3 tenance person the fact that he had been in the penitentiary  
4 has any benefit for the children that he might come in  
5 contact with. It's not as if he were a counselor, is it?

6           A     Well, you misunderstood what I said. When this  
7 gentleman asked me why I would be interested in a person  
8 like this, the fact that he's a maintenance man, no, it  
9 has no influence whatsoever other than the fact that being  
10 in the facilities he's around the children and he's  
11 obviously going to be talking with them. They live there.  
12 It's a home style setting. And he's obviously going to  
13 be involved in conversation and relating his past experience.

14           What was asked me was when I hired the gentleman  
15 would there be an opportunity or what would be his future  
16 there, and I related the fact that we had found in the  
17 past experience with individuals that have had backgrounds  
18 of being incarcerated and involvement with the law enforce-  
19 ment agencies, that they in fact do have a great deal of  
20 interest and they have an identity that these kids can  
21 kind of get into if they're rehabilitated. I'll class  
22 it in that respect, which I feel that this gentleman is.

23           They can kind of say, "Hey, I did wrong and

1 this is why I probably did it and this is the mistake I  
2 made and you're going to make the same mistake." It's  
3 a basis for conversation. There's an awful lot of group  
4 therapy and this type of thing that goes on in this  
5 environment.

6 For a person who has been there before, it's  
7 impacting on a child.

8 Q Tell us why you think Mr. Rease has been  
9 rehabilitated?

10 A Well, he's -- Okay, now I've been around law  
11 enforcement agencies for quite some time and this is just  
12 personal opinion. It's not a professional opinion. It's  
13 a personal opinion.

14 The way he approached the job, the timely manner  
15 in which he came to work, the way he did things that we  
16 asked him to do, on a short basis I would be willing to  
17 say I'm going to give this man a lot more chance. Now  
18 that's not a professional opinion. That's just a personal  
19 opinion.

20 MR. HURD: Thank you. That's all I have.

21 MR. FUDALA: No other questions.

22 THE COURT: May the witness be excused?

23 MR. FUDALA: Yes, sir.

1 THE COURT: You're free to go. Be careful of  
2 the step.

3 MR. FUDALA: Mrs. Wise.  
4 Whereupon,

5 DAISY R. WISE  
6 a witness, was called for examination by counsel on behalf  
7 of the Defendant, and, having been first duly sworn, was  
8 examined and testified upon her oath as follows:

9 DIRECT EXAMINATION

10 BY MR. FUDALA:

11 Q Mrs. Wise, would you tell the Judge your full  
12 name?

13 A My name is Daisy Riggs Wise.

14 Q And you're the mother of Rudolph Rease?

15 A I am.

16 Q Where do you live, Mrs. Wise?

17 A 400 Mount Vernon Avenue, Alexandria.

18 Q Is that in the Rosemont area of Alexandria?

19 A Yes, it is.

20 Q Now for a brief period in November of 1982, did  
21 Rudolph live with you?

22 A Yes, he did.

23 Q He lived with you in Alexandria?

1 A Yes.

2 Q If Mr. Rease is released from custody, are you  
3 willing to continue having him live with you?

4 A Oh, yes. Yes.

5 MR. FUDALA: I have no other questions.

6 THE COURT: Cross-examination.

7 CROSS-EXAMINATION

8 BY MR. HURD:

9 Q Mrs. Wise, was he living with you at the time  
10 he committed the offenses for which he was convicted, the  
11 robbery in Fairfax County as well as the federal bank  
12 robbery?

13 A Yes, he was.

14 MR. HURD: That's all I have, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. FUDALA:

17 Q One question: Mrs. Wise, did Rudolph have a  
18 drug problem during those periods that he referred to?

19 A Yes, he did.

20 Q Have you seen any evidence of drug use or a drug  
21 problem in the time that he's been in your home in  
22 November of 1982?

23 A No.



1 MR. FUDALA: Thank you.

2 THE COURT: How many nights did he stay in your  
3 home in 1982?

4 THE WITNESS: Every night.

5 THE COURT: How many is that?

6 THE WITNESS: Oh, well, he was there from the  
7 time he was released until they picked him up. It was  
8 10 days, I think.

9 THE COURT: Ten days. You may step down.

10 MR. FUDALA: I call Mr. Rease.

11 Whereupon,

12 RUDOLPH REASE

13 the defendant, was called for examination by counsel on  
14 behalf of the defendant, and, having been first duly sworn,  
15 was examined and testified upon his oath as follows:

16 DIRECT EXAMINATION

17 BY MR. FUDALA:

18 Q Would you state your full name, please?

19 A Rudolph Valentino Rease.

20 Q And you're the same Mr. Rease involved in this  
21 probation revocation hearing. Is that correct?

22 A Yes, I am.

23 Q You were convicted of bank robbery in this

1 Court in 1972. Is that right?

2 A Yes.

3 Q You were released by an inadvertent error on  
4 November the 5th or thereabouts of this year after a hearing  
5 in this Court. Is that correct?

6 A That's correct.

7 Q Would you tell the Court what you did after you  
8 were released from jail?

9 A Okay, when I was released, that evening I called  
10 my mother and asked her could she get somebody to pick  
11 me up, and my sister, she got off from work and she came  
12 to pick me up, right. I went to my mother's house, you  
13 know, and my mother cooked me dinner and we sit down and  
14 talked and everything and family and everything. I made  
15 a few phone calls to some relatives of mine to let them  
16 know I was home. That night, you know, I just laid around.

17 Q Don't go through every day very specifically.  
18 We'll be here too long, but tell the Judge -- You were  
19 in Alexandria approximately 10 days.

20 A Right.

21 Q Would you tell the Judge what you did in terms  
22 of putting your life back together after being in prison  
23 for six years?

1           A     Okay, Friday it was too late to get in contact  
2 with my probation or parole officer.

3           Q     That's Mr. Faulkner?

4           A     Mr. Faulkner. So, you know, Monday morning I  
5 called him and I was trying to find out who was my parole  
6 officer and they told me. They said Rick Faulkner. So  
7 I called and I told him my name was Rudolph Rease and I  
8 had just been released from Fairfax County on Friday and  
9 I'd like to know if I could come in and meet with him and  
10 talk to him about, you know, my release and everything.

11                So he told me to come in about 11:00 o'clock.  
12 I went down and we talked. And he asked me what was I  
13 going to do about a job. I told him that as far as I knew  
14 I had this job. You know, it was supposed to be going  
15 pretty well with Tricom where my sister was employed as  
16 assistant administrator.

17                So we talked and he asked me where I was staying  
18 and I told him with mother at 400 Mount Vernon Avenue.  
19 And we talked, you know, some more. We talked about my  
20 past prison record, you know, and so forth and so on, and  
21 then he made another appointment for me to see him on the  
22 16th.

23           Q     The 16th of November?

1 A Right.

2 Q Did you make that appointment?

3 A They picked me up.

4 Q The Fairfax County authorities picked you up?

5 A Alexandria picked me up and then Fairfax came  
6 and got me.

7 Q Where were you when they picked you up?

8 A At my mother's house.

9 Q Did you resist them in any way?

10 A No.

11 Q Or refuse to come back?

12 A No. I had just got off of work.

13 Q Mr. Rease, do you have any children?

14 A Yes, sir.

15 Q How many children?

16 A One, a 12-year-old son.

17 Q Where does he live?

18 A He lives on Route 1 with his mother.

19 Q During the period that you were out, the 10-  
20 day period you were out in November, did you see your son?

21 A Yes, I did.

22 Q How often?

23 A As often as I could.



1 Q And, Mr. Rease, if you were released and able  
2 to return to work, is it your intention to help support  
3 that child?

4 A Most certainly.

5 Q Now back up just a little bit, Mr. Rease, very  
6 briefly. You were aware at some point in time, were you  
7 not, that you would be violated, so to speak, for your  
8 probation in the State of Virginia because of the federal  
9 bank robbery charge. Is that right?

10 A Right.

11 Q How did you first become aware of that?

12 A Mr. Fellows, right, my probation officer, he  
13 came over to the jail in Arlington County and he spoke  
14 with me and he said, "You know you'll probable be  
15 violated," right. So I said yeah, you know. So he said,  
16 "Well, I'll get back with you in a couple of days and I'll  
17 probably send some paperwork over to notify you."

18 Q Did he ever get back to you?

19 A No. That was the last time I saw him other than  
20 in Court.

21 Q Could I show the witness Defendant's Exhibit  
22 2, please?

23 Do you see that Exhibit 2, Mr. Rease? Do you

1 recognize that?

2 A The only time I seen this --

3 Q Well, first, do you recognize it now?

4 A I recognize it.

5 Q And that's the bench warrant that was issued  
6 by this Court on November 24th, 1976. Is that right?

7 A Right.

8 Q Now look at I guess it's the third page of Exhibit  
9 2. Can you identify that?

10 A Yes.

11 Q It's a waiver of extradition?

12 A Right.

13 Q Signed by you on September 7th, 1982. Is that  
14 right?

15 A Right.

16 Q What was the purpose of you signing that waiver  
17 of extradition?

18 A To come back here and face my detainer for viola-  
19 tion of probation.

20 Q And that was in Terre Haute, Indiana?

21 A Right.

22 Q Prior to September 1982 in Terre Haute, Indiana,  
23 had you ever seen that bench warrant that you have in your

1 hand?

2 A No.

3 Q All right, thank you.

4 Mr. Rease, if you're released from custody and  
5 allowed to return to the community, what are your intentions?

6 A Return to work at Tricom in the maintenance  
7 department.

8 Q You heard Mr. Dale testify and he said that you  
9 worked for him for a short period of time. Exactly how  
10 many days did you report to work?

11 A Um, I think about three or four days, something  
12 like that.

13 Q All right.

14 A Because I was running around trying to get some  
15 identification because I know I needed some identification.

16 Q What kind of identification?

17 A Driver's license.

18 Q You made application for a driver's license?

19 A Yes.

20 Q And did you set up a schedule with Mr. Faulkner  
21 with regard to meeting with him?

22 A Yes.

23 Q Let me ask you about that. Did Mr. Faulkner

1 seek you out?

2 A No, I seeked him.

3 MR. FUDALA: I don't have any further questions.

4 THE COURT: Cross-examination.

5 CROSS-EXAMINATION

6 BY MR. HURD:

7 Q Mr. Rease, even though you didn't see the detainer,  
8 that is Exhibit No. 2, you knew throughout the period of  
9 incarceration that you would have to face that probation  
10 violation when you got out, didn't you?

11 A Yes, sir.

12 Q In other words, you had corresponded with the  
13 Clerk and the Judge of this Court, Judge Millsap, while  
14 you were in the federal system, and they responded to you  
15 and said that there is a detainer on file and that we were  
16 not going to release it, for example, and things of that  
17 nature.

18 A But they said they wouldn't prosecute me until  
19 I was through with my federal sentence.

20 Q So when your counsel talked earlier in his opening  
21 remarks about your knowledge of what was going to happen  
22 to you, you well knew, did you not, throughout your entire  
23 federal incarceration that when you got through there you



1 still had to come back to Fairfax?

2 A Yeah, I knew I had to come back to Fairfax.

3 Q And you were released to Fairfax County authorities  
4 in Terre Haute, Indiana, were you not, on August the 19th,  
5 1982?

6 A I was released October the 19th.

7 Q Right.

8 A In Terre Haute, Indiana.

9 Q In other words, there was no break in time from  
10 the time that you were released from the federal system  
11 until the time you were picked up by Fairfax County. You  
12 were directly turned over to Fairfax County.

13 A Right.

14 Q And you were brought directly back to Fairfax  
15 County at that time, were you not?

16 A Yes, I was.

17 Q And you had the hearing earlier this month. Was  
18 it the 5th of November? Is that right?

19 A Right.

20 Q Now with respect to the violation, the federal  
21 bank robbery charge, you entered a plea of guilty to that  
22 charge, did you not?

23 A Right.

1 Q So when you were contemplating your probation  
2 violation here, you didn't really intend to contest that,  
3 did you?

4 MR. FUDALA: Objection. You can't probe into  
5 what he was thinking about or what speculation --

6 THE COURT: Overruled.

7 BY MR. HURD:

8 Q You didn't intend to contest that when you came  
9 back to Fairfax County, did you?

10 A Well, the legality of it.

11 Q Well, no, what I mean is you didn't intend to  
12 contest the fact that you had been convicted on the basis  
13 of your guilty plea?

14 A No.

15 Q And you knew that was a probation violation.

16 A Right.

17 Q And you knew all along that you in all likelihood  
18 would have to serve that seven years, didn't you?

19 MR. FUDALA: That's objectionable, Your Honor.  
20 That's up to the Court. It's at the complete discretion  
21 of the Court.

22 THE COURT: Overruled.

23 BY MR. HURD:

1 Q Didn't you know that? Didn't you know that there  
2 was an excellent chance that you would have to serve that  
3 entire seven years?

4 A I knew there was an excellent chance.

5 Q Did you intend to present any evidence to the  
6 Court to indicate that the violation did not occur, that  
7 you had not been convicted?

8 A No.

9 MR. HURD: That's all I have.

10 THE COURT: Mr. Rease, on November the 11th or  
11 the 5th when you were before the Court, the Court ordered  
12 into execution your sentence and remanded you to the custody  
13 of the jail. You say that you were released that day?

14 THE WITNESS: Yes, sir.

15 THE COURT: You were aware that this release  
16 was by mistake, were you not?

17 THE WITNESS: No, sir, not completely.

18 THE COURT: When you stood right there and the  
19 Court ordered execution of the seven-year sentence and  
20 remanded you to the custody of the sheriff, you thought  
21 that you were released? Is that what you're telling me?

22 THE WITNESS: No, that's not what I'm telling  
23 you. What I'm saying is I don't know what occurred after

1 I left out of here and I left my attorney. I don't know  
2 whether you and him had further talk or come to some type  
3 of agreement or what.

4 All I know is when I got back into the jail,  
5 they told me to pack my things. And I said, "Have you  
6 got the right guy? The Judge just gave me seven years."

7 They said, "No, he gave you seven years suspended  
8 probation."

9 THE COURT: All right, when you had a conference  
10 with Mr. Faulkner, did you explain to Mr. Faulkner what  
11 occurred?

12 THE WITNESS: Very briefly.

13 THE COURT: Did you tell him that you thought  
14 you had received seven years here and you were told by  
15 the jailers you did not receive seven years?

16 THE WITNESS: No, I didn't tell him that.

17 THE COURT: You didn't tell him that?

18 THE WITNESS: No.

19 THE COURT: When you received your employment,  
20 did you tell your employer that?

21 THE WITNESS: No, because he didn't ask me and  
22 we didn't discuss it.

23 THE COURT: He didn't ask you and you didn't



1 tell him.

2 THE WITNESS: We didn't discuss about my parole  
3 plan.

4 THE COURT: Any further questions?

5 MR. FUDALA: Just a few questions in response  
6 to that and to Mr. Hurd's questions.

7 REDIRECT EXAMINATION

8 BY MR. FUDALA:

9 Q Mr. Rease, why did you write all these letters  
10 to the Court and the probation office concerning the detainer  
11 in Fairfax?

12 A Because my detainer was a constant reminder to  
13 me that I had to do more time and it was enabling me to  
14 participate in numerous programs that the federal system  
15 had. I couldn't prepare my release from the federal system.  
16 In other words, I could have went to the halfway house  
17 when I got four months short of my parole, but I wasn't  
18 able to do that because I still had a detainer on my file.

19 Q Mr. Rease, there's no doubt that you knew about  
20 the detainer. Is that correct?

21 A Right.

22 Q And there's no doubt that you had been convicted  
23 of federal armed robbery. Excuse me, bank robbery.

1 A Right.

2 Q Mr. Hurd asked you many questions about that.  
3 During the whole time you were in the federal penitentiary,  
4 did you know that when you were brought back to Fairfax  
5 that the Judge would send you back to prison for seven  
6 years?

7 A No, I didn't know it.

8 Q Now I want you to tell the Judge exactly what  
9 happened when you were taken out of here on November 5th  
10 and taken up to the adult detention center and ended up  
11 being released. Tell him exactly what happened that day.

12 A Okay, when I left here that day I got sentenced,  
13 I went back, went upstairs. I was up there for a while  
14 and they called me back down and said I had an attorney,  
15 Mr. Machen. I went down and talked to him. As I was coming  
16 out to talk with him, I went by the property room and the  
17 guy said, "Are you Rease?" So I said yeah. So he said,  
18 "Get your things together. You're leaving."

19 I said, "Going where?"

20 He said, "You're going home."

21 I said, "I just did six years and almost 10 months  
22 in the federal system. I just got seven more years. I  
23 ain't in a playing, joking mood at the moment, you know."

1 He said, "Wait a minute." He said, "I wouldn't  
2 play with you about your time." He say, "Your name Rudolph  
3 Rease?"

4 I said yes.

5 He said, "Where you going now?"

6 I said, "I'm going to talk to my attorney."

7 He said, "After you finish talking to your  
8 attorney, go gather your personal belongings and bring  
9 them down."

10 So I went upstairs after I talked to my attorney  
11 and came down and gave him all of my things and then he  
12 gave me my personal street clothes and he took me out and  
13 I signed some papers. And then he took a photo and they  
14 let me go.

15 Q Back up a little bit. What did you say to your  
16 attorney?

17 A Okay, I told Mr. Machen, I said, "Mr. Machen,  
18 they're telling me to get all my personal belongings and  
19 I'm leaving." I said, "I don't know what's going on."

20 So he says, "They're telling you what?"

21 So I said, "They're telling me to get all my  
22 personal belongings."

23 So he says, "Well, do what they tell you." He

1 said, "Don't leave town. Go report to your parole officer  
2 and report to your job if you got a job." He said, "If  
3 you don't have a job set up, get a place of employment."  
4 He said, "It's obvious somebody made a mistake." So he  
5 say, "Just go and do what they tell you to do."

6 I said, "Yeah, I told him they were probably  
7 making a mistake. I asked him twice, you know."

8 So he said, "Well, it's obvious that they think  
9 they know what they're doing."

10 And I left him and came back and that's when  
11 I got my things.

12 MR. FUDALA: Okay, thank you. No other questions.  
13 That's all I have, Your Honor.

14 THE COURT: You may step down.

15 MR. FUDALA: That's all the evidence I have.

16 THE COURT: Any evidence on behalf of the  
17 Commonwealth?

18 MR. HURD: No, sir.

19 THE COURT: Argument?

20 MR. FUDALA: Yes, sir.

21 Your Honor, as I stated in my opening statement,  
22 the record -- I think it's indicated by the exhibits I've  
23 moved into evidence -- is very clear that Mr. Rease's



1 probation period began to run on July 22nd, 1974, ran for  
2 five years until July 22nd, 1979, and then a statutory  
3 one-year period under 19.2-306 ran from January 22nd, 1979  
4 to January 22nd, 1980.

5 Now we do not contest that there was a crime  
6 committed during the probation period. We do not contest  
7 that during that probation period and within one year there-  
8 after under section 19.2-306 this Court would have absolute  
9 discretion to revoke the suspended sentence and give Mr.  
10 Rease seven years.

11 What we do contest is that the statute, it's  
12 absolutely clear -- Bick versus Commonwealth, Dyke versus  
13 Commonwealth, and I cited Your Honor a more recent case  
14 of I think it's Grant versus Commonwealth of just this  
15 year, 1982, where the Supreme Court of Virginia, in dealing  
16 with the language of 19.2-306, said: "The primary inquiry  
17 under these facts is whether a probation period or a period  
18 of suspension had been 'prescribed' within the meaning  
19 of 19.2-306."

20 That's generally how these cases come up because  
21 the judge will give a sentence of good behavior, for instance,  
22 and there's a great deal of confusion about how long does  
23 that good behavior last.

1 Well, the Supreme Court has cleared that up and  
2 the statute has cleared that up. If you prescribe a speci-  
3 fic period of probation, which Your Honor did, five years,  
4 -- it's clear on the record -- then within one year after  
5 that the Court has power over him to revoke that probation  
6 and suspended sentence.

7 That's the explicit language in Bick versus Common-  
8 wealth, which I cited in my memorandum. When a Court in  
9 its order prescribes the period of suspension and supervised  
10 probation, which is exactly this case, it may, under  
11 section 53.275, which is the old predecessor statute to  
12 the new 19.2-306, revoke the suspension and probation only  
13 within the probation period.

14 Now since that time the legislature has seen  
15 fit to add another year to that. So the probation period  
16 plus one year.

17 Now, Grant versus Commonwealth, which I was  
18 referring to before, just this fall in the Supreme Court  
19 of Virginia, stated if such period had been "prescribed" --  
20 again, it was prescribed in this case -- then running of  
21 the shorter time within which the Court could revoke will  
22 be triggered. If such period had not been prescribed,  
23 if Your Honor had given a 10-year sentence on good

1 behavior and no prescription of probation or a length of  
2 suspended sentence to run for a certain time, then the  
3 time for revocation extends to the maximum period for which  
4 the defendant could originally have been sentenced.

5 That's what the statute says and that's what  
6 all the Virginia Supreme Court cases say. And they go  
7 on further to say that this is jurisdictional, and all  
8 the cases that I've cited to Your Honor deal with instances  
9 where the Court did not act within the probation period  
10 or, under '19.2-306, under the probation period plus one  
11 year.

12 There's no question that a probation period was  
13 prescribed here. Now the Commonwealth appears to be  
14 basing their reasons for not revoking this man on the fact  
15 he was serving a federal sentence.

16 There are a couple of things I would like to  
17 address on that both on the law and the facts. First of  
18 all, what the Commonwealth is saying is, if a man is in  
19 a federal penitentiary, then we can wait until he serves  
20 his federal sentence and then revoke him when he comes  
21 back.

22 Let's say he got a 30-year sentence in the federal  
23 system. He got 18. Let's say he served that 18. Does



1 that mean the Commonwealth of Virginia can bring him back  
2 after 18 years regardless of and completing ignoring the  
3 Virginia statutory provisions and revoke him?

4 Let's say he got 40 years and served 40 years.  
5 Can you revoke him then?

6 No, you cannot. There must be a limit and that's  
7 why that statute exists. Even beyond that statute, due  
8 process considerations demand the guy has got to know.

9 Now we're not arguing, Judge, that the Court  
10 does not have power to revoke a man within its limits,  
11 and that this offense of bank robbery was a violating offense.  
12 We don't argue that.

13 But the Court lost its power in July of 1980.

14 THE COURT: Suppose that when he was released  
15 and committed the bank robbery in Arlington he then  
16 disappeared and became a fugitive.

17 MR. FUDALA: If he became a fugitive, Your Honor --

18 THE COURT: Then would your argument be the same?

19 MR. FUDALA: No, sir.

20 THE COURT: Why?

21 MR. FUDALA: My argument would not be the same  
22 for this reason. First of all, it's not my case and it's  
23 not the fact here. He was not a fugitive. He did not



1 abscond.

2 THE COURT: I realize that, but your arguing  
3 40 years or 30 years.

4 MR. FUDALA: If a man makes himself unavailable,  
5 if a man flees to Puerto Rico and he comes back when he's  
6 70 years old, there's no case in the Commonwealth of Virginia  
7 I will say. I've researched it very thoroughly.

8 THE COURT: Would your 19.2-306 be applicable  
9 there?

10 MR. FUDALA: I would say no. I would say no.  
11 It's --

12 THE COURT: It's not mandatory jurisdictional  
13 then?

14 MR. FUDALA: It's mandatory jurisdictional, Your  
15 Honor, but there are certain circumstances that I think  
16 place the defendant -- A defendant -- I think it's an argu-  
17 ment that how can a defendant, once he has hidden -- Let's  
18 say he hid. He just hid for five years and then came back  
19 and said, "Hey, you can't do anything to me." He cannot  
20 come into a court of law then and claim the protection  
21 of that statute.

22 I would have to agree with that, Your Honor,  
23 for many reasons. I totally agree with that. And, Your

1 Honor, there is an attorney general's opinion on that very  
2 point which I have. I don't know whether Your Honor is  
3 familiar with it, but that issue has been raised. A Common-  
4 wealth Attorney in Charlottesville asked that very question.  
5 That's not our case.

6 Now this issue has come up in another context  
7 in Virginia in Cook versus Commonwealth. Now Cook versus  
8 Commonwealth dealt with the court ordering an extension  
9 of probation. It's a 1970 Supreme Court case where a  
10 prisoner was on probation and, during his period of proba-  
11 tion, was arrested for a charge and placed in jail in  
12 Rockingham County, Virginia.

13 So he was sitting in jail in Rockingham when  
14 he was supposed to be brought before the court in Augusta  
15 County, I think it was. The same situation, except it  
16 was State instead of State and federal.

17 The court in that case said, "All right, Mr.  
18 Cook, we're going to extend your probation for a year."  
19 And they did that ex parte. He wasn't there. They didn't  
20 give him any notice and they extended his probation.

21 The Supreme Court of Virginia -- I will say this  
22 affords the defendant more protection than many jurisdic-  
23 tions and maybe more so than the United States Constitution,

1 but the Supreme Court of Virginia says you cannot do that  
2 without a hearing. You can't extend his probation without  
3 a hearing.

4 Now if you take that to the Commonwealth's argu-  
5 ment that they can just wait until he serves out his federal  
6 sentence, his probation period has been extended two and  
7 a half years by virtue of that argument. You can't do  
8 that. If you can't extend it by an order of the court,  
9 you certainly can't extend it by not giving a man a hearing  
10 and ignoring his request to be brought before the court.

11 Now this issue has come up in the Louisiana Supreme  
12 Court, this very issue, and the case on that -- I found  
13 it after the memorandum was submitted -- is State versus  
14 Jones.

15 It was exactly this situation. A man was sitting  
16 in a federal penitentiary and was to be brought back before  
17 the Louisiana authorities after his probation period had  
18 expired for a probation revocation hearing.

19 And the government in that case argued -- I'm  
20 trying to find the exact language. They argued that because  
21 he was sitting in the federal jail and they couldn't bring  
22 him back to Louisiana, they couldn't execute the bench  
23 warrant, and so therefore they were excused.



1 But Louisiana did have an explicit statute that  
2 tolled that period if the warrant could not be executed.  
3 The Supreme Court of Louisiana said, wait a minute, that's  
4 not true. This was back in 1973. They said you could  
5 have brought him back here any time you wanted. All the  
6 court had to do was issue a writ of habeas corpus ad  
7 prosequendum. We have that in the State of Virginia. And  
8 they could have brought him back.

9 They cited the case, a Supreme Court of the United  
10 States case, of Smith versus Huey, which was decided back  
11 in 1969. Smith versus Huey dealt with this situation,  
12 too, in a speedy trial context.

13 In Smith versus Huey, the man was in federal  
14 custody and wrote many letters and filed many motions  
15 saying try me on the State charge. I forget what State  
16 it was. But try me. Do something with me. It was  
17 Texas. And he came back to Texas and they said forget  
18 it. You've been doing federal time. We're going to try  
19 you on the State charges now and you go to the State  
20 penitentiary.

21 The Supreme Court of the United States says, "What  
22 about speedy trial considerations?" And the government  
23 said, "Wait a minute. We can't bring him back to try him



1 because it costs too much money. He was in federal custody  
2 and we didn't have authority to bring him back."

3 The Supreme Court of the United States says that  
4 has nothing to do with it. You have authority to bring  
5 him back under writ of habeas corpus ad prosequendum. The  
6 federal authorities have to bring him back.

7 And in that case there is an explicit Solicitor  
8 General's opinion that says that we would have brought  
9 him back and it's our policy to bring him back if the State  
10 wants him.

11 Now, Your Honor, there's also explicit federal  
12 regulation concerning the return of State prisoners who  
13 are in federal custody. This is from title 28 of the CFR  
14 judicial administration, subpart C, transfer of inmates  
15 after conviction, and subpart D, transfer of inmates to  
16 State agents for production on the State writs.

17 This section deals explicitly with the habeas  
18 corpus ad prosequendum or the habeas corpus ad testificandum.  
19 This provides that, if a guy is in federal prison and you  
20 have to get him back here to Fairfax, the prosecutor can  
21 write a letter to the warden and making the appropriate  
22 safety precautions or security precautions rather, and  
23 with a certified copy of an order from the court, bring

1 him back here.

2 Now the regulations clearly allow that, and it's  
3 done every day. I've had many guys brought back from all  
4 over the country for civil cases. It's done every day.

5 Now in this case it's even worse. This man sat  
6 in an Arlington County jail from October 19th, 1976, until  
7 the end of January, 1977. And during that time Mr. Fellows  
8 wrote to the Court and said Mr. Rease is in Arlington and  
9 he's committed an offense which may well be a violation  
10 of his probation. In fact, the bench warrant Your Honor  
11 issued makes reference to that. It would have been a very  
12 simple matter to go over there to Arlington. Your Honor  
13 issues a writ to bring him from Arlington to Fairfax. You  
14 have the hearing he's entitled to. Admittedly, it wouldn't  
15 be that much of a hearing under the circumstances, but  
16 a hearing. He's entitled to it. And revoke him.

17 Now at that time -- I think this is very important  
18 and I don't think Your Honor should overlook it -- he could  
19 have asked for his time to run concurrently.

20 THE COURT: Not at that time because it wasn't  
21 permitted until 1977. The statute was changed.

22 MR. FUDALA: Well, the statute was passed in  
23 1977, but I didn't understand that --

1 THE COURT: There was no authority for the Court  
2 to make a concurrent sentence from the State of Virginia  
3 to a federal sentence until in 1977.

4 MR. FUDALA: Okay, but if he had been brought  
5 back in 1978 or '79, he could have petitioned the Court  
6 for that. He lost that because of that.

7 But the point is, Your Honor -- The Louisiana  
8 Supreme Court, by the way, ruled you can't do that. You  
9 can't waive that law. There are specific limits. They  
10 are statutory. Virginia has a very explicit statute and  
11 you can't waive that law.

12 You can bring him back. There's a mechanism  
13 existing for that. There are many ways to bring him back  
14 and the Commonwealth knows that and, in this case, could  
15 have brought him back within a three-month or four-month  
16 period without even driving any farther than Arlington.  
17 He should have been brought back then. He requested a  
18 hearing then, or at least a release or something to be  
19 done then.

20 You can't wait until after he serves his federal  
21 time if that makes the Virginia statute run. It ran in  
22 this case and it ran we're not talking about days. We're  
23 talking about two and a half years.



1        So I think the jurisdictional argument is clear  
2 as a bell in this case. The facts could not be any sounder.  
3 Virginia law is clear. The Supreme Court of the United  
4 States has said you can not rely on the argument that the  
5 guy is under federal authority because the State authorities  
6 can get prisoners from State (sic) authorities. There  
7 are explicit regulations, explicit statutes.

8        And the Supreme Court of Louisiana has dealt  
9 with exactly this question. Their statute is a little  
10 different, but exactly this question. It doesn't affect  
11 anything about people absconding, making themselves  
12 unavailable. A ruling of this Court would have no effect  
13 like that.

14        And it doesn't effect, Your Honor, if you want  
15 to sentence somebody who is facing a 20-year sentence and  
16 you're concerned about this situation happening, then you  
17 don't prescribe a five-year probation period. You have  
18 21 years then over the guy.

19        The statute deals with the various situations.  
20 Mr. Rease was given the benefit of that statute and asked  
21 for the benefit of that statute and this Court has no  
22 authority over him.

23        THE COURT: Mr. Hurd?



1 MR. HURD: Your Honor, I'll be brief. The reason  
2 this case is different from all the other cases that counsel  
3 relies on and the reason that this case should be decided  
4 in favor of the Commonwealth is that bench warrant that  
5 was issued. That bench warrant is really the fly in the  
6 defendant's ointment.

7 I would agree that if the facts were the same  
8 as they had been in Bick, for example, we would not have  
9 a leg to stand on. But in Bick -- counsel cited that several  
10 times and it apparently is near the core of his argument --  
11 the defendant was convicted, placed on probation, and that  
12 probation expired before the commission of the offense  
13 upon which the revocation was based. In other words, there  
14 was no bench warrant that issued within the probationary  
15 period because the offense was not committed. That's to  
16 be distinguished from the instant case.

17 Now there are three cases that I'd like to cite  
18 to the Court, two of which are from other jurisdictions,  
19 but they deal with an issue of when a bench warrant is  
20 issued within a probationary period and the hearing, or  
21 the arrest I should say and the hearing that follows occur  
22 outside the probationary period.

23 The first of those is U.S. versus William

1 Bartholdi, which is found at 453 F2 1225, a 1972 case from  
2 the United States Court of Appeals in the Ninth Circuit.

3 A bench warrant was issued within the period  
4 of probation, but it was not executed, nor was a hearing  
5 held until after the expiration of the period, just like  
6 in this case.

7 What was happening to the defendant all that  
8 time? Well, he was serving his State sentence. That was  
9 the basis of the revocation also.

10 So we have the same situation, only the federal  
11 versus State situation is reversed. In that case he was  
12 serving the State sentence.

13 In Nicholas versus the United States, which is  
14 found at 527 F2 1160, a 1976 case, again from the Ninth  
15 Circuit of the United States Court of Appeals, it was a  
16 case where the defendant was arrested four years after  
17 the warrant was initially issued.

18 In that case they talk about tolling the limita-  
19 tion. In effect they equate absconding with being incar-  
20 cerated. In there they say: "We perceive no sound reason  
21 to toll limitations during a probationer's time of  
22 incarceration and not to toll limitations when a warrant  
23 has issued and a probationer has voluntarily left the

1 jurisdiction or has concealed himself."

2 So they say it's the same thing. He's absconded  
3 or he's incarcerated, it's the same thing.

4 Finally, from the Western District of Virginia  
5 we have Brown versus Slaten, which is found at 342 F.Supp.  
6 61, a 1972 case. That's a Virginia case, Federal District  
7 Court in the Western District.

8 There there was a hearing held three years after  
9 the bench warrant was issued, and the Court said the delay  
10 was occasioned by the defendant's own actions. It wasn't  
11 absconding in that case. It was legal proceedings, but  
12 he was in custody part of the time and could have been  
13 brought back on the revocation hearing, but was not until  
14 after three years of the issuance of the bench warrant  
15 and the Court upheld that revocation.

16 So the theme in all these cases, Judge, is if  
17 it's the fault of the Commonwealth or the government in  
18 waiting too long, then we're going to be bound by that.  
19 But if it's the fault of the defendant by being incarcerated  
20 or by absconding or things of that nature, if the bench  
21 warrant has issued within the period of probation, then  
22 the case should be resolved in favor of the Commonwealth.

23 That's the fly in the ointment. That's the



1 thing that makes this case different from all those upon  
2 which counsel relies. We ask that the case be resolved  
3 in favor of the Commonwealth on that basis.

4 MR. FUDALA: Your Honor, just briefly, please.

5 MR. HURD: Pardon me, Your Honor, if I may. I've  
6 reserved the last word intentionally and I would object  
7 to any further comment.

8 MR. FUDALA: Well, he's handed me cases this  
9 morning, Your Honor, and I'd like to respond to those  
10 cases. He's argued to Your Honor. They're not on point  
11 and I'd like to point that out.

12 THE COURT: Well, he has the last say since this  
13 is your motion.

14 MR. FUDALA: You can let him go after. I don't  
15 mind that, but I think he's --

16 THE COURT: No.

17 THE COURT: He's cited cases that do not apply,  
18 Your Honor. I just want you to know that.

19 THE COURT: On the motion to reconsider and  
20 dismiss the bench warrant, the Court will deny the motion.  
21 As far as the Court is concerned in this case the bench  
22 warrant was sent to Arlington County on November the 24th,  
23 1976, according to the Court records.



1           Also, the Court does not believe with reference  
2 to 19.2-306 that there would not be some tolling effect  
3 when a prisoner goes from this jurisdiction into the federal  
4 system.

5           The Court will deny the motion to reconsider  
6 and the motion to dismiss and order into execution the  
7 seven years. The defendant is remanded to the custody  
8 of the sheriff.

9           MR. FUDALA: If Your Honor please --

10          THE COURT: Counsel may note objections and  
11 exceptions.

12          MR. FUDALA: If Your Honor please, I would ask  
13 Your Honor to -- The 21-day period in this case runs on  
14 Friday. I believe I cited to Your Honor explicit law all  
15 in favor of Mr. Rease.

16          THE COURT: Are you re-arguing your case?

17          MR. FUDALA: No, sir. I'm just asking you, sir,  
18 to consider it, that he is going back to prison in the  
19 face of an explicit statute.

20          THE COURT: Well, I heard all your argument and  
21 all you're doing is going back to the statute.

22          MR. FUDALA: All right, sir. I won't be heard  
23 on that.

1 THE COURT: The Supreme Court of Virginia has  
2 not ruled on it.

3 MR. FUDALA: I would ask that you suspend execu-  
4 tion of the sentence pending an application for writ of  
5 error and release him on bond.

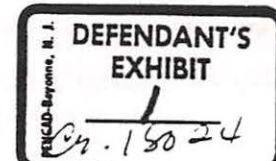
6 THE COURT: The Court will deny the motion.

7 (Whereupon, at 11:07 o'clock a.m., the hearing  
8 in the above-entitled matter was adjourned.)

9 \*\*\*\*\*  
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PRINTERS NOTE:

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## CRIMINAL DOCKET - U.S. District Court

OFFENSE PO ☐ JUDGE/MAGISTRATE Assigned U.S.  
OFFENSE MO ☐ 422 1 vs.  
MEANOR Mis ☐ Disp./Sentence  
FELONY Fel ☒ District Office

REASE, RUDOLPH VALENTINO

Cas. Filed  
Mc Day  
11 02 76 258 1  
No. of Dets  
\* 2  
Yr. Doc. No. Dct.

U.S. TITLE/SECTION OFFENSES CHARGED  
18 2113(a)(d)&2 Bank Robbery

ORIGINAL COUNTS 1

U.S. MAG. CASE NO. CR-76-319

BAIL • RELEASE

☐ AMT ☐ Fugitive  
Denied Set ☐ Pers. Recog.  
S. 000 ☐ PSA  
Date ☐ 10% Deposit  
☐ Surety Bond  
☐ Bail Not Made ☐ Collateral  
☐ Status Changed (See Docket) ☐ 3rd ☐ Other

## II. KEY DATES &amp; INTERVALS

SUPERSEDING COUNTS

| ARREST or   | INDICTMENT   | ARRAIGNMENT   | TRIAL   | SENTENCE  |
|---|--|---|---|---|
| U.S. Custody Began<br>11-17-76<br>Summons Served<br>4 Appearance<br>11-8-76 | High Risk Date<br>11-2-76<br>Indict. Waived <input type="checkbox"/><br>In Charging District<br>Superseding Indict/Info <input type="checkbox"/> | 1st Plea<br>Final Plea<br>NG <input type="checkbox"/> G <input type="checkbox"/> NOL <input type="checkbox"/> | Trial Set For<br>Vair Dire<br>Trial Begin<br>Trial Ended<br>NG <input type="checkbox"/> G <input type="checkbox"/> NOL <input type="checkbox"/> | Disposition of Charges<br>Convicted <input type="checkbox"/> (Ch. A Charges)<br>Acquitted <input type="checkbox"/> (Ch. A Lesser)<br>Dismissed <input type="checkbox"/> (W.P. or V.P.)<br>On Government Motion <input type="checkbox"/> |

| MAGISTRATE             |        | DATE   | INITIAL/NO. | INITIAL APPEARANCE DATE   | INITIAL/NO. | OUTCOME |
|------------------------|--------|--|-------------|---|-------------|---------|
| Search Warrant         | Issued |  |             | PRELIMINARY EXAMINATION OR REMOVAL HEARING  |             |         |
|                        | Return |  |             | Date Scheduled  |             |         |
| Summons                | Issued |  |             | Date Held   |             |         |
|                        | Served |  |             | WAIVED <input type="checkbox"/> NOT WAIVED <input type="checkbox"/> INTERVENING INDICTMENT <input type="checkbox"/> |             |         |
| Arrest Warrant Issued  |        | 10/20/76                                     | HG/22AF     |   |             |         |
| COMPLAINT              |        | 10/20/76                                     | HG/22AF     |   |             |         |
| OFFENSE (In Complaint) |        | Bank robbery<br>18 U.S.C. §§ 2113(a) and (d) |             |   |             |         |

U.S. Attorney or Asst.

AUSA John F. Kane

ATTORNEYS

Defense ☒ C.A. ☐ Ret. ☐ Waiver ☐ Sett. ☐ None / Other ☐ ☐ ☐  
Stephen E. Guss, Esq.  
210 E. Broad St., Suite 100  
Falls Church, Va. 22046  
536-9600



ROGERS - 2

EXCLUDABLE DELAY

| DATE     | (DOCUMENT NO.) | PROCEEDINGS   | (a) (b) (c) (d) |
|----------|----------------|---|-----------------|
| 10/20/76 |                | Complaint filed by S/A Charles E. Lennon, FBI. Warrant issued.  |                 |
| 10/28/76 |                | Papers requested by Clerk, U. S. District Court.  |                 |
| 1976     |                |   |                 |
| Nov. 2   |                | INDICTMENT, a true bill, returned to a Judge in open Court and filed. Bench warrant to be issued in the amount of \$25,000.00 with surety upon the motion of the U.S. Atty.   |                 |
| Nov. 3   |                | BENCH warrant issued in the amount of \$25,000.00 with surety and given to the marshal for service.   |                 |
| Nov. 8   |                | TRIAL PROCEEDINGS: (AVB) This matter came on for arraignment. Appearances: Deft. with counsel and U.S. Atty. Deft. waived formal arraignment, entered plea of not guilty and demanded trial by Jury. Deft's. motion for reduction of bond - denied. Deft. has ten days to file motions. Motions to be heard on 12/3/76. (over)  |                 |
| 1976     |                |   |                 |
| Nov. 8   |                | TRIAL PROCEEDINGS: (con't.) Case set for trial by Jury on 12/9/76. Deft. remanded.  |                 |
| Nov. 18  |                | MOTION for bill of particulars - filed by deft.   |                 |
| Nov. 18  |                | MOTION to suppress evidence - filed by deft.  |                 |
| Nov. 18  |                | MOTION for line-up for purposes of witness identification - filed by deft.  |                 |
| Nov. 18  |                | MOTION to inspect and copy or photograph - filed by deft.   |                 |
| Nov. 18  |                | MARSHAL'S return on bench warrant executed 11-17-76- filed.   |                 |
| Dec. 2   |                | OPPOSITION to defendants' motion to suppress evidence filed by the U.S.   |                 |
| Dec. 2   |                | POINTS and authorities in support of opposition to defendants' motion to suppress evidence filed by the U.S.  |                 |
| Dec. 3   |                | TRIAL PROCEEDINGS: (ORL) This matter came on for hearing on defts. motions. Appearances: Deft. with counsel and U.S. Atty. Motion for bill of particulars - agreed and satisfied, motion for line up - not heard, motion to inspect & copy or photograph - agreed and satisfied, motion to suppress evidence - evidence adduced, arguments heard, motion denied. Deft. remanded.  |                 |
| Dec. 8   |                | TRIAL PROCEEDINGS: J. Bryan. This matter came on for change of plea. Appearances. Deft. with counsel & U.S. Atty. Deft. withdrew his plea of not guilty and entered a plea of guilty to T18 USC 2113 (a). Plea of guilty in person accepted. Deft. remanded and directed to report to the Probation Officer for presentence report. Case cont. to 1/7/77 for sentencing. T. 18 USC 2113 (d) was dismissed upon motion of the U.S. Atty. |                 |

Jan. 7

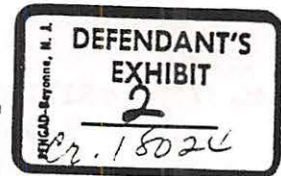
Jan. 7 JUDGMENT & Commitment order entered - filed. Copies to Marshal, P.O. & U.S. Atty.

Cr. 76-258-A

87



CRIMINAL NUMBER 18024  
NOV 99 9 30 AM 1982



11-24-82

COUNTY OF FAIRFAX

To any Sheriff or Police Officer, Greeting:

WHEREAS, one RUDOLPH VALENTINO REASE on the 13th day of September, 1972, was convicted in the Circuit Court of Fairfax County, Virginia, on a charge of robbery, and by Order entered in said Court on the 17th day of November, 1972, the said RUDOLPH V. REASE was sentenced to serve ten years in the Penitentiary; and

WHEREAS, seven years of said sentence was suspended by Order of November 17, 1972, during the good behavior of the Defendant, and he was placed on supervised probation for a period of five years upon his release from confinement; and

WHEREAS, it has been reported to this Court by John Fellows, Probation and Parole Officer of this Court, that RUDOLPH V. REASE has violated the terms of his probation, to-wit:

"On November 8, 1976, subject was arraigned following an indictment by the Federal Grand Jury in Alexandria on the charge of bank robbery"

And he has not been of good behavior, and there is good reason to believe that his probation and suspension of sentence should be revoked.

THEREFORE, in the name of the Commonwealth of Virginia, I command you to bring the said RUDOLPH V. REASE before the Circuit Court of the County of Fairfax, Virginia, FORTHWITH to show cause, if any, why his suspended sentence and probation

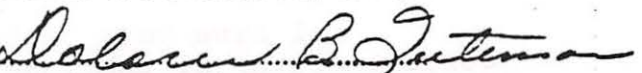
should not be dealt with according to law, and have then and there this warrant and make return how you have executed the same.

GIVEN under my hand and seal of said Court this 24<sup>th</sup>  
day of November. 1976.

  
JUDGE

A COPY TESTE:

JAMES E. HOOFNAGLE, CLERK

By:   
Deputy Clerk





LAW OFFICES

BOOTHE, PRICHARD & DUDLEY

4085 UNIVERSITY DRIVE

P. O. BOX 338

FAIRFAX, VIRGINIA 22030

TELEPHONE (703) 273-4600

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WILLIAM W. KOONTZ  
FAIRFAX SHEILD McCANDLISH  
A. HUGO BLANKINSHIP, JR.  
CARRINGTON WILLIAMS  
JOHN S. STUMP  
EDGAR ALLEN PRICHARD  
WAYNE S. TROTTER  
FRED C. ALEXANDER, JR.  
R. DENNIS MCARVER  
RICHARD R. G. HOBSON  
PHILIP TIERNEY  
J. JAY CORSON, IV  
STANLEY M. FRANKLIN  
ARTHUR P. SCIBELLI  
JAMES HOWE BROWN, JR.  
CHARLES S. PERRY  
COURTLAND L. TRAVER  
R. TERRENCE NEY  
THOMAS L. APPLER  
THOMAS C. BROWN, JR.

ALEXANDRIA OFFICE  
711 PRINCESS STREET  
P. O. BOX 1101  
ALEXANDRIA, VIRGINIA 22313

MANASSAS OFFICE  
9256 MOSBY STREET  
P. O. BOX 1400  
MANASSAS, VIRGINIA 22110

OF COUNSEL  
ARMISTEAD L. BOOTHE  
SCHUTLER WILLIAM LIVINGSTON  
GARDNER L. BOOTHE (1872-1964)

MINERVA WILSON ANDREWS  
MUNFORD R. YATES, JR.  
MICHAEL T. BRADSHAW  
C. L. DIMOS  
CARSON LEE FIFER, JR.  
K. STEWART EVANS, JR.  
DAVID J. BREWER  
GEORGE FOX TROWBRIDGE, JR.  
C. TORRENCE ARMSTRONG  
N. CARR STOGNER, JR.  
EDWARD F. RODRIGUEZ, JR.  
JAMES M. LEWIS  
ELIZABETH LAND LEWIS  
C. THOMAS HICKS, III  
GRADY C. FRANK, JR.  
STEPHEN M. COLANGELO

December 6, 1976

Mr. Rudolph Valentino Rease  
1400 North Courthouse Road  
Room #500  
Arlington, Virginia 22201

Re: Case No. 18024

Dear Mr. Rease:

I have your letter in which you inquire as to the current status of the case in the Circuit Court of Fairfax County.

I am sorry to say that I am not aware of your situation in the Circuit Court of Fairfax County, and my appointment as your counsel terminated upon disposition of your case by sentencing.

If you need further Court-appointed counsel, I would urge you to contact the Clerk of the Circuit Court of Fairfax County to make that arrangement directly.

Very truly yours,

*SM Franklin*  
Stanley M. Franklin

SMF:ns

cc: Honorable Burch Millsap  
Circuit Court of Fairfax County

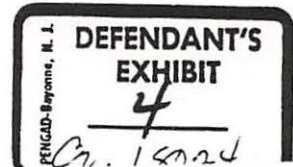
Mr. John Fellows  
Probation and Parole Officer

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
PROBATION OFFICE

BILLY J. TORRANS  
CHIEF PROBATION OFFICER

420-424 U. S. POST OFFICE BUILDING  
NORFOLK 23510  
804-441-6673  
(FTS 939-6673)

March 7, 1977  
Falls Church



P. O. BOX 636  
RICHMOND 23205  
804-782-2317  
(FTS 925-2317)

P. O. BOX 113  
ALEXANDRIA 22313  
703-557-2357  
(FTS 557-2357)

900 S. WASHINGTON ST.  
FALLS CHURCH 22046  
703-557-9731  
(FTS 557-9731)

Mr. Rudolph Valentino Rease  
Reg. No. 00513-158  
P.O. Box 1000  
Lewisburg, Pennsylvania 17837

Dear Mr. Rease:

In reference to your letter requesting a copy of the presentence report and information pertaining to your probation violation in Arlington County, sorry to inform you that you are unable to get a copy of the presentence report. According to rule 32(c)3(D), Rules of Criminal Procedure "any copies of the presentence investigation report made available to the defendant or his counsel and the attorney for the government shall be returned to the probation officer immediately following the imposition of sentence or the granting or probation, unless the Court, in it's discretion otherwise directs." According to this rule, I am unable to supply you with a copy of the presentence report.

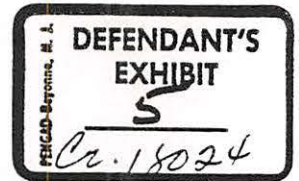
With regard to the violation of probation hearing, I have been unable to determine when that revocation hearing is to take place. It is still my understanding that there is a warrant for the violation of probation and that you can be expecting that hearing to take place in the near future.

On January 7, 1977, the day of your sentencing, I spoke with your girlfriend, Connie. She indicated that she wished to be placed on the approved visiting list so that she could come up and see you. My question to you is, was she placed on this list and if not is there anything I could do on this end to see that she is placed on it?

Sincerely,

Daniel S. Shannon  
U.S. Probation Officer

DSS:ljg



COMMONWEALTH OF VIRGINIA  
Circuit Court of Fairfax County

FAIRFAX, VIRGINIA 22030



JAMES E. HOOFNAGLE  
CLERK OF CIRCUIT COURT

DEPUTY CLERKS  
EDWARD E. YOUNG  
FRANCES D. CONNELL

APRIL 14, 1977

MR. RUDOLPH V. REASE  
UNITED STATES PENITENTIARY  
POST OFFICE BOX 1000  
LEWISBURG, PENNSYLVANIA 17837

RE: COMMONWEALTH OF VIRGINIA V. RUDOLPH V.  
REASE, CRIMINAL NUMBER 18024

DEAR MR. REASE:

IN ANSWER TO YOUR LETTER OF MARCH 25, 1977, YOU  
WILL NOT BE BROUGHT BACK TO THE COMMONWEALTH OF VIRGINIA  
FOR YOUR REVOCATION OF PROBATION HEARING UNTIL YOU ARE  
DUE FOR RELEASE FROM THE FEDERAL SYSTEM, AT WHICH TIME  
WE ARE TO BE NOTIFIED BY THE AUTHORITIES THAT WE CAN  
TAKE YOU INTO CUSTODY.

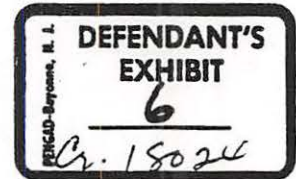
SINCERELY,

  
ANN B. SINCLAIR  
DEPUTY CLERK









*Open in  
Presence of  
Court  
Feb 3-2-79*

NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA  
COUNTY OF FAIRFAX CITY OF FAIRFAX  
CITY OF FALLS CHURCH

BARNARD F. JENNINGS  
JAMES KEITH  
WILLIAM G. PLUMMER  
LEWIS D. MORRIS  
BURCH MILLSAP  
JAMES C. CACHERIS  
THOMAS J. MIDDLETON  
RICHARD J. JAMBORSKY  
JUDGES

FAIRFAX COUNTY COURTHOUSE  
4000 CHAIN BRIDGE ROAD  
FAIRFAX, VIRGINIA 22030

February 27, 1979

Mr. Rudolph N. Rease  
P. O. Box 1000  
Lewisburg, Pa. 17837

Dear Mr. Rease:

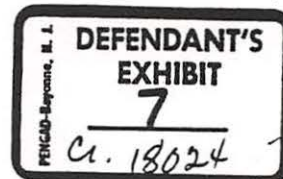
The court is in receipt of your letter requesting an order releasing the detainer lodged against you. The court records reflect that you were sentenced on November 17, 1972, to 10 years and the court suspended 7 years of your sentence. The court further placed you on probation for 5 years after your release.

The court issued a bench warrant for you on November 24, 1976, for your alleged violation of probation on November 18, 1976. It is apparent that you violated terms of probation before the 5 year probation expired and you have not appeared for a revocation proceeding, therefore your request is denied.

Very truly yours,

Burch Millsap

BM:elc



5-5-80 *Kr*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
PROBATION OFFICE

BILLY J. TORRANS  
CHIEF PROBATION OFFICER

REPLY TO:

420-424 U. S. POST OFFICE BUILDING  
P. O. BOX 177  
NORFOLK 23501  
804-441-6673  
(FTS 939-6673)

206 N. WASHINGTON ST., RM. 322  
P. O. BOX 113  
ALEXANDRIA 22313  
703-557-2357  
(FTS 557-2357)

May 1, 1980

Mr. Rudolph V. Rease  
Reg. No. 05113-158  
P.M.B. Apt. A-4-20  
Atlanta, Georgia 30315

Dear Mr. Rease:

Reference is made to your letter of April 27, 1980 which was addressed to Mr. Daniel S. Shannon. Because Mr. Shannon has resigned from our staff, I will answer your inquiry.

I have no information as to when, or if, the Virginia State authorities intend to take you into custody as a probation violator. They can, if they wish, return you to Court for a hearing at any time. However, it seems as though they do not intend to do so but prefer to wait until you are made available to them by the federal authorities.

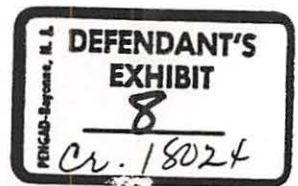
I suggest that you write your Virginia State Probation Officer for this information.

Very truly yours,

*Wm. R. Thayer, II*

Wm. R. Thayer, II, Deputy Chief  
U. S. Probation Officer

WRTii/cdr



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
PROBATION OFFICE

May 9, 1980

BILLY J. TORRANS  
CHIEF PROBATION OFFICER  
420-424 U. S. POST OFFICE BUILDING  
P. O. BOX 177  
NORFOLK 23501  
804-441-6673  
(FTS 827-6673)

11-24820

*BM*

REPLY TO:

900 S. WASHINGTON STREET  
FALLS CHURCH 22046  
703-557-9731  
(FTS 557-9731)

Mr. Rudolph V. Rease  
Reg. No. 05113-158  
P.M.B. Apt. A-4-20  
Atlanta, Georgia 30315

Dear Mr. Rease:

Your letter of April 27, 1980 addressed to Mr. Billy Torrns, Chief U. S. Probation Officer, has been forwarded to me for reply.

I wish to inform you that in accordance with my letter of May 1, 1980 there is nothing we can do to be of assistance to you. The detainer to which you refer was issued by the Virginia State authorities and they are the ones who will have to act upon it. Again, I suggest that you contact your Virginia State Probation Officer for this information.

Very truly yours,

*Wm. R. Thayer II*

Wm. R. Thayer, II  
Deputy Chief  
U. S. Probation Officer

WRTii/dsb  
cc: CUSPO



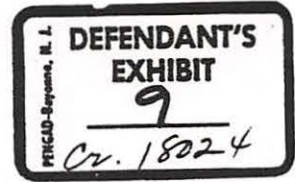
NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA  
COUNTY OF FAIRFAX CITY OF FAIRFAX  
CITY OF FALLS CHURCH

April 9, 1981

BARNARD F. JENNINGS  
WILLIAM G. PLUMMER  
LEWIS D. MORRIS  
BURCH MILLSAP  
JAMES C. CACHERIS  
THOMAS J. MIDDLETON  
RICHARD J. JAMBORSKY  
LEWIS HALL GRIFFITH  
F. BRUCE BACH  
JUDGES

JAMES KEITH  
RETIRED JUDGE

FAIRFAX COUNTY COURTHOUSE  
4000 CHAIN BRIDGE ROAD  
FAIRFAX, VIRGINIA 22030



11-24-82  
*BM*

Mr. Rudolph Valentino Pease  
05113-158  
P. O. Box 1000 G-A-17  
Marion, Illinois 62958

Re: Criminal Number 18024

Dear Mr. Pease:

In reply to your letter dated March 31, 1981 you are advised that the pending matter concerning you in this Court is violation of probation. The alleged violation of probation is your conviction in the Federal Court for the offense of bank robbery.

Very truly yours,

Burch Millsap

BM/al





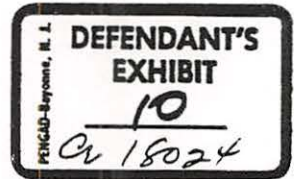
NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA  
COUNTY OF FAIRFAX CITY OF FAIRFAX  
CITY OF FALLS CHURCH

BARNARD F. JENNINGS  
WILLIAM G. PLUMMER  
LEWIS D. MORRIS  
BURCH MILLSAP  
JAMES C. CACHERIS  
THOMAS J. MIDDLETON  
RICHARD J. JAMBORSKY  
LEWIS HALL GRIFFITH  
F. BRUCE BACH  
JUDGES

September 30, 1981

JAMES KEITH  
RETIRED JUDGE

FAIRFAX COUNTY COURTHOUSE  
4000 CHAIN BRIDGE ROAD  
FAIRFAX, VIRGINIA 22030



11-24-82  
Gm

Mr. Rudolph Valentino Rease  
#05113-158  
P.O. Box 33  
Terre Haute, Indiana 47808

Re: Commonwealth vs. Rease  
Criminal No. 18024

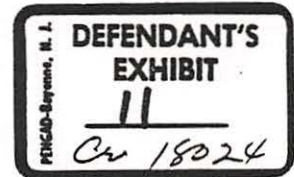
Dear Mr. Rease:

In reply to your letter of September 23rd, 1981, requesting the Court to release a detainer, you are advised your request is denied.

Very truly yours,

Burch Millsap

BM/110  
cc: Robert F. Horan, Jr., Esq.



11-24-82  
BAM

# COMMONWEALTH of VIRGINIA

ADULT PROBATION & PAROLE

Department of Corrections  
Youth and Community Services  
District # 29

FAIRFAX CIRCLE OFFICE BUILDING  
3251 OLD LEE HIGHWAY, SUITE 404  
FAIRFAX, VIRGINIA 22030  
TELEPHONE: 691-0880

June 29, 1982

Mr. Rudolph Rease, #05113-158  
P. O. Box 33  
Terre Haute, Indiana 47808

Dear Mr. Rease:

I am in receipt of your letter dated June 7, 1982.

Please be advised that the only person who can remove your detainer is the judge. You will not receive a hearing or any correspondence regarding your alleged probation violation until you are ready for retake.

I have reviewed your file and you have several alleged violations of probation which need to be addressed by the Court. It is for these reasons that I am unable to assist you in removing the detainer.

I hope you understand this and realize that you will be given an opportunity to answer to the alleged violation of probation charges.

Sincerely,

*Beth A. Markman*

Beth A. Markman  
Probation and Parole Officer

BAM/kag