

U.S. Probation and Pretrial Services  
**MEMORANDUM**

**DATE:** August 22, 2002  
**TO:** Jacabed Rodriguez-Coss  
Assistant U.S. Attorney  
**FROM:** Todd Stokes *T.D.S.*  
Home Confinement Specialist  
**SUBJECT:** Warren Grace  
S-02-0220  
**NOTICE OF APPARENT VIOLATION/WARRANT REQUEST**

COURT'S EXHIBIT NO. 2  
CASE NO. WQQ-03-0213  
IDENTIFICATION: DEC 2 2003  
EVIDENCE: DEC 2 2003

**RELEASE STATUS**

The above-referenced defendant initially appeared before U.S. Magistrate Judge Beth P. Gesner on May 10, 2002 charged by way of indictment with Felon in Possession of a Firearm in violation of Title 18 U.S.C. § 922 (g)(1), Possession with Intent to Distribute Heroin in violation of Title 21 U.S.C. § 841 (a)(1), and Aiding and Abetting in violation of Title 18 U.S.C. § 2. At a detention hearing before U.S. Magistrate Judge Susan K. Gauvey on May 13, 2002, the defendant was ordered detained by agreement.

On May 31, 2002, Mr. Grace entered a guilty plea to counts 1 and 3 of the indictment before Chief U.S. District Judge Frederic N. Smalkin. At that time, he was released on personal recognizance with the following conditions:

- Pretrial Services supervision
- reside at Hope Village Community Corrections Center
- refrain from possessing any firearm, destructive device, or any other dangerous weapon
- refrain from excessive use of alcohol
- refrain from any use of a narcotic drug or other controlled substance unless prescribed by a licensed medical practitioner
- defendant is permitted to leave Hope Village with the approval of the Director for official business or to consult with counsel
- obtain no passport

On June 7, 2002, Chief U.S. District Judge Frederic N. Smalkin signed an order modifying the defendant's release conditions as follows:

- residence at Hope Village Community Corrections Center no longer required
- defendant to reside at 2506 Edgecombe Circle North, Apt. H, Baltimore, Maryland 21215
- home confinement with electronic monitoring. Mr. Grace is authorized to leave his residence for

meetings with counsel and Agents of the Federal Bureau of Investigation

### APPARENT VIOLATION

On August 14, 2002, Mr. Grace called me to advise that his phone service had been disconnected. Due to a delinquent bill, but that his girlfriend, Robin Summers, was calling her service provider to arrange payment. Securicor Electronic Monitoring Services, Inc. advised me the monitoring unit in the defendant's residence was unable to report.

On August 15, 2002, I spoke to the defendant on an alternate telephone line in the residence. He confirmed his girlfriend paid the telephone bill and advised customer service was attempting to determine why her service had not been restored.

On August 16, 2002. Ms. Summers advised me there was a wiring problem in the phone line and a technician would have to come to the residence.

On August 20, 2002 at approximately 12:20 p.m., I spoke with Ms. Summers who stated she expected a technician from Cavalier to come to her residence either August 21 or 22, 2002 to repair the telephone line. I asked to speak to the defendant and she advised me he was taking a shower. Ten minutes later, the defendant called me back. I told him that the telephone issue had to be resolved today, I asked him why the alternate telephone line (which belongs to Ms. Summer's minor daughter) could not be used for monitoring purposes. Mr. Grace initially stated he was uncomfortable using that telephone line, but then agreed. The monitoring equipment was immediately placed on the daughter's telephone line.

On August 20, 2002, I received a call from Special Agent Jeremy Gates of the Drug Enforcement Administration advising me that an anonymous caller informed him that Mr. Grace had drugs and guns in his residence and that he allegedly shot at someone at Park Heights and Wiley Avenues in Baltimore on August 17, 2002. He related should the individual call him again he would give the person my name and number.

Later that same day, I received a call from an unidentified male essentially conveying to me what Agent Gates told me. He further advised me the defendant was outside of his residence, that he manipulated the monitoring equipment, and he was "hurting innocent people". Another individual got on the phone and indicated since nothing is being done to the defendant, he must be an informant.

On August 21, 2002, I received another call from the unidentified male who again expressed his concerns about the defendant, and stated that since nothing has been done to Mr. Grace, he would contact "Internal Affairs". I was able to identify the telephone number of the individual (s) through the use of my caller I.D. feature, and I provided Special Agent Steve Skinner of the Federal Bureau of Investigation with the number. I also apprised him of my discussion with Agent Gates and the

anonymous callers.

Agent Skinner went to the defendant's residence on August 20, 2002 at approximately 5:00 p.m., and advised me the defendant was not present. However, Securicor Electronic Monitoring Services, Inc. indicated he was in the residence. At approximately 10:35 p.m. Mr. Grace called me to advise he returned to his residence after working out. He acknowledged that he slipped off the ankle transmitter by saturating his leg with Vaseline. He related he was wrong for removing the bracelet, and that was the first time he had done it. The defendant stated that Agent Skinner would transport him to the U.S. Attorney's Office in the morning. I told Mr. Grace to remain at his residence and I would meet with him in the morning as well.

It should be noted when the electronic monitoring equipment was installed on the alternate telephone line August 20, 2002, all events/alerts were retrieved from the time frame when service was first interrupted, and there was no indication that he left his residence during that period.

#### **SUMMARY OF DEFENDANT'S ADJUSTMENT TO SUPERVISION**

Prior to the above violations, the defendant's adjustment to supervision had been satisfactory.

An automated inquiry of the Maryland Criminal Justice Information System conducted on August 21, 2002 revealed no new arrests or outstanding warrants. However, on August 14, 2002, I received a call from Deputy U.S. Marshal Robert Johnson who advised me that he received a telephone call from the Baltimore City Sheriff's Office indicating the defendant had two warrants outstanding for non-payment of child support and for motor vehicle offenses.

On August 21, 2002, Agent Skinner took the defendant to the Baltimore City Sheriff's Office to surrender relative to the warrants. At this time, Mr. Grace is in local custody awaiting an appearance before a commissioner.

#### **RECOMMENDATION**

I recommend a warrant be issued, and that the defendant's bond be revoked.

cc: The Honorable Frederic N. Smalkin  
Chief U.S. District Judge

Jonathan P. Luna  
Assistant U.S. Attorney

AFPD Joseph Balter