

VIRGINIA: IN THE CIRCUIT COURT OF LOUDOUN COUNTY

COMMONWEALTH OF VIRGINIA

v.

Indictment Nos: 37153-00 & 37153-01

DUSTIN RYAN AMOS,
Defendant.

PLEA AGREEMENT

(1) My name is Dustin Ryan Amos, and my date of birth is May 6, 1988.

(2) I am represented by counsel whose name is Robert C. Whitestone.

(3) I am the person named in the indictments, and I understand the charges against me. I have told my attorney all the facts and circumstances, as known to me, concerning the case against me. My attorney has explained to me the elements of:

Propose Sex Act by Communications System, Age 15+, Offender 7+ yr, 1st offense, a violation of § 18.2-374.3(D) of the Code of Virginia.

Propose Sex Act by Communications System, Age 15+, Offender 7+ yr, 2nd offense or Subsequent offense, a violation of § 18.2-374.3(D) of the Code of Virginia.

I understand that, as part of this plea agreement, the Commonwealth will move to nolle prosequi Indictment No. 37153-01 – Propose Sex Act by Communications System, Age 15+, offender 7+ yr, 2nd offense or Subsequent offense. I understand that I will be pleading guilty to Indictment No. 37153-00 – Propose Sex Act by Communications System, Age 15+, Offender 7+ yr, 1st offense.

(4) My attorney has explained what the Commonwealth must prove to convict me and has advised me as to any possible defenses I might have in this case. I understand that by pleading guilty, I admit that I committed the offense as charged in the indictment, and the only issue to be decided by the Court is punishment. I understand that by pleading guilty, I waive my right to an appeal.

(5) I understand that by pleading guilty, I waive all objections to the admissibility of evidence, the legality of my arrest, and any search and seizure of property.

(6) I understand that I may, if I so choose, plead "Not Guilty" to any charge against me, and if I do plead "Not Guilty", the Constitution guarantees that I would have:

- a) The right to a speedy and public trial by jury, with a lawyer to help me at all stages of the proceedings, and the jury must unanimously agree that I am guilty beyond a reasonable doubt before I can be convicted; and

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- b) The right to confront all witnesses against me and the right to cross-examine those witnesses; and
- c) The right to require the Commonwealth to prove every element of the crime against me beyond a reasonable doubt; and
- d) The right to appellate review of this Court's decision in the event of a conviction; and
- e) The right to remain silent and not take the stand or give testimony against myself, and I understand that no inference could be drawn from my failure to testify.

I understand that I am waiving these rights by pleading guilty.

(7) I understand that by pleading guilty, I subject myself to the same possible penalties as if I had been convicted of the same offenses after a trial by jury or the Court sitting without a jury. I understand that the following are possible penalties for each offense:

PROPOSE SEX ACT BY COMMUNICATIONS SYSTEM, AGE 15+, OFFENDER 7+ YR, FIRST OFFENSE: a term of imprisonment of not less than one (1) year nor more than ten (10) years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve (12) months and a fine of not more than \$2,500.00, either or both.

I understand that probation may or may not be granted and that sentences for more than one offense are served consecutively unless otherwise ordered by the Court. I understand that if I have been previously sentenced to confinement in a penitentiary, additional punishment can be imposed under the multiple offender statutes.

(8) No one, including no officer or employee of the State, County, Attorney General's Office, or Commonwealth Attorney's Office, has in any manner threatened me or forced me to enter this plea of guilty.

(9) All agreements, if any, in connection with this case are described in this document.

(10) I understand that the judge may reject any agreement I have reached with the Commonwealth. If the agreement is rejected, I understand that I have the right to withdraw my plea and enter a different plea if I so choose.

I understand that any sentence recommendation made by the Commonwealth is not binding upon the Court, which may impose any sentence permitted under Virginia laws for the offense.

I have considered any offers made by the Commonwealth to resolve this case by agreement or recommendation after consultation with my attorney.

(11) I make no claim of innocence, and I freely and voluntarily plead guilty to the charge described in Paragraph 3, above, because I am, in fact, guilty.

(12) My attorney and I have reached the following resolution of my case with the Attorney for the Commonwealth pursuant to Rule 3A:8(c) of the Supreme Court of Virginia:

- a) I will plead and be found guilty of One (1) Count of Propose Sex Act by Communications System, Age 15+, Offender 7+ yr, 1st offense, a violation of § 18.2-374.3(D) of the Code of Virginia, as charged in the indictment;
- b) I understand that I will be required to register with the Virginia Sex Offender Registry in accordance with Title 9.1, Chapter 9 of the Code of Virginia, Sex Offender and Crimes Against Minors Registry Act;
- c) I agree that as a condition of this plea, in future probation violations or show cause hearings in this case, if my probation is transferred out of District 25, I hereby waive any objections to due process, confrontation, and hearsay, as to the admission as evidence of any probation violation report or letter;
- d) There is no agreement about what sentence I will receive, and I understand that both parties are free to argue the appropriate punishment at the time of my sentencing and to make recommendations to the judge. I understand that the judge may suspend any portion of the sentence imposed except for any term defined as "mandatory minimum." This is the entire agreement, and no one has made me any other commitments or promises of leniency.

(13) I understand that the Court will order the preparation of a Presentence Investigation Report and a psychosexual evaluation pursuant to Code of Virginia § 9.2-300. I understand that Virginia Sentencing Guidelines will be prepared, but the Court will decide the appropriate guidelines. I further understand that the calculation of the Sentencing Guidelines and the final determination of any correction to the Guidelines made by the Court may not be the same calculation that I expect based on consultation with my attorney. I understand that an unexpected, unfavorable calculation of the Virginia Sentencing Guidelines will not be a basis for me to withdraw my plea pursuant to this plea agreement.

(14) I understand that in the event my pleading guilty affects any probation, parole, or suspended sentence I am currently serving, or any other charges I have currently pending, this is not a basis for me to withdraw my plea of guilty.

(15) I am entirely satisfied with the services of the attorney who has represented me in this matter.

(16) I acknowledge that I have been informed of the provisions of § 19.2-310.2, Code of Virginia, which requires every person convicted of a felony to have a blood, saliva, or tissue sample taken for DNA analysis and inclusion in the DNA data bank.

(17) I acknowledge that I have been informed of the provisions of § 18.2-251.01, Code of Virginia, which requires every person convicted of a felony to undergo a substance abuse screening and assessment. If the person is determined to have a substance abuse problem, such person shall be required to enter a treatment and/or education program. I also understand that as a condition of any suspended sentence and probation, I may be required to undergo periodic testing and treatment

for substance abuse if the court deems such conditions appropriate based upon consideration of the substance abuse assessment.

(18) I understand that in the event I am not a citizen of the United States, my pleading guilty to the charges, as well as any subsequent disposition, conviction, or sentence I receive, may adversely affect my ability to legally remain in the United States or bar me from becoming a United States citizen. I further understand that should I suffer any adverse consequences to my ability to remain in the United States legally, such will not be a basis for me to withdraw my plea of guilty.

I understand that entry of a guilty plea may carry a wide variety of collateral consequences, including but not limited to: civil commitment, civil forfeiture, the loss of the right to vote, loss of security clearances, disqualification from public benefits, employability, ineligibility to possess firearms, dishonorable discharge from the Armed Services, loss of driving privileges, and loss of business licenses. I understand these and other collateral consequences not specifically stated herein will not be a basis to withdraw my plea of guilty.

My attorney has discussed these and other collateral consequences with me.

(19) I agree to pay the costs of this prosecution pursuant to the terms contained within § 19.2-340, of the Code of Virginia, and I understand that court costs shall bear interest at the legal rate of interest applicable to judgments.

(20) I therefore freely and voluntarily make no claim of innocence and plead guilty to:

One (1) Count of Propose Sex Act by Communications System, Age 15+, Offender 7+ yr, 1st offense, a violation of § 18.2-374.3(D) of the Code of Virginia, as charged in Indictment No. 37153-00.

(21) I understand that the Court will place me under oath to inquire into my plea of guilty.

Signed by me in the presence of my attorney this 3 day of March, 2022.




DUSTIN RYAN AMOS

Defendant

Counsel Signatures on Next Page

The above accords with our understanding of the resolution of this case.



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