

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CRIMINAL #23-MJ-05013-JGD

UNITED STATES

v.

GARDY ALEXANDRE

**DEFENDANT’S MEMORANDUM RESPECTING PETITION FOR ACTION ON
CONDITIONS OF PRETRIAL RELEASE**

INTRODUCTION

On September 14, 2023, U.S. Probation Officer Kara Lightowler filed a petition seeking a show cause hearing for alleged violations of conditions of pretrial release by the defendant in the above-captioned criminal case. A duplicate petition was filed on October 13, 2023. The Court has scheduled a hearing on said petition for October 25, 2023 to be conducted remotely via Zoom. This response is submitted to the Court in anticipation of that upcoming hearing.

Alexandre’s conditions of release include a requirement that he must not violate any laws and that he must notify his Probation Officer within 72 hours of having contact with law enforcement. He has been on pretrial release for approximately nine months and has not yet been indicted

I. SUMMARY OF RELEVANT FACTS.

The Petition accurately states that defendant Gardy Alexandre [“Alexandre”] was stopped by a West Palm Beach, Fl. police officer on Thursday, August 31, 2023 for failing to turn right from a right turn-only lane. A record check revealed that Alexandre did not have valid a driver’s license. Alexandre was arrested for driving without a license and his vehicle, with his identification and cellphone inside, was impounded.

On information and belief and based on the relevant court records for case #50-2023-CF-007546-AXXX-MB, appended hereto as Exhibit 1, Alexandre was released from custody the following day, Friday, September 1, 2023. The ensuing weekend was Labor Day Weekend. Accordingly, Alexandre was not able to retrieve his vehicle (and cellphone) until the morning of Tuesday, September 5, 2023. After retrieving his cellphone, Alexandre contacted his Probation Officer on that same date to report his recent arrest.

Thereafter, on information and belief and based upon court records, the 007546 case was dismissed, and the charges were reduced to a misdemeanor under docket #50-2023-CT-017028-AXXX-MB. *See* Exhibit 2, appended hereto. On October 6, 2023, Alexandre appeared in court, *pro se*, for the adjudication of a single charge of driving with a suspended license. The court found him guilty, but agreed to vacate the guilty finding in 60 days if Alexandre pays \$100 in court costs and either completes 40 hours of community service or obtains a valid driver's license within that period of time. *See* "Plea and Pass Agreement," appended hereto as Exhibit 3.

II. DISCUSSION.

Alexandre admits that he was driving without a valid driver's license on August 31, 2023 in violation of Florida state law. He also acknowledges that he did not contact his Probation Officer within 72 hours of his arrest, although there were extenuating circumstances detailed above for his failure to do so. While these were violations of Alexandre's conditions of pretrial release, he respectfully suggests that they do not warrant revocation of his pretrial release. Alexandre further submits that no additional conditions of pretrial release are necessary, but he will, of course, comply with any such conditions the Court may see fit to impose.

Respectfully submitted,

GARDY ALEXANDRE

By his attorney,

/s/ James L. Sultan

James L. Sultan, BBO #488400

jsultan@rankin-sultan.com

Rankin & Sultan

1666 Massachusetts Avenue, Suite P-16

Lexington, MA 02420

(617) 720-0011

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF System will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and to U.S. Probation Officer Kara Lightowler, and paper copies will be sent to those indicated as non-registered participants on October 23, 2023.

/s/ James L. Sultan

James L. Sultan