

File No. <b>14CR 217660</b>			
<b>MAGISTRATE'S ORDER</b>			
Offense <b>1<sup>st</sup> SECOND DEGREE RAPE</b>			
<b>THE STATE OF NORTH CAROLINA VS.</b>			
Name And Address Of Defendant <b>ASHUTOSH VIRMANI</b>  <b>4626 CHARLESTOWNE MANOR DR</b>  <b>CHARLOTTE NC 28211</b> <i>(704) 907-1000</i> <i>SEE DIVISION</i>			
Race <b>W</b>	Sex <b>M</b>	Date Of Birth <b>08/08/1953</b>	Age <b>59</b>
Social Security No.		Drivers License No. & State	
Name Of Defendant's Employer <i>[Signature]</i>			
Offense Code(s) <b>11122</b>		Offense In Violation Of G.S. <b>14-213(A)</b> <i>10/20/14</i>	
Date Of Offense <b>05/07/2014 through 05/07/2014</b>			
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) <b>05/07/2014 2661FPD</b>			
Arresting Officer (Name, Address Or Department) <b>HORTON, S A P3812</b> <b>CHARLOTTE MECKLENBURG POLICE DEPARTMENT</b> <b>601 EAST TRADE ST</b> <b>CHARLOTTE NC 28202</b> <b>MECKLENBURG (704) 336-7600</b>			
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.) <b>THOMPSON, B P3564</b> <b>CHARLOTTE MECKLENBURG POLICE DEPARTMENT</b> <b>601 EAST TRADE ST</b> <b>CHARLOTTE NC 28202</b> <b>MECKLENBURG (704) 336-7600</b>			

Law Enforcement Case No. <b>140507171101</b>	LID No. <b>437441</b>	SID No.	FBI No.
CHARLOTTE MECKLENBURG POLICE DEPARTMENT			
<b>STATE OF NORTH CAROLINA</b>			
<b>MECKLENBURG</b>		<b>County</b>	
<b>In The General Court Of Justice</b> <b>District Court Division</b>			
<p>I, the undersigned, find that the defendant named above has been arrested without a warrant and the defendant's detention is justified because there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did carnally know and abuse [REDACTED], who was at the time physically helpless.</p>			
<p>This act was in violation of the law referred to in this Magistrate's Order. This Magistrate's Order is issued upon information furnished under oath by the arresting officer(s) shown. A copy of this Order has been delivered to the defendant.</p>			
Signature <b>F G BEER</b>		Location Of Court <b>Mecklenburg County Courthouse; 1150</b> <b>832 EAST FOURTH ST</b> <b>CHARLOTTE, NC 28202</b>	Court Date <b>05/09/2014</b>  Court Time <b>1:00</b> <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
<input checked="" type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan Date Issued <b>05/08/2014</b>		<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	



STATE OF NORTH CAROLINA

File No.

14CR217660

MECKLENBURG County

In The General Court Of Justice
[X] District [ ] Superior Court Division

STATE VERSUS

Defendant Name

ASHUTOSH VIRMANI

DISMISSAL
NOTICE OF REINSTATEMENT
(For Offenses Committed On Or After Dec. 1, 2013)

G.S. 15A-302(e), -931, -932

Table with 3 columns: File Number (14CR217660), Count No.(s) (1), Offense(s) (SECOND DEGREE RAPE)

[X] DISMISSAL

NOTE: Recall all outstanding Orders For Arrest in a dismissed case.

The undersigned prosecutor enters a dismissal to the above charge(s) and assigns the following reasons:

- [ ] 1. No crime is charged.
[X] 2. There is insufficient evidence to warrant prosecution for the following reasons: SEE REVERSE.
[ ] 3. Defendant has agreed to plead guilty to the following charges:

in exchange for a dismissal of the following charges:

- [ ] 4. Other: (specify) [ ] See additional information on reverse.

A jury has not been impaneled nor has evidence been introduced. (If a jury has been impaneled, or if evidence has been introduced, modify this sentence accordingly.)

[ ] DISMISSAL WITH LEAVE

The undersigned prosecutor enters a dismissal with leave to the above charge(s) and assigns the following reasons:

- [ ] 1. The defendant failed to appear for a criminal proceeding at which the defendant's attendance was required and the prosecutor believes that the defendant cannot readily be found.
[ ] 2. The defendant has been indicted and cannot readily be found to be served with an Order For Arrest.
[ ] 3. The defendant has entered into a deferred prosecution agreement with the prosecutor in accordance with the provisions of Article 82 of G.S. Chapter 15A.
[ ] 4. Other: (specify) [ ] See additional information on reverse.

NOTE: This form must be completed and signed by the prosecutor when the dismissal occurs out of court. The better practice is for the prosecutor to complete and sign the form when the charges are orally dismissed in open court.

Also, in accordance with G.S. 15A-931(a1), unless the defendant or the defendant's attorney has been otherwise notified by the prosecutor, a written dismissal of the charges against the defendant must be served in the same manner prescribed for motions under G.S. 15A-951. If the record reflects that the defendant is in custody, the written dismissal shall also be served by the prosecutor on the chief officer of the custodial facility where the defendant is in custody.

Date: 10/24/2014
Name Of Prosecutor (Type Or Print): KRISTEN J. NORTHRUP
Signature Of Prosecutor: [Handwritten Signature]

[ ] REINSTATEMENT

This case, having previously been dismissed with leave as indicated above, is now reinstated for trial.

Date:
Name Of Prosecutor (Type Or Print):
Signature Of Prosecutor:

(Over)

**ADDITIONAL INFORMATION PERTAINING TO DISMISSAL**

The undersigned prosecutor provides the following additional information pertaining to the dismissal entered on the reverse:

The victim and the defendant met on a dating website. They then communicated via text message regarding meeting in person, however the victim decided she was not interested in him and declined to meet. At some point after this the victim agreed to go to his house on a business matter. While at his house the defendant attacked her.

After leaving his home, the victim sent multiple text messages including, "lol who's this". Each of these messages took place after the alleged rape but before it was reported. The defendant sent her a text message at 2:59pm stating "thanks for coming".

The victim contacted a friend of hers, who told her to go to the hospital. While at the hospital, she had a sexual assault kit completed. No injuries were noted by the nurse. Additionally, nothing of forensic value was retrieved. Therefore, we do not have any forensic evidence to corroborate that sexual contact took place. The defendant did not speak to officers, but consented to a search of his home. No condom was located, although a wrapper was found in a garbage can on the first floor of his home. Nothing else of evidentiary value was located.

During the course of the investigation Detectives requested that the victim turn in her cell phone to have it processed by the crime lab. Upon review of the text messages and data that was received we determined that the victim was directed to intentionally delete messages from her phone before turning it in to law enforcement. These messages were primarily between the victim and a third party other than the defendant. She did in fact delete many text messages. The State believes that should this case have proceeded to trial, evidence of the deleted messages would have been brought out in court.

Based on the above, proving the crimes charged beyond a reasonable doubt to a jury would be unlikely. As a result and after consultation with the victim, the State is taking voluntary dismissals of the charges.

Date 10/24/2014	Name Of Prosecutor (Type Or Print) KRISTEN J. NORTHRUP	Signature Of Prosecutor 
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File No. <b>14CR 217662</b>		Law Enforcement Case No. <b>140507171101</b>	LID No. <b>437441</b>	SID No.	FBI No.
<b>MAGISTRATE'S ORDER</b>		CHARLOTTE MECKLENBURG POLICE DEPARTMENT			
Offense <b>I F-SECOND DEGREE SEXUAL OFFENSE</b>		<b>STATE OF NORTH CAROLINA</b>			
		<b>MECKLENBURG</b> County		In The General Court Of Justice District Court Division	
<b>THE STATE OF NORTH CAROLINA VS.</b>					
Name And Address Of Defendant <b>ASHUTOSH VIRMANI</b>  <b>4626 CHARLESTOWNE MANOR DR</b>  <b>CHARLOTTE NC 28211</b> <i>See ID # 10/20/14</i>					
Race <b>W</b>	Sex <b>M</b>	Date Of Birth <b>08/06/1953</b>	Age		
Social Security No.		Drivers License No. & State			
Name Of Defendant's Employer					
Offense Code(s) <b>I 1124</b>		Offense In Violation Of G.S. <b>I 14-27.1(A)</b> <i>10/20/14</i>			
Date Of Offense <b>05/07/2014</b> through <b>05/07/2014</b>					
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) <b>05/07/2014</b> <b>2661FPD</b>					
Arresting Officer (Name, Address Or Department) <b>HORTON, S A P3812</b> <b>CHARLOTTE MECKLENBURG POLICE DEPARTMENT</b> <b>601 EAST TRADE ST</b> <b>CHARLOTTE NC 28202</b> <b>MECKLENBURG (704) 336-7600</b>					
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.) <b>THOMPSON, B P3564</b> <b>CHARLOTTE MECKLENBURG POLICE DEPARTMENT</b> <b>601 EAST TRADE ST</b> <b>CHARLOTTE NC 28202</b> <b>MECKLENBURG (704) 336-7600</b>					
This act was in violation of the law referred to in this Magistrate's Order. This Magistrate's Order is issued upon information furnished under oath by the arresting officer(s) shown. A copy of this Order has been delivered to the defendant.					
<input checked="" type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan		Date Issued <b>05/08/2014</b>	Signature <b>F G BEER</b>	Location Of Court <b>Mecklenburg County Courthouse; 1150</b> <b>832 EAST FOURTH ST</b> <b>CHARLOTTE, NC 28202</b>	
			<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	Court Date <b>05/09/2014</b> Court Time <b>1:00</b> <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	



STATE OF NORTH CAROLINA

File No.

14CR217662

MECKLENBURG County

In The General Court Of Justice
[X] District [ ] Superior Court Division

STATE VERSUS

Defendant Name

ASHUTOSH VIRMANI

DISMISSAL NOTICE OF REINSTATEMENT (For Offenses Committed On Or After Dec. 1, 2013)

G.S. 15A-302(e), -931, -932

Table with 3 columns: File Number (14CR217662), Count No.(s) (1), Offense(s) (SECOND DEGREE SEXUAL OFFENSE)

[X] DISMISSAL

NOTE: Recall all outstanding Orders For Arrest in a dismissed case.

The undersigned prosecutor enters a dismissal to the above charge(s) and assigns the following reasons:

- 1. No crime is charged.
[X] 2. There is insufficient evidence to warrant prosecution for the following reasons: SEE REVERSE.
3. Defendant has agreed to plead guilty to the following charges:

in exchange for a dismissal of the following charges:

- 4. Other: (specify) See additional information on reverse.

A jury has not been impaneled nor has evidence been introduced. (If a jury has been impaneled, or if evidence has been introduced, modify this sentence accordingly.)

[ ] DISMISSAL WITH LEAVE

The undersigned prosecutor enters a dismissal with leave to the above charge(s) and assigns the following reasons:

- 1. The defendant failed to appear for a criminal proceeding at which the defendant's attendance was required and the prosecutor believes that the defendant cannot readily be found.
2. The defendant has been indicted and cannot readily be found to be served with an Order For Arrest.
3. The defendant has entered into a deferred prosecution agreement with the prosecutor in accordance with the provisions of Article 82 of G.S. Chapter 15A.
4. Other: (specify) See additional information on reverse.

NOTE: This form must be completed and signed by the prosecutor when the dismissal occurs out of court. The better practice is for the prosecutor to complete and sign the form when the charges are orally dismissed in open court.

Also, in accordance with G.S. 15A-931(a1), unless the defendant or the defendant's attorney has been otherwise notified by the prosecutor, a written dismissal of the charges against the defendant must be served in the same manner prescribed for motions under G.S. 15A-951. If the record reflects that the defendant is in custody, the written dismissal shall also be served by the prosecutor on the chief officer of the custodial facility where the defendant is in custody.

Date: 10/24/2014 Name Of Prosecutor (Type Or Print): KRISTEN J. NORTHRUP Signature Of Prosecutor: [Handwritten Signature]

[ ] REINSTATEMENT

This case, having previously been dismissed with leave as indicated above, is now reinstated for trial.

Date: Name Of Prosecutor (Type Or Print): Signature Of Prosecutor:

(Over)

**ADDITIONAL INFORMATION PERTAINING TO DISMISSAL**

The undersigned prosecutor provides the following additional information pertaining to the dismissal entered on the reverse:

The victim and the defendant met on a dating website. They then communicated via text message regarding meeting in person, however the victim decided she was not interested in him and declined to meet. At some point after this the victim agreed to go to his house on a business matter. While at his house the defendant attacked her.

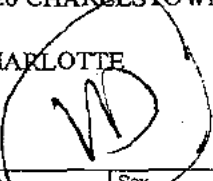
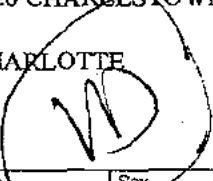
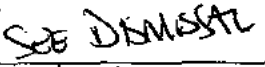
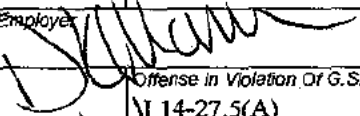
After leaving his home, the victim sent multiple text messages including, "lol who's this". Each of these messages took place after the alleged rape but before it was reported. The defendant sent her a text message at 2:59pm stating, "thanks for coming".

The victim contacted a friend of hers, who told her to go to the hospital. While at the hospital, she had a sexual assault kit completed. No injuries were noted by the nurse. Additionally, nothing of forensic value was retrieved. Therefore, we do not have any forensic evidence to corroborate that sexual contact took place. The defendant did not speak to officers, but consented to a search of his home. No condom was located, although a wrapper was found in a garbage can on the first floor of his home. Nothing else of evidentiary value was located.

During the course of the investigation Detectives requested that the victim turn in her cell phone to have it processed by the crime lab. Upon review of the text messages and data that was received we determined that the victim was directed to intentionally delete messages from her phone before turning it in to law enforcement. These messages were primarily between the victim and a third party other than the defendant. She did in fact delete many text messages. The State believes that should this case have proceeded to trial, evidence of the deleted messages would have been brought out in court.

Based on the above, proving the crimes charged beyond a reasonable doubt to a jury would be unlikely. As a result and after consultation with the victim, the State is taking voluntary dismissals of the charges.

Date 10/24/2014	Name Of Prosecutor (Type Or Print) KRISTEN J. NORTHRUP	Signature Of Prosecutor 
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File No. <b>14CR 217663</b>	Law Enforcement Case No. 140507171101	LID No. 437441	SID No.	FBI No.
<b>MAGISTRATE'S ORDER</b>		CHARLOTTE MECKLENBURG POLICE DEPARTMENT		
Offense <b>I F-SECOND DEGREE SEXUAL OFFENSE</b>	<b>STATE OF NORTH CAROLINA</b>			
	<b>MECKLENBURG</b> County		In The General Court Of Justice District Court Division	
<b>THE STATE OF NORTH CAROLINA VS.</b>				
Name And Address Of Defendant <b>ASHUTOSH VIRMANI</b>				
4626 CHARLESTOWNE MANOR DR CHARLOTTE NC 28211 (704) 907-4047				
  				
Race W	Sex M	Date Of Birth 08/06/1953	Age	
Social Security No.		Drivers License No. & State		
Name Of Defendant's Employer				
 Offense Code(s) I 1124 Offense in Violation Of G.S. II 14-27.5(A) 10/20/14				
Date Of Offense 05/07/2014 through 05/07/2014				
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) 05/07/2014 2661FPD				
Arresting Officer (Name, Address Or Department) HORTON, S A P3812 CHARLOTTE MECKLENBURG POLICE DEPARTMENT 601 EAST TRADE ST CHARLOTTE NC 28202 MECKLENBURG (704) 336-7600				
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.) THOMPSON, B P3564 CHARLOTTE MECKLENBURG POLICE DEPARTMENT 601 EAST TRADE ST CHARLOTTE NC 28202 MECKLENBURG (704) 336-7600				
This act was in violation of the law referred to in this Magistrate's Order. This Magistrate's Order is issued upon information furnished under oath by the arresting officer(s) shown. A copy of this Order has been delivered to the defendant.				
<input checked="" type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan		Date Issued 05/08/2014	Signature F G BEER <input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	
AOC-CR-116, Rev. 5/13 (Structured Sentencing) © 2013 Administrative Office of the Courts			Location Of Court Mecklenburg County Courthouse, 1150 832 EAST FOURTH ST CHARLOTTE, NC 28202	
			Court Date 05/09/2014 Court Time 1:00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	



(over)  
**ORIGINAL COPY**

**VRA Case**

STATE OF NORTH CAROLINA

File No.

14CR217663

MECKLENBURG County

In The General Court Of Justice
[X] District [ ] Superior Court Division

STATE VERSUS

Defendant Name
ASHUTOSH VIRMANI

DISMISSAL
NOTICE OF REINSTATEMENT
(For Offenses Committed On Or After Dec. 1, 2013)

G.S. 15A-302(e), -931, -932

Table with 3 columns: File Number (14CR217663), Count No.(s) (1), Offense(s) (SECOND DEGREE SEXUAL OFFENSE)

[X] DISMISSAL

NOTE: Recall all outstanding Orders For Arrest in a dismissed case.

The undersigned prosecutor enters a dismissal to the above charge(s) and assigns the following reasons:

- [ ] 1. No crime is charged.
[X] 2. There is insufficient evidence to warrant prosecution for the following reasons: SEE REVERSE.
[ ] 3. Defendant has agreed to plead guilty to the following charges:

in exchange for a dismissal of the following charges:

- [ ] 4. Other: (specify) [ ] See additional information on reverse.

A jury has not been impaneled nor has evidence been introduced. (If a jury has been impaneled, or if evidence has been introduced, modify this sentence accordingly.)

[ ] DISMISSAL WITH LEAVE

The undersigned prosecutor enters a dismissal with leave to the above charge(s) and assigns the following reasons:

- [ ] 1. The defendant failed to appear for a criminal proceeding at which the defendant's attendance was required and the prosecutor believes that the defendant cannot readily be found.
[ ] 2. The defendant has been indicted and cannot readily be found to be served with an Order For Arrest.
[ ] 3. The defendant has entered into a deferred prosecution agreement with the prosecutor in accordance with the provisions of Article 82 of G.S. Chapter 15A.
[ ] 4. Other: (specify) [ ] See additional information on reverse.

NOTE: This form must be completed and signed by the prosecutor when the dismissal occurs out of court. The better practice is for the prosecutor to complete and sign the form when the charges are orally dismissed in open court.

Also, in accordance with G.S. 15A-931(a1), unless the defendant or the defendant's attorney has been otherwise notified by the prosecutor, a written dismissal of the charges against the defendant must be served in the same manner prescribed for motions under G.S. 15A-951. If the record reflects that the defendant is in custody, the written dismissal shall also be served by the prosecutor on the chief officer of the custodial facility where the defendant is in custody.

Date: 10/24/2014 Name Of Prosecutor (Type Or Print): KRISTEN J. NORTHRUP Signature Of Prosecutor: [Handwritten Signature]

[ ] REINSTATEMENT

This case, having previously been dismissed with leave as indicated above, is now reinstated for trial.

Date: Name Of Prosecutor (Type Or Print): Signature Of Prosecutor:

(Over)



**ADDITIONAL INFORMATION PERTAINING TO DISMISSAL**

The undersigned prosecutor provides the following additional information pertaining to the dismissal entered on the reverse:

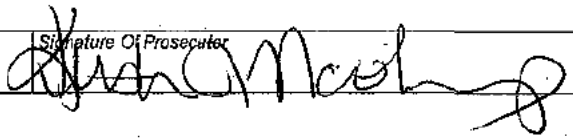
The victim and the defendant met on a dating website. They then communicated via text message regarding meeting in person, however the victim decided she was not interested in him and declined to meet. At some point after this the victim agreed to go to his house on a business matter. While at his house the defendant attacked her.

After leaving his home, the victim sent multiple text messages including, "lol who's this". Each of these messages took place after the alleged rape but before it was reported. The defendant sent her a text message at 2:59pm stating, "thanks for coming".

The victim contacted a friend of hers, who told her to go to the hospital. While at the hospital, she had a sexual assault kit completed. No injuries were noted by the nurse. Additionally, nothing of forensic value was retrieved. Therefore, we do not have any forensic evidence to corroborate that sexual contact took place. The defendant did not speak to officers, but consented to a search of his home. No condom was located, although a wrapper was found in a garbage can on the first floor of his home. Nothing else of evidentiary value was located.

During the course of the investigation Detectives requested that the victim turn in her cell phone to have it processed by the crime lab. Upon review of the text messages and data that was received we determined that the victim was directed to intentionally delete messages from her phone before turning it in to law enforcement. These messages were primarily between the victim and a third party other than the defendant. She did in fact delete many text messages. The State believes that should this case have proceeded to trial, evidence of the deleted messages would have been brought out in court.

Based on the above, proving the crimes charged beyond a reasonable doubt to a jury would be unlikely. As a result and after consultation with the victim, the State is taking voluntary dismissals of the charges.

Date 10/24/2014	Name Of Prosecutor (Type Or Print) KRISTEN J. NORTHRUP	Signature Of Prosecutor 
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