

to request a warrant. Quite frankly, I find this whole series of events to be highly unusual and contrary to my experience in other cases. In the past when a client has failed to appear, I will often be called to reach out to my client or at the minimum I will be asked to confirm contact information by probation. In this case none of this happened. I was not aware that Mr. Forchion had failed to appear at probation nor was I aware that after only one or two days that the prosecutor had already requested a warrant. When I spoke to Teri Costello probation intake supervisor this past Friday, she told me that they did not have a good telephone number and had not contacted me because she thought he was pro se. I also can say that never in my 20 years as a public defender in Burlington County have I seen the prosecutor's office request a warrant when only one or two days have elapsed.

Mr. Forchion during this case has appeared on numerous occasions and no warrant was ever issued. During the last trial, he even flew out to California for a treatment and returned on time. I am confident that if I had know that he had not reported and that a warrant would immediately issue that I could have explained the situation to Mr. Forchion and he would have signed up for probation. This whole situation could have been avoided, if only someone had reached out to me.

I have met with Mr. Forchion at the jail. He is very contrite and he will sign up for probation as required whether or not Your Honor agrees to reconsider the stay of your sentence. Mr. Forchion believes strongly in his cause but meant no disrespect. He understands that he can sign up for probation and also pursue his appeal rights.

In addition, I have attached a letter which I obtained from Dr. Chawla M.D. one of the doctors running the experimental medical study in which Mr. Forchion was enrolled. ~~This letter indicates that he is welcome back into the study if he does not miss a third treatment. He will have missed two treatments but if Your Honor sees fit to release him soon, Mr. Forchion will not miss this third treatment.~~ Mr. Forchion is an intelligent man but he unfortunately knows less then he thinks. Your Honor was very compassionate before and I ask you to consider the importance of Mr. Forchion continuing his treatment. For your information, I am also enclosing a letter from Dr. Steven Fenichel which was e-mailed to me. Finally, I am also requesting that Your Honor move up his probation violation hearing from 3/12/13 so that he can make it back to California on time.

Sincerely,



Donald Ackerman

Assistant Deputy Public Defender

cc: Michael Luciano