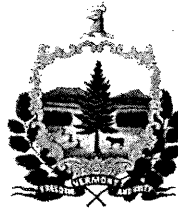


THOMAS J. DONOVAN, JR.  
ATTORNEY GENERAL

JOSHUA R. DIAMOND  
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STATE OF VERMONT  
OFFICE OF THE ATTORNEY GENERAL  
109 STATE STREET  
MONTPELIER, VT  
05609-1001

June 20, 2019

John Koury  
Upper Charles Law Group, LLC  
10 Kearney Rd.  
Suite 101  
Needham, MA 02494

**RE: Public Records Request – JOHN PLASTER**

Dear Mr. Koury,

Please find the following documents attached to this correspondence that are in response to your public records request in the above-captioned matter.

1. Information by Attorney General charging John Plaster
2. Affidavit of probable cause by Lt. Kraig LaPorte for the charging Information
3. Affidavit of probable cause by John Plaster
4. VSP Non-Lethal Force Reporting Form authored by John Plaster
5. Letter from John Plaster to Judge Reiss requesting expungement.

I am unable to provide the Internal Affairs Investigation Report that was conducted by Lt. LaPorte. 1 V.S.A. § 317(c)(7) and (c)(18).

Should you believe that the requested information has been withheld in error, you may appeal that decision in writing to Deputy Attorney General, Joshua Diamond and addressed as follows:

Joshua Diamond, Esq.  
Deputy Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, VT 05609

Should you have any questions regarding this matter, please contact me.

Sincerely,

Paul A. Barkus  
Assistant Attorney General  
Criminal Division  
Office of the Attorney General  
of Vermont  
(802) 828-6907  
[paul.barkus@vermont.gov](mailto:paul.barkus@vermont.gov)

STATE OF VERMONT  
UNIT III, LAMOILLE CIRCUIT

DISTRICT COURT  
DOCKET NO.

STATE OF VERMONT )  
 )  
 v. )  
 )  
 JOHN PLASTER )

**INFORMATION BY ATTORNEY GENERAL**

BY THE AUTHORITY OF THE STATE OF VERMONT, the Attorney General  
for the State of Vermont, upon his oath of office, charges:

**COUNT 1 of 2**  
**AGGRAVATED ASSAULT**  
**CHARGE CODE: 13V1024A1, CHARGE NAME: ASSAULT-AGG, OFFENSE**  
**CLASS: F**

On November 18, 2006, John Plaster, of Cambridge, Vermont, at Eden, Vermont,  
in this county and territorial unit, was a person who purposely caused serious bodily  
injury to another, to wit: by grasping Brian Slutz's throat and intentionally impeding his  
breathing in violation of 13 V.S.A. § 1024(a)(1) and against the peace and dignity of the  
State.

PENALTY: Imprisonment for not more than fifteen years or a fine of not more than  
\$10,000.00 or both.

**COUNT 2 of 2**  
**SIMPLE ASSAULT**  
**CHARGE CODE: 13V1023A1, CHARGE NAME: ASSAULT-SIMPLE, OFFENSE**  
**CLASS: M**

On November 18, 2006, John Plaster, of Cambridge, Vermont, at Morrystown,  
Vermont, in this county and territorial unit, was a person who recklessly caused bodily  
injury to another, to wit: by shoving Brian Slutz into a wall in violation of 13 V.S.A. §  
1023(a)(1) and against the peace and dignity of the State.

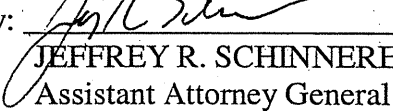
Office of the  
ATTORNEY  
GENERAL  
109 State Street  
Montpelier, VT  
05609

PENALTY: Imprisonment for not more than one year or a fine of not more than \$1,000.00 or both.

Dated this 17<sup>th</sup> day of May, 2007.

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

By:   
JEFFREY R. SCHINNERER  
Assistant Attorney General

This information was presented to me and I have found probable cause this \_\_\_\_\_ day of May, 2007.

\_\_\_\_\_  
District Court Judge

Office of the  
ATTORNEY  
GENERAL  
109 State Street  
Montpelier, VT  
05609

## AFFIDAVIT

STATE OF VERMONT  
Lamoille, COUNTY, ss.

NOW COMES Det. Lt. Kraig E. LaPorte, affiant, being duly sworn and on oath, deposes and says he has probable cause to believe that **John Plaster** DOB: 10/14/1972 has committed the offense(s) **Aggravated Assault**, a violation of Title 13 VSA §1024, and **Simple Assault**, a violation of Title 13 VSA § 1023.

1. I am now and have been for the past 18 1/2 years, a full time employee of the Vermont State Police. I am presently assigned to the Bureau of Criminal Investigations Troop D as a Detective Lieutenant.
2. On November 18, 2006, at approximately 2009 hours, Lauris Slutz telephoned the Vermont State Police and spoke to Trooper John Plaster. Ms. Slutz complained that her son, Brian Slutz, had taken her car without permission from their residence at 2958 North Road in Eden, Vermont. Plaster went to the residence and, at approximately 2115 hours, obtained a sworn written statement from her in support of the complaint.
3. Later that evening, Ms. Slutz called back and told the state police dispatcher that her son had returned home with the car. Troopers Julie Hammond and Plaster responded to the residence in separate cruisers, arriving at about the same time. Both Hammond and Plaster were equipped with body microphones.
4. At approximately 2244 hours, Plaster and Hammond entered the residence together. Once inside, they located Brian Slutz standing in a bedroom doorway halfway down a hallway. He had a cigarette and lighter in his hand. Plaster spoke to Mr. Slutz, saying something to the effect of "Hi, Brian, how's it going". Mr. Slutz then turned into the bedroom and Plaster followed him quickly. Mr. Slutz asked if he could turn his stereo off and Plaster consented. Mr. Slutz then attempted to light his cigarette with Plaster close to him. Plaster asked him to put the lighter down and the cigarette out. At this time Mr. Slutz's became verbally abusive refusing to comply with the instructions of Plaster.
5. A recording from Plaster's body microphone indicates Plaster stated to Mr. Slutz, "You're under arrest". Plaster then grabbed him in the area of his shoulders and head and took him down to the floor just outside the bedroom in the narrow hallway.

Mr. Slutz landed on the floor on his stomach and Plaster landed on top of him. Plaster then put his arm around Mr. Slutz's neck and under his chin and began choking him. The body microphone recording further reveals that Plaster then said to Mr. Slutz, "I will choke you out, get your hands out" and ordered him to stop resisting. Both of Mr. Slutz's hands were underneath him as he lay on his stomach on the floor. In a later interview Mr. Slutz stated that, while admitting he was resisting, the trooper was "choking me pretty good."

6. Hammond was standing at their feet in the narrow hallway, attempting to grab one of Mr. Slutz's hands that were underneath him. She told Mr. Slutz to give her his hands as he was moving (squirming) a little. During the struggle, Hammond could hear that Mr. Slutz was being choked by Plaster as he continued to tell him to stop resisting. Mr. Slutz stopped squirring and Plaster kept the chokehold on him for another 10 to 15 seconds. Hammond was able to grab his right hand and noticed that there was no resistance, describing his right arm as "...pretty limp". Hammond recalled seeing Mr. Slutz's eyes and thinking he was going to pass out. Hammond told Plaster to stop and get off Mr. Slutz so she could get his other hand. He did so and Mr. Slutz was handcuffed behind his back. Hammond thought he had passed out at this time because he was not responsive to their directions.
7. Ms. Slutz came out from the room at the end of the hall and observed her son on the floor with Plaster on top of him choking him. She told the troopers that her son usually carried a pocketknife. Hammond continued to talk to Mr. Slutz in this narrow hallway as she searched him for weapons, however he did not respond to Hammond. Hammond did not find a knife during her search of him.
8. As Plaster and Hammond helped Mr. Slutz to his feet in the hallway, he seemed to regain his bearings and began speaking belligerently initially towards his mother, but then to Plaster. Hammond was closest to the living room, a half step in front of Mr. Slutz, and Plaster was a half step behind him. Hammond had her left hand on Mr. Slutz's right arm and she felt no resistance from him – he was handcuffed behind his back at this time. They had not yet begun to walk towards the living room and were simply standing in the hallway when "...he gets taken down on the ground again" by Plaster. According to Hammond, Mr. Slutz was "ripped out of my hands".
9. Plaster had taken Mr. Slutz to the floor the same way as before, with force to the shoulder and head area. They landed on the floor as before, with Mr. Slutz on his stomach and Plaster landing on top of his back. Plaster, again, put his arm around Mr. Slutz's neck and under his chin and began choking him. He kept this hold on him for about 30 seconds. According to Hammond, Plaster stated, "If you keep playing this game, you're gonna keep gettin' dropped to the floor." At this time Mr. Slutz was not responsive – he was moaning but not talking. Subsequent attempts to

get Mr. Slutz to his feet in the hallway were unsuccessful because he was not helping them.

10. Plaster then dragged Mr. Slutz out of the hallway by his feet (on his stomach) into the living room. Hammond was not sure of the distance, but said that Plaster took several steps backwards to get him into the living room. While instructing Mr. Slutz how to help her get him up off the floor, Hammond was close enough to him to detect that he had been drinking.
11. After Mr. Slutz got to his feet, Hammond began to lead him towards the kitchen. He was walking with Hammond and not resisting. Plaster joined them on Mr. Slutz's left side, although there was not a lot of room because of the furniture. Mr. Slutz noticed Plaster and again his attitude started to escalate. He began swearing at Plaster looking over his left shoulder, "...Fuck you, if you didn't have your badge, you're a piece of shit..." Hammond stated that Mr. Slutz was still walking with her as he was making these comments. Hammond was trying to talk with him to encourage him to continue to walk towards the kitchen and eventually out the door. Plaster was responding to Mr. Slutz's comments.
12. They walked about 8-9 feet from the living room to the kitchen. As they got to the kitchen, Plaster grabbed Mr. Slutz and forced him to the floor in the same manner as before. Hammond stated that, again, there was no resistance on Mr. Slutz's part prior to this action. As Mr. Slutz fell to the floor, he turned and twisted in an attempt to prevent the fall, and then landed on his back with his hands still cuffed behind him. Standing over him, Plaster very quickly placed his left hand over Mr. Slutz's mouth (with the web of his hand under Brain's nose) and began to push down. Plaster then stated, "you spit I will pop you in the face, you got it?" Mr. Slutz's muffled voice could be heard on Plaster's body microphone saying, "piece of shit..." Mr. Slutz attempted to sit up while on the floor but the pressure from Plaster's hand over his mouth prevented him from doing so.
13. Mr. Slutz's head had been turned towards Plaster, during this time, as they exchanged comments. Hammond could not see, nor did she hear any spit or attempt to spit by Mr. Slutz. Plaster told him not to spit and pushed on his mouth, with force, a couple of times. Plaster held his hand over Mr. Slutz's mouth for approximately 30 seconds according to Hammond. During a later interview, Mr. Slutz advised that when the trooper covered his mouth he couldn't breathe. He added that he had no intention of spitting on the trooper. Hammond told Plaster that that was enough and helped Mr. Slutz to his feet.

\* 14. Once Hammond helped him to his feet, Mr. Slutz again started to speak and swear at Plaster. Without warning, Plaster came around the front of Mr. Slutz and grabbed him by the throat with his left hand. Plaster choked Mr. Slutz with one hand as Mr. Slutz continued to attempt to talk. Hammond noticed, "...his air or voice was being restricted." She further identified the difference in his voice as Mr. Slutz attempted to speak. The choking continued for a short period of time until Hammond pulled Mr. Slutz away from Plaster. Hammond led Mr. Slutz out the front door of the residence and down the stairs to her cruiser. During this time, Mr. Slutz continued to swear at Plaster. Plaster, Hammond and Mr. Slutz left the residence at approximately 2252 hours.

15. Hammond transported Mr. Slutz to the Vermont State Police office in Morristown for processing. Mr. Slutz was quiet during the transport, remained calm and obeyed Hammond's instructions as she removed him from her cruiser. Mr. Slutz was detained in the processing / holding cell area of the police department and held as an incapacitated person.

16. Morristown Police Officer Garth Christensen first saw Plaster and Mr. Slutz when they were in the processing room. Plaster had an upset look on his face but did not say anything. Mr. Slutz was still handcuffed behind his back. Although he wasn't resisting, Christensen offered, and Plaster accepted, the leg irons and transport belt that he had available for Plaster to use. Christensen uses this transport belt to defuse situations by securing a person's hands in front of them.

\* 17. At the time, Christensen did not see any injuries on Mr. Slutz. Mr. Slutz was compliant, needing no force to direct him where they wanted him to walk or stand. He was, however, mouthy – commenting negatively towards the police (assholes, pigs, etc...). These were comments but not threats. Plaster was responding to Mr. Slutz's comments – Christensen described this as Plaster being a "smart ass" back to Mr. Slutz. The transport belt was placed on Mr. Slutz without any problems. Christensen took Mr. Slutz's right hand out of the handcuffs and passed it to Plaster. Christensen was holding onto Mr. Slutz's left hand. Plaster then grabbed the back of Mr. Slutz's shirt (at the collar) with his left hand and told him to stop resisting. Plaster forcibly pushed Mr. Slutz two to three steps towards a wall approximately four to five feet away. Christensen followed Mr. Slutz as he was forced into this wall, maintaining the grasp he had on Mr. Slutz's left hand. Christensen had not removed the handcuff from Mr. Slutz's left hand. Mr. Slutz's head hit the concrete wall between the Vine Booking System and the holding cell. Christensen heard the "empty hollow conk" sound of Mr. Slutz's head hitting the wall. Upon contacting the wall, Mr. Slutz said, "Ow!"



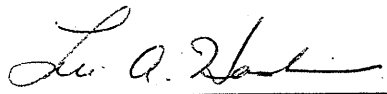
18. Christensen never felt any resistance or reaction on the part of Mr. Slutz and he never let go of his left hand (that was still handcuffed). Once against the wall, Plaster told Mr. Slutz that there are 200 plus bones in the human body, and asked him which one he wanted broken first. Christensen indicated that there was no resistance or threat that would have warranted these actions. Mr. Slutz has advised that he was not resisting at that time. According to Christensen, Mr. Slutz, looking dazed, then told Plaster that he gave up. Plaster and Christensen successfully completed placing him into the leg irons and transport belt. He was then put into the holding cell.
  
19. At approximately 2345 hours, Mr. Slutz was screened by Lamoille County Mental Health and ordered held until sober. The mental health screener did not note any injuries to Mr. Slutz at the time, nor did Mr. Slutz complain of any injuries. Mr. Slutz refused to submit to an alco-sensor test.
  
20. Hammond spoke to Plaster briefly about the incident. She was not comfortable with his choking someone and that she had concerns with it. Plaster said he could justify it, claiming that that was the only thing he could get a hold of (his neck). He further added that he gets mixed up with his martial arts.
  
21. Hammond began transporting Mr. Slutz towards St. Johnsbury for lodging. She had turned her cruiser video camera to record Mr. Slutz in the back seat. At one point in time, this video showed Mr. Slutz sitting in the rear seat on Hammond's cruiser with the interior light on. Discoloration to his forehead, nose and under his left eye were captured on this video recording. These were obvious injuries to Mr. Slutz's face.
  
22. At 0125 hours on November 19, 2006, Mr. Slutz was lodged at the Northeast Regional Correctional Facility in St. Johnsbury, Vermont, as an incapacitated person. Based on an alco-sensor test conducted at the facility, Mr. Slutz had a blood alcohol content of .062% at this time.
  
23. Janette Colan was the staff nurse on duty at the Northeast Regional Correctional Facility on November 19, 2006. A health screening for incapacitated persons is a standard procedure Colan has often performed. During the screening of Mr. Slutz, Colan asked him he had any arrest injuries. Colan circled "yes" on the intake form and wrote "face" next to Mr. Slutz's answer. She added the comments, "admits to fighting with police". She could not recall the specific nature of the facial injury. She did not document any additional descriptions or notes regarding any other injuries. Colan could not recall Mr. Slutz complaining of or mentioning any other injuries.

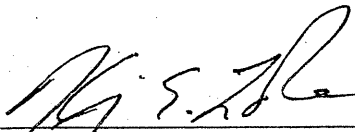
24. Bonnie Bassett, Northeast Kingdom Human Services, conducted an alcohol screening at 0925 hours on November 19, 2006. She observed a number of injuries to Mr. Slutz. She noticed red marks on his throat, and he complained to her that his throat was sore. She recalled visible injuries to the right side of his face including some sort of a mark, abrasion or bruise. Bassett further recalled a couple of lumps on the right side of his forehead. She also identified a laceration on his forehead. Mr. Slutz complained of a headache and advised his forehead was sore. He told Bassett that he received these injuries the night before when dealing with the Vermont State Police. Mr. Slutz was released from the correctional facility after this screening.
  
25. Mr. Slutz attempted to walk from St. Johnsbury back to his home in Eden Mills, VT wearing only a tee shirt. He would later call for help and was treated at Northeastern Vermont Regional Hospital in St. Johnsbury, Vermont, for hypothermia. During a medical exam on November 19, 2006, Mr. Slutz complained to Dr. Kevin Rodgers of "tenderness at the right forehead where he felt as if he struck his head against a wall while being taken into custody" the evening before. Dr. Rodgers documented this injury as a "contusion, right forehead" and described it as a discolored area (bruise) on the forehead with swelling.
  
26. Brian Slutz stated that both his eyes were black the day after this incident. He did not photograph these injuries.
  
27. It is the policy of the Vermont State Police that when any member of the department uses force in excess of voluntary handcuffing the individual must make a written report and submit this report through his or her chain of command.
  
28. Plaster documented his use of force in a Non-Lethal Use of Force Reporting Form. In this report he documented the reason use of force was needed was due to assaultive behavior and the necessity for protective custody. He did not mention self defense, resisting arrest or combative as a need to use such force.
  
29. Plaster prepared a narrative in this report that detailed both his actions and the actions of Mr. Slutz during this incident. Plaster explained that he first used an "arm bar takedown" to bring Mr. Slutz to the floor in the residence the first time. He did not report the use of a choke hold.
  
30. Plaster eventually tried to bring Mr. Slutz to his feet in the hallway of the residence. Plaster wrote, "As we tried to stand him up he began to kick at us, and threw his body into me. At this point, Brian was placed back onto the ground." Plaster, again, did not mention the use of a choke hold at this time.

31. Later in the incident, while in the kitchen, Plaster reported placing Mr. Slutz back on the ground as Mr. Slutz prepared to spit at him. Plaster did not mention the portion of the incident when he grabbed Mr. Slutz's throat with his left hand and began choking him as they stood in the kitchen.
  
32. Plaster's Use of Force Report indicated that, "Once at the P.D., Brian continued to fight, even as we put him in a handcuff belt and leg irons." He did not mention the force used that moved Mr. Slutz towards the wall nor the contact with the wall during processing.
  
33. The facts of this case were discussed with Dr. Steven Shapiro, Chief Medical Examiner for the State of Vermont. He stated that the risk of injury was certainly present during these events. The injuries relating to choking (compression of an individual's neck) increase the longer the choke is applied. Choking (compression of an individual's neck) has the potential of taking an individual's consciousness away or in some circumstances, could result in death. Dr. Shapiro added that Mr. Slutz's contact with the concrete wall in the processing room should have produced injury to those areas of the body that made contact with the wall. The extent and severity of the injuries mentioned above would depend on a multitude of factors including the physical condition of those involved and the amount of force used during the incident.

Subscribed and sworn to before me on

This 15<sup>th</sup> day of May 2007

  
(Notary Public)

  
(Affiant)

5/15/2007  
(Date)

AFFIDAVIT

STATE OF VERMONT  
Lamoille County, ss.

NOW COMES Tpr. J. Plaster, affiant, being duly sworn and on oath, deposes and says he has probable cause to believe that Brian D. Slutz has committed the offense of Operation Without Consent of the Owner, a violation of T23, Vermont Statutes Annotated Section 1094.

The undersigned being duly sworn, deposes and says that I, Tpr. J. Plaster am now and have been for the past 1 year and 11 months, a full time employee of the Vermont State Police, being presently assigned to the Lamoille Outpost as a Trooper First Class.

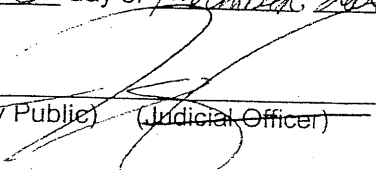
A. On November 18, 2006, I received a complaint from Lauris Slutz regarding a vehicle taken without permission. She said that her son, Brian Slutz, took her vehicle when she told him he could not. Lauris further elaborated that she was scared of Brian because he'd been doing a lot of drinking and drugs. She wanted to know what her options were. I explained Lauris's options to her regarding the modification of her current RFA against Brian. Lauris stated that she wanted Brian arrested for taking her car.

B. I responded to Lauris' home. Lauris gave a sworn, written statement saying that on 11/18/06, around 1700 hrs, Brian came into her bedroom and asked her for \$3.00. She said that she told him no. Lauris stated that Brian then asked to use her car. She said that she told him no. Lauris stated that Brian complained that he'd been inside all day and wanted to go out. She said that she still told him no. Lauris stated that Brian then went to his room and she laid down for a nap. She said that around 1923 hrs, she awoke to take her dogs outside. Lauris stated that she looked outside and saw that her car was missing. She said that she could not believe that her car was gone. Lauris stated that she told Brian in the past that she'd call the Police if he ever took her car without her permission. She said that she wanted Brian arrested for taking her car when she told him he could not.

Subscribed and sworn to before me on

this 23 day of November, 2006

  
(Notary Public)

  
(Judicial Officer)

J. Plaster  
(Affiant)

11/23/06  
(Date)

C. After taking Lauris's statement, she again began to tell me how Brian seemed to be spinning out of control. She said that he frequently smells of intoxicants. Lauris stated that Brian smokes marijuana and believes he may take other illegal drugs. She said he has violent mood swings. I advised Lauris to call us immediately if Brian returned home and was intoxicated and unruly. She said if he did come home intoxicated or high, she wanted him sent to detox.

D. A little over an hour after taking Lauris's statement, she called Police again. She said that she was in her room making the call, because Brian was back and intoxicated. Lauris stated that she was afraid what he'll do to her. Tpr Hammond and I responded to the residence.

E. We entered Lauris's home to issue a citation to Brian for taking her car without her permission. Upon entering I saw Brian standing in the living room. When I entered, I immediately smelled the odor of intoxicant in the home. I told Brian that I needed to speak with him. He smiled, turned around, and headed down the hallway at a quickened pace. I followed Brian down the hallway, as Tpr Hammond followed. Brian stopped at his bedroom doorway, turned back toward me, and smiled again. He said that he wanted to turn off his stereo. I told him that was fine. He then pulled out a cigarette and a lighter. Brian said that he was going to smoke a cigarette first. I asked him if he'd just turn off his stereo and talk with me. Brian's breath had a heavy odor of intoxicants on it. His eyes were highly blood shot and watery. Brian became very angry at my request. He said that he was 18 years old and could smoke anytime he wanted to. As he made that statement, he raised his lighter and cigarette to within a couple of inches of my face. Brian then ignited the lighter directly in front of my face. As Brian ignited his lighter within a couple inches of my face, fearing for my safety, I grabbed his wrist with my left hand. Brian dropped his cigarette from the other hand and attempted to push or strike me. I pulled his right hand (lighter hand) past me, pulling Brian off balance. At this point in time, I brought Brian to the ground and handcuffed him. Upon handcuffing Brian he was searched for weapons, because Lauris advised that he normally carries a knife. A hollow pen tube was found in one of his pockets. It appeared modified, similar to that used by drug users to sniff powdered drugs. Brian would be calm, but then would turn into fits of rage. He fought and resisted us until he was placed in the cruiser for transport. Brian also continued to fight at the Morristown PD. As Brian was taken out of the residence, Lauris told me not to let him come back home because she was afraid he'd kill her. I advised Lauris again that she needed to get her restraining order modified to prevent Brian from coming back home.

Subscribed and sworn to before me on

this 23 day of November, 2006

[Signature]  
(Notary Public) (Judicial Officer)

[Signature]  
(Affiant)

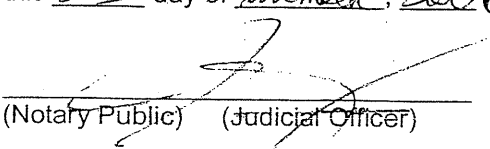
11/23/06  
(Date)

F. Once at the PD, arrangements were made to transport Brian to detox. Brian remained uncooperative. He would not give me a sample of his breath. He smelled of urine and vomit. Brian was issued his citation for taking his mother's vehicle without her permission.

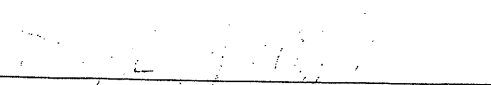
G. Due to Brian's uncooperative and violent nature, we were unable to fingerprint and photograph him. I respectfully request that the court mandate that Brian returns to the Morristown PD for fingerprints and photographs.

Subscribed and sworn to before me on

this 23 day of November, 2006

  
\_\_\_\_\_  
(Notary Public)

\_\_\_\_\_  
(Judicial Officer)

  
\_\_\_\_\_  
(Affiant)

11/23/06  
\_\_\_\_\_  
(Date)

VERMONT STATE POLICE  
NON-LETHAL USE OF FORCE REPORTING FORM

Incident Number 06A105469		Reporting Member T 1/C J. Plaster	
Investigating Member T 1/C J. Plaster & S/T J. Hammond		Station Troop A - Williston	
Date 11/18/06	Time 2004h	Incident Location 2958 North Rd, Eden	
Suspect/Accused Name slutz, Brian D.		Suspect/Accused Name	
Address 2958 North Rd, Eden		Address	
Phone (Work)	(Home) 6352185	Phone (Work)	(Home)
Witness Name Slutz, Lauris		Witness Name	
Address Same		Address	
Phone (Work)	(Home) 0	Phone (Work)	(Home)
Recorded - Video <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    Audio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Type of Force Used:			
<input checked="" type="checkbox"/> handcuffs		<input checked="" type="checkbox"/> control and restraint techniques	
<input type="checkbox"/> impact tools - <i>Specify</i>		<input type="checkbox"/> defensive or offensive tactics	
<input type="checkbox"/> chemical agents <i>Specify</i>			
Reasons for Use of Force:			
<input type="checkbox"/> necessary to affect arrest		<input checked="" type="checkbox"/> necessary for protective custody	
<input type="checkbox"/> necessary for self defense		<input type="checkbox"/> necessary in defense of another person	
<input type="checkbox"/> resisting arrest		<input type="checkbox"/> combative	
<input checked="" type="checkbox"/> assaultive			
<input type="checkbox"/> other <i>Specify</i>			
Medical disposition of suspect/accused			
<input checked="" type="checkbox"/> unnecessary			
<input type="checkbox"/> refused treatment			
<input type="checkbox"/> first aid by Trooper			
<input type="checkbox"/> medical attention - by whom?			
<input type="checkbox"/> treated and released - name of hospital			
<input type="checkbox"/> hospitalization - name of hospital			
<input type="checkbox"/> injuries			
<input type="checkbox"/> other			
Criminal disposition of suspect/accused			
<input checked="" type="checkbox"/> cited and released			
<input type="checkbox"/> flash cited			
<input type="checkbox"/> lodged			
<input type="checkbox"/> released without charges			
<input checked="" type="checkbox"/> other Detox			
Medical disposition of Trooper			
<input type="checkbox"/> unnecessary			
<input type="checkbox"/> first aid - by whom?			
<input checked="" type="checkbox"/> first report of injury filed			
<input checked="" type="checkbox"/> medical attention - by whom? Copley Hospital ER			
<input type="checkbox"/> hospitalization - name of hospital			
<input checked="" type="checkbox"/> injuries? Broke right pinky finger (fractured at 5 <sup>th</sup> metacarpol)			
<input type="checkbox"/> other?			

**Actions by the suspect/accused:** *(Include specific information regarding body language, verbal threats and comments, alcohol and/or drug use, physical or verbal resistance encountered to members lawful orders.)*

I entered the complainant's home (Lauris Slutz) to arrest Brian Slutz for taking her car without her permission. Upon entering I saw Brian standing in the livingroom. When I entered, I immediately smelled the odor of intoxicant in the home. I told Brian that I needed to speak with him. He smiled, turned around, and headed down the hallway at a quickened pace. I followed Brian down the hallway, as Trp Hammond followed. Brian stopped at his bedroom doorway, turned back toward me, and smiled again. He said that he wanted to turn off his stereo. I told him that was fine. He then pulled out a cigarette and a lighter. Brian said that he was going to smoke a cigarette first. I asked him if he'd just turn off his stereo and come talk with me. Brian's breath had a heavy odor of intoxicants on it. His eyes were highly blood shot and watery. Brian became angry at my request. He said that he was 18 years old and could smoke anytime he wanted to. As he made that statement, he raised his lighter and cigarette to within a couple of inches of my face. Brian then ignited the lighter directly in front of my face.

**Actions by the member:** *(Include all actions by member(s) to gain control of the situation, i.e., exact verbal commands, physical actions taken, such as control and restraint techniques, impact tools, chemical agents or offensive techniques.)*

As Brian ignited his lighter within a couple inches of my face, I grabbed his wrist with my left hand. Brian dropped his cigarette from the other hand and attempted to push or strike me. I pulled his right hand (lighter hand) past me, pulling Brian off balance. I then attempted an arm bar takedown, successfully bringing Brian to the floor. Once on the ground, Brian tucked his left hand under his body. Trp Hammond, due to the tight environment, was unable to initially assist me. Brian continued to fight and resist me, but I was on top of him, so he did not succeed. I had to pull Brian's left hand from under his body. I moved forward, allowing Tpr Hammond to secure Brian's right hand. As we were doing so, Lauris warned us that Brian carries a pocket knife on him. I was able to handcuff Brian, which allowed us to search him. After searching him, we tried to stand him up. Brian continued to swear at us. As we tried to stand him up, he began to kick at us, and threw his body into me. At this point, Brian was placed back onto the ground, allowing for better control. While doing so, my right hand struck the hallway wall, breaking my right hand pinky finger. Due to the tight confines of the hallway, accompanied by Brian's fighting and resisting behavior, I pulled Brian by the pants, into the livingroom. Once in the livingroom, Tpr Hammond and I were able to stand Brian up. He temporarily calmed down, but then started swearing and threatening to 'kick my ass'. Brian then attempted to spit at me, as he proceeded to fight and resist us. At one point, he had a large quantity of spit sitting on the edge of his lips. Brian was placed back on the ground, where I covered his mouth with my left, gloved hand, to prevent him from spitting. He was kept on the ground until he calmed back down. We then stood him back up and Brian continued to resist and fight again. We were able to get him outside. Tpr Hammond proceeded to make her car ready for transport. Brian continued to fight, resist, and swear. I held him against the back of Tpr Hammond's EQ, until she was ready. Brian's pants were wet. He smelled of urine and vomit. We secured Brian and transported him to Morristown PD. While en rout, Tpr Hammond had to pull over. We had to resecure Brian because he undid his seatbelt and attempted get his hands to his front. Once at the PD, Brian continued to fight, even as we put him in a handcuff belt and leg irons.

**Special considerations:** *(Physical attributes of the suspect/accused, number of backup members available, environmental or location considerations, other suspects involved, weapon considerations.)*  
The area at the residence where the altercation began was a very tight trailer hallway, less than three feet wide. Brian has been known to react violently from previous encounters. Brian was definitely intoxicated and possibly high on drugs.

Signature

Date Submitted



A hollowed, cut pen case was in one of his pocket (commonly used to sniff drugs). I tried to get Brian to take a PBT, but he refused. When the Copley hospital detox worker arrived at the PD, Brian also refused to give them a PBT.

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Signature

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Date Submitted

FILED

JUN - 3 2009

VERMONT DISTRICT COURT  
VERMONT FAMILY COURT  
LAMOILLE COUNTY

John Plaster  
101 Mariondale Drive  
Plantsville, CT 06479

May 30, 2009

Honorable Judge Reiss,

I would like to respectfully request that you review my case for expungement purposes. As you may or may not recall, I was the former Vermont State Trooper charged with assaulting a suspect under arrest. This event affected and continues to affect my wife, my family, and myself. I pled 'no contest' to two charges of simple assault. I did so under extreme mental and financial distress. I take full responsibility for my non-professional verbal comments that night, but nothing more. I was the one that ended up in the hospital with broken bones, not the suspect. Several attorneys advised me that I had a very strong chance of winning my case, but the risk of loosing was always there. That risk, no matter how small, accompanied by being told that I would require another \$20 - 30K to go to trial influenced my decision to plead no contest. This decision will haunt me to my grave, but I had to make it. The financial stability of my family is number one. Before I get into factual details of my case, I would like to tell more about whom I really am.

I grew up in Connecticut. Upon graduating high school, I went on to college and earned two engineering degrees. Upon graduation from Uconn, I went to work for an aerospace company for 6 years. I have family in the law enforcement field and started to take an interest. I really wanted to work in a crime lab, utilizing my degrees. I was told to get my foot in the door, so I joined the Bristol, CT police department. I worked there for 3 1/2 years. I had an exemplary (documented) record there, with honors from groups such as MADD. I loved my job and enjoyed serving the public.

My wife and I have always loved Vermont. We decided to move there to enjoy a better lifestyle. We thought we had the best of both worlds. VSP was hiring and we could live in a rural environment. We were both unbelievably happy. I very much enjoyed working with the people of Vermont. I had my sights set on the State Medical Examiners office as a career goal.

As a person, I have a strong work ethic. My personnel files with the VSP echoed that. My passion was DUI arrests. The large number of deaths I witnessed from alcohol and drug related accidents, fueled my drive to keep the roads safe. Until that November 2006 night, I was a very happy person.

Before this incident I have never had any issues with the law. I've had one traffic ticket my whole life (for a stop sign violation). I never will have any future incidents with the law, because I was raised to respect the law.

It was extremely unfortunate, but I had to leave Vermont due to a lack of employment opportunities. I got lucky and received employment in Connecticut again. Since the incident, I have continued my education, in pursuit of a MBA. Ultimately, I would like to get back into aerospace with a position of high responsibility.

Throughout this event, I've never been able to speak. Before I go into the factual details, I'd like to tell you through my experience some of the events leading up to my arrest. I did not think anything different about that night. Everything was normal until I went to Brian Slutz's residence. While dealing

with this drunk and high individual, he broke my right hand. After arresting Slutz, I went to the hospital. A few days later, an internal investigation was opened up on me. I thought it was due to my receiving a broken hand from Slutz after he assaulted me. The state employees attorney, Jes Kraus, represented me. He immediately interviewed Brian Slutz, Lauris Slutz (mother), and Ofc Garth Christiansen. Atty Kraus found it odd that Tpr Julie Hammond kept avoiding him. I went through the IA process, gave an interview, and waited. After being out on workers compensation, recovering from my broken hand, I went back to work at the end of December 2006. I did not think much of things until early February 2007, when Lt. H. Glynn showed up at my house and took all of my police supplies. Needless to say, I was shocked, confused, and upset. Nobody knew exactly what was going on until atty Kraus dug deeper. Very quickly, atty Kraus found out that things did not look good for me, job wise. After he laid out my options, I decided to resign at the end of February 2007 and go back to engineering. I immediately sought employment in Vermont, but found that engineering jobs were far and few between. Connecticut, on the other hand, had plenty of jobs. After quickly receiving employment in CT, my wife and I were forced to sell our home in VT. We took a tremendous financial loss on this sale, due to the beginning of the downfall in the housing market. My wife, Kelly Plaster, had to give up the job she loved, working at the Burlington District Court. About two months had passed after I returned to CT when I received a phone call from Lt Laporte stating that I was being charged with assault. My wife and I had just started to get our lives back together when this happened. Until the point Lt. Laporte called, I still had no real idea what happened in my IA. Because I resigned, I never got to see any of the reports. I knew Tpr Hammond was the major reason things went down hill for me, but never knew how or why.

With this charge, I had to hire an attorney. I contacted Atty Tim Clark to represent me. VSEA Atty Jes Kraus continued to assist me. In addition, attorney and VT State Senator, John Campbell, assisted me free of charge. He reviewed my case and believed AG Sorrell had strong political motivation behind the case due to the fall out from the Brattleboro police shooting in the church. These three attorneys contacted several people trying to get a better understanding of things throughout the case. Below are the direct statements made by certain individuals regarding my case (heard directly by Atty Clark, Kraus and/or Campbell):

Commissioner of Public Safety Kerry Sleeper: *"I believe that there are too many gray areas to file criminal charges."*

Chittenden County Prosecutor T.J. Donovan: *"I've reviewed the case and I would not have taken it."*

VSP General Council Beth Novotny: *"I do not believe there is a case here."*

Sr. Sgt. JoJo Leahy (VSP Tactical Instructor – possible hire as an expert witness): *"I'd love to help John out because he is being screwed, but there may be a conflict of interest."*

Parole Officer Dennis Brancaccio: *"You got a raw deal. I've talked to many people and your case was politically motivated."*

These statements made, I would like to show many areas of this case where the prosecution missed or failed to properly investigate. These areas are not my opinions, but rather facts from the audiotape and the statements of those involved.

Brian Slutz has a history of violent behavior. He was listed in the dispatch computer as a 'potentially violent person'. He has had multiple restraining orders against him from girlfriends and his own mother. He was known to drink and use drugs. When I arrived at his house the night of the incident, I was already on guard because of his past.

As a police officer in CT, I had dealt many documented incidents that were much worse than anything I had dealt with in VT. In two different incidents, I had suspects attempt suicide by cop when they came after me with a knife. I was attacked by a suspect on PCP. A suspect in a car dragged me when they grabbed my arm and hit the accelerator. I've been punched, kicked, and spit on. I've been through more incidents in 3 ½ years in CT than most VT police see in their career. The major point was in all cases I was in control as a police officer and never used 'excessive force'. These incidents were documented and witnessed. In the cases of the attempted suicide by cop, the people were taken without incident, ultimately saving their lives.

As of the night of the incident, Tpr Julie Hammond had never experienced dealing with a violent suspect. She had very little experience as an officer. She had never had the 'experience' of being assaulted by a suspect. Drunk and/or high suspects are always unpredictable. Hammond had minimal experience with such individuals. Tpr Hammond was heard on her audio speaking with her boyfriend, Sgt. Cooper, unsure if she witnessed excessive force. She said that it was *borderline*.

The night of the incident, prior to seeing Brian, I met with his mother, Lauris. She was crying, afraid of her son. Brian took her car without permission. She wanted him arrested for taking her car and gave me a statement. She said Brian was abusing drugs and acting violent. Lauris stated that she was scared of him. Later she calls back as Brian had returned home. Hammond and I returned to the Slutz's residence.

Brian Slutz is an individual that abuses drugs and alcohol and snubs his nose at the law. He continuously drives under suspension. During the year surrounding my incident, Slutz was involved in 13 documented incidents (06A100512, 06A100546, 06A101691, 06A101746, 06A101773, 06A102294, 06A102850, 06A102855, 06A102865, 06A102881, 06A103771, 06A105598, & 07A101166). These incidents included threatening, violations of protective orders, and an attempted assault of a postal employee with a tire iron. Slutz is not the mild-mannered person that the prosecution and the news media portrayed him to be.

Just prior the arrival of Tpr Hammond and I, Brian's mother, Lauris, was in her bedroom on the phone with police dispatch. She was trying to disguise her conversation for fear of Brian becoming violent (911 tape - "I have to do that so he (Brian) doesn't get violent," when asked by dispatch as to why she is changing the conversation). Once inside the residence, Brian looked at me and took off toward his bedroom. I met him at his bedroom where he proceeded to pull out a cigarette and lighter. I asked him to hold off smoking (I have asthma), he became angry, extended his lighter to within a couple inches of my nose, and ignited it. Being the dark hallway was approximately 3 ½ feet wide; I had no place to retreat to. I grabbed his hand with the lighter and Brian punched me in the chest and ripped my tie off. I then brought Slutz to the ground. He kept both his hands underneath his body and would not free them. In law enforcement training, if you cannot see someone's hands or if they will not give them up, it should be deemed as a serious officer safety issue. Given the narrow width of the hallway, I had to

lie on Slutz's back to get his hands out. My right arm had him in a partial headlock while my left arm was wedged under Slutz's armpit. I was rocking forward, trying to pull his left arm out from underneath him. During this period, Slutz kept fighting back against me. This fact can be clearly heard on my audiotape. After several seconds, I changed positions in a continued attempt to get Brian's arms out from underneath him. I was finally successful.

During this initial incident, Lauris Slutz was sitting on the floor directly in front of us, watching. During this first incident, Tpr Hammond claims that she was assisting me and was telling me to get off of Brian. The mic for my audio was positioned in my shirt, approximately 8" from my mouth. Tpr Hammond could not be heard saying anything. Tpr Hammond claims Brian was not moving on the floor. She gave a statement that Brian was 'gasping for air'. With my mic less than a foot from Brian's mouth, why is this statement Tpr Hammond made not heard? Tpr Hammond was standing several feet behind Brian's mouth. How did she hear a supposed gasp, but the audio shows Brian swearing and fighting against me? Why did Lauris's statement parallel the audio and not Tpr Hammonds? The audiotape shows him making a lot of noise, swearing, etc. Brian did not stop moving until I got his left hand out from underneath him. At that point he finally relaxed. Lauris gave a statement to police that Tpr Hammond was standing at our feet "not saying or doing anything." Lauris described Brian as "fighting, crying, and struggling" with me. Despite Tpr Hammond's claim to have helped, Lauris's statement and my audio proved differently. Why didn't the prosecution investigate this severe discrepancy??? Why was Tpr Hammond's statement the opposite of the audio and Lauris's statement??

With Brian's hands out from underneath him, he temporarily relaxed allowing me to put handcuffs on him. A modified pen tube was found in his hand, similar to what Lauris described to me earlier as to what he used to sniff his crushed pills. Finally, Tpr Hammond began to help me try to stand Brian up after cuffing and searching him. We did this inside the narrow hallway. As we stood Brian up, he became enraged, kicked at me, and then lunged and body checked me. I lost my balance and countered by bringing Brian back to the floor. I was instructed by my supervisor, Sgt. Joseph Paquette, that I should always take any unruly, handcuffed suspect back to the ground. He stated that it is safer for everyone that way. Tpr Hammond claims that Brian was "ripped from her hands for no apparent reason." Again, the audiotape shows a different story. One can hear Brian all of a sudden scream out, followed by the noise of the two of us going to the floor. Lauris's statement described Brian as "resisting standing up or doing anything asked of him." Once again, Lauris's statement and the audio match, but Tpr Hammond's statement did not. Why didn't the prosecution investigate this??

Now, as I brought Brian to the ground this second time, my right hand was positioned on the outside of his right shoulder. Brian tried to kick me just before we went to the ground and then again as we went to the ground. As Brian kicked again, he launched his right shoulder into the opposite wall, breaking my right hand. Upon breaking my hand, I felt intense pain, and loss the use of my primary hand (right handed). At no time in the prosecution's efforts did they attempt to investigate how or why my hand was broken. Why was this? Investigations are supposed to show all the facts and circumstances from both sides.

Tpr Hammond gave a statement regarding the second takedown, saying that I put him in a headlock. Further review of her statement shows that she is mistaking actions of the first incident with the second incident. During the second incident, I never put Brian in a headlock. It would have been impossible to do considering my right hand was pinned between Slutz's right shoulder and the wall (and broken). The only statement I made the second time was to advise Slutz that's I'd keep putting him on

the ground if he kept fighting me. The audioteape clearly showed the inconsistencies and inaccuracies of Tpr Hammond. Why didn't the prosecution investigate this?? The audioteape cannot be refuted by anyone.

After the second incident and my freshly broken hand, Tpr Hammond still continued to provide minimal to no assistance. In her statements, she claims she was telling me to "get off of Brian" and to "stop". Once again, none of this is on the audioteape. Tpr Hammond made a statement that "I was commenting to Brian" trying to get him angry in the living room. Once again, why was this not on audio? With my mic only a few inches from my mouth, anything I said was picked up loud and clear. Why didn't the state investigate this discrepancy?? Tpr Hammond stated that I was "jacked-up". My voice on the audio is fairly calm considering the circumstance and the broken hand I was suffering from.

As we attempted to walk Slutz from the home, he continued to resist, twisting his body, and threatening me. I was positioned on the left side of Brian, with my right, broken hand interlaced through his left arm. Every time Slutz twisted, my right hand suffered in extreme pain. As we moved toward the kitchen, Slutz began to purse his lips. He did this a couple of times, each time with an increasing amount of spit on the tips of his lips. Since I've been spit on before, I knew what was about to happen. I am all too familiar with the results of spitting. I had a previous incident where I was spit on (in CT) and had to go through 6 months of blood draws and analysis for diseases. When I saw Brian briefly smile and then produce a large quantity of spit on his lips, I used my left hand to cover his mouth and brought him back to the ground. I did tell Slutz that I'd 'pop him in the face' if he spit on me. Lauris was standing nearby and gave a statement that she thought Brian was going to spit on me. Again, Tpr Hammond is witnessed by Lauris as not doing anything to assist me. Lauris states that Brian continued to fight and resist me, but not Tpr Hammond. After several seconds, I removed my gloved hand from Brian's mouth. It was loaded with spit and I showed it to Tpr Hammond. Tpr Hammond never mentioned this fact. Lauris witnessed this also. Again, why didn't the prosecution investigate this incident??

Tpr Hammond and I stood Brian back up. She was on the right and I was on Slutz's left. Again, my right, broken hand was laced though Slutz's left arm in the escort position. Brian started swearing at me again. As he did so, he twisted his body again, causing my right hand extreme pain. After twisting a few times a used a martial arts technique with my left hand in attempt to control Slutz from twisting backwards and keep him moving out of the house.

I have studied martial arts for several years. This particular incident was the state's claimed basis for the aggravated assault charge against me. They claimed I choked Slutz. This claim is completely wrong. The technique I used is designed to control the head, under the premise that whatever direction the head is facing, the body will follow. The technique is applied by putting the hand at the base of the jawbone with the first four fingers from the bottom of the jawbone and down the side of the neck. The thumb is placed along side the lower jawbone on the opposite side. From here, the pressure from the thumb and first finger (opposite sides) are applied along the base of the jawbone to push the head back and forth to control the individual. Tpr Hammond, whom has *no experience* in any type of martial arts training, had *no idea* what I was doing. In her statement, she witnesses me putting my hand under Brian's chin. She *could not see* the location of my thumb from her position. With my left hand under Slutz's jawbone, I pull him back toward me to relieve the pain from my broken right hand. As Tpr Hammond stated, Brian was "speaking and still able to speak." She said Slutz's airflow

seemed "restricted." The change in Slutz's voice was him strenuously trying to resist and twist away from me. Anytime someone exhorts through physical activity, voices change and become labored. In no way, shape, or form was Brian being choked, period. Tpr Hammond stated that Brian was being pushed back as I applied the control technique. She also stated that my "hand was up high around his neck." If an individual is being choked, the hands are located around the center of the neck, usually with thumbs pressing in on the centerline of the neck. Slutz was *never* choked, intentionally or recklessly, period.

After we exited the residence, Tpr Hammond stated that she alone escorted Slutz to the vehicles. Not only is this false, but you can see both of us on either side of Slutz escorting him. Tpr Hammond's statements seemed to glorify her as the savior to this whole situation. The visual of this cannot be refuted. Also, Tpr Hammond failed to mention that half way to the Morristown PD, Slutz got his hands out from behind his back and undid his seatbelt. Tpr Hammond had to stop in the middle of Rt 100 in order to re-secure Slutz. Once at the Morristown PD, I am seen on both visual and audio escorting Slutz from Hammond's vehicle. My demeanor is calm and professional, unlike what Tpr Hammond says in her statement.

Once inside of the PD, Ofc Garth Christensen assisted me with Slutz. As Ofc Christensen stated in his statement, I did not say anything to Slutz. Slutz again became verbally abusive. I did not do or say anything. Ofc Christensen removed Slutz's right hand from the cuffs and handed it to my left hand. I stood there while Ofc Christensen moved to the left and the front side of Slutz with the other hand. Slutz looked at me and pushed back at me with his right hand. I temporarily lost grip of Slutz's hand. I again grabbed it with my left hand and pushed it up his back. As I did, I pushed Slutz's body against the wall. I had no use of my right hand as it dangled at my side. It was paramount that I gained control of Slutz. There are documented cases as well as training in the police academies that a suspect is most dangerous with only one hand in cuffs. The single cuffs can be used as weapons against the officers. That was my train of thought. When Slutz was secured against the wall I did make the unprofessional comment asking Slutz which bone he wanted broken in his body. My comment was due to the extreme pain I continued to suffer in my broken hand. In Ofc Christensen's statement, he knew Slutz had physically done something to me in the holding area, but did not see it with his back turned. Ofc. Christensen did "ask him (Brian) if he was going to continue to resist."

The cell incident was the prosecution's second charge of simple assault. They claimed Slutz was injured from hitting the wall in the holding area. Slutz had no visible injuries nor did he complain of any pain. The detox worker, Mark Pehle did not observe any injuries on Slutz, nor did he hear any complaints from him. At the correctional facility, Charles Keffer did not see any injuries on Slutz. Darcia Bird at the correctional facility did not observe any injuries, nor any complaints thereof. Scott Shafer (intake specialist) did not observe any injuries, nor complaints of. He further elaborated that if there were any visible injuries or complaints thereof, a full evaluation would have been conducted and documented. Janette Colan, the intake nurse, did not see any injuries, but did note that Slutz's face was red. She said that he did not complain of any injuries. Michael Mathieu did not see any injuries, nor did he here any complaints thereof. Two days after Slutz left the correctional facility, he was observed by a substance abuse worker to have cuts and lumps on his face. Why were they not there earlier? More than 10 days after the incident, Slutz is reported to have two black eyes. This was never documented. These black eyes would have been seen within hours to a day after the incident if they were caused by the incident. The fact is, Brian Slutz suffered no injuries from the incident on 11/18/06. My actions in

the holding cell that night were reaction to Slutz's action, no more, no less. My use of force was justified based on my perception of the events and possible events to come.

What was truly disturbing about this case was when the prosecution ignored the statements taken by VSEA attorney Jes Kraus. As soon as the internal investigation was opened on me, Atty Kraus interviewed and took statements from Lauris, Brian, and Ofc. Christensen. Tpr Hammond refused to speak with Atty Kraus. Brian gave a couple different statements to VSP officials. Each statement was more elaborate than the last. The majority of what Brian stated and swore to was untrue. Matching the audiotape to the statements proved that. An example was when I covered his mouth to prevent him from spitting. Brian stated that he was pleading with me because he could not breath. The audio shows him swearing at me. A proven complete lie. During Atty Kraus's interview Brian told him that "*he was so wasted that he did not remember anything*". He said the only thing he remembered was wrestling around with me and being out of control.

Atty Kraus interviewed Lauris Slutz. She told him the Brian was "*high as a kite and completely out of control.*" She said that she thought I was too rough with Brian, taking him to the floor multiple times. Atty Kraus specifically asked Lauris if I choked Brian and she replied, "*There was no choking. There was no beating. Nothing like that at all. I just felt he was 'Marine-like'.*" She stated that I should be warned not to be too rough. Lauris further stated that Brian would be violent toward anyone.

Atty Kraus interviewed Ofc Christensen. He said that when Tpr Hammond and I arrived at the Morristown PD, he knew Slutz had given us a hard time. He said that he did not observe Slutz push at me with his uncuffed hand, but knew Slutz had done something to me. Ofc Christensen elaborated that he is a certified Monadnock instructor. He said that "*other than the comment I made to Slutz, he would have reacted the same way if he were in my shoes*". Ofc Christensen further elaborated that I did not 'slam' Slutz's head into the wall, but rather pushed his entire body against the wall. He said that when Slutz's body hit the wall, his head did also. Ofc Christensen stated that he did not believe that I intended to try to injure Slutz, but rather attempted to maintain control. Ofc Christensen also stated that Slutz had no visible injuries, nor did he complain thereof.

Several attorneys involved with this case did not understand why the prosecution was avoiding these statements taken by a well-respected attorney. This was key information from the key players. At one point, atty Clark asked the prosecution's Schinnerer and Treadwell what the aggravated assault charge was based on and they responded (documented), "*The State is willing to amend the information on the first count to read that you client "recklessly caused bodily injury to Brian Slutz, to wit; by choking him ...." The incident that is charged is the same choke that is the basis for the current felony charge -- this is NOT the first or second incident but the final incident where Mr. Plaster grabs Slutz by the neck and forces him against a wall.*" Nowhere in the incident at the home did this incident the state claimed to base the aggravated assault charge occur. Where did this come from? Why was it fabricated? Regardless, the prosecution contacted Atty Clark several days later and apologized for the 'mistake', but never offered a follow up or an answer as to why they said this.

As I stated earlier, three comments I made to Slutz the night of this incident were unprofessional. I take full responsibility for them. However, I never choked or assaulted Brian Slutz in a criminal manner. I remember my training in the CT academy where they went in depth with US Supreme Court case Graham v. Connor, where the use of force was based on the perspective of the officer on the scene.



I have and always will believe my actions were justified and not excessive or criminal. Tpr Hammond had no previous experience with any type of use of force or questionable/violent suspects. She had never been injured by a suspect before. Without this experience, how could she make this judgment call? In CT, as I previously stated, I had dealt with dozens of very dangerous scenarios. In my 3 ½ years in CT, I never had a citizen's complaint or an IA for questionable use of force.

Another issue that came forward after my case had ended was an admission by Brian Slutz that he lied to police about the incident. Parole Officer Dennis Brancaccio, whom was coincidentally Brian Slutz's parole officer, told me that he spoke with Brian in detail about his incident with me in November 2007, just before Slutz went to prison. PO Brancaccio stated that Brian told him, "I was completely out of control that night. I didn't remember much. What I told the police wasn't exactly true." It is very interesting that the statement Atty Kraus took from Brian was the same one he gave to PO Brancaccio. Why didn't the state follow up with a couple counts of giving a false statement against Slutz?? At the same time PO Brancaccio told me of Slutz's admission, he told me that he had done a lot of his own investigations, asking about my case. He said that he believed that I got railroaded and the case had heavy political motivations by the AG's office. Interesting. A few other state officials had made the same statement. PO Brancaccio (as well as others) stated that the punishment the prosecution placed on you was highly unusual and harsh.

I paid *dearly* for this incident. My career in law enforcement was terminated. I spent over \$10K in legal fees. I was fined the maximum amount for a total of \$2,352. I spent 30 days in prison. I had to remain on probation for 1 year, which was a subsequent 4 ½ hour ride from my home. My good reputation was ruined by the news media, whose report was so incredibly inaccurate. They painted Brian Slutz as a church going person who never did anything wrong. I was forced to attend anger management counseling, which had an interesting result. The counselor reviewed my case when I arrived, laughed, and stated, "*You do not need counseling. There is nothing wrong with you. Unfortunately, I do have to take you money for this visit.*" The counselor signed the paperwork and that was it.

I wasn't the only one that paid for this incident. My wife, Kelly, did also. We had to sell our home for tens of thousands of dollars under its value to avoid mortgage issues. We had to move out of Vermont due to my inability to find work. We loved our home and the Vermont lifestyle. Kelly had to leave her job at the Burlington District Court. She loved that job. And lastly, she had to seek counseling for several months for a nervous breakdown that resulted from everything (documented).


During my time as an officer in Vermont, I had dealt with and observed many cases. I saw felony domestic cases, multiple conviction DUIs, and several assault cases that never received anything close the punishment the prosecution imposed on me. Differed sentences, counseling with records *wiped away* after completion, and very little to no jail time. I witnessed people with several violations of protective orders never go to prison. Why was I treated differently? People in the cases I saw were injured, some seriously. Brian Slutz suffered *no* injuries. Brian Slutz broke my hand. I originally charged Slutz with assault on an officer and a few other charges. My Sgt, Joseph Paquette, instructed me with all the particular charges. A day after I wrote the affidavit, Lt. Glynn instructed me to change everything and not to charge Slutz. She never gave me an answer as to why. Lt Glynn stated, "*Just do it and do not question me.*" I was ordered to rewrite my entire report.

In the early part of 2008, my wife contracted an unusual condition called Psuedotumor Cerebri. It is a condition where your body reacts as if it has a tumor, but does not. This condition causes the spinal fluid to remain in the brain and create pressure. The condition causes migraine style headaches and ultimately a high probability of blindness. She has had 6 surgeries this year, along with a host of medications. Nothing has worked to reverse the condition. My wife has a very good chance of going blind. The pressure still exists on her optical nerves, giving her tunnel vision with wavy lines on the sides. The doctors do not know what to do for her. If or when she loses her sight, she'll have to stop working forever. Her life will be changed forever. Our life will be changed forever. We've recently learned that we cannot have children because of this condition. This news was yet another devastating blow to our lives.

With everything that has happened, I am still moving forward as best I can, doing the best I can in life. With my wife's medical condition and its potential future outcome, I will be the sole provider for our family. As I continue with my education in attempt to better my position and myself, the two simple assault charges on my record in Vermont continue to haunt me and pose a potential roadblock in employment opportunities. Good paying and advanced opportunities in aerospace come with background scrutiny. Good companies won't hire anyone with any type of assault backgrounds. My case is very unique, but potential employers would not view it any other way than having a background with assault convictions. Prior this incident, I had no issues whatsoever with the law, and I continue to be that way. I paid an extremely heavy price for this incident. All I am asking for is a small request. I am asking to have both simple assault charges expunged from my record. I completed everything that state requested of me *without* question and in a timely manner. An expunged record would allow me to put a close to this time of my life, move on, and avoid being rejected from a good job. This small request of you would make a monumental difference in my wife, my family, and my life.

Thank you very much for taking the time to read my request and for giving it serious consideration. Your actions would have a huge, positive impact on my life.

Sincerely,



John Plaster