

As a prosecutor, Jennifer Wexton went easy on rapists. Wexton failed to seek the maximum charges for a convicted rapist in Loudoun County, and allowed an illegal immigrant – who allegedly abducted and raped his victim multiple times – to avoid the rape charges against him by entering a plea deal.

**BACKUP:**

**In 2004, Wexton prosecuted a Loudoun County rapist, but did not seek the maximum charges possible, with the rapist ultimately given a reduced sentence:**

- In 2004, Travis Crosby was charged “with rape, burglary with intent to commit rape, destruction of property, and assault and battery” in Loudoun County. (“Rapist To Serve 13 Years,” [Connection Newspapers](#), 3/2/05)
- Jennifer Wexton represented The Commonwealth of Virginia against Travis Crosby. “Assistant Public Defender Lindsay Hendrix represented Crosby. Assistant Commonwealth’s Attorney Jennifer Wexton handled the prosecution. Many family members testified on Crosby’s behalf at the sentencing hearing Friday. The victim has moved away, but she submitted a Victim Impact Statement for the judge’s consideration.” (“Rapist To Serve 13 Years,” [Connection Newspapers](#), 3/2/05)
- On July 12, 2004, Travis Crosby was indicted for abduction, breaking and entering at night, and rape. (Case No. CR00016313, Loudoun County Circuit - Criminal Division, 7/12/04)
- The State elected not to charge Crosby with Assault and Battery, and Destruction of property. “He was not indicted on destruction of property and assault and battery. ‘We elected not to pursue these two misdemeanors as they were part and parcel to the B & E and the rape,’ Plowman said.” (“Rapist To Serve 13 Years,” [Connection Newspapers](#), 3/2/05)
- Crosby pled no contest to rape and was sentenced to 25 years in prison, but the court suspended 17 years of that sentence.

Case Number: CR00016313-00	Filed: 07/12/2004	Commenced by: Direct Indictment	Locality: COMMONWEALTH OF VA
Defendant: CROSBY, TRAVIS	Sex: Male	Race: Black (Non-Hispanic)	DOB: 04/30/****
AKA: CROSBY, KELVIN			
Address: STERLING, VA, 20164			
Charge: RAPE	Code Section: 18.2-61	Charge Type: Felony	Class: 2
Offense Date: 04/29/2004	Arrest Date: 04/30/2004		

Disposition Code: Guilty	Disposition Date: 02/25/2005	Concluded By: Trial - Judge With Witness
Amended Charge:	Amended Code Section:	Amended Charge Type:
Jail/Penitentiary: Penitentiary	Concurrent/Consecutive:	Life/Death:
Sentence Time: 25 Year(s)0 Month(s)0 Day(s)	Sentence Suspended: 17 Year(s)0 Month(s)0 Day(s)	Operator License Suspension Time: 0 Year(s)
Fine Amount: \$1525.00	Costs: \$1525.00	Fines/Cost Paid:
Program Type:	Probation Type: Supervised	Probation Time: 0 Year(s)
Probation Starts: Probation To Begin Upon Release	Court/DMV Surrender:	Driver Improvement Clinic:
Driving Restrictions:	Restriction Effective Date:	
VA Alcohol Safety Action:	Restitution Paid:	Restitution Amount: \$6061.47
Military:	Traffic Fatality:	

(Case No. CR00016313-00, Loudoun County Circuit - Criminal Division, 7/12/04)

- Crosby pled no contest to breaking and entering and was sentenced to 15 years in prison, but the court suspended 11 years of that sentence.

Case Number: CR00016313-01	Filed: 07/12/2004	Commenced by: Indictment	Locality: COMMONWEALTH OF VA
Defendant: CROSBY, TRAVIS	Sex: Male	Race: Black (Non-Hispanic)	DOB: 04/30****
AKA: CROSBY, KELVIN			
Address: STERLING, VA, 20164			
Charge: BREAK AND ENTER AT NIGHT	Code Section: 18.2-90	Charge Type: Felony	Class: 2
Offense Date: 04/29/2004	Arrest Date: 05/26/2004		
Disposition Code: Guilty	Disposition Date: 02/25/2005	Concluded By: Trial - Judge With Witness	
Amended Charge:	Amended Code Section:	Amended Charge Type:	
Jail/Penitentiary: Penitentiary	Concurrent/Consecutive:	Life/Death:	
Sentence Time: 15 Year(s)0 Month(s)0 Day(s)	Sentence Suspended: 11 Year(s)0 Month(s)0 Day(s)	Operator License Suspension Time:	
Fine Amount:	Costs:	Fines/Cost Paid:	
Program Type:	Probation Type: Supervised	Probation Time: 10 Year(s)	
Probation Starts: Probation To Begin Upon Release	Court/DMV Surrender:	Driver Improvement Clinic:	
Driving Restrictions:	Restriction Effective Date:		
VA Alcohol Safety Action:	Restitution Paid:	Restitution Amount:	
Military:	Traffic Fatality:		

(Case No. CR00016313-01, Loudoun County Circuit - Criminal Division, 7/12/04)

- The State declined to prosecute Crosby on the charge of abduction.

Case Number: CR00016313-02	Filed: 07/12/2004	Commenced by: Indictment	Locality: COMMONWEALTH OF VA
Defendant: CROSBY, TRAVIS	Sex: Male	Race: Black (Non-Hispanic)	DOB: 04/30****
AKA: CROSBY, KELVIN			
Address: STERLING, VA, 20164			
Charge: ABDUCTION	Code Section: 18.2-48	Charge Type: Felony	Class: 2
Offense Date: 04/29/2004	Arrest Date: 05/26/2004		
Disposition Code: Nolle Prosequi	Disposition Date: 10/26/2004	Concluded By: Nolle Prosequi	
Amended Charge:	Amended Code Section:	Amended Charge Type:	

(Case No. CR00016313-02, Loudoun County Circuit - Criminal Division, 7/12/04)

- When asked about why 28 years of the 40-year prison sentence for Crosby was suspended, the Commonwealth Attorney said “no comment.” “A Circuit Court judge has sentenced a rapist to 40 years in jail with all but 12 years suspended. #Judge Burke McCahill sent Travis Crosby, 25, of Sterling, to prison for breaking into a Cascades Commons apartment and sexually assaulting a woman about 2:30 a.m., April 29, 2004. He sentenced Crosby to 25 years with 17 years suspended for rape and 15 years with 11 years suspended for breaking and entering. #Questioned about the substantial portion of the prison term being suspended, Commonwealth’s Attorney James Plowman said, ‘No comment.’” (“Rapist To Serve 13 Years,” [Connection Newspapers](#), 3/2/05)

In February 2001, Samuel Flores—an illegal immigrant from El Salvador living in Sterling, Virginia—was charged with four counts of Rape and one count of Abduction with Intent to Defile. Wexton allowed him to plead to only one amended count of Sexual Battery, with time served for all offenses:

- On February 13, 2001, Samuel Flores abducted the victim, Raquel Rivas, from her workplace and raped her in his vehicle. He then took her to his residence in Sterling, Virginia, where he held her against her will, and raped her three additional times

throughout the night. She pleaded with him to take her home, but he refused, slapping her, causing contusions to her face and chest. (Case No. JA009201, Criminal Complaint, Loudoun County Juvenile and Domestic Relations Court, 2/13/01)

- At a Bail Determination hearing on Feb. 14, 2001, a magistrate concluded that the weight of evidence against Flores was “good,” and denied bond. (Case No. JA009201, Checklist for Bail Determinations, Loudoun County Juvenile and Domestic Relations Court, 2/14/01)

**CHECKLIST FOR BAIL DETERMINATIONS**  
Commonwealth of Virginia

Name of Accused Flores, Samuel

Nature and Circumstances of the Offense Rape & Abduction  
Does not want to say anything

Weight of the Evidence Good

Length of Time in Community 3-4 wks at present all 5 yrs in VA.

Place of Employment SARAVIA Painting, Metro Painters How Long 2mo.

Family Ties Sister & 2 Cousins

Involvement in Education 5<sup>th</sup> Grade

Financial Resources \_\_\_\_\_

Pending Charges Traffic Viol in Leesburg Court date 2/14/01

Was a firearm allegedly used in the offense?  No  Yes

Currently on probation or parole?  No  Yes

Prior criminal record BE DUI Manassas several mo. Ago.

Presumption pursuant to Virginia Code § 19.2-120 applies and has not been rebutted.

Prior charges of failing to appear No

Is this person likely to obstruct or attempt to obstruct justice or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness, juror or victim?  No  Yes

Other information considered \_\_\_\_\_

Bail Set No Bond

Special instructions or conditions \_\_\_\_\_

Check if more information is on reverse

2/14/01 DATE

[Signature] MAGISTRATE  JUDGE

FORM DC-327 (FRONT) 7-99 PC (1146-010 5/99)

(Case No. JA009201, Checklist for Bail Determinations, Loudoun County Juvenile and Domestic Relations Court, 2/14/01)

- During a police processing interview on Feb. 14, 2001, Flores, through a translator, admitted to investigators “that his residency status was illegal” and that “he was from El Salvador.”

INITIAL <input checked="" type="checkbox"/>		MODIFY <input type="checkbox"/>		CONFIDENTIAL SUPPLEMENT				SUPPLEMENT <input type="checkbox"/>	
226-PALE # 2	227-DATE 2-14-01	229-CASE NUMBER 01-002139	229-1 Inv. Bobbie J. Ochsmann	230-CODE # 8942	231-VICTIM NAME Rivas, Raquel				
232-INVESTIGATOR ASSIGNED TO CASE Inv. Bobbie J. Ochsmann			233-CODE # 8942	234-SCENE PROCESSED BY:		235-CODE #		236-PRINTS FOUND? <input type="checkbox"/> Yes <input type="checkbox"/> No	238-EVIDENCE OBTAINED? <input type="checkbox"/> Yes <input type="checkbox"/> No
243-NAME: Last, First, Middle			244-SEX: <input type="checkbox"/> (U) Unk. <input type="checkbox"/> (M) Male <input type="checkbox"/> (F) Female		245-DOB/AGE:		246-RACE: <input type="checkbox"/> (U) Unk. <input type="checkbox"/> (W) White <input type="checkbox"/> (B) Black <input type="checkbox"/> (I) American Indian <input type="checkbox"/> (A) Asian/Pacific Islander		
247-RESIDENT ADDRESS: Street, City, State, 248-Zip			249-RESIDENT PHONE: ( ) ( ) ( ) ( ) ( ) ( )		250-EMPL. PHONE: ( ) ( ) ( ) ( ) ( ) ( )				
251-NAME: Last, First, Middle			252-SEX: <input type="checkbox"/> (U) Unk. <input type="checkbox"/> (M) Male <input type="checkbox"/> (F) Female		253-DOB/AGE:		254-RACE: <input type="checkbox"/> (U) Unk. <input type="checkbox"/> (W) White <input type="checkbox"/> (B) Black <input type="checkbox"/> (I) American Indian <input type="checkbox"/> (A) Asian/Pacific Islander		
255-RESIDENT ADDRESS: Street, City, State, 256-Zip			257-RESIDENT PHONE: ( ) ( ) ( ) ( ) ( ) ( )		258-EMPL. PHONE: ( ) ( ) ( ) ( ) ( ) ( )				
NARRATIVE:									
<p>fourth and "Samuel Flores" on the last statement's line for initials. I had Aux. Dep. Carvahal advise Mr. Flores that I would take his photograph and palm prints then we would go to the Magistrate's office.</p> <p>Mr. Flores told me through the translator that his residency status was illegal. He said he was from EPSalvador</p>									
OTHER - O      WITNESS - W      COMPLAINANT/REPORTING PERSON - RP									

(Case No. JA009201, Confidential Supplement, Loudoun County Juvenile and Domestic Relations Court, 2/14/01)

- On April 10, 2001, Wexton entered into a plea bargain with Flores. In exchange for Flores entering an Alford Plea, Wexton amended one charge of Rape to Sexual Battery, and declined to prosecute the three remaining charges of Rape and one charge of Abduction with Intent to Defile. As per the plea agreement, Flores was sentenced to time served, and was incarcerated for a total of less than two months. (Case No. JA009201, Adult Plea Agreement and Order, Loudoun County Juvenile and Domestic Relations Court, 4/10/01)
  - In Virginia, Abduction with Intent to Defile “shall be punishable as a Class 2 felony,” with a punishment of “imprisonment for life or for any term not less than 20 years and a fine of not more than \$100,000:” “§ 18.2-48. Abduction with intent to extort money or for immoral purpose: Abduction (i) of any person with the intent to extort money or pecuniary benefit, (ii) of any person with intent to defile such person, (iii) of any child under sixteen years of age for the purpose of concubinage or prostitution, (iv) of any person for the purpose of prostitution, or (v) of any minor for the purpose of manufacturing child pornography shall be punishable as a Class 2 felony. If the sentence imposed for a violation of (ii), (iii), (iv), or (v) includes a term of confinement less than life imprisonment, the judge shall impose, in addition to any active sentence, a suspended sentence of no less than 40 years. This suspended sentence shall be suspended for the remainder of the defendant's life subject to revocation by the court. Code 1950, § 18.1-38; 1960, c. 358; 1966, c. 214; 1975, cc. 14, 15; 1993, c. 317; 1997, c. 747; 2006, cc. 853, 914; 2011, c. 785.” (“Code of Virginia: § 18.2-48. Abduction with Intent to Extort Money or for Immoral Purpose,” [LIS Virginia Law](#), Accessed 7/13/18)
  - “For Class 2 felonies, imprisonment for life or for any term not less than 20 years and, a fine of not more than \$100,000.” (“Code of Virginia: § 18.2-10. Punishment for Conviction of Felony; Penalty,” [LIS Virginia Law](#), Accessed 7/13/18)

VIRGINIA:  
IN THE JUVENILE AND DOMESTIC RELATIONS COURT

COMMONWEALTH OF VIRGINIA, :  
v. : *JA 009201-01*  
*Samuel Flores.* : CASE NO. : *-02 -04*  
: CHARGE: *Rape x 4; Abduction* : *-03 -05*

ADULT PLEA AGREEMENT AND ORDER

Comes now the Commonwealth of Virginia by her Assistant Attorney for the Commonwealth for the County of Loudoun, the defendant, and *Bonnie Hiffon*, counsel for defendant who request that the court accept the following plea agreement:

Charges:

- The Commonwealth will move to amend the charge of *Rape* to the charge of *Sexual Battery* in violation of Virginia Code Section *18.2-67.4 (01)*
- In exchange for pleas in case(s) *-01* the Commonwealth will move the court to enter an order of nolle prosequi in case(s) *-02 through -05*.
- Other: \_\_\_\_\_

Trial

- Case to be continued generally, without the entry of a plea, for a period of \_\_\_\_\_.
- Until \_\_\_\_\_ to be dismissed if the defendant complies with the conditions noted in the sentencing section below. If the defendant does not comply, the case will be further scheduled for trial.
- Defendant will enter a plea of guilty. (*Alford*)
- In exchange for pleas in case(s) \_\_\_\_\_, the Commonwealth will move the court to enter an order of nolle prosequi in case(s) \_\_\_\_\_.
- Other: \_\_\_\_\_

(Case No. JA009201, Adult Plea Agreement and Order, Loudoun County Juvenile and Domestic Relations Court, 4/10/01)

Finding of Guilt to be:

- entered
- deferred for a period of \_\_\_\_\_ months, to \_\_\_\_\_, case to be dismissed at end of deferred finding period if the defendant complies with terms and conditions.
- deferred for a period of \_\_\_\_\_ months, to \_\_\_\_\_, then charge to be amended to \_\_\_\_\_.
- Defendant to be found guilty of the amended charge with no further disposition if he/she complies with terms and conditions set forth below.
- Other: \_\_\_\_\_

Sentencing:

- Defendant will be sentenced to *time served* in jail.
- to be served forthwith
- to be served on weekends beginning \_\_\_\_\_
- to be served consecutively with cases \_\_\_\_\_
- to be served concurrently with cases \_\_\_\_\_
- to be suspended for a period of \_\_\_\_\_, until \_\_\_\_\_.
- with credit for time served
- Defendant to be placed on \_\_\_\_\_ probation. He/she will keep the peace, be of good behavior, and have no criminal convictions.
- Defendant will go to Loudoun County Mental Health/CCP forthwith to enroll in the Anger Management Program. He will successfully complete the course. Sign a written waiver and cause proof of completion and compliance with this program to be filed with this court by \_\_\_\_\_.
- Defendant will go to Loudoun County Mental Health/CCP forthwith to enroll in the Substance Abuse/Alcohol Abuse Program(s). He will successfully complete the course. Sign a written waiver and cause proof of completion and compliance with this program to be filed with this court by \_\_\_\_\_.
- No contact with *Raquel Rivas* direct or indirect, in person, by phone, by mail through a third party, except attorney. Defendant will also remain away from the residence and place of employment of the named individual.
- Restitution in the amount of \_\_\_\_\_ to be paid to the Clerk by \_\_\_\_\_.
- To then be paid by the Clerk to: \_\_\_\_\_
- at the following address: \_\_\_\_\_
- Pay attorney's fees of \_\_\_\_\_ and fines of \_\_\_\_\_ and costs of *\$50* by \_\_\_\_\_.

*(50 days to pay)*

(Case No. JA009201, Adult Plea Agreement and Order, Loudoun County Juvenile and Domestic Relations Court, 4/10/01)

\_\_\_\_ Court Service Unit to monitor compliance.

\_\_\_\_ Other: \_\_\_\_\_

Appeal:

The defendant waives his right to appeal.

\_\_\_\_ Other: \_\_\_\_\_

Bond:

\_\_\_\_ to continue

\_\_\_\_ to be amended to: \_\_\_\_\_

ENTERED THIS 10<sup>th</sup> DAY OF April, 2001

*Quinn S. [Signature]*  
Judge

WE ASK FOR THIS:

*[Signature]* DATE: 4/10/01  
Assistant Commonwealth's Attorney

*[Signature]* DATE: 4/10/01  
RELEASE PRINT: [Signature]  
Counsel for Defendant

*Samuel Flores* DATE: 4/10/01  
PLEASE PRINT:  
Defendant

(Case No. JA009201, Adult Plea Agreement and Order, Loudoun County Juvenile and Domestic Relations Court, 4/10/01)

*Editor's Note:* Wexton signed the plea agreement with her maiden name, Tosini. Wexton married her husband, Andrew Wexton, on May 27, 2001, a little over a month after the deal was reached.

- On April 10, 2001, Flores was released as per the conditions of his plea agreement. (Case No. JA009201, Release Order, Loudoun County Juvenile and Domestic Relations Court, 4/10/01)

RELEASE ORDER

ACCUSED: FLORES, SAMUEL

CASE NO: JA009201-00;  
02-00, 03-00, 04-00,  
05-00

ADDRESS: 45770 MACAW Sq.  
Sterling, VA. 20164

DOB: 6/24/75

CHARGES:  
Rape - Armed Sexual Battery - credit for time served  
Rape - nole presse  
Rape - nole presse  
Rape - nole presse  
Rape - nole presse

TO THE SHERIFF, JAIL OFFICER OR CORRECTIONAL OFFICER:  
(You are ordered to RELEASE the accused on the above charges.)

4/10/01 *[Signature]* Deputy

Released: \_\_\_\_\_ AM/PM By: \_\_\_\_\_

RELEASE ORDER

(Case No. JA009201, Release Order, Loudoun County Juvenile and Domestic Relations Court, 4/10/01)