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Rape suspect asks judge for permission to attend country club, sons' lacrosse tournaments

by Kevin Lewis, Montgomery County Reporter (ABC7)

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ROCKVILLE, Md. (WJLA) — Amid the global pandemic, accused rapist Jason Delano appeared via a Zoom court hearing earlier this month, requesting he be allowed to attend a private country club, plus travel to his kids' out-of-town sporting events.

In December 2017, Delano — a 44-year-old Bethesda resident — allegedly [raped a woman he met only hours earlier at the Bethesda Country Club](#). The married father-of-three is currently awaiting trial in the felony case, which has been repeatedly delayed for a myriad of reasons, most recently due to COVID-19.

"We are not asking the court to remove his GPS monitoring, but are here, essentially asking that some of the conditions that the court had heard us on before be modified a little bit further," defense attorney Kush Arora told Montgomery County Circuit Court Judge David Lease during a Friday, July 10 hearing.

Montgomery County Police arrested Delano in May 2019 and charged him with second-degree rape and fourth-degree sex offense. A judge initially ordered Delano to be held without bond, but days later, released him on house arrest in exchange for \$100,000 to be held as collateral.

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In the 14 months since then, Delano has returned to court several times to chisel away at his bond conditions. His requests have included permission to attend church services, exercise at a fitness club, and travel across the country for professional and personal purposes.

The court system has approved many of the pleas, but Delano had seemingly grown discontent. According to Arora, the stress of three active children had become too much for his client's wife to juggle solo, prompting the July 10 Zoom hearing.

"Mr. Delano's children have various sports activities. Two of his sons play lacrosse in the summertime, into the fall, and switching to basketball towards the winter months. Oftentimes these activities require overnight stays in various locations, driving to distant locations, and staying the night."

Arora proceeded to ask that Judge Lease allow Delano access to the Bethesda Country Club. The tech executive, after all, continues to pay his membership fees and has been missing out on family time.

"This is a place that there has been a stay-away order from since his initial release on bond back in May of 2019," Arora pointed out. "He has not gone back since then, but our understanding is the complaining party does not frequent that location for any purpose at this point. There's really no reason, from our perspective, that he not be permitted to return back there. He and [his wife] remain members of the club. They continue to be dues-paying members of the club, and it is again, a place where his family goes for a number of different activities, and frankly, he'd like to be able to join them."

To curry favor, Arora stressed that his client has been "totally compliant" with his pretrial officer, communicating by telephone and email regularly — flight risk zero.

"This is not a person who is interested in running away from this matter."

PROSECUTORS PROTEST THE DEFENSE'S REQUEST

The Montgomery County State's Attorney's Office objected to Delano's latest requests, calling them unnecessary and way too broad-based.

"It's the carte blanche that he has the ability to travel whenever there's a sporting event. The

state doesn't believe that assures the safety of the people at these events," assistant state's attorney Dermot Garrett stated. "My understanding is that most sporting events are either shut down or limited to local geography. So, it's unclear to me why high school sports would be in places like Colorado, given that we're in the middle of this pandemic."

Prosecutors also balked at the idea of Delano obtaining regular access to the golf club where he first met the alleged victim, membership dues, or not.

"Regarding the Bethesda Country Club, the state strongly objects to that," Garrett added. "We have two witnesses who are members of the club and who go there. There's a potential for the defendant to interact with them either directly or indirectly at the club."

The victim's attorney — also present on the July 10 Zoom hearing — echoed the state's argument.

"Every limitation on his bail that gets removed just puts her in greater fear of something that may happen," the victim's attorney declared. "The victim is not on bail. The victim should be allowed to go wherever she wants, including the country club. She's an avid player of golf, and played there quite often as I understand it."

During his rebuttal, Arora delicately noted that the victim is a *guest* of the Bethesda Country Club while his client is a *paying member*.

"We're not asking her to stay away from a public location. This is a private place."

"The state has advised me that two of the state's witnesses are members of the club," Judge Lease said in response. "So, isn't that just a recipe for him to potentially violate the terms of his pretrial release?"

"Judge, I suppose that there's always the potential for violation of any pretrial release. These parties all live less than a mile from each other. They all frequent the same country club because they are all part of the same community," Arora opined, adding that, at the very least, his client deserved the right to drop off and pick up his children at the golf course.

Judge Lease went on to question Arora about the necessity of out-of-town travel privileges for youth athletics while a large part of the country remains crippled by COVID.

"I asked my client the same question, frankly," Arora confessed. "Professional sports are canceled, and most schools are closed, why is this necessary? And he verified for me that sports activities have picked up, they have reopened. There are sporting events scheduled in Pennsylvania tomorrow, which his son would need to travel for. There's another one scheduled in August. There are things on the calendar for fall that are all on the schedule."

TRAVEL APPROVED. GOLF DENIED.

Following 20 minutes of back-and-forth, Judge Lease approved Delano's request for travel "anywhere in the U.S." so long as it was for business or family purposes and did not exceed four days. Delano must, however, provide the court system with his trip itinerary and lodging address in advance, and check back in upon his return to Maryland.

"I don't believe that Mr. Delano is a flight risk," Judge Lease remarked. "I don't see that it's a significant difference, whether he travels to Tennessee, West Virginia, etc..."

Yet, Judge Lease took a stricter stance on the Bethesda Country Club appeal, telling Delano he could drop off and pick up his children in the parking lot area, but nothing more.

"I don't want him to go into the club itself... It seems to me, that is a place where part of this incident is alleged to have occurred, and the chance of having an interaction with one of the state's witnesses, I think, is significantly increased at the country club."

Judge Lease asked Delano to drive to the circuit courthouse that same afternoon, and report to the Montgomery County Sheriff's Office to fill out paperwork that would initiate the latest round of bond modifications.

"Your honor, he says that he... has work obligations all afternoon," Arora said in response to the judge. "So, would he be able to come on Monday morning?"

"Well, what time? Because I have to make arrangements to get him into the building to know when he's going to be coming," Judge Lease explained, seemingly a bit irritated by the lack of promptness on Delano's part.

After consulting with Delano, Arora affirmed his client could make it to the courthouse "first thing" Monday morning.

THE DETECTIVE WHO DISAPPEARED

In December, [7 On Your Side](#) reported that [Wendy Giovacchini](#), the initial lead detective in the Delano rape case, had come under a cloud of suspicion for alleged shoddy investigatory work in multiple cases. The Montgomery County Police Department ultimately placed the veteran officer on administrative leave.

During the July 10 hearing, Arora revealed that the police department no longer employs Giovacchini. Her whereabouts remain a mystery. That's problematic because the defense desperately wants to call Giovacchini as a witness in the case.

"We've been working on trying to figure out where she is. We have a little bit of time, but it is an issue that has come to my attention," Arora stated.

"To the extent that the state is aware of the location of the witness, I would ask that you provide that," Judge Lease told prosecutors. "It's not your job to keep tabs on somebody who's no longer with the police, but if you do have that information, I would ask that you share that."

"Your honor, the only information that the state has, was her county email address, which obviously is now defunct. We did not have contact information as officers of the court, and we don't have it now," the state's attorney's office asserted.

Assuming there are no additional delays in the case, Delano is scheduled for a four-day jury trial to begin on February 8, 2021. He faces up to 21 years in prison.

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