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Carlson reaches plea deal; Felony sexual assault charge dropped against Ely cop, who admits to gross misdemeanor; council votes to place him on unpaid leave

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by Tom Coombe

An Ely police officer will avoid jail time, but could lose his job, after striking a plea agreement in court and admitting to an illegal sexual relationship with an underage girl.

Just before a jury trial was to begin, Jason Carlson pleaded guilty Tuesday to misconduct by a public official, a gross misdemeanor, while a felony third-degree sexual conduct charge was dismissed.

Later that same day, Ely council members placed the 11-year veteran of the police force on unpaid leave, the initial step in a process that could lead to the termination of his employment.

Carlson, 38, will be sentenced Feb. 24 on the misconduct charge, but terms of the plea agreement, reached in front of Judge Gary Pagliacetti at District Court in Virginia, call for no jail time, with probation and possible fines instead. About an hour after a jury panel was sent home, Carlson appeared in court to

enter a plea.

In open court, under questioning by his own attorney, James Carlson, the Ely police officer said that sometime around December, 2014 or January, 2015, he had a sexual relationship with a girl who was at least 16 years old, but less than age 18.

"You understand what you did was illegal and that you abused your position as a public employee?" asked the attorney.

"Yes," Carlson replied.

While the girl had reached the age of consent, Carlson's status as a police officer made the relationship illegal.

Dressed in a suit and accompanied by several family members, including his parents, Carlson answered questions posed both by his lawyer and Pagliacetti and affirmed that he understood his guilty plea and the terms of the agreement reached with county prosecutors.

The agreement wiped out the more serious felony charge of sexual conduct while in a position of authority.

That charge was leveled by a grand jury in the fall of 2015, but county prosecutor Gary Bjorklund agreed to dismissal as a result of the deal.

The trial was slated to begin Tuesday morning but was delayed by over three hours while a plea bargain was negotiated behind closed doors.

It was apparent that something was in the works as the courtroom sat empty. Carlson, family members and his lawyer went to a conference room about 90 minutes after the trial was to begin, with his attorney going back-and-forth to meet with the prosecution.

About 20 potential jurors went into the courtroom an hour later and soon emerged, many smiling and some indicating an agreement had been reached that scrapped plans for the trial.

The criminal case against Carlson, who lives in Aurora, stems from an investigation initiated in the spring of 2015.

Carlson has been on paid leave ever since, and rebuffed requests by the city that he voluntarily resign.

He was placed on leave shortly after the allegations surfaced, and the police department has been operating without a full complement of seven officers for nearly two years.

Until this week, city officials said they lacked legal ground to take disciplinary action, and that Carlson could return to work should he be found not guilty of the charges.

The guilty plea appears to open the door for the city to initiate termination proceedings, which would be subject to appeal through arbitration.

Since going on leave, Carlson was on the city payroll with an hourly wage of over \$27 after declining a city offer, in late-2015, of a severance package that included about \$22,000 in accrued sick and vacation time.

Carlson was unsuccessful in requests to have the criminal case dismissed.