



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6611
Fax (978) 929-6350

Steven L. Ledoux
Town Manager

September 16, 2015

Please place this in the Legal Ad section of the Acton Beacon on Thursday, October 8, 2015:

Bill to: Office of the Town Manager
472 Main Street
Acton, MA 01720

Please confirm to ltomyl@acton-ma.gov

Regards,

Lisa Tomyl
Executive Assistant

**TOWN OF ACTON
NOTICE OF HEARING**

The Acton Board of Selectmen will hold a public hearing on October 19, 2015 at 7:20 PM in the Francis Faulkner Hearing Room 204 in Town Hall, 472 Main Street, Acton for an order to show cause for an alleged over service incident at Crossroads Cafe, 405 Nagog Square, Acton MA on June 13, 2015. The documentation can be inspected at Town Hall during normal business hours.

Acton Board of Selectmen

**SEL/CROSSROADS CAFE
LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING**

The Acton Board of Selectmen will hold a public hearing on October 19, 2015 at 7:20 PM in the Francis Faulkner Hearing Room 204 in Town Hall, 472 Main Street, Acton for an order to show cause for an alleged over service incident at Crossroads Cafe, 405 Nagog Square, Acton MA on June 13, 2015. The documentation can be inspected at Town Hall during normal business hours.

Acton Board of Selectmen

AD#13338624
Acton Beacon 10/8/15

Frank Widmayer

From: Jim Cogan
Sent: Wednesday, June 17, 2015 4:26 PM
To: Frank Widmayer
Cc: Rich Burrows
Subject: [REDACTED] OUI Crossroads

Chief,

At your request I spoke to Jay Manning today at Crossroads. I explained that [REDACTED] had been arrested on Saturday evening by the Acton Police after being involved in a MVA on Great Road. I showed Jay the booking photo of [REDACTED] and told him she had stated to officers that she had consumed 2 glasses of wine at Crossroads before being involved in the accident. I requested that he preserve any receipts or video he may have from that evening. Mr. Manning told me he would look into the incident.

James A. Cogan
Detective Lieutenant
Acton Police Department
371 Main Street
Acton, MA 01720
(978)929-7518
icogan@acton-ma.gov

Acton Police Department
P. O. Box 2212
371 Main Street
Acton, MA 01720
978-263-2911
Incident Report



Incident Number: 2015000011554
File No: N/A
Dispatch Incident Number: 2015000012783
Print Date: August 25, 2015
Printed By: fwidmayer

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Sat	06/13/2015	9:25:00PM		Sat	06/13/2015	9:25:00PM	→	6/13/2015	9:25:34PM
Reported As				Incident Type - Primary			Arresting Officer			
Vehicle Crash No Injuries F:002407 P:(OUI Alcohol or Drugs			Patrol Officer Martin Lawrence			
Incident Address							Reporting Officer			
1 STRAWBERRY HILL RD, ACTON, MA 01720							Patrol Officer Daniel Holway (85DH)			
Sector		Stat. Area		Sub Stat. Area		Census Tract		Landmark		
NOR		North Precinct Map E5								
Business Name				Incident Types - Other				Action Taken		
N/A				Vehicle Crash No Injuries				REPORT		

Associated Persons Summary						
Type	Name(Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #
Caller	P4		F		N/A	N/A
Address: [REDACTED]						
Operator	P1		F	N/A	N/A	N/A
Address: [REDACTED]						
Operator	P2		M	N/A	N/A	N/A
Address: [REDACTED]						
Passenger	P3		F	N/A	N/A	N/A
Address: [REDACTED]						

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
Other	INTERNATIONAL COLL. 978 369 9441	() 263-6767	N/A
Address: 21 KEEFE RD, Acton, MA 01720			
Other	SCOTT MOTORS 978 369 1108	N/A	N/A
Address: 4 EASTERN RD, ACTON, MA 01720			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrol Officer	Daniel Holway	Reporting Officer	Acton Police Department
Patrol Officer	Daniel Holway	Responding Officer	Acton Police Department
N/A	K-9 Miso Miso	Responding Officer	Acton Police Department
Patrol Officer	Martin Lawrence	Responding Officer	Acton Police Department

IBR/UCR Offenses			
Offense Number	IBR Type	Statute ID	IBR Type Description
1	90D	90/24/K	Driving Under the Influence

Arrest Offenses				
Seq #	Chapter	Section	Name(Last, First, MI)	Description of Offense
1	90	24	P1	OUI Liquor, 2nd Offense
2	720CMR	9.06	P1	State Highway - Fail to Use Care Start/Stop/Turn

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Vehicle Info					
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.
[REDACTED]	[REDACTED]	[REDACTED]	Brown	N/A	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	Green	N/A	[REDACTED]

Citations					
Citation No	Code	Date	Status	Statute	Description
[REDACTED]	Criminal	06/13/2015 21:25	Open	90/24/K	OUI Liquor, 2nd Offense

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Incident Report

Narratives for Incident Number 2015000011554 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Patrol Officer Martin Lawrence (153ML) Division: Acton Police Department

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
06/14/2015 09:23		Patrol Officer Martin Lawrence (153ML)	Open		06/14/2015

On Saturday, June 13, 2015 I was working my 5:00PM-1:00AM shift in marked cruiser #23. At approximately 9:25PM Officer Holway and I were dispatched to the intersection of Great Rd. and Brook St. for a motor vehicle accident. A short time later I arrived; I called off to dispatch and exited my cruiser. Officer Holway was already on scene gathering information from the involved parties when I had arrived.

All roadways mentioned in this report are public ways in the Town of Acton.

Vehicle 1: [redacted] Operator: P 2

Passenger: [redacted]

Vehicle 2: [redacted] Operator: P 1

P 2 told me that he was traveling eastbound on Great Rd. He stopped at the intersection of Great Rd. and Strawberry Hill Rd. and signaled to turn left. Moments later a vehicle struck him from behind. The impact turned the vehicle off. The vehicle was pushed off the road. I asked if anyone was injured or was in any pain from the crash, P 2 and P 3 said no.

P 1 told Officer Holway that she was traveling eastbound on Great Rd. The car in front of her stopped and she rear ended the vehicle. She said that the vehicle in front of her did not signal that they wanted to turn left onto Strawberry Hill Rd.

With the information from all parties I am finding P 1 n responsible for the crash.

Both vehicles being disabled, the [redacted] was towed by International Collision and the [redacted] was towed by Scott's Motors.

While speaking with P 1 , Officer Holway detected a strong odor of an alcoholic beverage emanating from her person. P 1 was unsteady on her feet. Officer Holway informed me of his observations and I performed field sobriety tests on P 1 .

We escorted P 1 to the parking lot of the Sager Animal Hospital approximately 50ft from where the accident took place. The parking lot was empty, lit, level, and free of debris. We informed her that we could smell the odor of an alcoholic beverage emanating from her person. I asked P 1 what she had to drink tonight; she said she drank two (2) big, gestured with her hands as if she was holding a watermelon, glasses of wine. She also informed me that she had nothing to eat while she was drinking. She told me that she was drinking at a memorial service; I was later told by Officer Holway that the service was held at Crossroads Café in Acton.

I asked P 1 what the highest level of education she had achieved. She told me that she had some college education. I asked Lisa if she knew the English alphabet. She said that she did. I asked her to recite the alphabet. She did the following: abcdefghijklmnop, she paused and looked at me; I asked if she was finished, and she continued. qrstuv, she paused again and looked at me, I asked if she was finished, and she continued. xyz, she paused and looked at me, I asked if she was finished, and she said yes. During her reciting the alphabet I detected a strong odor of an alcoholic beverage emanating from P 1 .

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Narrative by: Patrol Officer Martin Lawrence (153ML) Division: Acton Police Department (continued)

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
06/14/2015 09:23		Patrol Officer Martin Lawrence (153ML)	Open		06/14/2015

I asked her if she knew how to count backwards from 57-43. She said that she could. She did the following: 57 56 55 54 53 52 51 49 48 47 46 45 44 43 42 41 40 39 then asked when she could stop. I instructed her again to count backwards from 57-43; I asked her if she understood. She said yes, I told her that she may begin. She did the following: 57 56 55 54 53 52 51 50 49 48 47 46 45 44 43 42 41 40 then stopped. I told her that the instructions were to count backwards from 57-43. She responded to the effect of, "went a little bit past it, so what?"

Horizontal Gaze Nystagmus (HGN):

I asked P 1 if she was wearing contacts, she said no. I instructed P 1 to stand with her feet together and her hands by her side. I told her to follow the tip of my index finger with her eyes only and not to move her head. I asked if she understood, she nodded yes. The results are as of the following: Both eyes displayed a lack of smooth pursuit. There was distinct nystagmus at maximum deviation in both eyes. There was nystagmus onset prior to 45 degrees in both eyes.

6 of 6 clues, both eyes lack of smooth pursuit, both eyes distinct nystagmus at maximum deviation, both eyes nystagmus onset prior to 45 degrees, indicate impairment. Both eyes were glossy and bloodshot.

One Leg Stand:

I asked P 1 if she had any medical issues that would prohibit her from putting all her weight on either one of her legs. She informed me that she had plantar fasciitis. My knowledge of the medical condition were limited, I knew that it involved her feet. I asked if she would be more comfortable to remove the sandals she was wearing and perform the test barefoot she said no.

I instructed P 1 to stand with her feet together and her arms by her side. I told her not to move or start until I instructed her to do so. She nodded that she understood. I instructed her that when I tell her to start, to raise one leg of her choosing about 6 inches off the ground with her toe pointed forward. While keeping her arms by her side to count aloud 1-1000, 2-1000, 3-1000, 4-1000, 5-1000 and so on until she reached 30-1000. I demonstrated what the test would look like. I asked if she had any questions, she said no.

The results are as of the following: When I told her to begin both feet were together on the ground and she began to count 1-1000 2-1000 3-1000 4-1000. I stopped her and reminded her of the instructions that her foot needed to be 6 inches off of the ground while counting. She raised her foot about 6 inches and began to count 1-1000 2-1000 her arms came off her side and used them as balance, 3-1000 4-1000 she regained her balance and placed her hands by her side, then placed her foot down and raised it back up, 5-1000 6-1000 7-1000 she placed her foot down and did not continue. I asked her if she was completed with the test. She said that the pain in her feet was too high due to her medical condition. I ended the test. 2 of 4 clues, raising arms and putting her foot down, indicate impairment.

9 Step, Walk and Turn

Already knowing that she had a medical condition I asked her if she could perform one more test that required her to be on her feet. She said yes. I instructed P 1 to place her left foot on the white parking line, then to place her right foot directly in front of it in a heel to toe manner, and to keep her hands by her side. I told her to stay in this position while I explained the test. She understood. I instructed her to when I tell to begin to take 9 heel-to-toe steps and count them out loud, while staying on the white parking line. When she reached the 9th step to keep her front foot on the line and take

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Narrative by: Patrol Officer Martin Lawrence (153ML) Division: Acton Police Department (continued)

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
06/14/2015 09:23		Patrol Officer Martin Lawrence (153ML)	Open		06/14/2015

small steps to turn and take 9 heel-to-toe steps back. I demonstrated, she understood.

The results are as of the following: During the instructional phase P 1 lost her balance and took a side step to regain balance. After regaining her balance she started the test with out me instructing her to begin. I told her to wait with her right foot in front of her left on the parking line until I told her to begin. She went back to the start position.

After demonstrating the test I instructed her to begin. While taking her first step she raised her arms for balance, swaying side to side, I reminded her to keep her arms by her side. She attempted to bring her arms back down to her side, but they went back up again like an airplane. Her 2nd step was completely off of the parking line. I reminded her to count out loud the number of steps she was taking. On her 4thstep she was completely off of the parking line. She performed the turn as instructed. On the 2nd set of 9 steps she was completely off of the parking line on steps 3 and 7. All of her steps were not in a heel to toe manner. There was at least 4 inches between her heel and toe while taking her steps. I instructed her to try the test again but ensure that her heel and toe are touching. She understood and began again.

Her foot placement was the same with at least a 4 inch gap between her heel and toe. On the 1st set of 9 steps she stepped off the parking line completely at the 5th step. She performed the turn as instructed. On the 2nd set of 9 steps she stepped off the parking line completely on the 3rd and 4th step. During the entire test her arms were out to her side like an airplane. 6 of 8 clues, missed heel to toe on the 1st 9 and 2nd 9, stepped off the line on the 1st 9 and 2nd 9, and used her arms to balance on the 1st 9 and 2nd 9, indicate impairment.

Field Sobriety Test Completed.

With the results from the tests given, missing the "W" in the alphabet, not ending correctly on the count down, the 6 of 6 clues for the HGN, 2 of 4 clues for the One Leg Stand, and 6 of 8 clues for the 9-Step Walk and Turn, along with my training and experience I found P 1 to be impaired due to alcohol.

I placed P 1 under arrest for OUI Liquor; I handcuffedP 1, Double Locked, and placed her in the back of my cruiser. She was booked by Sgt. Cooney according to the Acton Police Department's policies and procedures, and was placed in cell 5.

I requested that P 1 submit to a chemical test to determine her blood alcohol concentration, P 1 refused. Officer Dapkas was the breath test operator.

During booking dispatch notified me through P 1 BOP that she was arraigned in 1988 for OUI Liquor. Docket Number: [REDACTED]

While filling out the paper work I observed that P 1 had a B restriction on her license, indicating that she required corrective lens while operating a motor vehicle. She was not wearing contacts, and was not wearing glasses while performing the field sobriety tests.

P 1 is being charged with operating a motor vehicle while under the influence of intoxicating liquor. [REDACTED] was operating [REDACTED] on Great Rd, which is a public way, and caused a crash. With the results from the field sobriety tests given P 1 I found P 1 to be under the influence of intoxicating liquor.

I am filing a criminal complaint forP 1 for:

90/24/K OUI Liquor, 2nd Offense

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File No: N/A

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Printed By: fwidmayer

Incident Report

Narrative by: Patrol Officer Martin Lawrence (153ML) Division: Acton Police Department (continued)

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
06/14/2015 09:23		Patrol Officer Martin Lawrence (153ML)	Open		06/14/2015

720CMR9.06/G Fail To Use Care in Stopping

Citation [redacted] was issued.

Acton Police Department, Patrolman
Officer Martin Lawrence 153

Signature - Reporting Officer

Signature - Reviewing Officer

Narrative by: Patrol Officer Martin Lawrence (153ML) Division: Acton Police Department

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
06/14/2015 09:24		Patrol Officer Martin Lawrence (153ML)	Open		06/14/2015

On Saturday, June 13, 2015 I was working my 5:00PM-1:00AM shift in marked cruiser #23. At approximately 9:25PM Officer Holway and I were dispatched to the intersection of Great Rd. and Brook St. for a motor vehicle accident. A short time later I arrived; I called off to dispatch and exited my cruiser. Officer Holway was already on scene gathering information from the involved parties when I had arrived.

All roadways mentioned in this report are public ways in the Town of Acton.

Vehicle 1: [redacted] Operator: P2

Passenger: P3

Vehicle 2: [redacted] Operator: P1

P2 told me that he was traveling eastbound on Great Rd. He stopped at the intersection of Great Rd. and Strawberry Hill Rd. and signaled to turn left. Moments later a vehicle struck him from behind. The impact turned the vehicle off. The vehicle was pushed off the road. I asked if anyone was injured or was in any pain from the crash, P2 and P3 said no.

P1 told Officer Holway that she was traveling eastbound on Great Rd. The car in front of her stopped and she rear ended the vehicle. She said that the vehicle in front of her did not signal that they wanted to turn left onto Strawberry Hill Rd.

With the information from all parties I am finding P1 responsible for the crash.

Both vehicles being disabled, the [redacted] was towed by International Collision and the [redacted] was towed by Scott's Motors.

While speaking with P1, Officer Holway detected a strong odor of an alcoholic beverage emanating from her person. P1 was unsteady on her feet. Officer Holway informed me of his observations and I performed field sobriety tests on P1.

We escorted P1 to the parking lot of the Sager Animal Hospital approximately 50ft from where the accident took place. The parking lot was empty, lit, level, and free of debris. We informed her that we could smell the odor of an

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<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
06/14/2015 09:24		Patrol Officer Martin Lawrence (153ML)	Open		06/14/2015

alcoholic beverage emanating from her person. I asked P 1 what she had to drink tonight; she said she drank two (2) big, gestured with her hands as if she was holding a watermelon, glasses of wine. She also informed me that she had nothing to eat while she was drinking. She told me that she was drinking at a memorial service; I was later told by Officer Holway that the service was held at Crossroads Café in Acton.

I asked P 1 what the highest level of education she had achieved. She told me that she had some college education. I asked P 1 if she knew the English alphabet. She said that she did. I asked her to recite the alphabet. She did the following: abcdefghijklmnop, she paused and looked at me; I asked if she was finished, and she continued. qrstuv, she paused again and looked at me, I asked if she was finished, and she continued. xyz, she paused and looked at me, I asked if she was finished, and she said yes. During her reciting the alphabet I detected a strong odor of an alcoholic beverage emanating from P 1.

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6 of 6 clues, both eyes lack of smooth pursuit, both eyes distinct nystagmus at maximum deviation, both eyes nystagmus onset prior to 45 degrees, indicate impairment. Both eyes were glossy and bloodshot.

One Leg Stand:

I asked P 1 if she had any medical issues that would prohibit her from putting all her weight on either one of her legs. She informed me that she had plantar fasciitis. My knowledge of the medical condition were limited, I knew that it involved her feet. I asked if she would be more comfortable to remove the sandals she was wearing and perform the test barefoot she said no.

I instructed P 1 to stand with her feet together and her arms by her side. I told her not to move or start until I instructed her to do so. She nodded that she understood. I instructed her that when I tell her to start, to raise one leg of her choosing about 6 inches off the ground with her toe pointed forward. While keeping her arms by her side to count aloud 1-1000, 2-1000, 3-1000, 4-1000, 5-1000 and so on until she reached 30-1000. I demonstrated what the test would look like. I asked if she had any questions, she said no.

The results are as of the following: When I told her to begin both feet were together on the ground and she began to count 1-1000 2-1000 3-1000 4-1000. I stopped her and reminded her of the instructions that her foot needed to be 6 inches off of the ground while counting. She raised her foot about 6 inches and began to count 1-1000 2-1000 her arms

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came off her side and used them as balance, 3-1000 4-1000 she regained her balance and placed her hands by her side, then placed her foot down and raised it back up, 5-1000 6-1000 7-1000 she placed her foot down and did not continue. I asked her if she was completed with the test. She said that the pain in her feet was too high due to her medical condition. I ended the test. 2 of 4 clues, raising arms and putting her foot down, indicate impairment.

9 Step, Walk and Turn

Already knowing that she had a medical condition I asked her if she could perform one more test that required her to be on her feet. She said yes. I instructed P 1 to place her left foot on the white parking line, then to place her right foot directly in front of it in a heel to toe manner, and to keep her hands by her side. I told her to stay in this position while I explained the test. She understood. I instructed her to when I tell to begin to take 9 heel-to-toe steps and count them out loud, while staying on the white parking line. When she reached the 9th step to keep her front foot on the line and take small steps to turn and take 9 heel-to-toe steps back. I demonstrated, she understood.

The results are as of the following: During the instructional phase P 1 lost her balance and took a side step to regain balance. After regaining her balance she started the test with out me instructing her to begin. I told her to wait with her right foot in front of her left on the parking line until I told her to begin. She went back to the start position.

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Her foot placement was the same with at least a 4 inch gap between her heel and toe. On the 1st set of 9 steps she stepped off the parking line completely at the 5th step. She performed the turn as instructed. On the 2nd set of 9 steps she stepped off the parking line completely on the 3rd and 4th step. During the entire test her arms were out to her side like an airplane. 6 of 8 clues, missed heel to toe on the 1st 9 and 2nd 9, stepped off the line on the 1st 9 and 2nd 9, and used her arms to balance on the 1st 9 and 2nd 9, indicate impairment.

Field Sobriety Test Completed.

With the results from the tests given, missing the "W" in the alphabet, not ending correctly on the count down, the 6 of 6 clues for the HGN, 2 of 4 clues for the One Leg Stand, and 6 of 8 clues for the 9-Step Walk and Turn, along with my training and experience I found P 1 to be impaired due to alcohol.

I placed P 1 under arrest for OUI Liquor; I handcuffed P 1, Double Locked, and placed her in the back of my cruiser. She was booked by Sgt. Cooney according to the Acton Police Department's policies and procedures, and was placed in cell 5.

I requested that P 1 submit to a chemical test to determine her blood alcohol concentration, P 1 refused. Officer Dapkwas was the breath test operator.

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Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
06/14/2015 09:24		Patrol Officer Martin Lawrence (153ML)	Open		06/14/2015

During booking dispatch notified me through P 1 BOP that she was arraigned in 1988 for OUI Liquor. Docket Number: [REDACTED]

While filling out the paper work I observed that P 1 had a B restriction on her license, indicating that she required corrective lens while operating a motor vehicle. She was not wearing contacts, and was not wearing glasses while performing the field sobriety tests.

P 1 is being charged with operating a motor vehicle while under the influence of intoxicating liquor. P 1 was operating [REDACTED] on Great Rd, which is a public way, and caused a crash. With the results from the field sobriety tests given P 1 I found P 1 to be under the influence of intoxicating liquor.

I am filing a criminal complaint for P 1 for:

90/24/K OUI Liquor, 2nd Offense

720CMR9.06/G Fail To Use Care in Stopping

Citation [REDACTED] was issued.

Acton Police Department, Patrolman
Officer Martin Lawrence 153

Signature - Reporting Officer

Signature - Reviewing Officer

Narrative by: Patrol Officer Daniel Holway (85DH) Division: Acton Police Department

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
06/14/2015 09:41		Patrol Officer Daniel Holway (85DH)	Open		06/14/2015

On Saturday, June 13, 2015 while on patrol and assigned to marked cruiser 30, I responded with Officer Lawrence, to the area of Great Road and Strawberry Hill Road to investigate a possible motor vehicle crash.

Upon arrival at this intersection, I observed [REDACTED] off on the side of the east bound lane of Great Road. I then observed [REDACTED] on the north bound side of Strawberry Hill Road. There were several people around the back of this vehicle. I exited my cruiser and spoke with them.

I identified the operators and passenger(s) of each vehicle and asked if anyone was hurt or injured. All the parties involved stated that they were not injured.

When I asked the operator of [REDACTED] to explain what had happened. P 2 was starting to answer and was interrupted by the operator of [REDACTED] identified as P 1. P 1 started explaining that he, meaning P 2, just stopped in the middle of the road for no reason. P 2 explained that he slowed/stopped and indicated to turn left onto Strawberry Hill Road where he resides. I then asked for his license and registration which he provided. I then spoke with P 1.

I asked P 1 what had happened. When P 1 started to explain, I detected a strong odor of a alcoholic beverage coming

Acton Police Department

P. O. Box 2212
371 Main Street
Acton, MA 01720
978-263-2911



Incident Number: 2015000011554

File No: N/A

Dispatch Incident Number: 2015000012783

Print Date: August 25, 2015

Printed By: fwidmayer

Incident Report

Narrative by: Patrol Officer Daniel Holway (85DH) Division: Acton Police Department (continued)

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
06/14/2015 09:41		Patrol Officer Daniel Holway (85DH)	Open		06/14/2015

from her. As she finished, I asked her for her license and registration.

As P 1 started to walk from the rear of her vehicle towards the driver's side door, I observed that she had a hard time keeping her balance. P 1 explained how she had just bought the vehicle and that she had a few more days to register it and inspect it. As she spoke, it was fluent although, her speech was slurred. When I asked her questions regarding her car, the accident or people she could call for a ride, P 1 would hesitate and looked puzzled. It took P 1 a few moments to process my questions and then answer. I then asked P 1 if she had been drinking. P 1 replied she had been drinking but, only two glasses of wine and nothing to eat at a memorial service. P 1 had a yellow wrist band on her right wrist. I asked where she got the wrist band and she replied, "The memorial service". I then asked where the service was. P 1 a replied, "Cross Roads".

At this point, Officer Lawrence arrived on scene.

Ptl. Daniel Holway

Signature - Reporting Officer

Signature - Reviewing Officer

Incident Dispatcher Remarks:

Create User ID: system

Date & Time

06/13/2015 23:00:43

Caller reported hearing a possible motor vehicle accident near her home on 2A. 85DH and 153ML responded. 85DH advised a MVA at Strawberry Hill at Great Rd. Scott Motors towed [redacted] International towed [redacted] 153ML advised he would be returning to the PSF with one under arrest. Miles = 19815.8 - 19817.8. See report.

CRIMINAL DOCKET	DOCKET NUMBER [REDACTED]	NO. OF COUNTS 2	Trial Court of Massachusetts District Court Department
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DEFENDANT NAME AND ADDRESS P1 [REDACTED]	DOB [REDACTED]	GENDER Female	COURT NAME & ADDRESS Concord District Court 305 Walden Street Concord, MA 01742
	DATE COMPLAINT ISSUED 06/15/2015		
	PRECOMPLAINT ARREST DATE 06/13/2015		INTERPRETER REQUIRED

COUNT	CODE	OFFENSE DESCRIPTION	OFFENSE DATE
1	90/24/K	OUI-LIQUOR OR .08%, 2ND OFFENSE c90 §24(1)(a)(1)	06/13/2015
2	720CMR906/A	STATE HWAY-SIGNAL/SIGN/MARKINGS VIOL * 720 CMR §9.06	06/13/2015

8/19/15 / PLANNING SP

DEFENSE ATTORNEY <i>Moskins filed own</i>	OFFENSE CITY/TOWN Acton	POLICE DEPARTMENT ACTON PD
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DATE & JUDGE	DOCKET ENTRY	DATE & JUDGE	FEES IMPOSED
<i>6/15/15 Brandenburg</i>	<input type="checkbox"/> Attorney appointed (SJC R. 3.10) <input type="checkbox"/> Atty denied & Def. Advised per 211 D §2A <input type="checkbox"/> Waiver of Counsel found after colloquy		Counsel Fee (211D § 2A(2)) <input type="checkbox"/> WAIVED \$
	Terms of release set: <input checked="" type="checkbox"/> R <input type="checkbox"/> Bail <input type="checkbox"/> See Docket for special condition <input type="checkbox"/> Held (276 § 58A)		Counsel Contribution (211D § 2) <input type="checkbox"/> WAIVED \$
			Default Warrant Fee (276 § 30(1)) <input type="checkbox"/> WAIVED \$
			Default Warrant Arrest Fee (276 § 30 (2)) <input type="checkbox"/> WAIVED \$
<i>6/15/15 Brandenburg</i>	Arraigned and advised: <input checked="" type="checkbox"/> Potential of bail revocation (276 § 58B) <input type="checkbox"/> Right to bail to review (276 § 5B) <input type="checkbox"/> Right to drug exam (111E § 10) <input type="checkbox"/> Inquiry made by Court under 276 § 58A	<i>8/19/15</i>	Probation Supervision Fee (276 § 87A) <input type="checkbox"/> WAIVED \$ <i>65 per month</i>
			Bail Order Forfeited
	Abuse Allegation: <input type="checkbox"/> C276 § 58A form filed by Commonwealth <input type="checkbox"/> Allegation of abuse under C276 § 58A found <input type="checkbox"/> No allegation of abuse under C276 § 58A found	<i>8/19/15 Singer</i>	Advised of right to jury trial: <input checked="" type="checkbox"/> Waiver of jury found after colloquy <input type="checkbox"/> Does not waive
		Advised of trial rights as pro se (Dist. Ct. Supp.R.4)	
		Advised of right of appeal to Appeals Ct. (M.R. Crim P.R. 28)	

SCHEDULING HISTORY						
NO.	SCHEDULED DATE	EVENT	RESULT	JUDGE	TAPE START/STOP	
1	06/15/2015	Arraignment	<input checked="" type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	<i>Brandenburg</i>		
2	<i>6/29/15</i>	<i>PT</i>	<input checked="" type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	<i>Friedley</i>		
3	<i>7/19/15</i>	<i>cle.</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd			
4			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd			
5			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd			
6			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd			
7			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd			
8			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd			
9			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd			
10			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd			

APPROVED ABBREVIATIONS
 ARR = Arraignment PTH = Pretrial hearing DCE = Discovery compliance & jury selection BTR = Bench trial JTR = Jury trial PCH = Probable cause hearing MOT = Motion hearing SRE = Status review
 SRP = Status review of payments FAT = First appearance in jury session SEN = Sentencing CWF = Continuance-without-finding scheduled to terminate PRO = Probation scheduled to terminate
 DFTA = Defendant failed to appear & was defaulted WAR = Warrant issued WARD = Default warrant issued WR = Warrant or default warrant recalled PVH = probation revocation hearing.

A TRUE COPY ATTEST: X	CLERK-MAGISTRATE / ASST CLERK	TOTAL NO. OF PAGES	ON (DATE)
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CRIMINAL DOCKET - OFFENSES		DEFENDANT NAME			DOCKET NUMBER	
COUNT / OFFENSE 1 OUI-LIQUOR OR .08%, 2ND OFFENSE c90 §24(1)(a)(1)		P 1			DISPOSITION DATE AND JUDGE 8/19/15 <i>Singer</i>	
DISPOSITION METHOD <input checked="" type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and alien warning pursuant to C278§29D and MRCrP12 <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)		FINE/ASSESSMENT 250-	SURFINE	COSTS	OUI §24D FEE 250-	OUI VICTIMS ASMT 50-
		HEAD INJURY ASMT	RESTITUTION	VW ASSESSMENT 50-	BATTERER'S FEE	OTHER any man's near 4/1/15
		SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until: <input checked="" type="checkbox"/> Defendant placed on probation until: 8/17/16 <input checked="" type="checkbox"/> Risk/Need or OUI <input type="checkbox"/> Administrative Supervision <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by: 90-24 A million 45 any cic LOSS CIA - CROSSROADS ACORN MA				
FINDING <input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input checked="" type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause		FINAL DISPOSITION <input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)				
COUNT / OFFENSE 2 STATE HWAY--SIGNAL/SIGN/MARKINGS VIOL * 720 CMR §9.06					DISPOSITION DATE AND JUDGE 8/15/15 <i>Singer</i>	
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and alien warning pursuant to C278§29D and MRCrP12 <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)		FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
		HEAD INJURY ASMT	RESTITUTION	VW ASSESSMENT	BATTERER'S FEE	OTHER
		SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Risk/Need or OUI <input type="checkbox"/> Administrative Supervision <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:				
FINDING <input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input checked="" type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause		FINAL DISPOSITION <input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)				
COUNT / OFFENSE					DISPOSITION DATE AND JUDGE	
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and alien warning pursuant to C278§29D and MRCrP12 <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)		FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
		HEAD INJURY ASMT	RESTITUTION	VW ASSESSMENT	BATTERER'S FEE	OTHER
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