



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

**Board of Selectmen**

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**LEGAL NOTICE  
TOWN OF ACTON  
NOTICE OF HEARING**

The Acton Board of Selectmen will hold a public hearing on June 6, 2016 at 8:00 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton for an order to show cause for an alleged over service incident at Makaha Restaurant, 255 Great Road, Acton MA. .The documentation can be inspected at Town Hall during normal business hours.

Acton Board of Selectmen



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**Steven L. Ledoux**  
**Town Manager**

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May 26, 2016

BY HAND DELIVERY

Mr. Raymond Cheng  
Makaha Restaurant  
255 Great Road  
Acton, MA 01720

RE: Makaha Restaurant Alleged Over Serving Incident

Dear Mr. Cheng:

The Board of Selectmen (the "Board") has received a complaint from the Acton Chief of Police that the Makaha Restaurant was the last point of service prior to a patron being arrested for operating under the influence of alcohol by the Acton Police Department on March 4, 2015 at 6:34 PM for operating under the influence. I have enclosed the information obtained by the Acton Police Department and the Board concerning that incident.

The Board orders that you and anyone that was on duty at the Makaha Restaurant at the time and date of the alleged incident be present, available for questioning by the Board, and show cause why the Board should not impose appropriate discipline, including possible suspension, at the Board's meeting on **June 6, 2016 at 8:00 PM** in Room 204 of Acton Town Hall. The Board requests that you preserve any video or receipts that may be presented at the hearing if available. You are welcome, but in no way obligated, to present any relevant witnesses and have counsel represent you.

If you have any questions or concerns related to this Order or hearing, please contact me in the Town Manager's Office at 978-929-6611, or via email at [ltomyl@acton-ma.gov](mailto:ltomyl@acton-ma.gov)

Very truly yours,

Lisa Tomyl  
Executive Assistant  
Office of the Town Manager

cc: Makaha Restaurant ABCC File (hard copy)  
Chief Frank J. Widmayer III, Acton Chief of Police (by email and hard copy)  
Eva Szkaradek, Town Clerk



**ACTON POLICE DEPARTMENT  
INTERDEPARTMENTAL  
COMMUNICATIONS**

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To: Chief Widmayer  
From: Lt. James Cogari   
Re: Messuri OUI from Makaha  
Date: March 5, 2015

Chief, at your request I responded to the Makaha on March 5, 2015 @ 11:35AM and spoke to the daytime manager Jimmy. I explained to the manager the reason for my presence being the arrest of  on March 4, 2015 for OUI Liquor. Mr  told the arresting officer he had just left the Makaha restaurant where he admitted to consuming 2 rum drinks.

I requested the manager preserve any receipts or video from the evening of March 4, 2015 for a possible hearing before the Acton Board of Selectmen. Jimmy assured me he would pass this request along to Raymond Cheng the owner.

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



Incident Number: redact  
 File No: N/A  
 Dispatch Incident Number: redact  
 Print Date: April 14, 2016  
 Printed By: rburrows

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Wed	03/04/2015	8:34:00PM		Wed	03/04/2015	8:34:00PM		3/4/2015	8:34:17PM
Reported As				Incident Type - Primary				Arresting Officer		
Vehicle Crash Unknown Injuries F:0001				OUI Alcohol or Drugs						
Incident Address							Reporting Officer			
redact							Patrol Officer Matthew Hammer (114MH)			
Sector		Stat. Area		Sub Stat. Area		Census Tract		Landmark		
SOU										
Business Name				Incident Types - Other				Action Taken		
redact				Vehicle Crash Unknown Injuries				ARREST		

Associated Persons Summary							
Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #	
Arrested	Person 1	redact	M	redact	N/A	N/A	
Address:	redact						
Operator	Person 2	redact	M	redact	N/A	N/A	
Address:	redact						
Operator	Person 3	redact	F	N/A	N/A	N/A	
Address:	redact						
Operator	Person 1	redact	M	redact	N/A	N/A	
Address:	redact						
Passenger	Person 4	redact	F	redact	N/A	N/A	
Address:	redact						
Passenger	J Person 5	redact	M	N/A	N/A	N/A	
Address:	redact						
Witness	Person 6	redact	M	redact	N/A	N/A	
Address:	redact						

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Sergeant	Scott C Krug	Responding Officer	Acton Police Department
Patrol Officer	John Collins	Responding Officer	Acton Police Department
Patrol Officer	Matthew Hammer	Reporting Officer	Acton Police Department
Patrol Officer	Matthew Hammer	Responding Officer	Acton Police Department
Patrol Officer	Douglas Mahoney	Responding Officer	Acton Police Department
Patrolman	Nathan Meuse	Reporting Officer	Acton Police Department
Patrolman	Nathan Meuse	Responding Officer	Acton Police Department
Patrol Officer	Marlin Lawrence	Responding Officer	Acton Police Department

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

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**Incident Report**

Arrest Offenses				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
1	90	24	Person 1	OUI Liquor
2	90	24	Person 1	Operating a Motor Vehicle so as to Endanger
3	720	9	Person 1	Fall Use Care Start/Stop/Turn/Back

Arrestee Seq. # 1											
Suspect Type		Suspect Name			Alias/Nickname		Occupation		Probation Central File		SSN
Named		Person 1			N/A		N/A		N/A		N/A
Date of Birth	Age	Sex	Race	Ethnicity	Skin Tone	Height	Weight	Eye Color	Hair Color		
redact	red	Male	redact	redact	N/A	redact	redact	redact	redact		
Scars / Marks / Tattoos / Other Physical Characteristics:											
No Physical Characteristic Data Reported											

Vehicle Info						
Reg Plate - State (Year)	redact	redact	VIN	Primary Color	Second Color	Insurance Co.
redact	redact	redact	redact	Black	N/A	redact
redact	redact	redact	redact	Green	N/A	redact
redact	redact	redact	redact	Blue	N/A	redact

Citations					
Citation No	Code	Date	Status	Statute	Description
redact	Arrest	03/04/2015 18:34	Open	720CMR9.08/G	State Highway - Fall to Use Care Start/Stop/Turn
redact	Arrest	03/04/2015 18:34	Open	90/24/E	Negligent Operation of Motor Vehicle
redact	Arrest	03/04/2016 18:34	Open	90/24/J	OUI Liquor

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 Print Date: April 14, 2016  
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Narratives for Incident Number redact ? Yes  
 Other Narratives not authorized for print? None  
 Narratives this user authorized to print:

Narrative by: Patrol Officer Matthew Hammer (114MH) Division: Acton Police Department

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
03/04/2015 21:57		Patrol Officer Matthew Hammer (114MH)	Closed	Sergeant John Cooney	03/08/2015

On February 3, 2016 I, Officer Matthew Hammer was on routine patrol in marked cruiser #21 working my scheduled 3pm-11pm shift and travelling south on Main St in the area of #321 when I was dispatched to a three car motor vehicle accident with unknown injuries. Upon arrival I observed the following:

- Vehicle #1, redact bearing redact, operated by Person 3 redact. redact ) was stopped on Main St in the southbound lane.
- Vehicle #2, redact bearing redact, operated by Person 2 redact. redact ) was stopped behind vehicle #1 in the southbound lane.
- Vehicle #3, a redact bearing redact, operated by Person 1 redact. redact ) was stopped in the southbound lane behind vehicle #2.

One party involved in the accident reported injury. The passenger of vehicle #2 Person 4 (D.O.B redact), suffered a whiplash injury and was transported to Emerson Hospital. The operator of vehicle #1 reported that she was stopped and waiting to take a left turn into Acton Plaza when she was struck from behind by vehicle #2.

The operator of vehicle #2 stated that they had stopped and were waiting behind vehicle #1 when they were struck from behind by vehicle #3.

Vehicle #1 sustained damage to its rear bumper, vehicle #2 sustained damage to its front and rear bumper and vehicle #3 sustained damage to its front bumper. Vehicle #3 was towed from the scene by Sal's Auto. The operator of vehicle #3 was issued citation redact for 1) chapter 90 section 24, operating a motor vehicle under the influence of liquor 2) chapter 90 section 24E operating to endanger and 3) 720CMR 9.06 for failure to use care in stopping.

Respectfully Submitted,  
 Officer Matthew J. Hammer #114

Signature - Reporting Officer

Signature - Reviewing Officer

Narrative by: Patrol Officer Matthew Hammer (114MH) Division: Acton Police Department

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
03/05/2015 02:02		Patrol Officer Matthew Hammer (114MH)	Closed	Sergeant John Cooney	03/08/2015

On Wednesday March 4, 2015 I Officer Matthew Hammer was on routine patrol in marked cruiser #21 working my assigned 3pm-11pm shift, traveling south on Main St when my attention was drawn to a vehicle in the distance with its hazard lights on. It should be noted that all streets listed in this report are public ways in the town of Acton. It should also be noted the weather was clear and the roads were wet from a rain storm earlier in the day. The visibility was clear.

As I approached closer on Main Street, dispatch had advised they had received calls that there was a 3 car crash

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**Incident Report**



Incident Number: redact  
 File No: N/A  
 Dispatch Incident Number: redact  
 Print Date: April 14, 2016  
 Printed By: rburrows

Narrative by: Patrol Officer Matthew Hammer (114MH) Division: Acton Police Department (continued)

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
03/05/2015 02:02		Patrol Officer Matthew Hammer (114MH)	Closed	Sergeant John Cooney	03/08/2015

with unknown injuries in the area of 321 Main St. I advised dispatch that I would be off with the crash, Officer's Lawrence and Collins arrived to assist. Officer Meuse later arrived on scene to assist.

Upon approach I observed vehicle #1 which was a redact bearing redact and the operator was later identified as Person 3 redact. Vehicle #2 was redact bearing redact, and the operator was later identified as Person 2 redact. Vehicle #3 a redact bearing redact and the operator was later identified as P 1 d P 1 redact. I activated my blue emergency lights pulling behind vehicle #3 in traffic. I exited my cruiser and stopped to speak with the operator of the third vehicle.

Officer Mahoney went to check on the motorists in the other two vehicles to see if anyone was injured. No parties reported any injuries to Officer Mahoney initially. The operator of the middle vehicle, Person 2, stated that after the crash an unknown witness stopped at his vehicle and informed him that they had just seen the truck (vehicle #3) "swerving all over the road" prior to the crash.

P 1 was sitting in the driver seat with the keys in the ignition with the keys in the accessory position. The vehicle was not running although the radio and the headlights were on. P 1 was visibly shaken and had his hands covering his face exclaiming that he could not believe he had been in an accident. He continued to state, "I can't believe this is happening, I can't believe this is happening, this isn't supposed to happen to me." P 1 repeated these phrases multiple times.

As he looked up at me, I could detect a strong odor of an alcoholic beverage coming from the vehicle and from P 1 person. As I began to question P 1 about the events leading up to the accident, I observed his speech was slurred as well as having bloodshot and glassy eyes. Due to these observations I asked P 1 to step out of the vehicle to perform standardized field sobriety tests (SFST). Due to the position of P 1 vehicle and the traffic on Main St I deemed it safer for the tests to be performed in a parking lot located at 315 Main St, a short distance from his vehicle. I escorted P 1 to a well lit parking lot that was flat, level, paved and free from any surface defects to safely perform SFST. While escorting P 1 to the parking lot he was again unsteady on his feet and I had to grip tight on his arm in order to not lose control of him.

The Acton Fire Department arrived on scene and treated the passenger of vehicle #2 Person 4 redact for a whiplash type injury and transported her to Emerson Hospital.

Now in the parking lot, I again asked P 1 where he was coming from and he stated, the Makaha. I asked P 1 how many drinks he had while he was there; he stated he had "two". I questioned further what type of drinks they were, he stated "rum drinks" I then asked, what type of rum drinks were they. P 1 said they were mal tai's and again stating he only had two. I asked P 1 if he was taking any prescription medications, he stated no, but he did have stomach surgery one year ago. P 1 said that he got his stomach stapled and he has lost a substantial amount of weight. I explained to P 1 that I would like to perform three field sobriety tests with him. P 1 agreed to participate in the tests. I then began the following tests.

**Horizontal Gaze Nystagmus**

**Acton Police Department**

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Acton, MA 01720  
978-263-2911



Incident Number: redact

Dispatch Incident Number: 2 redact

Print Date: April 14, 2016

Printed By: rburrows

**Incident Report**

**Narrative by: Patrol Officer Matthew Hammar (114MH) Division: Acton Police Department (continued)**

<u>Date &amp; Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
03/05/2015 02:02		Patrol Officer Matthew Hammar (114MH)	Closed	Sergeant John Cooney	03/08/2015

Before beginning the test, I asked P 1 If he wore glasses, he sated he did but did not have them with him.. I then asked P 1 If he had contacts in, he stated no. I took my MPTC SFST Administrative Guide that I had received from the police academy which I carry in my uniform pants pocket.

I asked P 1 If he could see my finger, after he stated he could I asked him if he could touch it. He missed the tip and instead he touched the backside of my lowest knuckle and then after multiple attempts he was able to touch the tip. I then explained to P 1 that I would now be checking his eyes. I instructed P 1 to follow the tip of my finger with his eyes only and not to move his head from side to side during any point during the test. I administered the test or P 1 and observed the following: lack of smooth pursuit in both eyes, distinct and sustained Nystagmus at maximum deviation, and the onset of Nystagmus in both eyes prior to 45 degrees. On three occasions during the test I had to remind P 1 to not move his head during the test. I did not observe vertical Nystagmus. In my estimation based on my training and experience, P 1 failed this test.

**One Leg Stand**

For this test I asked P 1 If he had any medical issues that would prevent him from placing all of his weight on one of his legs. P 1 stated he did have a medical issue that would prohibit him from performing this test. He stated the he had "bad" knees that would make it very difficult. I asked P 1 If he wanted to attempt to try the test P 1 stated it would be difficult with his knees. I decided that I would not administer this test based on his medical condition.

**Counting Down From 78 to 56**

As I observed Officer Mahoney ask P 1 what his highest level of education was and if he had trouble with counting. P 1 I stated he went to college and that he could count. Officer Mahoney then asked P 1 If he could count backwards from 78 to 56. P 1 began counting from 78 to 71 and then stopped and asked "am I done?". I then informed him that he could continue counting. P 1 counted from 70 to 59 where he then repeated 59 four times. He then stopped and stated "ah shit" before starting at 59 again and immediately stated 56 twice in a row. In my estimation based on my training and experience P 1 failed this test.

**Nine Step Walk and Turn**

I again checked the parking lot for surface defects and did not find any. I placed P 1 into the instructional phase on a clearly marked white straight line on the pavement that is designated for parking. While in the instructional phase I advised P 1 not to start the test until I told him to do so. I asked P 1 if he understood, which he said he did. During the instructional phase P 1 I had difficulty staying on task and could not keep his balance. On at least 5 occasions P 1 I had his feet in the starting position but he would step off line, sway and raise his arms and not take any actual steps. On one occasion P 1 began the test before I told him to do so. I explained and demonstrated the nine step walk and turn to P 1, asking him if he understood, which he did. I instructed P 1 to begin the test, he would take one step, step off line, raise his arms and begin stating that he could not believe this was happening and he was embarrassed because of the people that could see him. I would then have to get P 1 back on task and he would begin to stand in the

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 Acton, MA 01720  
 978-263-2811  
**Incident Report**



Incident Number: 2 redact  
 File No: N/A  
 Dispatch Incident Number: redact  
 Print Date: April 14, 2016  
 Printed By: rburrows

**Narrative by: Patrol Officer Matthew Hammer (114MH) Division: Acton Police Department (continued)**

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
03/05/2015 02:02		Patrol Officer Matthew Hammer (114MH)	Closed	Sergeant John Cooney	03/08/2016

position as if he were ready to start the test. He continued taking only one step and began stating his embarrassment. After observing this several times, I advised P 1 that I was done testing him on the nine step walk and turn. In my estimation based on my training and experience, P 1 failed this test.

Based on all of my observations, I formed the opinion that P 1 was operating his vehicle under the influence of alcoholic beverages. I advised P 1 that he was under arrest for operating under the influence of alcohol, handcuffed (double locked) and walked P 1 to my cruiser placing him in the back. Sal's Automotive towed P 1 vehicle from the scene.

I transported P 1 back to the PSF and introduced him to Sgt. Grey who booked him according to department policy. P 1 submitted to taking the alcohol breath test. Due to our machine being down for maintenance, P 1 I was transported to the Boxborough Police Station where he was monitored for 15 minutes. After the 15 minutes P 1 was given the test. I noted that the results were a .11%BAC and a .078 calibration check. I then transported P 1 back to the PSF where he was fingerprinted and placed in cell #2 to await bail.

I issued P 1 citation redact for chapter 90 section 24J for operating under the influence of alcohol, chapter 90 section 24E operating a motor vehicle so as to endanger and 720CMR 9.06 for failing to use caution in stopping.

P 1 is being criminally charged with chapter 90 section 24J for operating under the influence of alcohol. P 1 was operating a motor vehicle on a public way (Main St). P 1 failed three different field sobriety tests that led me to believe that he was impaired due to alcohol consumption.

P 1 is also being criminally charged with chapter 90 section 24E operating a motor vehicle to endanger. P 1 was driving his vehicle on a public way in the Town of Acton (Main St). P 1 was operating in a reckless manner due to him being aware that he had consumed alcohol before driving. He was operating his vehicle in such a manner that caused him to be responsible for a three car motor vehicle accident.

Respectfully Submitted,  
 Officer Matthew J. Hammer #114

\_\_\_\_\_  
 Signature - Reporting Officer

\_\_\_\_\_  
 Signature - Reviewing Officer

**Narrative by: Patrol Officer Matthew Hammer (114MH) Division: Acton Police Department**

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
03/08/2015 15:19		Patrol Officer Matthew Hammer (114MH)	Closed	Sergeant John Cooney	03/08/2016

On Sunday March 8, 2015 I, Officer Matthew Hammer was working my assigned 3-11 shift in marked cruiser #26. I placed a follow up phone call to an individual who had called the PSF to report that he was a witness to the motor vehicle accident on Wednesday March 4, 2015 (Incident: redact 1).

The witness, identified as Person 6 redact stated that at approximately 6:30pm on Wednesday he had picked up his son from karate class located on Post Office Sq. He was returning home to his residence in Boxborough. P6 stated that he was taking a left turn out of Post Office Sq which would have him traveling South on Main St. P6 first



<b>CRIMINAL COMPLAINT POLICE COPY</b>		<b>DOCKET NUMBER</b> redact	<b>NO. OF COUNTS</b> 3	<b>Trial Court of Massachusetts District Court Department</b> 
<b>DEFENDANT NAME &amp; ADDRESS</b> P 1				<b>COURT NAME &amp; ADDRESS</b> Concord District Court 305 Walden Street Concord, MA 01742 (978)369-0500
<b>DEFENDANT DOB</b>	<b>COMPLAINT ISSUED</b> 03/05/2015	<b>DATE OF OFFENSE</b> 03/04/2015	<b>ARREST DATE</b> 03/04/2015	
<b>OFFENSE CITY / TOWN</b> Acton		<b>OFFENSE ADDRESS</b>		<b>NEXT EVENT DATE &amp; TIME</b> 03/05/2015 10:00 AM
<b>POLICE DEPARTMENT</b> ACTON PD		<b>POLICE INCIDENT NUMBER</b> redact!		<b>NEXT SCHEDULED EVENT</b> Arraignment
<b>QBTR</b> redact				<b>ROOM / SESSION</b> Arraignment Session
The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.				

COUNT	CODE	DESCRIPTION
1	90/24/J	OUI-LIQUOR OR .08% c80 §24(1)(b)(1)

On 03/04/2015 did operate a motor vehicle upon a way, as defined in G.L. c.90, §1, or in a place to which the public has a right of access, or upon a way or in a place to which members of the public have access as invitees or licensees, with a percentage, by weight, of alcohol in his or her blood of eight one-hundredths or greater, or while under the influence of intoxicating liquor, in violation of G.L. c.90, §24(1)(b)(1).

**PENALTY:** Imprisonment for not more than 2½ years; or not less than \$500, not more than \$8000 fine; or both imprisonment and fine; plus \$50 Victims of Drunk Driving Assessment; plus (if OUI) \$250 Head Injury Assessment; no filing or continuance without a finding; and license revoked for 1 year. §24C: Defendants with a blood alcohol level of .20% must also attend alcohol or drug assessment by DPH or other court-approved program. §24D alternative disposition: If defendant eligible, after guilty finding or continuance without a finding, judge may allow as alternative: probation not more than 2 years, plus driver alcohol or controlled substance abuse education program, or alcohol or controlled substance abuse treatment or rehabilitation program, or both, plus program fee, plus \$250 assessment for apprehension, treatment and rehabilitation programs, plus \$50 Victims of Drunk Driving Assessment, plus (if OUI) \$250 Head Injury Assessment, plus license suspended for not less than 45 days, not more than 90 days (or for 210 days, if defendant under age 21 on offense date). Defendants aged 17-21 with a blood alcohol level of .20% or more must attend a "14-day second offender in-home program."

2	90/24/E	NEGLIGENT OPERATION OF MOTOR VEHICLE c80 §24(2)(a)
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On 03/04/2015 did operate a motor vehicle upon a way, as defined in G.L. c.90, §1, or in a place to which the public has a right of access, or in a place to which members of the public have access as invitees or licensees, negligently, so that the lives or safety of the public might be endangered, in violation of G.L. c.90, §24(2)(a).

**PENALTY:** Imprisonment for not less than 2 weeks, not more than 2 years; or not less than \$20, not more than \$200, plus \$250 Head Injury Treatment Services Trust Fund surcharge; or both imprisonment and fine; subsequent offense may not be filed or continued without a finding except upon motion and judge's certificate that such is in the interests of justice; RMV may (and shall unless judge recommends otherwise) revoke license for 60 days or, for subsequent offenses within 3 years, for 1 year, subject to reinstatement after investigation; RMV may revoke registration if defendant is owner or has exclusive control of vehicle. For violations on and after 3/31/07, RMV shall suspend junior operator's license or learner's permit 90 days for first offense and 1 year for subsequent offense; junior operator must also complete educational change program.)

<b>SIGNATURE OF COMPLAINANT</b> X	<b>SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK</b> X		<b>DATE</b>
<b>NAME OF COMPLAINANT</b>	<b>A TRUE COPY ATTEST:</b> X	<b>CLERK-MAGISTRATE/ ASST. CLERK</b>	<b>DATE</b>

Notice to Defendant: 42 U.S.C. § 3796gg-4(e) requires this notice: If you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.

CRIMINAL DOCKET		DOCKET NUMBER	NO. OF COUNTS	Trial Court of Massachusetts District Court Department	
DEPENDANT NAME AND ADDRESS		DOB	GENDER	COURT NAME & ADDRESS	
P I			Male	Concord District Court 305 Welden Street Concord, MA 01742	
		DATE COMPLAINT ISSUED		INTERPRETER REQUIRED	
		PRECOMPLAINT ARREST DATE			
		03/05/2015			
		03/04/2015			
FIRST FIVE OFFENSE COUNTS					OFFENSE DATE
COUNT	CODE	OFFENSE DESCRIPTION			
1	80/24/J	OWI-LIQUOR OR .08% c90 §24(1)(a)(1)			03/04/2015
2	80/24/E	NEGLIGENT OPERATION OF MOTOR VEHICLE c90 §24(2)(a)			03/04/2015
3	720CMR806/B	STATE HWAY-TRAFFIC VIOLATION * 720 CMR §9.08			03/04/2015
DEFENSE ATTORNEY		OFFENSE CITY/TOWN	POLICE DEPARTMENT		
Desjardes Blvd dng		Acton	ACTON PD		
DATE & JUDGE	DOCKET ENTRY		DATE & JUDGE	FEES IMPOSED	
3-5-15 Sump	<input type="checkbox"/> Attorney appointed (BJO R. 3:10) <input type="checkbox"/> Any denied & Defl. Advised per 211 D §2A <input type="checkbox"/> Waiver of Counsel found after colloquy  Terms of release set: <input checked="" type="checkbox"/> PR <input type="checkbox"/> Bail <input checked="" type="checkbox"/> See Docket for special condition <input type="checkbox"/> Held (276 §88A)			Counsel Fee (211D § 2A(2)) <input type="checkbox"/> WAIVED 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	
3-5-15 Sump	Arraigned and advised: <input checked="" type="checkbox"/> Potential of bail revocation (276 §88B) <input type="checkbox"/> Right to bail to review (276 §50) <input type="checkbox"/> Right to drug exam (111E § 10) <input type="checkbox"/> Inquiry made by Court under 276 § 58A		4-6-16 Sump	Probation Supervision Fee (276 § 87A) <input type="checkbox"/> WAIVED \$105 Bail Order Forfeited	
	Abuse Allegations: <input type="checkbox"/> C27B § 58A form filed by Commonwealth <input type="checkbox"/> Allegation of abuse under C27B § 58A found <input type="checkbox"/> No allegation of abuse under C27B § 58A found			Advised of right to jury trial: <input type="checkbox"/> Waiver of jury found after colloquy <input type="checkbox"/> Does not waive	
				Advised of trial rights as per 403 (Dist. Ct. Supp.R.4) Advised of right of appeal to Appellate Ct. (M.R. Crim.P.R. 28)	
SCHEDULING HISTORY					
NO.	SCHEDULED DATE	EVENT	RESULT	JUDGE	TAPE START/STOP
1	03/05/2015	Arraignment	<input checked="" type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	Sump	
2	5-4-15	PJ	<input checked="" type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	Brooks	
3	8-7-15	FSC	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
4	8-18-15	JT	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
5	8-6-15	FSC	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
6	10-7-15	cle	<input checked="" type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	Sump	
7	12-17-15	FSC	<input checked="" type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
8	1-5-16	JT	<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				A TRUE COPY OF THE RECORD	
ARR = Arraignment PTH = Probation hearing DCB = Discovery compliance & Jury selection BTH = Bench trial JTH = Jury trial FCH = Probable cause hearing MOT = Motion hearing BRP = Status review of payments FAT = Final appearance in jury selection SEN = Sentencing CWP = Continuance - should be scheduled to terminate PND = Probation scheduled to terminate DFTA = Defendant failed to appear & was substituted WAR = Warrant issued WARD = Default warrant issued WR = Warrant or default warrant recalled PVR = Probation revocation hearing				ATTEST: Clerk/Magistrate	
A TRUE COPY ATTEST:		CLERK-MAGISTRATE / ASST CLERK		TOTAL NO. OF PAGES	ON (DATE)
X		redact			



CRIMINAL DOCKET - OFFENSES

DEFENDANT NAME  
P 1

Preduct  
redact

COUNT / OFFENSE  
1 OUI-LIQUOR OR .08% c80 §24(1)(a)(1)

DISPOSITION DATE AND JUDGE  
4-6-16 Singh

DISPOSITION METHOD  
 Guilty Plea or  Admission to Sufficient Facts accepted after colloquy and 278 §290 warning  
 Bench Trial  
 Jury Trial  
 Dismissed upon:  
 Request of Commonwealth  Request of Victim  
 Request of Defendant  Failure to prosecute  
 Other:  
 Filed with Defendant's consent  
 Note Prosequi  
 Decriminalized (277 §70 C)

FIN/ASSESSMENT SURFING COSTS  
HEAD INJURY ASMT RESTITUTION VW ASSESSMENT  
250 TAD 50

OUI §24D FEE OUI VICTIMS ASMT  
250 50  
BATTERER'S FEE OTHER

SENTENCE OR OTHER DISPOSITION  
 Sufficient facts found but continued without a finding until 4-5-17  
 Defendant placed on probation until 24D  
43 day LOL  
alcohol program  
1/2 day BAR  
 Risk/Need or OUI  Administrative Supervision  
 Defendant placed on pretrial probation (278 §87) until  
 To be dismissed if court costs / restitution paid by:  
\$ 65 PSP

FINDING  
 Guilty  Not Guilty  
 Responsible  Not Responsible  
 Probable Cause  No Probable Cause

FINAL DISPOSITION JUDGE DATE  
 Dismissed on recommendation of Probation Dept.  
 Probation terminated; defendant discharged  
 Sentence or disposition revoked (see cont'd page)

COUNT / OFFENSE  
2 NEGLIGENT OPERATION OF MOTOR VEHICLE c90 §24(2)(a)

DISPOSITION DATE AND JUDGE  
4-6-16 Singh

DISPOSITION METHOD  
 Guilty Plea or  Admission to Sufficient Facts accepted after colloquy and 278 §290 warning  
 Bench Trial  
 Jury Trial  
 Dismissed upon:  
 Request of Commonwealth  Request of Victim  
 Request of Defendant  Failure to prosecute  
 Other:  
 Filed with Defendant's consent  
 Note Prosequi  
 Decriminalized (277 §70 C)

FIN/ASSESSMENT SURFING COSTS  
HEAD INJURY ASMT RESTITUTION VW ASSESSMENT

OUI §24D FEE OUI VICTIMS ASMT  
BATTERER'S FEE OTHER

SENTENCE OR OTHER DISPOSITION  
 Sufficient facts found but continued without a finding until  
 Defendant placed on probation until  
 Risk/Need or OUI  Administrative Supervision  
 Defendant placed on pretrial probation (278 §87) until  
 To be dismissed if court costs / restitution paid by:

FINDING  
 Guilty  Not Guilty  
 Responsible  Not Responsible  
 Probable Cause  No Probable Cause

FINAL DISPOSITION JUDGE DATE  
 Dismissed on recommendation of Probation Dept.  
 Probation terminated; defendant discharged  
 Sentence or disposition revoked (see cont'd page)

COUNT / OFFENSE  
3 STATE HWAY-TRAFFIC VIOLATION \* 720 CMR §9.06

DISPOSITION DATE AND JUDGE  
4-6-16 Singh

DISPOSITION METHOD  
 Guilty Plea or  Admission to Sufficient Facts accepted after colloquy and 278 §290 warning  
 Bench Trial  
 Jury Trial  
 Dismissed upon:  
 Request of Commonwealth  Request of Victim  
 Request of Defendant  Failure to prosecute  
 Other:  
 Filed with Defendant's consent  
 Note Prosequi  
 Decriminalized (277 §70 C)

FIN/ASSESSMENT SURFING COSTS  
HEAD INJURY ASMT RESTITUTION VW ASSESSMENT

OUI §24D FEE OUI VICTIMS ASMT  
BATTERER'S FEE OTHER

SENTENCE OR OTHER DISPOSITION  
 Sufficient facts found but continued without a finding until  
 Defendant placed on probation until  
 Risk/Need or OUI  Administrative Supervision  
 Defendant placed on pretrial probation (278 §87) until  
 To be dismissed if court costs / restitution paid by:

FINDING  
 Guilty  Not Guilty  
 Responsible  Not Responsible  
 Probable Cause  No Probable Cause

FINAL DISPOSITION JUDGE DATE  
 Dismissed on recommendation of Probation Dept.  
 Probation terminated; defendant discharged  
 Sentence or disposition revoked (see cont'd page)

A TRUE COPY OF THIS DOCKET  
ATTEST:  
CLERK/MUNICIPAL CLERK



CRIMINAL DOCKET DOCKET ENTRIES		PI	DOCKET NUMBER redact
DATE	DOCKET ENTRIES		
5-4-15	OOL by 7-31-15 Case C. 8-7-15 FSC and 8-8-15 ST. Brooks S		
6-23-15	A/C (M) a/b/c filed & allowed. Case C. 8-6-15 FSC Singh J		
7-9-15	Cm's Supp. Notice of Discovery filed		
7-13-15	Comm. motion to advance & early filed & allowed Case to be taken off list for FSC on 8-6-15 and 8-18-15 ST and cont. to 10-7-15 cl. Singh J		
12-17-15	case off JT list on 1-5-16 case C. 3-3-16 status of Supp		
3-3-16	Δ + d/c not present case C. 4-29-16 status based on Cm rep maybe Diagon case		
3-7-16	(M) A+C filed. allowed case C. 4-6-16 ACH M		
4-6-16	plea tendered 12:00-12:06 last drunk Malaha Acton J Singh		
4-7-16	Refund of 20 overpayment to Δ CK #4747		
	A TRUE COPY OF THE RECORD ATTEST:  Clerk of Court CLEMSON UNIVERSITY		
<small> <b>APPROVED ABBREVIATIONS</b>            AMR = Assignment PCH = Pretrial hearing OCB = Discretionary compliance &amp; jury selection BTR = Bench trial JTR = Jury trial PCH = Plea/bench cross hearing MOT = Motion hearing SRE = Status review            BRP = Brief review of payments FAT = First appearance in jury selection BBN = Bench trial CWF = Continuance without a hearing scheduled to terminate PRO = Post-trial scheduled to terminate            DFTA = Defendant failed to appear &amp; was defaulted WAR = Warrant issued WARD = Warrant not issued WRT = Warrant of default warrant recalled PWH = pre-trial revocation hearing         </small>			