

1 COMMONWEALTH OF MASSACHUSETTS
WORCESTER, SS. DISTRICT COURT DEPARTMENT
2 EAST BROOKFIELD DIVISION

3 TRANSCRIPTION OF RECORDING IN RE:

4 WARREN POLICE,
5 Plaintiff

6 v. No. 14-AC-155

7 BRIAN CORRIVEAU,
8 Defendant

9
10 BEFORE: ELIZABETH MAUNSELL, CLERK-MAGISTRATE

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14 A P P E A R A N C E S :

15 Officer C. Scott Romani

16 Brian Corriveau

17
18
19 May 8, 2014

20 _____
21 Dianne G. Rutan
22 Registered Professional Reporter
23
24

1 THE CLERK-MAGISTRATE: Get outside.
2 MALE VOICE: (INAUDIBLE) lap top.
3 THE CLERK-MAGISTRATE: Did I just say
4 have a seat outside? I'm not interested.
5 MALE VOICE: Okay.
6 THE CLERK-MAGISTRATE: Close the door.
7 MALE VOICE: Okay.
8 THE CLERK-MAGISTRATE: And leave.
9 MALE VOICE: Okay. Okay.
10 THE CLERK-MAGISTRATE: You are?
11 MR. CORRIVEAU: Brian Corriveau.
12 THE CLERK-MAGISTRATE: All right.
13 Raise your right hand, sir. Do you swear to tell
14 the truth, so help you God?
15 MR. CORRIVEAU: Yes.
16 THE CLERK-MAGISTRATE: All right.
17 Now, sir, you understand that you're here for
18 disturbance of school or assembly under two seven
19 -- 240 A. Officer Romani's here representing the
20 town of Warren.
21 Just so you know, this is a private
22 criminal show-cause hearing. It doesn't become
23 public until or unless the criminal charges are
24 issued. That's why the only people in the room

1 were Officer Romani --

2 MR. CORRIVEAU: I understand. I
3 apologize for his behavior. But he is a witness
4 to stuff.

5 THE CLERK-MAGISTRATE: Okay. Now, you
6 realize that anything that you say or he says is
7 getting recorded. And sometimes when people are
8 charged with a crime they don't want to say
9 anything and they don't want to present their
10 evidence at this point in time.

11 Are you aware of that, sir?

12 MR. CORRIVEAU: Absolutely.

13 THE CLERK-MAGISTRATE: All right, so,
14 it's important for me to go over that with you so
15 you're aware of that.

16 So Officer Romani's going to present
17 his evidence. And again, sir, you do not have to
18 present any evidence. You have a right to remain
19 silent.

20 The only issue is if there's enough
21 evidence to issue process. And that's below the
22 standard of proof. It does not reach the level
23 of beyond a reasonable doubt.

24 Do you understand that, sir? Have I

1 explained that to you?

2 MR. CORRIVEAU: Well, I mean, I'm not
3 a lawyer, ma'am. So I'm not -- I think there was
4 some confusion about the offensive code or
5 something. I'm not sure.

6 THE CLERK-MAGISTRATE: All right.
7 It's not something we see all the time, to tell
8 you the truth. We don't see the charge a lot.
9 But, in any event, the gist of it is disturbing a
10 school assembly. And we'll hear from Officer
11 Romani and you listen to him. Okay?

12 MR. CORRIVEAU: Okay. Could I just
13 say one thing, too? I did have a five-page
14 response that I wanted you to read.

15 THE CLERK-MAGISTRATE: What you're
16 going to do --

17 MR. CORRIVEAU: Okay.

18 THE CLERK-MAGISTRATE: -- is listen to
19 him first.

20 MR. CORRIVEAU: Okay, thank you.

21 OFFICER ROMANI: On 3/18/2014, at 1900
22 hours Sergeant LaFlower was assigned to be on
23 duty at the selectmen's meeting per Chief
24 Spiewakowski.

1 MR. CORRIVEAU: Sir, I read that whole
2 thing.

3 OFFICER ROMANI: Don't interrupt.

4 THE CLERK-MAGISTRATE: For purposes of
5 this hearing --

6 MR. CORRIVEAU: Okay. I'm sorry.

7 THE CLERK-MAGISTRATE: -- they have to
8 present their case to me. Okay?

9 MR. CORRIVEAU: Okay. I'm sorry. I
10 did read that, though.

11 OFFICER ROMANI: The past few meetings
12 there have been some problems with an attendee
13 Brian Corriveau, who has been called out of order
14 and becomes loud and boisterous destructing (sic)
15 the order of the meeting. About two meetings ago
16 Mr. Corriveau was removed from the meeting by
17 chief Spiewakowski and Sergeant LaFlower
18 requested the chairman of the board of selectmen
19 after he was declared out of order and asked to
20 stop speaking. He continued to speak in a loud
21 boisterous tone.

22 On 3/18/2014 Mr. Corriveau was a
23 candidate for office of selectmen, was allowed to
24 speak during the comments and concern session,

1 Mr. Corriveau stopped and sat down.

2 A few seconds later Mr. Corriveau
3 began commenting loudly from the back of the room
4 and he was called out of order again by chairman
5 dine. And it was then asked to remove
6 Mr. Corriveau from the meeting.

7 Mr. Corriveau left willing without
8 incident. Sergeant LaFlower followed him out
9 into the hallway and advised him not to re-enter
10 the meeting room. Sergeant LaFlower requested to
11 schedule a show-cause hearing.

12 THE CLERK-MAGISTRATE: Where do they
13 hold these selectmen meetings in the town of
14 Warren?

15 OFFICER ROMANI: At the municipal
16 building located on 48 High Street.

17 THE CLERK-MAGISTRATE: Okay.

18 MR CORRIVEAU: Actually, you have a
19 Google of that.

20 THE CLERK-MAGISTRATE: All right. And
21 the people that are listed as witnesses -- one,
22 two, three, five, six, seven, eight -- nine
23 civilian witnesses coupled with Officer LaFlower
24 all would support the position that Mr. Corriveau

1 did not -- he engaged in criminal behavior?

2 OFFICER ROMANI: Yes.

3 THE CLERK-MAGISTRATE: Okay. All
4 right. Now, Mr. Corriveau, I want to caution you
5 again. The level of proof is sufficient evidence
6 to issue process. Very low standard of proof.

7 You tell me what you want me to
8 consider if you think you can overcome that
9 burden of proof. If you don't, you don't have
10 to. You can remain silent. Present to the
11 Commonwealth is going to issue against you. It's
12 up to you, sir.

13 MR. CORRIVEAU: I'm going to remain
14 silent.

15 THE CLERK-MAGISTRATE: Okay. Anything
16 else further that you wanted to present?

17 OFFICER ROMANI: No.

18 THE CLERK-MAGISTRATE: All right.
19 Anything you wanted to present? The only issue
20 then, sir, is whether or not this complaint gets
21 issued against you and goes into the court. And
22 that's when the burden of proof changes and it
23 becomes beyond a reasonable doubt.

24 MR. CORRIVEAU: I'm not an attorney,

1 ma'am.

2 THE CLERK-MAGISTRATE: Okay.

3 Mr. CORRIVEAU: I was good until the
4 last sentence.

5 THE CLERK-MAGISTRATE: All right. So
6 based on the evidence I heard, the low standard
7 of proof, I'm going to issue process against you,
8 which means you need to return for arraignment
9 before the judge.

10 Are you going to represent yourself,
11 hire an attorney, or ask the court to appoint a
12 lawyer?

13 MR. CORRIVEAU: Do I have to answer
14 that right now?

15 THE CLERK-MAGISTRATE: No.

16 MR. CORRIVEAU: Okay.

17 THE CLERK-MAGISTRATE: No. All right.
18 So you need to return for arraignment. The date
19 that we would be using would be July 8th.

20 MR. CORRIVEAU: Now, can I -- can I
21 have my witness come in and speak on my behalf?

22 THE CLERK-MAGISTRATE: No.

23 MR. CORRIVEAU: Not at this. Okay.

24 THE CLERK-MAGISTRATE: Not at this

1 level.

2 MR. CORRIVEAU: Okay. Okay. Fine.

3 THE CLERK-MAGISTRATE: When it goes
4 into the courtroom and depending on what avenue
5 you take, that's when what you witness says
6 becomes relevant. Do you understand?

7 MR. CORRIVEAU: As much as I can
8 without being an attorney.

9 THE CLERK-MAGISTRATE: Okay. Well,
10 then it's always wise to consult with an
11 attorney.

12 MR. CORRIVEAU: Did you give us a
13 date?

14 THE CLERK-MAGISTRATE: Yes.
15 July 8th. You'll get served. The court will
16 send you notice of that date. But July 8th is a
17 Tuesday. Is that agreeable?

18 MR. CORRIVEAU: July 8th. Is there a
19 time?

20 THE CLERK-MAGISTRATE: Nine a.m. Just
21 check in with probation before that.

22 MR. CORRIVEAU: Now, do I have to make
23 a plea at this point right now?

24 THE CLERK-MAGISTRATE: No.

1 MR. CORRIVEAU: Okay. Just show up
2 for July 8th at 9 am.

3 THE CLERK-MAGISTRATE: That's just for
4 arraignment. And then you're going to be
5 formally advised of the charges and the judge
6 will ask you if you're representing yourself or
7 hiring an attorney. Some people come in with a
8 lawyer on that day. It's up to you. Okay? All
9 right. You're all set.

10 MR. CORRIVEAU: Thank you.

11 (End of recording.)

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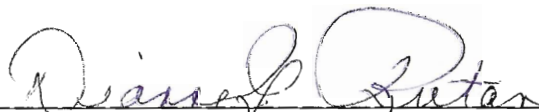
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CERTIFICATION

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I, Dianne G. Rutan, hereby certify the foregoing is an accurate transcript, prepared to the best of my ability of the recording on cassette tape provided to me of a show-cause hearing of the East Brookfield District Court, in the matter of Warren Police v. Brian Corriveau, No. 14-AC-155, before Elizabeth Maunsell, Clerk-Magistrate, on May 8, 2014.



REGISTERED PROFESSIONAL REPORTER

DATED: 8/25/14

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