

APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (COURT USE ONLY)

09001416

PAGE

1 of 1

Trial Court of Massachusetts
District Court Department



WESTERN WORC. DIST. COURT
544 E MAIN ST Apt. RT#9
EAST BROOKFIELD, MA. 01515

I, the undersigned complainant, request that a criminal complaint issue against the accused charging the offense(s) listed below. If the accused **HAS NOT BEEN ARRESTED** and the charges involve:

- ONLY MISDEMEANOR(S), I request a hearing **WITHOUT NOTICE** because of an imminent threat of
 BODILY INJURY COMMISSION OF A CRIME FLIGHT **WITH NOTICE** to accused.
 ONE OR MORE FELONIES, I request a hearing **WITHOUT NOTICE** **WITH NOTICE** to accused.
 WARRANT is requested because prosecutor represents that accused may not appear unless arrested.

ARREST STATUS OF ACCUSED
 HAS **HAS NOT** been arrested

INFORMATION ABOUT ACCUSED

NAME (FIRST MI LAST) AND ADDRESS		BIRTH DATE	SOCIAL SECURITY NUMBER	
LERROY WILCOX [REDACTED] WARREN, MA. 01083		[REDACTED]	[REDACTED]	
		PCF NO. 451961	MARITAL STATUS	
		DRIVERS LICENSE NO. [REDACTED]	STATE MA	
HAIR BRO	RACE W	COMPLEXION [REDACTED]	SCARS/MARKS/TATTOOS	BIRTH STATE OR COUNTRY
EMPLOYER/SCHOOL SELF EMPLOYED		MOTHER'S MAIDEN NAME (FIRST MI LAST)		FATHER'S NAME (FIRST MI LAST)

CASE INFORMATION

COMPLAINANT NAME (FIRST MI LAST) MARK J CHASE	COMPLAINANT TYPE <input checked="" type="checkbox"/> POLICE <input type="checkbox"/> CITIZEN <input type="checkbox"/> OTHER	PD WAN
ADDRESS Warren Police Department #1 Milton O. Fountain Way Warren, MA. 01083-0606	PLACE OF OFFENSE WARREN, MA	
	INCIDENT REPORT NO. 09-190-AR	OBTN TWAN200900190
	CITATION NO(S).	

	OFFENSE CODE	DESCRIPTION	OFFENSE DATE
1	94C/34/G	DRUG, POSSESS CLASS D	08/12/2009
	VARIABLES (e.g. victim name, controlled substance, type and value of property, other variable information; see Complaint Language Manual) SUBSTANCE(S): MARIJUANA;		
2			
3			

REMARKS SID#	COMPLAINANT'S SIGNATURE X [Signature]	DATE FILED Aug 12 09
COURT USE ONLY	A HEARING UPON THIS COMPLAINT APPLICATION } WILL BE HELD AT THE ABOVE COURT ADDRESS ON	DATE OF HEARING
		TIME OF HEARING
		COURT USE ONLY

PROCESSING OF NON-ARREST APPLICATION (COURT USE ONLY)	CLERK/JUDGE
NOTICE SENT OF CLERK'S HEARING SCHEDULED ON:	
NOTICE SENT OF JUDGE'S HEARING SCHEDULED ON:	
HEARING CONTINUED TO:	
APPLICATION DECIDED WITHOUT NOTICE TO ACCUSED BECAUSE: <input type="checkbox"/> IMMINENT THREAT OF <input type="checkbox"/> BODILY INJURY <input type="checkbox"/> CRIME <input type="checkbox"/> FLIGHT BY ACCUSED <input type="checkbox"/> FELONY CHARGED AND POLICE DO NOT REQUEST NOTICE <input type="checkbox"/> FELONY CHARGED BY CIVILIAN; NO NOTICE AT CLERK'S DISCRETION	

DATE 8-13-09	COMPLAINT TO ISSUE <input checked="" type="checkbox"/> PROBABLE CAUSE FOUND FOR ABOVE OFFENSE(S) NO(S) <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. BASED ON <input checked="" type="checkbox"/> FACTS SET FORTH IN ATTACHED STATEMENT(S) <input type="checkbox"/> TESTIMONY RECORDED: TAPE NO. _____ START NO. _____ END NO. _____ <input type="checkbox"/> WARRANT <input type="checkbox"/> SUMMONS TO ISSUE ARRAIGNMENT DATE: _____	COMPLAINT DENIED <input type="checkbox"/> NO PROBABLE CAUSE FOUND <input type="checkbox"/> REQUEST OF COMPLAINANT <input type="checkbox"/> FAILURE TO PROSECUTE <input type="checkbox"/> AGREEMENT OF BOTH PARTIES <input type="checkbox"/> OTHER: COMMENT	CLERK/JUDGE [Signature]
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Warren Police Department
Summons Report

Summons #: 09-190-AR
Call #: 09-14728

Date/Time Reported: 08/12/2009 @ 1259
Arrest Date/Time: 08/12/2009 @ 1520
OBTN: TWAN200900190

Reporting Officer: (D) DETECTIVE MARK CHASE
Assisting Officer: (F) OFFICER C. SCOTT ROMANI



DEFENDANT(S) SEX RACE AGE SSN PHONE

1 WILCOX, LEROY M W 46 [REDACTED]
[REDACTED]
WARREN MA 01083

HEIGHT: 509 WEIGHT: 155 HAIR: BROWN EYES: BLUE
BODY: NOT AVAIL. COMPLEXION: [REDACTED]
DOB: 05/04/1963 PLACE OF BIRTH: NOT AVAIL.
LICENSE NUMBER: MA 011581380 ETHNICITY: NOT HISPANIC
PCF #: 451961

[APPEARANCE]

GLASSES WORN: NO

EMPLOYER/SCHOOL: SELF EMPLOYED

OFFENSE(S) ATTEMPTED TYPE

LOCATION TYPE: Residence/Home/Apt./Condo Zone: WARREN
[REDACTED]
WARREN MA 01083

1 DRUG, POSSESS CLASS D N Felony
94C/34/G 94C 34
CRIMINAL ACTIVITY: Cultivating/Manufacturing/Publishing

DRUG(S) PROPERTY # STATUS

1 MARIJUANA 09-114-PR Seized (Not Previously Stolen)
QUANTITY: 10.000 (Pounds) VALUE: \$6,000.00 DATE: 08/12/2009
OWNER: WILCOX, LEROY

09-114-PR
08/12/2009
10:00 AM
WARREN MA 01083

Assigned to a plain clothes police assignment in an unmarked cruiser working as a detective for the Warren Police Department. At approximately 1259hrs I was contacted by Warren Police Dispatcher Pensinger and was advised that Maureen Kirk called to report that her daughter was assaulted at [REDACTED]. I spoke to Maureen and she told me that her daughter had called her and told her that she was assaulted by Leroy Wilcox at the [REDACTED] address and needed to be picked up from there immediately.

I responded to [REDACTED] with Chief Spiewakowski and Officer Romani. Upon arrival I saw a young female and young male walking away from the residence. I stop and asked if she was the daughter of Maureen Kirk and she stated "yes, I am Claire Kirk". The male identified himself as Corey Moreau, boyfriend of Claire. Moreau stated that he had been chased from the house by Leroy Wilcox and was threatened with a baseball bat. According to Moreau, Leroy threatened to kill him with the baseball bat. Claire stated that she had witnessed the threat. Both Claire and Moreau were placed in the back of my unmarked police cruiser.

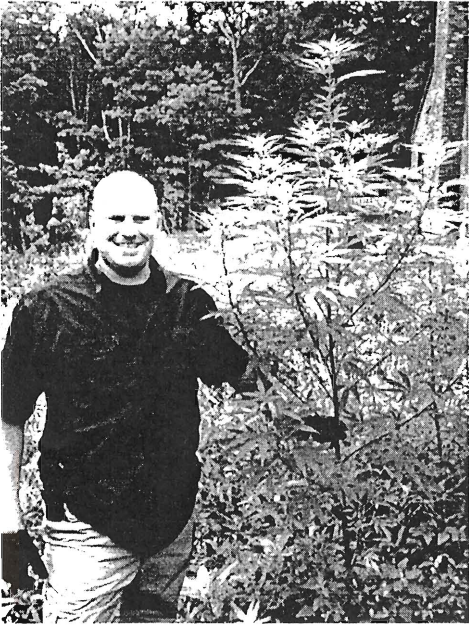
Officer Romani placed Wilcox under arrest for assault and battery with a dangerous weapon at the scene. While I was transporting Claire and Moreau to the Warren Police Department they both stated that Wilcox had several marijuana plants growing behind his house. I asked where they were on the property and Moreau stated "about forty feet behind the house hidden in some brush".

When I arrived at the Warren Police Department I spoke to Officer Romani regarding the arrest. After Wilcox was read his miranda rights I spoke to him about the marijuana plants. I told Wilcox that I was going to write a search warrant for his house and property. Wilcox stated "don't bother, I'll let you go get them". Wilcox then provided a written statement while in the holding area that stated "I Leroy Wilcox give Warren Police permission to remove marijuana from my property". The statement was signed and dated by Wilcox. Wilcox stated that the marijuana was being grown behind his house near a chicken cage. He advised that he does not use marijuana and it must have been there from the prior year when someone else was growing some there.

Officer LaFlower and I returned to the [REDACTED] address and located six fully grown (5'-6' tall) marijuana plants growing adjacent to a chicken cage. All plants were seized and transported to the Warren Police Department where they were logged into evidence. Total plant weight was 10.2 pounds.

Wilcox is being charged with possession of a class D substance by means of cultivation. Total drug weight was 10.2 pounds of marijuana.

Warren Police Department
Images Associated with 09-190-AR



08/12/2009

Arrest Number: 09-189-AR

1 of 1

Leroy Wilcox Arrested on: 08/12/2009 Time: 1339

Your Rights

I was not read my rights till we got

I hereby certify that I have been advised and understand my rights under the constitution and Massachusetts Law which were given to me as follows: *To the Police Station and*

- * You have the right to remain silent.
- * Anything you say can and will be used against you in a court of law.
- * You have the right to talk to a lawyer and have him present with you while you are being questioned.
- * If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
- * You have the right to use a telephone to contact a lawyer at any time.
- * You can decide at any time to exercise these rights and not answer any questions or make any statements.

cut to the file

1. Do you understand these rights explained to you? ✓
2. Having these rights in mind, do you wish to talk now? NO

SIGN: *Leroy Wilcox* DATE: 8/12/09 TIME: 2:33
Leroy Wilcox
SIGN: *[Signature]* DATE: 8/12/09 TIME: 2:33
Witness

Voluntary Statement
Not Under Arrest

Page ___ of ___

I, Leroy Wilcox am not under arrest, nor am I being detained for criminal offenses concerning the events I am about to make known to The Warren Police Department. Without being accused of, or questioned about offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 46 years of age, and I live at [REDACTED]

I Leroy Wilcox Give Warren Police
Permission to Remove Marijuana
from my ~~house~~ property

Leroy Wilcox

I have read each page of this statement consisting of ___ page(s), each page of which bears my signature, and any corrections bear my initials, and I certify that the facts contained herein are true and correct.

Signature [Signature] Date Aug 12 2009
Witness _____ Phone _____

CRIMINAL COMPLAINT ORIGINAL		DOCKET NUMBER 0969CR001416	NÓ. OF COUNTS 1	Trial Court of Massachusetts District Court Department
DEFENDANT NAME & ADDRESS Leroy E Wilcox [REDACTED] Warren, MA 01083			COURT NAME & ADDRESS East Brookfield District Court 544 East Main Street East Brookfield, MA 01515-1701 (508)885-6305	
DEFENDANT DOB [REDACTED]	COMPLAINT ISSUED 08/13/2009	DATE OF OFFENSE 08/12/2009	ARREST DATE	
OFFENSE CITY / TOWN Warren	OFFENSE ADDRESS		NEXT EVENT DATE & TIME 08/13/2009 9:00 AM	
POLICE DEPARTMENT	POLICE INCIDENT NUMBER 09-190-AR		NEXT SCHEDULED EVENT Arraignment	
OBTN			ROOM / SESSION 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	94C/34/G	DRUG, POSSESS CLASS D c94C §34

On 08/12/2009, not being authorized by law, did knowingly or intentionally possess a controlled substance in Class D of G.L. c.94C, §31, to wit: marijuana, in violation of G.L. c.94C, §34.

PENALTY for possession of marihuana if no prior conviction under c. 94C or prior law relating to narcotic or harmful drugs: probation if defendant consents, unless judge files memorandum stating reasons for not so doing; upon successful completion, case to be dismissed. PENALTY for possession of marihuana otherwise: imprisonment not more than 6 months; or \$500; or both. PENALTY for possession of other Class D drug: imprisonment not more than 1 year; or not more than \$1000; or both.

SIGNATURE OF COMPLAINANT <i>[Signature]</i>	SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK/DEP. ASST. CLERK <i>[Signature]</i>	DATE AUG 13 2009
NAME OF COMPLAINANT SCOTT ROMANI	A TRUE COPY ATTEST <i>[Signature]</i>	DATE

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 0969CR001416	NO. OF COUNTS 1	Trial Court of Massachusetts District Court Department	
DEFENDANT NAME AND ADDRESS Leroy E Wilcox [REDACTED] Warren, MA 01083		DOB [REDACTED]	GENDER Male	COURT NAME & ADDRESS East Brookfield District Court 544 East Main Street East Brookfield, MA 01515-1701	
		DATE COMPLAINT ISSUED 08/13/2009		INTERPRETER REQUIRED	
		PRECOMPLAINT ARREST DATE			
FIRST FIVE OFFENSE COUNTS					
COUNT	CODE	OFFENSE DESCRIPTION			OFFENSE DATE
1	94C/34/G	DRUG, POSSESS CLASS D c94C §34			08/12/2009
DEFENSE ATTORNEY <i>own</i> <i>Madro</i>		OFFENSE CITY/TOWN Warren		POLICE DEPARTMENT	
DATE & JUDGE	DOCKET ENTRY			DATE & JUDGE	FEEES IMPOSED
AUG 13 2009 Ricciardone, J	<input type="checkbox"/> Attorney appointed (SJC R. 3:10) <input type="checkbox"/> Atty denied & Deft. 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"/> PR <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
	Arraigned and advised: <input checked="" type="checkbox"/> Potential of bail revocation (276 §58) <input type="checkbox"/> Right to bail to review (276 §58) <input type="checkbox"/> Right to drug exam (111E § 10)				Default Warrant Fee (276 § 30(1)) \$ <input type="checkbox"/> WAIVED
	Advised of right to jury trial <input type="checkbox"/> Waiver of jury found after colloquy <input type="checkbox"/> Does not waive				Default Warrant Arrest Fee (276 § 30 (2)) \$ <input type="checkbox"/> WAIVED
	Advised of trial rights as pro se (Dist. Ct. Supp.R.4)				Probation Supervision Fee (276 § 87A) \$ <input type="checkbox"/> WAIVED
	Advised of right of appeal to Appeals Ct. (M.R. Crim P.R. 28)				Bail Order Forfeited
SCHEDULING HISTORY					
NO.	SCHEDULED DATE	EVENT	RESULT	JUDGE	TAPE START/ STOP
1	08/13/2009	Arraignment	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	TRACK B	
2	10.8.09	AC . PTH	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
3	12.1.09	PTH	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
4	1.26.10	Comp / elat	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
5	3.23.10	" "	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
6	7.19.10	STATUS	<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:		CLERK-MAGISTRATE / ASST CLERK <i>X</i>		TOTAL NO. OF PAGES	ON (DATE)



CRIMINAL DOCKET DOCKET ENTRIES	DEFENDANT NAME Leroy E Wilcox	DOCKET NUMBER 0969CR001416
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DATE	DOCKET ENTRIES
1-21-10	<i>Atty files Motion</i>
3-24-10	<i>Bill of Particulars filed by ADA Courtney Sans</i>

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.

APPEARANCE OF COUNSEL

Trial Court of Massachusetts
District Court Department



DOCKET NUMBER.

COURT NAME AND ADDRESS

09 69 CR 1416
YEAR* COURT NUMBER CASE TYPE** CASE NUMBER

East Brookfield District Court
544 East Main Street
East Brookfield, MA 01515

*e.g. '93', '94" etc.
**e.g. "CR", "CV" etc.

To the Clerk - Magistrate:

Please enter my appearance as attorney for Leroy Wilcox
in the above numbered court action.

ATTORNEY NAME		B.B.O. NUMBER (Required)	
John F. Madaio / Chris LoConto		312540	
ATTORNEY FIRM		TELEPHONE NUMBER	
LoConto, Burke + Madaio		(508) 795-1300	
STREET ADDRESS			
500 William St.			
CITY/TOWN	STATE	ZIP CODE	
Worcester	MA	01609	

X John F. Madaio 10/8/09
SIGNATURE OF ATTORNEY DATE

Commonwealth vs. <u><i>Leroy Wilcox</i></u> <small>NAME OF DEFENDANT</small>	COURT DIVISION <i>E. Brookfield</i>
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(To be completed and signed by both parties and submitted to the court at the Pretrial Hearing unless defendant tenders a plea or admission)

A pretrial conference between the parties was conducted on *Dec 1*, 20*09*, with the following results:

I. DISCOVERY

1. **AUTOMATIC DISCOVERY FOR DEFENSE.** Pursuant to Mass.R.Crim.P. 14(a)(1)(A), the prosecution has disclosed to the defense and the defense has been permitted to discover, inspect and copy:
 - [Completed]** all items and information subject to automatic discovery.
 - [Not Completed]** all items and information subject to automatic discovery, except the following:
supplemental reports, drug analysis, witnesses including lab people, and all witnesses evidence commonwealth intends to introduce at trial

2. **AUTOMATIC RECIPROCAL DISCOVERY FOR PROSECUTION.** Pursuant to Mass.R.Crim.P. 14(a)(1)(B), the defense has disclosed to the prosecution and the prosecution has been permitted to discover, inspect and copy:
 - [Completed]** all items and information subject to automatic reciprocal discovery.
 - [Not Completed]** all items and information subject to automatic reciprocal discovery, except the following:
witness list any evidence Defendant intends to introduce at trial
 - Not yet applicable** because the prosecution has not yet completed all automatic or ordered discovery.

3. **UNRESOLVED DISCOVERY ISSUES.** With respect to any discovery to which the parties are or may be entitled, automatically or by court order, pursuant to Mass.R.Crim.P. 14 and which has not yet been provided:
 - The parties agree as follows *(list items and agreed upon date of delivery, inspection, etc.):*

 - The defense is filing herewith the following motion(s) to compel discovery:

 - The prosecution is filing herewith the following motion(s) to compel discovery:

4. **CERTIFICATE OF COMPLIANCE.** The undersigned acknowledge that each party must file a Certificate of Compliance when the party has provided all discovery required by rule, agreement or court order, pursuant to Mass.R.Crim.P. 14(a)(3).
5. **SUBSEQUENTLY DISCOVERED MATERIAL.** The undersigned acknowledge their continuing duties regarding discovery pursuant to Mass.R.Crim.P. 14(a)(4).

II. OTHER PRETRIAL MATTERS

6. **NON-DISCOVERY MOTIONS.** In addition to any discovery-related motions listed above, the following motions will be filed on matters upon which the parties have *not* reached an agreement:
Motion to sever, Motion to Suppress/Dismiss reserved

7. **NOTICE OF ALIBI** (Mass.R.Crim.P. 14[b][1]). The Commonwealth hereby notifies the defendant that the time, date, and place of the alleged offense was as follows:

N/A

Defendant agrees, if an alibi defense will be offered, to notify the Commonwealth in writing on or before _____, 20__ of the place(s) at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the defendant's alibi witnesses, or may here so state:

The Commonwealth agrees to notify the defendant in writing within 7 days of service of the defendant's notice of alibi, of the names and addresses of witnesses on whom it intends to rely to establish defendant's presence at the scene of the alleged offense or to rebut any of the defendant's alibi witnesses. Both parties acknowledge their continuing duty under Mass.R.Crim.P. 14(b)(1)(C) to disclose additional alibi witnesses.

8. **NOTICE OF OTHER DEFENSES** (Mass.R.Crim.P. 14[b][2], [3]). If defendant intends to rely upon the defense of lack of criminal responsibility or upon a defense based upon a license, claim of authority or ownership, or exemption, defendant must notify the Commonwealth within 21 days of the assignment of a trial date, or may here so state:

N/A

9. **STIPULATIONS OF FACT:**

None

10. **CASE INFORMATION** (not binding):

Estimated length of trial: 1/2 day

No. of Witnesses: Prosecution 35 Defense 35

Case likely to proceed: With Jury. Jury Waived.

11. **CERTIFICATION.** The undersigned certify that the information set forth above is accurate and complete as of the date of this Pretrial Conference Report. Pursuant to Mass. R. Crim. P. 11(a)(2)(A), any agreement between the parties set forth herein shall be binding and shall control the subsequent course of the proceedings.

Courtesy Sr

Assistant District Attorney
 Police Prosecutor

John F Madair

Defense Counsel
 Pro Se Defendant

Defendant's Signature (required if waiver of constitutional right or stipulation of material fact set forth herein)

III: COURT ORDERS

(To be completed by Judge.) After hearing, the Court orders as follows:

C.E → 1/26/12

T deb ret
DJM

[Signature]

Justice

12/10/11

Date

LOCONTO, BURKE & MADAIO, P.C.
ATTORNEYS AT LAW

CHRISTOPHER P. LOCONTO
PATRICK K. BURKE
JOHN F. MADAIO
CHRISTINE M. ZICARO

56 WILLIAM STREET
WORCESTER, MA. 01609
PHONE: (508) 795-1300
FAX: (508) 791-7300

WWW.LBMLAWOFFICE.COM

January 19, 2010

East Brookfield District Court
Attn: Clerk's Office
544 East Main Street
East Brookfield, MA 01515-1748

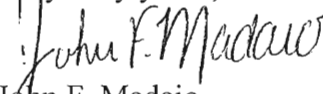
Re: Commonwealth v. Leroy Wilcox

To Whom It May Concern:

Enclosed please find Defendant's Motion for Bill of Particulars.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,


John F. Madaio

JFM/lnb
Enc.

1-26-10

Commonwealth of Massachusetts

WORCESTER, SS.

**DISTRICT COURT DEPARTMENT
OF THE TRIAL COURT**

DOCKET NO.: 0969CR1416

COMMONWEALTH

v.

LEROY WILCOX,

Defendant

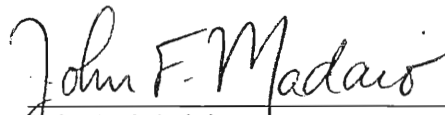
DEFENDANT'S MOTION FOR BILL OF PARTICULARS

NOW COMES DEFENDANT, Leroy Wilcox, in the above-captioned matter and respectfully moves this Honorable Court, pursuant to Mass. R. Crim. P. 13(b), to order the Commonwealth to provide Defendant with a Bill of Particulars indicating the time, place, manner and means of the crime with which Defendant is charged.

Dated: January 19, 2010

Respectfully submitted,

Leroy Wilcox,
By his Attorney,



John F. Madaio
Attorney for Defendant
56 William Street
Worcester, MA 01609
(508) 795-1300
BBO #: 312540

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

District Court Department
of the Trial Court
East Brookfield Division
Docket No. 0969CR1416

COMMONWEALTH OF MASSACHUSETTS

v.

LEROY E. WILCOX

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Commonwealth's Bill Particulars has this day been served upon the Defendant, through counsel, Christopher Loconto, 56 Williams Street, Worcester, MA 01609, via first class mail, postage pre-paid.

Respectfully submitted,



Courtney L. Sans
Assistant District Attorney
Middle District
225 Main Street
Worcester, MA 01608
(508) 792-0214
BBO # 646483

Date: March 23, 2010

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

District Court Department
of the Trial Court
East Brookfield Division
Docket No. 0969CR1416

COMMONWEALTH OF MASSACHUSETTS

v.

LEROY E. WILCOX

BILL OF PARTICULARS

Now comes the Commonwealth through its Assistant District Attorney, Courtney L. Sans, and provides the following in response to the defendant's request for a bill of particulars. The Commonwealth reserves the right to supplement or amend its responses in the future.

COUNT 1: POSSESS CLASS D SUBSTANCE

1. Date: On or about August 12, 2009.
2. Place of Offense: ██████████ Warren, MA.
3. Crimes Charged: Possess Class D Substance,
M.G.L. c 94C §34 .
4. Manner or Means: The defendant did grow and possess marijuana, a Class D substance, on his property.

Respectfully submitted,
COMMONWEALTH OF MASSACHUSETTS



Courtney L. Sans
Assistant District Attorney
Middle District
225 Main Street
Worcester, MA 01608
(508) 792-0214
BBO # 646483

RECEIVED
DISTRICT COURT
EAST BROOKFIELD DIVISION
SEP 25 2009
13677777

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

District Court Department
of the Trial Court
East Brookfield Division
Docket No. 0969CR1416

COMMONWEALTH OF MASSACHUSETTS

v.

LEROY WILCOX

NOLLE PROSEQUI

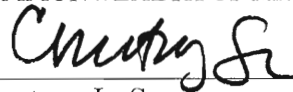
Now comes the Commonwealth of Massachusetts, by Courtney L. Sans, Assistant District Attorney for the Middle District and states to the Court that at this time the Commonwealth will not further prosecute the above individual for the offense of

Possession of Class D

As the interests of justice do not warrant proceeding at this time.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS



Courtney L. Sans
Assistant District Attorney
Middle District
225 Main Street
Worcester, MA 01608
BBO# 646483

Dated: July 19, 2010

*filed
in court
O.P.D.
7/19/10*

CRIMINAL DOCKET - OFFENSES		DEFENDANT NAME Leroy E Wilcox			DOCKET NUMBER 0969CR001416	
COUNT / OFFENSE 1 DRUG, POSSESS CLASS D c94C §34				DISPOSITION DATE AND JUDGE JUL 19 2010 Ricciardone, J		
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <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 checked="" 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	V/W 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 type="checkbox"/> Not Guilty <input 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)			JUDGE	DATE
COUNT / OFFENSE				DISPOSITION DATE AND JUDGE		
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