

APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (COURT USE ONLY)

09CR1418

PAGE

1 of 2

Trial Court of Massachusetts
District Court Department



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.

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

ARREST STATUS OF ACCUSED
 HAS HAS NOT been arrested

INFORMATION ABOUT ACCUSED

NAME (FIRST MI LAST) AND ADDRESS				BIRTH DATE		SOCIAL SECURITY NUMBER	
LEROY WILCOX [REDACTED] WARREN, MA. 01083				[REDACTED]		[REDACTED]	
				PCF NO. 451961		MARITAL STATUS	
				DRIVERS LICENSE NO.		STATE MA	
				[REDACTED]			
HAIR BRO		RACE W	COMPLEXION [REDACTED]	SCARS/MARKS/TATTOOS	BIRTH STATE OR COUNTRY		DAY PHONE
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. 09-191-AR	OBTN TWAN200900191	
		CITATION NO(S).		

OFFENSE CODE	DESCRIPTION	OFFENSE DATE
1 275/2	THREAT TO COMMIT CRIME MURDER	08/12/2009
VARIABLES (e.g. victim name, controlled substance, type and value of property, other variable information; see Complaint Language Manual) VICTIM(S): [REDACTED]		
2 275/2	THREAT TO COMMIT CRIME A&B	08/12/2009
VARIABLES VICTIM(S): [REDACTED]		
3 265/13H	INDECENT A&B ON PERSON 14 OR OVER	08/12/2009
VARIABLES VICTIM(S): [REDACTED]		

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 checked="" 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 checked="" 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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APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO.(COURT USE ONLY)

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2 of 2

Trial Court of Massachusetts District Court Department



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:

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

ARREST STATUS OF ACCUSED
 HAS HAS NOT been arrested

INFORMATION ABOUT ACCUSED

NAME (FIRST MI LAST) AND ADDRESS LEROY WILCOX WARREN, MA. 01083		BIRTH DATE [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	
		PCF NO. 451961	MARITAL STATUS	
		DRIVERS LICENSE NO. [REDACTED]		STATE MA
		GENDER M	HEIGHT 509	WEIGHT 155
				EYES BLU
HAIR BRO	RACE W	COMPLEXION [REDACTED]	SCARS/MARKS/TATTOOS	
		BIRTH STATE OR COUNTRY		DAY PHONE
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. 09-191-AR
		OBTN TWAN200900191
	CITATION NO(S).	

	OFFENSE CODE	DESCRIPTION	OFFENSE DATE
1	265/13H	INDECENT A&B ON PERSON 14 OR OVER	08/12/2009
VARIABLES (e.g. victim name, controlled substance, type and value of property, other variable information; see Complaint Language Manual)			
VICTIM(S): [REDACTED]			
2	265/13H	INDECENT A&B ON PERSON 14 OR OVER	08/12/2009
VARIABLES			
VICTIM(S): [REDACTED]			
3	265/13H	INDECENT A&B ON PERSON 14 OR OVER	08/12/2009
VARIABLES			
VICTIM(S): [REDACTED]			

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
		AT
		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). 1. 2. 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

Page: 1
08/12/2009

Summons #: 09-191-AR
Call #: 09-14728
Related Arrest #: 09-189-AR

Date/Time Reported: 08/12/2009 @ 1259
Arrest Date/Time: 08/12/2009 @ 1654
Involves: Sex Crimes
OBTN: TWAN200900191
Reporting Officer: (D) DETECTIVE MARK CHASE

SANITIZED

#	DEFENDANT (S)	SEX	RACE	AGE	SSN	PHONE
---	---------------	-----	------	-----	-----	-------

1	WILCOX, LEROY [REDACTED] WARREN MA 01083	M	W	46	[REDACTED]	[REDACTED]
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HEIGHT: 509 WEIGHT: 155 HAIR: BROWN EYES: BLUE
BODY: NOT AVAIL. COMPLEXION: [REDACTED]
DOB: [REDACTED] PLACE OF BIRTH: NOT AVAIL.
LICENSE NUMBER: [REDACTED] ETHNICITY: NOT HISPANIC
PCF #: 451961

[APPEARANCE]

GLASSES WORN: NO

EMPLOYER/SCHOOL: SELF EMPLOYED

#	OFFENSE (S)	ATTEMPTED	TYPE
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LOCATION TYPE: Residence/Home/Apt./Condo Zone: WARREN
[REDACTED]
WARREN MA 01083

- | | | | |
|---|--|---|-------------|
| 1 | THREAT TO COMMIT CRIME MURDER
275/2 275 2 | N | Misdemeanor |
| 2 | THREAT TO COMMIT CRIME A&B
275/2 275 2 | N | Misdemeanor |
| 3 | INDECENT A&B ON PERSON 14 OR OVER
265/13H 265 13H | N | Misdemeanor |
| 4 | INDECENT A&B ON PERSON 14 OR OVER
265/13H 265 13H | N | Misdemeanor |
| 5 | INDECENT A&B ON PERSON 14 OR OVER
265/13H 265 13H | N | Misdemeanor |
| 6 | INDECENT A&B ON PERSON 14 OR OVER
265/13H 265 13H | N | Misdemeanor |

Warren Police Department
Summons Report

Page: 2
08/12/2009

Summons #: 09-191-AR
Call #: 09-14728
Related Arrest #: 09-189-AR

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
---	-----------	-----	------	-----	-----	-------

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
------------	------------	------------	------------	------------	------------	------------

315 KELLS RD
WARREN MA 01083
~~DATE OF BIRTH: UNRECORDED~~
ETHNICITY: Not of Hispanic Origin
RESIDENT STATUS: Resident
VICTIM CONNECTED TO OFFENSE NUMBER(S): 1 2 3 4 5 6
RELATION TO: WILCOX LEROY
Friend

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
---	-----------	-------------	-----	------	-----	-----	-------

1	MOREAU, COREY [REDACTED] WARREN MA 01083 DOB: 08/25/1989	WITNESS	M	W	19	NOT AVAIL	
---	---	---------	---	---	----	-----------	--

Assigned to a plain clothes police assignment in an unmarked police cruiser working as a detective for the Warren Police Department. At approximately 1259hrs I spoke to [REDACTED] who advised that her daughter, [REDACTED], had been sexually assaulted by Leroy Wilcox at [REDACTED] in Warren on this date. [REDACTED] advised that [REDACTED] had called her and told her that someone needed to go to the [REDACTED] address and get her.

Chief Spiewakowski, Officer Romani, and I responded to [REDACTED] Leroy Wilcox was arrested on scene for other charges and I transported [REDACTED] and her boyfriend, [REDACTED], to the Warren Police Department. While at the Warren Police Department [REDACTED] filled out a written statement outlining events that occurred at the [REDACTED] address over the past few weeks.

[REDACTED] stated that Leroy Wilcox assaulted her in sexual manner on at least fifteen (15) occasions. In her written statement she makes the following statements:

1. He has molested me about 15+ times
2. Leroy has threatened to kill me or hurt me if I told anyone
3. He has overpowered me and grabbed my behind while kissing my arm
4. I said no and asked him several times to stop
5. He told me he wanted to fuck me and lick my pussy
6. He has threatened me and my boyfriend so that we were scared for our lives
7. He grabbed my hand and put it on his penis and said there don't you want that in you
8. He proceeded to put his hand down my shirt and grab me then tried to kiss me

I was able to speak with [REDACTED] and she re-iterated the above listed events. [REDACTED] stated that there are probably more incidents but she was very scared and just wanted to get this behind her. [REDACTED] advised that on one occasion he witnessed Leroy pressing [REDACTED] against a wall while trying to kiss her and was grabbing her behind.

Based on [REDACTED] written statement it appears that Leroy Wilcox threatened to kill and physically harm her. He also committed at minimum four counts of indecent A&B when he touched her behind, forced her hand on his penis, and touched her breasts on two occasions.

I am filing the following charges on Leroy Wilcox:

1. Threat to commit a crime, murder
2. Threat to commit a crime, A&B
3. Indecent A&B, touching [REDACTED] "behind"
4. Indecent A&B, touching [REDACTED] "breasts"

5. Indecent A&B, forcing [REDACTED] to touch his "penis"
6. Indecent A&B, touching [REDACTED] "breasts", second time.

CRIMINAL COMPLAINT ORIGINAL		DOCKET NUMBER 0969CR001418	NO. OF COUNTS 6	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 09-191-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	275/2	THREAT TO COMMIT CRIME c275 §2
On 08/12/2009 did threaten to commit a crime against the person or property of another, to wit: murder, in violation of G.L. c.275, §2. PENALTY from §4: imprisonment not more than 6 months; or not more than \$100; or recognizance to keep the peace for up to 6 months.		
2	275/2	THREAT TO COMMIT CRIME c275 §2
On 08/12/2009 did threaten to commit a crime against the person or property of another, to wit: A&B, in violation of G.L. c.275, §2. PENALTY from §4: imprisonment not more than 6 months; or not more than \$100; or recognizance to keep the peace for up to 6 months.		
3	265/13H	INDECENT A&B ON PERSON 14 OR OVER c265 §13H
On 08/12/2009 did commit an indecent assault and battery on a person who had attained age 14, without the consent of such person, in violation of G.L. c.265, §13H. PENALTY: state prison not more than 5 years; or jail or house of correction not more than 2½ years; upon conviction, lifetime community parole supervision may be imposed on motion of the district attorney, or must be imposed if previously convicted of specified offenses, pursuant to G.L. c.265, §45 and c.275, §18; upon conviction, must register as a sex offender pursuant to G.L. c. 6, §§178C-178P.		
4	265/13H	INDECENT A&B ON PERSON 14 OR OVER c265 §13H
PENALTY: state prison not more than 5 years; or jail or house of correction not more than 2½ years; upon conviction, lifetime community parole supervision may be imposed on motion of the district attorney, or must be imposed if previously convicted of specified offenses, pursuant to G.L. c.265, §45 and c.275, §18; upon conviction, must register as a sex offender pursuant to G.L. c. 6, §§178C-178P.		
5	265/13H	INDECENT A&B ON PERSON 14 OR OVER c265 §13H
On 08/12/2009 did commit an indecent assault and battery on a person who had attained age 14, without the consent of such person, in violation of G.L. c.265, §13H. PENALTY: state prison not more than 5 years; or jail or house of correction not more than 2½ years; upon conviction, lifetime community parole supervision may be imposed on motion of the district attorney, or must be imposed if previously convicted of specified offenses, pursuant to G.L. c.265, §45 and c.275, §18; upon conviction, must register as a sex offender pursuant to G.L. c. 6, §§178C-178P.		

SIGNATURE OF COMPLAINANT X <i>Scott Roman</i>	SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK/DEP. ASST. CLERK X <i>Charm B. Ly</i>	DATE AUG 13 2009
NAME OF COMPLAINANT <i>Scott Roman</i>	A TRUE COPY ATTEST X	CLERK-MAGISTRATE/ ASST. CLERK 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 COMPLAINT
ADDITIONAL COUNTS

DOCKET NUMBER
0969CR001418

NO. OF COUNTS
6

**Trial Court of Massachusetts
District Court Department**



COUNT	CODE	DESCRIPTION
6	265/13H	INDECENT A&B ON PERSON 14 OR OVER c265 §13H

On 08/12/2009 did commit an indecent assault and battery on a person who had attained age 14, without the consent of such person, in violation of G.L. c.265, §13H.

PENALTY: state prison not more than 5 years; or jail or house of correction not more than 2½ years; upon conviction, lifetime community parole supervision may be imposed on motion of the district attorney, or must be imposed if previously convicted of specified offenses, pursuant to G.L. c.265, §45 and c.275, §18; upon conviction, must register as a sex offender pursuant to G.L. c. 6, §§178C-178P.

CRIMINAL DOCKET		DOCKET NUMBER	NO. OF COUNTS	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	275/2	THREAT TO COMMIT CRIME c275 §2			08/12/2009
2	275/2	THREAT TO COMMIT CRIME c275 §2			08/12/2009
3	265/13H	INDECENT A&B ON PERSON 14 OR OVER c265 §13H			08/12/2009
4	265/13H	INDECENT A&B ON PERSON 14 OR OVER c265 §13H			08/12/2009
5	265/13H	INDECENT A&B ON PERSON 14 OR OVER c265 §13H			08/12/2009
DEFENSE ATTORNEY <i>own</i>		OFFENSE CITY/TOWN Warren	POLICE DEPARTMENT		
DATE & JUDGE AUG 13 2009 Ricciardone, J		DOCKET ENTRY	DATE & JUDGE	FEES IMPOSED	
<i>STAY AWAY NO CONTACT</i>		<input type="checkbox"/> Attorney appointed (SJC R. 3:10)		Counsel Fee (211D § 2A(2))	<input type="checkbox"/> WAIVED
		<input type="checkbox"/> Atty denied & Deft. Advised per 211 D §2A		Counsel Contribution (211D § 2)	<input type="checkbox"/> WAIVED
		<input type="checkbox"/> Waiver of Counsel found after colloquy		Default Warrant Fee (276 § 30(1))	<input type="checkbox"/> WAIVED
		Terms of release set: <input checked="" type="checkbox"/> PR <input type="checkbox"/> Bail		Default Warrant Arrest Fee (276 § 30(2))	<input type="checkbox"/> WAIVED
		<input type="checkbox"/> See Docket for special condition		Probation Supervision Fee (276 § 87A)	<input type="checkbox"/> WAIVED
		<input type="checkbox"/> Held (276 §58A)		Bail Order Forfeited	
		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)			
		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 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	08/13/2009	Arraignment	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	TRACK B	
2	<i>10-8-09</i>	<i>AC-PTH</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
3	<i>10-1-09</i>	<i>PTK</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
4	<i>1-26-10</i>	<i>Cont'd</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
5	<i>3-23-10</i>	<i>" "</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
6	<i>7-19-10</i>	<i>Jury TRIAL</i>	<input checked="" 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			TOTAL NO. OF PAGES	ON (DATE)
	<i>X</i>				





Commonwealth vs. <u><i>Leroy Wilcox</i></u> <small>NAME OF DEFENDANT</small>	COURT DIVISION E. Brookfield
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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:
additional reports and statements of witnesses and/or victim, any and all evidence the Commonwealth intends to introduce at trial any medical records.

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 and all evidence the 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:

Motions for Discovery (Bill of Particulars) Motion to Dismiss or Suppress reserved until Discovery Completed.
Motion to Sever.

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:

reserved

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:

reserved

9. **STIPULATIONS OF FACT:**

None

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

Estimated length of trial: 1-2 days

No. of Witnesses: Prosecution 3-5 Defense 3-5

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.

[Signature]
 Assistant District Attorney
 Police Prosecutor

John F Madaio
 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:

CE -> 1/20/10

- 9 date set 2/19
- out of court final compliance 5/21/10

[Signature]
Justice

[Signature]
12/1/10
Date

APPEARANCE OF COUNSEL

**Trial Court of Massachusetts
District Court Department**



DOCKET NUMBER:

COURT NAME AND ADDRESS

09 69 CR 1418
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 <u>John F. Madaio / Chris LoConto</u>		B.B.O. NUMBER (Required) <u>3 1 2 5 4 0</u>
ATTORNEY FIRM <u>LoConto, Burke + Madaio</u>		TELEPHONE NUMBER <u>(508) 795-1300</u>
STREET ADDRESS <u>50 William St.</u>		
CITY/TOWN <u>Worcester</u>	STATE <u>MA</u>	ZIP CODE <u>01609</u>

X John F Madaio 10/8/89
SIGNATURE OF ATTORNEY DATE

Commonwealth of Massachusetts

WORCESTER, SS.

**DISTRICT COURT DEPARTMENT
OF THE TRIAL COURT
DOCKET NO.: 0969CR1418**

COMMONWEALTH

v.

LEROY WILCOX,

Defendant

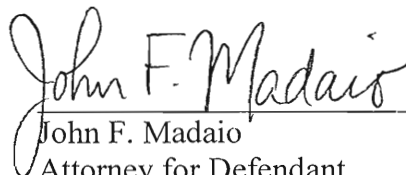
DEFENDANT'S MOTION FOR BILL OF PARTICULARS

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. 0969CR1418

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

- 1) Threat to Commit a Crime (2 Counts)
- 2) Indecent Assault and Battery on a Person 14 or Over (4 Counts)

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
D. Sans
7/19/10*

CRIMINAL DOCKET - OFFENSES		DEFENDANT NAME Leroy E Wilcox			DOCKET NUMBER 0969CR001418	
COUNT / OFFENSE 1 THREAT TO COMMIT CRIME c275 §2				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 2 THREAT TO COMMIT CRIME c275 §2				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 3 INDECENT A&B ON PERSON 14 OR OVER c265 §13H				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



CRIMINAL DOCKET - OFFENSES		DEFENDANT NAME Leroy E Wilcox			DOCKET NUMBER 0969CR001418	
COUNT / OFFENSE 4 INDECENT A&B ON PERSON 14 OR OVER c265 §13H				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	VW ASSESSMENT	BATTERER'S FEE	OTHER
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		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:			JUDGE Ricciardone, J	
		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)			DATE	
COUNT / OFFENSE 5 INDECENT A&B ON PERSON 14 OR OVER c265 §13H				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	VW ASSESSMENT	BATTERER'S FEE	OTHER
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		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:			JUDGE Ricciardone, J	
		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)			DATE	
COUNT / OFFENSE 6 INDECENT A&B ON PERSON 14 OR OVER c265 §13H				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	VW ASSESSMENT	BATTERER'S FEE	OTHER
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		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:			JUDGE Ricciardone, J	
		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)			DATE	

