



JONATHAN W. BLODGETT
District Attorney

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE
DISTRICT ATTORNEY FOR THE ESSEX DISTRICT
SALEM NEWBURYPORT LAWRENCE

Ten Federal Street
Salem, Massachusetts 01970

TELEPHONE
VOICE (978)745-6610
FAX (978)741-4971
TTY (978)741-3163

February 20, 2013
Via E-mail

Maura Sweeney Doyle, Clerk
Supreme Judicial Court for Suffolk County
John Adams Courthouse
One Pemberton Square, Room 1300
Boston, Massachusetts 02108
Attention: George E. Slyva, Second Asst. Clerk

Re: Commonwealth v. Hector Milette
Supreme Judicial Court for Suffolk County
Docket No. SJ-2013-

Dear Clerk Slyva:

Enclosed please find for filing in the above-referenced case the Commonwealth's Emergency Verified Petition Pursuant to G.L. c. 211, § 3, to Stay an Order of a Special Magistrate Allowing a Motion to Reconsider a Motion for a Stay of Execution of Sentence That Was Previously Denied by a Superior Court Judge, and Certificate of Service.

Thank you for your attention to this matter.

Very truly yours,

Ronald DeRosa
Assistant District Attorney
BBO No. 658915

bbn
cc: Frederick B. McAlary, Jr., Esq.
Enclosures

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO. SJ-2013-_____

COMMONWEALTH

v.

HECTOR MILETTE

COMMONWEALTH'S EMERGENCY VERIFIED PETITION
PURSUANT TO G.L. c. 211, § 3
TO STAY AN ORDER OF A SPECIAL MAGISTRATE
ALLOWING A MOTION TO RECONSIDER
A MOTION FOR A STAY OF EXECUTION OF SENTENCE THAT
WAS PREVIOUSLY DENIED BY A SUPERIOR COURT JUDGE¹

INTRODUCTION

This is the second of three petitions that have been or will be filed by the Commonwealth² as to

¹ References are as follows: Superior Court docket (Ex. 1); administrative order by Essex Regional Administrative Justice David Lowy (Ex. 2); Order of Assignment (Ex. 3); Special Magistrate's ruling on defendant's motion to reconsider (Ex. 4); Judge Lu's margin endorsement on February 13, 2013 (Ex. 5); Haverhill Police Department police reports (Ex. 6); defendant's memorandum in support of new trial motion (Ex. 7) and motion to reconsider motion for stay of execution of sentence (Ex. 8); drug certificates (Ex. 9); a redacted copy of the defendant's Board of Probation record (Ex. 10); Superior Court docket for co-defendant, Eric Gonzalez, No. ESCR2009-01559) (Ex. 11); and Superior Court docket for co-defendant, Efrain Crespo, No. ESCR2009-01558) (Ex. 12).

² The first petition was filed on February 14, 2013 and allowed (Botsford, J.) on February 15. See Commonwealth v. Shubar Charles, (No. SJC-2013-0066). That petition sought a stay of an order by a Superior Court judge staying execution of a sentence, pending a new trial motion, where no appeal is pending. The

proceedings in the Drug Lab Session of the Superior Court, including petitions addressing the nature and extent of the authority of Special Magistrates appointed pursuant to an Order of Assignment by the Chief Justice of the Superior Court, Rouse, J., (Ex. 3), see Mass. R. Crim. 47, "to preside over criminal proceedings in connection with cases relating to the William A. Hinton State Laboratory Institute in Jamaica Plan" (Ex. 3).

In this petition as in the first (Commonwealth v. Shubar Charles, SJ-2013-0066), the Commonwealth seeks to clarify the authority of a Special Magistrate and a Superior Court Justice to rule on a motion to stay execution of a sentence pending a new trial motion.

In this second petition, the Commonwealth also seeks clarification of the authority of a Special Magistrate to reconsider a Superior Court judge's ruling on a

first petition and this one raise issues related to stays of execution of sentences; the third petition, which will be filed on February 27, 2013, will seek: 1) to clarify the authority of the Special Magistrate to vacate a guilty plea and to conduct a partial guilty plea colloquy; and 2) to determine the validity of a plea conducted pursuant to the procedure established under the Order of Appointment of the Chief Justice of the Superior Court. In a telephone conference on February 19, this Court (Botsford, J.) established a schedule for the filing of this and the third petition, and briefing and argument on questions that will be reported to the Full Court.

motion to stay execution of a sentence. Absent relief, it is likely that the Special Magistrate's ruling will result in the "repeated or systemic misapplication of the law," given the number of cases affected by the issues at the Hinton Laboratory, and the number of other defendants, e.g., co-defendant Gonzalez, who are seeking stays of execution pending a ruling on a new trial motion and reconsideration when those motions are denied (see p. 7, n. 6; Ex. 11). Commonwealth v. Tobias T., 462 Mass. 1001, 1001 (2012).

As explained in detail below:

- the defendant's Rule 30 motion, raising claims related to issues at the Hinton Drug Lab, is pending;
- a Superior Court judge (Lowy, J.) denied the defendant's motion for a stay of execution of his sentence;
- the Special Magistrate thereafter allowed the defendant's motion for reconsideration and allowed the motion to stay execution of the sentence;
- the Commonwealth filed an objection, thereby bringing the motion for a stay of execution of

sentence to the Superior Court Regional
Administrative Justice (Lu, J.) pursuant to the
Order of Assignment; and

- the hearing before J. Lu has not yet been scheduled due to the unavailability of defense counsel, but the issues of reconsideration of J. Lowy's order and of the Commonwealth's objection are likely to arise on Monday, February 25, 2013, when the case is scheduled for a status conference before the Special Magistrate, when both the defendant and his counsel are expected to be present.

In view of both the status conference scheduled for February 25 and the schedule established by this Court on February 19, the Commonwealth now petitions this Court, pursuant to G.L. c. 211, § 3, on an emergency basis:

- 1) to stay the Special Magistrate's ruling allowing the defendant's motion to reconsider the denial, by J. Lowy, of a motion to stay the execution of a sentence
- 2) to stay J. Lu's ruling that, in essence, continued the stay ordered by the Special Magistrate and that modified its conditions; and

3) to stay any consideration by a Superior Court judge of the defendant's stay motion, pending further order of this Court or the Full Court on this and the two related petitions. See, e.g., p. 1, n. 2, below.

PROCEDURAL STATEMENT

On December 16, 2009, an Essex County grand jury indicted the defendant, Hector Milette, for three counts of trafficking in 100 grams or more, but less than 200 grams, of cocaine (G.L. c. 94C, § 32E(b)(3)) and one count of trafficking 14 grams or more of cocaine (G.L. c. 94C, §32E(b)(1)) (No. ESCR2009-1561) (Ex. 1). On May 9, 2011, he pled guilty to all four counts: counts one, two and three were reduced to trafficking in 28 grams or more, but less than 100 grams, of cocaine and count four was reduced to possession with intent to distribute a class B substance (G.L. c. 94C, § 32A(a) as part of the plea deal (Ex. 1). He was sentenced to three concurrent state prison terms of five years to five years and one day for the trafficking convictions and a consecutive probationary term of three years for the possession with intent conviction (Ex. 1).

On September 12, 2012, he filed a motion to vacate the guilty plea, raising claims related to the

issues at the Hinton Drug Lab (Ex. 1). On October 22, he filed, pursuant to an administrative order of Essex Regional Administrative Justice David Lowy (Ex. 2), a motion for new trial and a motion to stay the execution of his sentence (Ex. 1).

At the hearing on the motion to stay execution of the sentence on November 13³ (Lowy, J.) (Ex. 1), the Commonwealth objected to the motion on two grounds: 1) the judge lacked authority to stay the execution of a sentence and 2) even if he had the authority, the defendant had not met his burden to show he was entitled to a stay of execution. Judge Lowy ruled that he had inherent authority based on Commonwealth v. McLaughlin, 431 Mass. 506 (2000),⁴ but denied the defendant's motion to stay on the grounds that the defendant had not met his burden (Ex. 1).

³ This hearing took place during an initial set of hearings of the Drug Lab Session in Essex Superior Court, before Special Magistrate John Cratsley was assigned to the session pursuant to the Order of Assignment (Ex. 3). Judge Lowy heard stay motions in approximately 50 cases in which Annie Dookhan was either the primary or confirmatory chemist and the defendant was then serving a sentence.

⁴ In McLaughlin, the Full Court found "inherent authority" to stay a sentence, outside Mass. R. Crim. P. 31, but only with the consent of the defendant and for only "short periods of time." Commonwealth v. McLaughlin, 431 Mass. 506, 519-520 (emphasis added).

Nearly three months later, on February 6, 2013, the defendant filed a motion to reconsider (Ex. 1). It was heard on February 12 by Special Magistrate Cratsley, who, by then, had been assigned to the session by the Order of Assignment⁵ (Ex. 1). The Commonwealth objected on grounds that the Special Magistrate did not have the authority 1) to grant such stays; or 2) to reconsider a ruling of an Associate Justice of the Superior Court. It also argued that the defendant had not met his burden on the stay motion itself and that no change in circumstances warranted the Special Magistrate, in essence, "overruling" Judge Lowy's denial of the motion.

The Special Magistrate allowed the motion in a margin endorsement, ruling "1) [the defendant] has served 40 of his 60 month sentence; 2) [defendant] is currently housed in a minimum security bunkhouse at MCI[-]Shirley; 3) Annie Dookhan is the primary chemist on 3 of the 4 drug certs; 4) defendant is one of multiple co-defendants⁶ with an alleged middleman role;

⁵ The Commonwealth has ordered the transcript of this and the November 13, 2012 hearing, before J. Lowy.

⁶ One of his co-defendants, Eric Gonzalez (Essex Superior Court No. ESCR2009-01559 has also sought reconsideration: his motion for a stay of execution of sentence was denied by J. Lowy on November 15,

5) [defendant] has family and or [a girlfriend] to live with if he posts bail and goes on GPS monitoring" (Ex. 1, 4).

He set bail in the amount of \$2,000 cash with the following conditions: 1) a 10 p.m. - 6 a.m. curfew; 2) GPS monitoring; 3) weekly reporting to the probation department; and 4) drug and alcohol screens (Ex. 1).

The case was continued in the Drug Lab Session until February 25, 2013, and the defendant was ordered to appear on that date (Ex. 1). The Commonwealth requested a stay of the motion allowing the stay of execution of sentence, for forty-eight hours, to allow it to file its objection pursuant to the Order of Appointment which allows either party to file an objection to a finding or ruling by the Special Magistrate within forty-eight hours (Ex. 3). The Special Magistrate denied the Commonwealth's motion to stay his order⁷ (Ex. 4). As it turned out, the defendant posted bail around 9:00 that night (Ex. 1).

2012, and his motion for reconsideration has been scheduled for Monday, February 25, the same day as the instant defendant's motion (Ex. 10).

⁷ The next day, February 14, the Special Magistrate told the prosecutor in the Drug Lab Session that he had spoken with J. Lu, as the Regional Administrative Justice, about the procedure to be followed if he (the Special Magistrate) allowed a stay of execution of

The next day, February 13, the Commonwealth filed its objection (Ex. 1). No hearing was held that day, but the assistant clerk informed both the prosecutor and counsel for a co-defendant (because the defense counsel was unavailable), of the following developments: the defendant had posted bail the night before; that morning, noting that the defendant had been bailed out the previous day, J. Lu ordered that the defendant be held if GPS was not available when he reported to probation; then, at 1:05 p.m., after the defendant appeared for the installation of GPS, J. Lu modified the conditions of probation to include "24/7 home confinement," with an exception for court appearances and emergency medical care; and a hearing on the Commonwealth's objection to the stay was "to be scheduled w[ith] agreement of counsel" (Ex. 5); it will likely be heard on Monday, February 25, 2013.

BRIEF STATEMENT OF FACTS

The first three indictments were the result of three controlled buys with a confidential informant and the fourth indictment was the result of a search

sentence pending a new trial motion; J. Lu told the Special Magistrate that such orders were to be stayed for forty-eight hours to allow the judge to hear the Commonwealth's objection.

conducted pursuant to a search warrant of the defendant's home. The first indictment was based on a controlled buy on August 5, 2009, when a confidential informant contacted co-defendant Efrain Crespo⁸ to buy cocaine (Ex. 6). Crespo, in turn, contacted the defendant who agreed to contact his supplier for a price of \$34 per gram (Ex. 6). The defendant called his supplier and ordered 125 grams of cocaine, which was then delivered by a "runner," later determined to be Alejandro Cruz, to the defendant's residence at 34 Grand Avenue in Haverhill (Ex. 6). After the informant took custody of the cocaine, he turned it over to the police, who weighed and field tested it before sending it to the lab (Ex. 6). The primary chemist for the analysis of this substance at the lab was Annie Dookhan (Ex. 9).

The second and third indictments were based on similarly conducted controlled buys, one on August 18, 2009 and one on August 27, 2009, each time with the informant contacting the defendant to buy cocaine, the defendant calling someone to bring the cocaine, and Cruz delivering approximately 125 grams of cocaine

⁸ Crespo pled guilty after filing a new trial motion based on Hinton Lab issues (ESCR2009-01558) (Ex. 11).

(Ex. 5). Each time, the police weighed and field tested the cocaine before sending it to the lab (Ex. 5). The primary chemist for these substances was Dookhan (Ex. 9).

Finally, on October 20, 2009, the police executed a search warrant at the defendant's residence; they found 27 grams of cocaine along with a scale, plastic baggies with cut corners and a box of plastic baggies in the defendant's bedroom (Ex. 6). Dookhan had no role in the analysis of the 27 grams found at the defendant's house (Ex. 9).

BRIEF ARGUMENT

I. THE SPECIAL MAGISTRATE LACKED AUTHORITY TO CONSIDER AND ALLOW THE MOTION FOR A STAY OF EXECUTION OF SENTENCE OR TO RECONSIDER THE STAY MOTION AFTER IT WAS DENIED BY A SUPERIOR COURT JUDGE AND, IN ANY EVENT, THE DEFENDANT DID NOT MEET HIS BURDEN UNDER EITHER PRONG OF THE STAY STANDARD, ASSUMING IT APPLIED.

"Sentences are to be executed forthwith unless suspended or stayed for the exceptional reasons permitted by law." Commonwealth v. McLaughlin, 431 Mass. 506, 520 (2000), quoting Mariano v. Judge of Dist. Court of Cent. Berkshire, 243 Mass. 90, 92 (1922) (emphasis added). Here, the Special Magistrate erred in allowing the defendant's motion to stay the execution of his sentence because he lacked the

authority to consider and allow such a motion where no appeal was pending and the motion for new trial had not yet been ruled on, and he lacked authority to reconsider the stay motion after it was denied by the Superior Court judge.

First, no statute or court rule allows a court to stay the execution of a sentence absent a pending appeal or ruling on a motion for new trial. Two court rules govern motions to stay the execution of sentences *pending appeal*. Rule 31 of the Massachusetts Rules of Criminal Procedure "confers discretionary power to stay the execution of sentence pending appeal." Commonwealth v. Allen, 378 Mass. 489, 496 (1979). However, Rule 31 "does not address stays of execution of a sentence when an appeal is not pending." Reporter's Notes to Rule 31 (emphasis added). Rule 6 of the Rules of Appellate Procedure "establishes the procedure that is available after the trial judge acts on a motion for a stay [pursuant to Rule 31]." Reporters Notes. By its very terms, Rule 6 applies only if an appeal is pending. See Mass. R. App. P. 6(b)(1) (appeal of ruling from trial court on stay motion to be filed in court where appeal is pending). Thus, neither Rule 31 nor Rule 6 governs

the present situation -- a motion for a stay of execution where no appeal is pending.

Additionally, nothing in Rule 30 of the Rules of Criminal Procedure allows a judge to stay a sentence before a ruling on a motion for new trial. Pursuant to Rule 30(c)(8)(A), a judge may, in his discretion, "admit[] [a defendant] to bail pending decision of the appeal [of the ruling on the motion for new trial]." (emphasis added). There has been no ruling on the new trial motion, so Rule 30(c)(8)(A) has not been triggered.

The Supreme Judicial Court has recognized an "inherent authority" of the Court to stay the execution of sentences. McLaughlin, 431 at 518-520. However, it has also recognized that such power is extremely limited because, aside from Rule 31, "the only other provisions of statutes or rules that authorize stay of execution in any circumstances are Mass. R. Crim. P. 43(b) [summary contempt] . . . and Rules 7(e) and 9(c) of the District Court Rules for Probation Violation Proceedings." Id. at 518 n.12; see also Smith, Criminal Practice and Procedure, § 42.4 ("A trial judge is not authorized to stay execution of a penal sentence when an appeal is not

pending."). Although the Court has not fully described the scope of the authority, it has stated that, at a minimum, that "normally this power should be exercised only with the consent of the defendant and for *short periods of time.*" *Id.* at 519-520 (emphasis added). In other words, stays granted under the inherent authority of the Court should not be open-ended.

Here, consent of the defendant is not at issue, but the stay is open-ended, presumably pending the completion of the investigation by the Inspector General into the issues at the Hinton Laboratory, which could take months, if not longer. See McLaughlin, 431 Mass. at 520 (judge acted beyond inherent authority where she stayed defendant's criminal sentence "until the date of his release from civil commitment").

Even should the Court hold that a judge has authority to grant a stay of execution of sentence, the Special Magistrate certainly did not. Rather, he acted beyond the scope of his authority, which is limited by the Order of Assignment and Rule 47 of the Massachusetts Rules of Criminal Procedure. See Order

of Assignment of Chief Justice of the Superior Court

(Rouse. J.) (Ex. 2). Rule 47 provides:

The justices of the Superior Court may appoint special magistrates to preside over criminal proceedings in the Superior Court. Such special magistrates shall have the powers to preside at arraignments, to set bail, to assign counsel, to supervise pretrial conferences, to mark up pretrial motions for hearing, to make findings and report those findings and other issues to the presiding justice or Administrative Justice, and to perform such other duties as may be authorized by order of the Superior Court. The doings of special magistrates shall be endorsed upon the record of the case. Special magistrates shall be compensated in the same manner as is provided by the General Laws for the compensation of masters in civil cases.

The Reporters Notes provide further guidance on the authority of the Special Magistrate,⁹ including that Special Magistrate's have "some fact finding functions," the "exact dimension[s]" of which are "left to definition by appropriate order of the Administrative Justice of the Superior Court Department." The Notes also explain that Special Magistrates have "quasi-judicial responsibilities" and thus "preferably [should] be retired judges." While Special Magistrates are "similar" to federal magistrates, see 28 U.S.C. 636, Special Magistrates do

⁹ The Commonwealth has found no case discussing the role of Rule 47 Special Magistrates.

"not carry with [them] such broad powers." Finally, "the functions to be performed by the office of Special Magistrate are *administrative rather than adjudicatory*" (emphasis added).

Even though both the rule and the order allow the Special Magistrate "to set bail," neither expressly allows him to rule on motions to stay the execution of a sentence (assuming the Chief Judge had the power to grant the Special Magistrate such authority), decisions that involve more than just the consideration of simple bail factors. See Commonwealth v. Levin, 7 Mass. App. Ct. 501, 505 (1979) (when considering motion to stay court considers "security" factors and "the likelihood of success on the merits of the appeal"). Since the Special Magistrate was not authorized to consider and allow the stay motion, and because his duties are "administrative rather than adjudicatory," his ruling was *ultra vires*.

The Special Magistrate also acted beyond the scope of his authority when he reconsidered a ruling of a Superior Court judge. The Special Magistrate had no such authority, under the Order of Appointment or Rule 47, and certainly had no inherent authority to

overrule the decision of a Superior Court judge. Cf. Commonwealth v. Colon, 52 Mass. App. Ct. 725, 730 n. 1 (2001) ("As an intermediate appellate court . . . [the Appeals Court is] bound to follow the decisions of the Supreme Judicial Court"). Even if it is arguable that J. Lowy had authority to reconsider his own ruling, the Special Magistrate did not have such authority.

Finally, even if the Special Magistrate has the authority to stay the defendant's sentence in these circumstances, the allowance of the motion was an abuse of discretion. Two factors normally govern this Court's consideration of a defendant's motion for stay of execution of sentence pending appeal: 1) the security risk they present, Levin, 7 Mass. App. at 505; and 2) the likelihood of the success of their claims on appeal, id. at 504; see also Commonwealth v. Hodge, 380 Mass. 851, 855 (1980); Commonwealth v. Allen, 378 Mass. 489, 498 (1979), or, in this case, the likelihood of success on the new trial motion. The defendant's motion should have been denied because it failed on both security and likelihood-of-success grounds.

As to the likelihood of success, the defendant has, at this point,¹⁰ made mostly general claims based on the investigation into the alleged wrongdoing of Dookhan; these claims are insufficient to meet his burden because they do not cast doubt on the justice of the convictions (Ex. 6). See Commonwealth v. Grace, 397 Mass. 303, 305-306 (1986) ("A defendant seeking a new trial on the ground of newly discovered evidence must establish both that the evidence is newly discovered and that it casts real doubt on the justice of the conviction."). As for the specific impact of the Dookhan investigation on his case, he suggests that "co-mingling or combining of the two CI drugs buys from August 27, 2009" is a "blatant example of the activity at the" drug lab (Ex. 8). Presumably, this is a reference to the fact that one of the drug certificates reflects a weight of "249.50 grams" for "2 plastic bags" (Ex. 8). If this is "co-mingling," it was apparent from the drug certificate when the defendant pled guilty and thus, was not newly discovered evidence. See id. ("Not only must the allegedly new evidence demonstrate the materiality,

¹⁰ The related investigation of the Drug Lab by the Inspector General is ongoing.

weight, and significance that we have described, but it must also have been unknown to the defendant or his counsel and not reasonably discoverable by them at the time of trial").

Additionally, the defendant has made no claim that the substance was not cocaine. The omission is not surprising: after all, the police field tested and weighed the substance before sending it to the lab. He also made no specific argument as to how Dookhan's alleged wrongdoing might have affected his decision to plead guilty, given the significant reduction in the charges, resulting in a sentence of five fewer years in state prison than the minimum mandatory he was facing. In fact, Dookhan was not involved in the analysis on the cocaine seized during the execution of the search warrant, for which the defendant faced a minimum mandatory sentence of three years in state prison, before he pled guilty to a lesser offense and was sentenced to probation (Ex. 1).

Moreover, he is a security risk: his record includes convictions for unlawful possession of a firearm and assault and battery by means of a dangerous weapon (Ex. 9). He argued to the Special Magistrate that 1) he was only "the middleman" for the

drug buys and was "hardly a big time drug dealer" as he made only \$250 per transaction; 2) the acts did not involve threats or violence; and 3) he was housed in a minimum security facility and had no disciplinary reports during his incarceration (Ex. 7).

His argument overlooks the fact that he pled guilty to his role in the sale of what amounted to, in fact, *three hundred and twenty-five grams of cocaine to one person over a three week period* (Ex. 5). He also ignores the violent nature of the drug dealing business in general, and the significant damage to the community caused by drug dealing and use. As such, he did not establish that he is not a security risk.

II. EXERCISE OF THIS COURT'S SUPERINTENDENCE POWER IS NECESSARY.

Relief under G.L. c. 211, § 3, is appropriate only "if no other remedy is expressly provided." G.L. c. 211, § 3; Planned Parenthood League of Mass., Inc. v. Operation Rescue, 406 Mass. 701, 706 (1990).

Although the Commonwealth can appeal the allowance of a motion to stay execution of sentence that is properly granted under Mass. R. Crim. P. 31 or Mass. R. App. P. 6, no vehicle, i.e., under either rule,

provides a right to appeal a stay motion granted by someone without authority to do so.

Moreover, if J. Lowy's order, denying the defendant's motion for a stay of execution of sentence is not restored (i.e., by orders from this Court staying the ruling by the Special Magistrate allowing the stay-of-execution motion, staying J. Lu's modification of the Special Magistrate's order, and staying any consideration by a Superior Court judge of the defendant's stay motion), the risk of harm to the public, in general, and to the confidential informant used by the police in the drug buys, in particular, will be significant.

Where the Commonwealth has no express authority to appeal, the Full Court has held that the exercise of this Court's powers under G.L. c. 211, § 3, was appropriate. See, e.g., Commonwealth v. Quispe, 433 Mass. 508, 510 (2001) (although the Commonwealth could appeal the dismissal order in the normal course, superintendence power was appropriate where trial judge said he would continue to dismiss cases involving defendants facing immigration consequences); Commonwealth v. Taylor, 428 Mass. 623, 625 (1999) (where a District Court judge continued a case

indefinitely) and Commonwealth v. Cowan, 422 Mass. 546, 547 (1996) (where the Commonwealth sought review of the allowance of a defendant's motion to revise and revoke in the district court).

CONCLUSION

For the foregoing reasons, the Commonwealth requests that this Court:

- 1) stay the Special Magistrate's ruling allowing the defendant's motion to reconsider the denial, by J. Lowy, of a motion to stay the execution of a sentence
- 2) stay J. Lu's ruling that, in essence, continued the stay ordered by the Special Magistrate and that modified its conditions; and
- 3) stay any consideration by a Superior Court judge of the defendant's stay motion, pending further order of this Court or the Full Court on this and the two related petitions.

FOR THE COMMONWEALTH:


ELIN H. GRAYDON
Assistant District Attorney
for the Eastern District
BBO# 208140

and



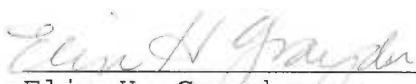
RONALD E. DEROSA
Assistant District Attorney
for the Eastern District
BBO# 658915

10 Federal Street
Salem, MA 01970
(978) 745-6610, ext. 5014

February 20, 2013

VERIFICATION

I, Elin H. Graydon and Ronald E. DeRosa,
assistant district attorneys, hereby verify under the
penalties of perjury that the facts set forth on pages
7 and 8 of this Verified Petition Motion (for which no
record reference is provided) were provided by the
assistant district attorney who handled the
proceedings before the Special Magistrate on February
12, 2013 and, to the best of our knowledge and belief,
are true.



Elin H. Graydon
Assistant District Attorney



Ronald E. DeRosa
Assistant District Attorney

February 20, 2013

Ex. 1

**Commonwealth of Massachusetts
ESSEX SUPERIOR COURT
Case Summary
Criminal Docket**

Commonwealth v Milette, Hector

Details for Docket: ESCR2009-01561

Case Information

Docket Number:	ESCR2009-01561	Caption:	Commonwealth v Milette, Hector
Entry Date:	12/16/2009	Case Status:	CtRm D - 4th Floor - 56 Federal St.
Status Date:	02/06/2013	Session:	Disp (post sentence -Drug Lab)
Lead Case:	NA	Deadline Status:	Active since
Trial Deadline:	02/23/2010	Jury Trial:	NO

Parties Involved

2 Parties Involved in Docket: ESCR2009-01561

Party Involved:	Role:	Defendant
Last Name:	First Name:	Hector
Address:	Address:	
City:	State:	MA
Zip Code:	Zip Ext:	
Telephone:		

Party Involved:	Role:	Plaintiff
Last Name:	First Name:	
Address:	Address:	
City:	State:	
Zip Code:	Zip Ext:	
Telephone:		

Attorneys Involved

3 Attorneys Involved for Docket: ESCR2009-01561

Attorney Involved:	Firm Name:	ESSE02
Last Name:	First Name:	Michael
Address:	Address:	
City:	State:	MA
Zip Code:	Zip Ext:	
Telephone:	Tel Ext:	5019
Fascimile:	Representing:	Commonwealth, (Plaintiff)
Attorney Involved:	Firm Name:	ESSE02
Last Name:	First Name:	Phillip
Address:	Address:	
City:	State:	MA
Zip Code:	Zip Ext:	
Telephone:	Tel Ext:	
Fascimile:	Representing:	Commonwealth, (Plaintiff)
Attorney Involved:	Firm Name:	
Last Name:	First Name:	Frederick B
Address:	Address:	
City:	State:	MA
Zip Code:	Zip Ext:	
Telephone:	Tel Ext:	
Fascimile:	Representing:	Milette, Hector (Defendant)

Calendar Events

24 Calendar Events for Docket: ESCR2009-01561

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	02/23/2010	08:00	Arraignment	1	Event held as scheduled
2	03/22/2010	09:00	Conference: Pre-Trial	1	Event held as scheduled
3	04/29/2010	08:00	Hearing: Compliance	1	Event not held--joint request
4	06/21/2010	08:00	Hearing: Compliance	1	Event held as scheduled
5	07/26/2010	08:00	Hearing: Discovery Motions	1	Event not held--joint request
6	09/09/2010	08:00	Hearing: Discovery Motions	1	Event held as scheduled
7	10/13/2010	08:00	Hearing: Filing of Motion to Suppress	1	Event not held--joint request

8	11/16/2010	14:00	Hearing: Evidentiary-suppression	1	Event held--(ACTIVE) under advisement
9	12/13/2010	08:00	Conference: Status Review	1	Event held as scheduled
10	02/14/2011	08:00	Conference: Trial Assignment	1	Event held as scheduled
11	03/24/2011	08:00	Hearing: Plea Change	1	Event not held--joint request
12	04/28/2011	08:00	Conference: Final Pre-Trial	1	Event not held--joint request
13	05/09/2011	08:00	Hearing: Plea Change	1	Event held as scheduled
14	05/17/2011	08:00	TRIAL: by jury	1	Event canceled not re-scheduled
15	11/13/2012	09:30	Drug Lab: Hearing Stay Sentence	2	Event held as scheduled
16	12/13/2012	09:30	Drug Lab: Status	2	Event moved to another session
17	12/13/2012	11:00	Drug Lab: Status	4	Event held as scheduled
18	12/17/2012	10:00	Drug Lab: Status	4	Event held as scheduled
19	01/04/2013	10:00	Drug Lab: Status	4	Event held as scheduled
20	01/17/2013	10:00	Drug Lab: Status	4	Event held as scheduled
21	01/31/2013	10:00	Status: Review by Session	4	Event held as scheduled
22	02/12/2013	14:00	Drug Lab: Hearing Stay Sentence	4	Event held as scheduled
23	02/14/2013	09:30	Hearing: Motion	1	
24	02/25/2013	10:00	Drug Lab: Status	4	

Full Docket Entries

131 Docket Entries for Docket: ESCR2009-01561

Entry Date:	Paper No:	Docket Entry:
12/16/2009	1	Indictment returned
02/23/2010		Deft arraigned before Court
02/23/2010	2	Appearance of Commonwealth's Atty: Michael Sheehan
02/23/2010	3	Appearance of Deft's Atty: Frederick B McAlary Jr
02/23/2010		Deft waives reading of indictment
02/23/2010		RE Offense 1:Plea of not guilty
02/23/2010		RE Offense 2:Plea of not guilty
02/23/2010		RE Offense 3:Plea of not guilty
02/23/2010		RE Offense 4:Plea of not guilty
02/23/2010	4	Bail set: \$240,000.00 Cash without prejudice(Lu, J)
02/23/2010		Bail warning read
02/23/2010		Assigned to Track "B" see scheduling order
02/23/2010		Tracking deadlines Active since return date
02/23/2010	5	Case Tracking scheduling order (John Lu, Justice) mailed 2/23/2010
02/23/2010	6	Case initiation sheet filed in court
02/23/2010	7	Notice of discovery filed in court
03/22/2010	8	Defendants motion to be furnished with statements of promises rewards

03/22/2010 8 inducements agreed and allowed (Lu, J)
03/22/2010 9 Motion for disclosure of identity of Commonwealth informant agreed
and allowed
03/22/2010 9
04/29/2010 10 Defendant's Motion for Production warrants authorizing voice
recordings no action taken (Feeley, J.)
06/21/2010 11 Defendants motion to suppress recorded conversations and all evidence
obtained without an authorized warrant to record conversations
06/21/2010 11 pursuant to gl ch272 sec99 filed in court
07/27/2010 12 Notice of discovery 2 filed in court
09/09/2010 13 Motion for disclosure of identity of Commonwealth informant filed and
agreed
09/09/2010 13 Motion #8 & #10 agreed
11/16/2010 14 Hearing on motion to suppress recorded conversations held, matter
taken under advisement (Feeley, J)
11/16/2010 14 Commonwealth files Memorandum After A Hearing On The Defendant's
Motion To Suppress.
11/29/2010 15 Defendants motion to suppress all recorded communications made by the
CI in connection with the controlled buys in these cases are ALLOWED
11/29/2010 15 (Feeley, J) copies sent to ADA and defense atty
11/29/2010 15 Notice of discovery 2 filed in court
03/24/2011 16 RE Offense 1:Guilty plea (lesser offense) Plea of guilty to so much
of indictment that alleges Trafficking cocaine over 28 grams
"Accepted."
05/09/2011 16 RE Offense 2:Guilty plea (lesser offense) Plea of guilty to so much
of indictment that alleges Trafficking cocaine over 28 grams
"Accepted."
05/09/2011 16 RE Offense 3:Guilty plea (lesser offense) Plea of guilty to so much
of indictment that alleges Trafficking cocaine over 28 grams
"Accepted."
05/09/2011 16 RE Offense 4:Guilty plea (lesser offense) Plea of guilty to so much
of indictment that alleges Possession of class "B" with intent to
distribute "Accepted"
05/09/2011 17 Waiver of defendants' rights - filed.
05/09/2011 18 Re Offense 001: Defendant sentenced to (Five (5) Years and not more
than Five (5) Years and One (1) Day committed to t he Massachusetts
Correctional Institution, Cedar Junction. Credit of TOTAL of 561
Days.Timothy Feeley, Justice)
05/09/2011 19 Re Offense 002: Defendant sentenced to (Five (5) Years and not more
than Five (5) Years and One (1) Day committed to t he Massachusetts
Correctional Institution, Cedar Junction. Sentence to be served
concurrent with 2009-1561-001. Credit of TOTAL of 561 Days.Timothy
Feeley, Justice)

	20	Re Offense 003: Defendant sentenced to (Five (5) Years and not more than Five (5) Years and One (1) Day committed to t he Massachusetts Correctional Institution, Cedar Junction. Sentence to be served concurrent with 2009-1561-001. Credit of TOTAL of 561 Days.Timothy Feeley, Justice)
05/09/2011	20	Re Offense 004: Defendant sentenced to Three (3) Years probation to be served from and after sentence on 09-1561. (Timothy Feeley, Justice)
05/09/2011		Sentence stayed until 5/11/2011 (Timothy Feeley, Justice)
05/09/2011		All orders of bail revoked.
05/09/2011		Bail: Defendant held without bail (Timothy Feeley, Justice)
05/09/2011	21	ORDERED remanded to the custody of the Essex Correctional Facility (Middleton)
05/09/2011	21	Defendant is subject to the following special conditions: 1) Remain drug free, 2) Random Screens, 3) Substance abuse evaluation and treatment as deemed necessary by probation (Timothy Feeley, Justice)
05/09/2011		Probation supervision fee assessed: \$60.00 monthly and \$5.00 monthly victim service surcharge to be paid during probation. (Timothy Feeley, Justice)
05/09/2011		Victim-witness fee assessed: \$90.00 to br paid during probation. (Timothy Feeley, Justice)
05/09/2011	22	Drug fee assessed: \$150.00 to be paid suring probation. Timothy Feeley, Justice)
05/18/2011	23	Abstract sent to RMV
06/30/2011	24	Defendant files MOTION to revise and revoke sentence. (no action requested at this time)
06/30/2011	24	
09/12/2012	25	Defendant's Motion To Vacate Guilty Plea (Drug Lab)
09/20/2012		Motion #25 (MOTION by Deft: To Vacate) - No action taken at this time. The Commonwealth shall file a response within 45 days of this date. (Timothy Q. Feeley, Justice) copy to Def. Att. F.McA & ADA M.S.
09/20/2012		
09/20/2012		
10/22/2012	26	MOTION by Deft: For New Trial - filed.
10/22/2012	27	MOTION by Deft: For Stay Of Sentence - filed.
11/13/2012		Appearance of Commonwealth's Atty: Phillip Mallard
11/13/2012		Appearance of Deft's Atty: Frederick B McAlary Jr
11/13/2012	28	Commonwealth's Opposition to the Defendant's Motion to Stay Execution of Sentence Filed
11/13/2012	28	Hearing Held on Motion to Stay; Motion DENIED (Lowy, J.) (Motion #27)
11/13/2012	29	Exhibits Filed
01/17/2013	30	Deft files Memorandum in Support of Motion for New trial
01/31/2013	31	MOTION by Deft: Discovery, Allowed by agreement as to any of the discovery listed herein ad it becomes available to Essex DA's office
01/31/2013	31	
02/06/2013	32	Defendant's Motion For Reconsideration Of Motion For Stay Of Sentence

	32	(Drug Lab)
02/12/2013		MOTION (P#32) Argued in Open Court and allowed I allow this reconsideration and set bail at \$2,000.00 cash along with other special conditions for the following reasons, (1) defendant has served 40 of his 60 month sentence (2) Defendant is currently housed in a minimum security bunkhouse at MCI Shirley (3) Annie Dookhan is primary chemist on 3 of the 4 drug certs (4) defendant is one of multiple co-defendants with an alleged middleman role (5) defendant has family and or girlfriend to live with if he posts bail and goes on GPS monitoring (Cratsley,J)
02/12/2013	33	Bail set: \$2,000.00 Cash Cratsley,J
02/12/2013		Bail: Conditions of Release 10 pm -6 am curfew, GPS-defendant must report within 24 hours to Superior Court probation department in Salem if defendant makes Bail for GPS and to sign probation contract
02/12/2013		(3) weekly reporting to probation department, (4) supervised by probation department (5) GPS fee waived if indigent (6) random drug and alcohol screens (6) defendant must appear on 2/25/13 if makes bail (John T Lu, Justice)
02/12/2013		Bail warning read
02/13/2013		Defendant bailed on 2/12/13. Defendant to be placed into custody if GPS is not available when defendant reports to probation department, pending hearing on anticipated objection to order a stay of execution of sentence (Lu,J)
02/13/2013	34	Commonwealth files Objection to the Special Judicial Magistrate's Ruling Allowing the Defendant's Motion to Stay the Execution of his Sentence
02/13/2013	34	1:05 pm Conditions of Bail modified: GPS 24/7 home confinement and allowed to leave house only for court appearances and emergency medical care. Hearing on Commonwealth's objection to be scheduled with agreement of counsel as other conditions remain in effect (Lu,J)

Charges

4 Charges for Docket: ESCR2009-01561

No.	Charge Description:	Indictment:	Status:
1	COCAINE, TRAFFICKING IN c94C s32E(b)		Guilty plea (lesser offense)
2	COCAINE, TRAFFICKING IN c94C s32E(b)		Guilty plea (lesser offense)
3	COCAINE, TRAFFICKING IN c94C s32E(b)		Guilty plea (lesser offense)
4	COCAINE, TRAFFICKING IN c94C s32E(b)		Guilty plea (lesser offense)

Ex. 2

Shea, Jerry (EAS)

From: Carlotta M Patten <carlotta.patten@jud.state.ma.us>
Sent: Friday, October 12, 2012 9:19 AM
To: Shea, Jerry (EAS)
Subject: Essex County Drug Lab Cases
Attachments: Essex County Drug Lab Hearing Schedule 10-4-2012.wpd

On behalf of Judge Lowy:

This email will follow up on the protocol for Essex County Drug Lab cases that was discussed at the October 2 meeting:

1. The hearing dates for the Essex County drug lab cases are attached. Cases will be grouped by institution on the dates provided, and the goal is to videoconference on the majority of the dates. An interpreter will be present in the courtroom on all dates to assist where needed. Habes will not issue unless otherwise stated on the attached list, and the Court will not issue notices to appear. We will work first off of the preliminary list distributed to the Essex Superior Court.
2. Essex County "Drug Lab" cases are cases where the defendant is currently incarcerated on a lead drug charge where Annie Dookhan was the chemist or where she supervised the analysis. All pending cases cases in which motions regarding the integrity of the drug lab is questioned will be docketed in the Clerk's office but will be directed to the First Session. All motions for new trial in which Annie Dookhan was not the chemist or supervising chemist will be directed to the sentencing judge, or if the sentencing judge is retired, to the Regional Administrative Justice.
3. All defendants on the preliminary list must file a motion for new trial and a motion to stay execution of sentence in order to be heard on the dates provided. The motions may be filed by fax to the following number: 978-825-9989. Motions should be captioned with the heading "Drug Lab." A copy of the drug certificate referencing Annie Dookhan's involvement must be attached to the motion(s). The Commonwealth shall file a written response to the motion for stay, as well as a written statement regarding bail if a stay is granted. If a defendant is scheduled to be heard on a certain day, and that defendant does not file a written motion in advance of the hearing date, that defendant will be removed from the list. If a motion is filed in a Drug Lab case which case is not on the preliminary list, the court will make every effort to schedule that motion for hearing on the dates provided in the attachment. Defense motions shall be filed no later than one week prior to the scheduled hearing date.
4. Counsel present at the hearing will coordinate a next date for the case.
5. If a motion for stay is granted and the defendant is to be released, the defendant will be released from the institution.
6. Judge Lowy is the presiding judge in the drug lab session (Courtroom J). Inquiries may be directed to Carlotta Patten (978-825-4827) or Lisa Partelow (978-825-4817).

Thank you very much.

Ex. 3

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT

ORDER OF ASSIGNMENT

In accordance with the provisions of Mass. R. Crim. P. 47,
the Justices of the Superior Court hereby appoint

Hon. John C. Cratsley (ret.)

as Special Judicial Magistrate of the Superior Court, to preside over criminal proceedings in connection with cases relating to the William A. Hinton State Laboratory Institute in Jamaica Plain. The appointment shall commence on November 26, 2012 and will remain in effect until further order of the court. Said Special Judicial Magistrate shall be compensated in the same manner as is provided by the General Laws for the compensation of masters in civil cases.

Pursuant to Mass. R. Crim. P. 47, the Special Judicial Magistrate shall have the powers, duties, and authority to preside at arraignments, to set bail, to assign counsel, to supervise pretrial conferences, and to mark up motions for hearing. The Special Judicial Magistrate shall also have the power and authority to conduct hearings on post conviction motions, to issue orders regarding discovery, and other matters, and to make proposed findings and rulings to the Regional

Administrative Justice. If any party objects to the findings or rulings of the Special Judicial Magistrate, it must notify the Special Judicial Magistrate, opposing counsel and the Regional Administrative Justice in writing within 48 hours after receipt of the proposed findings and rulings stating the grounds for the objection. If no objection to the proposed findings and rulings of the Special Judicial Magistrate is filed within three court days of when the Special Judicial Magistrate makes said findings and rulings, they shall be acted upon by the Regional Administrative Justice without further hearing.

Further, the Special Judicial Magistrate shall perform such other duties as may be authorized by order of the Superior Court.

Barbara J. Rouse
Barbara J. Rouse
Chief Justice
Superior Court

DATED: 26 November 2012

Ex. 4

#32

U

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT DEPARTMENT
SALEM DIVISION
ESCR 2009 - 1561

COMMONWEALTH
v.
HECTOR MILETTE

MOTION FOR RECONSIDERATION OF
MOTION FOR STAY OF SENTENCE

The defendant moves, pursuant to Mass. R. Crim. P. 13(a)(5), that this Honorable Court reconsider Judge Lowy's decision of November 13, 2012, denying the Defendant's Motion to for Stay of Sentence.

As reason therefore, counsel for the defendant states that since the Court's ruling on November 12, 2012 the still ongoing investigation into the misconduct at the Hinton State Laboratory has revealed criminal involvement, so widespread that Chemist Annie Dookhan has now been indicted and arraigned in six counties in the Commonwealth.

Attached is a Memorandum in Support of this Motion for Reconsideration explaining Chemist Annie Dookhan's involvement in it above-entitled matter.

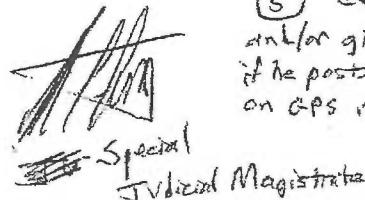
Justice requires a stay of the defendant's sentence because of her involvement and misconduct in this case.

Date: February 6, 2013

FILED
IN THE SUPERIOR COURT
FOR THE COUNTY OF ESSEX
FEB - 6 2013


CLERK

Fred McAlary BBO# 326420
15 Chestnut Street
Andover, MA. 01810
(978) 749-0870


Special
Judicial Magistrate

2/12/13 I decline to ^{After a request from the district attorney's office,} stay this order.

HECTOR MILETTE
By His Attorney ^{Special Judicial Magistrate}

- ① Def. has served 40 of his 60 months sentence,
- ② Def. is currently housed in a minimum security bunkhouse at McElroy's
- ③ Annie Dookhan is the primary chemist on 3 of the 4 drug certs.

- ④ Def. is one of multiple co-defs or an alleged "middleman" role.

- ⑤ Def. has family and/or girlfriend to live with if he posts bail and goes on GPS monitoring.

Ex. 5

LJ, J. 2/13/13 - Defendant bailed on 2/12/13. Defendant to be placed
into custody if GPS is not available when defendant is pending trial or during departure from state.
Deft. reports to court, & reports to Prob. Dept.

Other
to Order
to Stay of
Execution
of Sentence.

Commonwealth of Massachusetts
County of Essex
The Superior Court

Other
Conditions
remain
in
effect.

ESCR 2009.156

RE: Commonwealth v Hector Millette

ORDER ON STAY OF EXECUTION OF SENTENCE - DRUG LAB

This court grants defendant's motion for stay of sentence previously imposed in this case conditional upon the defendant satisfying all the terms set forth on the bail mittimus issued this day.

Therefore, it is ORDERED THAT THE DEFENDANT SHALL REMAIN AT Mit Mystery (correctional agency) and held until the terms of the bail mittimus are satisfied.

Other: Bail set @ \$2,000

Conditions of Bail & Stay

1. 10p-6a curfew
2. GPS-deft must report w/in 24 hrs to Superior Ct. prob dept un. Safer if deft. makes Bail for GPS + to sign probation contract
3. WKLY reporting to probation
4. Supv. by prob. dept.
5. GPS fee waived if indent.
6. Random alc + drug screens
7. cont to 2/25/13 status Conf - deft must appear on this date

By the Court

Cratsey

Affet

Clerk/Assistant Clerk

Pullen

The Clerk's Office shall fax to 978 405 6136 Attn: Janice Hebert and mail a copy of this order to the correctional agency where the defendant had been committed prior to this order.

LJ, J. 2/13/13 1:05 pm
Conditions of Bail modified: GPS 24/7 home confinement + allowed to leave house only for

Court appearance and emergency medical care, w/ agreement to be scheduled after CP/Att's inspection to be scheduled after Clerk's office. All Commonwealth's offices remain in effect.

Ex. 6



HAVERHILL PD
HAVERHILL, MA
Incident Report #9020634

Page 1 of 4

Not For Public Release

Date/Time Printed: Mon Nov 23 20:15:23 EST 20 By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders

Status	Name	Sex	Race	Age	DOB	Home Phone	Address
1 DEFENDANT	CRUZ, ALEJANDRO	MALE	WHITE	54	10/12/1954		222 ESSEX ST LAWRENCE, MA
2 DEFENDANT	MILETTE, HECTOR ENRIQUE	MALE	WHITE	29	05/19/1980	978 764-3080	34 GRAND AVE HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code		Date Rec	Rec \$	Rec By		

Property

Class	Description	Make	Model	Serial #	Value

Narrative

On 08/05/09, Massachusetts State Police (MSP) Troopers (Tpr) Tim Leeman, Brian O'Neil, and Sgt. Mark Reid (all Gang Unit and North Shore Gang Task Force), Tpr's Steve Gondela, and Jay Conant (both Essex County Drug Task Force), New Hampshire Attorney General's Drug Task Force (NHDTF) Officer's and New Hampshire State Police (NHSP) Scott Roy, Jeff Lemoyne, and Jesse Sherrill, DEA NH Special Agents (SA) Mike Forti, and SA Mike Connolly, FBI SA Chris Bencken, and SA Gary Coffey, North Shore Gang Task Force (NSGTF) Special Federal Officers (SFO) Matt Doucot and Sean Richards, and myself Detective Thomas Howell Haverhill PD and a full time member of the NSGTF. The DEA also (Continued on next page)

Reporting Officer

Reviewing Officer

Approving Officer

HOWELL, T (66)

PROULX, B (7)



HAVERHILL PD
HAVERHILL, MA
Incident Report #9020634

Not For Public Release

Date/Time Printed: Mon Nov 23 20:15:23 EST 20 By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders (Continued from page 1)

Status	Name	Sex	Race	Age	DOB	Home Phone	Address
3 DEFENDANT	GONZALEZ, ERIC J	MALE	WHITE	29	09/20/1979	978 912-3184 978 912-3184	34 GRAND AVE HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property

Class	Description	Make	Model	Serial #	Value

Narrative (Continued from page 1)

provided a surveillance plane. We were all in the City of Haverhill conducting an undercover drug and gang investigation. All the above agents and officers were part of the surveillance team.

Prior to this investigation I was contacted by NHSP Tpr. Sherrill and he advised me that he had a reliable confidential informant (RCI) that could purchase cocaine from Efrain Crespo also known as (AKA) "Cito" and Hector Milette AKA "little Hec". Both Crespo and Milette have previously been connected to the Haverhill street gang "C's UP" and are well (Continued on next page)

Reporting Officer

HOWELL, T (66)

Reviewing Officer

Approving Officer

PROULX, B (7)



HAVERHILL PD
HAVERHILL, MA
Incident Report #9020634

Not For Public Release

Date/Time Printed: Mon Nov 23 20:15:23 EST 20By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E (94C/32E/A)	

Narrative (Continued from page 2)

known impact players in the City of Haverhill. Sherrill advised me that the RCI would be able to make a phone call to either Crespo or Milette in order to purchase cocaine.

On 08/05/09 at approximately 1400hrs we met with the RCI at a predetermined meeting location. I searched the RCI for money or contraband with negative results. I also searched the RCI's vehicle for money or contraband with negative results. We instructed the RCI to make a phone call to Efrain Crespo to purchase 125 grams of cocaine. The RCI called Crespo at (718) 313-6582 and Crespo informed the RCI that the cost of the cocaine would be \$32.00 a gram. We gave the RCI \$4050.00 in official agency funds and instructed him to drive to 13 1/2 Grove St. in Haverhill, Ma to purchase 125 grams of cocaine from Efrain Crespo. The RCI was also provided with an audio recorder for his personal safety. We provided the RCI with additional money because Crespo has changed price amounts in the past. The RCI proceeded to 13 1/2 Grove St. under surveillance by the above listed surveillance team. At approximately 1510hrs the RCI arrived at Crespo's residence. At approximately 1620hrs the RCI was able to make contact with Tpr. Sherrill and advised him that Crespo would have to call "Little Hec" and the price of the cocaine would be raised to \$34.00 a gram. The RCI left Crespo's residence and picked up Milette at 34 Grand Ave. while under surveillance. The RCI arrived back at Crespo's residence at approximately 1636hrs. The RCI states that Milette called his supplier and that his supplier would meet Milette and the RCI back at Milette's residence in approximately an hour. At approximately 1715hrs I observed both Efrain Crespo and Hector Milette standing next to the RCI in Crespo's driveway. I know both Crespo and Milette from prior encounters with both individuals over the last several years.

34 Grand Ave

At approximately 1753hrs Milette and the RCI left Crespo's residence and arrived at 34 Grand Ave. at approximately 1800hrs under surveillance. Surveillance observed both Milette and the RCI enter the Grand Ave. address. At approximately 1820hrs surveillance observed a silver Acura bearing Ma registration 991LA0 arrive across the street from 34 Grand Ave. A dark-skinned male wearing a red polo shirt exited the vehicle and walked across the street into Milette's building. At approximately 1830hrs the dark-skinned male left 34 Grand Ave. and was followed by surveillance to 59 Arch St. Haverhill, Ma. The above listed party parked the vehicle behind the building and was observed entering the rear of this address. The RCI was observed by surveillance leaving Milette's residence and was surveilled back to the predetermined meeting location. The RCI was searched for contraband and money by Det. Howell with negative results. The RCI's vehicle was searched for contraband and money by Det. Howell and Tpr. Sherrill with negative results. The RCI turned over a plastic bag containing several chunks of a white powdered substance that from this officer's training and experience appeared to be cocaine. The RCI also turned over the recorder. I weighed the bag and it weighed approximately 125.7 grams and I also field tested the substance and it tested positive for the

(Continued on next page)

Reporting Officer

HOWELL, T (66)

Reviewing Officer

Approving Officer

PROULX, B (7)



HAVERHILL PD
HAVERHILL, MA
Incident Report #9020634

Not For Public Release

Date/Time Printed: Mon Nov 23 20:15:23 EST 20By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Narrative (Continued from page 3)

appearance of cocaine.

I sat down with the RCI along with Tpr. Sherrill, Tpr. Conant, and SA Connolly. The RCI stated to us that he arrived at Crespo's and Crespo told him that he couldn't get the cocaine at 32.00 a gram and that he would have to get it from "Little Hec" for \$34.00 a gram. The RCI states that he overheard Crespo call "Little Hec" and "Little Hec" agreed to make the deal for Crespo and the RCI. The RCI told Crespo he didn't have enough money for that amount but he/she was close. The RCI states that Crespo told him that his regular guy wasn't around and that is why the price changed. The RCI states that when Crespo, Milette and he/she were negotiating the price and amount that Efrain gave RCI \$550.00 for an additional 25 grams of cocaine for himself. RCI states that he/she and Milette drove back to Milette's residence and the RCI asked if Milette would "front" him some money. Milette agreed but told the RCI that he was not making much if anything off this deal. The RCI states that he agreed to pay Milette \$100.00 in the future for "fronting" the extra money. The RCI states that when the dealer arrived at Milette's residence that Milette got a scale and that they weighed out 125 grams for the RCI, 25 grams for Crespo and 20 grams for Milette that was owed to him by the dealer. The RCI states that he obtained Milette's cell phone number (978)702-7329 and told him that he would be in contact. Milette told the RCI, that would be good and to call him anytime. RCI states that Crespo and Milette both talked about going to Water St. in Lawrence, Ma to pickup drugs but did not like going there because the street was too "hot" with police activity.

I went back to the Haverhill Police Station accompanied by SA Bencken and I placed the cocaine into evidence to await analysis from the State drug lab.

ADMINISTRATIVE: MA REG. 52ML01 REGISTERED TO SHERI LEAVITT 3 LAPIERRE ST. HAVERHILL, MA
(DODGE NEON PARKED IN CRESPO'S DRIVEWAY)

MA REG 991LA0 REGISTERED TO MOISES J. LANTIGUA 17 WINTHROP AVE. #1 LAWRENCE, MA 2003 SILVER ACURA TL.

Reporting Officer
HOWELL, T (66)

Reviewing Officer

Approving Officer
PROULX, B (7)

Main Form



**HAVERHILL PD
HAVERHILL, MA**

OFFICER REPORT

INCIDENT #	REPORT DATE	REPORT TYPE	OFFICER	RANK	REVIEW STATUS
9020634 / 1	07/05/2009 21:18:00	SUPPLEMENT	HOWELL, T	DETECTIVE	APPROVED

Officer Report

As Of 08/19/2009 21:03:41

NARRATIVE

On 08/13/09 at approximately 1215hrs Haverhill Police Detectives Sonny Greenwood and Gary Melanson, Massachusetts State Police (MSP) Troopers (Tpr) Brian O'Neil, and Sgt. Mark Reid (all Gang Unit and North Shore Gang Task Force), Lawrence Police Detective Mark Rivet, and Tpr. Jay Conant (both Essex County Drug Task Force), New Hampshire Attorney General's Drug Task Force (NHDTF) Officer's and New Hampshire State Police (NHSP) Derek Richardson and Jesse Sherrill, DEA NH Special Agents (SA) Mike Forti, SA Mike Connolly, and SSA Al Angelucci, FBI SA Chris Benken, and SA Gary Coffey, North Shore Gang Task Force (NSGTF) Special Federal Officer (SFO) Sean Richards, and myself Detective Thomas Howell Haverhill PD and a full time member of the NSGTF. We were all in the City of Haverhill conducting an undercover drug and gang investigation. All the above agents and officers were part of the surveillance team.

On 08/13/09 at approximately 1200hrs we met with the reliable confidential informant (RCI) at a predetermined meeting location. I searched the RCI for money or contraband with negative results. Tpr. Sherill also searched the RCI's vehicle for money or contraband with negative results. We instructed the RCI to make a phone call to Efrain Crespo to purchase 42 grams of cocaine. The RCI called Crespo at (718) 313-6582 and Crespo informed the RCI that he has the cocaine at his house. Crespo asked the RCI to pick up some McDonald's food for him prior to coming to his house. We gave the RCI \$1500.00 in official agency funds and instructed him to drive to 13 1/2 Grove St. in Haverhill, Ma to purchase 42 grams of cocaine from Efrain Crespo. The RCI was also provided with an audio recorder for his personal safety. We provided the RCI with additional money because Crespo has changed price amounts in the past. At approximately 1215hrs the RCI proceeded to 13 1/2 Grove St. under surveillance by the above listed surveillance team. At approximately 1225hrs the RCI stopped at the McDonalds restaurant on River St. under surveillance and at approximately 1229hrs left McDonalds. At approximately 1233hrs the RCI arrived at Crespo's residence.

The RCI was observed by surveillance leaving Crespo's residence at approximately 1233hrs and was surveilled back to the predetermined meeting location. The RCI arrived at this location and was searched for contraband and money by Det. Howell with negative results. The RCI's vehicle was searched for contraband and money by Tpr. Sherrill with negative results. The RCI turned over a plastic bag containing several small chunks of a white powdered substance that from this officer's training and experience appeared to be cocaine. The RCI also turned over the recorder. I weighed the bag and it weighed approximately 42.3 grams and I also field tested the substance and it tested positive for the appearance of cocaine.

I sat down with the RCI along with Tpr. Sherrill, and SA Forti. The RCI stated to us that he arrived at Crespo's and Crespo told him to go upstairs with him to his bedroom. The RCI states that Crespo pulled what appeared to be a girl's handbag from the top of the dresser. The RCI states that Crespo took one plastic bag out of the handbag. The RCI told us that Crespo called down to his teenage son and told his son to get his scale. The RCI states that Crespo's son could not find the scale and Crespo went downstairs to get a black silver digital scale. Crespo took some cocaine and placed it into another plastic bag. The RCI states that Crespo added an additional .3 grams to the bag and the total weight of the bag was 42.3 grams according to that scale. Crespo advised the RCI that he pays \$32.00 a gram for the cocaine and was charging him \$34.00 a gram. The RCI states that Crespo showed him a piece of paper with \$1428.00 written down on it and the RCI handed Crespo the money.

10/22/09 15:50 FAX 978 374 3154 Essex District Attorney DA OFFICE CRASH GILDWIN → DIMS KATHY

052

Main Form

Page 2 of 2

The RCI states that he then left the house and drove back to the meeting location.

I went back to the Haverhill Police Station and placed the cocaine into evidence to await analysis from the State drug lab.

AUTHORIZATION

<u>REPORT TYPE</u>	<u>DATE/TIME REPORTED</u>	<u>REPORT STATUS</u>
SUPPLEMENT	07/05/2009 21:18:00	APPROVED
<u>REPORTING OFFICER</u>	<u>SIGNATURE</u>	<u>DATE/TIME ENTERED</u>
HOWELL, T(66)		08/13/2009 18:30:20
<u>REVIEWED BY</u>	<u>SIGNATURE</u>	<u>DATE/TIME REVIEWED</u>
()		
<u>APPROVED BY</u>	<u>SIGNATURE</u>	<u>DATE/TIME APPROVED</u>
PROULX, B(7)		10/15/2009 22:24:13

OTHER SIGNATURES

<u>PATROL SUPERVISOR</u>	<u>SHIFT COMMANDER</u>
--------------------------	------------------------



HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/2

Page 1 of 4

Approved For Public View

Date/Time Printed: Mon Nov 23 20:16:38 EST 20 By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders

Status	Name	Sex	Race	Age	DOB	Home Phone	Address
1 DEFENDANT	CRUZ, ALEJANDRO	MALE	WHITE	54	10/12/1954		222 ESSEX ST LAWRENCE, MA
2 DEFENDANT	MILETTE, HECTOR ENRIQUE	MALE	WHITE	29	05/19/1980	978 764-3080	34 GRAND AVE HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property

Class	Description	Make	Model	Serial #	Value

Narrative

On 08/18/09, Haverhill Police Detectives Gary Melanson and Sonny Greenwood, Massachusetts State Police (MSP) Troopers (Tpr) Brian O'Neil, and Sgt. Mark Reid (all Gang Unit and North Shore Gang Task Force), Tpr's Greg Defosie, Jay Conant and Sgt. Grassia (Essex County Drug Task Force), New Hampshire Attorney General's Drug Task Force (NHDTF) Officer's and New Hampshire State Police (NHSP) Tpr. Jesse Sherrill, DEA NH Special Agents (SA) Mike Forti, SA Mike Connolly, and SSA Al Angelucci, FBI SA Gary Coffey, and myself Detective Thomas Howell Haverhill PD and a full time member of the NSGTF. The DEA also provided a surveillance plane. We were all in the City of Haverhill conducting an undercover (Continued on next page)

Reporting Officer

HOWELL, T (66)

Reviewing Officer

Approving Officer

PROULX, B (7)



**HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/2**

Approved For Public View

Date/Time Printed: Mon Nov 23 20:16:38 EST 20 By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders (Continued from page 1)

Status	Name	Sex	Race	Age	DOB	Home Phone	Address
DEFENDANT	GONZALEZ, ERIC J	MALE	WHITE	29	09/20/1979	978 912-3184 978 912-3184	34 GRAND AVE HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property

Class	Description	Make	Model	Serial #	Value

Narrative (Continued from page 1)

drug and gang investigation. All the above agents and officers were part of the surveillance team.

This is an ongoing investigation involving several agencies. There have been prior drug purchases made with the defendant and the RCI. (Case# 9020634 Haverhill Police Department).

(Continued on next page)

Reporting Officer

HOWELL, T (66)

Reviewing Officer**Approving Officer**

PROULX, B (7)



**HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/2**

Approved For Public View

Date/Time Printed: Mon Nov 23 20:16:38 EST 20By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Narrative (Continued from page 2)

On 08/18/09 at approximately 1400hrs we met with the RCI at a predetermined meeting location. I searched the RCI for money or contraband with negative results. Tpr. Sherrill also searched the RCI's vehicle for money or contraband with negative results. We instructed the RCI to make a phone call to Hector Milette for the purpose of purchasing 125 grams of cocaine. The RCI called Milette at (978) 764-3080 and told Milette that he would be at his house soon. We gave the RCI \$4100.00 in official agency funds and instructed him to drive to 34 Grand Ave. in Haverhill, Ma to purchase 125 grams of cocaine from Hector Milette. The RCI was also provided with an audio recorder for his personal safety. We provided the RCI with additional money because he owed Milette \$100.00 from a prior controlled drug purchase. The RCI left the meeting location at approximately 1424hrs and proceeded to 34 Grand Ave. under surveillance by the above listed surveillance team. At approximately 1440hrs the RCI arrived at Milette's residence. Approximately ten minutes later I observed the RCI and Hector Milette walking outside 34 Grand Ave. Both of them went into the Spanish Bodega on the corner of Winter St. and Locust St. and walked out approximately five minutes later with soda bottles. They both walked across Grand Ave. and back into Milette's residence.

At approximately 1524hrs surveillance observed a silver Acura bearing Ma registration 991LA0 arrive across the street from 34 Grand Ave. A Hispanic male exited the vehicle and walked across the street into Milette's building. At approximately 1527hrs the Hispanic male left 34 Grand Ave. and was followed by surveillance to 19 Independence Way Methuen, Ma.

(surveillance note: the Hispanic male operating the Acura drove an indirect route to this address that generally indicates that the operator of the vehicle was "cleaning himself of surveillance"). The above listed party parked the vehicle in front of the building marked #19 and was observed entering the front of this address. The RCI was observed by surveillance leaving Milette's residence at approximately 1530hrs and was surveilled back to the predetermined meeting location. The RCI was searched for contraband and money by Det. Howell with negative results. The RCI's vehicle was searched for contraband and money by Det. Howell and Tpr. Sherrill with negative results. The RCI turned over a plastic bag containing several chunks of a white powdered substance that from this officer's training and experience appeared to be cocaine. The RCI also turned over the recorder. I weighed the bag and it weighed approximately 125.7 grams and I also field tested the substance and it tested positive for the appearance of cocaine.

I sat down with the RCI along with Tpr. Sherrill, and SA Connolly. The RCI states that when he arrived at Hector's residence that they made small talk and Hector spoke with "MI MI" on the phone. The RCI knows "MI MI" as Vladimir Gonzalez. Gonzalez was incarcerated at this point in time and some of his family resides at 34 Grand Ave. The RCI states that Hector made two calls to the dealer and spoke to him in Spanish. The RCI states that when the dealer

(Continued on next page)

Reporting Officer
HOWELL, T (66)

Reviewing Officer

Approving Officer
PROULX, B (7)



**HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/2**

Approved For Public View

Date/Time Printed: Mon Nov 23 20:16:38 EST 20By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Narrative (Continued from page 3)

arrived at Milette's residence that Milette met the dealer in the hallway. The dealer and Hector both walked back into Hector's bedroom. Hector got a scale from under the bed that he shares with Eric Gonzalez. The RCI states that the dealer gave Hector the cocaine wrapped in a paper towel. The RCI gave Hector the money and Hector in turn gave the dealer the money. The RCI gave Hector \$4100.00, \$4000.00 for the cocaine and \$100.00 that he owed Hector from a prior purchase. The RCI states that the scale was approximately 10"x10" in size. The RCI and Hector then weighed out approximately 126.2 grams of cocaine. The RCI then immediately left Hector's residence and went back to the meeting location.

I went back to the Haverhill Police Station and I placed the cocaine into evidence to await analysis from the State drug lab.

ADMINISTRATIVE: MA REG 991LA0 REGISTERED TO MOISES J. LANTIGUA 17 WINTHROP AVE. #1 LAWRENCE, MA 2003 SILVER ACURA TL.

HECTOR MILETTE'S TWO CELL PHONE NUMBERS-- (978) 702-7329, (978) 764-3080.

Reporting Officer
HOWELL, T (66)

Reviewing Officer

Approving Officer
PROULX, B (7)



HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/3

Approved For Public View

Date/Time Printed: Mon Nov 23 20:16:58 EST 20 By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders

Status	Name	Sex	Race	Age	DOB	Home Phone	Address
1 DEFENDANT	CRUZ, ALEJANDRO	MALE	WHITE	54	10/12/1954		222 ESSEX ST LAWRENCE, MA
2 DEFENDANT	MILETTE, HECTOR ENRIQUE	MALE	WHITE	29	05/19/1980	978 764-3080	34 GRAND AVE HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property

Class	Description	Make	Model	Serial #	Value

Narrative

On 08/27/09, Haverhill Police Detectives Gary Melanson and Sonny Greenwood, Massachusetts State Police (MSP) Troopers (Tpr) Brian O'Neil, and Sgt. Mark Reid (all Gang Unit and North Shore Gang Task Force), New Hampshire Attorney General's Drug Task Force (NHDTF) Officer's and New Hampshire State Police (NHSP) Tpr. Jesse Sherrill, DEA NH Special Agents (SA) Mike Forti, SA Mike Connolly, and SSA Al Angelucci, SFO Sean Richards, and myself Detective Thomas Howell Haverhill PD and a full time member of the NSGTF. The DEA also provided a surveillance plane. We were all in the City of Haverhill conducting an undercover drug and gang investigation. All the above agents and officers were part of the (Continued on next page)

Reporting Officer

Reviewing Officer

Approving Officer

HOWELL, T (66)

PROULX, B (7)



**HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/3**

Approved For Public View

Date/Time Printed: Mon Nov 23 20:16:58 EST 20 By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Persons							
Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders (Continued from page 1)							
Status	Name	Sex	Race	Age	DOB	Home Phone	Address
3 DEFENDANT	GONZALEZ, ERIC J	MALE	WHITE	29	09/20/1979	978 912-3184 978 912-3184	34 GRAND AVE HAVERHILL, MA

Vehicles							
Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property						
Class	Description	Make	Model	Serial #	Value	

Narrative (Continued from page 1)						
surveillance team.						
This is an ongoing investigation involving several agencies. There have been prior drug purchases made with the defendant and the RCI. (Case# 9020634 Haverhill Police Department).						
On 08/27/09 at approximately 1030hrs we met with the reliable confidential informant (RCI) at a predetermined meeting location. Tpr. Sherrill searched the RCI for money or (Continued on next page)						

Reporting Officer	Reviewing Officer	Approving Officer
HOWELL, T (66)		PROULX, B (7)



HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/3

Approved For Public View

Date/Time Printed: Mon Nov 23 20:16:58 EST 20By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Narrative (Continued from page 2)

contraband with negative results. Tpr. Sherrill also searched the RCI's vehicle for money or contraband with negative results. The RCI advised us that he could purchase cocaine from Eric Gonzalez (Gonzalez is Hector Milette's roommate). We gave the RCI \$8000.00 in official agency funds and instructed him to drive to 34 Grand Ave. in Haverhill, Ma to purchase 250 grams of cocaine from Eric Gonzalez and Hector Milette. The RCI was also provided with an audio recorder for his personal safety. The RCI left the meeting location at approximately 1057hrs and proceeded to 34 Grand Ave. under surveillance by the above listed surveillance team. At approximately 1122hrs the RCI arrived at Milette's residence. At approximately 1150hrs I observed Eric Gonzalez walking outside 34 Grand Ave (I know Gonzalez by sight because I have arrested him).

At approximately 1150hrs surveillance observed a tan Honda Accord bearing Ma registration 268DG4 arrive across the street from 34 Grand Ave. A Hispanic male exited the vehicle and walked across the street into Milette's building. At approximately 1206hrs the Hispanic male left 34 Grand Ave. and was followed by surveillance to 17 Loring St. Lawrence, Ma.

At approximately 1425hrs the same Honda Accord bearing Ma registration 268DG4, was observed by surveillance pulling up across the street from 34 Grand Ave. The same Hispanic male from earlier in the day was observed walking into 34 Grand Ave. The Hispanic male left 34 Grand Ave. at approximately 1430hrs and was followed by surveillance back to Lawrence, Ma. The RCI was observed by surveillance leaving Milette's residence after the Hispanic male left and was surveilled back to the predetermined meeting location. The RCI was searched for contraband and money by Tpr. Sherrill with negative results. The RCI's vehicle was searched for contraband and money by Det. Howell and SA Connolly with negative results. The RCI turned over two plastic bags containing several chunks of a white powdered substance that from this officer's training and experience appeared to be cocaine. The RCI also turned over the recorder. I weighed both bags and one weighed approximately 125.9 grams and the second one weighed approximately 127.5 grams. I also field tested the substances and they both tested positive for the appearance of cocaine.

I sat down with the RCI along with Tpr. Sherrill, and SA Connolly. The RCI states that when he arrived at Hector and Eric's residence that Eric was by himself in the living room. The RCI states that Eric made a call to the dealer and spoke to him in Spanish. Eric told the RCI that the "runner" would be here in fifteen minutes. The RCI states that when the dealer arrived at the residence he walked into the kitchen. The runner, Eric, and the RCI were in the kitchen. The RCI placed the money on a DVD player on the kitchen table. The runner gave Eric the cocaine and Eric handed the cocaine to the RCI. At this point the RCI asked the runner if he could get him another "125" (referring to 125 grams of cocaine). Eric

(Continued on next page)

Reporting Officer
HOWELL, T (66)

Reviewing Officer

Approving Officer
PROULX, B(7)



**HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/3**

Approved For Public View

Date/Time Printed: Mon Nov 23 20:16:58 EST 20By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Narrative (Continued from page 3)

called the runner's "boss" and the boss told Eric that he would send the runner back in about an hour with the other "125". The runner left the area and Hector Milette arrived at the residence. The RCI states that Hector took over the phone from Eric because it was his phone.

Eric then left the residence for work. Hector began calling the boss to inquire about the runners whereabouts. The same runner came back to the apartment and the RCI gave Hector the money and he observes Hector grab \$500.00 for himself. The runner gave Hector the cocaine and Hector gave the money to the runner. Hector then gave the bag of cocaine to the RCI. The RCI then immediately left Hector's residence and went back to the meeting location. The RCI gave Hector and Eric a total of \$8000.00 for the cocaine.

I went back to the Haverhill Police Station and I placed the cocaine into evidence to await analysis from the State drug lab.

Reporting Officer
HOWELL, T (66)

Reviewing Officer

Approving Officer
PROULX, B (7)



**HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/4**

Approved For Public View

Date/Time Printed: Mon Nov 23 20:17:24 EST 20 By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders

Status	Name	Sex	Race	Age	DOB	Home Phone	Address
1 DEFENDANT	CRUZ, ALEJANDRO	MALE	WHITE	54	10/12/1954		222 ESSEX ST LAWRENCE, MA
2 DEFENDANT	MILETTE, HECTOR ENRIQUE	MALE	WHITE	29	05/19/1980	978 764-3080	34 GRAND AVE HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property

Class	Description	Make	Model	Serial #	Value

Narrative

On 10/06/09, Haverhill Police Detectives Gary Melanson, Sonny Greenwood and Sgt. John Arahovites, Massachusetts State Police (MSP) Sgt. Mark Reid (Gang Unit and North Shore Gang Task Force), New Hampshire Attorney General's Drug Task Force (NEDTF) Officer's and New Hampshire State Police (NHSP) Tpr. Jesse Sherrill, Darren Johnson, Derek Richardson, Brian Newcomb, and Jeff Lemoyne, DEA NH Special Agents (SA) Mike Forti, SA Mike Connolly, Kevin Frye and SSA Al Angelucci, FBI SA's Gary Coffey and Chris Bencken, and myself Detective Thomas Howell Haverhill PD and a full time member of the NSGTF. The DEA also provided a surveillance plane (SA Kevin Frye). We were all in the City of (Continued on next page)

Reporting Officer

HOWELL, T (66)

Reviewing Officer

Approving Officer

PROULX, B (7)



HAVERHILL PD

HAVERHILL, MA

Supplementary Report #9020634/4

Page 2 of 4

Approved For Public View

Date/Time Printed: Mon Nov 23 20:17:24 EST 20 By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders (Continued from page 1)

Status	Name	Sex	Race	Age	DOB	Home Phone	Address
DEFENDANT	GONZALEZ, ERIC J	MALE	WHITE	29	09/20/1979	978 912-3184 978 912-3184	34 GRAND AVE HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec		Rec \$	Rec By		

Property

Class	Description	Make	Model	Serial #	Value

Narrative (Continued from page 1)

Haverhill conducting an undercover drug and gang investigation. All the above agents and officers were part of the surveillance team.

This is an ongoing investigation involving several agencies. There have been prior drug purchases made with the defendants and the RCI. (Case# 9020634 Haverhill Police Department).

On 10/06/09 at approximately 1215hrs we met with the reliable confidential informant
(Continued on next page)

Reporting Officer

Reviewing Officer

Approving Officer

HOWELL, T (66)

PROULX, B (7)



HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/4

Approved For Public View

Date/Time Printed: Mon Nov 23 20:17:24 EST 20By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Narrative (Continued from page 2)

(RCI) at a predetermined meeting location. Tpr. Sherrill searched the RCI for money or contraband with negative results. Tpr. Sherrill also searched the RCI's vehicle for money or contraband with negative results. The RCI advised us that he could purchase cocaine from Eric Gonzalez (Gonzalez is Hector Milette's roommate). We gave the RCI \$4000.00 in official agency funds (OAF) and instructed him to drive to 34 Grand Ave. in Haverhill, Ma to purchase 125 grams of cocaine from Eric Gonzalez and Hector Milette. The RCI was also provided with an audio recorder and KEL for his personal safety. The RCI left the meeting location at approximately 1258hrs and proceeded to 34 Grand Ave. under surveillance by the above listed surveillance team. At approximately 1315hrs the RCI arrived at Milette's residence. The RCI entered 34 Grand Ave. and was met by Eric Gonzalez and Hector Milette. (Gonzalez's younger brother Willman Rivandeniera was also inside the apartment but wasn't involved with the conversation). Gonzalez advised the RCI that he called the dealer and the dealer advised him that he was in Boston and would not be able to deliver the cocaine until three p.m. The RCI left the apartment at approximately 1340hrs under surveillance. Tpr. Sherrill and I met with the RCI at another location at 1350hrs and we directed him to another location while under surveillance, where we would wait with him/her.

At approximately 1455hrs the RCI arrived back at 34 Grand Ave. while under surveillance. The RCI went back into the apartment and a short time later I observed Eric Gonzalez exit the apartment and talk with Comcast Cable worker. Eric went back into the apartment. At approximately 1540hrs a Hispanic Male pulled up in a Silver Acura bearing Ma. registration 991LA0 on Locust St. near the corner of 34 Grand Ave. I was able to positively identify the Hispanic Male driving the above listed vehicle as Alejandro Cruz. (I was able to make this identification from prior police involvement in Lawrence, Ma.) Cruz entered Gonzalez's and Milette's apartment and he exited the apartment at approximately 1545hrs. The RCI left the apartment at approximately 1546hrs and was surveilled back to the pre-determined meeting location. The RCI was searched for contraband and money by Tpr. Sherrill with negative results. The RCI's vehicle was searched for contraband and money by Tpr. Sherrill with negative results. The RCI turned over one plastic bag containing several chunks of a white powdered substance that from this officer's training and experience appeared to be cocaine. The RCI also turned over the recorder and KEL. I weighed the bag and it weighed approximately 126.7 grams. I also field tested the substance and it tested positive for the appearance of cocaine. (hereinafter the "runner" will now be listed as Alejandro Cruz when applicable).

I sat down with the RCI along with Tpr. Sherrill, and SA Connolly. The RCI states that when he/she arrived at Hector and Eric's residence that Hector, Eric, and Willman were in the apartment. The RCI states that Eric made a call to the dealer and spoke to him in Spanish.

(Continued on next page)

Reporting Officer
HOWELL, T (66)

Reviewing Officer

Approving Officer
PROULX, B (7)



**HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/4**

Approved For Public View

Date/Time Printed: Mon Nov 23 20:17:24 EST 20By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Narrative (Continued from page 3)

Eric told the RCI that the "runner" was in Boston and he could be back at 1500hrs. The RCI states that Willman was playing a video game and was not involved with the conversation. The RCI left the apartment after some small talk and met with us.

The RCI states that he arrived at Eric and Hector's residence the second time and Eric and Hector were not at the apartment. The RCI waited for a few minutes and observed Eric and Hector walking towards 34 Grand Ave. from Emerson St. The RCI states that all three of them went into Hector and Eric's apartment. The RCI states that just prior to the runner's arrival, Hector ran into a back bedroom in the apartment because he told the RCI that he owes the dealer some money. The RCI states that the dealer arrived at the residence and entered the side entrance. The RCI, Eric and Alejandro Cruz met in Eric and Hector's bedroom. Cruz dropped a bag of cocaine on the bed and Cruz placed a phone call to his boss. The boss told Cruz that the deal was for "125" (referring to 125 grams of cocaine). The RCI gave Cruz \$4000.00 in OAF and Cruz asked how much was there and the RCI told him \$4000.00. The RCI states that Cruz did not bother to count the money but put it into his pocket. Eric got a scale out and weighed out 125 grams from the bag. Eric then went and got another bag to put the "125" into for the RCI. The RCI states that there was another approximately 125 grams of cocaine left over from the original bag that Cruz brought with him. Cruz then left the apartment and the RCI left after Cruz exited the apartment and got into his car. The RCI then proceeded back to the pre-determined meeting location.

I showed the RCI a Ma. RMV photo that depicts Alejandro Cruz and the RCI identified the photo as the "runner". The RCI also states that he was the "runner" in three prior purchases.

I went back to the Haverhill Police Station and I placed the cocaine into evidence to await analysis from the State drug lab.

ADMINISTRATIVE:

MA REG 991LA0 REGISTERED TO MOISES J. LANTIGUA 17 WINTHROP AVE. #1 LAWRENCE, MA 2003 SILVER ACURA TL.

ALEJANDRO CRUZ, 222 ESSEX ST. LAWRENCE, MA APT#408 DOB-10/12/1954

Reporting Officer
BOWELL, T (66)

Reviewing Officer

Approving Officer
PROULX, B (7)



HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/5

Approved For Public View

Date/Time Printed: Mon Nov 23 20:17:42 EST 20 By: tjb66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders

	Status	Name	Sex	Race	Age	DOB	Home Phone	Address
1	DEFENDANT	CRUZ, ALEJANDRO	MALE	WHITE	54	10/12/1954		222 ESSEX ST LAWRENCE, MA
2	DEFENDANT	MILETTE, HECTOR ENRIQUE	MALE	WHITE	29	05/19/1980	978 764-3080	34 GRAND AVE HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property

Class	Description	Make	Model	Serial #	Value

Narrative

I showed the RCI a Ma. RMV photo that depicts Alejandro Cruz and the RCI identified the photo as the "runner". The RCI also states that he was the "runner" in three prior purchases.

The RCI identified Cruz as the "runner" on the 08/05/09, 08/18/09, 08/27/09, and the 10/06/09 narcotics purchases all related to this case.

Reporting Officer

HOWELL, T (66)

Reviewing Officer

Approving Officer

RATTE, A (9904)



**HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/6**

Approved For Public View

Date/Time Printed: Mon Nov 23 20:17:58 EST 20 By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders

Status	Name	Sex	Race	Age	DOB	Home Phone	Address
1 DEFENDANT	CRUZ, ALEJANDRO	MALE	WHITE	54	10/12/1954		222 ESSEX ST LAWRENCE, MA
2 DEFENDANT	MILETTE, HECTOR ENRIQUE	MALE	WHITE	29	05/19/1980	978 764-3080	34 GRAND AVE HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property

Class	Description	Make	Model	Serial #	Value

Narrative

On 10/20/09, a takedown was conducted in Haverhill, Lawrence, and New Hampshire. The takedown was the culmination of a six month joint gang and drug investigation. Arrest warrants were issued for Alejandro Cruz (Haverhill), Hector Milette (Haverhill), Efrain Crespo (Haverhill), Eric Gonzalez (Haverhill), Joseph Hurley Jr. (New Hampshire), and Michael Marini (New Hampshire). The investigation centered on the C's Up street gang in Haverhill.

Several search warrants were executed as a result of this investigation. These search
(Continued on next page)

Reporting Officer

HOWELL, T (66)

Reviewing Officer

Approving Officer

RATTE, A (9904)



HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/6

Page 2 of 2

Approved For Public View

Date/Time Printed: Mon Nov 23 20:17:58 EST 20 By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders (Continued from page 1)

Status	Name	Sex	Race	Age	DOB	Home Phone	Address
3 DEFENDANT	GONZALEZ, ERIC J	MALE	WHITE	29	09/20/1979	978 912-3184 978 912-3184	34 GRAND AVE HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property

Class	Description	Make	Model	Serial #	Value

Narrative (Continued from page 1)

warrants yielded several guns, large amounts of illegal narcotics, and approximately \$24000.00 in cash. These amounts are combined between New Hampshire and Massachusetts. Several different law enforcement agencies participated in this takedown including Federal, State, Local, and Sheriffs Departments.

This detective will provide more detailed reports involving these incidents in the next few days.

Reporting Officer
HOWELL, T (66)

Reviewing Officer

Approving Officer
RATTE, A (9904)



HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/7

Page 1 of 4

Approved For Public View

Date/Time Printed: Mon Nov 23 20:18:14 EST 20 By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders

Status	Name	Sex	Race	Age	DOB	Home Phone	Address
1 DEFENDANT	CRUZ, ALEJANDRO	MALE	WHITE	54	10/12/1954		222 ESSEX ST LAWRENCE, MA
2 DEFENDANT	MILETTE, HECTOR ENRIQUE	MALE	WHITE	29	05/19/1980	978 764-3080	34 GRAND AVE HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property

Class	Description	Make	Model	Serial #	Value

Narrative

On 10/20/09, Haverhill Police Detectives Gary Melanson, Sonny Greenwood and Sgt. John Arahovites, Massachusetts State Police (MSP) Lt. Al Zani (Essex County Drug Task Force), Sgt. Mark Reid (Gang Unit and North Shore Gang Task Force), New Hampshire Attorney General's Drug Task Force (NHDTF) Officer's and New Hampshire State Police (NHSP) Tpr. Jesse Sherrill, Derek Richardson, Brian Newcomb, and Jeff Lemoyne, DEA NH Special Agents (SA) Mike Forti, SA Mike Connolly, Kevin Frye and SSA Al Angelucci, FBI SA's Gary Coffey and Chris Bencken, and myself Detective Thomas Howell Haverhill PD and a full time member of the NSGTF. The DEA also provided a surveillance plane(SA KevinFrye). We (Continued on next page)

Reporting Officer

HOWELL, T (66)

Reviewing Officer

Approving Officer

RATTE, A (9904)



HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/7

Page 2 of 4

Approved For Public View

Date/Time Printed: Mon Nov 23 20:18:14 EST 20 By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders (Continued from page 1)

Status	Name	Sex	Race	Age	DOB	Home Phone	Address
3 DEFENDANT	GONZALEZ, ERIC J	MALE	WHITE	29	09/20/1979	978 912-3184 978 912-3184	34 GRAND AVE HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property

Class	Description	Make	Model	Serial #	Value

Narrative (Continued from page 1)

were all in the City of Haverhill conducting an undercover drug and gang investigation. All the above agents and officers were part of the surveillance team. (On this date 10/20/09 there were also several more agents and officers in the City of Haverhill participating in the operation).

This is an ongoing investigation involving several agencies. There have been prior drug purchases made with the defendants and the RCI. (Case# 9020634 Haverhill Police Department).

(Continued on next page)

Reporting Officer

HOWELL, T (66)

Reviewing Officer

Approving Officer

RATTE, A (9904)



**HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/7**

Approved For Public View

Date/Time Printed: Mon Nov 23 20:18:14 EST 20By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Narrative (Continued from page 2)

On 10/20/09 at approximately 1100hrs we met with the reliable confidential informant (RCI) at a predetermined meeting location. Tpr. Sherrill searched the RCI for money or contraband with negative results. Tpr. Sherrill also searched the RCI's vehicle for money or contraband with negative results. The RCI advised us that he could purchase cocaine from Eric Gonzalez (Gonzalez is Hector Milette's roommate). The RCI also advised us that he spoke with Hector Milette the previous night and asked Milette if he would be able to pick up some cocaine on 10/20/09. We gave the RCI \$4000.00 in official agency funds (OAF) and instructed him to drive to 34 Grand Ave. in Haverhill, Ma to purchase 125 grams of cocaine from Eric Gonzalez and Hector Milette. The RCI was also provided with an audio recorder and KEL for his personal safety. The RCI left the meeting location at approximately 1135hrs and proceeded to 34 Grand Ave. under surveillance by the above listed surveillance team. At approximately 1147hrs the RCI arrived at Milette's residence. The RCI entered 34 Grand Ave. and was met by Eric Gonzalez. Gonzalez advised the RCI that he called the dealer and the dealer advised him that he would be able to deliver the cocaine. The surveillance team on 17 Loring St. Lawrence, Ma. notified the surveillance teams in Haverhill that a Hispanic male operating a Silver Acura bearing Ma. Reg. 991LA0 had left the driveway of 17 Loring St. Surveillance was able to surveille the Acura to the area of 34 Grand Ave. in Haverhill. The vehicle was occupied by the driver only. At approximately 1302hrs a Hispanic Male pulled up in a Silver Acura bearing Ma. registration 991LA0 near 34 Grand Ave. The Hispanic Male identified as Alejandro Cruz entered Gonzalez's and Milette's apartment and he exited the apartment at approximately 1306hrs. (This controlled buy was part of the takedown of this case). The intention of this buy was for a buy/bust because arrest warrants had already been issued for Cruz, Milette, and Gonzalez. Cruz was stopped near Lafayette Square in Haverhill and taken into custody. The RCI left the apartment at approximately 1312hrs and was surveilled back to the pre-determined meeting location. The RCI was searched for contraband and money by Tpr. Sherrill with negative results. The RCI's vehicle was searched for contraband and money by Tpr. Sherrill with negative results. The RCI turned over one plastic bag containing several chunks of a white powdered substance that from this officer's training and experience appeared to be cocaine. The RCI also turned over the recorder and KEL. I weighed the bag and it weighed approximately 128 grams. I also field tested the substance and it tested positive for the appearance of cocaine.

The RCI was debriefed by Tpr. Sherrill, and SA Connolly. The RCI states that when he/she arrived at Hector and Eric's residence that Eric was in the apartment. The RCI states that Eric made a call to the dealer and spoke to him in Spanish. Eric told the RCI that the "runner" would be up to deliver the cocaine. The RCI states that the dealer arrived at the residence and entered the apartment. The RCI, Eric and Alejandro Cruz met in the kitchen.

(Continued on next page)

Reporting Officer
HOWELL, T (66)

Reviewing Officer

Approving Officer
RATTE, A (9904)



**HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/7**

Approved For Public View

Date/Time Printed: Mon Nov 23 20:18:14 EST 20By:tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Narrative (Continued from page 3)

Cruz gave Eric the bag of cocaine and Eric handed the cocaine to the RCI. The RCI states that Cruz told him to open the package and feel the texture of the cocaine to verify that it was "better stuff than last time". The RCI also confirms that Cruz is the same "runner" that has delivered cocaine to 34 Grand Ave. on the previous buys. The RCI gave Cruz \$4000.00 in OAF and Cruz asked how much was there and the RCI told him \$4000.00. The RCI states that Cruz did not bother to count the money but put it into his pocket. The RCI then proceeded back to the pre-determined meeting location.

I went back to the Haverhill Police Station and I placed the cocaine into evidence to await analysis from the State drug lab. I am taking out complaints for trafficking cocaine over 100 grams and conspiracy to violate drug laws against, Alejandro Cruz, Eric Gonzalez, and Hector Milette. (Milette for taking the phone call from the RCI and setting up the transaction for the next day).

This officer also received search warrants from Lawrence District Court for the vehicle listed above and the Loring St. address in Lawrence. As a result of the vehicle search warrant, the \$4000.00 in marked official agency funds was recovered. Additional cocaine, "cut", packaging materials, and a scale were recovered in the Loring St. search warrant.

Search Warrant #'s 0918 SW 181, 0918 SW 182.

ADMINISTRATIVE:

MA REG 991LA0 REGISTERED TO MOISES J. LANTIGUA 17 WINTHROP AVE. #1 LAWRENCE, MA 2003 SILVER ACURA TL.

ALEJANDRO CRUZ, 222 ESSEX ST. LAWRENCE, MA APT#408 DOB-10/12/1954

Reporting Officer
BOWELL, T (66)

Reviewing Officer

Approving Officer
RATTE, A (9904)



HAVERHILL PD

HAVERHILL, MA

Supplementary Report #9020634/8

Page 1 of 3

Not For Public Release

Date/Time Printed: Mon Nov 02 19 48:30 EST 20 By: tjh66

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders

Status	Name	Sex	Race	Age	DOB	Home Phone	Address
1 DEFENDANT	CRUZ, ALEJANDRO	MALE	WHITE	54	10/12/1954		222 ESSEX ST LAWRENCE, MA
2 DEFENDANT	MILETTE, HECTOR ENRIQUE	MALE	WHITE	29	05/19/1980	978 764-3080	34 GRAND AVE. HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property

Class	Description	Make	Model	Serial #	Value

Narrative

(THIS REPORT IS FOR LAWRENCE DISTRICT COURT----THE SEARCH WARRANTS WERE EXECUTED IN LAWRENCE)

Detective Thomas Howell, Haverhill Police Department, obtained two search warrants from Lawrence District Court 0918 SW 181 for 2003 Acura motor vehicle Massachusetts Reg. 9911AO and SW 0918 SW 182 for 17 Loring St. Lawrence, Ma. The target of the search warrants was Alejandro Cruz.

(Continued on next page)

Reporting Officer

HOWELL, T (66)

Reviewing Officer

Approving Officer



**HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/8**

Not For Public Release

Date/Time Printed: Mon Nov 02 19:48:30 EST 2009 by tjh66

Case Title CRESPO/MILLETT	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E (94C/32E/A)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders (Continued from page 1)

Status	Name	Sex	Race	Age	DOB	Home Phone	Address
DEFENDANT	GONZALEZ, ERIC J	MALE	WHITE	29	09/20/1979	978 912-3184 978 912-3184	34 GRAND AVE HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen	Rec Code	Date Rec	Rec \$	Rec By			

Property

Class	Description	Make	Model	Serial #	Value

Narrative (Continued from page 1)

MSP Sgt. Mark Reid assembled a search team for the 2003 Acura. The team consisted of Tpr. Kathy Sampson (K9), and Tpr. Pat Silva. At approximately 1530hrs they executed the search warrant at Coady's tow yard in Lawrence, Ma. and obtained the keys left inside the vehicle. They also discovered a mechanical "hide" that contained \$4000.00 of marked official agency funds used in the arrest of Alejandro Cruz in Haverhill, Ma. Pictures of the "hide" were taken and will be provided to Court if needed.

Det. Howell HPD assembled a raid team consisting of SA (DEA) Steve Story, SA (DEA)
(Continued on next page)

Reporting Officer

HOWELL, T (66)

Reviewing Officer**Approving Officer**



HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9020634/8

Not For Public Release

Date/Time Printed: Mon Nov 02 19:48:30 EST 2009 EJH:55

Case Title CRESPO/MILETTE	Location 34 GRAND AVE.
Date/Time Reported 07/05/2009 21:18:00	Date/Time Occurred 08/05/2009 14:48:00 to 10/20/2009 22:07:00
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Narrative (Continued from page 2)

Chip Houle, and SA (DEA) Glen Coletti, MSP Troopers Brian O'Neil, Tim Leeman, Frank Montanez, and Steve Gondella, and Lawrence Police Det. Mark Rivet. These officers executed the second search warrant at 17 Loring St. Lawrence, Ma.

At approximately 1600 hrs the raid team served the warrant. No one was home and entrance was gained without incident.

The following items were recovered during the search:

1. Det Howell - Rear Right Bedroom floor- (2) tin foil trays containing unknown white substance weighing approximately 3lbs a piece. Lamps were lit and over the trays. (The lamps were not seized)
2. Det. Rivet - Rear Left Bedroom Bureau middle drawer- Residency documents.
3. SA Houle - Living Room Closet- Built in "hide" in rear of closet- "hide" contained (1) Black Digital Scale, (1) bottle of Inositol, (4) plastic bags of cocaine weighing approximately 150 grams.
4. SA Story- Living Room Closet- (1) Drug press with (3) White press plates, (1) Jack for press.
5. Tpr. Leeman- Kitchen- (1) Sifter.
6. Tpr. Gondella- Kitchen- (1) Grinder.
7. Tpr. O'Neil- Living Room- (1) Calculator.

All the above items (except the drugs) were placed into evidence at Haverhill PD per dept policy by Det. Howell. (The items were left at Haverhill PD because the case originated out of Haverhill). HPD Case#9020634.

Cocaine was field tested by SA Story. It tested positive. The bags of cocaine were taken to the State Police drug lab via Sgt. Reid to await analysis.

The unknown white substance in the tin foil trays was taken to the State Police Drug Lab via Sgt. Reid to await analysis.

This officer was waiting for lab results on the unknown substance found in the apartment. That is the reason for the delay in seeking this additional complaint. This officer is seeking an additional complaint of Trafficking over 100 grams Class B (depending on lab results could change charge to Trafficking over 200 grams Class B), and Conspiracy to violate drug laws.

Reporting Officer
HOWELL, T (66)

Reviewing Officer

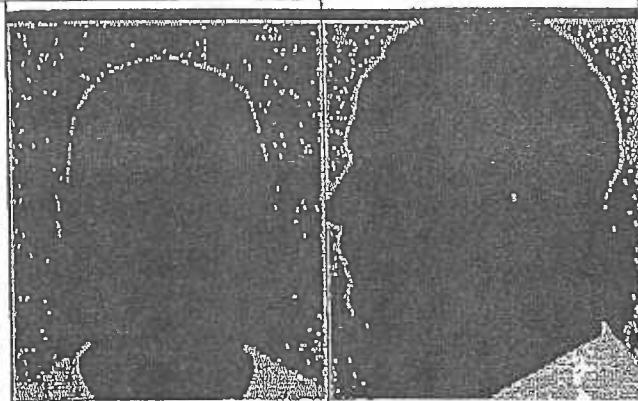
Approving Officer

POLICE DEPARTMENT

HAVERHILL, MASSACHUSETTS

RECORD OF BOOKING
PLEASE PRINT

DELL NUMBER AVERHILL	ARREST NUMBER THAE900002915	DATE & TIME OF BOOKING 10/20/2009 15:02:25		INCIDENT NUMBER 9028445
FIRST NAME RUZ	FIRST ALEJANDRO	MIDDLE NAME	D.O.B. 10/12/1954	AGE 55
MAIDEN NAME LEJANDRO CRUZ			SSN 106466832	
STREET NO. STREET NAME 22 ESSEX ST	APT # 408	CITY/TOWN LAWRENCE	STATE MA	ZIP 01841
SEX M	HEIGHT 506	WEIGHT 160	RACE WHITE	PHONE (WORK) (CELL)
AIR ROWN	EYES BROWN	BLD MEDIUM	SKIN MEDIUM BROWN	
INDIVIDUALITY ISPARTIC ORIGIN	SCARS	LOCATION OF ARREST 2 HILDALE AVE		
PLACE OF BIRTH	MARTIAL STATUS	DRIVER'S LICENSE		
MOTHER'S NAME		MOTHER'S NAME	MOTHER'S MAIDEN	
EMPLOYER		OCCUPATION		
ADDRESS OF EMPLOYER				



CUT VISIBLE ON PERSON, DESCRIBE KIND & LOCATION			OFFENSES	
CREATED WHERE	ATTENDING PHYSICIAN			
RISONER ADVISED OF RIGHTS NDER G.L. CHAP 276 33A	YES <input checked="" type="checkbox"/>	BY WHOM HAUGH, A	1.	
INGERPRINTS TAKEN	YES <input type="checkbox"/>	PHOTO TAKEN <input checked="" type="checkbox"/>	2.	
PRISONER WAS ARRESTED FOR OPERATING UNDER THE INFLUENCE, ILL IN BELOW				
RISONER ADVISED OF RIGHTS NDER G.L. CHAP 263 5A	YES <input checked="" type="checkbox"/>	BY WHOM HAUGH, A	3.	
REATHLYZER READING	BY WHOM		4.	
have been advised of and understand my right to remain silent, use a telephone to call a lawyer or have one provided, and to have my own physician test for alcohol.			5.	
RISONER SIGNATURE			YES ARREST ON WARRANT? <input checked="" type="checkbox"/>	
RESTING OFFICER IOWELL, T	BOOKING OFFICER DAWKINS, L	WARRANT NUMBER 0938CR002441		
COMPLAINANT IOWELL, T	OFFICER IN CHARGE HAUGH, A	CITY/COURT HAVERHILL		

SARRESTEE A JUVENILE <input type="checkbox"/> YES	NAME OF PROBATION OFFICER NOTIFIED		TIME
NAME OF PARENT OR GUARDIAN NOTIFIED		OFFICER MAKING NOTIFICATION	
BAIL COMMISSIONER		AMOUNT OF BAIL	DATE AND TIME OF BAIL

DISPOSITION		
-------------	--	--



HAVERHILL PD
HAVERHILL, MA
Incident Report #9028459

Approved For Public View

Date/Time Printed: Mon Nov 23 20:21:27 EST 20 By: tjh66

Case Title GONZALEZ/MILETTE	Location 34 GRAND AVE
Date/Time Reported 10/20/2009 15:24:13	Date/Time Occurred 10/20/2009 11:55:00 to
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Persons							
Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders							
Status	Name	Sex	Race	Age	DOB	Home Phone	Address
1 DEFENDANT	GONZALEZ, ERIC J	MALE	WHITE	30	09/20/1979	978 912-3184	34 GRAND AVE HAVERHILL, MA

Vehicles							
Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec		Rec \$	Rec By		

Property						
Class	Description	Make	Model	Serial #	Value	

Narrative

Detective Melanson will testify:

On October Melanson along with the Haverhill Police Narcotics unit and the Essex County Drug Task force went to 34 Grand Ave to arrest Eric Gonzalez. Gonzalez had an outstanding warrant for Trafficking in Cocaine. (See Detective Howells report) Detectives had information that Hector Milette also lived in this apartment. After Gonzalez was arrested the detectives secured the apartment and Melanson obtained a search warrant for the apartment. Seized during the search was a plastic bag that contained a white substance believed to be cocaine. This

(Continued on next page)

Reporting Officer

MELANSON, G (53)

Reviewing Officer

Approving Officer

ARAHOVITES, J (9925)



HAVERHILL PD
HAVERHILL, MA
Incident Report #9028459

Page 2 of 2

Approved For Public View

Date/Time Printed: Mon Nov 23 20:21:27 EST 20By: tjh66

Case Title GONZALEZ/MILETTE	Location 34 GRAND AVE
Date/Time Reported 10/20/2009 15:24:13	Date/Time Occurred 10/20/2009 11:55:00 to
Incident Type/Offense COCAINE, TRAFFICKING IN c94C S32E(94C/32E/A)	

Narrative (Continued from page 1)

bag weighed approximately 29 grams. This was in a rear bedroom. This bedroom contained documents belonging to Hector Milette and mens clothing. Also seized in this bedroom was a weighing scale, plastic baggies with the corners cut and a box of plastic baggies, all consistent with drug sales. Seized in Gonzalez's bedroom was another weighing scale, residency documents, and a plastic bottle that contained 5 Vicoden pills. Hidden under a couch pillow was two hundred dollars. Seized in the living room were three cell phones. All items mentioned were seized and taken to the police station, labeled and turned into evidence.

Melanson went back to the station and advised Gonzalez that he was also being charged with an additional Trafficking in Cocaine and Possession of a class C substance. Gonzalez was being booked, when Melanson advised him of finding the Cocaine, Gonzalez told Melanson that the Cocaine was not in his bedroom it was in Milette's bedroom.

Melanson is requesting a warrant for Hector Milette for Trafficking in Cocaine.

Reporting Officer
MELANSON, G (53)

Reviewing Officer

Approving Officer
ARAHOVITES, J (9925)



HAVERHILL PD
HAVERHILL, MA
Incident Report #9028466

Page 1 of 2

Approved For Public View

Date/Time Printed: Mon Nov 23 20:50:02 EST 20 By: tjh66

Case Title CRESPO	Location 13.5 GROVE ST
Date/Time Reported 10/20/2009 16:04:00	Date/Time Occurred to
Incident Type/Offense FIREARM, CARRY WITHOUT LICENSE c269 S10 (269/10/J)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders

Status	Name	Sex	Race	Age	DOB	Home Phone	Address
1 DEFENDANT	CRESPO, EFRAIN	MALE	WHITE	32	07/19/1977	978 372 0902	13 1/2 GROVE ST HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec	Rec \$	Rec \$	Rec By		

Property

Class	Description	Make	Model	Serial #	Value

Narrative

Detective Thomas Howell will testify to the following information:

Detective Thomas Howell obtained a search warrant from the Haverhill District Court #37 of 2009 for 13 1/2 Grove St. Haverhill MA. The target of the search warrant was Efrain Crespo.

Detective Sonny Greenwood HPD and Lt. Frank Hughes from MSP assembled a raid team consisting of Det. Lt. D. Kennefick, Special Agent DEA Frank Suarez, and Deputy Sheriff Matt Doucet. The MSP STOP Team.

(Continued on next page)

Reporting Officer

HOWELL, T (66)

Reviewing Officer

Approving Officer

RATTE, A (9904)

HAVERHILL PD
HAVERHILL, MA
Incident Report #9028466

Approved For Public View		Date/Time Printed: Mon Nov 23 20:50:02 EST 20Bjhtjh66
Case Title CRESPO	Location 13.5 GROVE ST	
Date/Time Reported 10/20/2009 16:04:00	Date/Time Occurred to	
Incident Type/Offense FIREARM, CARRY WITHOUT LICENSE c269 S10(269/10/J)		

Narrative (Continued from page 1)

At approximately 1415 hrs the raid team served the warrant. Crespo and Dianna Crespo were home and entrance was gained without incident. The MSP STOP Team cleared the residence and the above listed search team began their search. Lt. Hughes-evidence officer.

The following items were recovered during the search:

1. Det. Greenwood - Master Bedroom under mattress - (1) Loaded Black Semi-Auto Handgun and (1) Ammunition Clip with Ammo.
2. Det. Greenwood - Bureau Master Bedroom top draw right- National Grid bill 09/28/09 Dianna Aponte (maiden name) 13 1/2 Grove St.
3. Lt. Hughes - Top of Bureau Master Bedroom- Tan Bag inside \$2492.00 U.S. Currency.
4. Det. Greenwood- Top of Bureau Master Bedroom-plastic bag cocaine.
5. Det. It. Kennefick- Bureau Top Draw right- Brown Wallet Efrain Crespo ID's
6. Det. Greenwood- Master Bedroom Closet- 2 Bills and mail for Efrain Crespo 13 1/2 Grove St.
7. DS. Doucet- Kitchen above cabinets- plastic bag cocaine, AWS Black Digital Scale, and AAA card Joseph Hurley.

All the above items were placed into evidence per dept policy by Det. Howell. Firearm and Cocaine will be sent out to respective state labs for testing. Cocaine weighed approximately 30 grams.

I am charging Crespo additionally with Poss of a Firearm (unlicensed), Poss. of Ammunition, Traf. Class B over 28 grams.

This report is in addition to a preliminary report submitted on 10/21/09.



**HAVERHILL PD
HAVERHILL, MA
Supplementary Report #9028466/2**

Approved For Public View

Date/Time Printed: Mon Nov 23 20:50:32 EST 20 By: tjh66

Case Title CRESPO	Location 13.5 GROVE ST
Date/Time Reported 10/20/2009 16:04:00	Date/Time Occurred to
Incident Type/Offense FIREARM, CARRY WITHOUT LICENSE c269 s10 (269/10/J)	

Persons

Role	Name	Sex	Race	Age	DOB	Home Phone	Address

Offenders

Status	Name	Sex	Race	Age	DOB	Home Phone	Address
I DEFENDANT	CRESPO, EFRAIN	MALE	WHITE	32	07/19/1977	978 372 0902	13 1/ GROVE ST HAVERHILL, MA

Vehicles

Role	Type	Year	Make	Model	Color	Reg #	State
Stolen \$	Rec Code	Date Rec	Rec \$	Rec By			

Property

Class	Description	Make	Model	Serial #	Value

Narrative

On 10/28/09, spoke with DEA Special Agent Frank Suarez. SA Suarez informed me that some corrections needed to be made to the original search warrant report. SA Suarez states that the cocaine was found behind a dresser that held a t.v. in the master bedroom. SA Suarez states that Dianna Aponte Crespo was not at the scene during the initial entry of the search warrant. He states that she arrived after the search started.

SA Suarez gave this officer a photo disc containing pictures taken during the search warrant.

Reporting Officer

HOWELL, T (66)

Reviewing Officer**Approving Officer**

PROULX, B (7)

Ex. 7

COMMONWEALTH OF MASSACHUSETTS

ESSEX,ss.

SUPERIOR COURT DEPARTMENT
SALEM DIVISION
NO. ESCR 2009 - 1561

COMMONWEALTH
v.
HECTOR MILETTE

MEMORANDUM IN SUPPORT OF MOTION FOR NEW TRIAL

STATEMENT OF FACTS

During the summer and fall of 2009 law enforcement agents commenced an investigation into cocaine distribution in the Haverhill, MA. area. The investigation involved the use of a confidential informant, (C.I.) who made a series of cocaine buys from several targeted individuals. On each of the buys the C.I. was wired and the conversations were recorded. On November 29, 2010, after a lengthy evidentiary hearing, Judge Feeley allowed the defendant's Motion to suppress all recorded communications as violations of M.G.L. ch. 272, sec. 99.

On three occasions, August 5, 2009; August 18, 2009 and August 27, 2009 the defendant was involved in the sale of cocaine to the C.I. On each of these three occasions the C.I. contacted the defendant or Eric Gonzalez, who shared an apartment at 34 Grand Avenue, Haverhill, MA. to arrange the purchase of the cocaine. On each of these three dates, after being contacted by the C.I. the defendant or Gonzalez would contact Alejandro Cruz, who would supply the cocaine for the sale to the C.I. The defendant's role was as a middleman between the C.I. and Cruz. The defendant marked up the price by two dollars a gram as his cut.

On May 9, 2011 the defendant plead guilty to all four counts of the above-entitled indictment. He was sentenced to State Prison for a period of five years to five years and a day concurrent on counts 001 - 003; and three years probation from and after on count 004. At the time of this plea, the spectacular failure of the

Jamaica Plain Drug Laboratory and the criminal conduct of Chemist Annie Dookhan was not public knowledge.

August 5, 2009 Buy; Indictment No. ESCR 2009 - 1561-001

C.I. contacted Efrain Crespo to purchase 125 grams of cocaine at \$32 per gram. The C.I. and Crespo went to the defendant's apartment to conduct the sale. On arrival the C.I. was informed that the price was \$34 per gram. The defendant then contacted Cruz, who arrived a short time later with the 125 grams of cocaine and the sale was conducted.

On August 20, 2009 this cocaine was sent to the Jamaica Plain Laboratory. On November 12, 2009 it was analyzed by **Annie Dookhan as custodial chemist**; Analysis No. B09-1200; (Attachment No. "A").

August 13, 2009 Buy:

The defendant had no involvement in this transaction between the C.I. and Crespo.

August 18, 2009 Buy; Indictment No. ESCR 2009 - 1561-002

C.I. contacted the defendant wanting to purchase 125 grams of cocaine at an agreed price of \$32 per gram. Again the C.I. goes to the defendant's apartment at 34 Grand Avenue, Haverhill to conduct the sale. A short time later Cruz arrives with the cocaine and the transaction is completed.

On August 20, 2009 this cocaine was sent to the Jamaica Plain Laboratory. On December 7, 2009 it was analyzed by **Annie Dookhan as custodial chemist**; Analysis No. B09-1204; (Attachment No. "B").

August 27, 2009 Buy; Indictment No. ESCR 2009 - 1561-003

C.I. contacted Gonzalez wanting to purchase 125 grams of cocaine at an agreed price of \$32 per gram. After the C.I. arrived at 34 Grand Avenue, Haverhill,

MA. Cruz was contacted and shortly thereafter arrived with the 125 grams of cocaine, and the transaction was concluded between the C.I., Gonzalez and Cruz.

Before leaving the Grand Avenue apartment the C.I. asked if Gonzalez could get him an additional 125 grams of cocaine. Gonzalez again contacted Cruz who agreed to return shortly with the second 125 grams of cocaine. Prior to Cruz's return the defendant arrived at the apartment, and was present when Cruz returned and the second transaction was completed. Indictment ESCR 2009 - 1561-003 charges the defendant only with his involvement in the second 125 gram transaction.

On September 17, 2009 both batches of cocaine from the August 27, 2009 transactions were sent to the Jamaica Plain Laboratory. On November 12, 2009 they were analyzed by **Annie Dookhan as custodial chemist**; Analysis No. B09 -13285; (Attachment "C"). During the analysis apparently the two samples were comingled or combined and analyzed together, resulting in one sample weighing 249.50 grams.

October 6, 2009 Buy:

The defendant had no involvement in this transaction between the C.I., Gonzalez and Cruz.

October 20, 2009 Buy:

The defendant had no involvement in this transaction between the C.I. Gonzalez and Cruz.

October 20, 2009 Search Warrant: Indictment No. ESCR 2009 - 1561-004

On October 20, 2009 the investigating officers obtained a search warrant for the Milette / Gonzalez apartment at 34 Grand Avenue, Haverhill, MA. During the search 27.56 grams of cocaine was seized.

On October 28, 2009 this cocaine was sent to the Jamaica Plain Laboratory. On November 10, 2009 it was analyzed. Annie Dookhan was not involved in the analysis of this sample; Analysis No. B09 - 52137; (Attachment "D")

JAMAICA PLAIN DRUG LABORATORY AND ANNIE DOOKHAN INVOLVEMENT

As the result of a Massachusetts State Police investigation through the Attorney General's Office, in August 2012 Massachusetts Governor Patrick ordered the Jamaica Plain Drug Laboratory to be shut down, and as of today it is still considered a "crime scene". Annie Dookhan resigned in March of 2012. Several months later, because of their lack of supervision and oversight, the Director of the Jamaica Plain Laboratory as well as the Massachusetts Commissioner of Public Health resigned. Annie Dookhan's direct supervisor was also terminated. Recently Annie Dookhan has been arraigned in three counties as the result of her criminal conduct as a chemist at the Jamaica Plain Laboratory

All three of the drug samples for which Hector Milette is serving time were not only sent to and "analyzed" at the Jamaica Plain Laboratory which is now a crime scene, all three were analyzed by **Annie Dookhan as custodial chemist**. The timing of the three analysis was during the period identified as being when Annie Dookhan's misconduct was at its height.

The co-mingling or combining of the two C.I. drug buys from the August 27, 2009 is a blatant example of the activity at the Laboratory and specifically of Annie Dookhan. The defendant was involved in only the second of these two transactions, and indicted only for the second transaction.

MITIGATING FACTORS

Hector Milette's participation in the illegal drug sales in August 2009 was as a middleman between the C.I. and Alejandro Cruz on three of the seven occasions that the C.I. made buys. On each of the three dates when the C.I. purchased 125 grams of cocaine, the defendant made two dollars a gram, \$250. He was hardly a big time drug dealer.

At no time during this investigation was there any use of weapons or evidence of threats or violence.

The defendant has now been in custody as the result of his arrest in this case since late October 2009 and has served approximately thirty-nine months of a sixty-month sentence. Since his incarceration he has been working on his GED. He is presently housed in a minimum-security facility in Shirley. He has had no disciplinary reports filed against him during his incarceration.

CONCLUSION

Based upon: (1) the involvement of the disgraced State Laboratory at Jamaica Plain and particularly the involvement of now indicted former chemist, Annie Dookhan who altered and falsified an analysis in this case; (2) the minor roll of the defendant in these drug transactions; (3) the absence of evidence of weapons and violence in this case; and (4) the fact that the defendant has already served 65% of the sentence imposed and his conduct while incarcerated has been exemplary, his Motion for a New Trial should be granted.

Date: January 10, 2012

HECTOR MILETTE
By His Attorney

Fred McAlary BBO# 326420
15 Chestnut Street
Andover, MA. 01810
(978) 749-0870

Ex. 8

COMMONWEALTH OF MASSACHUSETTS

ESSEX,ss.

SUPERIOR COURT DEPARTMENT
SALEM DIVISION
ESCR 2009 - 1561

COMMONWEALTH
v.
HECTOR MILETTE

MOTION FOR RECONSIDERATION OF
MOTION FOR STAY OF SENTENCE

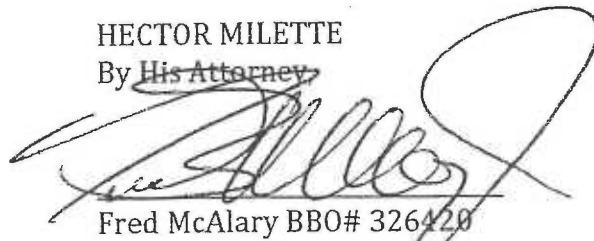
The defendant moves, pursuant to Mass. R. Crim. P. 13(a)(5), that this Honorable Court reconsider Judge Lowy's decision of November 13, 2012, denying the Defendant's Motion to for Stay of Sentence.

As reason therefore, counsel for the defendant states that since the Court's ruling on November 12, 2012 the still ongoing investigation into the misconduct at the Hinton State Laboratory has revealed criminal involvement, so widespread that Chemist Annie Dookhan has now been indicted and arraigned in six counties in the Commonwealth.

Attached is a Memorandum in Support of this Motion for Reconsideration explaining Chemist Annie Dookhan's involvement in it above-entitled matter. Justice requires a stay of the defendant's sentence because of her involvement and misconduct in this case.

Date: February 6, 2013

HECTOR MILETTE
By His Attorney

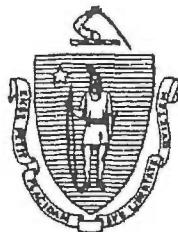


Fred McAlary BBO# 326420
15 Chestnut Street
Andover, MA. 01810
(978) 749-0870

Ex. 9

12/16/09 11:50 FAX 978 374 3154 Essex District Attorney CRESPO, EDWIN
DA OFFICE HAVERHILL

006



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
William A. Hinton State Laboratory Institute
305 South Street, Jamaica Plain, MA 02130
617-983-6622

DATE RECEIVED: 08/20/2009
DATE ANALYZED: 11/12/2009

NO. B09-12000

I hereby certify that the Substance
Contained in 1 plastic bag
Submitted by Detective Melanson of the Haverhill Police Dept.
MARKED: B09-12000

Has been examined with the following results:

The substance was found to contain:

Cocaine, a derivative of Coca leaves, as defined in Chapter 94 C, Controlled Substance Act, Section 31, Class B.

NET WEIGHT: 124.40 grams

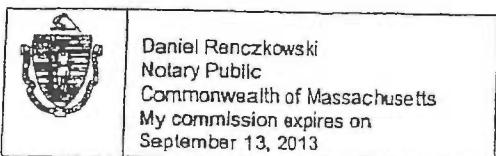
DEFENDANT: CRESPO & MILETTE

Annie Dookhan
ASSISTANT ANALYST

Annie Dookhan

Della Saunders

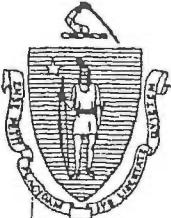
On this November 13, 2009, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.



Daniel Renczkowski

12/31/09 13:38 FAX 978 374 3554 District Attorney's OFFICE HAVERHILL EDWIN

002



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

NO. B09-12004

I hereby certify that the Substance
Contained in 1 plastic bag
Submitted by Detective Melanson of the Haverhill Police Dept.

DATE RECEIVED: 08/20/2009
DATE ANALYZED: 12/07/2009

MARKED: B09-12004

Has been examined with the following results:
The substance was found to contain:
Cocaine, a derivative of Coca leaves, as defined in Chapter 94 C, Controlled
Substance Act, Section 31, Class B.

NET WEIGHT: 124.90 grams

DEFENDANT: MILETTE, HECTOR

Annie Dookhan
ASSISTANT ANALYST

Annie Dookhan

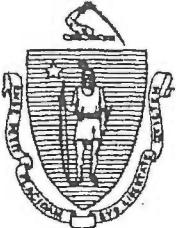
Della Saunders

On this 10th day of December 2009, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.

	Daniela Frasca Notary Public Commonwealth of Massachusetts My commission expires on December 17, 2015
--	---

12/16/09 11:51 FAX 978 374 315 Essex District Attorney's Office Haverhill EDWIN

007



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

DATE RECEIVED: 09/17/2009
DATE ANALYZED: 11/12/2009

NO. B09-13285

I hereby certify that the Substance
Contained in 2 plastic bags
Submitted by Detective Melanson of the Haverhill Police Dept.

MARKED: B09-13285

Has been examined with the following results:

The substance was found to contain:

Cocaine, a derivative of Coca leaves, as defined in Chapter 94 C, Controlled Substance Act, Section 31, Class B.

NET WEIGHT: 249.50 grams

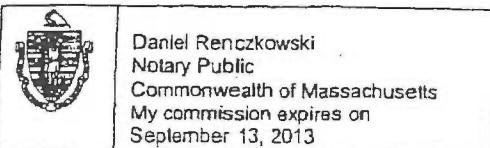
DEFENDANT: MILETTE,


ASSISTANT ANALYST

Annie Dookhan


Della Saunders

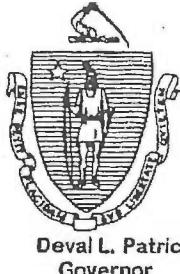
On this November 13, 2009, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.




D. R. 12-2

12/16/09 11:49 FAX 978 374 3155 Essex District Attorney's OFFICE HANOVER, EDWIN

004



Deval L. Patrick
Governor

Timothy P. Murray
Lt. Governor

Judyann Bigby, MD
Secretary

John Auerbach
Commissioner
NO. B09-52137

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
William A. Hinton State Laboratory Institute
305 South Street, Jamaica Plain, MA 02130
617-983-6622

DATE RECEIVED: 10/28/2009
DATE ANALYZED: 11/10/2009

I hereby certify that the Substance
Contained in 1 plastic bag
Submitted by Detective Melanson of the Haverhill Police Dept.

MARKED: B09-52137

Has been examined with the following results:
The substance was found to contain:

Cocaine, a derivative of Coca leaves, as defined in Chapter 94 C, Controlled Substance Act, Section 31, Class B.

NET WEIGHT: 27.56 grams

DEFENDANT: MILETTE, HECTOR & GONZALEZ, ERIC

ASSISTANT ANALYST

Della Saunders

Kate Corbett

On this day November 12, 2009, before me, the undersigned notary public, personally appeared the above signed subscriber(s), having proved to me through Department of Public Health documentation to be the person(s) whose name(s) is/are signed on this certificate and to be (an) assistant analyst(s) of the Department of Public Health, and who swore to me that the contents of this document are truthful and accurate to the best of his/her/their knowledge and belief.



Lisa Glazer
Notary Public
Commonwealth of Massachusetts
My commission expires on
July 16, 2015

Hector Milette

Ex. 10

CJISWeb Printout Generated On: 10/29/2012 12:25:08
By User: DULLEA-JOHN

MA Crim. Hist. (BOP)

Original Query:	NAME: MILETTE, HECTOR	DOB: 05/19/1980	BOP	Data as of: 10/29/2012 12:25PM
	Notification: Y			

WARNING: THIS INFORMATION IS NOT SUPPORTED BY FINGERPRINTS!
 THIS INFORMATION IS BEING PROVIDED TO INFORM LAW ENFORCEMENT
 OF PERSONS WHO MAY BE IN DEPARTMENT OF CORRECTION CUSTODY
 NO ACTION SHOULD BE TAKEN BASED SOLELY UPON THIS INFORMATION!
 USERS SHOULD CONFIRM STATUS WITH DOC AT
 (508)473-9509 DOC APPREHENSION UNIT M-F 0700-1800 AND
 (508)668-2760 DOC DUTY STATION NIGHTS, WEEKENDS AND HOLIDAYS.

LAST: MILETTE	FIRST: HECTOR	MIDDLE:
STATUS: A	LOCATION: SHI	LATEST TRANSFER DATE: 07/12/2011
MCI#: W98613	SID#: [REDACTED]	PCF#: [REDACTED] POSSIBLE **
SSN#: [REDACTED]	DOCKET#:	FBI#:
DOB: [REDACTED]	POB:	SEX: M RAC: W HGT: WGT:
ADDR:		
CITY:	STATE:	ZIP:
COMMITMENT DATE: 05/11/2011		ORIG COURT:
OFFENSE DESCRIPT:		PRIOR MCI#:
INFO CURRENT TO: 10/24/2012		DEA: DOC

*** C I V I L R E S T R A I N I N G O R D E R ***

Defendant: MILETTE, HECTOR E DOB: 05/19/80 PCF: 002526765

Plaint: [REDACTED] City: [REDACTED] ST: MA

Docket: 0838R00217 Court: 38 Order: M.G.L. Chapter 209A Section: 4
 Order Date: 04/28/08 Expiration Date: 08/08/08 Status:*** CLOSE ***

*** *** *** Court Orders *** *** ***

- | | |
|---------------------------------|---------------------------------------|
| 1.X Refrain from abuse | 2.X No contact stay at least 50 yds |
| 3.X Vacate/stay away resd X Bld | 4. Address Impounded |
| 5.X Stay away workplace | 6.X Custody of following to plaintiff |

7. No contact with any child named in 6 or listed below: Stay at least yd

Stay away from school, daycare, other: (see order)

- | | |
|-------------------------------------|----------------------------|
| 8. Visitation rights: See Order | 9. Support payment ordered |
| 10. Personal belongings pickup w/PD | 11. Compensation ordered |
| 12.X Surrender guns, ammo, LIC, FID | 13.X Other: See order |

*** C I V I L R E S T R A I N I N G O R D E R ***

Defendant: MILETTE, HECTOR E DOB: 05/19/80 PCF: 002526765

Plaint: [REDACTED] ST: MA
Street: [REDACTED]

Docket: [REDACTED] Court: 38 Order: M.G.L. Chapter 209A Section: 4
Order Date: 08/04/06 Expiration Date: 08/15/06 Status: *** CLOSE ***

*** *** *** Court Orders *** *** ***

- | | |
|-----------------------------------|--------------------------------------|
| 1.X Refrain from abuse | 2.X No contact stay at least 50 yds |
| 3.X Vacate/stay away resid. X Bld | 4. Address Impounded |
| 5.X Stay away workplace | 6. Custody of following to plaintiff |

7. No contact with any child named in 6 or listed below: Stay at least yd

Stay away from school, daycare, other: (see order)

- | | |
|--------------------------------------|----------------------------|
| 8. Visitation rights: See Order | 9. Support payment ordered |
| 10.X Personal belongings pickup w/PD | 11. Compensation ordered |
| 12.X Surrender guns, ammo, LIC, FID | 13.X Other: See order |

***** PROBATION SUMMARY *****

Type of Supervision: Status: Probation From/To: Supervising Crt:
ADULT A 12/20/06 06/20/08 HAVERHILL DISTRICT

* * * * * WARNING * * * * * WARNING * * * * *
* * * THIS INFORMATION IS CORI. IT IS NOT SUPPORTED BY FINGERPRINTS.
* PLEASE CHECK THAT THE NAME REFERENCED BELOW MATCHES THE NAME AND DATE OF BIRTH
* OF THE PERSON REQUESTED.
* * * * *

* * * * * COMMONWEALTH OF MASSACHUSETTS * * * * *
DEPARTMENT OF CRIMINAL JUSTICE INFORMATION SERVICES

*** PERSONS COURT SUMMARY ***

NAM: MILETTE, HECTOR E	FORMAL-NAM: HECTOR	PCF: [REDACTED]
DOB: 0	SEX: M RAC: H	POB: MA SSN: [REDACTED]
MOM: SANCHEZ, LUZ	POP: JESUS	HGT: 504 WGT: 145 HAI: BRO EYE: BRO
ADDRESS: [REDACTED]		

COMMENTS:

* * * * * ADULT APPEARANCES * * * * *

ARRAIGNMENT: (0001)

ARG-DATE: 02/23/10 PD: HAV COURT: ESSEX SUPERIOR	DKT#: 200901561001
OFF: TRAFFICKING CONT SUB COCAINE OV 28 GR	CSA TRAFF
DISP: C 5/9/11 G 5 YRS-5 YRS & DA COM	STATUS: C WPD:

ARRAIGNMENT: (0002)

ARG-DATE: 02/23/10 PD: HAV COURT: ESSEX SUPERIOR
OFF: TRAFFICKING CONT SUB COCAINE OV 28GR
DISP: C 5/9/11 G 5 YRS-5 YRS & DA COM CONC

DKT#: 200901561002
CSA TRAFF
STATUS: C WPD:

ARRAIGNMENT: (0003)

ARG-DATE: 02/23/10 PD: HAV COURT: ESSEX SUPERIOR
OFF: TRAFFICKING CONT SUB COCAINE OV 28 GR
DISP: C 5/9/11 G 5 YRS-5 YRS & DA COM CONC

DKT#: 200901561003
CSA TRAFF
STATUS: C WPD:

ARRAIGNMENT: (0004)

ARG-DATE: 02/23/10 PD: HAV COURT: ESSEX SUPERIOR
OFF: POSS CONTROLLED SUBSTANCE W/INT DIST CL B
DISP: C 5/9/11 G PROB 3 YRS F/A

DKT#: 200901561004
CSA POSS
STATUS: O WPD:

ARRAIGNMENT: (0005)

ARG-DATE: 10/28/09 PD: HAE COURT: HAVERHILL DISTRICT
OFF: TRAFFICKING CONT SUB
DISP: % 2/24/10 DISM INDICT

DKT#: 0938CR002445A
CSA TRAFF
STATUS: C WPD:

ARRAIGNMENT: (0006)

ARG-DATE: 10/28/09 PD: HAE COURT: HAVERHILL DISTRICT
OFF: CONSPIRACY TO VIO CONT SUB ACT
DISP: % 2/24/10 DISM INDICT

DKT#: 0938CR002445B
CSA CONSP
STATUS: C WPD:

ARRAIGNMENT: (0007)

ARG-DATE: 10/28/09 PD: HAE COURT: HAVERHILL DISTRICT
OFF: TRAFFICKING CONT SUB
DISP: % 2/24/10 DISM INDICT

DKT#: 0938CR002446A
CSA TRAFF
STATUS: C WPD:

ARRAIGNMENT: (0008)

ARG-DATE: 10/28/09 PD: HAE COURT: HAVERHILL DISTRICT
OFF: CONSPIRACY TO VIO CONT SUB ACT
DISP: % 2/24/10 DISM INDICT

DKT#: 0938CR002446B
CSA CONSP
STATUS: C WPD:

ARRAIGNMENT: (0009)

ARG-DATE: 10/28/09 PD: HAE COURT: HAVERHILL DISTRICT
OFF: TRAFFICKING CONT SUB
DISP: % 2/24/10 DISM INDICT

DKT#: 0938CR002447A
CSA TRAFF
STATUS: C WPD:

ARRAIGNMENT: (0010)

ARG-DATE: 10/28/09 PD: HAE COURT: HAVERHILL DISTRICT
OFF: CONSPIRACY TO VIO CONT SUB ACT
DISP: % 2/24/10 DISM INDICT

DKT#: 0938CR002447B
CSA CONSP
STATUS: C WPD:

ARRAIGNMENT: (0011)

ARG-DATE: 10/28/09 PD: HAE COURT: HAVERHILL DISTRICT
OFF: TRAFFICKING CONT SUB
DISP: % 2/24/10 DISM INDICT

DKT#: 0938CR002448A
CSA TRAFF
STATUS: C WPD:

ARRAIGNMENT: (0012)	ARG-DATE: 10/28/09 PD: HAE COURT: HAVERHILL DISTRICT OFF: CONSPIRACY TO VIO CONT SUB ACT DISP: % 2/24/10 DISM INDICT	DKT#: 0938CR002448B CSA CONSP STATUS: C WPD:
ARRAIGNMENT: (0013)	ARG-DATE: 10/28/09 PD: HAE COURT: HAVERHILL DISTRICT OFF: TRAFFICKING CONT SUB DISP: % 2/24/10 DISM INDICT	DKT#: 0938CR002463A CSA TRAFF STATUS: C WPD:
ARRAIGNMENT: (0014)	ARG-DATE: 10/28/09 PD: HAE COURT: HAVERHILL DISTRICT OFF: TRAFFICKING CONT SUB DISP: % 2/24/10 DISM INDICT	DKT#: 0938CR002494A CSA TRAFF STATUS: C WPD:
ARRAIGNMENT: (0015)	ARG-DATE: 10/28/09 PD: HAE COURT: HAVERHILL DISTRICT OFF: CONSPIRACY TO VIO CONT SUB ACT DISP: % 2/24/10 DISM INDICT	DKT#: 0938CR002494B CSA CONSP STATUS: C WPD:
ARRAIGNMENT: (0016)	ARG-DATE: 05/11/09 PD: HAE COURT: HAVERHILL DISTRICT OFF: DISORDERLY CONDUCT DISP: % 6/3/09 G 6MO SS 12/3/09 VWF 10/27/09 WAR 10/28/09 DR VN 1/27/10 VOP T&D	DKT#: 0938CR000951A DIS COND STATUS: C WPD:
ARRAIGNMENT: (0017)	ARG-DATE: 12/12/07 PD: SA1 COURT: LAWRENCE DISTRICT OFF: OPERATING AFTER DISP: DF 2/1/08 DR G 10DA 2/2/09 VWF TERM	DKT#: 0718CR007390A 114B STATUS: C WPD:
ARRAIGNMENT: (0018)	ARG-DATE: 08/07/06 PD: HAE COURT: HAVERHILL DISTRICT OFF: MAL DESTRUCTION OF PROPERTY DISP: % 12/20/06 G 1YR SS 6/20/08 VN 1/3/08 VOP 6/20/08 T&D	DKT#: 0638CR1864A PROP MAL DES STATUS: C WPD:
ARRAIGNMENT: (0019)	ARG-DATE: 08/07/06 PD: HAE COURT: HAVERHILL DISTRICT OFF: POSS CLASS B CONT SUB DISP: % 12/20/06 G 1YR SS 6/20/08 VN 1/3/08 VOP 6/20/08 T&D	DKT#: 0638CR1864B CSA POSS B STATUS: C WPD:
ARRAIGNMENT: (0020)	ARG-DATE: 08/07/06 PD: HAE COURT: HAVERHILL DISTRICT OFF: POSS FIREARM W/O PERMIT DISP: % 12/20/06 G 1YR SS 6/20/08 VN 1/3/08 VOP 6/20/08 T&D	DKT#: 0638CR1864C FIR POSS WO PERM STATUS: C WPD:
ARRAIGNMENT: (0021)	ARG-DATE: 03/23/06 PD: SA1 COURT: LAWRENCE DISTRICT OFF: OPERATING AFTER SUSPEND LIC DISP: % 5206 JT 61406 G PROB 61407 8806 VN 9106 VOP 6140 7 20HRS CS 10206 DF 62007 DR EXT 72007 DISM	DKT#: 0618CR1162A 114B-SUS STATUS: C WPD:

ARRAIGNMENT: (0022)
ARG-DATE: 12/29/03 PD: GEO COURT: HAVERHILL DISTRICT DKT#: 0338CR2934A
OFF: OPERATING AFTER SUSPEND LIC SUBSQ OFF 114B-SUS
DISP: (JT) 6/1/04 G 60DA SS 6/1/05 VWF DF 7/6/04 D/R PD STATUS: C WPD:
6/1/05 DF 6/15/05 D/R TERM

ARRAIGNMENT: (0023)
ARG-DATE: 01/03/03 PD: LOW COURT: LOWELL DISTRICT DKT#: 0311CR51A
OFF: DISORDERLY CONDUCT DIS COND
DISP: DF 4/9/03 D/R G \$200 FINE PD DISM STATUS: C WPD:

ARRAIGNMENT: (0024)
ARG-DATE: 02/27/02 PD: LAW COURT: LAWRENCE DISTRICT DKT#: 0218CR1420A
OFF: FIREARM VIOLATION(SPECIFY) FIR
DISP: C 10/9/02 NP STATUS: C WPD:

ARRAIGNMENT: (0025)
ARG-DATE: 02/27/02 PD: LAW COURT: LAWRENCE DISTRICT DKT#: 0218CR1420B
OFF: POSS CLASS D CONT SUB CSA POSS D
DISP: C 10/9/02 NP STATUS: C WPD:

ARRAIGNMENT: (0026)
ARG-DATE: 02/27/02 PD: LAW COURT: LAWRENCE DISTRICT DKT#: 0218CR1420C
OFF: USE WITHOUT AUTHORITY 114A
DISP: C 10/9/02 NP STATUS: C WPD:

ARRAIGNMENT: (0027)
ARG-DATE: 02/27/02 PD: LAW COURT: LAWRENCE DISTRICT DKT#: 0218CR1420D
OFF: POSS OF FIREARM FIR POSS
DISP: C 10/9/02 NP STATUS: C WPD:

ARRAIGNMENT: (0028)
ARG-DATE: 02/27/02 PD: LAW COURT: LAWRENCE DISTRICT DKT#: 0218CR1420E
OFF: KNOWINGLY REC STOLEN PROP RSG
DISP: C 10/9/02 NP STATUS: C WPD:

ARRAIGNMENT: (0029)
ARG-DATE: 07/24/01 PD: SA2 COURT: HAVERHILL DISTRICT DKT#: 0138CR1437A
OFF: POSS FIREARM W/O PERMIT FIR POSS WO PERM
DISP: 9/3/02 DISM STATUS: C WPD:

ARRAIGNMENT: (0030)
ARG-DATE: 07/24/01 PD: SA2 COURT: HAVERHILL DISTRICT DKT#: 0138CR1437B
OFF: POSS FIREARM W/O PERMIT FIR POSS WO PERM
DISP: 9/3/02 DISM STATUS: C WPD:

ARRAIGNMENT: (0031)
ARG-DATE: 06/25/01 PD: HAE COURT: HAVERHILL DISTRICT DKT#: 0138CR1191A
OFF: OPERATING AFTER SUSPEND LIC 114B-SUS
DISP: B/F 9/20/01 G FILED STATUS: C WPD:

ARRAIGNMENT: (0032)

ARG-DATE: 06/25/01 PD: HAE COURT: HAVERHILL DISTRICT
 OFF: COMPULSORY INSURANCE VIOLATION
 DISP: B/F 9/20/01 G FILED

DKT#: 0138CR1191B
 118A
 STATUS: C WPD:

ARRAIGNMENT: (0033)

ARG-DATE: 11/06/00 PD: LAW COURT: LAWRENCE DISTRICT
 OFF: DISORDERLY PERSON
 DISP: C 1/12/01 G 100 FILE C 1/19/01 PD TERM

DKT#: 0018CR7641A
 DIS PERS
 STATUS: C WPD:

ARRAIGNMENT: (0034)

ARG-DATE: 07/12/99 PD: HAE COURT: HAVERHILL DISTRICT
 OFF: DISORDERLY PERSON
 DISP: 7/19/99 3 MOS CMTD

DKT#: 9938CR1387A
 DIS PERS
 STATUS: C WPD:

ARRAIGNMENT: (0035)

ARG-DATE: 05/18/98 PD: HAE COURT: HAVERHILL DISTRICT
 OFF: ASSAULT DANGEROUS WEAPON
 DISP: 7/20/98 18MO SPS 9MO CMTD BAL SS 1/20/00 VN
 7/19/99 VOP CMTD

DKT#: 9838CR0822A
 ASLT DW
 STATUS: C WPD:

ARRAIGNMENT: (0036)

ARG-DATE: 04/21/98 PD: HAE COURT: HAVERHILL DISTRICT
 OFF: A&B DANGEROUS WEAPON HANDGUN
 DISP: 7/20/98 9MO SS PR 1/20/00 VN 7/19/99 VOP CMTD

DKT#: 9838CR0853A
 A&B DW
 STATUS: C WPD:

ARRAIGNMENT: (0037)

ARG-DATE: 04/21/98 PD: HAE COURT: HAVERHILL DISTRICT
 OFF: ASSAULT AND BATTERY
 DISP: 7/20/98 9MO SS PR 1/20/00 VN 7/19/99 VOP CMTD

DKT#: 9838CR0853B
 A&B
 STATUS: C WPD:

***** END OF ADULT APPEARANCES *****

NAM: MILETTE, HECTOR E

PCF: 0000000762 DOB: 05/15/88

 *** THE FOLLOWING ARRAIGNMENTS ARE JUVENILE APPEARANCES ***
 *** PLEASE CHECK THE NEWS FILE FOR DISSEMINATION GUIDELINES ***

ARRAIGNMENT: (0001)

ARG-DATE: 08/26/96 PD: HAE COURT: HAVERHILL JUVENILE
 OFF: POSS CONTROLLED SUBS W/I DIST
 DISP: 2/3/97 CWOF 2/3/98 VW DISM

DKT#: 9638JV0218A
 CSA POSS DIST
 STATUS: C WPD:

ARRAIGNMENT: (0002)

ARG-DATE: 08/26/96 PD: HAE COURT: HAVERHILL JUVENILE
 OFF: CONSPIRACY TO VIO CONT SUB ACT
 DISP: 2/3/97 CWOF 2/3/98 DISM

DKT#: 9638JV0218B
 CSA CONSP
 STATUS: C WPD:

CJISWeb Printout Generated On: 10/29/2012 12:26:00

By User: DULLEA-JOHN

Crim. Hist. (NCIC/III) (QH)

Original Query:	NAME: MILETTE, HECTOR	DOB: 05/19/1980	SEX: M	Data as of:	10/29/2012 12:25PM
	RACE: W				

UN.^2L01QHSPWM0G3A6EDA

MA005015A

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR INQUIRY ON NAM/MILETTE, HECTOR SEX/M RAC/W DOB/1000000 PUR/C

NAME	FBI NO.	INQUIRY DATE
MILETTE, HECTOR ENRIQUE	00000000000000000000000000000000	2012/10/29

SEX RACE BIRTH DATE HEIGHT WEIGHT EYES HAIR PHOTO
M W 1980-05-19 503 125 BRO BLK Y

BIRTH PLACE
UNITED STATES

FINGERPRINT CLASS PATTERN CLASS
UC UC UC UC UC UC UC UC UC
UC UC UC UC UC UC UC UC UC
UC UC UC UC UC UC UC UC UC

ALIAS NAMES
MILETTE, HECTOR E
MILLETTE, HECTOR E

SCARS-MARKS-

TATTOOS	SOCIAL SECURITY
TAT BACK	000-00-0790
TAT L ARM	
TAT L WRS	
TAT LF ARM	
TAT NECK	
TAT R ARM	
TAT SHLD	
TAT UL ARM	
TAT UR ARM	

IDENTIFICATION DATA UPDATED 2011/05/11

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE FOLLOWING:

MASSACHUSETTS - STATE ID
FBI - FBI

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END .>-<

This is Criminal Offender Record Information (CORI) and access and dissemination of said information is under the authority of Massachusetts General Law Chapter 6 Sections 168-172 and Code of Federal Regulations (28 CFR 20.2). Only authorized persons in the performance of their official duties may access, use or disseminate this information for official and lawful criminal justice purposes. Questions concerning the access, use or dissemination of this information should be directed to the Massachusetts Criminal Justice Information Services Division of the Criminal History Systems Board at 617-660-4710.

Massachusetts Criminal Justice Information Services (CJIS)
200 Arlington Street, Suite 2200
Chelsea, MA 02150
CJIS Operations: 617-660-4620

CJISWeb Printout Generated On: 10/29/2012 12:26:00
By User: DULLEA-JOHN

Ex. 11

**Commonwealth of Massachusetts
ESSEX SUPERIOR COURT
Case Summary
Criminal Docket**

Commonwealth v Gonzalez, Eric

Details for Docket: ESCR2009-01559

Case Information

Docket Number:	ESCR2009-01559	Caption:	Commonwealth v Gonzalez, Eric
Entry Date:	12/16/2009	Case Status:	CtRm D - 4th Floor - 56 Federal St.
Status Date:	09/12/2012	Session:	Disp (post sentence -Drug Lab)
Lead Case:	NA	Deadline Status:	Active since
Trial Deadline:	02/23/2010	Jury Trial:	NO

Parties Involved

2 Parties Involved in Docket: ESCR2009-01559

Party Involved:	Role:	Defendant
Last Name: Gonzalez	First Name:	Eric
Address: 34 Grand Ave	Address:	
City: Haverhill	State:	MA
Zip Code: 01830	Zip Ext:	
Telephone:		

Party Involved:	Role:	Plaintiff
Last Name: Commonwealth	First Name:	
Address:	Address:	
City:	State:	
Zip Code:	Zip Ext:	
Telephone:		

Attorneys Involved

3 Attorneys Involved for Docket: ESCR2009-01559

Attorney Involved:		Firm Name:	VALE02
Last Name:	Valerio	First Name:	John R
Address:	15 Chestnut Street	Address:	
City:	Andover	State:	MA
Zip Code:	01810	Zip Ext:	
Telephone:	978-749-3600	Tel Ext:	
Fascimile:	978-749-9594	Representing:	Gonzalez, Eric (Defendant)

Attorney Involved:		Firm Name:	ESSE02
Last Name:	Sheehan	First Name:	Michael
Address:	10 Federal Street	Address:	
City:	Salem	State:	MA
Zip Code:	01970	Zip Ext:	
Telephone:	978-745-6610	Tel Ext:	5019
Fascimile:	978-741-4971	Representing:	Commonwealth, (Plaintiff)

Attorney Involved:		Firm Name:	ESSE02
Last Name:	Mallard	First Name:	Phillip
Address:	10 Federal Street	Address:	
City:	Salem	State:	MA
Zip Code:	01970	Zip Ext:	
Telephone:	978-745-6610	Tel Ext:	
Fascimile:	978-741-4971	Representing:	Commonwealth, (Plaintiff)

Calendar Events

20 Calendar Events for Docket: ESCR2009-01559

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	02/23/2010	08:00	Arraignment	1	Event held as scheduled
2	03/22/2010	09:00	Conference: Pre-Trial	1	Event held as scheduled
3	04/29/2010	08:00	Hearing: Compliance	1	Event not held--joint request
4	06/21/2010	08:00	Hearing: Compliance	1	Event held as scheduled
5	07/26/2010	08:00	Hearing: Discovery Motions	1	Event not held--joint request
6	09/09/2010	08:00	Hearing: Discovery Motions	1	Event held as scheduled
7	10/13/2010	08:00	Hearing: Filing of Motion to Suppress	1	Event not held--joint request

8	11/16/2010	14:00	Hearing: Evidentiary-suppression	1	Event held--(ACTIVE) under advisement
9	12/13/2010	08:00	Conference: Status Review	1	Event held as scheduled
10	02/14/2011	08:00	Conference: Trial Assignment	1	Event held as scheduled
11	03/24/2011	08:00	Hearing: Plea Change	1	Event not held--joint request
12	04/28/2011	08:00	Conference: Final Pre-Trial	1	Event not held--joint request
13	05/09/2011	08:00	Hearing: Plea Change	1	Event held as scheduled
14	05/17/2011	08:00	TRIAL: by jury	1	Event canceled not re-scheduled
15	11/15/2012	09:30	Drug Lab: Hearing Stay Sentence	2	Event held as scheduled
16	12/17/2012	09:30	Drug Lab: Status	2	Event moved to another session
17	12/17/2012	10:00	Drug Lab: Status	4	Event held as scheduled
18	01/04/2013	10:00	Drug Lab: Status	4	Event held as scheduled
19	01/31/2013	10:00	Drug Lab: Status	4	Event held as scheduled
20	02/25/2013	10:00	Drug Lab: Hearing Stay Sentence	4	

Full Docket Entries

62 Docket Entries for Docket: ESCR2009-01559

Entry Date:	Paper No:	Docket Entry:
12/16/2009	1	Indictment returned
02/23/2010		Deft arraigned before Court
02/23/2010	2	Appearance of Commonwealth's Atty: Michael Sheehan
02/23/2010	3	Appearance of Deft's Atty: John R Valerio
02/23/2010		Deft waives reading of indictment
02/23/2010		RE Offense 1:Plea of not guilty
02/23/2010		RE Offense 2:Plea of not guilty
02/23/2010		RE Offense 3:Plea of not guilty
02/23/2010	4	Bail set: \$225,000.00 Cash without prejudice (Lu, J)
02/23/2010		Bail warning read
02/23/2010		Assigned to Track "B" see scheduling order
02/23/2010		Tracking deadlines Active since return date
02/23/2010	5	Case Tracking scheduling order (John Lu, Justice) mailed 2/23/2010
02/23/2010	6	Case initiation sheet filed in court
02/23/2010	7	Notice of discovery filed in court
11/16/2010		Hearing on motion to suppress held, matter taken under advisement
11/16/2010		(Feeley, J)
11/24/2010	8	Commonwealth files Memorandum After A Hearing On The Defendant's Motion To Suppress.
11/29/2010	9	Defendants motion to suppress all recorded communications made by the CI in connection with the controlled buys in these cases are ALLOWED

11/29/2010 9 (Feeley, J) copies sent to ADA and defense atty
03/24/2011 10 Notice of discovery 2 filed in court
05/09/2011 RE Offense 1:Guilty plea (lesser offense) (Traff. Cocaine +28 grams)
05/09/2011 RE Offense 2:Guilty plea (lesser offense) (Traff. Cocaine +28 grams)
05/09/2011 RE Offense 3:Guilty plea (lesser offense) (Poss. Class B with intent
Distribute)
05/09/2011 11 Waiver of defendants' rights
05/09/2011 12 Defendant sentenced to on indictment # ESCR2009-1559 001, Defendant
sentenced to Five (5) years to Five (5) years and One (1) day
committed to Massachsuets Correctional Institution, Cedar Junction.
05/09/2011 12 Defendant deemed to have 568 jail credit days. (Feeley, J.)
05/09/2011 13 Defendant sentenced to on indictment # ESCR2009-1559 002, Defendant
sentenced to Five (5) years to Five (5) years and One (1) day
committed to Massachsuets Correctional Institution, Cedar Junction
05/09/2011 13 to be served concurrent with ESCR2009-1559 001. Defendant deemed to
have 568 jail credit days. (Feeley, J.)
05/09/2011 13 Defendant sentenced to on indictment # ESCR2009-1559 003, Defendant
sentenced to Three (3) years probation from and after ESCR2009-1559
001. (Feeley, J.)
05/09/2011 14 ORDERED remanded to the custody of the Essex Correctional Facility
(Middleton)
05/09/2011 15 Victim-witness/Mandatory Drug Assessmnet/Monthly probation/Monthly
victim service surcharge fee assessed: \$90.00/\$150.00/\$60.00/\$5.00.
05/09/2011 15 to be paid during probation (Timothy Feeley, Justice)
05/09/2011 Sentence stayed until 5/11/2011 (Timothy Feeley, Justice)
05/09/2011 Bail set: Defendant held without. (Timothy Feeley, Justice)
05/09/2011 Defendant is subject to the following special conditions: 1)
05/09/2011 Substance abuse evaluation and treatment as deemed necessary by
probation. 2) Remain drug free. (Timothy Feeley, Justice)
05/09/2011 16 Abstract sent to RMV
09/12/2012 17 Defendant's Motion To Vacate Guilty Plea (Drug Lab)
09/20/2012 MOTION (P#17, to vacate.) denied, see endorsement. (Feeley, J.).
09/20/2012 Copies mailed
10/31/2012 18 Deft files motion for new trial.
10/31/2012 19 Deft files motion for stay of sentence.
11/15/2012 Appearance of Commonwealth's Atty: Phillip Mallard
11/15/2012 Appearance of Deft's Atty: John R Valerio
11/15/2012 20 Commonwealth's Opposition to the Defendant's Motion to Stay Execution
of Sentence Filed
11/15/2012 20 Hearing Held on Motion to Stay; Motion DENIED (Lowy, J.) (Motion #19)
01/31/2013 21 MOTION by Deft: Discovery Motions filed

Charges

3 Charges for Docket: ESCR2009-01559

No.	Charge Description:	Indictment:	Status:
1	COCAINE, TRAFFICKING IN c94C s32E(b)		Guilty plea (lesser offense)
2	COCAINE, TRAFFICKING IN c94C s32E(b)		Guilty plea (lesser offense)
3	COCAINE, TRAFFICKING IN c94C s32E(b)		Guilty plea (lesser offense)

© Copyright, Massachusetts Administrative Office of the Trial Court, 2000 - 2001.

Ex. 12

**Commonwealth of Massachusetts
ESSEX SUPERIOR COURT
Case Summary
Criminal Docket**

Commonwealth v Crespo, Efrain

Details for Docket: ESCR2009-01558

Case Information

Docket Number:	ESCR2009-01558	Caption:	Commonwealth v Crespo, Efrain
Entry Date:	12/16/2009	Case Status:	Criminal 2 - CtRm J - 5th Fl - 56 Federal St
Status Date:	01/31/2013	Session:	Disposed (Drug Lab)
Lead Case:	NA	Deadline Status:	Active since
Trial Deadline:	02/23/2010	Jury Trial:	NO

Parties Involved

2 Parties Involved in Docket: ESCR2009-01558

Party Involved:	Role:	Defendant
Last Name: Crespo	First Name:	Efrain
Address: 13 1/2 Grove St	Address:	
City: Haverhill	State:	MA
Zip Code: 01830	Zip Ext:	
Telephone:		

Party Involved:	Role:	Plaintiff
Last Name: Commonwealth	First Name:	
Address:	Address:	
City:	State:	
Zip Code:	Zip Ext:	
Telephone:		

Attorneys Involved

3 Attorneys Involved for Docket: ESCR2009-01558

Attorney Involved:	Firm Name:		
Last Name: Collins	First Name: Joseph F		
Address: 221 Essex St 3rd Floor	Address:		
City: Salem	State: MA		
Zip Code: 01970	Zip Ext:		
Telephone: 978-500-6762	Tel Ext:		
Fascimile:	Representing:	Crespo, Efrain (Defendant)	
Attorney Involved:	Firm Name: ESSE02		
Last Name: Sheehan	First Name: Michael		
Address: 10 Federal Street	Address:		
City: Salem	State: MA		
Zip Code: 01970	Zip Ext:		
Telephone: 978-745-6610	Tel Ext: 5019		
Fascimile: 978-741-4971	Representing:	Commonwealth, (Plaintiff)	
Attorney Involved:	Firm Name: ESSE02		
Last Name: Mallard	First Name: Phillip		
Address: 10 Federal Street	Address:		
City: Salem	State: MA		
Zip Code: 01970	Zip Ext:		
Telephone: 978-745-6610	Tel Ext:		
Fascimile: 978-741-4971	Representing:	Commonwealth, (Plaintiff)	

Calendar Events

19 Calendar Events for Docket: ESCR2009-01558

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	02/23/2010	08:00	Arraignment	1	Event held as scheduled
2	03/22/2010	09:00	Conference: Pre-Trial	1	Event held as scheduled
3	04/29/2010	08:00	Hearing: Compliance	1	Event not held--joint request
4	06/21/2010	08:00	Hearing: Compliance	1	Event held as scheduled
5	07/26/2010	08:00	Hearing: Discovery Motions	1	Event not held--joint request
6	09/09/2010	08:00	Hearing: Discovery Motions	1	Event held as scheduled
7	10/13/2010	08:00	Hearing: Filing of Motion to Suppress	1	Event not held--joint request
			Hearing: Evidentiary-		Event held--(ACTIVE) under

8	11/16/2010	14:00	suppression	1	advisement
9	12/13/2010	08:00	Conference: Status Review	1	Event held as scheduled
10	02/14/2011	08:00	Conference: Trial Assignment	1	Event held as scheduled
11	03/24/2011	08:00	Hearing: Plea Change	1	Event not held--joint request
12	04/28/2011	08:00	Conference: Final Pre-Trial	1	Event not held--joint request
13	05/09/2011	08:00	Hearing: Plea Change	1	Event held as scheduled
14	05/17/2011	08:00	TRIAL: by jury	1	Event canceled not re-scheduled
15	11/15/2012	11:00	Drug Lab: Hearing Stay Sentence	2	Event held as scheduled
16	12/17/2012	09:30	Drug Lab: Status	2	Event moved to another session
17	12/17/2012	10:00	Drug Lab: Status	4	Event held as scheduled
18	01/04/2013	10:00	Drug Lab: Status	4	Event held as scheduled
19	01/31/2013	10:00	Drug Lab: Hearing Plea Change	4	Event moved to another session

Full Docket Entries

89 Docket Entries for Docket: ESCR2009-01558

Entry Date:	Paper No:	Docket Entry:
12/16/2009	1	Indictment returned
02/23/2010		Deft arraigned before Court
02/23/2010	2	Appearance of Commonwealth's Atty: Michael Sheehan
02/23/2010	3	Appearance of Deft's Atty: Joseph F Collins
02/23/2010	4	Notice of assignment of counsel filed. c4751384-1
02/23/2010		Legal counsel fee assessed in the amount of \$150.00 (John Lu, Justice)
02/23/2010		Deft waives reading of indictment
02/23/2010		RE Offense 1:Plea of not guilty
02/23/2010		RE Offense 2:Plea of not guilty
02/23/2010	5	Bail set: \$225,000.00 Cash without prejudice (Lu, J)
02/23/2010		Bail warning read
02/23/2010		Assigned to Track "B" see scheduling order
02/23/2010		Tracking deadlines Active since return date
02/23/2010	6	Case Tracking scheduling order (John Lu, Justice) mailed 2/23/2010
02/23/2010	7	Case initiation sheet filed in court
02/23/2010	8	Notice of discovery filed in court
03/22/2010	9	Motion for bill of particulars agreed and allowed (Lu, J)
03/22/2010	10	Defendants motion for discovery agreed and allowed (Lu, J)
09/09/2010	11	Deft files motion to dismiss.
09/09/2010	12	Deft files motion to dismiss.
10/26/2010	13	Deft files Motion to suppress recorded conversations and all evidence obtained without a warrant to record said conversations.
10/26/2010	13	Hearing on motion to suppress recorded conversations held, matter
11/16/2010		

11/16/2010 taken under advisement (Feeley, J)
11/24/2010 14 Commonwealth files Memorandum After A Hearing On The Defendant's
11/24/2010 14 Motion To Suppress.
11/29/2010 15 Defendants motion to suppress all recorded communications made by the
11/29/2010 15 CI in connection with the controlled buys in these cases are ALLOWED
11/29/2010 15 (Feeley, J) copies sent to ADA and defense atty
12/13/2010 Motion #11--no action taken at request of defendant, no opposition
12/13/2010 from Commonwealth (Feeley, J)
12/13/2010 Motion #12--no action taken at request of defendant, no opposition
12/13/2010 from Commonwealth (Feeley, J)
03/25/2011 16 Commonwealth files Notice of Discovery 3 on 3/24/11
05/09/2011 RE Offense 1:Guilty plea (lesser offense) (Traff. cocaine over 14
05/09/2011 grams)
05/09/2011 RE Offense 2:Guilty plea (lesser offense) (Traff. cocaine over 14
05/09/2011 grams)
05/09/2011 17 Waiver of defendants' rights
05/09/2011 18 Defendant sentenced to on indictment # ESCR2009-1558 001, Defendant
05/09/2011 18 sentenced to Four (4) years to Six (6) years committed to
05/09/2011 18 Massachusetts Correctional institution, Cedar Junction. Defendant
05/09/2011 18 deemed to have 568 jail credit days. (Timothy Feeley, Justice)
05/09/2011 19 Defendant sentenced to on indictment # ESCR2009-1558 002, Defendant
05/09/2011 19 sentenced to Four (4) years to Six (6) years committed to
05/09/2011 19 Massachusetts Correctional institution, Cedar Junction to be served
05/09/2011 19 concurrent with ESCR2009-1558 001. Defendant deemed to have 568 jail
05/09/2011 19 credit days. (Timothy Feeley, Justice)
05/09/2011 Sentence stayed until 5/11/2011 (Timothy Feeley, Justice)
05/09/2011 20 ORDERED remanded to the custody of the Essex Correctional Facility
05/09/2011 20 (Middleton)
05/09/2011 21 Victim witness/Indigent Attorney/ Mandatory Drug Assessment Fee:
05/09/2011 21 waived
05/09/2011 Bail revoked, held without bail.
05/09/2011 22 Abstract sent to RMV
05/11/2011 23 Defendant amended sentence to on indictment # ESCR2009-1558 001,
05/11/2011 23 Defendant sentenced to Four (4) years to Six (6) years committed to
05/11/2011 23 Massachusetts Correctional institution, Cedar Junction not
05/11/2011 23 notwithstanding any sentence now serving. Defendant deemed to have 568
05/11/2011 23 jail credit days. (Timothy Feeley, Justice)
05/11/2011 24 Defendant amended sentence to on indictment # ESCR2009-1558 002,
05/11/2011 24 Defendant sentenced to Four (4) years to Six (6) years committed to
05/11/2011 24 Massachusetts Correctional institution, Cedar Junction to be served
05/11/2011 24 concurrent with the sentence on 09-1558 001 not notwithstanding any
05/11/2011 24 sentence now serving. Defendant deemed to have 568 jail credit days.

05/11/2011

	24	(Timothy Feeley, Justice)
10/24/2012	25	Defendant's Motion To Vacate Guilty Plea (Drug Lab)
10/24/2012	26	Defendant's motion for new trial (Drug Lab)
10/24/2012	27	Defendant's Motion to Stay Sentence (Drug Lab)
10/24/2012	28	Defendant's Motion to Stay Sentence (Drug Lab)
11/15/2012		Appearance of Commonwealth's Atty: Phillip Mallard
11/15/2012		Appearance of Deft's Atty: Joseph F Collins
11/15/2012	29	Commonwealth's Opposition to the Defendant's Motion to Stay Execution
11/15/2012	29	of Sentence Filed
11/15/2012		Hearing Held on Motion to Stay; Motion Denied (Lowy, J.) (Motion #28)
11/15/2012		MOTION (P#27, for stay of execution of sentence DPH drug lab case.)
11/15/2012		denied (Lowy, J.). Copies mailed all parties.
01/31/2013		MOTION (P#26, for a new trial.) allowed (Howard Whitehead, Justice).
01/31/2013		Copies mailed 2/1/2013
01/31/2013		RE Offense 1:Guilty plea (lesser offense)
01/31/2013		RE Offense 2:Guilty plea (lesser offense)
01/31/2013	30	Waiver of defendants' rights
01/31/2013	31	Defendant sentenced to on indictment # ESCR2009-1558 001 and 002,
01/31/2013	31	Defendant sentenced to Thirty Nine (39) months to Thirty Nine (39)
01/31/2013	31	months and One (1) day committed to Massachusetts Correctional
01/31/2013	31	Institution, Cedar Junction. Deemed served on each count. Defendant
01/31/2013	31	deemed to have 39 months jail credit days. (Howard Whitehead, Justice)
01/31/2013		Fees: waived
01/31/2013	32	ORDER: on vacated sentence-drug lab (Howard Whitehead, Justice)

Charges

2 Charges for Docket: ESCR2009-01558

No.	Charge Description:	Indictment:	Status:
1	COCAINE, TRAFFICKING IN c94C s32E(b)		Guilty plea (lesser offense)
2	COCAINE, TRAFFICKING IN c94C s32E(b)		Guilty plea (lesser offense)

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February, 2013,
one copy of the Commonwealth's Emergency Verified Petition
Pursuant to G.L. c. 211, § 3, to Stay an Order of a Special
Magistrate Allowing a Motion to Reconsider a Motion for a Stay
of Execution of Sentence That Was Previously Denied by a
Superior Court Judge, in the case of Commonwealth v. Hector
Milette, Supreme Judicial Court for Suffolk County, Single
Justice, No. SJ-2013-____, was sent via e-mail and first class
mail, postage prepaid to:

Frederick B. McAlary, Jr., Esq.
15 Chestnut Street
Andover, MA 01810

FOR THE COMMONWEALTH:


RONALD DEROSA
ASSISTANT DISTRICT ATTORNEY
for the Eastern District
10 Federal Street
Salem, Massachusetts 01970
(978) 745-6610 ext. 5024
BBO No. 658915