APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (COURT USE ONLY): 095OCR-2233

PAGE 1 of 2

Trial Court of Massachusetts
District Court Department

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

☐ ONLY MISDEMEANOR(S), I request a hearing ☐ **WITHOUT NOTICE** because of an imminent threat of ☐ BODILY INJURY ☐ COMMISSION OF A CRIME ☐ FLIGHT ☐ **WITH NOTICE** to accused.
☐ ONE OR MORE FELONIES, I request a hearing ☐ **WITHOUT NOTICE** ☐ **WITH NOTICE** to accused.

☐ WARRANT is requested because prosecutor represents that accused may not appear unless arrested.

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

INFORMATION ABOUT ACCUSED

NAME (FIRST MI LAST) AND ADDRESS	BIRTH DATE	SOCIAL SECURITY NUMBER
JAMES ROCCO CALO [redacted] MALDEN MA 02148	[redacted]	[redacted]
	PCF NO.: 0000270 8863	MARITAL STATUS: UNMARRIED
	DRIVERS LICENSE NO.: [redacted]	STATE: MA
	GENDER: MALE; HEIGHT: 600; WEIGHT: 210	EYES: BROWN

HAIR	RACE	COMPLEXION	SCARS/MARKS/TATTOOS	BIRTH STATE OR COUNTRY	DAY PHONE
BRO	WHITE	MEDIUM	TRIBUL ON LEFT ARM ITALIAN FLAG ON RIGHT	MALDEN MA	[redacted]

EMPLOYER/SCHOOL	MOTHER'S MAIDEN NAME (FIRST MI LAST)	FATHER'S NAME (FIRST MI LAST)
	[redacted]	[redacted]

CASE INFORMATION

COMPLAINANT NAME (FIRST MI LAST)	COMPLAINANT TYPE	PD
Lt Ruelle	☑ POLICE ☐ CITIZEN ☐ OTHER	MAL

ADDRESS	PLACE OF OFFENSE	
MALDEN POLICE DEPARTMENT	790 MALDEN, MA	
	INCIDENT REPORT NO.: 9004282	OBTN: TMAL009000878
	CITATION NO(S).	

	OFFENSE CODE	DESCRIPTION	OFFENSE DATE
1	266/28/F	MOTOR VEH, RECEIVE STOLEN C266 S28	08/03/2009 20:55:00
	VARIABLES (e.g. victim name, controlled substance, type and value of property. other variable information; see Complaint Language Manual)		
	[VICTIM NAME: gercina Paulo] [PROP. DESC: motor vehicle]		
2	94C/34/A	DRUG, POSSESS CLASS A C94C S34 SOB5	08/03/2009 20:55:00
	VARIABLES		
	[PROP. DESC: heroin] [CONTROLLED SUBSTANCE: heroin]		
	OFFENSE CODE	DESCRIPTION	OFFENSE DATE
	VARIABLES		

REMARKS	COMPLAINANT'S SIGNATURE	DATE FILED
	X [signature]	8-4-09

COURT USE ONLY → A HEARING UPON THIS COMPLAINT APPLICATION WILL BE HELD AT THE ABOVE COURT ADDRESS ON DATE OF HEARING TIME OF HEARING AT ← COURT USE ONLY

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

DATE	COMPLAINT TO ISSUE	COMPLAINT DENIED	CLERK/JUDGE
8/4/09	☑ PROBABLE CAUSE FOUND FOR ABOVE OFFENSE(S) NO(S). ☐ 1. ☒ 2. ☐ 3. BASED ON ☐ FACTS SET FORTH IN ATTACHED STATEMENT(S) ☐ TESTIMONY RECORDED: TAPE NO._____ START NO. _____ END NO. _____ ☐ WARRANT ☐ SUMMONS TO ISSUE ARRAIGNMENT DATE: 8/4/09	☐ NO PROBABLE CAUSE FOUND	

The Boston Globe

DCCR-2 (08/04)

0930CR2233

Custody

POLICE DEPARTMENT

MALDEN, MASSACHUSETTS

RECORD OF BOOKING

PLEASE PRINT

CELL NUMBER	ARREST NUMBER	DATE & TIME OF BOOKING	INCIDENT NUMBER
CELL 2	TMAL009000878	08/03/2009 20:46:02	9004282

LAST NAME	FIRST	MIDDLE NAME	D.O.B.	AGE	SSN
CALO	JAMES	ROCCO	[redacted]	29	[redacted]

TRUE NAME	MAIDEN NAME	HOME PHONE
JAMES R CALO		[redacted]

STREET NO.	STREET NAME	APT #	CITY/TOWN	STATE	ZIP	PHONE (WORK) (CELL)
[redacted]		[redacted]	MALDEN	MA	02148	

SEX	HEIGHT	WEIGHT	RACE
M	600	210	WHITE

HAIR	EYES	BLD	SKIN
BROWN	BROWN	MEDIUM	MEDIUM

ETHNICITY	SCARS	LOCATION OF ARREST
NOT OF HISPANIC ORIGIN	TRIBUL ON LEFT ARM ITALIAN FLAG ON RIGHT ARM AND PIT BULL ON SHOL	790 SALEM ST

PLACE OF BIRTH	MARTIAL STATUS	DRIVER'S LICENSE
MALDEN MA	UNMARRIED	[redacted]

FATHER'S NAME	MOTHER'S NAME	MOTHER'S MAIDEN
[redacted]	[redacted]	[redacted]

EMPLOYER	OCCUPATION
	UNEMPLOYED

ADDRESS OF EMPLOYER

IF CUT VISIBLE ON PERSON, DESCRIBE KIND & LOCATION

TREATED WHERE	ATTENDING PHYSICIAN

PRISONER ADVISED OF RIGHTS UNDER G.L. CHAP 276 33A	YES	BY WHOM
	[X]	CRONIN, G

FINGERPRINTS TAKEN	YES	PHOTO TAKEN	YES
	[ ]		[X]

IF PRISONER WAS ARRESTED FOR OPERATING UNDER THE INFLUENCE, FILL IN BELOW

PRISONER ADVISED OF RIGHTS UNDER G.L. CHAP 263 5A	YES	BY WHOM
	[ ]	CRONIN, G

BREATHLYZER READING	BY WHOM	
		TEST WAS REFUSED

I 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.

PRISONER SIGNATURE

ARRESTING OFFICER	BOOKING OFFICER
MITCHELL, P	CRONIN, G
COMPLAINANT	OFFICER IN CHARGE
	CRONIN, G

OFFENSES

1. MOTOR VEH, RECEIVE STOLEN c266 S28
2. DRUG, POSSESS CLASS A c94C S34
3.
4.
5.

ARREST ON WARRANT?	YES	WARRANT NUMBER
	[X]	W7380049
		CITY/COURT EVERETT

CHARGES

LICENSE SUSPENDED, OP MV WITH c90 S23

DID ARRESTED PERSON HAVE POSITIVE IDENTIFICATION

[X] YES [ ] NO TYPE: NONE

IS ARRESTEE A JUVENILE [ ] YES

NAME OF PROBATION OFFICER NOTIFIED | TIME

NAME OF PARENT OR GUARDIAN NOTIFIED | OFFICER MAKING NOTIFICATION | TIME

BAIL COMMISSIONER	AMOUNT OF BAIL	DATE AND TIME OF BAIL

DISPOSITION

MALDEN POLICE DEPARTMENT
MALDEN, MA

INCIDENT # / REPORT #	OFFICER	RANK	REVIEW STATUS
9004282 / 3	MITCHELL, P	PATR	COMPLETED

INCIDENT #9004282 DATA

As Of 08/04/2009 03:24:24

BASIC INFORMATION

CASE TITLE	LOCATION	APT/UNIT #
M/V STOP	790 SALEM ST	

DATE/TIME REPORTED	DATE/TIME OCCURRED
08/03/2009 19:07:50	[UNSPECIFIED]

INCIDENT TYPE/OFFENSE
MOTOR VEH, RECEIVE STOLEN c266 S28

PERSONS

ROLE	NAME	SEX	RACE
VICTIM	[redacted]	UNKNOWN	UNKNOWN

ADDRESS: [redacted] BROCKTON, MA

OFFENDERS

STATUS	NAME	SEX	RACE
DEFENDANT	CALO, JAMES ROCCO	MALE	WHITE

ADDRESS: [redacted] MALDEN, MA

VEHICLES

ROLE	TYPE	YEAR	MAKE	MODEL	COLOR	REG #	STATE
STOLEN VEHICLE		1992	TOYOTA	CAMRY	WHITE	[redacted]	MA

STOLEN $	REC CODE	DATE REC	REC $	REC BY

[NO PROPERTY]

OFFICER REPORT: 9004282 - 3 / MITCHELL, P (PATR)

DATE/TIME OF REPORT	TYPE OF REPORT	REVIEW STATUS
08/03/2009 19:07:50	SUPPLEMENT	COMPLETED

NARRATIVE

The Following is a Summary of the Events which resulted in the Arrest of James Calo

([redacted]), of [redacted] in Malden, MA, for the violation of GL.Ch.26/S.28F, Receiving Stolen Motor Vehicle (MV), for the violation of GL.Ch.94C/S.34A, Drug Possession Class "A", and for a Default Warrant (Dkt:#0650CR000931 / Ref:#W7380049).

On Monday, August 3rd, 2009, I (O/Mitchell), while assigned to the D166 Sector Cruiser, was on scene, along with multiple Police units, at 790 Salem Street, when I was instructed by S/Bailey to remove a party from the rear of the D164 Sector Cruiser and to then place him into to rear of the D166 Sector Cruiser. Once in the D166 Sector Cruiser, I was advised that I was to then transport the party to the Malden Police Station (MPD) to await booking by the L/Cronin (OIC).

At this time, I placed my cruiser next to the D164 Cruiser, and I removed James Calo ([redacted]) from the rear of this cruiser. I noted that Calo had already been placed in handcuffs, which were double locked for safety, and I asked the on scene Officers if anyone had conducted a pat frisk of Calo. I was advised that none of the current on scene Officers had conducted a pat frisk of Calo, so I began to pat for weapons of Calo. While searching Calo, he advised me that he had "needles " on him and that they were in the waist band of his pants. For my safety, I removed a sandwich bag from the front of Calo's pants, and upon inspection of the bag I discovered four (4) capped needles, two (2) small bags of a brown powdery substance which I determined, based upon my training and experience, to be heroin, and a used q-tip.

Once Calo had been placed into the rear of the D166 Sector Cruiser, he was transported by me to the station (MPD). Upon arriving at the station, Calo was brought to the Booking Desk were he was introduced to L/Cronin. Calo was booked in the usual manner and he was afforded all of his rights as provided by law. Calo was allowed to use the phone and he was fingerprinted by L/Cronin. Calo was then placed into Cell M-2 to await bail.

The sandwich bag containing the 4 needles, the 2 bags of herion, and the q-tip, was placed into Evidence Locker #11.

While I was completing this report, I was advised by L/Cronin that a Default Warrant had been discovered for Calo in the NCIC/CJIS/LEAPS system. The Warrant was printed and served, and the Warrant was added to this report.

Respectfully Submitted,

Officer Peter Mitchell #291 / INC #9004282-3

OFFICER SIGNATURES

Reporting Officer: _____ Date: _____

MITCHELL, P PATR

Approving Officer: _____ Date: _____

MALDEN POLICE DEPARTMENT
MALDEN, MA

INCIDENT # / REPORT #	OFFICER	RANK	REVIEW STATUS
9004282 / 1	DREES, J	PATR	APPROVED

INCIDENT #9004282 DATA

As Of 08/04/2009 05:16:57

BASIC INFORMATION

CASE TITLE
M/V STOP

LOCATION
790 SALEM ST

APT/UNIT #

DATE/TIME REPORTED
08/03/2009 19:07:50

DATE/TIME OCCURRED
On or about 08/03/2009 05:17

INCIDENT TYPE/OFFENSE
MOTOR VEH, RECEIVE STOLEN c266 S28

PERSONS

ROLE	NAME	SEX	RACE	AGE	DOB	PHONE
VICTIM	[redacted]	UNKNOWN	UNKNOWN	59	[redacted]	(HOME)
	ADDRESS: [redacted]					(CELL)

OFFENDERS

STATUS	NAME	SEX	RACE	AGE	DOB	PHONE
DEFENDANT	CALO, JAMES ROCCO	MALE	WHITE	29	[redacted]	(HOME) [redacted]
	ADDRESS: [redacted] MALDEN, MA					(CELL)

VEHICLES

ROLE	TYPE	YEAR	MAKE	MODEL	COLOR	REG #	STATE
STOLEN VEHICLE		1992	TOYOTA	CAMRY	WHITE	[redacted]	MA

STOLEN $	REC CODE	DATE REC	REC $	REC BY

[NO PROPERTY]

OFFICER REPORT: 9004282 - 1 / DREES, J (PATR)

DATE/TIME OF REPORT	TYPE OF REPORT	REVIEW STATUS
08/03/2009 19:07:50	INCIDENT	APPROVED

NARRATIVE

On 8/3/09 (early shift) I was assigned to the radio room with Officer

Fitzpatrick and Cadet Manolian. At approximately 19:00, Officer Newnan (E168) radioed control to have us query vehicle registration [redacted]. The plate was queried through CJIS and the information that was returned showed that the vehicle (1992 Toyota Camry color white) was listed as an active stolen vehicle. It had been reported stolen to Brockton PD on 8/2/09. Officer Newnan and other units were advised of the stolen vehicle status. CJIS printouts and a copy of the report from Brockton PD were attached to this report. A locate was sent and I notified Brockton PD of the recovery.

Submitted by: Off. Drees / 274

OFFICER SIGNATURES

Reporting Officer: _____ Date: _____

DREES, J PATR

Approving Officer: _____ Date: _____

CRONIN, G LIEUT

09-4824-OF
CASE NUMBER

LEAPS NUMBER
V763873

BROCKTON POLICE DEPARTMENT

Stolen/Recovered Motor Vehicle Report

I hereby report to the above named Police Department that the following described Motor Vehicle was stolen in the City of Brockton.

OWNED BY (LAST NAME FIRST, IF FIRM, NAME OF BUSINESS) [redacted]	ADDRESS-STREET [redacted]	CITY Brockton	STATE MA
REPORTED BY (LAST NAME FIRST) [redacted]	ADDRESS SAME	CITY	STATE
STOLEN FROM 826 Belmont St	STREET	CITY Brockton	STOLEN ABOVE TIME DATE Mo. 08 Day 09 Yr. 09 Hour 02 Min. 00 AM ☑ PM ☐

Year of Vehicle	Make of Vehicle	Model	Body Style	# of Doors	Top	Color
92	Ford	Escort	Station 40	2	White	White

Registration Plate Number	State	Exp. Date	Vehicle Registered	Vehicle Identification Number
[redacted]	MA	1/10	YES ☑ NO ☐	[redacted]

Was Vehicle in Garage?	Were Doors Locked?	Est. Value of Vehicle	If Stolen Plate Only Check Box	Insurance Company
YES ☑ NO ☐	YES ☐ NO ☐	$ 1000.00	☐	Mass Mutual Company YES ☑ NO ☐

WILL OWNER OR PERSON IN CUSTODY OF VEHICLE BE AVAILABLE FOR COURT?

WARNING:
False statements made on this form are punishable under the penalty of perjury. Whoever knowingly makes a false written statement on this form shall be punished by imprisonment for up to 2 years or a fine of up to $2,000.00 or by both a fine and imprisonment - G.L. C268,§39. Persons convicted more than once of knowingly [redacted] making false reports shall be punished by a mandatory minimum one year jail term.

[redacted]
(To be signed by Owner or Person in custody of vehicle)

(DO NOT WRITE BELOW THESE LINES)

OFFICER TAKING REPORT	DATE	TIME Hour	Min.	AM ☑ PM ☐
Green #494 #252 244	8/09	01	00	

LEAPS ENTERED YES ☑ NO ☐	TIME Hour 01	Min 39	AM ☑ PM ☐	DATE Mo. 08 Day 09 Yr. 09	LEAPS OPERATOR A Salamone #440

INFORMATION: ADDITIONAL (SEE REVERSE SIDE)
Keys in Vehicle / Left Running
left wallet, Id cards in Car

CASE NO. 09-4824-OF

RECOVERED VEHICLE REPORT (VEHICLE DESCRIPTION ABOVE)

PLACE OF RECOVERY	STREET	DATE Mo.	Day	Yr.	TIME Hour	Min	AM ☐ PM ☐	OFFICER MAKING RECOVERY
VEHICLE TOWED YES ☐ NO ☐	VEHICLE TOWED TO							TOW AUTHORIZED BY

ARREST MADE YES ☐ NO ☐	OWNER NOTIFIED YES ☐ NO ☐ PHONE ☐ MAIL ☐ OTHER EXPLAIN ☐	TIME Hour	Min	AM ☐ PM ☐	DATE Mo.	Day	Yr	NOTIFYING OFFICER
LEAPS CANCELLED YES ☐ NO ☐	DATE Mo. / Day / Yr	TIME Hour / Min.	AM ☐ PM ☐					LEAPS OPERATOR

NAME AND ADDRESS OF PERSON CLAIMING VEHICLE — LICENSE NO — SIGNATURE

CONDITION ON RECOVERY

PARTS	MISSING	DAMAGED	SECTIONS	MISSING	DAMAGED	DOORS	DAMAGED	BURNED	
TIRES	☐	☐	FRONT	☐	☐	IGNITION	☐	MOTOR COMP	☐
ENGINE	☐	☐	R. SIDE	☐	☐	COVER	☐	PASS COMP	☐
TRANS.	☐	☐	L. SIDE	☐	☐	TRUNK	☐	TRUNK COMP	☐
INS. PANE	☐	☐	REAR	☐	☐	GAS CAP	☐	TOTAL	☐
SEATS	☐	☐	HOOD	☐	☐		☐	Fire Dept. Responded	☐
RADIO	☐	☐		☐	☐		☐		☐
OTHER							DRIVEABLE	YES ☐ NO ☐	

POLICE DEPT. CONTROL

MALDEN POLICE DEPARTMENT
MALDEN, MA

INCIDENT # / REPORT #	OFFICER	RANK	REVIEW STATUS
9004282 / 15	BAILEY, P	SGT	COMPLETED

INCIDENT #9004282 DATA

As Of 08/04/2009 10:14:06

BASIC INFORMATION

CASE TITLE
M/V STOP

LOCATION
790 SALEM ST

APT/UNIT #

DATE/TIME REPORTED
08/03/2009 19:07:50

DATE/TIME OCCURRED
On or about 08/03/2009 05:17

INCIDENT TYPE/OFFENSE
MOTOR VEH, RECEIVE STOLEN c266 S28

PERSONS

ROLE	NAME	SEX	RACE	AGE	DOB	PHONE
VICTIM	[redacted]	UNKNOWN	UNKNOWN	59	[redacted]	(HOME) (CELL)

ADDRESS [redacted]

OFFENDERS

STATUS	NAME	SEX	RACE	AGE	DOB	PHONE
DEFENDANT	CALO, JAMES ROCCO	MALE	WHITE	29	[redacted]	(HOME) [redacted] (CELL)

ADDRESS: 141 PIERCE ST 34 MALDEN, MA

VEHICLES

ROLE	TYPE	YEAR	MAKE	MODEL	COLOR	REG #	STATE
STOLEN VEHICLE		1992	TOYOTA	CAMRY	WHITE	[redacted]	MA

STOLEN $	REC CODE	DATE REC	REC $	REC BY

[NO PROPERTY]

OFFICER REPORT: 9004282 - 15 / BAILEY, P (SGT)

DATE/TIME OF REPORT	TYPE OF REPORT	REVIEW STATUS
08/03/2009 19:07:50	SUPPLEMENT	COMPLETED

NARRATIVE

The following is a summary: On Monday, August 3, 2009 I spoke with Officer Selfridge

who advised me the male prisoner in the 164 car , later identified as James Calo, was a passenger in the stolen motor vehicle.

Respectfully submitted,

S/Bailey #234

OFFICER SIGNATURES

Reporting Officer: _____ Date: _____

BAILEY, P SGT

Approving Officer: _____ Date: _____

9004282

MIRANDA RIGHTS & RECORDING FORM

MIRANDA ADVISEMENTS

Before asking you any questions, it is my duty to advise you of your rights.

1. You have the right to remain silent.
2. If you choose to speak, anything you say may be used against you in a court of law.
3. You have the right to consult with a lawyer before answering any questions, and you may have a lawyer with you during questioning.
4. If you cannot afford a lawyer and want one, a lawyer will be provided at no cost before any questioning.
5. If you decide to answer questions, you may stop at any time.

Do you understand each of the rights I have just read to you?

✓ Yes _____ No MP Initials

6. Having these rights in mind, do you wish to speak with me now?

✓ Yes _____ No MP Initials

Signature [signature]

Witnessed by [signature] #2097

Date & Time 8/4/09 09:15hrs Place Malden PD

TAPE RECORDING

It is the policy of this department to record all interviews so that there is a record of our discussion. Do we have your permission to tape record our discussion?

_____ Yes, I agree to have our discussion recorded. MP Initials

✓ No, I do not want our discussion recorded. MP Initials

Be advised that you may change your decision at any time during this interview.

Signature [signature]

Witnessed by [signature] #2097

Date & Time 8/4/09 09:15hrs Place Malden PD

_____ Having at first decided not to be recorded, I now choose to have the rest of my interview recorded. _____ Initials

_____ Having at first agreed to be recorded, I now choose to have the remainder of my interview not recorded. _____ Initials

Signature _____ Date & Time _____