

APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO.(COURT USE ONLY)

1622CR 1841

PAGE

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Trial Court of Massachusetts District Court Department



NEWBURYPORT DISTRICT COURT 188 STATE STREET NEWBURYPORT MA

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: BARRY J HOBBS, SACO, ME 04072. BIRTH DATE, SOCIAL SECURITY NUMBER, POF NO., MARITAL STATUS, DRIVERS LICENSE NO., STATE ME, GENDER M, HEIGHT 6'01", WEIGHT 225, EYES BLU, HAIR BRO, RACE W, COMPLEXION, SCARS/MARKS/TATTOOS, BIRTH STATE OR COUNTRY ME, DAY PHONE, EMPLOYER/SCHOOL, MOTHER'S MAIDEN NAME (FIRST MI LAST), FATHER'S NAME (FIRST MI LAST).

CASE INFORMATION

COMPLAINANT NAME (FIRST MI LAST): ANDREW-JAMES PESCI. COMPLAINT TYPE: POLICE. PD: AMPD. ADDRESS: AMESBURY POLICE DEPARTMENT, 19 SCHOOL ST, AMESBURY, MA 01913. PLACE OF OFFENSE: AMESBURY, MA. INCIDENT REPORT NO.: 16AM16604. OBTN: TAME201603202. CITATION NO(S).

Table with 3 rows of offense information. Row 1: OFFENSE CODE 90.24(J), DESCRIPTION OUI LIQUOR, OFFENSE DATE 21:47:31 11/05/16. Row 2: OFFENSE CODE 90.24I, DESCRIPTION ALCOHOL IN MV, POSSESS OPEN CONTAINER OF, OFFENSE DATE *****/**/**. Row 3: OFFENSE CODE, DESCRIPTION, OFFENSE DATE.

REMARKS SID#, COMPLAINTANT'S SIGNATURE (X), DATE FILED

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

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: 11.7.16, COMPLAINT TO ISSUE: 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: COMPLAINT DENIED: NO PROBABLE CAUSE FOUND REQUEST OF COMPLAINANT FAILURE TO PROSECUTE AGREEMENT OF BOTH PARTIES OTHER: on court 2 case was empty, CLERK/JUDGE: AA

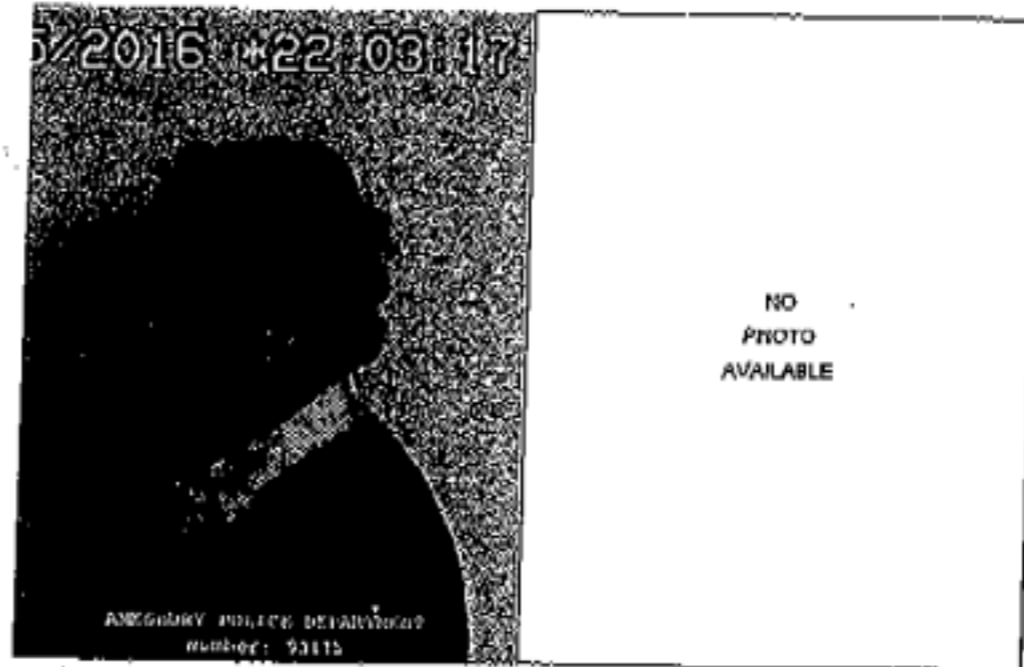
CLERK



AMESBURY POLICE DEPARTMENT

Individual Arrest Report, with Sentences & Bonds

Name #: 93115
 Name: HOBBS, BARRY J
 Address: [REDACTED]
 SACO, ME 04072
 Born: bidderford, ME



Date of Birth: [REDACTED]
 Local ID Numbers:
 State ID Number:
 Attorney:
 Place of Birth: bidderford
 Sex: M
 Height: 6'01"
 Hair Color: BRO
 Drivers License: [REDACTED]
 Marital Status:
 Home Phone: [REDACTED]
 Employer: [REDACTED]
 Alias For:

Social Security: [REDACTED]
 FBI number:
 Occupation:
 State: ME
 Race: W
 Weight: 225
 Eyes Color: BLU
 State: ME
 Work Phone: () -

Scars, Marks, and Tattoo Information

Arrest/Offense Information

Booking Number: 161123
 Time/Date Arrested: 21:46:51 11/05/16
 Arresting Agency: AMPD
 Statute: 90.24(J), OUI LIQUOR
 Offense: OUIL, OUI LIQUOR
 Offense Refrnc:
 Additional Info:

Arrest Reference Number:
 Arresting Officer: PESCI AJ
 Age at Arrest: 65
 Class: M Court: 22
 Counts: 1 OTN:
 Related Incident: 16AM16604

Bond Type: PR Clearance: BAIL Amount: \$40.00 (Optional: \$0.00)



AMESBURY POLICE DEPARTMENT

Officer Report for Incident 16AM16604

Nature: MV COMPLAINT

Address: 24 ROCKY HILL RD; IRVING GAS
STATION
AMESBURY MA 01913

Location: PAM

Offense Codes: MVC, OUIL, OPC

Received By: OPERATOR 004

How Received: T

Agency: AMPD

Responding Officers: PESCI AJ, LANNON J, CHAMPAGNE D

Responsible Officer: PESCI AJ

Disposition: CAA 11/06/16

When Reported: 20:59:38 11/05/16

Occurred Between: 20:59:22 11/05/16 and 20:59:22 11/05/16

Offense Codes

Reported: MVC TRAFFIC / MV COMPLAINT

Observed:

Additional Offense: MVC TRAFFIC / MV COMPLAINT

Additional Offense: OUIL OUI LIQUOR

Additional Offense: OPC OPEN CONTAINBR, POSS OF
IN M/V

Circumstances

Responding Officers:

Unit :

PESCI AJ

AM35

LANNON J

AM29

CHAMPAGNE D

AM18

Responsible Officer: PESCI AJ

Agency: AMPD

Received By: OPERATOR 004

Last Radio Log: 22:19:47 11/05/16 CMPLT

How Received: T Telephone

Clearance: ARR Arrest/PC

When Reported: 20:59:38 11/05/16

Disposition: CAA Date: 11/06/16

Judicial Status:

Occurred between: 20:59:22 11/05/16

Misc Entry:

and: 20:59:22 11/05/16

Modus Operandi:

Description :

Method :

Involvements

Date	Type	Description	
11/05/16	Name	BLUMENTHAL, MARC	REPORTING PARTY
11/05/16	Name	HOBBINS, BARRY J	OFFENDER

Officer Report for Incident 16AM16604

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11/06/16	Offense	Offense#: 6159 - M - 1 count	Charged With
11/05/16	Offense	Offense#: 6153 - M - 1 count	Charged With
11/05/16	Vehicle	SIL 2007 LEXS RX400H ME	VEHICLE
11/05/16	Cad Call	20:59:38 11/05/16 MV COMPLAINT	Initiating Call
11/05/16	Property	Beer pabst blue ribb 0	EVIDENCE

Narrative

Officer Andrew-James Pesci

On November 5th 2016, I Officer Andrew-James Pesci was working in marked cruiser 402, for the City of Amesbury. I was working the 5pm to 7am shift. At approximately 08:59pm, Essex Regional advised units that there were multiple reports of a vehicle that was driving all over the road. The vehicle had pulled into 24 Rocky Hill Road (Irving Gas station). Essex Regional advised that one of the reporting parties on scene took the keys away from the driver as they believed he was intoxicated. Regional advised responding units that the vehicle was bearing Maine registration 262.

Upon arriving to the scene, I was flagged down by a group of people pointing to a silver vehicle that matched the registration reported. One of the witnesses handed me a set of keys and advised me he took them from the owner of the vehicle [REDACTED]. I observed a male party at this time sit down into that vehicle. I approached the man and asked him to step out of the vehicle and he did so. He identified himself as Barry Hobbins [REDACTED].

At this time, Officer Champagne and Officer Lannon arrived on scene. I told Mr Hobbins that there were reports that he was driving all over the road and that we had to make sure he was safe to drive. When Mr Hobbins spoke to me I could detect a very strong odor of an alcoholic beverage emanating directly from his breath. His eyes were glassy and bloodshot. Mr Hobbins was swaying on his feet and slurring his words when he spoke. I advised Mr Hobbins that I was going to administer standard field sobriety tests. Officer Champagne advised me that there was an open beer in the center console of the vehicle.

Hobbins was asked all the appropriate preliminary screening questions and all tests were explained and demonstrated.

The first test I gave was the Horizontal Gaze Nystagmus. I observed lack of smooth pursuit in both eyes as well as Nystagmus at maximum deviation. I also observed the onset of Nystagmus prior to 45 degrees in both eyes. Mr Hobbins moved his head while following the pen tip even when advised not to. I observed 6 out of 6 clues.

The next test I gave Mr Hobbins was the Walk and Turn. I asked Mr Hobbins if he had any medical conditions. He advised me he had surgery on his right knee and a bad left knee. I asked Mr Hobbins if it affected his ability to walk or climb stairs, he said no. The test area was a flat asphalt surface that was free of any debris.

In the instructional phase, Mr Hobbins could not stand heel to toe as instructed to do so. I explained the test to Mr Hobbins and asked him if he understood. Mr Hobbins said he did. Mr Hobbins attempted the first step 3 times as he could not put his foot in front of the other. Mr Hobbins almost fell over and I advised him to stop the test as I did not want him to fall and injure himself. Mr Hobbins insisted on attempting one more time. Mr Hobbins attempted again. On his second attempt, Mr Hobbins missed heel to toe on all 9 steps, used his arms for

Officer Report for Incident 16AM16604

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balance and did not count out loud. He stopped walking on the 9th step and looked at me confused. I told him to walk 9 steps back. Mr Hobbins missed heel to toe on the last 9, stepped off the line on each step and almost fell over on the 18th step. I observed 5 out of 8 clues.

The last test I gave him was the One Leg Stand. Mr Hobbins attempted to lift his right foot multiple times while almost falling over. I stopped Mr Hobbins from attempting to do the One Leg Stand as he could not keep his balance at all and I feared he would fall and injure himself. I observed 3 out of 4 clues.

I requested that Mr Hobbins, take a PBT. Mr Hobbins agreed and posted a result of .217%

At this time, I advised Mr Hobbins he was under arrest for operating a motor vehicle under the influence of liquor. I handcuffed Mr Hobbins behind the back, double locked and checked for tightness. I read Mr Hobbins his Miranda rights and Officer Lannon transported Mr Hobbins back to the station for booking. I stayed with the vehicle awaiting Newburyport Towing. I conducted a motor vehicle inventory and discovered 3 open empty cans of Pabst Blue Ribbon. One was in the center console as Officer Champagne had advised. There was also 3 unopened Pabst Blue Ribbon beer cans that were cold to the touch next to the empty ones. Newburyport Towing secured the vehicle.

When I arrived to the booking room, Mr Hobbins had been read his Miranda warning and his Statutory Rights. Mr Hobbins consented to the chemical breath test and signed form A. Mr Hobbins posted a score of .18% BAC. Mr Hobbins was advised and provided with a copy of his license suspension notice. Mr Hobbins was booked, fingerprinted, photographed and placed in cell 2 awaiting bail.

MR Hobbins was issued Citation #R7391217 and charged with the following.

Chapter 90/24 DUI Liquor.
Chapter 90/24 Open container

Supplement

CAD Call info/comments

21:00:49 11/05/2016 - OPERATOR 004

21:00:54 11/05/2016 - OPERATOR 004
SILVER LEXUS RX21:01:01 11/05/2016 - OPERATOR 004
ALL OVER THE ROAD ON HIGHWAY.21:01:13 11/05/2016 - OPERATOR 004
RP FOLLOWED HIM TO THIS LOCATION.21:01:20 11/05/2016 - OPERATOR 004
VEHICLE IS STOPPED AT THE GAS STATION.21:01:42 11/05/2016 - OPERATOR 004
RP ANTHONY DIANGELO 781-439-0762.21:02:40 11/05/2016 - OPERATOR 004
MALE OPERATOR.

21:03:33 11/05/2016 - OPERATOR 004

2 WITNESSES SPEAKING WITH THAT MALE TRYING TO PREVENT HIM FROM LEAVING.

21:04:21 11/05/2016 - OPERATOR 082

2ND CALL FOR THIS INCIDENT, RP STATING POSSIBLE FIGHT ABOUT TO OCCUR IN PARKING LOT

21:05:01 11/05/2016 - OPERATOR 082

Officer Report for Incident 16AM16604

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RP ROBIN MANNING 978-388-7774
 21:05:40 11/05/2016 - OPERATOR 082
 RP STATED THE MAN OCCUPING THE LEXUS IS POSSIBLY INTOXICATED
 21:18:52 11/05/2016 - OPERATOR 082
 AM29 ADVISES ONE IN CUSTODY, REQUESTING A HOOK
 21:20:02 11/05/2016 - OPERATOR 082
 NEWBURYPORT TOWING NOTIFIED
 21:23:22 11/05/2016 - OPERATOR 082
 AM29 TRANSPORTING BACK TO STATION FOR BOOKING
 21:23:36 11/05/2016 - OPERATOR 082
 AM18 CLEAR
 21:23:40 11/05/2016 - OPERATOR 082
 AM35 STANDING BY FOR HOOK
 21:31:01 11/05/2016 - OPERATOR 082
 AM35 ADVISES NEWBURYPORT TOWING ON SCENE
 21:40:38 11/05/2016 - OPERATOR 082
 AM35 STATES NEWBURYPORT HAS THE VEHICLE, WILL BE EN ROUTE TO THE STATION

Supplement

Report By: Ofc. Lannon (BT Test)

On Saturday (11-5-16) I was assigned to patrol from 5p-3a. At approximately 8:59pm, Officers were dispatched to the Irving Gas Station for a report of an erratic operator. Upon my arrival, Ofc. Pesci and Champagne were already on scene speaking with the (2) males.

Ofc. Pesci was with a male identified as Barry Hobbins [REDACTED]. I noticed Hobbins was clearly unsteady on his feet and slurring his speech. I could see his eyes were bloodshot and I could smell a strong odor of alcohol (beverage) when he spoke. Ofc. Pesci administered Field Sobriety Tests and Hobbins was then given a PBT with a result of .217%. Hobbins was taken into custody (Handcuffed DL & checked for tightness), read his Miranda Rights and then transported back to the station for booking.

At the station, Sgt. Sciacca and I began the booking process with Hobbins. I read Hobbins the Statutory Rights & Consent Form and asked that he submit to a chemical breath test, which he accepted. After observing Hobbins (15 minutes), he was then given a breath test with the following results:

- Test 1: .181%
- Test 2: .186%

Hobbins was informed of the test results and that his right to operate in MA was suspended, he was also provided with appropriate paperwork. Hobbins was given a phone call and later bailed on \$40 cash.

Vehicles**Vehicle Number:**

[REDACTED]

License Plate:

State: ME

Vehicle Year: 2007

Make: LEXS

Color: SIL /

Vehicle Type: PCAR Passenger Car

License Type: PC Regular Passenger Automobile

Expires: 11/30/16

VIN: [REDACTED]

Model: [REDACTED]

Doors: 4

Value: \$0.00

Officer Report for Incident 16AM16604

Owner:

Last: HOBBSINS First: BARRY Mid: J
DOB: [REDACTED] Dr Lic: [REDACTED] Address: [REDACTED]
Race: W Sex: M Phone: [REDACTED] City: SACO, ME 04072

Agency: Date Recov/Rcvd: **/**/**
Officer: Area:
UCR Status: Wrecker Service:
Local Status: Storage Location:
Status Date: **/**/** Release Date: **/**/**
Comments:

Property

Property Number: 2824 Item: Beer Owner Applied Nbr:
Brand: pabst blue ribb Model:
Year: 0 Quantity:
Meas: Serial Nbr:
Total Value: \$0.00 Color:
Owner: HOBBSINS BARRY J 93115 Tag Number:
Agency: AMPD AMESBURY POLICE DEPARTMENT
Accum Amt Recov: \$0.00 Officer: PESCO AJ
UCR: UCR Status:
Local Status: Storage Location:
Crime Lab Number: Status Date: **/**/**
Date Released: **/**/** Date Recov/Rcvd: **/**/**
Released By: Amt Recovered: \$0.00
Released To: Custody: **/**/**
Reason:
Comments:

Name Involvements:

REPORTING93114

PARTY :

Last: BLUMENTHAL First: MARC Mid:
DOB: [REDACTED] Dr Lic: [REDACTED] Address: [REDACTED]
Race: Sex: M Phone: [REDACTED] City: [REDACTED]

OFFENDER : 93115

Last: HOBBSINS First: BARRY Mid: J

Officer Report for Incident 16AM16604

DOB: [REDACTED] **Dr Lic:** [REDACTED] **Address:** [REDACTED]
Race: W **Sex:** M **Phone:** [REDACTED] **City:** SACO, ME 04072