

APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (COURT USE ONLY)

1400295

PAGE

1 of 2

Trial Court of Massachusetts District Court Department



Northampton District Court
15 GOTHIC ST
NORTHAMPTON, MA. 01060

ARREST STATUS OF ACCUSED

HAS HAS NOT been arrested

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.

INFORMATION ABOUT ACCUSED

NAME (FIRST MI LAST) AND ADDRESS				BIRTH DATE		SOCIAL SECURITY NUMBER	
NICHOLAS A DUCLOS 83 BEACON AVE HOLYOKE, MA. 01040-2332				PCF NO.		MARITAL STATUS	
				DRIVERS LICENSE NO.		STATE	
HAIR		RACE		BIRTH STATE OR COUNTRY		DAY PHONE	
BRO		W		HOLYOKE			
COMPLEXION		SCARS/MARKS/TATTOOS		GENDER		EYES	
				M		BLU	
HEIGHT		WEIGHT		FATHER'S NAME (FIRST MI LAST)			
511		185					
EMPLOYER/SCHOOL				MOTHER'S MAIDEN NAME (FIRST MI LAST)		FATHER'S NAME (FIRST MI LAST)	
HOLYOKE CHARTER SCHOOL							

CASE INFORMATION

COMPLAINANT NAME (FIRST MI LAST)		COMPLAINANT TYPE		PD	
Nicholas J Demetrio - 4755		<input checked="" type="checkbox"/> POLICE <input type="checkbox"/> CITIZEN <input type="checkbox"/> OTHER		NOM	
ADDRESS		PLACE OF OFFENSE			
Northampton Police Department 29 Center Street Northampton, MA. 01060		NORTHAMPTON, MA			
		INCIDENT REPORT NO.		OBTN	
		14-154-AR		TNOM201400154	
		CITATION NO(S).			
		R4304866, R4304866, R4304866, R4304866, R4304866			

OFFENSE CODE	DESCRIPTION	OFFENSE DATE
90/24/J	OUI LIQUOR <i>velo</i>	03/08/2014
1 VARIABLES (e.g. victim name, controlled substance, type and value of property, other variable information; see Complaint Language Manual)		
PROPERTY: DVD RECORDING OF FSTS;		
OFFENSE CODE	DESCRIPTION	OFFENSE DATE
90/23/D	LICENSE SUSPENDED OR REVOKED TOP MV WITH	03/08/2014
2 VARIABLES		
OFFENSE CODE	DESCRIPTION	OFFENSE DATE
90/17/A	SPEEDING	03/08/2014
3 VARIABLES		

REMARKS
 SID# *2140* *3/10/14*
 COMPLAINT SIGNATURE *[Signature]* DATE FILED *3/10/14*

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

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

**APPLICATION FOR
CRIMINAL COMPLAINT**

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Trial Court of Massachusetts
District Court Department



Northampton District Court
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INFORMATION ABOUT ACCUSED

NAME (FIRST MI LAST) AND ADDRESS NICHOLAS A DUCLOS 83 BEACON AVE HOLYOKE, MA. 01040-2332		BIRTH DATE [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	
		PCF NO. [REDACTED]	MARITAL STATUS SINGLE	
		DRIVERS LICENSE NO. [REDACTED]	STATE MA	
		GENDER M	HEIGHT 511	WEIGHT 185
		EYES BLU		
HAIR BRO	RACE W	COMPLEXION	SCARS/MARKS/TATTOOS	BIRTH STATE OR COUNTRY HOLYOKE
EMPLOYER/SCHOOL HOLYOKE CHARTER SCHOOL		MOTHER'S MAIDEN NAME (FIRST MI LAST) [REDACTED]		FATHER'S NAME (FIRST MI LAST) [REDACTED]

CASE INFORMATION

COMPLAINANT NAME (FIRST MI LAST) Nicholas J Demetrio- 4755	COMPLAINANT TYPE <input checked="" type="checkbox"/> POLICE <input type="checkbox"/> CITIZEN <input type="checkbox"/> OTHER	PD NOM
ADDRESS Northampton Police Department 29 Center Street Northampton, MA. 01060	PLACE OF OFFENSE NORTHAMPTON, MA	INCIDENT REPORT NO. 14-154-AR
	OBTN TNOM201400154	CITATION NO(S). R4304866, R4304866, R4304866, R4304868, R4304868

OFFENSE CODE 89/9	DESCRIPTION STOP/YIELD, FAIL TO	OFFENSE DATE 03/08/2014
1 VARIABLES (a.g. victim name, controlled substance, type and value of property, other variable information; see Complaint Language Manual)		

OFFENSE CODE 99	DESCRIPTION BIKEWAYS	OFFENSE DATE 03/08/2014
2 VARIABLES		

OFFENSE CODE 90/24/P	DESCRIPTION USE MV WITHOUT AUTHORITY	OFFENSE DATE 03/08/2014
3 VARIABLES		

REMARKS
SID#
VICTIM(S): CITY OF HOLYOKE POLICE DEPARTMENT; VEHICLE(S): 2011 FORD F150; NORTHAMPTON
COMPLAINANT'S SIGNATURE: [Signature] DATE FILED: 3/10/14

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

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DATE	COMPLAINT TO ISSUE	COMPLAINT DENIED	CLERK/JUDGE
3/10/14	<input checked="" type="checkbox"/> PROBABLE CAUSE FOUND FOR ABOVE OFFENSE(S) NO(S). <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. BASED ON <input checked="" type="checkbox"/> FACTS SET FORTH IN ATTACHED STATEMENT(S) <input type="checkbox"/> TESTIMONY RECORDED: TAPE NO. _____ START NO. _____ END NO. _____ <input type="checkbox"/> WARRANT <input type="checkbox"/> SUMMONS TO ISSUE ARRAIGNMENT DATE: _____	<input type="checkbox"/> NO PROBABLE CAUSE FOUND <input type="checkbox"/> REQUEST OF COMPLAINANT <input type="checkbox"/> FAILURE TO PROSECUTE <input type="checkbox"/> AGREEMENT OF BOTH PARTIES <input type="checkbox"/> OTHER: COMMENT	[Signature]

Northampton Police Department

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NARRATIVE FOR PATROL OFFICER NICHOLAS J DEMSTRION- 4755

Ref: 14-154-AR

Entered: 03/08/2014 @ 0250

Entry ID: 214

Modified: 03/08/2014 @ 0515

Modified ID: 214

On Saturday 3/8/2014 at approximately 0034hrs I (Officer Demetrio) was on patrol traveling Westbound on Main Street, a public way owned and maintained by the City of Northampton, in my fully marked police SUV when I observed a dark colored Ford Taurus (MA Reg. 9321DL) traveling Eastbound on Main Street at what appeared to be a high rate of speed. I confirmed the speed of the vehicle to be 35MPH by my dash mounted radar unit, which was tested and found to be functioning properly at the start of my shift. It should be noted that this section of Main Street is a clearly posted 25MPH with high pedestrian traffic, even at this hour of the night with the restaurant and bar crowds.

I turned my cruiser around in order to follow behind this vehicle. After I turned around and began following behind the vehicle Eastbound on Main Street the vehicle began to accelerate in speed. As it approached the intersection of Main Street and Pleasant Street, also a public way owned and maintained by the City of Northampton, it encountered a red stop signal. The vehicle proceeded through the red light, taking a right onto Pleasant Street. This intersection is clearly posted "No Right on Red." It was at this time that I activated my blue lights to stop the vehicle.

By the time I turned Southbound onto Pleasant Street I could see that the vehicle was a considerable ways down the road, passing in front of Tully O'Reilly's bar, and still traveling at a high rate of speed. I next observed the vehicle make a sharp left hand turn into the Union Station lot. I followed behind, still with my blue lights activated, however the vehicle made no effort to stop.

I followed the vehicle up into the Union Station lot when it turned onto the Nagle bike path/walkway, which is prohibited for motor vehicles. The vehicle drove about fifty yards on the bike path before coming to a stop. At this time the operator, later identified by a MA driver's license as Nicholas Duclos (DOB [REDACTED]), exited the vehicle and began to walk toward my cruiser. I exited my cruiser, approached Duclos, took control of his arms, escorted him to the rear of his vehicle, and handcuffed him to the rear for officer safety. I then radioed for an additional unit to respond to my location and secured Duclos in the rear of my cruiser.

I approached his vehicle again to ensure that there was no one else inside, which there was not. When I reached my head into the vehicle to turn off the engine I could smell a strong odor of an alcoholic beverage inside the passenger compartment of the vehicle. Officer Henderson and Sergeant Korepta arrived on scene a short time after.

In speaking with Duclos I could detect a strong odor of an alcoholic beverage on his person and on his breath that intensified when he spoke. He was visibly upset and emotional and was continually apologetic that he had just taken his cousin's car to get some food. He stated that his cousin was Alex Morse, the mayor of Holyoke. The vehicle registration, when ran through the RMV, did come back to the City of Holyoke Police Department.

Due to the large crowd gathering on the balcony at Bishop's and on the roadway below I decided to transport Duclos in the rear of the cruiser approximately fifty yards to the Union Station parking lot to continue the investigation.

Once in the upper lot at Union Station I took Duclos from the rear of my cruiser and had him stand at the front bumper of my vehicle. I asked where Duclos was coming from and he told me Bishop's Lounge, despite that

Northampton Police Department

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NARRATIVE FOR PATROL OFFICER NICHOLAS J DEMETRION- 4755

Ref: 14-154-AR

Entered: 03/08/2014 @ 0250 Entry ID: 214
Modified: 03/08/2014 @ 0515 Modified ID: 214

being the direction he was traveling toward and not from. He stated that he was headed to Mimmo's pizzeria to get a slice of pizza, despite the fact that he drove right past Mimmo's while I was behind him with my blue lights activated, making no attempt to stop at that business. I asked where he was before getting into the car and he stated that he was at a party at Bishop's with his cousin, Morse, but left to get food. I asked if he had been drinking at Bishop's and he indicated that he had. He stated that he had only drank two long island iced teas, but that was within the past hour. It should again be noted that as Duclos spoke with me I could detect a strong odor of an alcoholic beverage on his breath. I could also see that his eyes were both bloodshot and glossy.

I asked Duclos if he would perform some field sobriety tests to determine if he was safe to operate the vehicle. He stated he would. The first test I had Duclos perform was the horizontal gaze nystagmus. I explained the test to Duclos and asked if he understood, to which he stated he did. I observed lack of smooth pursuit, distinct and sustained nystagmus at maximum deviation, and onset of nystagmus prior to forty five degrees.

The next test I had Duclos perform was the "Nine Step Walk and Turn" test. The area where the tests were performed was well lit and free of any defects in the pavement. I asked Duclos if he had any issues with his legs or feet that would impede his ability to perform tests that required walking or balance to which he stated that he did not. I placed him in the instructional stance, explained the test, and asked if he understood. He stated he did. While in the instructional phase he stepped out of the instructed stance. During the test Duclos stepped off the line and failed to touch heel to toe on every step.

The third test I had Duclos perform was the "One Leg Stand" test. I explained the test to Duclos and asked if he understood, to which he stated he did. Duclos was able to complete the test with only needing to be reminded to raise his foot to the appropriate height off the ground one time.

The final test I had Duclos perform was the "Alphabet" test. I asked Duclos how far he had gone in school and he told me that he was college educated. I asked if he would be able to recite the alphabet from A to Z without skipping any letters and without singing. He stated that he could. Duclos was able to do so successfully.

Refer to the tagged DVD footage of Duclos' field sobriety tests for more information.

Based on his admission to having drank this evening, his glossy and bloodshot eyes, odor of an alcoholic beverage on his breath and person, odor of an alcoholic beverage in the passenger compartment of his vehicle, and his performance on the field sobriety tests, Duclos was placed under arrest for operating a motor vehicle under the influence of liquor, operating a motor vehicle with a suspended license, speeding, failing to stop at a red light, and bikeways violation.

Duclos was transported back to the station in the rear of cruiser 31. Upon arrival at the station he was escorted to the booking room where he was booked per policy. He was advised of his Miranda rights, fingerprints and photograph were taken and property was inventoried. While in booking Duclos was requested to submit to a chemical breath test to determine his blood alcohol concentration. He was read aloud the statutory rights and consent form, advised of his right to a doctor and telephone, and advised of the consequences of both refusing the test and of taking the test and failing. Duclos stated he understood all that was explained to him and agreed to perform the breath test.

Duclos' breath test results are as follows:

Northampton Police Department

NARRATIVE FOR PATROL OFFICER NICHOLAS J DEMETRION- 4755

Ref: 14-154-AR

Entered: 03/08/2014 @ 0250

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Modified ID: 214

Subject Test 1	0.114
Calibration Check	0.078
Subject Test 2	0.122

Duclos was advised that his blood alcohol concentration was over the legal limit of 0.08. As such his license was seized and returned to the RMV along with a notice of license seizure.

After booking Duclos I questioned him as to how he came into control of his cousin's city issued vehicle. He stated that he and Morse were at Bishop's Lounge drinking when he got hungry and wanted to go get some food. He stated he asked Morse for the keys so he could do just that and Morse complied. I asked if he had ever driven the vehicle before and he stated he had although it had been a while since the last time. I asked twice if he took the keys without permission and he stated no both times.

Duclos was secured in cell M6. Bail was set at PR+fee+sober by clerk Morin.

Duclos license was suspended on 1-5-12 for failure to pay a citation, failure to pay a warrant reinstatement fee to the registry, and nonrenew for Northampton + Holyoke.

Northampton Police Department

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NARRATIVE FOR DETECTIVE TIMOTHY J SATKOWSKI-32204

Ref: 14-154-AR

Entered: 03/08/2014 @ 1721
Modified: 03/08/2014 @ 1739Entry ID: 179
Modified ID: 179

1. On March 8, 2014 at approximately 2:44 PM I (Detective Satkowski) was assigned by Ssgt McMahon to take a report of use without authority in regards to this case.
2. I spoke with Alex Morse and his assistant, Rory Casey. Morse stated that he had not given his cousin, Nicholas Duclos the authority to drive his vehicle prior to Duclos being stopped and arrested. I had Morse complete a written statement about the events from the previous night. Morse wrote that he was at an event with Duclos and a friend (Steve Vinelli) at Bishops Lounge. Morse stated that around midnight Duclos told him he was going outside to get a break from the event. At approximately 1:30 AM Morse reported leaving Bishops with Vinelli. Morse stated that as he was walking to his vehicle he realized the keys to his vehicle which had been in his jacket pocket were missing. When asked, Morse stated that his vehicle was parked in a metered spot on Pearl St. Morse stated that he walked to the area where his vehicle was and noticed it missing. Morse stated that he immediately began calling Duclos to see what was going on with no answer. Morse statement states that Vinelli had called Duclos as well and Duclos picked up and quickly said that he was at "NPD". Morse stated that he did not give Duclos his keys and did not give him the authority to use the vehicle. Morse stated that he called "NPD" and informed them that the car was taken without permission, when he was advised that an arrest was made and the vehicle had been impounded.
3. I also completed a stolen motor vehicle form with Morse. Before signing the form I advised Morse of the warning listed on the form about perjury and advised him to review it. Morse signed the form and I advised Morse that his report would be added to this report.
4. The vehicle was not entered into CJIS since the vehicle had already been recovered by Officer Demetrian during his vehicle stop.

Northampton Police Department

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SUPPLEMENTAL NARRATIVE FOR PATROL OFFICER NICHOLAS J DEMETRI

Ref: 14-154-AR

Entered: 03/09/2014 @ 0403

Entry ID: 214

Modified: 03/09/2014 @ 0405

Modified ID: 214

On 3/8/14 Alex Morse came to the station to report that his city issued vehicle had been taken by his cousin and driven without his permission the prior evening. He was interviewed by and issued a written statement to Detective Satkowski.

See Detective Satkowski's narrative and Morse's written statement for more information.