



COMMONWEALTH OF MASSACHUSETTS
 WORCESTER COUNTY
 Docket Report

0885CR00120
 Commonwealth vs. Zambrano, Jorge

CASE TYPE: Indictment	FILE DATE: 01/25/2008
ACTION CODE: 94C/32E/A-0	CASE TRACK: A - Standard
DESCRIPTION: COCAINE, TRAFFICKING IN c94C §32E(b)	
CASE DISPOSITION DATE: 05/17/2011	CASE STATUS: Open
CASE DISPOSITION: Disposed	STATUS DATE: 05/17/2011
CASE JUDGE:	CASE SESSION: Criminal 1

LINKED CASE

DCMTRACK		
Tickler Description	Due Date	Completion Date
Pre-Trial Hearing	02/21/2008	05/17/2011
Final Pre-Trial Conference	08/05/2008	05/17/2011
Case Disposition	08/19/2008	05/17/2011

PARTIES

Prosecutor Commonwealth	
Defendant Zambrano, Jorge Worcester House of Correction 5 Paul X Timan Drive West Boylston, MA 01583	



COMMONWEALTH OF MASSACHUSETTS
WORCESTER COUNTY
Docket Report

PARTY CHARGES					
#	Offense Date/ Charge	Code	Town	Disposition	Disposition Date
1	12/09/2007 COCAINE, TRAFFICKING IN c94C §32E(b)	94C/32E/A-0	Worcester	Guilty of Lesser Included Offense	05/17/2011
2	12/09/2007 DRUG, DISTRIBUTE CLASS B, SUBSQ.OFF. c94C §32A(b)	94C/32A/F-0	Worcester	Guilty	05/17/2011
3	12/09/2007 DRUG VIOLATION NEAR SCHOOL/PARK c94C §32J	94C/32J-3	Worcester	Dismissed	05/17/2011
4	12/09/2007 A&B WITH DANGEROUS WEAPON c265 §15A(b)	265/15A/A-1	Worcester	Guilty	05/17/2011
5	12/09/2007 A&B WITH DANGEROUS WEAPON c265 §15A(b)	265/15A/A-1	Worcester	Guilty	05/17/2011
6	12/09/2007 ASSAULT W/DANGEROUS WEAPON c265 §15B(b)	265/15B/A-0	Worcester	Guilty	05/17/2011
7	12/09/2007 A&B ON POLICE OFFICER c265 §13D	265/13D/A-0	Worcester	Guilty	05/17/2011
8	12/09/2007 A&B ON POLICE OFFICER c265 §13D	265/13D/A-0	Worcester	Guilty	05/17/2011
9	12/09/2007 RESIST ARREST c268 §32B	288/32B-0	Worcester	Guilty	05/17/2011



COMMONWEALTH OF MASSACHUSETTS
WORCESTER COUNTY
Docket Report

EVENTS				
Date	Session	Event	Result	Resulting Judge
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02/25/2008	Criminal 1	Pre-Trial Conference	Held as Scheduled	
03/11/2008	Criminal 1	Status Review	Held as Scheduled	
04/10/2008	Criminal 1	Status Review	Held as Scheduled	
05/15/2008	Criminal 1	Hearing for Change of Plea	Held as Scheduled	
08/11/2008	Criminal 1	Status Review	Held as Scheduled	
07/23/2008	Criminal 1	Evidentiary Hearing on Suppression	Held as Scheduled	
08/21/2008	Criminal 1	Status Review	Held as Scheduled	
10/03/2008	Criminal 1	Non-Evidentiary Hearing on Suppression	Rescheduled	
11/13/2008	Criminal 1	Evidentiary Hearing on Suppression	Rescheduled	
12/17/2008	Criminal 1	Status Review	Held as Scheduled	
02/04/2009	Criminal 1	Hearing for Change of Plea	Rescheduled	
03/05/2009	Criminal 1	Status Review	Held as Scheduled	
04/29/2009	Criminal 1	Hearing for Change of Plea	Held as Scheduled	
05/18/2009	Criminal 1	Status Review	Held as Scheduled	
07/14/2009	Criminal 1	Evidentiary Hearing on Suppression	Rescheduled	
08/12/2009	Criminal 1	Evidentiary Hearing on Suppression	Rescheduled	
10/13/2009	Criminal 1	Evidentiary Hearing on Suppression	Rescheduled	
11/13/2009	Criminal 1	Evidentiary Hearing on Suppression	Rescheduled	
01/06/2010	Criminal 1	Status Review	Held as Scheduled	
02/08/2010	Criminal 1	Status Review	Not Held	
02/25/2010	Criminal 1	Status Review	Held as Scheduled	
04/09/2010	Criminal 1	Status Review	Held as Scheduled	
04/12/2010	Criminal 1	Hearing for Change of Plea	Held as Scheduled	
05/14/2010	Criminal 1	Hearing for Change of Plea	Not Held	
05/20/2010	Criminal 1	Hearing for Change of Plea	Rescheduled	
05/27/2010	Criminal 1	Hearing for Change of Plea	Rescheduled	
06/07/2010	Criminal 1	Trial Assignment Conference	Canceled	



COMMONWEALTH OF MASSACHUSETTS
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07/09/2010	Criminal 1	Evidentiary Hearing on Suppression	Rescheduled
07/16/2010	Criminal 1	Evidentiary Hearing on Suppression	Rescheduled
09/15/2010	Criminal 1	Evidentiary Hearing on Suppression	Rescheduled
11/02/2010	Criminal 1	Hearing for Change of Plea	Rescheduled
12/01/2010	Criminal 1	Hearing	Not Held
01/10/2011	Criminal 1	Evidentiary Hearing on Suppression	Not Held
01/28/2011	Criminal 1	Status Review	Held as Scheduled
03/15/2011	Criminal 1	Status Review	Held as Scheduled
03/30/2011	Criminal 1	Evidentiary Hearing on Suppression	Not Held
04/08/2011	Criminal 1	Evidentiary Hearing on Suppression	Not Held
04/08/2011	Criminal Trials	Non-Evidentiary Hearing on Suppression	Held as Scheduled
05/04/2011	Criminal 1	Hearing RE: Discovery Motion(s)	Held as Scheduled
05/17/2011	Criminal 1	Hearing for Change of Plea	Held as Scheduled
05/23/2011	Criminal 1	Jury Trial	Canceled

FINANCIAL SUMMARY

No Financial Data for this report

Deposit Account(s) Summary	Received	Applied	Checks Paid	Balance
Total				



COMMONWEALTH OF MASSACHUSETTS
WORCESTER COUNTY
Docket Report

INFORMATIONAL DOCKET ENTRIES			
Date	Ref	Description	Judge
01/25/2008	1	Indictment returned	
02/21/2008		Def't arraigned before Court	
02/21/2008	2	Assigned to Track "A", see scheduling order	
02/21/2008		Tracking deadlines Active since return date	
02/21/2008		Notice sent on 2/21/2008 to the Bar Advocata Office for the assignment of counsel.	
02/21/2008		RE Offense 1:Plea of not guilty	
02/21/2008		RE Offense 2:Plea of not guilty	
02/21/2008		RE Offense 3:Plea of not guilty	
02/21/2008		RE Offense 4:Plea of not guilty	
02/21/2008		RE Offense 5:Plea of not guilty	
02/21/2008		RE Offense 6:Plea of not guilty	
02/21/2008		RE Offense 7:Plea of not guilty	
02/21/2008		RE Offense 8:Plea of not guilty	
02/21/2008		RE Offense 9:Plea of not guilty	
02/21/2008		Bail set: \$1,000,000.00 w/surety or \$100,000.00 cash-without prejudice-(Kathe Tutman, Justice)	
02/21/2008		Legal counsel fee paid as assessed in the amount of \$150.00 (Kathe Tutman, Justice)	
02/21/2008		Bail warning read	
02/25/2008		Second notice sent on 2/25/2008 to the Bar Advocate Office for the assignment of counsel.	
02/28/2008		Appointment of Counsel Peter B Clifford, pursuant to Rule 53	
08/11/2008	3	MOTION by Def't: to Suppress Fruits of Warrantless Search	
08/20/2008	4	MOTION by Def't: for Funds - Allowed (Cornelius J. Moriarty, Justice)	
09/22/2008	5	Defendant files MOTION to continue Hearing: Motion to 11/13/2008	
07/14/2009	6	Commonwealth files Opposition to the Defendants Motion to Suppress	
01/04/2010	7	MOTION by Def't: to change suppression hearing to status (Assented to)	
01/04/2010		MOTION (P#7) allowed (James R. Lemire, Justice).	
07/08/2010	8	Commonwealth files MOTION to continue Hearing: Evidentiary-suppression from 7/9/10 to 7/16/10 (ALLOWED) (Lemire, J)	
07/15/2010	9	Defendant files MOTION to continue Hearing: Evidentiary-suppression from 7/15/10 to 9/15/10 (ALLOWED) (Moriarty, J)	
09/09/2010	10	Defendant files MOTION to continue Hearing: Non-Evidentiary -Suppression on 9/15/10 to Hearing:Plea Change on 11/2/10	



COMMONWEALTH OF MASSACHUSETTS
WORCESTER COUNTY
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10/20/2010	11	Defendant files MOTION to continue Hearing: Plea Change on 11/2/10 to Hearing: Motion on 12/1/10 (ALLOWED) (McCann, J)
12/02/2010	12	Amicus Curiae MOTION by Def: to suppress fruits of search, based on an illegal search and seizure (warrantless), & Affidavit in support
04/22/2011	13	MEMORANDUM & ORDER ON DEFENDANT'S MOTION TO SUPPRESS: For the foregoing reasons, It is hereby ORDERED that Zambrano's motion to suppress evidence is DENIED. 4/22/2011, (Kenton-Walker, Justice)
04/27/2011	14	MOTION by Def: for discovery of policies and procedures of the Worcester Police Department
05/04/2011		MOTION (P#14) Denied after hearing. The defendant has failed to establish by way of affidavit or otherwise the materiality or relevance of the requested materials- See Rules of criminal procedure, Rule 14 further the defendant has failed to show why the motion is being filed at such a late date. (James R. Lemire, Justice).
05/13/2011	15	MOTION by Def: for funds (ALLOWED) (Lemire, J)
05/17/2011		RE Offense 3: Dismissed
05/17/2011		RE Offense 1: Guilty Plea as agreed upon (Lesser offense)
05/17/2011		RE Offense 2: Guilty plea as agreed upon
05/17/2011		RE Offense 4: Guilty plea as agreed upon
05/17/2011		RE Offense 5: Guilty plea as agreed upon
05/17/2011		RE Offense 6: Guilty plea as agreed upon
05/17/2011		RE Offense 7: Guilty plea as agreed upon
05/17/2011		RE Offense 8: Guilty plea as agreed upon
05/17/2011		RE Offense 9: Guilty plea as agreed upon
05/17/2011	16	Waiver of defendant's rights
05/17/2011		Defendant warned per Chapter 278, Sec 29D of alien status
05/17/2011		Defendant sentenced to Offense#1,2,4,5- Six(6) to Six(6) years and One(1) day Cedar Junction concurrent with 07-875-1, Offense#3- Dismissed, Offense#8- Four(4) to Five(5) years Cedar Junction concurrent with 07-875-1, Offense#7,8,9- Two(2) and One half(1/2) years House of Correction concurrent with 07-875-1 (James R. Lemire, Justice)
05/17/2011		Sentence credit given as per 279:33A: 1258 days
05/17/2011		Sentence stayed until 5/20/2011 (James R. Lemire, Justice)
05/17/2011	17	Notified of right of appeal under Rule 64
10/28/2013		Amended mittimus from Cocaine, Trafficking IN c94C s32E(b) to c94C s32E(b)(2) issued on 10/28/2013 (faxed and mailed 10/28/2013)



COMMONWEALTH OF MASSACHUSETTS
WORCESTER COUNTY
Docket Report

0885CR00120

Commonwealth vs. Zambrano, Jorge

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ACTION CODE:	94C/32E/A-0	CASE TRACK:	A - Standard
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CASE DISPOSITION DATE	05/17/2011	CASE STATUS:	Open
CASE DISPOSITION:	Disposed	STATUS DATE:	05/17/2011
CASE JUDGE:		CASE SESSION:	Criminal 1

LINKED CASE

DCM TRACK

Tickler Description	Due Date	Completion Date
Pre-Trial Hearing	02/21/2008	05/17/2011
Final Pre-Trial Conference	08/05/2008	05/17/2011
Case Disposition	08/19/2008	05/17/2011

PARTIES

<p>Prosecutor Commonwealth</p>	
<p>Defendant Zambrano, Jorge Worcester House of Correction 5 Paul X Tivnan Drive West Boylston, MA 01583</p>	



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WORCESTER COUNTY
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2	12/09/2007 DRUG, DISTRIBUTE CLASS B, SUBSQ.OFF.	94C/32A/F-0 c94C §32A(b)	Worcester	Guilty	05/17/2011
3	12/09/2007 DRUG VIOLATION NEAR SCHOOL/PARK	94C/32J-3 c94C §32J	Worcester	Dismissed	05/17/2011
4	12/09/2007 A&B WITH DANGEROUS WEAPON	265/15A/A-1 c265 §15A(b)	Worcester	Guilty	05/17/2011
5	12/09/2007 A&B WITH DANGEROUS WEAPON	265/15A/A-1 c265 §15A(b)	Worcester	Guilty	05/17/2011
6	12/09/2007 ASSAULT W/DANGEROUS WEAPON	265/15B/A-0 c265 §15B(b)	Worcester	Guilty	05/17/2011
7	12/09/2007 A&B ON POLICE OFFICER	265/13D/A-0 c265 §13D	Worcester	Guilty	05/17/2011
8	12/09/2007 A&B ON POLICE OFFICER	265/13D/A-0 c265 §13D	Worcester	Guilty	05/17/2011
9	12/09/2007 RESIST ARREST	268/32B-0 c268 §32B	Worcester	Guilty	05/17/2011



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05/04/2011		MOTION (P#14) Denied after hearing, The defendant has failed to establish by way of affidavit or otherwise the materiality or relevance of the requested materials- See Rules of criminal procedure, Rule 14 further the defendant has failed to show why the motion is being filed at such a late date. (James R. Lemire, Justice).
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05/17/2011		RE Offense 1: Guilty Plea as agreed upon (Lesser offense)
05/17/2011		RE Offense 2: Guilty plea as agreed upon
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05/17/2011		RE Offense 5: Guilty plea as agreed upon
05/17/2011		RE Offense 6: Guilty plea as agreed upon
05/17/2011		RE Offense 7: Guilty plea as agreed upon
05/17/2011		RE Offense 8: Guilty plea as agreed upon
05/17/2011		RE Offense 9: Guilty plea as agreed upon
05/17/2011	16	Waiver of defendants' rights
05/17/2011		Defendant warned per Chapter 278, Sec 29D of alien status
05/17/2011		Defendant sentenced to Offense#1,2,4,5- Six(6) to Six(6) years and One(1) day Cedar Junction concurrent with 07675-1, Offense#3- Dismissed, Offense#6- Four(4) to Five(5) years Cedar Junction concurrent with 07-675-1, Offense#7,8,9- Two(2) and One half(1/2) years House of Correction concurrent with 07-675-1 (James R. Lemire, Justice)
05/17/2011		Sentence credit given as per 279:33A: 1258 days
05/17/2011		Sentence stayed until 5/20/2011 (James R. Lemire, Justice)
05/17/2011	17	Notified of right of appeal under Rule 64
10/28/2013		Amended mittimus from Cocaine, Trafficking IN c94C s32E(b) to c94C s32E(b)(2) issued on 10/28/2013 (faxed and mailed 10/28/2013)

Commonwealth of Massachusetts

Worcester, To Wit:

At the **SUPERIOR COURT**, begun and holden at the **CITY OF WORCESTER**, within and for the County of Worcester, on the First Monday of January in the year of our Lord two thousand and eight.

THE JURORS for the **COMMONWEALTH OF MASSACHUSETTS** on their oath present,

That **Jorge Zambrano**

on the **9th** day of **December** in the year of our Lord **two thousand and seven** at **Worcester**, in the County of Worcester aforesaid, **did assault and beat Michael Hanlon, by means of a dangerous weapon, to wit: a shod foot.**

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill.

Shardle J...
Foreperson of the Grand Jury.

Tom M...
Assistant District Attorney.

Superior Court

Jan, Sitting, 2008

25th day - Returned by the Grand Jury and filed in Court.

Dennis D. Foley
Assistant Clerk

18-0120-5

Commonwealth of Massachusetts

Worcester, To Wit:

At the **SUPERIOR COURT**, begun and holden at the **CITY OF WORCESTER**, within and for the County of Worcester, on the First Monday of January in the year of our Lord two thousand and eight.

THE JURORS for the **COMMONWEALTH OF MASSACHUSETTS** on their oath present,

That **Jorge Zambrano**

on the **9th** day of **December** in the year of our Lord **two thousand and seven** at **Worcester**, in the County of Worcester aforesaid, **did assault and beat Terrence Gaffney, by means of a dangerous weapon, to wit: a shod foot.**

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill.

Stuart J. [Signature]
Foreperson of the Grand Jury.

Jan M. B. [Signature]
Assistant District Attorney.

Superior Court

Jan, Sitting, 2008

25th day - Returned by the Grand Jury and filed in Court.

Denise D. Riley [Signature]
Assistant Clerk

Commonwealth of Massachusetts

Worcester, To Wit:

At the **SUPERIOR COURT**, begun and holden at the **CITY OF WORCESTER**, within and for the County of Worcester, on the First Monday of January in the year of our Lord two thousand and eight.

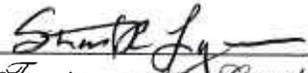
THE JURORS for the **COMMONWEALTH OF MASSACHUSETTS** on their oath present,

That **Jorge Zambrano**

on the 9th day of **December** in the year of our Lord **two thousand and seven** at **Worcester**, in the County of Worcester aforesaid, **did knowingly or intentionally, unlawfully possess with intent to distribute a controlled substance, to wit: cocaine, while in or on, or within one thousand feet of the real property comprising a public or private accredited preschool, accredited headstart facility, elementary, vocational, or secondary school whether or not in session, in violation of Section 32J of Chapter 94C of the General Laws.**

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill.


Foreperson of the Grand Jury.


Assistant District Attorney.

Superior Court

 Sitting, 2008

25th day - Returned by the Grand Jury and filed in Court.


Assistant Clerk

Commonwealth of Massachusetts

Worcester, To Wit:

At the **SUPERIOR COURT**, begun and holden at the **CITY OF WORCESTER**, within and for the County of Worcester, on the First Monday of January in the year of our Lord two thousand and eight.

THE JURORS for the **COMMONWEALTH OF MASSACHUSETTS** on their oath present,

That **Jorge Zambrano**

on the **9th** day of **December** in the year of our Lord **two thousand and seven** at **Worcester**, in the County of Worcester aforesaid, **did assault and beat Michael Hanlon, who was a police officer of the Worcester Police Department, as the defendant well knew.**

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill.


Foreperson of the Grand Jury.


Assistant District Attorney.

Superior Court

 Jury, Sitting, 2008

25th day - Returned by the Grand Jury and filed in Court.


Assistant Clerk

8-0120-2

Commonwealth of Massachusetts

Worcester, To Wit:

At the **SUPERIOR COURT**, begun and holden at the **CITY OF WORCESTER**, within and for the County of Worcester, on the First Monday of January in the year of our Lord two thousand and eight.

THE JURORS for the **COMMONWEALTH OF MASSACHUSETTS** on their oath present,

That **Jorge Zambrano**

on the **9th** day of **December** in the year of our Lord **two thousand and seven** at **Worcester**, in the County of Worcester aforesaid, **did knowingly or intentionally, unlawfully possess with intent to distribute a controlled substance, to wit: cocaine.**

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

The within defendant charged having one or more prior qualifying convictions, the current offense is therefore alleged as a **Second or Subsequent** Offense.

A true bill.

[Signature]
Foreperson of the Grand Jury.

[Signature]
Assistant District Attorney.

Superior Court

Jan, Sitting, 2008

25th day - Returned by the Grand Jury and filed in Court.

[Signature]
Assistant Clerk

Commonwealth of Massachusetts

Worcester, To Wit:

At the **SUPERIOR COURT**, begun and holden at the **CITY OF WORCESTER**, within and for the County of Worcester, on the First Monday of January in the year of our Lord two thousand and eight.

THE JURORS for the **COMMONWEALTH OF MASSACHUSETTS** on their oath present,

That **Jorge Zambrano**

on the **9th** day of **December** in the year of our Lord **two thousand and seven** at **Worcester**, in the County of Worcester aforesaid, **did assault Terrence Gaffney, by means of a dangerous weapon, to wit: a knife.**

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill.

Stuart R. Jagan
Foreperson of the Grand Jury.

Jan M. D.
Assistant District Attorney.

Superior Court

Jan, Sitting, 2008

25th day - Returned by the Grand Jury and filed in Court.

Denise D. Jolley
Assistant Clerk

Commonwealth of Massachusetts

Worcester, To Wit:

At the SUPERIOR COURT, begun and holden at the CITY OF WORCESTER, within and for the County of Worcester, on the First Monday of January in the year of our Lord two thousand and eight.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present,

That **Jorge Zambrano**

on the 9th day of December in the year of our Lord two thousand and seven at Worcester, in the County of Worcester aforesaid, did knowingly prevent or attempt to prevent a police officer acting under color of his or her authority from effecting an arrest of Jorge Zambrano by using or threatening to use physical force or violence against the police officer, or by using any other means which created a substantial risk of causing bodily injury to such police officer or another.

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill.

State Jy
Foreperson of the Grand Jury.

Jan B
Assistant District Attorney.

Superior Court

Jan, Sitting, 2008

25th day - Returned by the Grand Jury and filed in Court.

Denise D Foley
Assistant Clerk

Commonwealth of Massachusetts

Worcester, To Wit:

At the SUPERIOR COURT, begun and holden at the CITY OF
WORCESTER, within and for the County of Worcester, on the First Monday of January in the year of our Lord
two thousand and eight.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present,

That **Jorge Zambrano**

on the 9th day of December in the year of our Lord two thousand and seven at Worcester, in the County of Worcester
aforesaid, did assault and beat Terrence Gaffney, who was a police officer of the Worcester Police Department, as
the defendant well knew.

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill.

Sheila R. Lyman
Foreperson of the Grand Jury.

Jan M. B...
Assistant District Attorney.

Superior Court

Jan. Sitting, 2008

25th day - Returned by the Grand Jury and filed in Court.

Denise D. Foley
Assistant Clerk

Commonwealth of Massachusetts

Worcester, To Wit:

At the **SUPERIOR COURT**, begun and holden at the **CITY OF WORCESTER**, within and for the County of Worcester, on the First Monday of January in the year of our Lord two thousand and eight.

THE JURORS for the **COMMONWEALTH OF MASSACHUSETTS** on their oath present,

That **Jorge Zambrano**

on the **9th** day of **December** in the year of our Lord **two thousand and seven** at **Worcester**, in the County of Worcester aforesaid, **did knowingly or intentionally, unlawfully manufacture, distribute, dispense, or possess with intention to manufacture, distribute, dispense, or bring into the Commonwealth twenty-eight grams or more, but less than one hundred grams, of cocaine, a controlled substance as defined in Chapter 94C of the General Laws.**

Against the peace of said Commonwealth, and contrary to the form of the statute in such case made and provided.

A true bill.

Stuart R. J...
Foreperson of the Grand Jury.

Jan M. B...
Assistant District Attorney.

Superior Court

Jan, Sitting, 2008

25 day - Returned by the Grand Jury and filed in Court.

Denise D. Foley
Assistant Clerk

CLERK'S LOG

COMMONWEALTH vs.

Jorge Zamboro

C. Hodgen
Assistant District Attorney

P. Clifford
Attorney for Defendant

DATE	JUDGE	PROCEDURE	CLERK	CRT RPT
4/12/10	Lemus	PTC-14 Dismiss 6/17/10	KC/CO	JW
5/14/10	Ayres	PTC-14 Ret A 5/20/10	KC/CO	JW
5/20/10	Ayres	PTC-14 Ret A/Dismiss 5/27/10	KY 8B	JW
5/27/10	McGinn	PTC-14 M 7/9/10 1 hr	KC/GB	JW
1/17/11	Ayres	PTC-14 Ret 1/28/11	KY 5B	JW
1/28/11	Ayres	PTC-14 MS 3/30/11	KC/CO	JW
3/15/11	Kennic	PTC-14 T 5/23/11	KY 6D	JW
5/14/11	Kennic	C. 5/23/11 T	KY 6D	JW
5/17/11	Lemus	PG 6-6, 1 ch CJ Gene w/07-0675-1 1258 relet flight of gun 5/20/11 44C32E(b)(2) 25-1009	"	CP
<p>NOTICE GIVEN TO DEFENDANT BY COURT Def. warned per c.278, s29D <input checked="" type="checkbox"/> VWF \$ <input checked="" type="checkbox"/> DRUG FEE \$ <input type="checkbox"/> RMV <input type="checkbox"/> SEX OFF <input type="checkbox"/> DNA <input type="checkbox"/> Probation fee \$ <input type="checkbox"/> Warrant fee \$ <input type="checkbox"/> RIGHT OF APPEAL <input checked="" type="checkbox"/></p>				

**Commonwealth of Massachusetts
County of Worcester
The Superior Court**

2/

RE: Commonwealth v Zambrano, Jorge
TO: Christopher P Hodgens, Esquire
Worcester County District Attys Office
2 Main Street
Courthouse Suite 220
Worcester, MA 01608

CRIMINAL DOCKET#: **WOCR2008-00120**

SCHEDULING ORDER
CASE TRACKING DESIGNATION - A - Standard
(Presumptive Track Termination Date: 08/19/2008)

You are hereby notified that this case has been designated to proceed in accordance with the time frame of "A - Standard" Track Superior Court Standing Order 2-86 (Amended).

<u>COURT HEARING/EVENT</u>	<u>EVENT DATE</u>
1. Arraignment Date:	02/21/2008

<u>TO BE DETERMINED AT ARRAIGNMENT</u>	
2. Automatic Discovery by prosecution: () Received () Not Received () Partially Received	Due By: _____
	Balance Due by: _____
3. Prosecutor's Certificate of Compliance due by:	_____
4. Pre-Trial conference: Habe requested: Yes No	_____
	4/7/08
5. Contested Discovery Motions to be filed by:	_____
a. Filing date	_____
b. Hearing Date	_____
6. Pre-Trial Hearing: (Conference report must be filed on this date. Habe MUST issue.)	5/21/08

<u>TO BE DETERMINED AT PRE-TRIAL HEARING</u>	
7. Evidentiary/Dispositive motions to be filed by:	_____
a. Filing Date	_____
b. Hearing Date	_____
8. Final Pre-trial Conference: (Rule 36 issues will be reviewed, if necessary)	_____
9. Plea Date (if applicable)	_____
10. Trial Date: (Courtroom to be assigned)	8/19/08

The prosecuting attorney and defense counsel shall confer prior to the scheduled pretrial hearing in order to conference the case and prepare a written Pretrial Conference Report in accordance with Standing Order 2-86 (V). Counsel shall also prepare a Final Pretrial Memorandum in accordance with Standing Order 2-86 (X) which shall be submitted to the Court at or before the scheduled Final Pretrial Hearing.

Dated: 02/21/2008

By the Court, (Kathe M. Tuttmann, Justice)
Dennis P. McManus, Esq.
Clerk/Magistrate

cc: File copy

Commonwealth of Massachusetts
County of Worcester
The Superior Court

Mittimus - To Common Jail in the County of Worcester

CRIMINAL DOCKET# WOCR2008-00120

RE: **Commonwealth v Zambrano, Jorge**

To the sheriffs of our several Counties, their deputies, the officers of the Court and to the Keeper of the Jail in Worcester County,

GREETINGS:

Whereas, by consideration of our Superior Court, holden at Worcester within and for the County of Worcester, on 02/21/2008

Jorge Zambrano (DOB) 03/14/1981)

now in Custody of the Sheriff of our said County of Worcester, for the crime of:

12/09/2007 COCAINE, TRAFFICKING IN c94C s32E(b)
12/09/2007 COCAINE, DISTRIBUTE c94C s32A(c)
12/09/2007 DRUG, DISTRIBUTE CLASS B c94C s32A(a)
12/09/2007 A&B WITH DANGEROUS WEAPON c265 s15A(b)
12/09/2007 A&B WITH DANGEROUS WEAPON c265 s15A(b)
12/09/2007 ASSAULT W/DANGEROUS WEAPON c265 s15B(b)
12/09/2007 A&B ON POLICE OFFICER c265 s13D
12/09/2007 A&B ON POLICE OFFICER c265 s13D
12/09/2007 RESIST ARREST c268 s32B

was, on 02/21/2008 in the year of our Lord, ordered by our said Court to be held in the custody of the Sheriff of the said County and committed to the Common Jail at **Worcester** in said County, **\$1,000,000.00 with surety or \$100,000.00 cash without prejudice**, and stand committed until the further order of the Court.

We therefore **COMMAND YOU**, the said Sheriff and Deputies, to remove the said **Jorge Zambrano** to said jail, and we command you, the Keeper of said Jail, to receive the said **Jorge Zambrano** to safely keep in and within the precincts of said Common Jail without bail, pursuant to said order.

And for so doing, this shall be your warrant. And you are to make return of this warrant, with your doings therein, to the Office of the Clerk of our Superior Court, in Worcester, as soon as may be.

Witness: Barbara J. Rouse, Chief Justice of the Superior Court 21st day of February, 2008 at Worcester, Massachusetts


.....
Assistant Clerk

RETURN

Worcester, ss.

Date: _____

In obedience to this order, I have removed the within-named Jorge Zambrano to the Common Jail in Worcester County, and delivered said defendant, and a true and attested copy of this warrant to the Keeper thereof.

.....
Officer of the Court

Office of the Clerk of Courts
Worcester Superior Court
225 Main Street
Worcester, MA
01608

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 508-754-6909

To: Christina Murphy
Of: Bar Advocates of Worcester County
From: Gail Dempsey
Client/Matter: Daniel Knight and Jorge Zambrano
Date: February 19, 2008

* NOT COUNTING COVER SHEET. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT 508-831-2364.

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

**WOCR2007-02688
Commonwealth v Knight, Daniel J.**

File Date	12/14/2007	Status	Active (actv)
Status Date	02/01/2008	Session	1 - Crim 1 -CtRm 18- (225 Main St.)
Jury Trial	Unknown	Origin	I - Indictment
Lead Case			

Arraignment	02/01/2008	Track	A - Standard	Final PTC	07/16/2008
Disp. Deadline	07/30/2008	Deadline Status	Active since return date	Status Date	02/01/2008
Pro Se Deft	No	Custody Status	Worcester House of Correction	Start Date	01/28/2008
Weapon		Substance		Prior Record	Unknown

OFFENSES

Num	Offense	Code	Town	Status	Status Date
1	09/19/2007	266/18/B	Charlton	Plea of not guilty	02/01/2008
	B&E DAYTIME FOR FELONY c266 s18				
2	10/31/2007	266/18/B	Charlton	Plea of not guilty	02/01/2008
	B&E DAYTIME FOR FELONY c266 s18				
3	10/31/2007	266/18/B	Charlton	Plea of not guilty	02/01/2008
	B&E DAYTIME FOR FELONY c266 s18				
4	10/31/2007	94C/37	Spencer	Plea of not guilty	02/01/2008
	DRUG, LARCENY OF c94C s37				
5	10/31/2007	94C/34/I	Leicester	Plea of not guilty	02/01/2008
	DRUG, POSSESS CLASS E c94C s34				
6	10/31/2007	266/30/E	Spencer	Plea of not guilty	02/01/2008
	FIREARM, LARCENY OF c266 s30(1)				
7	09/19/2007	266/20/A	Charlton	Plea of not guilty	02/01/2008
	LARCENY FROM BUILDING c266 s20				
8	10/31/2007	266/20/A	Spencer	Plea of not guilty	02/01/2008
	LARCENY FROM BUILDING c266 s20				
9	10/31/2007	266/16/B	Spencer	Plea of not guilty	02/01/2008
	BREAK INTO DEPOSITORY c266 s16				
10	10/31/2007	269/10/EE	Leicester	Plea of not guilty	02/01/2008
	FIREARM CARRY WITH AMMUNITION c 269, s 10(n)				
11	10/31/2007	269/10/EE	Leicester	Plea of not guilty	02/01/2008
	FIREARM CARRY WITH AMMUNITION c 269, s 10(n)				
12	10/31/2007	90/23/D	Leicester	Plea of not guilty	02/01/2008
	LICENSE SUSPENDED, OP MV WITH c90 s23				

PARTIES

Commonwealth of Massachusetts
WORCESTER SUPERIOR COURT
Case Summary
Criminal Docket

WOCR2007-02688
Commonwealth v Knight, Daniel J.

<p>Plaintiff Commonwealth Gender: Unknown Active 12/14/2007</p> <p>Defendant Daniel J. Knight 139 Rockypond Road Boylston, MA 01505 DOB: 11/24/1980 Gender: Male Active 12/14/2007 Notify</p> <p>Police agency Leicester/Spencer P.D. Gender: Unknown Active 12/14/2007</p>	<p>District Atty's Office 553272 Joseph A Quinlan Worcester County District Attys Office 2 Main Street Courthouse Worcester, MA 01608 Phone: 508-755-8601 Fax: 508-831-9899 Active 01/28/2008 Notify</p> <p>Private Counsel 072800 Michael V Caplette Caplette Law Offices (Michael V) 3 Bowlen Avenue Southbridge, MA 01550 Phone: 508-765-0885 Fax: 508-765-0888 Withdrawn 02/25/2008</p>
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ENTRIES

Date	Paper	Text
12/14/2007	1.0	Indictment returned
02/01/2008		Deft arraigned before Court
02/01/2008	2.0	Assigned to Track "A", see scheduling order
02/01/2008		Tracking deadlines Active since return date
02/01/2008		Notice sent on 2/1/2008 to the Bar Advocate Office for the assignment of counsel.
02/01/2008		RE Offense 1:Plea of not guilty
02/01/2008		RE Offense 2:Plea of not guilty
02/01/2008		RE Offense 3:Plea of not guilty
02/01/2008		RE Offense 4:Plea of not guilty
02/01/2008		RE Offense 5:Plea of not guilty
02/01/2008		RE Offense 6:Plea of not guilty
02/01/2008		RE Offense 7:Plea of not guilty
02/01/2008		RE Offense 8:Plea of not guilty
02/01/2008		RE Offense 9:Plea of not guilty
02/01/2008		RE Offense 10:Plea of not guilty
02/01/2008		RE Offense 11:Plea of not guilty
02/01/2008		RE Offense 12:Plea of not guilty
02/01/2008		Bail set: \$500,000.00 w/surety or \$50,000.00 cash without prejudice (Kathe Tuttman, Justice)

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

**WOCR2007-02688
Commonwealth v Knight, Daniel J.**

Date	Paper	Text
02/01/2008		Legal counsel fee assessed in the amount of \$150.00 (Kathe Tuttman, Justice)
02/01/2008		Bail warning read
02/06/2008		Appointment of Counsel Michael V Caplette, pursuant to Rule 53
02/25/2008		Notice sent on 2/25/2008 to the Bar Advocate Office for the assignment of counsel.

EVENTS

Date	Session	Event	Result
02/01/2008	Crim 1 -CtRm 18- (225 Main St.)	Arraignment need habe wchc	Event held as scheduled
02/11/2008	Crim 1 -CtRm 18- (225 Main St.)	Conference: Pre-Trial 07/30/08 disp deadline	Event held as scheduled
02/25/2008	Crim 1 -CtRm 18- (225 Main St.)	Conference: Pre-Trial disp deadline 7/30/08	Event held as scheduled
03/06/2008	Crim 1 -CtRm 18- (225 Main St.)	Hearing: Non-evidentiary-Counsel need habe wchc	

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

**WOCR2008-00120
Commonwealth v Zambrano, Jorge**

File Date	01/25/2008	Status	Active (actv)
Status Date	02/21/2008	Session	1 - Crim 1 -CtRm 18- (225 Main St.)
Jury Trial	Unknown	Origin	I - Indictment
Lead Case			

Arraignment	02/21/2008	Track	A - Standard	Final PTC	08/05/2008
Disp. Deadline	08/19/2008	Deadline Status	Active since return date	Status Date	02/21/2008
Pro Se Deft	No	Custody Status	Worcester House of Correction	Start Date	02/15/2008
Weapon		Substance		Prior Record	Unknown

OFFENSES

Num	Offense	Code	Town	Status	Status Date
1	12/09/2007	94C/32E/A	Worcester	Plea of not guilty	02/21/2008
	COCAINE, TRAFFICKING IN c94C s32E(b)				
2	12/09/2007	94C/32A/A	Worcester	Plea of not guilty	02/21/2008
	COCAINE, DISTRIBUTE c94C s32A(c)				
3	12/09/2007	94C/32A/E	Worcester	Plea of not guilty	02/21/2008
	DRUG, DISTRIBUTE CLASS B c94C s32A(a)				
4	12/09/2007	265/15A/A	Worcester	Plea of not guilty	02/21/2008
	A&B WITH DANGEROUS WEAPON c265 s15A(b)				
5	12/09/2007	265/15A/A	Worcester	Plea of not guilty	02/21/2008
	A&B WITH DANGEROUS WEAPON c265 s15A(b)				
6	12/09/2007	265/15B/A	Worcester	Plea of not guilty	02/21/2008
	ASSAULT W/DANGEROUS WEAPON c265 s15B(b)				
7	12/09/2007	265/13D/A	Worcester	Plea of not guilty	02/21/2008
	A&B ON POLICE OFFICER c265 s13D				
8	12/09/2007	265/13D/A	Worcester	Plea of not guilty	02/21/2008
	A&B ON POLICE OFFICER c265 s13D				
9	12/09/2007	268/32B	Worcester	Plea of not guilty	02/21/2008
	RESIST ARREST c268 s32B				

PARTIES

<p>Plaintiff Commonwealth Gender: Unknown Active 01/25/2008</p>	<p>District Atty's Office 561513 Christopher P Hodgens Worcester County District Attys Office 2 Main Street Courthouse Suite 220 Worcester, MA 01608 Phone: 508-757-2786 Fax: 508-755-8601 Active 02/21/2008 Notify</p>
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**Commonwealth of Massachusetts
WORCESTER SUPERIOR COURT
Case Summary
Criminal Docket**

**WOCR2008-00120
Commonwealth v Zambrano, Jorge**

<p>Defendant Jorge Zambrano 204 Norfolk Street Apt 1 Worcester, MA 01604 DOB: 03/14/1981 Gender: Male Worcester PD Active 01/25/2008</p> <p>Police agency Worcester PD Gender: Unknown Active 01/25/2008</p>	
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ENTRIES

Date	Paper	Text
01/25/2008	1.0	Indictment returned
02/21/2008		Deft arraigned before Court
02/21/2008	2.0	Assigned to Track "A", see scheduling order
02/21/2008		Tracking deadlines Active since return date
02/21/2008		Notice sent on 2/21/2008 to the Bar Advocate Office for the assignment of counsel.
02/21/2008		RE Offense 1:Plea of not guilty
02/21/2008		RE Offense 2:Plea of not guilty
02/21/2008		RE Offense 3:Plea of not guilty
02/21/2008		RE Offense 4:Plea of not guilty
02/21/2008		RE Offense 5:Plea of not guilty
02/21/2008		RE Offense 6:Plea of not guilty
02/21/2008		RE Offense 7:Plea of not guilty
02/21/2008		RE Offense 8:Plea of not guilty
02/21/2008		RE Offense 9:Plea of not guilty
02/21/2008		Bail set: \$1,000,000.00 w/surety or \$100,000.00 cash-without prejudice-(Kathe Tuttman, Justice)
02/21/2008		Legal counsel fee paid as assessed in the amount of \$150.00 (Kathe Tuttman, Justice)
02/21/2008		Bail warning read
02/25/2008		Second notice sent on 2/25/2008 to the Bar Advocate Office for the assignment of counsel.

EVENTS

Date	Session	Event	Result
02/21/2008	Crim 1 -CtRm 18- (225 Main St.)	Arraignment	Event held as scheduled
		need habe wchc	
02/25/2008	Crim 1 -CtRm 18- (225 Main St.)	Conference: Pre-Trial	Event held as scheduled
		need habe wchc; companion case 07-675 08/19/08 disp deadline	
03/11/2008	Crim 1 -CtRm 18- (225 Main St.)	Conference: Status Review	
		companion case 07-675	

NOTICE OF ASSIGNMENT OF COUNSEL

ASSIGNMENT NUMBER
C 4628589-0

COMMONWEALTH OF MASSACHUSETTS



DATE OF ASSIGNMENT: **2.25.08**
 NAME OF ASSIGNING JUDGE: **Bar Advocates of Worcester**
 NAME OF PERSON FOR WHOM COUNSEL ASSIGNED: **Jorge Zambrano**

COURT DIVISION: JURY SESSION (Check Here)
#483
WORCESTER SUPERIOR COURT
25 MAIN STREET - ~~TR~~
WORCESTER, MA 01608

Juvenile (J) Adult (A) Language if not English: _____

DOCKET NO.	CRIMINAL CASES—ENTER OFFENSE CODE OR CHAPTER & SECTION WITH CHARGE			CHARGE
	OFFENSE CODE	CHAPTER	SECTION	
WOR2008 A 00120		94C	32E	TRAFFICKING cocaine
B		94C	32A	Distribute cocaine
C		94C	32A	Distribute CLB
D	2c75	265	15A	ABDW
E		265	15B	Assault w/ DW
F		265	13D	ATB on P.O
		265	32B	Resist arrest

- NON-CRIMINAL CASES**
- 1001 c.119, §23(C), 29
 - 1002 c.210, §3/DPW v. JKB
 - 1003 Civil Commit c.123, §7, B
 - 1017 Writ of Apprehension c.123, §12(a)
 - 1018 Commitment of Alcoholics c.123, §35
 - 1019 Commitment/Guardianship of Mentally Retarded Persons c.201, §6A
 - 1004 Commitment Review
 - 1005 c.112, §12S
 - 1028 Commitment Appeal c. 123, §9(a)
 - 1007 SDP Review (c. 123A, §9)
 - 1008 CHINS (c.119, §30F)
 - 1009 Rogers
 - 1010 Spring/Salkewicz
 - 1011 Probate Crim. Contempt
 - 1012 Housing Contempt
 - 1013 Foster Care Review
 - 1014 Elderly Abuse
 - 1015 c. 201, §5, 14 Guardianship
 - 1016 C&P (c.119, §24, 29)
 - 1020 Disabled Persons (c. 190, §7) Pardon for Proactive Services

NEXT COURT DATE: **3 '11' 08**

FOR: Bench or Jury Trial (T) Probable Cause (C) Pre-Trial (P) Other (O)

STATUS REVIEW

INCARCERATION STATUS: Released Not Released Bail \$ _____ No Bail Serving Other Sentence Committed Not Applicable

THIS FORM IS NOT FOR GUARDIAN AD LITEM ASSIGNMENTS

POST-TRIAL CRIMINAL CASES ONLY PURPOSE OF ASSIGNMENT

- Appeals Court or SJC (A)
- Sentence Appeal (S)
- Probation Surrender (P)
- Revise and Revoke (R)
- New Trial Motion (N)
- Other (O)

INDIGENCY DETERMINATION

The court has found the above-named person indigent or indigent but able to contribute \$ _____

The attorney or organization listed below is assigned to represent this person in this action:

CHECK ONE OF THE FOLLOWING:

Public Defender Division
 Local Office # **10**
 (See reverse side for address and telephone number.)

Student Attorney under Rule 3:03
 Name of Program: _____

Attorney to be named by CPCS for Appeals Court/SJC/Murder Cases/ Rule 30 Motions/SDP Send to: CPCS
 44 Bromfield Street,
 Boston, MA 02108

Private Counsel Attorney
 PLEASE PRINT **BBO# 548409**
Peter Clifford REQUIRED
 NAME FIRST MIDDLE LAST
47 Harvard St
 STREET
Worcester MA 01609
 CITY
 STATE **508 757 8338** ZIP
 TELEPHONE

Assignment For Purpose of Bail Hearing, Bail Review or Arraignment Only

Chester Murphy
 AUTHORIZED SIGNATURE
 PRINT NAME

INSTRUCTIONS TO THE COURT

1. Forward white copy to Committee for Public Counsel Services, 44 Bromfield Street, Boston, MA 02108
2. Retain green copy for court file.
3. Remaining copies are color coded as follows: pink—client, blue—bar advocate program, goldenrod—attorney.

REQUEST FOR HABE

Case name and number 08-120 J. Zambrano

Inmate to be habed Jorge Zambrano

Event Dispo

Date and time of appearance 5/15/8 9:00

Facility where inmate is held WCHC

Name of person making request P. Cruz

Date of request 4/10/8



4

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT
DOCKET NO.: 08-0120-1

COMMONWEALTH OF MASSACHUSETTS,)

v.

) MOTION FOR FUNDS

JORGE ZAMBRANO,
Defendant

) 20 08 Filed in Court 8/21

) Morioty

) Attest Kenn M. Gallan

Now comes the defendant, Jorge Zambrano, by and through his attorney, and moves, Assistant Clerk Magistrate pursuant to G.L. c. 261, s. 27-A-G, that this Honorable Court allocate funds, not to exceed \$1,500.00, for the hiring of a private investigator to assist in the preparation of this case.

As additional reasons thereto:

1. The defendant is indigent and without funds to pay for an investigator. But for the indigency, the services of a private investigator would be secured.
2. An investigator is necessary in order for the defendant to mount an adequate defense to the serious charges pending against him.
3. The requested funds are reasonable.
4. Justice dictates that this motion be allowed.

Respectfully Submitted,
Jorge Zambrano,
By his Attorney,

Dated: August 20, 2008

Peter B. Clifford
Peter B. Clifford, Esquire
Clifford & Clifford
47 Harvard Street
Worcester, MA 01609
(508) 757-8338
BBO #548409

8/20/08
allowed
JMC

CERTIFICATE OF SERVICE

I, Peter B. Clifford, Esquire hereby certify that I served the Defendant's Motion for Funds by hand delivery to: District Attorney's Office, Worcester District Court, 225 Main Street, Worcester, MA 01608.

This Motion is to be heard on Thursday, August 21, 2008 at 9:00 a.m.

Dated: August 21, 2008


Peter B. Clifford, Esquire

5

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

Superior Court Department
Docket _____

07-675

07-120

Commonwealth of Massachusetts

v.

Joye Zambrows

Motion to Continue Event

Now comes the Defendant and respectfully requests this Honorable

Court continue the following even currently scheduled for Motions to

11/13 for the reasons specified below:
Date

Event: Motions

Reason for Request Defendant's atty - J. Cichello
unavailable also - probable disposition
on all cases



will have

Respectfully submitted:

Joye Zambrows

Date: 9/22/08

Assented to by: _____

REQUEST FOR HABE

Docket number 08-120

Inmate to be habed Joye Zambrano

Event Guilt Plea

Date and time of appearance 5/18/09

Facility where inmate is held UC HC

Name of person making request CAFALDO + CLIFFORD

Date of request 5/15



REQUEST FOR HABE

Docket number 08-120

Inmate to be habed Jorge Zambrano

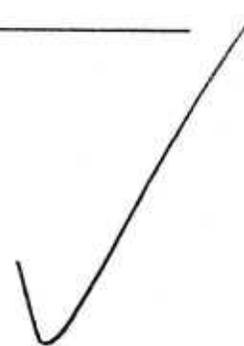
Event MOTION

Date and time of appearance 11/13/9

Facility where inmate is held WCHC

Name of person making request P. Cruz D

Date of request 11/10/9



COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court Department
Criminal Docket #: WOCR2008-00120

Commonwealth of Massachusetts

v.

(3)

JORGE ZAMBRANO

CHANGE SUPPRESSION HEARING TO STATUS
*MOTION TO CONTINUE EVENT

Now comes the COMMONWEALTH and respectfully requests this Honorable
CHANGE
Court ~~continue~~ the following event currently scheduled for JANUARY 6, 2010 to
Date

SAME DATE for the reasons specified below:
Date

Event: CHANGE TO STATUS DATE

Reason for Request: DEFENSE REQUEST DUE TO ILLNESS
IN FAMILY,

120 01-10 Filed in Court 1/4
Alfred Lemus
Attest Kevin M. Gilman
Assistant Clerk

Respectfully submitted:
CHRIS HODGENS
Date: 1/4/10

Assented to by: PETER CLIFFORD
BY PHONE

*Copies of request for continuance must be submitted to Clerk and Probation Department.

7/8 8 ✓

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

Superior Court Department
Docket 08-120

Commonwealth of Massachusetts

v.

JORGE ZAMBRANO

Motion to Continue Event

Now comes the ~~COMMONWEALTH~~ and respectfully requests this Honorable Court continue the following even currently scheduled for 7/9/10 to 7/16/10 for the reasons specified below:
Date Date

Event: _____

Reason for Request KEEP ZAMBRANO CASES TOGETHER

- CANCEL HASE PLEASE -

7/8/10 Allowed (Senior J)

Attest: Josanne O'Day
ASST Clerk

Assented to by: PETER CLIFFORD, ESQ.

Respectfully submitted: CHRIS HODGENS

Date: 7/8/10

9 ✓

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

Superior Court Department
Docket _____

Commonwealth of Massachusetts

PK-120

v.

Jorge Zambano

✓

Motion to Continue Event

Now comes the Defendant and respectfully requests this Honorable

Court continue the following even currently scheduled for 7-14-10 to 9-15-10 for the reasons specified below:
Date Date

Event: STATUS / SUPPRESSION MOTION

Reason for Request ATTY CLIFFORD NOT AVAILABLE; ORIGINAL DATE

SET WITHOUT ATTY CLIFFORD

IN OUT

20 10 Filed in Court 7/15
Alison Murray
Attest Karin M. Sullivan
Assistant Clerk-Magistrate

Respectfully submitted:
Lita B. Cook

Date: 7-15-10
#548489

Assented to by: Christopher Hodgins
(WEL) ADA

07-675
08-120
10

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

Superior Court Department
Docket _____

Commonwealth of Massachusetts

2 cases
\$

v.
Joye Zumbrows
Motion to Continue Event

Now comes the defendant and respectfully requests this Honorable

Court continue the following even currently scheduled for Sept 15 to

Nov 2nd for the reasons specified below:
Date

Event: ms

Reason for Request Schedule Conflict ✓

20 10 Filed in Court 9/8
A. Harris
Attest Kevin M. Gilman
Assistant Clerk-Magistrate

Respectfully submitted:
Denise C. [Signature]
Date: 9/8/10

Assented to by: _____

11

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

Superior Court Department

Docket 08-120

07-675

Commonwealth of Massachusetts

v.

Jorge Zambrano

Motion to Continue Event

Now comes the De pendant and respectfully requests this Honorable

Court continue the following even currently scheduled for 11-2-10 to

Date

12-1-10 for the reasons specified below:

Date

Event: MOTIONS

Reason for Request atty clerk not available



20 10 Filed in Court 10/19

Allomed-McLann J

Attest Karen A Zona Assistant Clerk

Assented to by: Chris Hodgens (OSC)

Respectfully submitted:

John B. Cook

Date: 10-19-10

548409

REQUEST FOR HABE

Case name Jorge Zambano

Docket #(s) 08-120
07-675

Inmate to be habed J. Zambano

Event MOTIONS

Date and time of appearance 12-1-10 9:00

Facility where inmate is held WCHC

Name of person making request P. Cury P

Date of request 10-19-10



Facts

On December 9, 2007, at about 8:00 p.m., Worcester Police Officer Terrence Gaffney responded to 9 Fairbanks Street for a report of a fight involving several individuals. He arrived in uniform in a marked cruiser and was joined by Officer Michael Hanlon in another marked cruiser. Arriving at the scene, Officer Gaffney saw a bare-chested male flee and saw three other males near an idling green Cadillac. The Cadillac was blocking a driveway and partially blocking the street.

Officer Gaffney spoke with one of the males who remained. That individual, Jason Simpson, appeared nervous, smelled of alcohol, and had his hands in his pockets. Officer Gaffney asked him if he had anything dangerous, and Simpson admitted to having a knife in his back pocket. Officer Gaffney retrieved an eight inch butcher knife. At the same time, Officer Hanlon searched a second male, Michael Giangregorio, and found a small black folding knife.

Officer Gaffney then turned his attention to a third male, Jorge Zambrano. Zambrano appeared apprehensive, was breathing heavily, had the front of his shirt hanging out of his pants, stepped back from the officer, and kept his hands in his pockets. Officer Gaffney told him to put his

hands on the car. Zambrano initially complied, but removed his hands from the car. Officer Gaffney told him a second time to put his hands on the car. He frisked Zambrano, and felt a bulge. Zambrano then stepped away and struck Officer Gaffney in the jaw with a closed fist.

Zambrano struggled with the two officers, and the trio fell to the ground. Zambrano got up and jumped into the open passenger window of the idling Cadillac. He grabbed a knife from the center console. Officer Gaffney pinned the knife against Zambrano and pulled him out of the car. Once again, Zambrano struggled with the two officers, and they fell to the ground. Zambrano punched and kicked the officers, and got away. Officer Gaffney chased Zambrano and tackled him, but Zambrano got up and ran back toward the Cadillac. With the help of additional officers who arrived, Officer Hanlon finally subdued Zambrano.

The officers arrested Zambrano and searched him. Officer Gaffney found a plastic bag stuffed in Zambrano's pants. That bag contained smaller bags of cocaine weighing over 25 grams.

Argument

Officer Gaffney properly took a bag of cocaine concealed in the defendant's pants, where the police had probable cause to arrest the defendant and to search him incident to that arrest.

Officer Gaffney properly searched the defendant incident to a lawful arrest. During a threshold inquiry in which no evidence was seized, the defendant struck Officer Gaffney in the jaw, kicked Officers Gaffney and Hanlon with a shod foot, pulled a knife on Officer Gaffney, struggled with both officers, and resisted attempts to place him under arrest. Those acts provided probable cause to arrest the defendant for assault and battery on a police officer (G.L. c. 265, § 13D), assault and battery with a dangerous weapon (G.L. c. 265, § 15A(b)), assault with a dangerous weapon (G.L. c. 265, § 15B(b)), and resisting arrest (G.L. c. 268, § 32B). Having probable cause to arrest, the police could lawfully search the defendant. See United States v. Robinson, 414 U.S. 218, 235 (1973) ("A custodial arrest of a suspect based on probable cause is a reasonable intrusion under the Fourth Amendment; that intrusion being lawful, a search incident to the arrest requires no additional justification."); Commonwealth v. Prophete, 443 Mass. 548, 552 (2005) (following arrest based upon probable cause "no additional justification is required for a search

of the person for weapons that otherwise might be used to resist arrest or to escape"). Because the police had probable cause to arrest the defendant for numerous offenses, the search incident to that arrest was entirely proper.

Even if the defendant were to challenge the threshold inquiry that preceded the assaults, the suppression motion should fail. The police had ample reasonable suspicion to detain the defendant based upon the following factors: (1) they knew a fight had occurred moments earlier; (2) they saw one suspect flee from the area without a shirt; (3) the defendant's confederates were armed with knives; (4) the defendant appeared apprehensive and nervous; (5) the defendant was breathing heavily; (6) the defendant had the front of his shirt hanging out of his pants; (7) the defendant stepped back from the police; (8) the defendant put his hands in his pockets; and (9) the defendant disobeyed Officer Gaffney's order to place his hands on the Cadillac. Given these facts, the police were warranted in conducting the threshold inquiry. See Terry v. Ohio, 392 U.S. 1, 21 (1968) (police officer "must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion"); Commonwealth v. Silva, 366 Mass. 402, 405

(1974) (threshold inquiry permitted where officer has a reasonable suspicion that the defendant "has committed, is committing or [is] about to commit a crime").

Even if the threshold inquiry were improper for any reason, the defendant's conduct dissipated any taint from an illegal encounter. Compare Commonwealth v. King, 389 Mass. 233, 245-46 (1983). In King, troopers unlawfully stopped a car, and the driver attacked them. King believed that all evidence following the unlawful stop should have been suppressed. The Supreme Judicial Court disagreed: "[H]ad this been a different situation in which the driver had not attacked the investigating troopers, the evidence would be inadmissible as fruit of the poisonous tree. What distinguishes this case from cases [requiring suppression] is the driver's independent and intervening action of attacking the troopers. These acts broke the chain of causation and dissipated the taint of the prior illegality." Id. at 245. Just as in King, the defendant's assaults on the police officers broke the chain of causation from any alleged illegal detention at the scene.

Conclusion

Based upon the foregoing, "the arrest of the defendant was valid, and the search of his person incident to the arrest was justified under both Federal and State law." King, 389 Mass. at 246. Therefore, the Superior Court should deny the motion to suppress.

COMMONWEALTH OF MASSACHUSETTS

by its attorney,



Christopher P. Hodgins
Assistant District Attorney
Courthouse
225 Main Street
Worcester, MA 01608
(508) 755-8601

July 14, 2009

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

WORCESTER SUPERIOR COURT
DOCKET NUMBER: 08-0120-1

COMMONWEALTH OF MASSACHUSETTS,)

v.)

JORGE ZAMBRANO,
Defendant)

DEFENDANT'S MOTION TO
SUPPRESS FRUITS OF
WARRANTLESS SEARCH)

Now comes the defendant, Jorge Zambrano, and respectfully moves this Honorable Court to suppress the fruits of a warrantless search of his person and an area allegedly under his control which occurred on December 9, 2007 at 9 Fairbanks Street in Worcester by members of the Worcester Police Department. Seized from the defendant was an alleged quantity of Cocaine. Information and evidence to be suppressed includes the search and stop of his person and the seizure of the Class B controlled substance.

The defendant further moves that all evidence obtained as a direct or indirect result of said arrest, or search, or seizure, be suppressed as evidence against him in this or any other proceeding.

The defendant further says that the aforesaid evidence was obtained in violation of his right to be secure from any unreasonable search and seizure as guaranteed by the Fourth Amendment to the Constitution of the United States of America and Article XIV of the Declaration of Rights to the Constitution of the Commonwealth of Massachusetts and in violation of the provisions of the General Laws of the Commonwealth of Massachusetts.

The defendant further states that his person and/or the premises were searched, property seized therefrom under the following circumstances:

1. Without legal justification thereof;
2. The property seized was not proper subject of seizure;
3. There was not probable cause for a search, or the defendant's arrest;
4. The search of the defendant was made without any legal justification;
5. The search was made without a valid warrant;
6. The search was made in violation of M.G.L. Chapter 276, Section 1 and 2.
7. The search and seizure was not incidental to a lawful arrest;
8. The search was made in violation of The Constitution of the United States and the Declaration of Rights of the Constitution of the Commonwealth of Massachusetts

(Article XIV);

In further support thereof, the defendant submits the enclosed affidavit.

Respectfully submitted,
Jorge Zambrano,
By His Attorney,

DATED: July 30, 2008



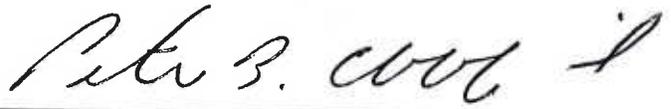
PETER B. CLIFFORD
CLIFFORD & CLIFFORD
47 Harvard Street
Worcester, MA 01609
Telephone #(508) 757-8338
BBO #548409

CERTIFICATE OF SERVICE

I, Peter B. Clifford, hereby certify that I have served the within Motion to Suppress Fruits of Warrantless Search, on this day, in hand to: District Attorney's Office, 225 Main Street, Worcester, Massachusetts 01608.

This Motion is marked for hearing on Thursday, August 21, 2008 at 9:00 AM.

DATED: July ~~31~~, 2008
8/11/08
(psc)



PETER B. CLIFFORD

FILE

AUG 11 2008

ATTEST:



13

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

SUPERIOR COURT
CRIMINAL ACTION
NO. WOCR2008-0120

Copies Mailed 4/22/11 OK

COMMONWEALTH

vs.

JORGE ZAMBRANO

FINDINGS OF FACT, RULINGS OF LAW, AND ORDER ON
DEFENDANT'S MOTION TO SUPPRESS

INTRODUCTION

On December 9, 2007, Jorge Zambrano ("Zambrano") was arrested and charged with two counts of assault and battery by means of a dangerous weapon; two counts of assault and battery on a police officer; assault with a dangerous weapon; resisting arrest; trafficking at least twenty-eight grams, but less than one hundred grams of cocaine; possession of cocaine with intent to distribute; and possession of cocaine with intent to distribute in a school zone. Zambrano is asking this court to suppress the evidence seized by the police, pursuant to Mass. R. Crim. P. 13, as well as the Fourth and Fourteenth Amendments to the United States Constitution and Article XIV of the Massachusetts Declaration of Rights. For the following reasons, Zambrano's motion is **DENIED.**

FINDINGS OF FACT

Based on the evidence presented at the hearing and the reasonable inferences therefrom, the court makes the following findings of fact.¹ On December 9, 2007, around 8:00 p.m., the Worcester Police received a 911 call from an individual asking police to

¹ The evidence presented, and considered by the court, consisted of the testimony of officers Terrence Gaffney and Michael Hanlon of the Worcester Police Department, the 911 recording, and three photographs.

respond to a fight in progress at 9 Fairbanks Street, Worcester. The caller reported, "there's a big fight." When asked if there were any weapons, the caller responded, "I don't know, they could have because they're fighting and they're near the cars and everything." When asked if the individuals were physically fighting, the caller stated, "Yes, yes, there's a few of them. Please come."

Worcester police officers Terrence Gaffney ("Gaffney") and Michael Hanlon ("Hanlon"), both in uniform and driving separate marked cruisers, were dispatched to 9 Fairbanks Street, having been told that there was a group fighting, rolling over cars, and armed with unknown weapons.² Fairbanks Street is located in the Vernon Hill section of Worcester and is known to be a high crime area. The street is a short one-way street with just one travel lane and cars parked on both sides. The police officers arrived at the scene at approximately the same time approaching from opposite directions, with Gaffney driving the wrong way up Fairbanks Street. Both officers reported that the weather was quite bad with freezing rain, which had covered the roads and sidewalks with ice, making all surfaces extremely slippery.

As Gaffney was approaching, he observed a Cadillac stopped in front of 9 Fairbanks Street, blocking the driveway and located partially in the travel lane. The car was running. He also observed three males standing around the car and a fourth male, without a shirt on, running up the driveway. Zambrano was one of the three males standing around the vehicle. None of the three males wore any coats despite the weather. Gaffney stopped his cruiser in the travel lane, approximately two car lengths away from the front of the Cadillac. When Hanlon approached from the opposite direction he

² Gaffney testified that he heard from dispatch that there were "unknown weapons." The court listened to the 911 recording and the dispatch, which stated "no weapons."

observed the three men standing near the Cadillac, but did not observe the male running up the driveway. Hanlon stopped his cruiser in the travel lane a short distance behind the Cadillac.

After exiting his cruiser, Gaffney approached one of the individuals, Jason Simpson ("Simpson"), at the rear of the Cadillac. He could smell alcohol on Simpson and observed Simpson's hands in his pockets. In the meantime, Hanlon had approached another of the individuals, Michael Giangregorio ("Giangregorio"). When Hanlon asked Giangregorio about the fight, Giangregorio acted evasive and stated that he had no idea about a fight. All three individuals were told to put their hands on the Cadillac.

Gaffney asked Simpson if he had any weapons on him. Simpson stated that he had a knife in his pocket. Gaffney removed an eight-inch butcher knife from Simpson's pocket and tossed it onto the ground. He then pat-frisked Simpson. While Gaffney was frisking Simpson, Hanlon continued to speak with Giangregorio. Hanlon saw Gaffney find the knife on Simpson, and he asked Giangregorio if he had a weapon. Giangregorio told him that he had a knife in his pants pocket, which Hanlon removed.³ Hanlon then continued to pat-frisk Giangregorio.

While Hanlon was pat-frisking Giangregorio, Gaffney approached Zambrano, who appeared to be nicely dressed in khaki pants and a yellow shirt; however, the shirt was half untucked from his pants and Zambrano was breathing very heavily. Gaffney told Zambrano to keep his hands on the Cadillac. Zambrano complied, but then removed his hands. Gaffney told him again to put his hands on the vehicle, and Zambrano complied. Gaffney then began to pat-frisk Zambrano and felt a bulge in Zambrano's groin area. Gaffney did not know if what he felt was a weapon, but he knew that it was

³ This was a folding knife.

something that did not belong on Zambrano's body. At that point, Zambrano turned and punched Gaffney in the jaw with a closed fist. Hanlon left Giangregorio to assist Gaffney. During this struggle, all three slipped on the icy sidewalk and fell to the ground.

Zambrano got up and dove head first into the Cadillac through the open passenger window. He grabbed a knife from the center console. Gaffney jumped on Zambrano while he was inside the vehicle and pinned his hands to his waist. Hanlon and Gaffney pulled Zambrano out of the vehicle and all three fell on the slippery sidewalk. Zambrano dropped the knife. Zambrano was punching and kicking at the officers, striking Hanlon in the groin, which incapacitated him. Zambrano managed to free himself and ran down Fairbanks Street with Gaffney in pursuit. Hanlon was unable to assist. Zambrano grabbed a fence post, stopped, and changed directions, running back towards the Cadillac. Gaffney tried to stop, but slipped and fell on the icy surface. At this point, other officers had arrived and Zambrano was subdued. Gaffney placed Zambrano under arrest and searched him. He found a plastic bag in the groin area of Zambrano's pants, which contained a number of smaller bags containing cocaine.

RULINGS OF LAW

Zambrano contends that the search of his person was unlawful and moves to suppress the drugs found on his person. The Commonwealth argues that the police properly seized the drugs pursuant to a search incident to a lawful arrest. The court agrees.

The police seized the drugs after arresting Zambrano without a warrant. A warrantless arrest is only permissible where the police had probable cause to arrest,

which “exists where the facts and circumstances in the arresting officer’s knowledge and of which he or she has reasonably trustworthy information are sufficient to warrant a person of reasonable caution in believing that an offense has been or is being committed.” Commonwealth v. Williams, 422 Mass. 111, 119 n.11 (1996). Here, Zambrano’s behavior—punching and kicking the officers and obtaining a knife from the Cadillac after Hanlon attempted to subdue him—clearly provided Gaffney with probable cause to arrest Zambrano for the crimes of assault and battery on a police officer (G. L. c. 265, § 13D) and resisting arrest (G. L. c. 268, § 32B).

Because Gaffney had probable cause to arrest Zambrano without a warrant, his search of Zambrano’s person and seizure from him of the drugs was constitutional as a search incident to a lawful arrest for “weapons that the arrestee might use to resist arrest or effect his escape.” G. L. c. 276, § 1; see also Chimel v. California, 395 U.S. 752, 762–763 (1969) (under search incident to lawful arrest, “it is reasonable for the arresting officer to search the person arrested in order to remove any weapons that the latter might seek to use in order to resist arrest or effect his escape”); Commonwealth v. Clermy, 421 Mass. 325, 329 (1995) (“The words ‘removing any weapons’ used in G. L. c. 276, § 1, clearly permit, incident to arrest, a search for and visual examination of a concealed object that might be amenable to use as a weapon.”). Gaffney’s search for a weapon incidental to his arrest of Zambrano was particularly necessary for the protection of the police officers here where the incident took place in a known high crime area, Zambrano had already acted aggressively towards the officers—including obtaining a knife from the Cadillac—and both Simpson and Giangregorio were armed with knives. See Clermy, 421 Mass. at 328–329 (seizure of prescription bottle of drugs from defendant’s groin area

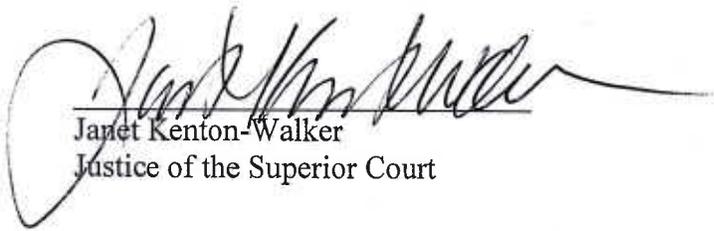
proper as search for weapon pursuant to lawful arrest where arrest made in high crime area, arresting trooper felt hard object in defendant's groin area, and troopers knew from personal experience that handcuffed arrestees can reach front of their bodies).

Accordingly, Gaffney lawfully seized the drugs from Zambrano and they need not be suppressed as evidence.⁴

ORDER

For the foregoing reasons, it is hereby **ORDERED** that Zambrano's motion to suppress evidence be **DENIED**.

DATED: April 22, 2011



Janet Kenton-Walker
Justice of the Superior Court

⁴ Zambrano argues that the drugs must be suppressed because Gaffney seized them after an unlawful investigatory stop. Even if the initial investigatory stop of Zambrano was unlawful (the court takes no position on the legality of the stop), Zambrano's subsequent conduct presented "a new situation . . . creating probable cause to arrest [Zambrano] . . . and to conduct a search of [him] incident to that arrest." Commonwealth v. King, 389 Mass. 233, 245-246 (1983) (seizure of evidence lawful despite illegality of initial investigatory stop where defendant's cohort began shooting at troopers during stop, which "broke the chain of causation and dissipated the taint of the prior illegality").

REQUEST FOR HABE

Case name and number 08-120Inmate to be habed Jorge ZambranoEvent Discovery MotionDate and time of appearance 5-4-11 9:00Facility where inmate is held WCHCName of person making request P. WujardDate of request 4-28-11

Commonwealth of Massachusetts
County of Worcester
The Superior Court

CRIMINAL DOCKET#: WOCR2008-00120

MOTION TO SUPPRESS

Justice Kenton-Walker

Reporter Susan Garvin

RE: Commonwealth v Zambrano, Jorge

EXHIBITS

WITNESS

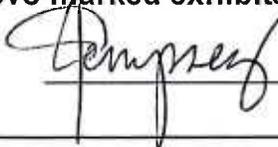
PO Terrence Gaffney

1. photo of knife
2. photo of residence
3. photo of folding knife
4. CD of 911 recording (turret tape)

WPD-Officer Michael Hanlin

At the conclusion of the trial, the above marked exhibits were present.

April 8, 2011



Assistant Clerk

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT
SUPERIOR COURT DEPARTMENT

12

WORC. SS.

Commonwealth (Plaintiff)

v.

Jorge Zambrano (Defendant)

Docket no: WOCRO8-0120-1

Amicus Curia

MOTION: Suppress fruits of search, based on an illegal search and seizure (warrantless)

The defendant comes now in an Amicus Curia capacity to suppress any statements and or fruits of the search and seizure due to an unconstituted and unlawful patfrisk and stop, that was lacking sufficient probable cause.

The defendant now avers his facts as follows:

FACTS

- 1) On 12-9-07 P.O. Terrence Gaffney and P.O. Michael Hanlon were dispatched to Fairbanks St. Worcester, Ma for a fight involving several males.
- 2) Upon arrival 3 males were standing next to a cadillac and one male later identified as Charles Knight was seen running up the drive way of 9 1/2 Fairbanks St.

- 3) P.O. Gaffney approached a black male (Jason Simpson) who admitted to drinking alcohol, removed his hands from his pockets upon P.O.'s request, and advised P.O. Gaffney of a knife he had in his back pocket.
- 4) P.O. Hanlon pat frisked a white male (Michael Giangregio) who had in his possession a small knife.
- 5) P.O. Gaffney then approached a hispanic male (Jorge Zambrano) who appeared to be nervous, breathing heavily and began to place his hands in his pockets, and back away slowly.
- 6) Zambrano who was dressed in khakis and a button shirt that was half untucked into his pants was then instructed to put his hands on the rear of the cadillac by P.O. Gaffney, who told him to remain still a few times.
- 7) Zambrano complied and was then pat frisked.
- 8) P.O. Gaffney then frisked Zambrano's groin area and felt a bulge, Zambrano closed his legs and stepped away. P.O. Gaffney believed the bulge to be a weapon.
- 9) Zambrano then struck P.O. Gaffney on the right hand side of his jaw.
- 10) P.O. Hanlon observed the struggle and assisted P.O. Gaffney in controlling Zambrano who was screaming obscenities while neighbors began to exit their houses.

- 11) As both P.O.'s attempted to handcuff Zambrano they both fell to the ice; and Zambrano then violently kicked and punched both P.O.'s.
- 12) Zambrano then dove into the passenger side window of the parked Cadillac that was running.
- 13) P.O. Hanlon then observed Zambrano reaching into the center console to retrieve what appeared to be a knife, as P.O. Gaffney reached in and pinned the hand of Zambrano between his waist and P.O. Gaffney's hand.
- 14) Upon getting Zambrano out of the Cadillac both P.O.'s slipped once again on the ice.
- 15) Upon falling to the ground the knife was dislodged from Zambrano's hand; then Zambrano violently kicked P.O. Hanlon and freed himself to flee.
- 16) Both P.O.'s pursued Zambrano on foot when P.O. Gaffney took Zambrano to the ground but was able to free himself again as both P.O.'s slipped on the ice again.
- 17) P.O.'s Hanlon and Dunnellam handcuffed Zambrano after another brief struggle on his way back to the Cadillac.
- 18) P.O. Gaffney then observes Simpson flee from the rear of the Cadillac up the driveway of 9½ Fairbanks St.

19) A search of where Simpson fled by multiple P.O. led to an apartment where Knight was found and no arrests.

20) After Zambrano's arrest P.O. Gaffney frisked him again and believing this time the bulge was narcotics, the bulge was retrieved, and a baggie containing what was believed to be crack cocaine was found.

MEMORANDUM

The defense now restates and reiterates the facts in his memorandum of law to suppress evidence illegally obtained by way of a warrantless search that was lacking in probable cause and was unreasonable in accord with the 4th and 14th Amendments of the Constitution of the United States.

On December 9th 2007 P.O.'s Gaffney and Hanlon were dispatched to Fairbanks St. ("No address") for a fight involving several males but no descriptions or details of any kind were given. P.O. Gaffney states upon "arrival" a male was seen running up a driveway of 9½ Fairbanks St. along with 3 males standing next next to a running Cadillac. P.O. Gaffney hadn't "arrived" anywhere except onto Fairbanks St., where no address was given, along

with no descriptions of anything or anyone with the complaint he was dispatched to. His "arrival" is mere speculation.

P.O Gaffney approaches Mr. Simpson who answers all his questions and allows P.O Gaffney to frisk him to pull out a knife Simpson admitted was in his pocket.

P.O Gaffney alleges all three males are nervous, breathing heavy and they have their hands in their pockets. But it is December 9th, and cold. Mr. Zambrano is allegedly breathing heavy, but is also wearing a button shirt with no jacket. Throughout this interrogation (rather than casual questioning) there is no stating of the officer's business or reasoning of stop. No questions about the gentleman who was just seen running by P.O Gaffney upon arrival, no questions about a fight or if anyone witnessed anything. P.O Gaffney mentions the cadillac is parked oddly but asks noone why or who is driving and why the car is still running.

What is not mentioned in the report is how P.O Gaffney asked for identification from the three individuals along with questions about recent arrests, Mr. Zambrano admitted to being out on bail. At this point he also failed to mention how he ordered the three men up against the trunk of the car and hands on the deck lid, ("BAD FAITH") after calling in the I.D's.

Either way, even based on the facts in the report the three males were not involved in any criminal activity, or suspected to be going to commit a crime; and the three gentlemen complying with Police order and admitting they had a knife on their persons who appeared nervous, or cold and one gentleman (Zambrano) had an untucked shirt, did not warrant a seizure and Frisk. See Commonwealth v. Narcisse 73 Mass App Ct. 406 408-409 (2008) As the

Supreme court of the U.S recently reaffirmed a "stop and frisk [is] constitutionally permissible if two conditions are met. First the investigatory stop must be lawful. That requirement is met in an on-the-street encounter, Terry determined, when the P.O. reasonably suspects that the person apprehended is committing or has committed a criminal offense. Second, to proceed from a stop to a frisk, the police officer must reasonably suspect that the person stopped is armed and dangerous." Terry v Ohio, 392 U.S 1, 32-33 (1968)

After complying with P.O Gaffney's orders to get up against the cadillac Mr. Zambrano was told to remain still a few times by officers. "Law Enforcement officers do not violate the 4th Amendment by merely approaching an individual on the street or another public place". Such interactions, field interrogation observations properly are deemed consensual encounters because the individual approached remains FREE to terminate the conversation at WILL. See Commonwealth v. Lyles, 453 Mass 814-815 (2009)

However, once the officer told the defendant that

: they intended to pat frisk him, they seized his person within the meaning of the 4th Amendment and art. 14, Commonwealth v. Depeiza, 449 Mass. 371 (2007)

All three gentlemen complied with the orders of these P.O.'s even though they were over stepping their casual encounter threshold with disregard for the 4th Amendment of the U.S. Constitution; and further more no "reasonable" belief that Mr. Zambrano had a weapon after all the cooperation by all three men including Mr. Zambrano's volunteered information concerning his current circumstances of bail.

P.O Gaffney proceeded to frisk Mr. Zambrano's groin area; in Minnesota v. Dickerson, 113 S.Ct 2130, it states that

"police officer lawfully pats down a suspect's outer clothing and feel an object whose contour or mass makes its identity as contraband immediately apparent he may seize it. But if the officer must manipulate or otherwise further physically explore the concealed object in order to discern its identity then an unconstitutional search has occurred." Mr. Zambrano was shocked at the behavior of P.O Gaffney groping his groin area and stepped away. Mr. Zambrano further states that he did not strike P.O Gaffney but rather slipped on the ice of which caused both P.O.'s to overreact and attempt to seize and arrest Zambrano's person. In United States v. Burton, 228 F.3d 528, the court went on to hold that a

citizen's refusal to answer questions and to take his hands out of his pockets was not enough. "[An] individual's refusal to co-operate, without more, does not furnish the minimal level of objective justification needed for detention or seizure." quoting Florida v. Bostick, 501, US. 429, 437 (1991).

The rest of P.O. Gaffney's report purports Mr. Zambrano's multiple attempts to flee from the scene, beat both P.O's multiple times and even is inferred that Mr. Zambrano's last attempt to flee was directed to an attempt to reach the cadillac. But in fact according to P.O. Gaffney's report the cadillac is running the whole time throughout the investigation; and Mr. Zambrano on his first attempt to flee allegedly jumps through the passenger side window of the running cadillac but instead of using that as a perfect opportunity to flee he instead allegedly tries to retrieve a knife in the center console. Jorge Zambrano denies this purported attempt at trying to retrieve a knife.

Furthermore Mr. Zambrano should have been allowed to leave the scene at any time. While a P.O., like any citizen, may lawfully encounter and ask another person a question, such encounters are governed by significant limitations. Terry v. Ohio, 392 U.S. 1, 32 (1968) (Harlan, J., concurring) (Terry) ("in absence of state authority, policemen have no more right to 'pat down' the outer clothing of passers-by, or of persons to whom they address casual questions, than does any other citizen").

The two P.O.'s Gaffney and Hanlon claim to be beaten multiple times, kicked, punched, and also claim to have fallen on the ice multiple times, but never pursue medical attention, pictures, or pursue to talk to any witness that are purported to be out on their porches and exited their dwellings due to Zambrano's screaming obscenities and chaos caused at the scene.

CONCLUSION

Wherefore based on the foregoing facts presented herein the defenses memorandum of law, the two prongs no being satisfied in Terry v. Ohio, and the 4th and 14th Amendments of the U.S. Constitution being voluntarily and recklessly disregarded, the defense urges the court to suppress any and all statements and/or fruits that proceeded past the warrantless illegal search and seizure.

CERTIFICATE of SERVICE

I Jorge Zambrano, hereby certify on this the 29 day of November 2010, I sent a copy to the following via First class mail:

Peter B. Clifford
47 Harvard street
WORCESTER, MA 01609

Worcester Trial court
Superior Department
Clerk of court
225 Main street
WORCESTER, Ma 01608

FILED

DEC 02 2010

ATTEST: *Del Mh* CLERK

Respectful submitted,
Jorge Zambrano
Jorge Zambrano
MSA#0091305
5 Paul X-Tivnan Dr
West Boylston, Ma
01583

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT
SUPERIOR COURT DEPARTMENT

WORC. SS
Commonwealth (Plaintiff)
V.
Jorge Zambrano (Defendant)

Docket No: WORC 08-0120-1
Amicus Curia

MOTION: Suppress fruit of search,
based on an illegal search and
seizure (warrantless)

AFFIDAVIT

Under the pains and penalties of perjury I,
Jorge Zambrano state that all facts in the motion
Supra have been submitted in good faith and to the
best of my knowledge (see motion attached)

Dated: 11-28-10

Respectfully Submitted,

Jorge Zambrano

Jorge Z

MSA#0091305

5 Paul X. Tivnan Dr.

West Boylston, Ma 01583

FILED

DEC 02 2010

ATTEST: *D. H. W.* CLERK

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

WORCESTER SUPERIOR COURT
DOCKET NUMBER: 08-0120-1

COMMONWEALTH OF MASSACHUSETTS,)

v.)

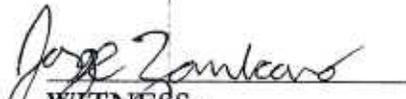
AFFIDAVIT IN SUPPORT OF
MOTION TO SUPPRESS FRUITS
OF WARRANTLESS SEARCH

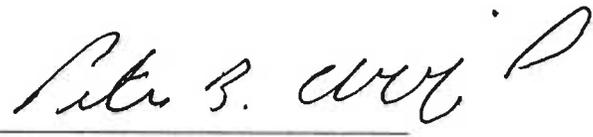
JORGE ZAMBRANO,
Defendant)

I, Jorge Zambrano, under the pains and penalties of perjury that:

1. I am the defendant in this matter.
2. On December 9, 2007 at or near Fairbanks Street, Worcester, MA, members of the Worcester Police Department conducted a search of my person and an area under my control.
3. I did not engage in any furtive or suspicious activity.
4. I gave proper answers and proper identification when asked by the Worcester Police officers at the time.
5. At no time did I engage in any conduct or activity which would lead to the officers to fear for their safety.
6. I did not commit a breach of the peace.
7. The officers did not have a search warrant for this area.
8. The officers did not have an arrest warrant for me.
9. I was never given Miranda warnings.
10. I did not consent to the search.

DATED: July , 2008 4/8/11


~~WITNESS~~
Jorge Zambrano


~~JORGE ZAMBRANO~~
Peter B. Clifford
WITNESS

14

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT
INDICTMENT NO.: 08-0120

COMMONWEALTH OF MASSACHUSETTS)

v.)

JORGE ZAMBRANO,)

Defendant)

MOTION FOR DISCOVERY OF POLICIES AND PROCEDURES OF THE
WORCESTER POLICE DEPARTMENT

Now comes the Defendant, Jorge Zambrano, who moves this Honorable Court, to order the Commonwealth through its agents, the Worcester Police Department, to provide the Defendant with any written policies, regulations, guidelines and procedures in effect on December 9, 2007 relating to the retrieval, collection, documentation and preservation of physical evidence as well as police officers who are injured in the line of duty while effectuating an arrest.

As grounds therefore, the Defendant states that such information is essential to the defense of the Defendant and for the effective cross-examination of the Commonwealth's witnesses.

For all of these reasons, the Defendant requests that this motion be allowed.

Respectfully Submitted,
JORGE ZAMBRANO,
By His Attorney,

Peter B. Clifford

Peter B. Clifford, Esquire
47 Harvard Street
Worcester, MA 01609
Tel. (508) 757-8338
BBO #548409

Dated: April 26, 2011

FILED

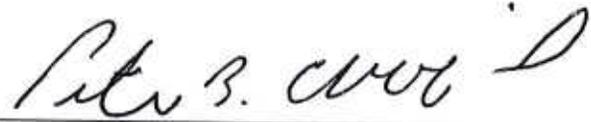
APR 27 2011

ATTEST: *[Signature]* CLERK

Denied after hearing. The defendant has failed to establish by way of affidavit or otherwise the materiality or relevance of the red-acted materials - See Rules of Criminal Procedure, Rule 17. Further the defendant has failed to show why the motion is being filed at such a late date.

CERTIFICATE OF SERVICE

I, Peter B. Clifford, hereby certify that on April 27, 2011, I served a copy of the within Motion for Discovery of Policies and Procedures of the Worcester Police Department upon Assistant District Attorney Christopher P. Hodgens, by giving him a copy of same in hand this day at the Worcester Superior Court, 225 Main Street, Worcester, MA 01608.

A handwritten signature in cursive script that reads "Peter B. Clifford". The signature is written in dark ink and is positioned above a horizontal line.

Peter B. Clifford, Esquire

REQUEST FOR HABE

Case name and number Jorge Zombardo

Inmate to be habed Jorge Zombardo

Event MOTION

Date and time of appearance 4-8-11

Facility where inmate is held WCHC

Name of person making request P. Cuyun

Date of request 3-29-11

20 11 Filed in Court 3/29

Attest Rene M Galan
Assistant Clerk-Magistrate

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

WORCESTER SUPERIOR COURT
INDICTMENT NO.: WOCR2008-00120

COMMONWEALTH OF MASSACHUSETTS,)

v.)

) MOTION FOR FUNDS

JORGE ZAMBRANO,
Defendant)

Now comes the Defendant, Jorge Zambrano, in the captioned matter who respectfully moves this Honorable Court for funds, not to exceed \$300.00 for the cost of a stenographer to transcribe the recorded testimony which occurred relative to a Motion to Suppress which was heard by Kenton-Walker, J., by this Court on April 8, 2011.

The Defendant states that the requested funds are "reasonably necessary to assure [him] as effective ... a defense as he would have if he was financially able to pay." Commonwealth v. Lockley, 381 Mass 156 (1980); M.G.L. C. 261, § 27(c).

Wherefore, the Defendant moves this court grant the relief requested herein.

Respectfully Submitted,
JORGE ZAMBRANO,
By His Attorney,

Dated: May 13, 2011

Peter B. Clifford
Peter B. Clifford, Esquire
47 Harvard Street
Worcester, MA 01609
Tel. (508) 757-8338
BBO #548409

20 11 Filed in Court 5/13
Attest *Karin M. Lohman*
Assistant Clerk-Magistrate

5-13-11 Allowed
Juan A. P.

CERTIFICATE OF SERVICE

I, Peter B. Clifford, Esquire hereby certify that on May 13, 2011, I served the foregoing Motion for Funds by hand delivery to: Assistant District Attorney Office, Worcester Superior Court, 225 Main Street, Worcester, MA 01608.

This Motion will be heard on Friday, May 13, 2011 at 9:00 a.m. at the Worcester Superior Court.



PETER CLIFFORD

Dated: May 13, 2011

REQUEST FOR HABE

07-675
08-120
3/14/81

Case name and number Jorge Zambano x 2

Inmate to be habed Jorge Zambano

Event Possible change of Plea

Date and time of appearance 5/17/11 11:00

Facility where inmate is held WCHC

Name of person making request P. Wong D

Date of request 5/10/11



20 11 Filed in Court 5/16
Zambano
Attest Karrie M Golden
Assistant Clerk-Magistrate

Commonwealth of Massachusetts

County of Worcester

The Superior Court

MITTIMUS - WITHOUT BAIL

Stay of Execution

CRIMINAL DOCKET# WOCR2008-00120

RE: Commonwealth v Zambrano, Jorge

To the sheriffs of our several Counties, their deputies, the officers of the Court and to the Keeper of the Jail in Worcester County,

Greetings:

These are to command you, and each of you, said Sheriffs and Officers in the name of the Commonwealth of Massachusetts, forthwith to convey and deliver into the custody of the Keeper of our said jail, the body of

Jorge Zambrano (DOB 03/14/1981) -

against whom the Grand Jurors attending the Superior Court Department of the Trial Court, for Criminal Business, have returned an indictment now pending in said Court in which said Jorge

Zambrano (a/k/a, if any:) is charged with the crime(s) of

- 12/09/2007 COCAINE, TRAFFICKING IN c94C s32E(b)
- 12/09/2007 DRUG, DISTRIBUTE CLASS B, SUBSQ.OFF. c94C s32A(b)
- 12/09/2007 DRUG VIOLATION NEAR SCHOOL/PARK c94C s32J
- 12/09/2007 A&B WITH DANGEROUS WEAPON c265 s15A(b)
- 12/09/2007 A&B WITH DANGEROUS WEAPON c265 s15A(b)
- 12/09/2007 ASSAULT W/DANGEROUS WEAPON c265 s15B(b)
- 12/09/2007 A&B ON POLICE OFFICER c265 s13D
- 12/09/2007 A&B ON POLICE OFFICER c265 s13D
- 12/09/2007 RESIST ARREST c268 s32B

alleged to have been committed in the County aforesaid, as appears by Indictment on file and upon record in said Court,

And you, the said keeper are hereby required to received the body of said

Jorge Zambrano, indicted as aforesaid , into your custody in said Jail, and there safely keep until discharged by due order of law.

We therefore COMMAND YOU, the said Sheriff and Deputies, to remove the said Jorge Zambrano to said jail, and we command you, the Keeper of said Jail, to receive the said Jorge Zambrano to safely keep in and within the precincts of said Common Jail without bail, pursuant to said order.

And for so doing, this shall be your warrant. And you are to make return of this warrant, with your doings therein, to the Office of the Clerk of our Superior Court, in Worcester, as soon as may be.

Witness: Barbara J. Rouse, Chief Justice of the Superior Court 17th day of May, 2011 at Worcester, Massachusetts.

Assistant Clerk

RETURN

Worcester, ss.

Date: _____

In obedience to this order, I have removed the within-named Jorge Zambrano to the Common Jail in Worcester County, and delivered said defendant, and a true and attested copy of this warrant to the Keeper thereof.

.....
Officer of the Court

Commonwealth of Massachusetts
County of Worcester
The Superior Court

16

CRIMINAL DOCKET#: WOCR 08-120

RE: Jorge Zambardo

WAIVER OF DEFENDANT'S RIGHTS

I have discussed the above case(s) and my constitutional and other rights with my attorney. I understand that by entering my plea of guilty, I will be giving up or waiving the following rights:

1. My right to a trial by a jury that I would select with the assistance of my defense attorney or to a trial before a judge;
 2. My right to be presumed innocent until proven guilty beyond a reasonable doubt;
 3. My right to have the Commonwealth prove its case(s) against me beyond a reasonable doubt;
 4. My right to confront, cross-examine, and compel the attendance of witnesses;
 5. My right to present evidence in my defense; including the right testify on my behalf;
 6. My right to remain silent and refuse to be a witness against myself by asserting my privilege against self-incrimination; all with the assistance of my defense attorney, and
 7. My right to appeal motions to dismiss and/or motions to suppress which have been previously denied and the Court's
- Moreover, I have been advised by my attorney:
1. of the nature of the charge or charges to which I am entering my guilty plea
 2. of the nature and range of the possible sentence or sentences for the crime(s), including mandatory sentences, to which I have pleaded guilty, and
 3. that my plea of guilty must not be based on my expectation of parole eligibility in the future.

My guilty plea is not the result of force, threats, assurance or promises. I have decided to plead guilty voluntarily, willingly and freely.

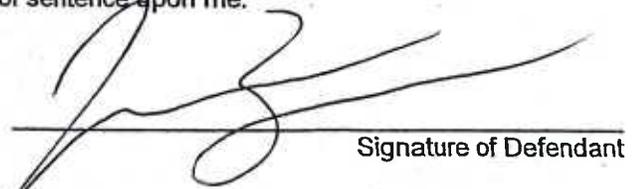
I am satisfied that my defense attorney has represented me in an effective and in a competent manner. I have had enough time to speak with him or her regarding any possible defenses I may have to the above charges. I am also satisfied that my defense attorney has explained to the Court all the circumstances regarding my background, education and work experience.

I am not now on or under the influence of any drug, medication, liquor or other intoxicant or depressant, which would impair my ability to fully understand the constitutional and statutory rights that I am waiving when I plead guilty.

I have been advised by the judge and I understand that if I am not a citizen of the United States, a conviction in the above case(s) could result in my deportation or exclusion from admission to the United States under federal immigration law and that I may be rejected as an applicant for citizenship in the United States.

I understand that I give up the right to any and all defenses, and objections which I could assert to the above case(s). I also understand that I give up my right to appeal the court's denial of any motions to dismiss or to suppress or to the Court's acceptance of my plea of guilty to the above offenses and imposition of sentence upon me.

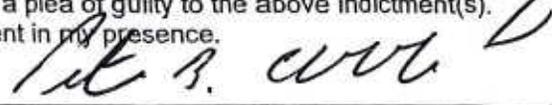
Date: 5/17/11


Signature of Defendant

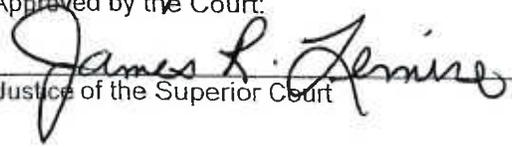
DEFENSE ATTORNEYS' APPROVAL

I have discussed this case and the plea recommendation with my client in detail and have advised the defendant of all matters within the scope of Massachusetts Rules of Criminal Procedure Rule 12, including, the constitutional and other rights of the accused, the factual basis for and the nature of the offense or offenses to which the guilty plea will be entered, possible defenses; and the consequences of the guilty plea. After explaining the above to the defendant, I am satisfied that the defendant has understood my explanation. Moreover, I am satisfied that the defendant is not under the influence of any drug, medication liquor or other intoxicant which can impair the defendant's ability to fully understand all the constitutional, statutory and/or other rights the defendant would waive when we discussed the consequences of a plea of guilty to the above indictment(s).

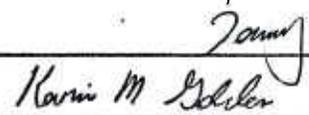
I represent to the Court that the Defendant has signed this document in my presence.

Attorney for Defendant: 

Dated: 5/17/11
Approved by the Court:


Justice of the Superior Court

20 10 Filed in Court 5/17


Attest
Assistant Clerk-Magistrate

17

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CRIMINAL NO.

02-8675
08-120

COMMONWEALTH OF MASSACHUSETTS

VS.

Jose Lombardi

NOTICE OF RIGHT OF APPEAL FOR
REVIEW OF SENTENCE AND/OR
TO APPELLATE COURT

(1)..... You are notified of your right
within ten (10) days to appeal to the Appellate Division of this
Court for the review of the sentence(s) imposed on you. *1.

(2)..... You are also notified of your
right to file a claim of appeal within thirty (30) days after the
verdict or finding of guilt or within thirty (30) days after
imposition of sentence. *2

Dated:

5/17/11

[Signature]
Assistant Clerk

*1. Applies only to State Prison Sentences (Chapter 278, Section 28B
and Superior Court Rule 64.)

*2. Claim of Appeal (M.R. Appellate Procedure 4 (b) and Superior
Court Rule 65.)

N.B. STRIKE OUT INAPPLICABLE WORDS

Commonwealth of Massachusetts
County of Worcester
The Superior Court

CONCURRENT MITTIMUS TO Cedar Junction MCI (Walpole)

Docket #WOCR2008-00120(6)

To the Sheriff of said County of **Worcester**, his deputies, the Officers hereinafter named and the Superintendent of the **Cedar Junction MCI (Walpole)**

GREETING:

Whereas, by the consideration of the Superior Court Department of the Trial Court for Criminal Business, holden at **Worcester** within and for the County of **Worcester**, on the **17th day of May** in the year of our Lord **2011**.

Jorge Zambrano (a/k/a, if any:) (DOB) 03/14/1981)

now in the custody of the Sheriff of said County of **Worcester**, convicted of the crime(S) of:

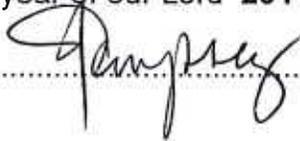
d/o 12/09/2007 ASSAULT W/DANGEROUS WEAPON c265 s15B(b)

for which crime the said **Jorge Zambrano** was sentenced to be confined in the **Cedar Junction MCI (Walpole)**.

The Court in imposing this sentence orders that the defendant **Jorge Zambrano** be deemed to have served **1258 DAYS** of said sentence in confinement awaiting disposition of this matter.

We therefore, **command you**, the said Sheriff, Deputies and Officers of the Court to remove the said **Jorge Zambrano** from the Jail in **Worcester** the said County of **Worcester**, to the **Cedar Junction MCI (Walpole)**, and **we command you**, the said Superintendent to receive the said **Jorge Zambrano** and immediately thereon to cause the said **defendant** to be confined therein for a term of **Four(4) to Five(5) years Cedar Junction concurrent with 07-675-1 as aforesaid. Execution stayed 5/20/11.**

WITNESS, Barbara J. Rouse, Chief Justice of said Court and the seal thereof at **Worcester** aforesaid, this **17th day of May** in the year of our Lord **2011**.


.....
Assistant Clerk

RETURN

Worcester, SS.

Worcester
2011

In obedience to the within warrant, I have conveyed the within named defendant to the Cedar Junction MCI (Walpole), and delivered him to the Superintendent thereof with a copy of this warrant.

Deputy Sheriff, of said County
Officer of the Court named within.

Commonwealth of Massachusetts
County of Worcester
The Superior Court

CONCURRENT MITTIMUS TO Worcester House of Correction

Docket #WOCR2008-00120(7,8)

To the Sheriff of said County of **Worcester**, his deputies, the Officers hereinafter named and the Superintendent of the **Worcester House of Correction**

GREETING:

Whereas, by the consideration of the Superior Court Department of the Trial Court for Criminal Business, holden at **Worcester** within and for the County of **Worcester**, on the **17th day of May** in the year of our Lord **2011**.

Jorge Zambrano (a/k/a, if any:) (DOB) **03/14/1981**)

now in the custody of the Sheriff of said County of **Worcester**, convicted of the crime(S) of:

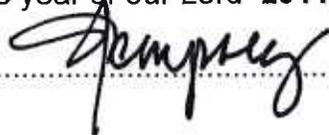
d/o 12/09/2007 A&B ON POLICE OFFICER c265 s13D
d/o 12/09/2007 A&B ON POLICE OFFICER c265 s13D

for which crime the said **Jorge Zambrano** was sentenced to be confined in the **Worcester House of Correction**.

The Court in imposing this sentence orders that the defendant **Jorge Zambrano** be deemed to have served **1258 DAYS** of said sentence in confinement awaiting disposition of this matter.

We therefore, **command you**, the said Sheriff, Deputies and Officers of the Court to remove the said **Jorge Zambrano** from the Jail in **Worcester** the said County of **Worcester**, to the **Worcester House of Correction**, and **we command you**, the said Superintendent to receive the said **Jorge Zambrano** and immediately thereon to cause the said **defendant** to be confined therein for a term of **Two(2) and One half(½) years House of Correction concurrent with 07-675-1 as aforesaid. Execution stayed until 5/20/11.**

WITNESS, Barbara J. Rouse, Chief Justice of said Court and the seal thereof at **Worcester** aforesaid, this **17th day of May** in the year of our Lord **2011**.


.....
Assistant Clerk

RETURN

Worcester, SS.

Worcester
2011

In obedience to the within warrant, I have conveyed the within named defendant to the Cedar Junction MCI (Walpole), and delivered him to the Superintendent thereof with a copy of this warrant.

Deputy Sheriff, of said County
Officer of the Court named within.

Commonwealth of Massachusetts
County of Worcester
The Superior Court

CONCURRENT MITTIMUS TO Worcester House of Correction

Docket #WOCR2008-00120(9)

To the Sheriff of said County of **Worcester**, his deputies, the Officers hereinafter named and the Superintendent of the **Worcester House of Correction**

GREETING:

Whereas, by the consideration of the Superior Court Department of the Trial Court for Criminal Business, holden at **Worcester** within and for the County of **Worcester**, on the **17th day of May** in the year of our Lord **2011**.

Jorge Zambrano (a/k/a, if any:) (DOB) 03/14/1981)

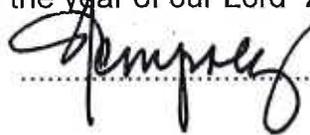
now in the custody of the Sheriff of said County of **Worcester**, convicted of the crime(S) of:
d/o 12/09/2007 RESIST ARREST c268 s32B

for which crime the said **Jorge Zambrano** was sentenced to be confined in the **Worcester House of Correction**.

The Court in imposing this sentence orders that the defendant **Jorge Zambrano** be deemed to have served **1258 DAYS** of said sentence in confinement awaiting disposition of this matter.

We therefore, **command you**, the said Sheriff, Deputies and Officers of the Court to remove the said **Jorge Zambrano** from the Jail in **Worcester** the said County of **Worcester**, to the **Worcester House of Correction**, and **we command you**, the said Superintendent to receive the said **Jorge Zambrano** and immediately thereon to cause the said **defendant** to be confined therein for a term of **Two(2) and One half(½) years House of Correction concurrent with 07-675-1as aforesaid. Execution stayed until 5/20/11.**

WITNESS, Barbara J. Rouse, Chief Justice of said Court and the seal thereof at **Worcester** aforesaid, this **17th day of May** in the year of our Lord **2011**.



Assistant Clerk

RETURN

Worcester, SS.

Worcester
2011

In obedience to the within warrant, I have conveyed the within named defendant to the Cedar Junction MCI (Walpole), and delivered him to the Superintendent thereof with a copy of this warrant.

Deputy Sheriff, of said County
Officer of the Court named within.

Commonwealth of Massachusetts
County of Worcester
The Superior Court

CONCURRENT MITTIMUS TO Cedar Junction MCI (Walpole)

Docket #WOCR2008-00120(1)

To the Sheriff of said County of **Worcester**, his deputies, the Officers hereinafter named and the Superintendent of the **Cedar Junction MCI (Walpole)**

GREETING:

Whereas, by the consideration of the Superior Court Department of the Trial Court for Criminal Business, holden at **Worcester** within and for the County of **Worcester**, on the **17th day of May** in the year of our Lord **2011**.

Jorge Zambrano (a/k/a, if any:) (DOB) **03/14/1981**)

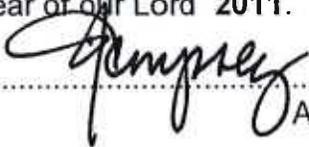
now in the custody of the Sheriff of said County of **Worcester**, convicted of the crime(S) of:
d/o 12/09/2007 COCAINE, TRAFFICKING IN c94C s32E(b)

for which crime the said **Jorge Zambrano** was sentenced to be confined in the **Cedar Junction MCI (Walpole)**.

The Court in imposing this sentence orders that the defendant **Jorge Zambrano** be deemed to have served **1258 DAYS** of said sentence in confinement awaiting disposition of this matter.

We therefore, **command you**, the said Sheriff, Deputies and Officers of the Court to remove the said **Jorge Zambrano** from the Jail in **Worcester** the said County of **Worcester**, to the **Cedar Junction MCI (Walpole)**, and **we command you**, the said Superintendent to receive the said **Jorge Zambrano** and immediately thereon to cause the said **defendant** to be confined therein for a term of **Six(6) to Six(6) years and One(1) day Cedar Junction concurrent with 07-675-1 as aforesaid. Execution stayed until 5/20/11.**

WITNESS, Barbara J. Rouse, Chief Justice of said Court and the seal thereof at **Worcester** aforesaid, this **17th day of May** in the year of our Lord **2011**.


.....
Assistant Clerk

RETURN

Worcester, SS.

Worcester
2011

In obedience to the within warrant, I have conveyed the within named defendant to the **Cedar Junction MCI (Walpole)**, and delivered him to the Superintendent thereof with a copy of this warrant.

Deputy Sheriff, of said County
Officer of the Court named within.

Commonwealth of Massachusetts
County of Worcester
The Superior Court

CONCURRENT MITTIMUS TO Cedar Junction MCI (Walpole)

Consolidated Judgment

Docket #WOCR2008-00120(2)

To the Sheriff of said County of **Worcester**, his deputies, the Officers hereinafter named and the Superintendent of the **Cedar Junction MCI (Walpole)**

GREETING:

Whereas, by the consideration of the Superior Court Department of the Trial Court for Criminal Business, holden at **Worcester** within and for the County of **Worcester**, on the **17th day of May** in the year of our Lord **2011**.

Jorge Zambrano (a/k/a, if any:) (DOB) 03/14/1981)

now in the custody of the Sheriff of said County of **Worcester**, convicted of the crime(S) of:

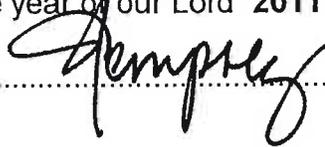
d/o 12/09/2007 DRUG, DISTRIBUTE CLASS B, SUBSQ.OFF. c94C s32A@) and (d)

for which crime the said **Jorge Zambrano** was sentenced to be confined in the **Cedar Junction MCI (Walpole)**.

The Court in imposing this sentence orders that the defendant **Jorge Zambrano** be deemed to have served **1258 DAYS** of said sentence in confinement awaiting disposition of this matter.

We therefore, **command you**, the said Sheriff, Deputies and Officers of the Court to remove the said **Jorge Zambrano** from the Jail in **Worcester** the said County of **Worcester**, to the **Cedar Junction MCI (Walpole)**, and **we command you**, the said Superintendent to receive the said **Jorge Zambrano** and immediately thereon to cause the said **defendant** to be confined therein for a term of **Six(6) to Six(6) years and One(1) day Cedar Junction concurrent with 07-675-1 as aforesaid. Execution stayed until 5/20/11.**

WITNESS, Barbara J. Rouse, Chief Justice of said Court and the seal thereof at **Worcester** aforesaid, this **17th day of May** in the year of our Lord **2011**.


.....
Assistant Clerk

RETURN

Worcester, SS.

Worcester
2011

In obedience to the within warrant, I have conveyed the within named defendant to the **Cedar Junction MCI (Walpole)**, and delivered him to the Superintendent thereof with a copy of this warrant.

Deputy Sheriff, of said County
Officer of the Court named within.

Commonwealth of Massachusetts
County of Worcester
The Superior Court

CONCURRENT MITTIMUS TO Cedar Junction MCI (Walpole)

Docket #WOCR2008-00120(4&5)

To the Sheriff of said County of **Worcester**, his deputies, the Officers hereinafter named and the Superintendent of the **Cedar Junction MCI (Walpole)**

GREETING:

Whereas, by the consideration of the Superior Court Department of the Trial Court for Criminal Business, holden at **Worcester** within and for the County of **Worcester**, on the **17th day of May** in the year of our Lord **2011**.

Jorge Zambrano (a/k/a, if any:) (DOB) 03/14/1981)

now in the custody of the Sheriff of said County of **Worcester**, convicted of the crime(S) of:

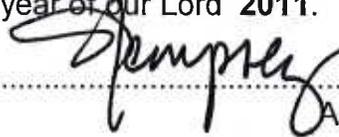
d/o 12/09/2007 A&B WITH DANGEROUS WEAPON c265 s15A(b)
d/o 12/09/2007 A&B WITH DANGEROUS WEAPON c265 s15A(b)

for which crime the said **Jorge Zambrano** was sentenced to be confined in the **Cedar Junction MCI (Walpole)**.

The Court in imposing this sentence orders that the defendant **Jorge Zambrano** be deemed to have served **1258 DAYS** of said sentence in confinement awaiting disposition of this matter.

We therefore, **command you**, the said Sheriff, Deputies and Officers of the Court to remove the said **Jorge Zambrano** from the Jail in **Worcester** the said County of **Worcester**, to the **Cedar Junction MCI (Walpole)**, and **we command you**, the said Superintendent to receive the said **Jorge Zambrano** and immediately thereon to cause the said **defendant** to be confined therein for a term of **Six(6) to Six(6) years and One(1) day Cedar Junction concurrent with 07-675-1as aforesaid. Execution stayed until 5/20/11.**

WITNESS, Barbara J. Rouse, Chief Justice of said Court and the seal thereof at **Worcester** aforesaid, this **17th day of May** in the year of our Lord **2011**.



Assistant Clerk

RETURN

Worcester, SS.

Worcester
2011

In obedience to the within warrant, I have conveyed the within named defendant to the **Cedar Junction MCI (Walpole)**, and delivered him to the Superintendent thereof with a copy of this warrant.

Deputy Sheriff, of said County
Officer of the Court named within.

CLEAR

18

Worcester Superior Court
225 Main Street, Room 1018
Worcester, MA 01608

Commonwealth vs. George Berberian
12 Angelin Road
Shrewsbury, MA 01545

NOTICE OF SURRENDER AND HEARING(S) FOR ALLEGED VIOLATION(S) OF PROBATION

You are hereby notified to appear in this Court at **8:30 am** on **12/2/11** for a hearing on a charge that you have violated the terms and conditions of your probation imposed by this court on **5/2/11** on the following complaints (Docket Number(s) and Offense):

Docket #: **08-120 Burg (3)**

(Strike out (1) or (2) below, whichever is applicable).

(1) This hearing will be to determine whether there is probable cause to believe you have committed a violation of your probation. If the court so finds, there will be a subsequent hearing on the issue of revocation and imposition of additional sanctions. If you wish, both hearings may be held at the same time. The same judge may not sit on both hearings unless you expressly agree thereto. In this particular case, you may have a right to both hearings, but may waive the preliminary hearing if you wish.

(2) This hearing will be final hearing on the issue of whether your probation shall be revoked and additional sanctions imposed.

You have the following rights:

1. A right to legal counsel, and if you are unable to afford counsel, the Court will appoint counsel for you.
2. A right to be confronted by the person alleging you have violated the terms of your probation and to cross-examine that person as well as any other persons who testify against you.
3. A right to insist that all testimony be under oath.
4. A right to remain silent and not to be prejudiced thereby.
5. A right to testify on your own behalf, to produce witnesses and other evidence to support your denial of the alleged violation(s), or in a final hearing to support the explanation of mitigation of any violation.

The notice of the alleged violation(s) of probation is as follows:

1. Failure to verify substance abuse treatment.
2. Failure to report on 10/26/11 & 11/22/11 as directed by probation officer.
3. Failure to pay court ordered fees & restitution.

Do not fail to appear in Court at the time and place ordered above. You may then request a continuance if additional time is required to protect your rights.

Date: 11/23/11



Raymond K. Loughlin, Jr.
Probation Officer

I, _____, **Assent to Immediate Hearing**
having received the foregoing notice, hereby assent to an immediate hearing this
_____ day of _____.

Offender Signature

Commonwealth of Massachusetts
County of Worcester
The Superior Court

KH

AMENDED CONCURRENT MITTIMUS TO Cedar Junction MCI (Walpole)

Docket #WOCR2008-00120(1)

To the Sheriff of said County of **Worcester**, his deputies, the Officers hereinafter named and the Superintendent of the **Cedar Junction MCI (Walpole)**

GREETING:

Whereas, by the consideration of the Superior Court Department of the Trial Court for Criminal Business, holden at **Worcester** within and for the County of **Worcester**, on the **17th day of May** in the year of our Lord **2011**.

Jorge Zambrano (a/k/a, if any:) (DOB) 03/14/1981)

now in the custody of the Sheriff of said County of **Worcester**, convicted of the crime(S) of:

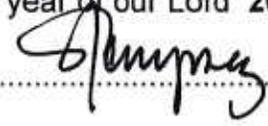
d/o 12/09/2007 COCAINE, TRAFFICKING IN c94C s32E (b) (2) 28-100 grams

for which crime the said **Jorge Zambrano** was sentenced to be confined in the **Cedar Junction MCI (Walpole)**.

The Court in imposing this sentence orders that the defendant **Jorge Zambrano** be deemed to have served **1258 DAYS** of said sentence in confinement awaiting disposition of this matter.

We therefore, **command you**, the said Sheriff, Deputies and Officers of the Court to remove the said **Jorge Zambrano** from the Jail in **Worcester** the said County of **Worcester**, to the **Cedar Junction MCI (Walpole)**, and **we command you**, the said Superintendent to receive the said **Jorge Zambrano** and immediately thereon to cause the said **defendant** to be confined therein for a **term of Six(6) to Six(6) years and One(1) day Cedar Junction concurrent with 07-675-1 as aforesaid. Execution stayed until 5/20/11.**

WITNESS, Barbara J. Rouse, Chief Justice of said Court and the seal thereof at **Worcester** aforesaid, this **17th day of May** in the year of our Lord **2011**.


.....
Assistant Clerk

RETURN

Worcester, SS.

Worcester
2011

In obedience to the within warrant, I have conveyed the within named defendant to the **Cedar Junction MCI (Walpole)**, and delivered him to the Superintendent thereof with a copy of this warrant.

Deputy Sheriff, of said County
Officer of the Court named within.

County of Worcester
The Superior Court

AMENDED CONCURRENT MITTIMUS TO Cedar Junction MCI (Walpole)

Docket #WOCR2008-00120(1)

To the Sheriff of said County of **Worcester**, his deputies, the Officers hereinafter named and the Superintendent of the **Cedar Junction MCI (Walpole)**

GREETING:

Whereas, by the consideration of the Superior Court Department of the Trial Court for Criminal Business, holden at **Worcester** within and for the County of **Worcester**, on the **17th day of May** in the year of our Lord **2011**.

Jorge Zambrano (a/k/a, if any:) (DOB) 03/14/1981)

now in the custody of the Sheriff of said County of **Worcester**, convicted of the crime(S) of:

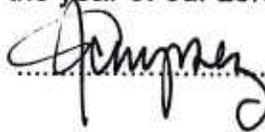
d/o 12/09/2007 COCAINE, TRAFFICKING IN c94C s32E(b) (2) 28-100 grams

for which crime the said **Jorge Zambrano** was sentenced to be confined in the **Cedar Junction MCI (Walpole)**.

The Court in imposing this sentence orders that the defendant **Jorge Zambrano** be deemed to have served **1258 DAYS** of said sentence in confinement awaiting disposition of this matter.

We therefore, **command you**, the said Sheriff, Deputies and Officers of the Court to remove the said **Jorge Zambrano** from the Jail in **Worcester** the said County of **Worcester**, to the **Cedar Junction MCI (Walpole)**, and **we command you**, the said Superintendent to receive the said **Jorge Zambrano** and immediately thereon to cause the said **defendant** to be confined therein for a term of **Six(6) to Six(6) years and One(1) day Cedar Junction concurrent with 07-675-1 as aforesaid. Execution stayed until 5/20/11.**

WITNESS, Barbara J. Rouse, Chief Justice of said Court and the seal thereof at **Worcester** aforesaid, this **17th day of May** in the year of our Lord **2011**.



Assistant Clerk

RETURN

Worcester, SS.

Worcester
2011

In obedience to the within warrant, I have conveyed the within named defendant to the Cedar Junction MCI (Walpole), and delivered him to the Superintendent thereof with a copy of this warrant.

Deputy Sheriff, of said County
Officer of the Court named within.

TIME : 10-28-2013 12:37
FAX NO.1 : 15088312368
NAME : SUP COURT CLERKS OFF

FILE NO. : 084
DATE : 10.28 12:34
TO : Worcester County Jail & HOC
DOCUMENT PAGES : 1
START TIME : 10.28 12:34
END TIME : 10.28 12:36
PAGES SENT : 1
STATUS : OK

SUCCESSFUL TX NOTICE

**County of Worcester
The Superior Court**

~~AMENDED~~ CONCURRENT MITTIMUS TO Cedar Junction MCI (Walpole)

Docket #WOCR2008-00120(1)

To the Sheriff of said County of Worcester, his deputies, the Officers hereinafter named and the Superintendent of the Cedar Junction MCI (Walpole)

GREETING:

Whereas, by the consideration of the Superior Court Department of the Trial Court for Criminal Business, holden at Worcester within and for the County of Worcester, on the 17th day of May in the year of our Lord 2011.

Jorge Zambrano (a/k/a, if any:) (DOB) 03/14/1981)

now in the custody of the Sheriff of said County of Worcester, convicted of the crime(S) of: d/o 12/09/2007 COCAINE, TRAFFICKING IN 0940 #32E (b) (2) (B) (1) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z) (AA) (AB) (AC) (AD) (AE) (AF) (AG) (AH) (AI) (AJ) (AK) (AL) (AM) (AN) (AO) (AP) (AQ) (AR) (AS) (AT) (AU) (AV) (AW) (AX) (AY) (AZ) (BA) (BB) (BC) (BD) (BE) (BF) (BG) (BH) (BI) (BJ) (BK) (BL) (BM) (BN) (BO) (BP) (BQ) (BR) (BS) (BT) (BU) (BV) (BW) (BX) (BY) (BZ) (CA) (CB) (CC) (CD) (CE) (CF) (CG) (CH) (CI) (CJ) (CK) (CL) (CM) (CN) (CO) (CP) (CQ) (CR) (CS) (CT) (CU) (CV) (CW) (CX) (CY) (CZ) (DA) (DB) (DC) (DD) (DE) (DF) (DG) (DH) (DI) (DJ) (DK) (DL) (DM) (DN) (DO) (DP) (DQ) (DR) (DS) (DT) (DU) (DV) (DW) (DX) (DY) (DZ) (EA) (EB) (EC) (ED) (EE) (EF) (EG) (EH) (EI) (EJ) (EK) (EL) (EM) (EN) (EO) (EP) (EQ) (ER) (ES) (ET) (EU) (EV) (EW) (EX) (EY) (EZ) (FA) (FB) (FC) (FD) (FE) (FF) (FG) (FH) (FI) (FJ) (FK) (FL) (FM) (FN) (FO) (FP) (FQ) (FR) (FS) (FT) (FU) (FV) (FW) (FX) (FY) (FZ) (GA) (GB) (GC) (GD) (GE) (GF) (GG) (GH) (GI) (GJ) (GK) (GL) (GM) (GN) (GO) (GP) (GQ) (GR) (GS) (GT) (GU) (GV) (GW) (GX) (GY) (GZ) (HA) (HB) (HC) (HD) (HE) (HF) (HG) (HH) (HI) (HJ) (HK) (HL) (HM) (HN) (HO) (HP) (HQ) (HR) (HS) (HT) (HU) (HV) (HW) (HX) (HY) (HZ) (IA) (IB) (IC) (ID) (IE) (IF) (IG) (IH) (II) (IJ) (IK) (IL) (IM) (IN) (IO) (IP) (IQ) (IR) (IS) (IT) (IU) (IV) (IW) (IX) (IY) (IZ) (JA) (JB) (JC) (JD) (JE) (JF) (JG) (JH) (JI) (JJ) (JK) (JL) (JM) (JN) (JO) (JP) (JQ) (JR) (JS) (JT) (JU) (JV) (JW) (JX) (JY) (JZ) (KA) (KB) (KC) (KD) (KE) (KF) (KG) (KH) (KI) (KJ) (KK) (KL) (KM) (KN) (KO) (KP) (KQ) (KR) (KS) (KT) (KU) (KV) (KW) (KX) (KY) (KZ) (LA) (LB) (LC) (LD) (LE) (LF) (LG) (LH) (LI) (LJ) (LK) (LL) (LM) (LN) (LO) (LP) (LQ) (LR) (LS) (LT) (LU) (LV) (LW) (LX) (LY) (LZ) (MA) (MB) (MC) (MD) (ME) (MF) (MG) (MH) (MI) (MJ) (MK) (ML) (MM) (MN) (MO) (MP) (MQ) (MR) (MS) (MT) (MU) (MV) (MW) (MX) (MY) (MZ) (NA) (NB) (NC) (ND) (NE) (NF) (NG) (NH) (NI) (NJ) (NK) (NL) (NM) (NN) (NO) (NP) (NQ) (NR) (NS) (NT) (NU) (NV) (NW) (NX) (NY) (NZ) (OA) (OB) (OC) (OD) (OE) (OF) (OG) (OH) (OI) (OJ) (OK) (OL) (OM) (ON) (OO) (OP) (OQ) (OR) (OS) (OT) (OU) (OV) (OW) (OX) (OY) (OZ) (PA) (PB) (PC) (PD) (PE) (PF) (PG) (PH) (PI) (PJ) (PK) (PL) (PM) (PN) (PO) (PP) (PQ) (PR) (PS) (PT) (PU) (PV) (PW) (PX) (PY) (PZ) (QA) (QB) (QC) (QD) (QE) (QF) (QG) (QH) (QI) (QJ) (QK) (QL) (QM) (QN) (QO) (QP) (QQ) (QR) (QS) (QT) (QU) (QV) (QW) (QX) (QY) (QZ) (RA) (RB) (RC) (RD) (RE) (RF) (RG) (RH) (RI) (RJ) (RK) (RL) (RM) (RN) (RO) (RP) (RQ) (RR) (RS) (RT) (RU) (RV) (RW) (RX) (RY) (RZ) (SA) (SB) (SC) (SD) (SE) (SF) (SG) (SH) (SI) (SJ) (SK) (SL) (SM) (SN) (SO) (SP) (SQ) (SR) (SS) (ST) (SU) (SV) (SW) (SX) (SY) (SZ) (TA) (TB) (TC) (TD) (TE) (TF) (TG) (TH) (TI) (TJ) (TK) (TL) (TM) (TN) (TO) (TP) (TQ) (TR) (TS) (TT) (TU) (TV) (TW) (TX) (TY) (TZ) (UA) (UB) (UC) (UD) (UE) (UF) (UG) (UH) (UI) (UJ) (UK) (UL) (UM) (UN) (UO) (UP) (UQ) (UR) (US) (UT) (UU) (UV) (UW) (UX) (UY) (UZ) (VA) (VB) (VC) (VD) (VE) (VF) (VG) (VH) (VI) (VJ) (VK) (VL) (VM) (VN) (VO) (VP) (VQ) (VR) (VS) (VT) (VU) (VV) (VW) (VX) (VY) (VZ) (WA) (WB) (WC) (WD) (WE) (WF) (WG) (WH) (WI) (WJ) (WK) (WL) (WM) (WN) (WO) (WP) (WQ) (WR) (WS) (WT) (WU) (WV) (WW) (WX) (WY) (WZ) (XA) (XB) (XC) (XD) (XE) (XF) (XG) (XH) (XI) (XJ) (XK) (XL) (XM) (XN) (XO) (XP) (XQ) (XR) (XS) (XT) (XU) (XV) (XW) (XX) (XY) (XZ) (YA) (YB) (YC) (YD) (YE) (YF) (YG) (YH) (YI) (YJ) (YK) (YL) (YM) (YN) (YO) (YP) (YQ) (YR) (YS) (YT) (YU) (YV) (YW) (YX) (YZ) (ZA) (ZB) (ZC) (ZD) (ZE) (ZF) (ZG) (ZH) (ZI) (ZJ) (ZK) (ZL) (ZM) (ZN) (ZO) (ZP) (ZQ) (ZR) (ZS) (ZT) (ZU) (ZV) (ZW) (ZX) (ZY) (ZZ)

for which crime the said Jorge Zambrano was sentenced to be confined in the Cedar Junction MCI (Walpole).

The Court in imposing this sentence orders that the defendant Jorge Zambrano be deemed to have served 1268 DAYS of said sentence in confinement awaiting disposition of this matter.

We therefore, command you, the said Sheriff, Deputies and Officers of the Court to remove the said Jorge Zambrano from the Jail in Worcester the said County of Worcester, to the Cedar Junction MCI (Walpole), and we command you, the said Superintendent to receive the said Jorge Zambrano and immediately thereon to cause the said defendant to be confined therein for a term of Six(6) to Six(6) years and One(1) day Cedar Junction concurrent with 07-675-1 as aforesaid. Execution stayed until 5/20/11.

WITNESS, Barbara J. Rouse, Chief Justice of said Court and the seal thereof at Worcester aforesaid, this 17th day of May in the year of our Lord 2011.

Assistant Clerk

RETURN

Worcester, SS.

Worcester

In obedience to the within warrant, I have conveyed the within named defendant to the Cedar Junction MCI (Walpole), and delivered him to the Superintendent thereof with a copy of this warrant.

Deputy Sheriff, of said County
Officer of the Court named within.

TIME : 10-31-2013 14:40
FAX NO.1 : 15088312368
NAME : SUP COURT CLERKS OFF

FILE NO. : 148
DATE : 10.31 14:39
TO : 919784056136
DOCUMENT PAGES : 1
START TIME : 10.31 14:39
END TIME : 10.31 14:40
PAGES SENT : 1
STATUS : OK

SUCCESSFUL TX NOTICE

**Commonwealth of Massachusetts
County of Worcester
The Superior Court**

KCH

AMENDED CONCURRENT MITTIMUS TO Cedar Junction MCI (Walpole)

Docket #WOCR2008-00120(1)

To the Sheriff of said County of Worcester, his deputies, the Officers hereinafter named and the Superintendent of the Cedar Junction MCI (Walpole)

GREETING:

Whereas, by the consideration of the Superior Court Department of the Trial Court for Criminal Business, holden at Worcester within and for the County of Worcester, on the 17th day of May in the year of our Lord 2011.

Jorge Zambrano (a/k/a, if any:) (DOB) 03/14/1981)

now in the custody of the Sheriff of said County of Worcester, convicted of the crime(S) of: d/o 12/09/2007 COCAINE, TRAFFICKING IN a94C a32E (b) (2) 28-100 (a-a)

for which crime the said Jorge Zambrano was sentenced to be confined in the Cedar Junction MCI (Walpole).

The Court in imposing this sentence orders that the defendant Jorge Zambrano be deemed to have served 1258 DAYS of said sentence in confinement awaiting disposition of this matter.

We therefore, command you, the said Sheriff, Deputies and Officers of the Court to remove the said Jorge Zambrano from the Jail in Worcester the said County of Worcester, to the Cedar Junction MCI (Walpole), and we command you, the said Superintendent to receive the said Jorge Zambrano and immediately thereon to cause the said defendant to be confined therein for a term of Six(6) to Six(6) years and One(1) day Cedar Junction concurrent with 07-675-1 as aforesaid. Execution stayed until 5/20/11.

WITNESS, Barbara J. Rouse, Chief Justice of said Court and the seal thereof at Worcester aforesaid, this 17th day of May in the year of our Lord 2011.

Assistant Clerk

RETURN

Worcester, SS.

Worcester

In obedience to the within warrant, I have conveyed the within named defendant to the Cedar Junction MCI (Walpole), and delivered him to the Superintendent thereof with a copy of this warrant.

Deputy Sheriff, of said County
Officer of the Court named within.

W98668

Commonwealth of Massachusetts
County of Worcester
The Superior Court

CONCURRENT MITTIMUS TO Cedar Junction MCI (Walpole)

Docket #WOCR2008-00120(1)

To the Sheriff of said County of **Worcester**, his deputies, the Officers hereinafter named and the Superintendent of the **Cedar Junction MCI (Walpole)**

GREETING:

Whereas, by the consideration of the Superior Court Department of the Trial Court for Criminal Business, holden at **Worcester** within and for the County of **Worcester**, on the **17th day of May** in the year of our Lord **2011**.

Jorge Zambrano (a/k/a, if any:) (DOB) 03/14/1981)

now in the custody of the Sheriff of said County of **Worcester**, convicted of the crime(S) of:
d/o 12/09/2007 COCAINE, TRAFFICKING IN c94C s32E(b)(2) 28-100 grams

for which crime the said **Jorge Zambrano** was sentenced to be confined in the **Cedar Junction MCI (Walpole)**.

The Court in imposing this sentence orders that the defendant **Jorge Zambrano** be deemed to have served **1258 DAYS** of said sentence in confinement awaiting disposition of this matter.

We therefore, **command you**, the said Sheriff, Deputies and Officers of the Court to remove the said **Jorge Zambrano** from the Jail in **Worcester** the said County of **Worcester**, to the **Cedar Junction MCI (Walpole)**, and **we command you**, the said Superintendent to receive the said **Jorge Zambrano** and immediately thereon to cause the said defendant to be confined therein for a term of **Six(6) to Six(6) years and One(1) day Cedar Junction concurrent with 07-675-1 as aforesaid. Execution stayed until 5/20/11.**

WITNESS, Barbara J. Rouse, Chief Justice of said Court and the seal thereof at Worcester aforesaid, this 17th day of May in the year of our Lord 2011.

Assistant Clerk

RETURN

Worcester, SS.

Worcester
2011

In obedience to the within warrant, I have conveyed the within named defendant to the Cedar Junction MCI (Walpole), and delivered him to the Superintendent thereof with a copy of this warrant.

Deputy Sheriff, of said County
Officer of the Court named within.

MA Department of Correction
Date Computation Unit

Sob
Initials