



COMMONWEALTH OF MASSACHUSETTS
 WORCESTER COUNTY
 Docket Report

0785CR00675

Commonwealth vs. Zambrano, Jorge

CASE TYPE: Indictment	FILE DATE: 04/06/2007
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

DCM TRACK		
Tickler Description	Due Date	Completion Date
Pre-Trial Hearing	06/15/2007	05/17/2011
Final Pre-Trial Conference	11/28/2007	05/17/2011
Case Disposition	12/12/2007	05/17/2011

PARTIES		
Prosecutor Commonwealth	Attorney for the Commonwealth Hodgens, Christopher Paul Office of the District Attorney Office of the District Attorney Courthouse 225 Main Street Worcester, MA 01808 Work Phone (508) 755-8601 Added Date: 05/09/2007	561513
Defendant Zambrano, Jorge 70 Southbridge Street Apt. 805 Worcester, MA 01808	Appointed - Indigent Defendant Clifford, Peter B Massachusetts Bar 25 Harvard Street Worcester, MA 01609 Work Phone (508) 757-8338 Added Date: 04/08/2011	548409



COMMONWEALTH OF MASSACHUSETTS
WORCESTER COUNTY
Docket Report

PARTY CHARGES					
#	Offense Date/ Charge	Code	Town	Disposition	Disposition Date
1	09/19/2006 COCAINE, TRAFFICKING IN c94C §32E(b)	94C/32E/A-0	Worcester	Gilty of Lesser Included Offense	05/17/2011
2	09/19/2006 COCAINE, POSSESS TO DISTRIBUTE, SUBSQ. c94C §32A(d)	94C/32A/D-0	Worcester	Gilty	05/17/2011
3	09/19/2006 RESIST ARREST c268 §32B	268/32B-0	Worcester	Gilty	05/17/2011
4	09/19/2006 SILENCER, SELL/USE/POSSESS FIREARM c269 §10A	269/10A-0	Worcester	Gilty	05/17/2011



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EVENT				
Date	Session	Event	Result	Resulting Judge
05/21/2007	Criminal 1	Arraignment	Rescheduled	
06/15/2007	Criminal 1	Arraignment	Held as Scheduled	
07/13/2007	Criminal 1	Pre-Trial Conference	Held as Scheduled	
08/29/2007	Criminal 1	Evidentiary Hearing on Suppression	Rescheduled	
09/10/2007	Criminal 1	Hearing for Change of Plea	Rescheduled	
10/17/2007	Criminal 1	Hearing for Change of Plea	Not Held	
11/06/2007	Criminal 1	Status Review	Held as Scheduled	
12/21/2007	Criminal 1	Non-Evidentiary Hearing on Suppression	Not Held	
01/30/2008	Criminal 1	Status Review	Held as Scheduled	
02/11/2008	Criminal 1	Bail Review (58A)	Held as Scheduled	
02/15/2008	Criminal 1	Bail Review (58A)	Held as Scheduled	
02/21/2008	Criminal 1	Status Review	Held as Scheduled	
02/25/2008	Criminal 1	Status Review	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	
06/11/2008	Criminal 1	Status Review	Held as Scheduled	
07/23/2008	Criminal 1	Evidentiary Hearing on Suppression	Rescheduled	
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	Status Review	Not Held	
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	Status Review	Rescheduled	
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11/13/2009	Criminal 1	Status Review	Held as Scheduled
01/08/2010	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	Rescheduled
05/14/2010	Criminal 1	Hearing for Change of Plea	Rescheduled
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	Jury Trial	Canceled
07/09/2010	Criminal 1	Status Review	Rescheduled
07/16/2010	Criminal 1	Status Review	Rescheduled
09/15/2010	Criminal 1	Hearing for Change of Plea	Held as Scheduled
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
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04/08/2011	Criminal Trials	Non-Evidentiary Hearing	Held as Scheduled
05/04/2011	Criminal 1	Hearing RE: Discovery Motion(s)	Held as Scheduled
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FINANCIAL SUMMARY

No Financial Data for this report

Deposit Account(s) Summary	Received	Applied	Checks Paid	Balance
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COMMONWEALTH OF MASSACHUSETTS
WORCESTER COUNTY
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INFORMATIONAL DOCKET ENTRIES			
Date	Ref	Description	Judge
04/08/2007	1	Indictment returned	
05/15/2007		Summons for arraignment issued ret 5/21/07	
06/15/2007		Def't arraigned before Court	
06/15/2007		Assigned to Track "A", see scheduling order	
06/15/2007		Tracking deadlines Active since return date	
06/15/2007		RE Offense 1:Plea of not guilty	
06/15/2007		RE Offense 2:Plea of not guilty	
06/15/2007		RE Offense 3:Plea of not guilty	
06/15/2007		RE Offense 4:Plea of not guilty	
06/15/2007	2	Appearance of Def't's Atty: David L Cataldo	
06/15/2007		Bail set: \$50,000.00 with surety or \$5,000.00 cash (Botsford, Justice)	
10/03/2007		Bail satisfied in the amount of \$5,000.00, BB#7087, Surety: Yolanda Field, 204 Norfolk Street, Worcester, MA 01604 - 2/19/08 Notice to pick up bail - 3/27/08 Ck #5733 in the amount of \$5,000.00 returned to surety	
02/15/2008		Bail set after Sec. 58A review: \$10,000.00 Cash or \$100,000.00 surety (Kathe M. Tuttleman, JSC)	
02/15/2008		Bail set: \$100,000.00 w/surety or \$10,000.00 cash -Bail was revoked in Central District Court (Kathe Tuttleman, Justice)	
09/22/2008	3	Defendant files MOTION to continue Hearing: Motion to 11/13/2008	
05/27/2010	4	MOTION by Def't: for in camera hearing	
05/27/2010	5	Defendant's MOTION to suppress evidence, & Affidavit	
07/15/2010	6	Defendant files MOTION to continue Conference: Status Review on 7/16/10 to Plea Change on 9/15/10	
09/08/2010	7	Defendant files MOTION to continue Hearing: Non-Evidentiary -Suppression on 9/15/10 to Hearing:Plea Change on 11/2/10	
10/20/2010	8	Defendant files MOTION to continue Hearing: Plea Change on 11/2/10 to Hearing:Moton on 12/1/10 (ALLOWED) (McCann, J)	
12/08/2010	9	Def't files multiple affidavits	
12/09/2010	10	Def't files copy of letter to Atty Cataldo regarding case	
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02/08/2011	13	Amicus Curiae MOTION by Def't: for subpoena for production of documentary evidence, & Affidavit	
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Docket Report

04/08/2011		MOTION (P#14) allowed (Janet Kenton-Walker) - Atty Clifford appointed
04/08/2011		Appointment of Counsel Peter B Clifford, pursuant to Rule 63
05/17/2011		RE Offense 1:GUILTY Plea as agreed upon (Leaser offense) Trafficking Cocaine (28-100) grams
05/17/2011		RE Offense 2:GUILTY plea as agreed upon
05/17/2011		RE Offense 3:GUILTY plea as agreed upon
05/17/2011		RE Offense 4: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 warned per Chapter 22E Sec. 3 of DNA
05/17/2011		Defendant sentenced to Offense#1- Seven(7) to Seven(7) years and One(1) day Cedar Junction, Offense#2- Seven(7) to Seven(7) years and One(1) day Cedar Junction concurrent with 07-675-1, Offense#3&4- Two 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: 1637 days
05/17/2011		All Fees: waived (Lemire, J)
05/17/2011		Defendant warned of potential loss of license.
05/17/2011	16	Notified of right of appeal under Rule 64
05/17/2011		Bail: Defendant held without bail (Lemire, J)
05/17/2011		Sentence stayed until 5/20/2011 (James R. Lemire, Justice)
05/17/2011		Abstract sent to RMV
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<p>Prosecutor Commonwealth</p>	<p>Attorney for the Commonwealth 561513 Hodgens, Christopher Paul Office of the District Attorney Office of the District Attorney Courthouse 225 Main Street Worcester, MA 01608 Work Phone (508) 755-8601 Added Date: 05/09/2007</p>
<p>Defendant Zambrano, Jorge 70 Southbridge Street Apt. 805 Worcester, MA 01608</p>	<p>Appointed - Indigent Defendant 548409 Clifford, Peter B Massachusetts Bar 25 Harvard Street Worcester, MA 01609 Work Phone (508) 757-8338 Added Date: 04/08/2011</p>



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05/17/2011		RE Offense 3: Guilty plea as agreed upon
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05/17/2011		Defendant warned per Chapter 22E Sec. 3 of DNA
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12/29/2011		Docket sheet mailed to Defendant per his request

0675

CASE NO. 07-

CLERK'S LOG

COMMONWEALTH vs.

Jorge Zamboni

NOTICE GIVEN TO DEFENDANT BY COURT
 Def. warned per c.278, s29D
 VWF \$ _____ DRUG FEE \$ _____
 RMV _____ SEX OFF _____ DNA _____
 Probation fee \$ _____ Warrant fee \$ _____
RIGHT OF APPEAL
 Assistant District Attorney
 Attorney for Defendant

 DATE JUDGE PROCEDURE CLERK CRT RPTR

11/13/08	Zamboni	PTC-H	dispo 12/17/08	KG/SR	JK
12/17/08	Agnes	Stat	2/4/09 disp	KG/SR	JK
2/14/09	Mc Conn	PTC-H	C315109	KG/GO	CP
3/5/09	Zamboni	PTC-H	dispo 4/29/09	KG/GO	JK
4/29/09	"	PTC-H	Stat 5/18/09	KG/GO	JK
5/18/09	"	PTC-H	MS 7/14/09 1 day	KG	JK
7/14/09	"	MS not Held	MS 8/12/09 1 hr	KG/GO	JK
10/13/09	Zamboni	PTC-H	Stat 11/13/09	KG/GO	JK
11/13/09	"	C.11/6/10 S		BD	ANS18
1/6/10	Zamboni	PTC-H	Stat 2/8/10	KG/GO	JK
2/8/10	JKW	PTC-H	Stat 2/25/10	KG/GO	JK
2/25/10	Agnes	PTC-H	FPTC- 4/9/10 T 6/7/10	KG/GO	JK
4/9/10	Zamboni	PTC-H	Stat 4/12/10	KG/GO	JK
4/12/10	Zamboni	PTC-H	C dispo 6/17/10	KG/GO	JK
5/19/10	Agnes	PTC-H	Stat 5/20/10	KG/GO	JK
5/20/10	Agnes	PTC-H	Stat/dispo 5/27/10	KG/GO	JK
5/27/10	Mc Conn	PTC-H	M 7/9/10	KG/SB	JK
1/10/11	Agnes	PTC-H	Stat 1/28/11	KG/SB	JK
1/28/11	Agnes	PTC-H	MS 3/30/11	KG/GO	JK
3/30/11	Zamboni	PTC-H	MS/Final Hearing 3/30/11, T 5/23/11	KG/GO	JK
5/4/11	"	C.51/23/11 T		"	CD
5/17/11	Zamboni	96 94C-32 E(6) (2)	Traffic Cocaine (28-100 7-7, 1 day C) 1637 900 W F 150 Dry Court Right of appeal Agnes from Pleas Ex 5/20/11 Held up Bond all Fee's waived	KG/GO	CP

"AFFIDAVIT"

07-675 a ✓

DOCKET NO: WOCR2007-00675

DEFENSE SWORN STATEMENT of: Jorge Zambrano

I Jorge Zambrano hereby states, by and through the undersigned and Oath that... On or about 9-19-2006 Police conducted an execution of a Search Warrant BASED ON AN AFFIDAVIT that articulates specific CONTROLLED BUYS of which having received the Discovery in this case from the assistant District Attorney... NO DRUGS are, or were ever entered into the police evidence room or property chain of custody forms attached which indicates no drugs exist and therefore the PURPORTED CONTROL BUYS are fraudulent as sworn in the affidavit with complete disregard for the truth... and thereby striking any probable cause for the issuance of a Search Warrant both without CONTROL BUYS having taken place and the police intentionally disregarding the truth.

FILED

DEC 08 2010

ATTEST: [Signature] CLERK

"OATH"

I hereby declare under the pains and penalties of Perjury that all foregoing fact are true.

Dated: 11-26-10

Respectfully Submitted
Jorge Z
 Jorge Zambrano
 NSA#0091305
 5 Paul X-Timman Dr
 West Foulston, Ma 01905

"AFFIDAVIT"

DOCKET NO: WOCR2007-00675

DEFENSE SWORN STATEMENT OF: Jorge Zambrano

I, Jorge Zambrano hereby state, by and through the undersigned oath that... on 5-11-2006 I was at the Parole Office. I have never been taken into custody at 70 Southbridge St for any crime nor for a parole violation as stated in the Affidavit.

"OATH"

I hereby declare under the pains and penalties of perjury that all foregoing facts are true.

Dated: 11-26-10

FILED

DEC 08 2010

ATTEST:

Del M... CLERK

Respectfully Submitted

Jorge Zambrano
Jorge Zambrano

MSA#0091305

5 Paul X-Tivnan Dr
West Boylston, Ma 01583

"AFFIDAVIT"

DOCKET NO: WOER2007-00675

DEFENSE SWORN STATEMENT OF: Jorge Zambrano

I, Jorge Zambrano hereby state, by and through the undersigned Oath that...on or about August 28, 2006 there was an incident involving the CRI (Dona) that resides in 70 Southbridge St. Apt #201 in my building. I puzzled someone in stating, "they were there to pick up their Uncle. The incident led to police doing a search through all the front apartments looking for a perpetrator. I had no further contact with CRI "Dona" after that incident, who is protected by James Guittar and Worcester P.D. The management, Dona Faber has on numerous occasions tried to call police for traffic (Drug related) and disturbances, but attempts to remedy the problems with tenant Dona by Worcester P.D were ignored and unsuccessful, due to her being a Protected C.I.

"OATH"

I hereby declare under the pains and penalties of perjury that all foregoing facts are true.

Dated: 11-26-10

Respectfully Submitted,

Jorge Z

Jorge Zambrano

MSA#0091305

5 Paul X-Tivnan Dr

West Boylston, Ma 01583

FILED

DEC 08 2010

ATTEST: Del M... CLERK

David Cataldo, Esq.
484 Main Street
Worcester, Ma 01608

RE: COMMONWEALTH V. Jorge Zambrano

Docket NO: WOCR 2007-00675

Dear Cataldo,

I was going over my case with a friend of mine (Donnie Andre); that's going over or in interlockery appeals court over a Frank hearing case. He pointed out that my Affidavit that I previously sent you had to many points in it and advised me it's better to break each point in its own affidavit. I would like you to throw the previous one away and attach these to the Frank's motion that we will hopefully hear soon.

Sincerely,

Jorge Zambrano

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

FILED

DEC 08 2010

ATTEST: *Del M...* CLERK

C.C. Clerk of Ct.
Cataldo

WORCESTER, S. S.

WORCESTER SUPERIOR COURT
NO. WOCR2007-00675

151

COMMONWEALTH OF MASSACHUSETTS
V.
JORGE ZAMBRANO

DEFENDANT'S MOTION TO SUPPRESS EVIDENCE

The defendant on the above-entitled matter moves, pursuant to Mass. R. Crim. P. 13, that this Honorable court suppress from the use in evidence anything recovered as a result of a search and seizure made pursuant to Search Warrant 0662SW-197 issued from Worcester District Court. A copy of the warrant and affidavit are attached hereto.

A reasons therefore, when redacted of incorrect information, the application for the warrant to issue does not state grounds constituting probable cause as required by G. L. c. 276, sec. 1-4, art. 14 of the Declaration of Rights of the Constitution of the Commonwealth of Massachusetts and the Fourth Amendment and fourteenth Amendments to the Constitution of the United States. In addition, there was insufficient legally obtained probable cause to support the issuance of the search warrant.

Respectfully submitted



David Cataldo,
Attorney for the Defendant
BBO # 078900
484 Main Street, Suite 520
Worcester, MA 01608
508-799-4498



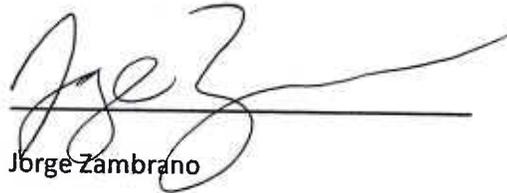
20 10 Filed in Court 5/27

Kevin M. Gillan
Attest Kevin M. Gillan
Assistant Clerk-Magistrate

AFFIDAVIT

1. My name is Jorge Zambrano.
2. On the 19th of September, 2006, I lived at 70 Southbridge Street, Apartment 1006.
3. On September 19, 2006, my apartment was searched.
4. I have reviewed the warrant, application and affidavit and believe that it contains errors.
5. I was never arrested at that apartment for a parole violation, as stated in the affidavit.
6. I believe I know the informant to be a person who lives in the building.
7. I had a problem with this person just prior to August 28, 2006 where the police were called.
8. I have had no contact with this person since August 28, 2006.
9. I did not speak to this person on the telephone on the two dates alleged in the affidavit which was after August 28, 2006.

Signed under penalties of perjury.



Jorge Zambrano

SEARCH WARRANT

G.L. c. 276, §§ 1-7

DISTRICT COURT OF MASSACHUSETTS	
District Worcester	COURT DEPARTMENT DIVISION
SEARCH WARRANT DOCKET NUMBER <i>0662 SUD 197</i>	

TO THE SHERIFFS OF OUR SEVERAL COUNTIES OR THEIR DEPUTIES, ANY STATE POLICE OFFICER, OR ANY CONSTABLE OR POLICE OFFICER OF ANY CITY OR TOWN, WITHIN OUR COMMONWEALTH:

Proof by affidavit, which is hereby incorporated by reference, has been made this day and I find that there is **PROBABLE CAUSE** to believe that the property described below:

- has been stolen, embezzled, or obtained by false pretenses.
- is intended for use or has been used as the means of committing a crime.
- has been concealed to prevent a crime from being discovered.
- is unlawfully possessed or concealed for an unlawful purpose.
- is evidence of a crime or is evidence of criminal activity.
- other (specify) _____

YOU ARE THEREFORE COMMANDED within a reasonable time and in no event later than seven days from the issuance of this search warrant to search for the following property:

Cocaine, a Class B controlled substance, as defined by M.G.L. Ch 94C. All materials, products, and equipment of any kind which are used or intended for use, in manufacturing, processing, delivering, dispensing, distribution, importing and/or exporting cocaine. All books, records, and documents, which are used or intended for use in violation of Ch. 94C of M.G.L. including bank records and books, safety deposit boxes, records and keys. All money used or intended for use, in the procurement and/or illegal distribution of cocaine, and any documents pertaining to the occupancy of 70 Southbridge St., apt. 1006, Worcester, MA.

at:
70 Southbridge St., apartment 1006, Worcester, MA. Regency Suites Apartments, a multi unit building. To include all entries, exits, attics, storage sheds, and basements associated with the apartment.

which is occupied by and/or in the possession of: Jorge Zambrano, dob 3-14-81,
ss# 593-70-5052, a H/M, approx. 5'9" tall, medium build, brown hair, brown eyes.

on the person or in the possession of:
same as above

You are are not also authorized to conduct the search at any time during the night.

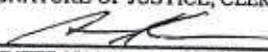
You are are not also authorized to enter the premises without announcement.

You are are not also commanded to search any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

YOU ARE FURTHER COMMANDED if you find such property or any part thereof, to bring it, and when appropriate, the persons in whose possession it is found before the

Worcester Division of the District Court Department.

DATE ISSUED: September 12, 2006

SIGNATURE OF JUSTICE, CLERK-MAGISTRATE OR ASSISTANT CLERK


FIRST OR ADMINISTRATIVE JUSTICE
WITNESS: **PAUL F. LOCONTO**

PRINTED NAME OF JUSTICE, CLERK-MAGISTRATE OR ASSISTANT CLERK
Brandon F. Loconto



NAME OF APPLICANT

James Guittar

District

Worcester

COURT DEPARTMENT

DIVISION

POSITION OF APPLICANT

Police Officer

SEARCH WARRANT DOCKET NUMBER

0662 SW-197

I, the undersigned APPLICANT, being duly sworn, depose and say that:

1. I have the following information based upon the attached affidavit(s), consisting of a total of 3 pages, which is (are) incorporated herein by reference.

2. Based upon this information, there is PROBABLE CAUSE to believe that the property described below:

- has been stolen, embezzled, or obtained by false pretenses.
- is intended for use or has been used as the means of committing a crime.
- has been concealed to prevent a crime from being discovered.
- is unlawfully possessed or concealed for an unlawful purpose.
- is evidence of a crime or is evidence of criminal activity.
- other. (specify) _____

3. I am seeking the issuance of a warrant to search for the following property (describe the property to be searched for as particularly as possible):

Cocaine, a Class B controlled substance, as defined by M.G.L. Ch 94C. All materials, products, and equipment of any kind which are used or intended for use, in manufacturing, processing, delivering, dispensing, distribution, importing and/or exporting cocaine. All books, records, and documents, which are used or intended for use in violation of Ch. 94C of M.G.L. including bank records and books, safety deposit boxes, records and keys. All money used or intended for use, in the procurement and/or illegal distribution of cocaine, and any documents pertaining to the occupancy of 70 Southbridge St., apt. 1006, Worcester, MA.

4. Based upon this information, there is also probable cause to believe that the property maybe found (check as many as apply):

at (identify the exact location or description of the place(s) to be searched):

70 Southbridge St., apartment 1006, Worcester, MA. Regency Suites Apartments, a multi unit building. To include all entries, exits, attics, storage sheds, and basements associated with the apartment.

which is occupied by and/or in the possession of: Jorge Zambrano, dob 3-14-81,

ss# 593-70-5052, a H/M, approx. 5'9" tall, medium build, brown hair, brown eyes.

on the person or in the possession of (identify any specific person(s) to be searched): same as above

on any person present who may be found to have such property in his or her possession or under his or her control or to whom such property may have been delivered.

THEREFORE, I respectfully request that the court issue a Warrant and order of seizure, authorizing the search of the above described place(s) and person(s), if any, to be searched, and directing that such property or evidence or any part thereof, if found, be seized and brought before the court, together with such other and further relief that the court may deem proper.

I have previously submitted the same application.

I have not previously submitted the same application.

PRINTED NAME OF APPLICANT

x James Guittar

SIGNED UNDER THE PENALTIES OF PERJURY

X [Signature] Signature of Applicant

SWORN AND SUBSCRIBED TO BEFORE

X [Signature] Signature of Justice, Clerk-Magistrate or Assistant Clerk

9/12/06 DATE

AFFIDAVIT

IN SUPPORT OF APPLICATION
FOR SEARCH WARRANT

SEARCH WARRANT DOCKET NUMBER

0662-54-197

TRIAL COURT OF MASSACHUSETTS



The under signed affiant, James Guittar is a Police Officer for the City of Worcester. I have been so employed by the City of Worcester for approximately twelve years, the last four years I have been assigned to the Vice-Unit. Prior to my assignment to the Worcester Vice Unit, I was assigned to the Worcester Gang Unit for three years. My primary function as a Police Officer in the Vice Unit is to conduct investigations for violations of Chapter 94C of the Massachusetts General Laws. During my time with the Worcester Police Vice Unit I have been involved in excess of five hundred arrests for violation of these specific General Laws. Since October of 1998 I have participated in excess of two hundred and fifty investigations and search warrants as they relate to violations of the controlled substance act for Heroin, Cocaine and Marijuana. Finally, I have received training and instruction from the Worcester Police Department Academy and over 100 hours of classroom and practical training given by The Drug Enforcement Agency relating to the practices, methods, devices, customs and routines commonly used by persons engaged in the business of using, transporting and distribution of controlled substances, including Heroin, Cocaine and Marijuana.

On or about the week of August 28, 2006, this officer met with a confidential reliable informant. This informant has supplied information to this affiant and other members of the vice-unit that has proven to be true, reliable and accurate. This informant has made it known to me that based on his/her associations with persons who buy sell controlled substances, if it became known that he/she was cooperating with the police, that his/her life would be endangered. Based on my conversations with this CI it is obvious that this CI is familiar with the pricing packaging and methods of narcotics. This officer knows this informant's true address and identity. This officer also knows that this informant is heroin and cocaine dependant. This informant has made numerous controlled buys in support of obtaining search warrants were individuals were arrested and convicted, drugs were confiscated and money was seized.

For further paragraphs this informant shall be referred to as CRI. On September 2002, CRI provided information that a subject was selling heroin from an address in Worcester, Ma. As a result of that information, a search warrant was executed at that address. As a result of this search warrant, 25 packets of heroin were confiscated. The target of the search warrant was arrested and charged with illegal possession of a class a substance with intent to distribute and convicted on said charge in Worcester Central District Court.

On October 2002, CRI provided information that a particular subject was selling crack cocaine from an address in Worcester, Ma. As a result of this information, a search warrant was executed at that address. As a result of this search warrant, a small quantity of crack cocaine, marijuana, packaging material and United States currency were confiscated. The target of the search warrant was arrested and charged with illegal possession of a class b substance with intent to distribute, possession of a class b substance within 1000 ft of a school zone and illegal possession of a class d substance. The subject was later convicted of these charges in Worcester Central District Court.

In July 2003, CRI provided information that a subject was dealing heroin at a location in Worcester, Ma. CRI gave a detailed description of the individual. Shortly thereafter, the subject was located and found to have on his/her person, ten packets of heroin, five cut corner bags containing crack cocaine and an amount of United States currency. The subject was arrested and charged with the following: illegal possession of a class a substance with intent to distribute, illegal possession of a class b substance with intent to distribute and two counts of possession within 1000 ft of a school zone. This subject is currently in default in Worcester Central District Court.

PRINTED NAME OF AFFIANT

Officer James Guittar

SIGNED UNDER THE PENALTIES OF PERJURY

X

Signature of Affiant

SWORN AND SUBSCRIBED TO BEFORE

X

Signature of Justice, Clerk-Magistrate or Assistant Clerk

9/12/06

DATE

AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR SEARCH WARRANT

SEARCH WARRANT DOCKET NUMBER

0662-SW-197

TRIAL COURT OF MASSACHUSETTS



During the week of August 28, 2006, CRI gave me information that he/she had been purchasing crack cocaine from a Hispanic male known to him/her by the street name "Jorge". CRI described "Jorge" as a Hispanic male in his mid twenties, medium build, approximately 5'9" tall, dark hair, brown eyes and having a slight beard. CRI stated that prior to meeting "Jorge", he/she would dial (508) 963-0749 and arrange a meet location in order to purchase crack cocaine from "Jorge". CRI stated to this affiant that he/she would also meet "Jorge" inside of his apartment, which was located at 70 Southbridge St apartment 1006 in the City of Worcester Ma in order to purchase crack cocaine. CRI stated that on those occasions, he/she would go in the front door of 70 Southbridge St, Regency Suites apartments. Once inside of the building, he/she would go to the elevator and get in. CRI would then ride the elevator to the tenth floor and exit. Once on the tenth floor CRI would knock on the door of apartment 1006 and be let inside by the Hispanic male known to him/her as "Jorge". Once inside of apartment 1006 CRI would purchase crack cocaine from "Jorge". CRI also informed this affiant that on numerous occasions he/she had observed "Jorge" in possession of large amounts of crack cocaine for sale inside of 70 Southbridge St apartment 1006.

I asked CRI if he/she would be willing to make a purchase of crack cocaine from the Hispanic male known to him/her by the street name of "Jorge". CRI agreed to do so at a later date.

As part of this investigation, this affiant performed a routine address history of 70 Southbridge St, Regency Suites. On 05/11/2006, a Hispanic male named Jorge Zambrano DOB 03/14/81, was taken into custody at this location for parole violations. Also as part of this investigation I had conversation with Officer Thomas Bishop who informed me that he had received numerous complaints from residents regarding drug activity at 70 Southbridge St apartment 1006. Building residents were complaining of large amounts of foot traffic in and out of apartment 1006. Officer Bishop informed me that he had spoken with the management of 70 Southbridge St and that he was informed that the resident of apartment 1006 was Jorge Zambrano. This affiant printed a photo of Jorge Zambrano DOB 03/14/81.

During the week of September 4, 2006, this affiant spoke numerous times with CRI. CRI agreed to make a purchase of crack cocaine from the Hispanic male known to him/her as "Jorge".

Within 24 hours of September 6, 2006 this affiant met with CRI. CRI was thoroughly searched by a member of the Worcester Police Vice unit and found to have no money or controlled substances on his/her person. CRI was then handed a sum of United States currency and asked to purchase an amount of crack cocaine. The amount of money and the quantity of crack cocaine are being omitted to protect the identity of CRI. I then observed CRI place a phone call to "Jorge" by dialing (508) 963-0749. CRI was instructed by "Jorge" to come up to apartment 1006 at 70 Southbridge St. CRI proceeded directly to the front door of the Regency Suites located at 70 Southbridge St. I observed CRI enter the front door of 70 Southbridge St and proceed through the lobby towards the elevators. Within a short period of time I observed CRI exiting the front door of 70 Southbridge St. Members of the Vice Unit kept CRI under surveillance throughout the entire purchase. At no time did he/she speak or have contact with anyone other than the male known to him/her as "Jorge". CRI returned to my location and entered my vehicle. CRI handed me an amount of crack cocaine. CRI stated to me that he/she had just purchased the crack cocaine from the Hispanic male known to him/her as "Jorge". CRI further stated that he/she had gone inside the lobby of 70 Southbridge St and into the elevator up to the tenth floor where

PRINTED NAME OF AFFIANT
Officer James Guittar

SIGNED UNDER THE PENALTIES OF PERJURY

X

Signature of Affiant

SWORN AND SUBSCRIBED TO BEFORE

X

Signature of Justice, Clerk-Magistrate or Assistant Clerk

9/12/06
DATE

AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR SEARCH WARRANT

SEARCH WARRANT DOCKET NUMBER

TRIAL COURT OF MASSACHUSETTS



he/she exited and knocked on the door of apartment 1006. CRI stated that "Jorge" let him/her in to the apartment and that inside of apartment 1006 "Jorge" sold CRI an amount of crack cocaine. This affiant field-tested the quantity of crack cocaine that CRI just handed me and it tested positive for crack cocaine.

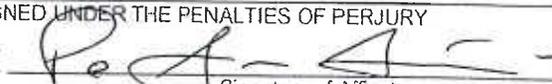
I then showed CRI a photograph of Jorge Zambrano DOB 03/14/81. CRI positively identified Zambrano as the Hispanic male that he/she knew as "Jorge". CRI went on to state that Zambrano was the individual that had just sold him/her a quantity of crack cocaine inside of apartment 1006 at 70 Southbridge St.

Within 24 hours of September 12, 2006, this affiant met once again with CRI. CRI had agreed to make another purchase of crack cocaine from "Jorge". CRI was thoroughly searched by a member of the Vice-Unit and found to have no money or contraband on his/her person. CRI was handed an amount of United States Currency and asked to make a purchase of crack cocaine from "Jorge". The amount of money and quantity of crack cocaine a being omitted in order to protect the identity of CRI. CRI exited my vehicle and proceeded to the front entrance of 70 Southbridge St. I observed CRI enter the front door of the building and proceed through the lobby towards the elevators. Within a short period of time I observed CRI exit 70 Southbridge and return to my location. Once inside of my vehicle CRI handed me an amount of crack cocaine that he/she had just purchased from "Jorge". I field-tested the crack cocaine that CRI had just handed me and it tested positive for crack cocaine. Upon conversing with CRI I was informed that once inside the building CRI entered the elevators and exited on the tenth floor. CRI then knocked on the door of apartment 1006 and was let in to the apartment by "Jorge". CRI stated that once inside of apartment 1006 CRI purchased an amount of crack cocaine from "Jorge" and then exited the apartment and the building returning to my location. Again I showed CRI a photo of Jorge Zambrano DOB 03/14/81. CRI positively identified Zambrano as the same Hispanic male known to him/her as "Jorge". CRI further stated that Zambrano was the same male that had just sold him/her a quantity of crack cocaine inside of 70 Southbridge St apartment 1006.

Based on information provided to this affiant and observations made by members of the Worcester Police Vice Unit, this affiant believes that crack cocaine is being kept for sale at 70 Southbridge St apartment 1006, Worcester Ma.

PRINTED NAME OF AFFIANT
Officer James Guittar

SIGNED UNDER THE PENALTIES OF PERJURY

x 
Signature of Affiant

SWORN AND SUBSCRIBED TO BEFORE

x 
Signature of Justice, Clerk-Magistrate or Assistant Clerk


DATE

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 April in the year of our Lord two thousand and seven.

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

That **Jorge Zambrano**

on the 19th day of September in the year of our Lord two thousand and six 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 one hundred grams or more, but less than two 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.

[Signature]
Foreperson of the Grand Jury.

[Signature]
Assistant District Attorney.

Superior Court

April, Sitting, 2007

19th day - Returned by the Grand Jury and filed in Court.

[Signature]
Assistant Clerk

CLERK'S LOG

COMMONWEALTH vs.

Jorge Zambrano

C. Hodgen
Assistant District Attorney

D. Catalano
Attorney for Defendant

DATE JUDGE PROCEDURE CLERK CRT RPTR

5/24/07	Casgrove	Ariz 6/15/07	KG/GD	JW
6/15/07	Batriford	PNJ \$50,000 w/ \$5000 cash 7/13/07	KG/GD	JE
7/13/07	Tuttman	PTC-H Film 7/27/07 MS 8/29/07	KG/GD	CP
8/29/07	"	PTC-H dupes 9/10/07	KG/GD	JW
10/17/07	Hoyan	PTC-H Stat 11/6/07	KG/GD	CP
11/6/07	McLann	PTC-H Non Evit MS 12/21/07	KG/GD	CP
12/21/07	"	PTC-H Stat 1/30/08	KG/GD	JW
1/30/08	Tuttman	PTC-4 Stat 2/21/08	KG/GD	CP
2/11/08	"	PTC-H Stat 2/21/08	KG/K2	JW
2/15/08	"	Bail Hearing Bail 100,000 w/ \$70,000 cash. Bail was revoked in CAC 2/21/08	KG/GD	JW
2/21/08	Tuttman	PTC-H C 2/25/08	KG/GD	JW
2/25/08	"	PTC-H C 3/11/08	KG/GD	JW
3/11/08	"	PTC-H Stat 4/10/08	KG/GD	JW
3/27/08		Case # 5733 in the amt of \$5,000 it'd to surety (w/la)		
4/10/08	Agnes	PTC-4 dupes 5/15/08	KG/GD	JW
5/15/08	Henry	PTC-H Stat 6/14/08	KG/GD	DR
6/14/08	McLann	PTC-H MS 7/23/08	KG/GD	DH
7/23/08	Casgrove	C. 8/21/08	"	"
8/21/08	Morality	PTC-H MS 2 hrs 10/3/08 Non Evit File 9/4/08	KG/SR	JE

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 April in the year of our Lord two thousand and seven.

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

That **Jorge Zambrano**

on the 19th day of September in the year of our Lord two thousand and six 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.

[Handwritten Signature]
Person of the Grand Jury.

[Handwritten Signature]
Assistant District Attorney.

Superior Court

April, Sitting, 2007

6th day -- Returned by the Grand Jury and filed in Court.

[Handwritten Signature]
Assistant Clerk

Commonwealth of Massachusetts
County of Worcester
The Superior Court

Criminal Docket #: **WOCR2007-00675**

RE: Commonwealth v Jorge Zambrano,
(alias)

TO: Jorge Zambrano
70 Southbridge Street Apt. 805
Worcester, MA 01608

SUMMONS ON ARRAIGNMENT

You are hereby **ORDERED** to appear before the Superior Court Department of the Trial Court for the transaction of criminal business,

at: **Worcester Superior Court, 2 Main Street, Room 21, Worcester, MA 01608-1176**

in: **Rm 204 (Worcester)**

on: **05/21/2007, 09:05 AM**

then and there to answer to the following charge(s):

- 09/19/2006 COCAINE, TRAFFICKING IN c94C s32E(b)
- 09/19/2006 COCAINE, POSSESS TO DISTRIBUTE, SUBSQ. c94C s32A(d)
- 09/19/2006 RESIST ARREST c268 s32B
- 09/19/2006 SILENCER, SELL/USE/POSSESS FIREARM c269 s10A

If you fail to appear in person at the scheduled time as ordered, a warrant may issue and you can be arrested. Your willful failure to appear is a contempt of court and a crime for which you may be punished by fine or imprisonment. Expenses incurred as a result of your default may be assessed against you as costs. You are also ordered to appear in person at the Superior Court probation office at said Courthouse before **05/21/2007**. Telephone that probation office at **508-770-1899, Ext. 164** for an appointment.

Witness: Barbara J. Rouse, Esquire, Chief Justice of the Superior Court at Worcester, this 15th day of May 2007.


.....
Assistant Clerk/Magistrate

RETURN

Worcester, ss.

Date: _____

In obedience to this summons, I have served the within named Jorge Zambrano, according to law.

.....
Officer of the Court

Disabled individuals who need handicap accommodations should contact the Administrative Office of the Superior Court at (617) 788-8130

County of Worcester
The Superior Court

Criminal Docket #: **WOCR2007-00675**

RE: Commonwealth v Jorge Zambrano,
(alias)

TO: Jorge Zambrano
70 Southbridge Street Apt. 805
Worcester, MA 01608

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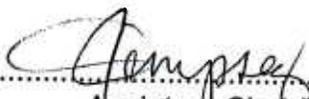
on: **05/21/2007, 09:05 AM**

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Witness: Barbara J. Rouse, Esquire, Chief Justice of the Superior Court at Worcester, this 15th day of May 2007.


.....
Assistant Clerk/Magistrate

RETURN

Worcester, ss.

Date: _____

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.....
Officer of the Court

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COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT
DEPARTMENT OF THE
TRIAL COURT
CRIMINAL ACTION

Commonwealth

No.

vs.

Jose Zuberos

NOTICE OF APPEARANCE

In the above entitled case I appear for

Jose Zuberos

David J. Catala

Attorney for Defendant

Address:

484 Main St.

Tel. No.

799 4498

DAVID CATALA

Print Name

BB0#

078900

Date:

6/15 2007

20

07

Filed in Court

6/15

Attest

Batsford

Kevin M. Gillan

Assistant Clerk-Magistrate

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

RE: Commonwealth v Zambrano, Jorge

TO: Christopher P Hodgens, Esquire
Worcester County District Atty's Office
2 Main Street
Courthouse Suite 220
Worcester, MA 01608

CRIMINAL DOCKET#: **WOCR2007-00675**

**SCHEDULING ORDER
CASE TRACKING DESIGNATION - A - Standard
(Presumptive Track Termination Date: 12/12/2007)**

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:	06/15/2007

<u>TO BE DETERMINED AT ARRAIGNMENT</u>	
2. Automatic Discovery by prosecution: <input type="checkbox"/> Received <input type="checkbox"/> Not Received <input type="checkbox"/> Partially Received	Due By: _____ Balance Due by: _____
3. Prosecutor's Certificate of Compliance due by:	_____
4. Pre-Trial conference: Habe requested: Yes No	7/30/07
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.)	9/13/07

<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)	12/12/07

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: 06/15/2007

By the Court, (Robert C. Cosgrove, Justice)
Dennis P. McManus
Clerk/Magistrate

cc: File copy

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

RE: Commonwealth v Zambrano, Jorge

CRIMINAL DOCKET#: WOCR2007-00675

TO: David L Cataldo, Esquire
Maynard & Cataldo
484 Main Street
Suite 520
Worcester, MA 01608

**SCHEDULING ORDER
CASE TRACKING DESIGNATION - A - Standard
(Presumptive Track Termination Date: 12/12/2007)**

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).

COURT HEARING/EVENT

EVENT DATE

1. Arraignment Date: 06/15/2007

TO BE DETERMINED AT ARRAIGNMENT

- | | |
|--|---|
| <p>2. Automatic Discovery by prosecution:
 <input type="checkbox"/> Received
 <input type="checkbox"/> Not Received
 <input type="checkbox"/> Partially Received</p> | <p>Due By: _____
 Balance Due by: _____</p> |
| <p>3. Prosecutor's Certificate of Compliance due by:</p> | <p>_____</p> |
| <p>4. Pre-Trial conference:
 Habe requested: Yes No</p> | <p>_____</p> <p style="text-align: center;">7/30/07</p> |
| <p>5. Contested Discovery Motions to be filed by:</p> <p style="margin-left: 20px;">a. Filing date</p> <p style="margin-left: 20px;">b. Hearing Date</p> | <p>_____</p> <p>_____</p> |
| <p>6. Pre-Trial Hearing: (Conference report must be filed on this date. Habe MUST issue.)</p> | <p>9/13/07</p> |

TO BE DETERMINED AT PRE-TRIAL HEARING

- | | |
|--|---------------------------|
| <p>7. Evidentiary/Dispositive motions to be filed by:</p> <p style="margin-left: 20px;">a. Filing Date</p> <p style="margin-left: 20px;">b. Hearing Date</p> | <p>_____</p> <p>_____</p> |
| <p>8. Final Pre-trial Conference: (Rule 36 issues will be reviewed, if necessary)</p> | <p>_____</p> |
| <p>9. Plea Date (if applicable)</p> | <p>_____</p> |
| <p>10. Trial Date: (Courtroom to be assigned)</p> | <p>12/12/07</p> |

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: 06/15/2007

By the Court, (Robert C. Cosgrove, Justice)
Dennis P. McManus
Clerk/Magistrate

cc: File copy

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 April in the year of our Lord two thousand and seven.

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

That **Jorge Zambrano**

on the 19th day of September in the year of our Lord two thousand and six at Worcester, in the County of Worcester aforesaid, did, without lawful authority, possess an instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm.

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

A true bill.

[Signature]
Foreperson of the Grand Jury.

[Signature]
Assistant District Attorney.

Superior Court

April, Sitting, 2007

6th 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 April in the year of our Lord two thousand and seven.

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

That **Jorge Zambrano**

on the **19th** day of **September** in the year of our Lord **two thousand and six** 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.


Foreperson of the Grand Jury.


Assistant District Attorney.

Superior Court

April, Sitting, 2007

6th day - Returned by the Grand Jury and filed in Court.


Assistant Clerk

NOTICE OF ASSIGNMENT OF COUNSEL

ASSIGNMENT NUMBER
c 4562696-5

COMMONWEALTH OF MASSACHUSETTS



DATE OF ASSIGNMENT

4/8/00

NAME OF ASSIGNING JUDGE

KENTON-WALKER

COURT DIVISION

JURY SESSION (Check Here)

NAME OF PERSON FOR WHOM COUNSEL ASSIGNED

Jorge Zambrano

#483
WORCESTER SUPERIOR COURT
2 MAIN STREET — RM. 21
WORCESTER, MA 01608

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

DOCKET NO.

CRIMINAL CASES—ENTER OFFENSE CODE OR CHAPTER & SECTION WITH CHARGE

OFFENSE CODE

CHAPTER

SECTION

CHARGE

A 07-695

94C

32c(b)

TRAFFICK COCAINE

B

94C

32

POSS to dist COCAINE, sub off

C

26B

32E

RESIST ARREST

D

E

F

NON-CRIMINAL CASES

- 1001 c.119, §52B(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
- 1025 Commitment Appeal c. 123, §9(a)
- 1007 SDP Review (c. 123A, §9)
- 1008 CHINS (c.119, §39F)
- 1009 Rogers
- 1010 Spring/Saikewicz
- 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, §524, 29)
- 1020 Disabled Persons (c.190, §7) Petition for Protective Services

THIS FORM IS NOT FOR GUARDIAN AD LITEM ASSIGNMENTS

NEXT COURT DATE / /

INCARCERATION STATUS

- Released
- Not Released
- Bail \$ _____ No Bail
- Serving Other Sentence
- Committed
- Not Applicable

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)

FOR:

- Bench or Jury Trial (T)
- Probable Cause (C)
- Pre-Trial (P)
- 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

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

Private Counsel Attorney
PLEASE PRINT

BBO# 548409
REQUIRED

NAME FIRST MIDDLE LAST

Peter Clifford
47 Harvard St

STREET

CITY

Worc MA

STATE

01609

TELEPHONE

508 757-8338

CRIMINAL CASE INFORMATION CONTACT: BAR ADVOCATE PROGRAM NO. _____
(SEE REVERSE SIDE FOR ADDRESS AND TELEPHONE NUMBER.)

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

Docket number 7-675

Inmate to be habed Jorge Zumbano

Event Conf - Plea Change

Date and time of appearance 9/15

Facility where inmate is held WCHC

Name of person making request D. Estel

Date of request 7/15

20 12 Filed in Court 7/15

Attest [Signature]
Assistant Clerk-Magistrate

10

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

Superior Court Department
Docket

7-678

Commonwealth of Massachusetts

v.
Jose Zabrano

Motion to Continue Event

Now comes the def and respectfully requests this Honorable
Court continue the following even currently scheduled for 7/16/10 to
9/15/10 for the reasons specified below:
Date Date

Event: Plea Change

Reason for Request _____

20 10 Filed in Court 7/15

Mary
Attest Kevin M. Miller

Assistant

Respectfully submitted,
[Signature]

Date: 7/16/10

Assented to by: _____

07-675
08-120
17

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

Superior Court Department
Docket _____

Commonwealth of Massachusetts

2 cases
\$

v.
Jorge 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: no
Reason for Request Schedule Conflict ✓

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

Respectfully submitted:
Dev 2 [Signature]
Date: 9/8/10

Assented to by: _____

8

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

Superior Court Department

Docket 08-120

07-675

Commonwealth of Massachusetts

v.

Sorge Zambardo

Motion to Continue Event

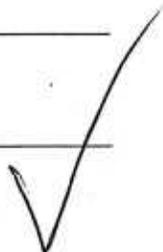
Now comes the De fendant and respectfully requests this Honorable

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

12-1-10 for the reasons specified below:
Date

Event: MOTIONS

Reason for Request atty confused not available



20 10 Filed in Court 10/19

Allamed-McLann J

Attest Karena Zora
Assistant Clerk

Assented to by: Chris Hodgens
(etc)

Respectfully submitted:
Mike B. Webb

Date: 10-19-10
548409

MOTION TO CONTINUE

~~REQUEST FOR HABE~~

Case name and number JORGE ZAMBRANO

7-675
8-120

Inmate to be habed SAME

Event SUPPRESSION HEARINGS

~~ORIGINAL DATE~~
~~Date and time of appearance~~ DEC. 1, 2010

~~NEW DATE~~
~~Facility where inmate is held~~ JAN. 10, 2011 2011



Name of person making request CHRISTOPHER P. HODGENS

Date of request NOV. 29, 2010

REASON : OFFICER HAD PRIOR TRAINING COMMITMENT

HABE ALSO PLEASE

↓
WORCESTER HC

BY AGREEMENT

DAVE CATALDO, ESQ.
PETER CLIFFORD, ESQ.
CHRIS HODGENS, ADA

20 10 Filed in Court 11/29

[Signature]
Attest [Signature]
Assistant Clerk-Magistrate

COMMONWEALTH of MASSACHUSETTS
TRIAL COURT
SUPERIOR COURT DEPARTMENT

12

WORC.55
Commonwealth
v.

Jorge Zambrano,
Defendant

Docket No: WOCRO7-00675

Amicus Curia

motion: Discharge counsel &
requesting appointment of
counsel

Now comes the defendant in an Amicus Curia
capacity to discharge counsel due to conflict of in-
terest and requesting a court appointed counsel due to
being indigent. (attached affidavit & inmate account)

Dated 1-9-11

Respectfully Submitted,

Jorge Zambrano

MSA0091305

5 Paul X-Tivnan Drive

W. Boylston, MA 01583

FILED

JAN 14 2011

ATTEST:

Del. Hall CLERK

Certificate of Service

I, Jorge Zambrano hereby certify on this the 11th day of January 2011, I sent a copy to the following via mail:

David Cataldo, Esq

484 Main Street

Worcester, Ma 01608

Worcester Trial Court

Superior Department

clerk of Court

225 Main Street

Worcester, MA 01608

Respectfully Submitted,

Jorge Zambrano

Jorge Zambrano

MSA 0091305

5 Paul X-Tivnan Drive

W. Boylston, MA 01583

COMMONWEALTH of MASSACHUSETTS
TRIAL COURT
SUPERIOR COURT DEPARTMENT

Docket No: WOCRO7-00675

AFFIDAVIT

I, Jorge Zambrano hereby declare under the pains and penalties of perjury that I have no assests, bank accounts, investment buisness, equitable dividends and or collect any state funded payments; still remain indigent.

Dated: 1-9-11

Respectfully Submitted,

Jorge Zambrano

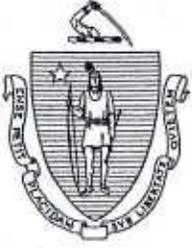
Jorge Zambrano

MSA0091305

5 Paul X-Tivnan Drive

w. Boylston, Ma 01583

Commonwealth of Massachusetts



OFFICE OF THE SHERIFF

COUNTY OF WORCESTER
JAIL AND HOUSE OF CORRECTION
5 PAUL X. TIVNAN DRIVE
WEST BOYLSTON, MASSACHUSETTS 01583
TELEPHONE (508) 854-1800
Fax (508) 856-0465
TTY (508) 854-1888

GUY W. GLODIS
SHERIFF AND SUPERINTENDENT

December 20, 2010

Re: Jorge Zambrano MSA0091305

To Whom It May Concern,

I hereby certify that the foregoing documents are a True and Accurate Copy Attest of the complete Account summary for Jorge Zambrano MSA0091305 for the period of February 8, 2010 through present.

Contents: 1 page

Signed under the pains and penalties of perjury this Twentieth day of December 2010.

A handwritten signature in cursive script that reads "Mary Ann Reynolds".

Mary Ann Reynolds
Budget Director

WORCESTER COUNTY SHERIFFS OFFICE

Resident Account Summary

Monday, December 20, 2010 @08:27

For MSA: MSA0091305 ZAMBRANO, JORGE

Date	Transaction Description	Amount	Balance	Owed	Held	Reference	
09/15/2010	EPR	OID:100018948-ComisaryPur	-13.46	0.39	0.00	0.00	09/15/2010
09/08/2010	EPR	OID:100018307-ComisaryPur	-36.44	13.85	0.00	0.00	09/08/2010
09/01/2010	ERF	OID:100017273-ComisaryRef	46.51	50.29	0.00	0.00	09/01/2010
08/25/2010	EPR	OID:100017273-ComisaryPur	-46.51	3.78	0.00	0.00	08/25/2010
08/21/2010	SECUREDEPOS	2009612824294257311	50.00	50.29	0.00	0.00	08/21/2010
08/18/2010	EPR	OID:100016670-ComisaryPur	-7.71	0.29	0.00	0.00	08/18/2010
08/11/2010	EPR	OID:100016042-ComisaryPur	-35.62	8.00	0.00	0.00	08/11/2010
08/05/2010	SECUREDEPOS	64436357	41.00	43.62	0.00	0.00	08/05/2010
08/04/2010	EPR	OID:100015480-ComisaryPur	-15.09	2.62	0.00	0.00	08/04/2010
07/28/2010	EPR	OID:100014827-ComisaryPur	-32.04	17.71	0.00	0.00	07/28/2010
07/23/2010	ERF	OID:100014257-ComisaryRef	3.45	49.75	0.00	0.00	07/23/2010
07/21/2010	EPR	OID:100014257-ComisaryPur	-74.10	46.30	0.00	0.00	07/21/2010
07/18/2010	SECUREDEPOS	66834161	20.00	120.40	0.00	0.00	07/18/2010
07/18/2010	SECUREDEPOS	2009612794796648425	17.00	100.40	0.00	0.00	07/18/2010
07/16/2010	ERF	OID:100013682-ComisaryRef	4.04	83.40	0.00	0.00	07/16/2010
07/14/2010	EPR	OID:100013682-ComisaryPur	-45.71	79.36	0.00	0.00	07/14/2010
07/13/2010	SECUREDEPOS	37813260	100.00	125.07	0.00	0.00	07/13/2010
07/06/2010	DEPOSIT MO	PMO 18145354544	25.00	25.07	0.00	0.00	07/06/2010
06/30/2010	EPR	OID:100012335-ComisaryPur	-2.78	0.07	0.00	0.00	06/30/2010
06/23/2010	EPR	OID:100011718-ComisaryPur	-19.28	2.85	0.00	0.00	06/23/2010
06/14/2010	EPR	OID:100011091-ComisaryPur	-3.45	22.13	0.00	0.00	06/14/2010
06/09/2010	EPR	OID:100010505-ComisaryPur	-14.82	25.58	0.00	0.00	06/09/2010
06/04/2010	SECUREDEPOS	2009612756855864867	37.00	40.40	0.00	0.00	06/04/2010
06/02/2010	EPR	OID:100009980-ComisaryPur	-55.05	3.40	0.00	0.00	06/02/2010
05/26/2010	EPR	OID:100009420-ComisaryPur	-37.81	58.45	0.00	0.00	05/26/2010
05/19/2010	EPR	OID:100008801-ComisaryPur	-15.92	96.26	0.00	0.00	05/19/2010
05/10/2010	SECUREDEPOS	22427842	30.00	112.18	0.00	0.00	05/10/2010
05/05/2010	EPR	OID:100007579-ComisaryPur	-48.57	82.18	0.00	0.00	05/05/2010
04/28/2010	EPR	OID:100006988-ComisaryPur	-21.95	130.75	0.00	0.00	04/28/2010
04/14/2010	EPR	OID:100005720-ComisaryPur	-73.95	152.70	0.00	0.00	04/14/2010
03/31/2010	DEPOSIT MO	PMO 17846938080	25.00	226.65	0.00	0.00	03/31/2010
03/24/2010	EPR	OID:100003864-ComisaryPur	-25.27	201.65	0.00	0.00	03/24/2010
03/16/2010	SECUREDEPOS	P201003110803365609128	30.00	226.92	0.00	0.00	03/16/2010
03/12/2010	DEPOSIT CAS	CASH- OK'D BY K. BENDER	20.00	196.92	0.00	0.00	03/12/2010
03/10/2010	EPR	OID:100002675-ComisaryPur	-20.90	176.92	0.00	0.00	03/10/2010
03/03/2010	EPR	OID:100002039-ComisaryPur	-17.80	197.82	0.00	0.00	03/03/2010
02/24/2010	EPR	OID:100001490-ComisaryPur	-8.44	215.62	0.00	0.00	02/24/2010
02/24/2010	DBOARD REFU	D-Board Charge Reversal	50.00	224.06	0.00	0.00	02/24/2010
02/10/2010	EPR	OID:100000327-ComisaryPur	-26.01	174.06	0.00	0.00	02/10/2010
02/08/2010	<SEC DEP HO	Security Deposit	-62.69	200.07	0.00	0.00	02/08/2010
02/08/2010	SEC DEP HOL	Security Deposit	62.69	262.76	62.69	0.00	02/08/2010
02/08/2010	BAL FWD	BALANCE AT CONVERSION	262.76	262.76	0.00	0.00	02/08/2010

COMMONWEALTH of MASSACHUSETTS
TRIAL COURT
SUPERIOR COURT DEPARTMENT

WORC.SS
Commonwealth

v.

Jorge Zambrano,
Defendant

Docket No: WOCR07-00675

Amicus Curia

MOTION: Discharge counsel &
requesting appointment of
counsel. (attached affidavit & inmate
account)

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.

Dated 1-9-11

Respectfully Submitted,
Jorge Zambrano
Jorge Zambrano
MSA0091305
5 Paul X-TIVNAN Drive
W. Boylston, MA 01583

FILED

JAN 14 2011

ATTEST:

Del. Hall
CLERK

REQUEST FOR HABE

Docket number WOLR2007-00675 WOLR2008-00120

Inmate to be habed JORGE ZAMBRANO

Event SUPPRESSION HEARING

Date and time of appearance MARCH 30, 2011

Facility where inmate is held WORCESTER HOUSE OF CORRECTION

Name of person making request CHRIS HODGENS, ADA

Date of request JANUARY 28, 2011

20 11 Filed in Court 1/28

Agree
Attest [Signature]

Assistant Clerk-Magistrate



Commonwealth of Massachusetts
County of Worcester
The Superior Court

CRIMINAL DOCKET# _____

RE:

Jorge Zambrano

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:

Jorge Zambrano

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.

Date:

Attorney for Defendant:

Paul J. Catlett

Approved by the Court:

Justice of the Superior Court
Dated:

20 10 Filed in Court 5/20

Kevin M. Sullivan
Assistant Clerk Magist

Commonwealth of Massachusetts
County of Worcester
The Superior Court

Mittimus - To Common Jail in the County of Worcester

CRIMINAL DOCKET# WOCR2007-00675

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 02/15/2008

Jorge Zambrano (DOB) 03/14/1981)

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

09/19/2006 COCAINE, TRAFFICKING IN c94C s32E(b)
09/19/2006 COCAINE, POSSESS TO DISTRIBUTE, SUBSQ. c94C s32A(d)
09/19/2006 RESIST ARREST c268 s32B
09/19/2006 SILENCER, SELL/USE/POSSESS FIREARM c269 s10A

was, on 02/15/2008 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, \$100,000.00 with surety or \$10,000.00 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 15th 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

I HEREBY ACKNOWLEDGE RECEIPT OF BAIL IN THE AMOUNT OF \$ 5,000.00

ON 3/27/08

Jolanda J. Field
SURETY

BB# 7067

COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

WORCESTER, SS

COMMONWEALTH OF MASSACHUSETTS

-vs-

Greg Spink

CRIMINAL NO. :

09-695

BAIL RELEASE

)
)
)
)

THE MONEY DEPOSITED AS BAIL MAY BE RETURNED TO THE SURETY FOR REASON STATED BELOW:

FINAL DISPOSITION OF CASE:

SENTENCE

FILE

DISMISSAL

ACQUITTAI

BAIL REVOKED

BAIL REDUCED TO

Showered \$10,000 -
PERSONAL RECOG.
OTHER

DATED: 3/15/08

Kathie M. Subman
ASSOCIATE JUSTICE OF THE SUPERIOR COURT

Stimpney
ASSISTANT CLERK

Commonwealth of Massachusetts
County of Worcester
The Superior Court

02/19/2008

TO: Yoland Field
204 Norfolk Street
Worcester, MA 01604

Dear Mr Field ,

RE: **WOCR2007-00675** Commonwealth,,Plaintiff
vs.
Jorge Zambrano,Defendant

This is to advise you that the above criminal case was increased in
Worcester Superior Court, on 2/15/2008.

Our records indicate that you posted bail in the amount of \$5,000.00.

This bail will be returned to you upon your appearance at this office at
Worcester Superior Court
225 Main Street (Effective Sept 17)
Room 1008
Worcester, MA 01608-1176

Please bring a picture I.D. with you along with your receipt and this notice.

Dennis P. McManus, Esq.,
Clerk/Magistrate

NOTE: if the indigent counsel fee has been assessed in the amount of \$150.00 to the defendant, the fee must be paid before bail can be returned.

CC: File copy



(Promise to Appear)

OF MASSACHUSETTS

0662CR 8214

DEFENDANT'S NAME AND ADDRESS (INCLUDE ANY ALIAS)

JORGE ZAMBRANO
3 EURLIA AVE #3
WORCESTER, MA
01610

TERMS OF RELEASE

- PERSONAL RECOGNIZANCE (Promise to Appear) \$
 - BAIL
 - CASH AS SURETY \$5,000
 - BOND AS SURETY \$
 - OTHER SURETY \$
- (Please Specify)

NAME AND ADDRESS OF COURT

WORC. DIST. CT.
WORCESTER, MA

THE DEFENDANT MUST APPEAR AT THIS COURT ADDRESS ON THE DATE AND TIME SPECIFIED HEREIN

DATE AND TIME OF APPEARANCE

2/13/07 AT 9:00 A.M. P.M.

SOCIAL SECURITY NUMBER

DATE OF BIRTH

593-70-5052 3/14/81

SURETY/SURETIES NAME AND ADDRESS

YOLANDA FIELD
204 NORFOLK ST.
WORCESTER, MA 01604

ARREST ON WARRANT

- YES
- NO

OFFENSE(S)

POSS POSSESSIVE W/ DIST MURDER
TRAFF. STOPPING, RESIST ARREST
POSS FIREARM W/ SILENCER

I, as defendant, charged by complaint with the crime(s) listed above, understand that I am being released from custody according to the terms of release specified. I will personally appear before the above named court at the date and time indicated, and I will appear for any continuance until the final decree, sentence or order, and I will abide by it and not depart without leave. Further, I will appear before any court to which the charges may be transferred or appealed, or to any sitting of the Superior Court to which I may be bound over or indicted to answer to any indictment, and I will appear for any continuance until the final decree, sentence or order, and I will abide by it and not depart without leave.

2502E000001/24/07 BAIL 5000.0

I understand and acknowledge that if I fail without sufficient excuse to appear in accordance with the foregoing promise, I will be liable, jointly and severally if a surety has been required, to the Commonwealth of Massachusetts for the dollar amount specified in the terms of release.

SIGNED (DEFENDANT)

X [Signature]

DATE

1/22/07

I, as surety, understand and acknowledge that if the above named defendant fails to appear and abide by all orders of the court according to the foregoing promise, I will be liable, jointly and severally, with the defendant to the Commonwealth of Massachusetts for the dollar amount specified in the terms of the release.

SIGNED (SURETY)

X Yolanda J. Field

SIGNED (SURETY)

X

SIGNED (PERSON AUTHORIZED TO TAKE BAIL)

X [Signature]

- Clerk-Magistrate
- Assistant Clerk
- Bail Commissioner

Subscribed and sworn to before me, the defendant having been furnished a copy of this recognizance.

A. RELEASE AUTHORIZED FROM

C. F. T.

B. JURISDICTION OF MAGISTRATE

88

(Complete when appearance is being required outside of your jurisdiction)

BAIL FEE RECEIVED

\$ 40-

DATE AND TIME SIGNED

1/22/07 A.M. P.M.
5:45

NOTICE TO DEFENDANT & SURETY

Bail shall not be released until the Legal Counsel Fee is satisfied in accordance with G.L. c. 211D, § 2 1/2.

Penalty for failure to appear in court after release on bail or recognizance

A defendant who fails without sufficient excuse to appear in court after release on bail or recognizance may be punished by a fine of \$10,000 or by imprisonment for a year, or both, in the case of a misdemeanor, and by a fine of \$50,000 or imprisonment for five years, or both, in the case of a felony.

Penalty for committing a crime while on release on bail or recognizance

A defendant who is charged with another crime while on release on bail or recognizance may have the terms of this release revoked, and the defendant may be held without bail for a period not to exceed 60 days.

RECEIPT-RECORD OF PAYMENT OF CASH BAIL

NOT APPLICABLE

DATE 1/22/07	RECEIVED FROM SURETY (NAME AND ADDRESS) YOLANDA FIELD 204 NORFOLK ST. WORCESTER, MA	DEFENDANT JORGE ZAMBRANO CASE NUMBER 0662CR 8214	AMOUNT 5,000.00 DISTRICT COURT WORCESTER DIV
RECEIVED BY	[Signature]		07-675

CRIMINAL DOCKET

DOCKET NUMBER
0662CR008214

NO. OF COUNTS
4

Trial Court of Massachusetts
District Court Department



DEFENDANT NAME AND ADDRESS

JORGE ZAMBRANO
3 EUCLID AVE #3
WORCESTER, MA 01610

DOB

03/14/1981

GENDER

MALE

COURT NAME AND ADDRESS

WORCESTER DISTRICT COURT
50 HARVARD STREET
WORCESTER, MA 1608

DATE COMPLAINT ISSUED

09/20/2006

()-

PRECOMPLAINT ARREST DATE

INTERPRETER REQUIRED

FIRST FIVE OFFENSE COUNTS

COUNT	CODE	OFFENSE DESCRIPTION	OFFENSE DATE
1	268/32B	RESIST ARREST c268 §32B	09/19/2006
2	269/10A	SILENCER, SELL/USE/POSSESS FIREARM c269 §10A	09/19/2006
3	94C/32A/D	COCAINE, POSSESS TO DISTRIBUTE, SUBSQ. C94C §32A(d)	09/19/2006
4	94C/32E/A	COCAINE, TRAFFICKING IN c94C §32E(b)	09/19/2006

DEFENSE ATTORNEY

Atty Cataldo (anonly)

OFFENSE CITY/TOWN
WORCESTER

POLICE DEPARTMENT
WORCESTER PD

DATE & JUDGE	DOCKET ENTRY	DATE & JUDGE	FEES IMPOSED
<i>9-22-06 w/ drawn Festau J</i>	<input type="checkbox"/> Attorney appointed (SJC R. 3:10) <input type="checkbox"/> Atty denied & Deft. Advised per 211 D §2A <input type="checkbox"/> Waiver of Counsel found after colloquy		Legal Counsel Fee (211D § 2A ¶2) \$ <input type="checkbox"/> WAIVED Legal Counsel Contribution (211D § 2) \$ <input type="checkbox"/> WAIVED
<i>12-29-06 50,000 US 5,000 cash one case one case</i>	Terms of release set: <input checked="" type="checkbox"/> PR <input checked="" type="checkbox"/> Bail <i>50,000 cash 500,000 surety</i> <input type="checkbox"/> See Docket for special conditions <input type="checkbox"/> Held (276 §58A) <i>50000-11-9</i>		Default Warrant Assessment Fee (276 § 30 ¶2) \$ <input type="checkbox"/> WAIVED Default Warrant Removal Fee (276 § 30 ¶1) \$ <input type="checkbox"/> WAIVED
	Arraigned and advised: <input checked="" type="checkbox"/> Potential of bail revocation (276 §58) <input checked="" type="checkbox"/> Right to bail to review (276 §58) <input type="checkbox"/> Right to drug exam (111E § 10)		Probation Supervision Fee (276 § 37A) \$ <input type="checkbox"/> WAIVED Bail Order Forfeited
	Advised of right to jury trial <input type="checkbox"/> Waiver of jury found after colloquy <input type="checkbox"/> Does not waive		<i>0000000001/26/07BAIL 5000.0</i>
	Advised of trial rights as pro se (Dist. Ct. Supp.R.4)		
	Advised of right of appeal to Appeals Ct. (M.R. Crim P.R. 28)		

SCHEDULING HISTORY

NO.	SCHEDULED DATE	EVENT	RESULT	JUDGE	TAPE START/STOP
1	<i>9-20-06</i>	<i>arr</i>	<input type="checkbox"/> Held <input type="checkbox"/> Cont'd	<i>M Brennan</i>	<i>6206-1045</i>
2	<i>10-10-06</i>	<i>PTCH</i>	<input type="checkbox"/> Held <input type="checkbox"/> Cont'd	<i>D Brennan</i>	<i>99-1138-1652</i>
3	<i>11-10-06</i>	<i>CP</i>	<input type="checkbox"/> Held <input checked="" type="checkbox"/> Cont'd		
4	<i>11-24-06</i>	<i>CE</i>	<input type="checkbox"/> Held <input checked="" type="checkbox"/> Cont'd		
5	<i>1-30-06</i>	<i>ce</i>	<input type="checkbox"/> Held <input type="checkbox"/> Cont'd		
6	<i>1-12-07</i>	<i>M</i>	<input type="checkbox"/> Held <input type="checkbox"/> Cont'd		
7	<i>1-13-07</i>	<i>M 14</i>	<input type="checkbox"/> Held <input checked="" type="checkbox"/> Cont'd		
8	<i>3-12-07</i>	<i>Report</i>	<input type="checkbox"/> Held <input type="checkbox"/> Cont'd	<i>Habe Concord</i>	
9	<i>4-20-07</i>	<i>Report</i>	<input type="checkbox"/> Held <input checked="" type="checkbox"/> Cont'd	<i>Habe Concord</i>	
10	<i>5-25-07</i>	<i>Report</i>	<input type="checkbox"/> Held <input type="checkbox"/> Cont'd	<i>Habe Concord</i>	

APPROVED ABBREVIATIONS

ARR = Arraignment PT = Pretrial hearing CE = Discovery compliance & jury selection T = Bench trial JT = Jury trial PC = Probable cause hearing M = Motion hearing SR = Status review
SRP = Status review of payments FA = First appearance in jury session S = Sentencing CW = Continuance-without-finding scheduled to terminate P = Probation scheduled to terminate
DFTA = Defendant failed to appear & was defaulted WAR = Warrant issued WARD = Default warrant issued WR = Warrant or default warrant recalled PV = probation violation hearing

A TRUE COPY ATTEST:

CLERK-MAGISTRATE / ASST CLERK

X

TOTAL NO. OF PAGES

ON (DATE)

COUNT / OFFENSE 1 RESIST ARREST c268 §32B						DISPOSITION DATE AND JUDGE 8-17-07 W. [Signature]		
FINE/ASSESSMENT	SURFINE	COSTS	OUI STATE FEE	OUI VICTIMS ASMT	HEAD INJURY FEE	RESTITUTION	V/W ASSESSMENT	OTHER
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input checked="" type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input checked="" type="checkbox"/> Other: I + H in SC <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)						SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:		
FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause						FINAL DISPOSITION <input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)		

COUNT / OFFENSE 2 SILENCER, SELL/USE/POSSESS FIREARM c269 §10A						DISPOSITION DATE AND JUDGE 8-17-07 W. [Signature]		
FINE/ASSESSMENT	SURFINE	COSTS	OUI STATE FEE	OUI VICTIMS ASMT	HEAD INJURY FEE	RESTITUTION	V/W ASSESSMENT	OTHER
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input checked="" type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input checked="" type="checkbox"/> Other: I + Q in SC <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)						SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:		
FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause						FINAL DISPOSITION <input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)		

COUNT / OFFENSE 3 COCAINE, POSSESS TO DISTRIBUTE, SUBSQ. C94C §32A(d)						DISPOSITION DATE AND JUDGE 8-17-07 W. [Signature]		
FINE/ASSESSMENT	SURFINE	COSTS	OUI STATE FEE	OUI VICTIMS ASMT	HEAD INJURY FEE	RESTITUTION	V/W ASSESSMENT	OTHER
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input checked="" type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input checked="" type="checkbox"/> Other: I + H in SC <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)						SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:		
FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause						FINAL DISPOSITION <input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)		

CRIMINAL DOCKET - OFFENSES

DEFENDANT NAME

JORGE ZAMBRANO

DOCKET NUMBER

0662CR008214

COUNT / OFFENSE 4 COCAINE, TRAFFICKING IN c94C §32E(b)						DISPOSITION DATE AND JUDGE <i>8-17-07</i>		
FINE/ASSESSMENT	SURFINE	COSTS	OUI STATE FEE	OUI VICTIMS ASMT	HEAD INJURY FEE	RESTITUTION	VW ASSESSMENT	OTHER
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input checked="" type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input checked="" type="checkbox"/> Other: <i>I.A. in SC</i> <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)						SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:		
FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause			FINAL DISPOSITION <input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)			JUDGE		DATE
COUNT / OFFENSE						DISPOSITION DATE AND JUDGE		
FINE/ASSESSMENT	SURFINE	COSTS	OUI STATE FEE	OUI VICTIMS ASMT	HEAD INJURY FEE	RESTITUTION	VW ASSESSMENT	OTHER
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)						SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:		
FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause			FINAL DISPOSITION <input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)			JUDGE		DATE
COUNT / OFFENSE						DISPOSITION DATE AND JUDGE		
FINE/ASSESSMENT	SURFINE	COSTS	OUI STATE FEE	OUI VICTIMS ASMT	HEAD INJURY FEE	RESTITUTION	VW ASSESSMENT	OTHER
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)						SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:		
FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause			FINAL DISPOSITION <input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)			JUDGE		DATE
COUNT / OFFENSE						DISPOSITION DATE AND JUDGE		
FINE/ASSESSMENT	SURFINE	COSTS	OUI STATE FEE	OUI VICTIMS ASMT	HEAD INJURY FEE	RESTITUTION	VW ASSESSMENT	OTHER
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or Admission to Sufficient Facts accepted after colloquy and 278 §29D warning <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)						SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:		
FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause			FINAL DISPOSITION <input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)			JUDGE		DATE

3

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

Superior Court Department
Docket

07-675
08-120

Commonwealth of Massachusetts

v.
Joye Zambano
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 att - J. C. Chiles
unavailable also - probable disposition
on all cases

filed here

Respectfully submitted:
[Signature]

Date: 9/22/08

Assented to by: _____

WORCESTER, S. S.

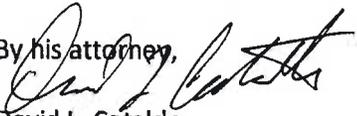
WORCESTER SUPERIOR COURT
NO. WOCR2007-00675

4

COMMONWEALTH OF MASSACHUSETTS
v.
JORGE ZAMBRANO

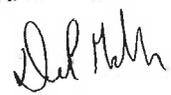
DEFENDANT'S MOTION FOR IN CAMERA HEARING

The defendant moves, pursuant to Commonwealth v. Amral, 407 Mass. 511, 522-523 (1990), to hold an in camera hearing to interrogate the affiant and the informant to determine whether there is a substantial preliminary showing that the affiant has made false statements intentionally or recklessly in the preparation of the application for Search Warrant No. 0662SW197 issued on September 12, 2006 from the Worcester Division of the District Court.

By his attorney,

David L. Cataldo
484 Main Street, Suite 520
Worcester, MA 01608
508-799-4498
BBO # 078900

FILED

MAY 27 2010

ATTEST:  CLERK

REQUEST FOR HABE

Docket number 07-675

Inmate to be habed J. Zombrowo

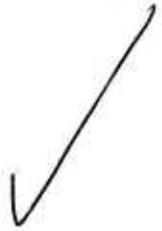
Event DISPO

Date and time of appearance 2-4-9 9:00

Facility where inmate is held WCHC

Name of person making request P. Crawford

Date of request 12/17/8



COMMONWEALTH of MASSACHUSETTS
TRIAL COURT
SUPERIOR COURT DEPARTMENT

13

WORC
Commonwealth
v
Jorge Zambrano,
Defendant

Docket No: WOCR2007-00675

~~Re~~ ~~vs~~ Amicus Curia

MOTION: Subpoena for production
of documentary evidence, Mass. R.C. 17(A)(2)
(Exculpatory evidence, see attached Affidavit)

The defendant now moves pursuant to Rule 17(A)(2),
Subpoena for production of documentary evidence from
Worcester Police's Internal Affairs Department. The documents
but not limited to the complaint that the defendant filed
but also, all notes pertaining to the investigation into
the complaint and any and all complaints pertaining to
P.O. James Guittar. Documents are exculpatory evidence
showing bad faith, conduct under the color of law that
are needed for due diligence in delivery of justice.
Commonwealth v. Wani's 426 Mass 639, 645 (1998)

Dated: 1-5-11

FILED

FEB 08 2011

ATTEST: *Del M...* CLERK

Respectfully submitted,

Jorge Zambrano
Jorge Zambrano
MSA 0091305
5 Paul X-Tivnan Drive
W. Boylston, Ma 01583

"AFFIDAVIT"

Docket No: WOCR2007-00675
Defense Sworn Statement of Jorge Zambrano

I, Jorge Zambrano hereby state, by and through the undersigned Oath that... in or around the month of June 2007 I put a complaint with Worcester's Internal Affairs Department against P.O James Guittar claiming he acted under the color of law as a vigilantly seeking retribution regarding one of his informers.

"OATH"

I hereby declare under the pains and penalties of perjury that all foregoing facts are true.

Dated: 1-5-11

Respectfully Submitted,

Jorge Zambrano
Jorge Zambrano
MSA 0091305

5 Paul X-Tivnan Drive
W. Boylston, MA 01583

FILED

FEB 08 2011

ATTEST:

Del M... CLERK

Certificate of Service

I, Jorge Zambrano hereby certify on this
the 6 of January 2011, I handed a copy to the
following:

Worcester Trial Court
Superior Department
Clerk of Court
225 Main Street
WORCESTER, MA 01608

Dated: 1-10-11

Respectfully Submitted,
Jorge Zambrano
Jorge Zambrano
MSA0091305
5 Paul X-Tivnan Drive
W. Boylston, MA 01583

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT
SUPERIOR COURT DEPARTMENT

WOCR.SS
Commonwealth

v

Jorge Zambrano,
Defendant

Docket No: WOCRO7-00675

~~Amicus Curia~~
~~Amicus Curia~~

supplemental Amendment
Motion: Subpoena for production
of documentary evidence, Mass R.C.
17 (4)(2) (EXCULPATORY Evidence; see
attached Affidavit)

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.

Dated: 1-5 -11

Respectfully Submitted,

Jorge Zambrano
Jorge Zambrano

MSA 0091305

5 Paul X-Tivnan Drive
W. Boylston, Ma 01583

FILED

FEB 08 2011

ATTEST:

Del M... CLERK

Commonwealth of Massachusetts
Trial Court
Superior Court Department

14 ✓

Worc. SS
Commonwealth

v

Jorge Zambrano,
Defendant

Docket No: WORC2007-00675

Amicus Curiae

Motion: Habeus Corpus regarding:
discharge counsel & requesting
appointment of counsel.

The Defendant now comes, in the interest of justice, respectfully moves his honorable court for Habeus Corpus, as time is the essence; have previously submitted on 1-14-2011, an Amicus Curiae Motion to discharge counsel and requesting appointment of Counsel, & Affidavit in support of; as soon as possible.

Dated: 2-17-2011

FILED

FEB 23 2011

ATTEST:

Del M... CLERK

1 of 2

431

Respectfully Submitted,
Jorge Zambrano
Jorge Zambrano
MS# 0091305
5 Paul X-Tivnan Drive
W. Boylston, MA 01583

Certificate of Service

I, Jorge Zambrano hereby certify on this the 17th day of February 2011, I sent a copy to the following via mail:

David Cataldo, Esq
484 Main Street
Worcester, MA 01608

Worcester Trial Court
Superior Department
Clerk of Courts
225 Main Street
Worcester, Ma 01608

Dated: 2-17-2011

Respectfully Submitted,
Jorge Zambrano
Jorge Zambrano
MSA 0091305
5 Paul X-Tivnan Drive
W. Boylston, MA 01583

David Cataldo Esq.
484 Main Street
Worcester, Ma 01608

10

Re: Commonwealth v. Jorge Zambrano

Docket NO: WOCR 2007-00675

Cataldo,

How's life treating you? I'm getting a bit restless in this vacation and I'm ready to go back to work. What do you think, time serve for both cases?

The reason I'm writting is regarding the record's of my parole violation to show on the day of 5-11-06, I was never arrested at my apartment but held at the office. That document will strengthen both my affidavit and showing of 'reckless disregard for the truth' and should be presented with the rest of my affidavits.

FILED

DEC 09 2010

ATTEST: *[Signature]* CLERK

C.C. Clerk of Ct.
Cataldo

Sincerely yours,

[Signature]

Jorge Zambrano

MSA# 0091305

5 Paul X-Tivnan Dr
West Boylston, Ma
433 01583

26 December 2011

Worcester Superior Court
Clerks Office
Criminal Matters
225 Main Street
Worcester, MA 01608

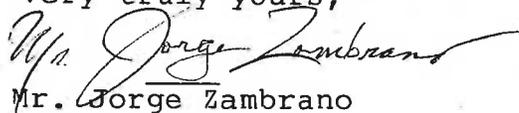
RE: Commonwealth v Zambrano, WOCR'07-00675-001

Dear Sir or Madam Clerk:

Would you please be so kind as to mail me an up dated
copy of the docket entries in the above-entitled and
munbered criminal action ?

Thank you and have a nice day !

Very truly yours,



Mr. Jorge Zambrano
P.O. Box 8000
SBCC
Shirley, MA 01464

file
Cc:
DA's Office

Commonwealth of Massachusetts
County of Worcester
The Superior Court

CONCURRENT MITTIMUS TO Worcester House of Correction

Docket #WOCR2007-00675(4)

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**)

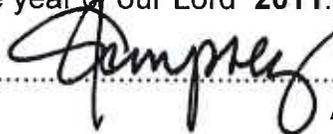
now in the custody of the Sheriff of said County of **Worcester**, convicted of the crime(S) of:
d/o 09/19/2006 SILENCER, SELL/USE/POSSESS FIREARM c269 s10A

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 **1637 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(1/2) 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 #WOCR2007-00675(3)

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:

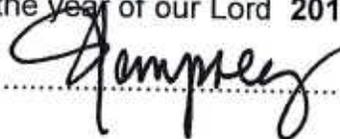
d/o 09/19/2006 RESIST ARREST c268 s32B

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 **1637 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 Cedar Junction MCI (Walpole)

Docket #WOCR2007-00675(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:

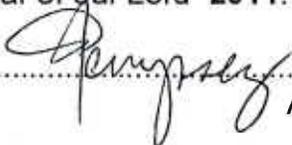
d/o 09/19/2006 COCAINE, POSSESS TO DISTRIBUTE, SUBSQ. c94C s32A(d)

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 **1637 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 **Seven(7) to Seven(7) 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.

Clerk of Court
Worcester Trial Court
225 Main Street
Worcester, MA 01608

17

To whom it may concern,

Greetings. I'm writing regarding case
number WOR2007-00675.

Can you please send me a copy of
my Criminal Docket Sheet?

I'm indigent, please waive any fee. Thank
you for your time and consideration.

FILED

AUG 30 2011

ATTEST:

Del M. M. CLERK

Sincerely Yours,

Jorge Zambrano

Jorge Zambrano

W98668

P.O. Box 100

So. Walpole, MA 02071

16

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CRIMINAL NO

07-0075
08-120

COMMONWEALTH OF MASSACHUSETTS

VS.

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

Frye Zombro

(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

JLM
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

MITTIMUS TO Cedar Junction MCI (Walpole)

Docket #WOCR2007-00675(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 (DOB) 03/14/1981)

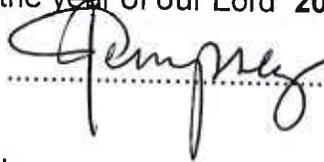
now in the custody of the Sheriff of said County of **Worcester**, convicted of the crime(S) of:
09/19/2006 TRAFFICKING IN COCAINE, c94C s32E(b)(2) 28-100 grams

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 **1637 DAYS** of said sentence in confinement awaiting disposition of this matter. **ALL FEES WAIVED.**

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 not exceeding **Seven years and one day or less than Seven years as aforesaid. Execution of this sentence is stayed to May 20,2011 and the Defendant is held without bail.**

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

15

CRIMINAL DOCKET#: WOCR 07-675

RE: *Jorge Zambano*

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: *[Handwritten Signature]*
20 11 Filed in Court 5/17

Dated: *5/17/11*
Approved by the Court:
James B. Amire
Justice of the Superior Court

[Handwritten Signature]
Attest *Karin M. Golden*
Assistant Clerk-Magistrate

Commonwealth of Massachusetts
County of Worcester
The Superior Court

MITTIMUS - WITHOUT BAIL WITHOUT PREJUDICE

Stay of Execution

CRIMINAL DOCKET# **WOCR2007-00675**

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:

09/19/2006 COCAINE, TRAFFICKING IN c94C s32E(b)
09/19/2006 COCAINE, POSSESS TO DISTRIBUTE, SUBSQ. c94C s32A(d)
09/19/2006 RESIST ARREST c268 s32B
09/19/2006 SILENCER, SELL/USE/POSSESS FIREARM c269 s10A

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.

RETURN



Assistant Clerk

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
TRIAL COURT
SUPERIOR COURT DEPARTMENT

11

WORC. SS

COMMONWEALTH
V.
JORGE ZAMBRANO,
Defendant

DOCKET NO: 07-675

AMICUS CURIEA
Supplemental Amendment

MOTION: Suppress on legally defective and insufficient affidavit for warrant

The defendant comes now in an Amicus Curiea capacity to move the court to suppress any statements and or fruits resulting from a search warrant executed on 9-19-2006 due to the affidavit insufficiently not holding probable cause and defective due to mutiple misstatements.

The defendant now avers his facts as follows:

Facts

- ① The affiant presents proper qualifications to conduct a competent investigation.
- ② The affiant introduces Confidential Reliable Informant.
- ③ CRI makes buys on said seperate times and dates
- ④ Affiant field tests the control buys and then the drugs vanish.

MEMORANDUM of LAW

The defense now restates and reiterates the facts in his memorandum of law to suppress evidence illegally obtained by a search warrant by way of insufficient affidavit with omission and admission of reckless, voluntary disregard for the truth. The defendant herein adopts all facts, claims and arguments based on legally defective and insufficient affidavit for search warrant as if restated and reiterated on the face of the affidavit in the facts on the motion to suppress.

In the affidavit at Bar the affiant first introduces the investigation with his qualifications, said CRI; also accusations of being able to conduct buys with the defendant face to face conversations.

On said dates, CRI made control buys under P.O. Jame Guittar's observation, each time CRI returned and gave P.O. Guittar the drugs from each control buy; and each time the drugs were field tested and came back positive for said substance, then vanish.

There is no mentioning to preserving the control buys as in police procedure: "to place the evidence in a plastic bag and then mark on the bag the date of the incident, the location where the evidence was found, the case number assigned to the matter, and the initials of the investigating officer placing the evidence into the bag," quoting from Common v. Davis 58 Mass. App. Ct. 412, 418-149. Also are subject to guaranteeing the defendant.

the right to confront adverse witnesses face to face under Article 12 of the Massachusetts Declaration of Rights.

In Frank v. Delaware 438 U.S. 154, 155-156 (1978), the Supreme Court held that the 4th Amendment entitled a defendant to challenge the veracity of a search warrant affidavit and that proof of material perjury or reckless disregard for the truth required exclusion of evidence seized under the warrant. The court concluded that a ban on impeachment of the veracity of a warrant affidavit would "denude the probable-cause requirement of all real meaning."

State v. Casal 103 Wn.2d 812, 699 P.2d 1234 (Wash. 1985), Numerous courts recognizing the dilemma created for the defendant who is faced with a secret informer have devised a simple solution. That solution is the in camera, ex parte hearing.

The court in U.S. v. Brian 507 F. Supp. 761, 766 (DRI 1981) stated "the Government can be protected from any significant unnecessary impairment of secrecy, yet the defendant can be saved from what could be serious police misconduct" at an in camera hearing both interests can be protected.

There is a public interest to preserve anonymity and protecting Government privilege and commission of crime. But there must be a fair balance to preserve "all" public interest, not just Government interest. Judicial confidence must be shaken to uphold "all" interests

Constitutionally. In this case to deliver a proper defense and deter police misconduct fundamental fairness is required along with disclosure of highly material witness's. The played prominent parts in veracity of affidavit and veracity of officers. "The privilege must give way."

Rovario v. U.S., 353 U.S. 53 (1957)

Conclusion

Therefore the defendant now asks to have the court compel the Commonwealth to produce the following:

- ① control buys with chain of custody forms
- ② CRI "Dona" (see Affidavit)
- ③ officer from the face of the affidavit

for examination at the court's discretion.

Wherefore when the preponderance of the evidence is shown to the court that voluntary omissions and or voluntary misstatements were included on the face of the affidavit by affiant or other officer on the face of affidavit that all evidence be suppressed due to invalid search warrant by way of falsified, insufficient, application provided to magistrate.

Certificate of Service

I, Jorge Zambrano, hereby certify on this the 15 day of December, I sent a copy to the following via First Class mail:

David Cataldo, Esq
484 Main street
Worcester, Ma 01608

Worcester Trial Court
Superior Department
Clerk of courts
225 Main street
Worcester, Ma 01608

Dated: 12-15-10

Respectfully Submitted,

Jorge Zambrano
Jorge Zambrano

MSA#0091305

5 Paul X-Tivnan Drive

W. Boylston, Ma 01583

COMMONWEALTH of MASSACHUSETTS
TRIAL COURT
SUPERIOR COURT DEPARTMENT

WORC.55
COMMONWEALTH

✓

JORGE ZAMBRANO,
Defendant

DOCKET NO: WOCR2007-00675

Amicus Curia
Supplemental Amendment

MOTION: Suppress on legally
defective and insufficient
affidavit for Search Warrant

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: 12-15-10

Respectfully Submitted,

Jorge Zambrano
Jorge Zambrano

MSA#0091305

5 Paul X-Tivnan Drive
W. Boylston, Ma 01583

FILED

DEC 20 2010

ATTEST

[Signature]