



**SCHEDULING HISTORY**

NO.	SCHEDULED DATE	SCHEDULED EVENT	RESULT		JUDGE	TAPE NO.	START	ST
1	9.6.01	PR /atty	<input type="checkbox"/> Held	<input checked="" type="checkbox"/> Cont'd	Brooks, J			
2	9.20.01	PR /	<input type="checkbox"/> Held	<input type="checkbox"/> Cont'd				
3			<input type="checkbox"/> Held	<input type="checkbox"/> Cont'd				
4			<input type="checkbox"/> Held	<input type="checkbox"/> Cont'd				
5			<input type="checkbox"/> Held	<input type="checkbox"/> Cont'd				
6			<input type="checkbox"/> Held	<input type="checkbox"/> Cont'd				
7			<input type="checkbox"/> Held	<input type="checkbox"/> Cont'd				
8			<input type="checkbox"/> Held	<input type="checkbox"/> Cont'd				
9			<input type="checkbox"/> Held	<input type="checkbox"/> Cont'd				
10			<input type="checkbox"/> Held	<input type="checkbox"/> Cont'd				

ARR=Arrestment PT=Pretrial hearing CE=Discovery compliance and jury election T=Bench trial J=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 and was defaulted WAR=Warrant issued WARD=Default warrant issued WR=Warrant or default warrant recalled PR=Probation revocation hearing

ENTRY DATE	OTHER DOCKET ENTRIES
2-20-01	<b>ABSTRACT MAILED TO REG. M.V.</b> <i>see Docket 0048CR2101 for citation</i>
7/24/01	NOTICE OF PROBATION VIOLATION AND HEARING FROM WORCESTER D.C. MARKED FOR 7/25/01. SERVED IN HAND TO PROBATIONER
8/17/2001	REQUEST FOR CONTINUANCE FILED..
8.17.01	Defense's Request for Continuance - Allowed. Brooks, J
9.20.01	Violation of probation by Shpulation - hearing waived Probation revoked. 60 day HOC sentence imposed - Kilmahan, J

**ADDITIONAL ASSESSMENTS IMPOSED OR WAIVED**

DATE IMPOSED and JUDGE	TYPE OF ASSESSMENT	AMOUNT	DUE DATES and COMMENTS	✓ WAI
	Legal Counsel Fee (211D §2A ¶2)			
	Legal Counsel Contribution (211D §2)			
	Court Costs (280 §6)			
	Drug Analysis Fee (280 §6B)			
	OUI §24D Fee (90 §24D ¶9)			
	OUI Head Injury Surfine (90 §24[1][a][1] ¶2)			
	Probation Supervision Fee (276 §87A)			
	Default Warrant Assessment Fee (276 §30 ¶2)			
	Default Warrant Removal Fee (276 §30 ¶1)			

**CRIMINAL COMPLAINT**      **0148CR000255**

DEFENDANT  
 ZAMBRANO, JORGE A  
 3 EUCLID AVE, #3  
 WORCESTER, MA 01610

**Trial Court of Massachusetts**  
**Ayer District Court**



TO ANY JUSTICE OR CLERK-MAGISTRATE  
 OF THE AYER DISTRICT COURT

DATE OF BIRTH	SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR
03/14/1981	M	W	5'08"	170	BRO	BRO

INCIDENT REPORT #	SOCIAL SECURITY #
000419	593-70-5052

DATE OF OFFENSE	PLACE OF OFFENSE
11/21/2000	BOXBOROUGH

COMPLAINANT	POLICE DEPARTMENT
PELLEY, BRETT	BOXBOROUGH PD

DATE OF COMPLAINT	RETURN DATE AND TIME
02/16/2001	02/16/2001 11:55 AM

COUNT-OFFENSE

1. 90/23/C LICENSE REVOKED AS HTO, OPERATE MV WITH c90 §2

on 11/21/2000 did operate a motor vehicle after his or her license or right to operate a motor vehicle had been revoked by reason of his or her having been found to be an habitual traffic offender pursuant to G.L. c.90, §22F, or after notice of such revocation had been issued by the Registrar of Motor Vehicles and received by him or her or his or her agent or employer, and prior to the restoration of such license or right to operate or the issuance to him or her of a new license to operate in violation of G.L. c.90, §23. (PENALTY: imprisonment for not more than 2 years; or not less than \$500, not more than \$5000; or both; and RMV shall revoke license for an additional 60 days.)

COUNT-OFFENSE

COUNT-OFFENSE

COUNT-OFFENSE

COUNT-OFFENSE

COMPLAINANT	SWORN TO BEFORE CLERK-MAGISTRATE	ON (DATE)	TOTAL COUNT
x <i>Brett Pelley</i>	x <i>Peter Kilmartin</i>	2-16-01	1
FIRST JUSTICE	COURT ADDRESS		
Hon. PETER KILMARTIN	Ayer District Court 25 East Main Street Ayer, MA 01432		
A TRUE COPY ATTEST: X	CLERK-MAGISTRATE/ASST. CLERK	ON (DATE)	

**FINDING OF JUDGE -- DETERMINATION OF INDIGENCY**

After considering the report and recommendation of the probation officer or other appropriate court employee, and after interrogating the defendant named in the complaint on the reverse side, if appropriate, based upon the standards in Supreme Judicial Court Rule 3:10, **I FIND THAT THE DEFENDANT IS:**

- INDIGENT** because the defendant:
  - receives Aid to Families with Dependent Children (AFDC).
  - receives Emergency Aid to Elderly, Disabled and Children (EAEDC).
  - receives poverty-related veterans' benefits.
  - receives food stamps.
  - receives refugee resettlement benefits.
  - receives Medicaid.
  - receives Supplemental Security Income (SSI).
  - is a patient in a mental health facility or treatment center (or is the subject of a proceeding for admission to such a facility) and lacks available funds.
  - is serving a sentence in a correctional institution and has no available funds.
  - is held in custody in a jail and has no available funds.
  - has an annual income, after taxes, 125% or less of the current poverty threshold referred to in G.L. c. 261, § 27A(b).
  - is determined to be indigent pursuant to S.J.C. Rule 3:10, Section 4(b) [Judge's Section 4(b) findings on the record are appended].

**INDIGENT BUT ABLE TO CONTRIBUTE**, and is therefore ordered to pay

\$ \_\_\_\_\_ toward the cost of counsel because the defendant:

- has an annual income, after taxes, of more than 125% and less than 250% of the current poverty threshold referred to in G.L. c. 261, § 27A(b).
- is charged with a felony within the jurisdiction of the Superior Court and has available funds sufficient to pay a portion of the anticipated cost of counsel.
- is determined to be indigent but able to contribute pursuant to S.J.C. Rule 3:10, Section 4(b) [Judge's Section 4(b) findings on the record are appended].

**NOT INDIGENT** and is able to pay the anticipated cost of counsel [Judge's findings on the record are appended if this finding is pursuant to S.J.C. Rule 3:10, Section 4(b)].

\_\_\_\_\_ Date

\_\_\_\_\_ District Court Justice

**CERTIFICATE OF JUDGE -- WAIVER OF COUNSEL**

I hereby certify that the defendant named in the complaint on the reverse side has been informed of his/her right to counsel in accordance with Supreme Judicial Court Rule 3:10 and G.L. c. 211D, §5; that he/she has knowingly elected to proceed without a lawyer, and that he/she has:

- Executed a waiver of counsel in my presence.
- Refused to sign a waiver.

\_\_\_\_\_ Date

\_\_\_\_\_ District Court Justice



<b>CRIMINAL COMPLAINT</b>	<b>0148CR000255</b>
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DEFENDANT  
**ZAMBRANO, JORGE A**  
**3 EUCLID AVE, #3**  
**WORCESTER, MA 01610**

**Trial Court of Massachusetts  
Ayer District Court**



TO ANY JUSTICE OR CLERK-MAGISTRATE  
OF THE AYER DISTRICT COURT

The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below.

DATE OF BIRTH	SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR
03/14/1981	M	W	5'08"	170	BRO	BRO
INCIDENT REPORT #		SOCIAL SECURITY #				
000419		593-70-5052				
DATE OF OFFENSE		PLACE OF OFFENSE				
11/21/2000		BOXBOROUGH				
COMPLAINANT			POLICE DEPARTMENT			
PELLEY, BRETT			BOXBOROUGH PD			
DATE OF COMPLAINT		RETURN DATE AND TIME				
02/16/2001		02/16/2001 11:55 AM				

COUNT-OFFENSE  
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DEFENDANT

COUNT-OFFENSE

COPY

COUNT-OFFENSE

COUNT-OFFENSE

COUNT-OFFENSE

COMPLAINANT	SWORN TO BEFORE CLERK-MAGISTRATE	ON (DATE)	TOTAL COUN
<b>X</b>	<b>X</b>		<b>1</b>
<b>(DEFENDANT COPY)</b>	FIRST JUSTICE	COURT ADDRESS	
	Hon. PETER KILMARTIN	Ayer District Court 25 East Main Street Ayer, MA 01432	
A TRUE CLERK-MAGISTRATE/ASST. CLERK COPY	ON (DATE)		
ATTEST: <b>X</b>			

INSTRUCTIONS: This form must be typed or printed clearly, completed prior to the Pretrial Hearing, signed by both counsel and submitted to the court by the defendant at or before the Pretrial Hearing.	NAME OF DEFENDANT <i>Jorge Zambono</i>	COURT DIVISION <b>Ayer District Court 25 East Main Street Ayer, MA 01432</b>
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**SECTION I TENDER OF PLEA**

Defendant in this case hereby tenders the following:  PLEA OF GUILTY  ADMISSION TO FACTS SUFFICIENT FOR A FINDING OF GUILTY conditioned on the dispositional terms indicated below. *Include all proposed terms (guilty finding, finding of sufficient facts, continued without finding, dismissal, fine, costs, probation period and supervision terms, restitution amount including the identification of the recipient of restitution, and any sentence of incarceration, split sentence or suspended sentence, etc.). Number each count and specify terms for each count separately.*

COUNT NO.	DEFENDANT'S DISPOSITIONAL TERMS (Check "Yes" if Prosecution agrees - Check "No" If Prosecution disagrees)	PROSECUTOR'S RECOMMENDATION (Required if Prosecutor disagrees with terms)
	<i>6 SIXTY days SS</i> <i>6 months</i>  <i>8/14/01</i>	<i>6 - 60 days suspended</i> <i>1 year</i>
	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO	

WE HAVE CONSULTED WITH THE PROBATION DEPARTMENT REGARDING ANY PROBATION TERMS SET FORTH ABOVE.

SIGNATURE OF DEFENSE COUNSEL <i>X</i>	DATE	SIGNATURE OF PROSECUTING OFFICER <i>X</i> <i>Ina Panayides</i>	DATE <i>2/16/01</i>
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**SECTION II PLEA OR ADMISSION ACCEPTED BY THE COURT**

The Court  ACCEPTS the tendered Plea or Admission on defendant's terms set forth in Section I, and will impose sentence in accordance with said terms, subject to submission of defendant's written WAIVER (see Section IV on reverse of this form), completion of the required oral COLLOQUY, a determination that there is a FACTUAL BASIS for the Plea or Admission, and notice of ALIEN RIGHTS.

**SECTION III PLEA OR ADMISSION REJECTED BY THE COURT**

The Court  REJECTS the defendant's dispositional terms set forth above and, in accordance with Mass. R. Crim. P. 12(c)(6), has set forth to the defendant the dispositional terms it would find acceptable, to wit:

**DEFENDANT'S DECISION IF COURT REJECTS TENDERED PLEA OR ADMISSION:**

Defendant **WITHDRAWS** the tendered Plea or Admission; the parties must complete and file a Pretrial Conference Report, a Pretrial Hearing must be conducted and a trial date scheduled, if necessary.

Defendant **ACCEPTS** terms set forth by the Court, a Plea or Admission will be accepted by the court and said dispositional terms imposed, subject to submission of defendant's written WAIVER (see Section IV on reverse of this form), completion of the required oral COLLOQUY, a determination that there is a FACTUAL BASIS for the Plea or Admission, and notice of ALIEN RIGHTS.

SIGNATURE OF JUDGE ACCEPTING OR REJECTING PLEA OR ADMISSION <i>X</i>	DATE	SIGNATURE OF DEFENSE COUNSEL (If rejection decision made) <i>X</i>	DATE
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**SECTION IV** DEFENDANT'S WAIVER OF RIGHTS (G.L.c. 263, § 6) & ALIEN RIGHTS NOTICE (G.L.c. 278, § 29D)

I, the undersigned defendant, understand and acknowledge that I am voluntarily giving up the right to be tried by a jury or a judge without a jury on these charges.

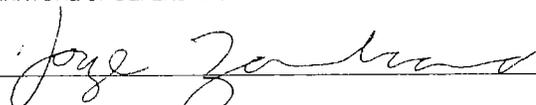
I have discussed my constitutional and other rights with my attorney. I understand that the jury would consist of six jurors chosen at random from the community, and that I could participate in selecting those jurors, who would determine unanimously whether I was guilty or not guilty. I understand that by entering my plea of guilty or admission, I will also be giving up my right to confront, cross-examine, and compel the attendance of witnesses; to present evidence in my defense; to remain silent and refuse to testify or provide evidence against myself by asserting my privilege against self-incrimination, all with the assistance of my defense attorney; and to be presumed innocent until proven guilty by the prosecution beyond a reasonable doubt.

I am aware of the nature and elements of the charge or charges to which I am entering my guilty plea or admission. I am also aware of the nature and range of the possible sentence or sentences.

My guilty plea or admission is not the result of force or threats. It is not the result of assurances or promises, other than any agreed-upon recommendation by the prosecution, as set forth in Section I of this form. I have decided to plead guilty, or admit to sufficient facts, voluntarily and freely.

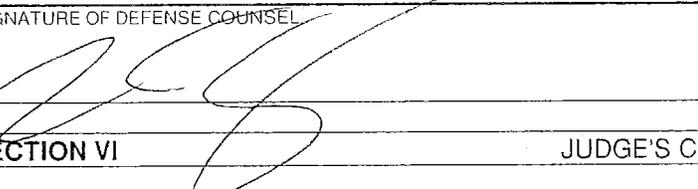
I am not now under the influence of any drug, medication, liquor or other substance that would impair my ability to fully understand the constitutional and statutory rights that I am waiving when I plead guilty, or admit to sufficient facts to support a finding of guilty.

I understand that if I am not a citizen of the United States, conviction of this offense may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization, pursuant to the laws of the United States.

SIGNATURE OF DEFENDANT	DATE	
X 	2-16-01	

**SECTION V** DEFENSE COUNSEL'S CERTIFICATE (G.L. c. 218, § 26A)

As required by G.L. c. 218, § 26A, I certify that as legal counsel to the defendant in this case, I have explained to the defendant the above-stated provisions of law regarding the defendant's waiver of jury trial and other rights so as to enable the defendant to tender his or her plea of guilty or admission knowingly, intelligently and voluntarily.

SIGNATURE OF DEFENSE COUNSEL	B.B.O. NO.	DATE	
X 	554409	2/16/01	

**SECTION VI** JUDGE'S CERTIFICATION

I, the undersigned Justice of the District Court, addressed the defendant directly in open court. I made appropriate inquiry into the education and background of the defendant and am satisfied that he or she fully understands all of his or her rights as set forth in Section IV of this form, and that he or she is not under the influence of any drug, medication, liquor or other substance that would impair his or her ability to fully understand those rights. I find, after an oral colloquy with the defendant, that the defendant has knowingly, intelligently and voluntarily waived all of his or her rights as explained during these proceedings and as set forth in this form.

After a hearing, I have found a factual basis for the charge(s) to which the defendant is pleading guilty or admitting and I have found that the facts as related by the prosecution and admitted by the defendant would support a conviction on the charges to which the plea or admission is made.

I further certify that the defendant was informed and advised that if he or she is not a citizen of the United States, a conviction of the offense with which he or she was charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization, pursuant to the laws of the United States.

SIGNATURE OF JUDGE	DATE	
X 		

# NOTICE OF PROBATION VIOLATION AND HEARING

Docket number of criminal case in which probation was ordered: 0178 CR 02551

Trial Court of Massachusetts District Court Department

Name of Probationer: Lorge Zambrano

Date: 7/24/01

Court Name and Address: Worcester Dist. Ct. 50 Fairway St. Worcester, Ma. 01608

TO THE ABOVE-NAMED PROBATIONER:

YOU ARE HEREBY NOTIFIED of the following alleged violation(s) of the probation order that was issued you in the criminal case identified above:

- You violated a criminal law of the commonwealth, namely.
- You failed to attend or successfully complete a required program, specifically:
- You failed a required drug test, specifically:
- You failed to make a required payment, specifically:
- You failed to report as required by your probation specifically:
- Other:

7/19/01 Worcester, Ma.  
0162 CR 006643  
 1. Pos. C.P. Drug  
 2. Cp. MV which Supp. Subg.  
 3. Person Under 21  
pos. liquor

YOU ARE HEREBY ORDERED as follows:

YOU MUST APPEAR in THIS COURT on \_\_\_\_\_ at \_\_\_\_\_, for a hearing on the allegation(s) listed above:

You are entitled to have a lawyer to represent you at the hearing, and one will be appointed if you cannot afford to hire one. Evidence will be presented against you at the hearing and you will be able to present your own evidence. Speak with your attorney before the hearing to prepare. If you fail to appear, you may be subject to arrest with or without a warrant. If the probation violation(s) alleged above is (are) proved, your probation may be modified or revoked.

YOU MUST APPEAR in the Worcester Dist. Ct. DISTRICT COURT  
 at Worcester, Ma. on 7/25/01  
 at 8:30 A.M. for the appointment of counsel, if necessary, and the scheduling of  
 a hearing on the alleged probation violation(s) listed above. If you fail to appear, you may be subject to arrest with or without a warrant.

A copy of this Notice has this day been  SERVED IN HAND ON  MAILED FIRST CLASS TO THE ADDRESS OF RECORD OF the probationer named above.

July 24 2001  
Date

Charles F. Emsdell  
Signature of Issuing Probation Officer

# APPEARANCE OF COUNSEL

## Trial Court of Massachusetts District Court Department



DOCKET NUMBER:

01    48    CR    0255A  
YEAR\*    COURT NUMBER    CASE TYPE\*\*    CASE NUMBER

COURT NAME AND ADDRESS

Ayer District Court  
25 East Main Street  
Ayer, MA 01432

\*e.g. '93', '94" etc.  
\*\*e.g. "CR", "CV" etc.

### To the Clerk - Magistrate:

Please enter my appearance as attorney for

Jorge Zambrano

in the above numbered court action.

ATTORNEY NAME

Christopher W D. Senso

B.B.O. NUMBER (Required)

126200

ATTORNEY FIRM

Christopher W D. Senso P.C.

TELEPHONE NUMBER

2148  
(978) 772-2447

STREET ADDRESS

233 Ayer Rd. suite 12

CITY/TOWN

Harvard

STATE

MA

ZIP CODE

01451

X

[Signature]  
SIGNATURE OF ATTORNEY

DATE

8/17/01

85:2 PM 2:38  
DIST. COURT DEPT. - TRIAL COURT



Commonwealth of Massachusetts

DISTRICT COURT DEPARTMENT OF THE TRIAL COURT

AYER DIVISION

Middlesex, ss.

Telephone 978-772-2100
Fax 978-772-5345
TTY: 978-772-9213

25 East Main Street • Ayer, Massachusetts 01432

COMMONWEALTH

vs.

Docket No. 0148 CR005A

Jorge Zambrano

REQUEST FOR CONTINUANCE

With the permission of the First Justice of this court, please continue the complaints against the above name defendant for trial

FROM: 9/6/01

TO: 9/20/01 VOP

REASON: Defense Attorney has 4 previously scheduled cases on in Lewinster District Ct on 9/6/01

The opposing party has been notified that this request is being presented and does/does not object to same now being heard.

Richard P. Georgeou for the Commonwealth/Defense. Signature of opposing party

The defendant will be notified either through his/her Attorney or by sending a copy of this motion to him/her.

[Signature] for the Commonwealth/Defense. Signature of party making request

Date: 8/17/01 Town