



MICHAEL D. O'KEEFE
DISTRICT ATTORNEY

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE
DISTRICT ATTORNEY

CAPE & ISLANDS DISTRICT

3231 MAIN STREET
P.O. BOX 455
BARNSTABLE, MA 02630
(508) 362-8113

August 6, 2018

BY ELECTRONIC MAIL

William Marshall
Judicial Watch
425 Third Street SW, Suite 800
Washington D.C. 20024
BMarshall@JUDICIALWATCH.ORG

RE: Public Records Request

Dear Sir,

I write in response to your request for records. Specifically,


1. All records relating to any criminal charges involving Mickey A. Rivera;
2. All Internal records relating to Mickey Rivera and
3. All records of employment for a certain Assistant District Attorney.

With respect to your first request, please see attached police reports. As to your request for internal communications, the Cape & Islands is not in possession of any such responsive records. As to your third request, G.L.c.4 §7(26)(c) exempts from public disclosure personnel information. Employment applications, among other personnel materials which are useful in making employment decisions regarding an employee fall within this exemption.

Thank you,

Tara L. Miltimore
Assistant District Attorney


Date/Time Printed: 06-04-2018 08:46:36 Revised: 07/16

CRIMINAL COMPLAINT PROSECUTOR COPY		DOCKET NUMBER 1825CR001274	NO. OF COUNTS 4	Trial Court of Massachusetts District Court Department	
DEFENDANT NAME & ADDRESS Mickey Rivera 280 Ridge St #2 Fall River, MA 02720				COURT NAME & ADDRESS Barnstable District Court Main Street, Rt 6A P.O. Box 398 Barnstable, MA 02630 (508)375-6778	
DEFENDANT DOB 12/03/1995	COMPLAINT ISSUED 06/04/2018	DATE OF OFFENSE 06/03/2018	ARREST DATE 06/03/2018		
OFFENSE CITY / TOWN Barnstable		OFFENSE ADDRESS		NEXT EVENT DATE & TIME 06/04/2018 09:00 AM	
POLICE DEPARTMENT SP Yarmouth		POLICE INCIDENT NUMBER 2018-0D2-002456		NEXT SCHEDULED EVENT Arraignment	
OBTN [REDACTED]	PCF NUMBER [REDACTED]	DEFENDANT XREF ID [REDACTED]		ROOM / SESSION Criminal Main Session	
The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.					

COUNT	CODE	DESCRIPTION
1	90/24/J	OUI-LIQUOR OR .08% c90 §24(1)(a)(1)
<p>On 06/03/2018 did operate a motor vehicle upon a way, as defined in G.L. c.90, §1, or in a place to which the public has a right of access, or upon a way or in a place to which members of the public have access as invitees or licensees, with a percentage, by weight, of alcohol in his or her blood of eight one-hundredths or greater, or while under the influence of intoxicating liquor, in violation of G.L. c.90, §24(1)(a)(1).</p> <p>PENALTY: imprisonment for not more than 2½ years; or not less than \$500, not more than \$5000 fine; or both imprisonment and fine; plus \$50 Victims of Drunk Driving Assessment; plus (if OUI \$250 Head Injury Assessment; no filing or continuance without a finding; and license revoked for 1 year. §24Q: Defendants with a blood alcohol level of .20% must also attend alcohol or drug assessment by DPH or other court-approved program. §24D alternative disposition: If defendant eligible, judge may allow as alternative: probation not more than 2 years, plus driver alcohol or controlled substance abuse education program, or alcohol or controlled substance abuse treatment or rehabilitation program, or both, plus its program fee, plus \$250 assessment for apprehension, treatment and rehabilitation programs, plus \$50 Victims of Drunk Driving Assessment, plus (if OUI \$250 Head Injury Assessment, plus license suspended for not less than 45 days, not more than 90 days (or for 210 days, if defendant under age 21 on offense date). Defendants aged 17-21 with a blood alcohol level of .20% or more must attend a "14-day second offender in-home program."</p>		
2	90/24/F	OUI-DRUGS c90 §24(1)(a)(1)
<p>On 06/03/2018 did operate a motor vehicle upon a way, as defined in G.L. c.90, §1, or in a place to which the public has a right of access, or upon a way or in a place to which members of the public have access as invitees or licensees, while under the influence of marihuana, narcotic drugs, depressants or stimulant substances, all as defined in G.L. c.94C, §1, or from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in G.L. c.270, §18, in violation of G.L. c.90, §24(1)(a)(1).</p> <p>PENALTY: imprisonment not more than 2½ years; or not less than \$500, not more than \$5000 fine; plus \$250 Head Injury Assessment; or both imprisonment and fine; plus \$50 Victims of Drunk Driving Assessment; no filing or continuance without a finding; and license revoked for 1 year. §24D alternative disposition: If defendant eligible, after guilty finding or continuance without a finding, judge may allow as alternative: probation not more than 2 years, plus driver alcohol or controlled substance abuse education program, or alcohol or controlled substance treatment or rehabilitation program, or both, plus its program fee, plus \$250 assessment for apprehension, treatment and rehabilitation programs, plus \$50 Victims of Drunk Driving Assessment, plus \$250 Head Injury Assessment, plus license suspended for not less than 45 days, not more than 90 days (or for 210 days, if defendant under age 21 on offense date).</p>		

SIGNATURE OF COMPLAINANT X	SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK/DEP. ASST. CLERK X	DATE
NAME OF COMPLAINANT	CLERK-MAGISTRATE/ ASST. CLERK X	DATE

Notice to Defendant: 42 U.S.C. § 3796gg-4(e) requires this notice: If you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.

CRIMINAL COMPLAINT ADDITIONAL COUNTS	DOCKET NUMBER 1825CR001274	NO. OF COUNTS 4	Trial Court of Massachusetts District Court Department 
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COUNT	CODE	DESCRIPTION
3	90/24/E	NEGLIGENT OPERATION OF MOTOR VEHICLE c90 §24(2)(a)

on On 06/03/2018; did-operate a motor vehicle upon a way, as defined in G.L. c.90, §1, or in a place to which the public has a right of access, or in a place to which members of the public have access as invitees or licensees, negligently, so that the lives or safety of the public might be endangered, in violation of G.L. c.90, §24(2)(a).

(PENALTY: imprisonment for not less than 2 weeks, not more than 2 years; or not less than \$20, not more than \$200, plus \$250 Head Injury Treatment Services Trust Fund surcharge; or both imprisonment and fine; subsequent offense may not be filed or continued without a finding except upon motion and Judge's certificate that such is in the interests of justice; RMV may (and shall unless Judge recommends otherwise) revoke license for 60 days or, for subsequent offenses within 3 years, for 1 year, subject to reinstatement after investigation; RMV may revoke registration if defendant is owner or has exclusive control of vehicle. For violations on and after 3/31/07, RMV shall suspend junior operator's license or learner's permit 90 days for first offense and 1 year for subsequent offense; junior operator must also complete attitudinal change program.)

4	89/4A	MARKED LANES VIOLATION * c89 §4A
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On 06/03/2018, while operating upon a way that had been divided into lanes: (1) did fail to so drive that his or her vehicle was entirely within a single lane; or (2) did move his or her vehicle from the lane in which he or she was driving without having first ascertained that such movement could be made with safety; or (3) did operate his or her motorcycle abreast of more than one other motorcycle; or (4) did fail to operate his or her motorcycle single file when passing; or (5) did on a motorcycle pass another motor vehicle other than another motorcycle within the same lane, in violation of G.L. c.89, §4A. (CIVIL ASSESSMENT from §5: \$100.)

NOTE: THIS IS A CIVIL MV INFRACTION, SET FORTH HERE FOR PROCEDURAL PURPOSES ONLY.



ARREST REPORT

State Police Yarmouth

1172 State Road, Rte. 28

South Yarmouth, MA

(508) 398-2323

CASE # 2018-0D2-002456

Invest Officer: Trooper Edward Alldredge ID# 4068
Agency: D-2

Court: Barnstable DC

Activity Date/Time 06/03/2018 0144 Incident Class: Traffic MV Stop

Location: SOUTH STREET, BARNSTABLE, MA

Last: RIVERA

First: MICKEY

Middle: AVIMALEY

Suffix:

DOB: 12/03/1995

Age: 22

SSN: [REDACTED]

License #: [REDACTED]

Lic. State: MA

Address: 280 RIDGE ST APT 2

City/Town: FALL RIVER

State: MA

Zip Code: 02721

Phone #: [REDACTED]

Occupation: LANDSCAPE

Employer: SELF EMPLOYED

Emp. Add:

Emp. Phn:

Race: White

Sex: Male

Height: 601

Weight: 158

Hair Color: Brown

Eye Color: Brown

Build: Slender

Complexion: Light

Marital Stat: Single

Spouse:

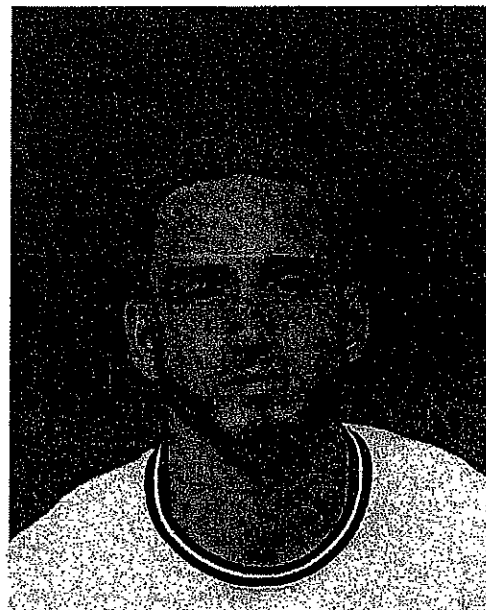
Father: JEFFERY GOOGINS

Mother: ANGELICA RIVERIA

Dependents: 0

Birth Place: NEW BEDFORD, MA

Citizenship: USA



Custody Status: Pending Bail

Booking Officer: Trooper Edward Alldredge ID# 4068

Desk Officer: Trooper Shaun DeBrito ID# 4107

Photo Officer: Trooper Edward Alldredge ID# 4068

Miranda Given: Y Trooper Edward Alldredge ID# 4068

Print Officer: Trooper Edward Alldredge ID# 4068

Lang Rights: N

Visible Injuries: N

Positive Q5: N

PREA Screening: Y Trooper Edward Alldredge ID# 4068

ICE Detainer?: N Detainer#:

Held on Detainer?:

Phone Used: Y

Number Called:

M/W: N

Detox Notified: N

Medications:

Offered BT: Y

Refused BT: N

BT Results: 0.190 0.078 0.200

Bailed To:

OBTN: TSD2201801322

Booked @ MSP Yarmouth

Charge(s):

Citation: 086477AA; 90-24-J OUI LIQUOR

Citation: 086477AA; 90-24-F OUI DRUGS

Citation: 086477AA; 90-24-E NEGLIGENT OPERATION OF MOTOR VEHICLE

Citation: 086478AA; 89-4A MARKED LANES VIOLATION

[Signature]
Trooper Edward Alldredge ID# 4068

Station Approved

[Signature] Sergeant Joseph Paulo ID# 2032

Supervisor



ARREST REPORT

State Police Yarmouth

1172 State Road, Rte. 28

South Yarmouth, MA

(508) 398-2323

CASE # 2018-0D2-002456

Invest Officer: Trooper Edward Alldredge ID# 4068

Court: Barnstable DC

Agency: D-2

Alias(es):

Distinguishing Marks:

Vehicle(s):

MA PAN 9CTH60 2001 Honda ACCORD WHITE
VIN: 1HGCG66841A060000

Towed Davis Towing
GOVT EMPLOYEE INS

Other Property/Evidence Involved In Case:

Arrest Narrative:

RIVERA

By Trooper Edward J Alldredge #4068

1. On Sunday, June 3, 2018 at approximately 1:44 am I, Trooper Edward Alldredge #4068, was traveling on Main Street in marked cruiser #346. Main Street is a public way in the town of Barnstable. I observed a motor vehicle bearing Massachusetts registration #9CTH60, attempting to turn the wrong way from a parking lot onto Main Street, which is a one way street. I stopped in front of the vehicle and instructed the vehicle that the road is one way. The operator then turned the other way and began traveling on Main Street. The vehicle then turned onto South Street and went over the yellow marked line during the turn. I continued following the vehicle on South Street and it drifted towards the right, went over the white fog line and struck the curb, causing the vehicle to go onto the side walk. I initiated a motor vehicle stop by activating my emergency blue lights. The vehicle swerved off of the curb and took an abrupt right onto Pearl Street. The vehicle then jammed on its brakes.

2. I approached the vehicle and the operator rolled down the window. I could immediately detect a strong odor of burnt Marijuana and alcoholic beverage emanating from inside of the vehicle. I then looked at the operator. The operator had bloodshot/glassy eyes, a reddish/flushed face and a white/filmy substance around his lips known as "cotton mouth." I requested the operator's license and he reached into his pocket and pulled out his wallet. He began to slowly look for his license and he dropped his wallet onto his lap. He picked it up, pulled out his Massachusetts DTA card and handed it to me. I observed his actions to be slow and lethargic. I told him I needed his license and he then laughed and handed me his entire wallet. I took his license out of his wallet and identified him as Mickey RIVERA. I informed him the reason for the stop and he said, "I'm sorry officer, I drank too much and I'm just trying to get home," and laughed again. RIVERA's speech was slurred and thick tongued. I noticed a smoldering joint in the ash tray and asked if he had been smoking Marijuana and he said, "Yeah, but not more than the legal limit." I asked RIVERA to exit the vehicle to conduct field sobriety tests.

3. RIVERA exited the vehicle slowly and I directed him towards the rear of the vehicle. I could now

Trooper Edward Alldredge ID# 4068

Status Approved

Approved by: #4068 Trooper Edward Alldredge

Supervisor



ARREST REPORT

State Police Yarmouth

1172 State Road, Rte. 28

South Yarmouth, MA

(508) 398-2323

CASE # 2018-0D2-002456

Invest Officer: Trooper Edward Alldredge ID# 4068

Court: Barnstable DC

Agency: D-2

detect the odor of burnt Marijuana and alcoholic beverage emanating from his person and breath. RIVERA was extremely unsteady on his feet and used his vehicle for balance by keeping his left hand in contact with the side of the vehicle while he walked. I directed him to a well lit, flat area of the road that was free of debris. I asked him if he had any medical issues or injuries that would affect him from doing any tests and he said, "no. I know I drank too much tonight but can you please let me just walk home?" I then attempted to conduct the horizontal gaze nystagmus test but after attempting it 5 times, RIVERA could not keep his head still and follow my finger with his eyes. While attempting the test, he continuously lost his balance while standing there and I had to grab his arm to prevent him from falling.

4. I then demonstrated and explained the one leg stand test. He said, "Yo just let me know when you're ready." I told him to begin and he put his arms up and out to the side and began to walk towards me but after 2 steps, he lost his balance and stumbled. I told him that he was supposed to attempt the one leg stand which I had just explained and he said, "Yeah, I'll walk the line all the way home if you let me." I asked him how much he had to drink and he replied, "Way too much. Drinks man, just drinks. I can tell you're a good officer. I should have drove safe." I formed the opinion that RIVERA was intoxicated from liquor and Marijuana.

5. I placed RIVERA under arrest. He was handcuffed, searched and secured in the rear of marked cruiser #346. I requested a tow and began an inventory. Davis Towing arrived and took custody of the vehicle. I transported RIVERA to the Yarmouth Barracks and during the transport, RIVERA was talking to me then after 2 minutes he fell asleep mid conversation. Upon arrival, I had to open his door and yell his name to wake RIVERA up.

6. RIVERA was escorted into the barracks and into the booking room. During the booking process he apologized multiple times for driving drunk and said it wouldn't happen again. I read him his Miranda rights and his Statutory rights from the Statutory rights and consent form. RIVERA consented to the breath test and according to the breath test, his blood alcohol content was a .19%. RIVERA was issued a citation and charged with OUI liquor, OUI drugs, negligent operation of a motor vehicle and marked lanes. The bail commissioner advised bail at personal recognizance. RIVERA was informed, made a phone call and was secured in cell #1 to await bail.

Trooper Edward J Alldredge #4068

Trooper Edward J Alldredge #4068

Trooper Edward Alldredge ID# 4068

Approved by: #Sergeant Joseph Paulo ID# 2433

Supervisor

NOTICE OF SUSPENSION FOR A CHEMICAL TEST FAILURE

BAC .08 or Greater (.02 or Greater for Operator Under 21)

License #: S69727698 Lic. State: MASSACHUSETTS
Operator: RIVERA, MICKEY A
Address: 280 RIDGE ST APT 2, FALL RIVER, MASSACHUSETTS 02721
D.O.B.: 12/03/1995 Gender: MALE

NOTICE OF SUSPENSION

This is your formal notice of the intent to suspend your license or right to operate under M.G.L. Ch. 90, Sec. 24 (1)(f)(2). This suspension is for 30 days. Operators under 21 years of age will incur an additional 180 day to one year suspension under M.G.L. Ch. 90 s. 24P. The suspension will occur **immediately**. No hardship licenses are authorized by law during this period of suspension, unless you are eligible for a first offenders disposition and your case has been resolved under M.G.L. c. 90 s. 24D.

**ADDITIONAL NOTICE TO INDIVIDUALS OPERATING A VEHICLE
REQUIRING A COMMERCIAL DRIVERS LICENSE**

In addition to the above suspension, if you are operating a vehicle requiring a CDL license and your blood alcohol content is .04 or above, you will be disqualified from operating for a period of not less than one year, or up to life. There is no hardship license available for this period of time.

OPERATOR'S RIGHT TO A HEARING

M.G.L. Ch. 90, Sec. 24 (1)(g) reads, in part: "Any person whose license, permit, or right to operate has been suspended under subparagraph (2) of paragraph (f) on the basis of chemical analysis of his breath may within ten days of such suspension request a hearing and upon such request shall be entitled to a hearing before the court in which the underlying charges are pending, or if the individual is under the age of 21 and there are no pending charges, in the district court having jurisdiction where the arrest occurred, which hearing shall be limited to the following issue: whether a blood test was administered pursuant to paragraph (e) within a reasonable period of time after such chemical analysis of his breath, shows that the percentage, by weight, of alcohol in such person's blood was less than eight one-hundredths or, relative to such person under the age of twenty-one was less than two one-hundredths."

The officer below hereby certifies that they have served the operator with this notice and has submitted an electronic notification of this transaction to the Registry of Motor Vehicles.

Officer's Name: EDWARD ALLDREDGE Date: 06/03/2018
Issuing Police Department: MASS STATE POLICE Phone: 508-820-2300

**Massachusetts Office of Alcohol Testing
BATS - Completion Record**

SP Yarmouth D-2

Test Date:	<u>06/03/2018</u>	Seq. Test #:	<u>673</u>
Dept. Case #:	<u>2018-0D2-002456</u>	Citation #:	<u></u>
Model #:	<u>ALCOTEST 9510</u>	Firmware:	<u>8322232 0.7.1</u>
Serial #:	<u>ARBF-0105</u>	License #:	<u>S69727698</u>
Date of Arrest:	<u>06/03/2018</u>	License State:	<u>MASSACHUSETTS</u>
Arrest Town:	<u>BARNSTABLE</u>	Last Name:	<u>RIVERA</u>
Test Type:	<u>90-24 ARREST</u>	First Name, MI:	<u>MICKEY, A</u>
Test Result:	<u>TESTS OUTSIDE TOL.</u>	D. O. B.:	<u>12/03/1995</u>

Breath Test - Arresting Officer Observation Report

Public Way:	<u>YES</u>	OUI Alcohol Arrest:	<u>YES</u>	Offered Test:	<u>YES</u>
Observed Driving:	<u>YES</u>	Unsteady on Feet:	<u>YES</u>	Slurred Speech:	<u>YES</u>
Glassy Eyes:	<u>YES</u>	Bloodshot Eyes:	<u>YES</u>	Odor:	<u>STRONG</u>
PBT:	<u>N/A</u>	Crash:	<u>NO</u>		
Other Grounds:	<u>SFSTS</u>				

Arresting Officer's Name: EDWARD ALLDREDGE
Arresting Officer Signature: _____
Breath Test Operator: EDWARD J. ALLDREDGE
Observed Subject 15 Minutes: YES
Refusal Witness: N/A

List of Associated Documents:

Breath Test Report Form (BATS-01-BTR)

**Massachusetts Office of Alcohol Testing
Breath Test Report Form**

SP Yarmouth D-2

Test Date: 06/03/2018 Sequential Test #: 673
Dept. Case #: 2018-OD2-002456 Citation #: _____

Test Results: Test Not Completed: **TESTS OUTSIDE TOL.**

Breath Test Instrument Certification

The breath test instrument was certified at the time the breath test was administered.

Model Number	Serial Number	Certification Begins	Certification Expires
<u>Alcotest 9510</u>	<u>ARBF-0105</u>	<u>11/30/2017</u>	<u>11/30/2018</u>

Calibration Standard Information

	Lot Number	Concentration	Expiration	Inlet
Dry Gas Cylinder:	<u>DG0138</u>	<u>0.080</u>	<u>03/10/2019</u>	<u>CAL GAS INLET 1</u>

Subject Information

Last Name:	<u>RIVERA</u>	D. O. B.:	<u>12/03/1995</u>
First Name, MI:	<u>MICKEY, A</u>	License State:	<u>MASSACHUSETTS</u>
License #:	<u>S69727698</u>		

Breath Test Sequence Details

Function	Result %BAC	Time HH:MM:SS	Volume Liters (L)	Duration Seconds (s)
Air Blank Test	0.000	02:54:38		
Subject Test 1	0.188	02:55:01	2.8L	7.2s
Air Blank Test	0.000	02:57:23		
Calibration Check	0.078	02:57:48		
Air Blank Test	0.000	02:59:23		
Subject Test 2	0.212	02:59:49	2.8L	9.2s
Air Blank Test	0.000	03:01:14		

Breath Test Operator Certification

The Breath Test Operator was certified at the time the breath test was administered.

	Certification Begins	Certification Expires
Operator: <u>EDWARD J. ALLDREDGE</u>	<u>01/25/2018</u>	<u>01/25/2021</u>
Signature: _____	Signature Date: <u>06/03/2018</u>	

STATUTORY RIGHTS AND CONSENT

Defendant: Rivera Date: 6/3/18
 Case No.: 2018-OD2-002456 Time: 0240

RIGHT TO A DOCTOR

General Laws, Ch. 263, Sec. 5A: A person held in custody at a police station or other place of detention, charged with operating a motor vehicle while under the influence of intoxicating liquor, shall have the right, at his request and at his expense, to be examined immediately by a physician selected by him. The police official in charge of such station or place of detention, or his designee, shall inform him of such right immediately upon being booked, and shall afford him a reasonable opportunity to exercise it. Such person shall, immediately upon being booked, be given a copy of this section unless such a copy is posted in the police station or other place of detention in a conspicuous place to which such person has access.

RIGHT TO A TELEPHONE

General Laws Ch. 276, Sec. 33A: The police official in charge of the station or other place of detention having a telephone wherein a person is held in custody, shall permit the use of the telephone, at the expense of the arrested person, for the purpose of allowing the arrested person to communicate with his family or friends, or to arrange for release on bail, or to engage the services of an attorney. Any such person shall be informed forthwith upon his arrival at such station or place of detention, of his right to so use the telephone, and such use shall be permitted within one hour thereafter.

REQUEST TO SUBMIT TO A CHEMICAL TEST

Pursuant to General Laws Ch. 90, Sec. 24:

1. I am requesting that you submit to a chemical test to determine your blood alcohol concentration.
2. **Drivers Age 21 or OVER:** If you refuse this test, your license or right to operate in Massachusetts shall be suspended for at least a period of 180 days or up to life for such refusal. The suspension if you take the test and fail it is 30 days.

Drivers UNDER Age 21: If you refuse this test, your license or right to operate in Massachusetts shall be suspended for at least a period of 3 years or up to life for such refusal. The suspension if you take the test and fail it is 30 days. Drivers under age 21 will also face an additional suspension pursuant to General Laws Chapter 90, Section 24P of 180 days to 1 year.

3. If your blood alcohol level is .08 or above, you are in violation of Massachusetts law and may face criminal penalties. Drivers under age 21 have the same legal limit for court purposes, but will face administrative penalties for any blood alcohol concentration of .02 or above.
4. If you decide to take the test and complete it, you will have the right to a comparison blood test within a reasonable period of time at your own expense. The results of this comparison test can be used to restore your license or right to operate at a court hearing within 10 days.
5. It is not your option which type of chemical test to take. Refusal or failure to consent to take the test that I am requesting is a violation of the Implied Consent Law, and will result in your right to operate a motor vehicle being suspended as I have stated to you. Refusing this test, but requesting some other form of test is a refusal under the law.

NOTICE TO PERSONS HOLDING A COMMERCIAL DRIVER'S LICENSE

In addition to the above, Mass General Laws Ch. 90F, Sec. 11 and 49 CFR Sec. 383.51 provide that a person holding a commercial driver's license who fails to submit to a required test of blood, breath, or urine, shall be disqualified from driving a commercial motor vehicle for a period of one (1) year or up to life. This disqualification applies whether or not the person was operating a CDL vehicle. If the vehicle was transporting 16 or more passengers, including the driver, or hazardous materials required to be placarded, the CDL disqualification shall be for three (3) years or up to life.

Do you consent to submit to the chemical test that this officer requested to determine your blood alcohol concentration?

☒ Yes ☐ No

Defendant's Signature: _____

(To be signed, or indicate why not)

Signature of Officer Before Whom the Refusal or Test Was Made: _____

(Signed)


**Massachusetts Office of Alcohol Testing
BATS - Completion Record**

SP Yarmouth D-2

Test Date:	<u>06/03/2018</u>	Seq. Test #:	<u>674</u>
Dept. Case #:	<u>2018-0D2-002456</u>	Citation #:	<u>-</u>
Model #:	<u>ALCOTEST 9510</u>	Firmware:	<u>8322232 0.7.1</u>
Serial #:	<u>ARBF-0105</u>	License #:	<u>S69727698</u>
Date of Arrest:	<u>06/03/2018</u>	License State:	<u>MASSACHUSETTS</u>
Arrest Town:	<u>BARNSTABLE</u>	Last Name:	<u>RIVERA</u>
Test Type:	<u>90-24 ARREST</u>	First Name, MI:	<u>MICKEY, A</u>
Test Result:	<u>0.19 %BAC</u>	D. O. B.:	<u>12/03/1995</u>

Breath Test - Arresting Officer Observation Report

Public Way:	<u>YES</u>	OUI Alcohol Arrest:	<u>YES</u>	Offered Test:	<u>YES</u>
Observed Driving:	<u>YES</u>	Unsteady on Feet:	<u>YES</u>	Slurred Speech:	<u>YES</u>
Glassy Eyes:	<u>YES</u>	Bloodshot Eyes:	<u>YES</u>	Odor:	<u>STRONG</u>
PBT:	<u>N/A</u>	Crash:	<u>NO</u>		
Other Grounds:	<u>SFSTS</u>				

Arresting Officer's Name: EDWARD ALLDREDGE
Arresting Officer Signature:  #10068
Breath Test Operator: EDWARD J. ALLDREDGE
Observed Subject 15 Minutes: YES
Refusal Witness: N/A

List of Associated Documents:

Breath Test Report Form (BATS-01-BTR)

Notice of Suspension For Chemical Test Failure

**Massachusetts Office of Alcohol Testing
Breath Test Report Form**

SP Yarmouth D-2

Test Date: 06/03/2018 Sequential Test #: 674
Dept. Case #: 2018-0D2-002456 Citation #: -

Test Results: The subject's Blood Alcohol Concentration (BAC) is **0.19%**.

Breath Test Instrument Certification

The breath test instrument was certified at the time the breath test was administered.

Model Number	Serial Number	Certification Begins	Certification Expires
<u>Alcotest 9510</u>	<u>ARBF-0105</u>	<u>11/30/2017</u>	<u>11/30/2018</u>

Calibration Standard Information

Dry Gas Cylinder:	Lot Number	Concentration	Expiration	Inlet
	<u>DG0138</u>	<u>0.080</u>	<u>03/10/2019</u>	<u>CAL GAS INLET 1</u>

Subject Information

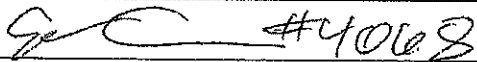
Last Name:	<u>RIVERA</u>	D. O. B.:	<u>12/03/1995</u>
First Name, MI:	<u>MICKEY, A</u>	License State:	<u>MASSACHUSETTS</u>
License #:	<u>S69727698</u>		

Breath Test Sequence Details

Function	Result %BAC	Time HH:MM:SS	Volume Liters (L)	Duration Seconds (s)
Air Blank Test	0.000	03:04:00		
Subject Test 1	0.198	03:04:21	2.1L	6.1s
Air Blank Test	0.000	03:06:40		
Calibration Check	0.078	03:07:05		
Air Blank Test	0.000	03:08:40		
Subject Test 2	0.206	03:09:02	2.2L	6.8s
Air Blank Test	0.000	03:10:31		

Breath Test Operator Certification

The Breath Test Operator was certified at the time the breath test was administered.

Operator:	<u>EDWARD J. ALLDREDGE</u>	Certification Begins	Certification Expires
		<u>01/25/2018</u>	<u>01/25/2021</u>
Signature:	<u> #4068</u>	Signature Date:	<u>06/03/2018</u>

CRIMINAL COMPLAINT PROSECUTOR COPY		DOCKET NUMBER 1589CR001255	NO. OF COUNTS 2	Trial Court of Massachusetts District Court Department
DEFENDANT NAME & ADDRESS Mickey Rivera 34 Quequechan Street Fall River, MA 02720				COURT NAME & ADDRESS Falmouth District Court 161 Jones Road Falmouth, MA 02540 (508)495-1500
DEFENDANT DOB 12/03/1995	COMPLAINT ISSUED 07/17/2015	DATE OF OFFENSE 07/11/2015	ARREST DATE	
OFFENSE CITY / TOWN Bourne	OFFENSE ADDRESS			NEXT EVENT DATE & TIME 07/30/2015 08:30 AM
POLICE DEPARTMENT SP CAPE COD TASK	POLICE INCIDENT NUMBER 15-242			NEXT SCHEDULED EVENT Arraignment
OBTN				ROOM / SESSION Arraignment Session
The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.				

COUNT	CODE	DESCRIPTION
1	265/13A/D	A&B, SERIOUS BODILY INJURY c265 §13A(b)

On 07/11/2015 assault and beat [REDACTED] did by such assault and battery cause serious bodily injury, as defined in G.L. c.265, §13A(c), in violation of G.L. c.265, §13A(b).

PENALTY: state prison not more than 5 years; or house of correction not more than 2½ years; or not more than \$5000 fine; or both such fine and imprisonment..

2	265/15A/A	A&B WITH DANGEROUS WEAPON c265 §15A(b).
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On 07/11/2015 did, by means of a dangerous weapon, a SHOD FOOT, assault and beat MAYNER FELICIANO, in violation of G.L. c.265, §15A(b).

PENALTY: state prison not more than 10 years; or house of correction not more than 2½ years; or not more than \$5000 fine; or both such fine and imprisonment. District Court has final jurisdiction under G.L. c.218, §26.

SIGNATURE OF COMPLAINANT X	SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK/DEP. ASST. CLERK X		DATE
NAME OF COMPLAINANT	A TRUE COPY ATTEST X	CLERK-MAGISTRATE/ ASST. CLERK	DATE

Notice to Defendant: 42 U.S.C. § 3796gg-4(e) requires this notice: If you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.

COMMONWEALTH OF MASSACHUSETTS**Barnstable County Sheriff's Office****INCIDENT REPORT****Incident Report # :** 15243620 **Incident Time :** 23:11 **Date:** 07/11/2015**Facility :** Barnstable Cty Corr. Facility **Place Occurred:** Pod A - Exercise Yard**Codes & Subject :** Inmate Related 18-Fighting With, Assaulting,**Reported By :** Sprague Patricia Lieutenant **Department:** **Reported Date:** 07/11/2015**Description :** On July 11, 2015 I, Lt. Sprague was posted as the Facility Shift Supervisor on the dayshift and then the Assistant Shift Supervisor on the 3:30 - 11:30pm shift.

The following is an overview of the fight that occurred in C-pod between inmates [REDACTED] MSA#704861 and Rivera, Mickey MSA#706890.

1. Inmate Rivera was relocated to G-pod. Ad-seg log started and enemy issues were entered.
 2. Inmate [REDACTED] was seen in triage by Nurse O'Neill at 1:18pm.
 3. Radio room notified of request for BCI photos at 1:24.
 4. At 1:40 Inmate [REDACTED] was transported to Falmouth Hospital at per Nurse O'Neill and the Radio Room called to report CIO Folino enroute to Falmouth Hospital.
 5. At CIO Molino in to BCCF to take photos of C-pod rec deck and Inmate Rivera's hands.
 6. Inmate [REDACTED] was then transported to Brigham and Woman's Hospital at 5:10pm per Nurse Robinson.
 7. At 1808 Deputy Ferson and Deputy Rodriguez arrived at Brigham and Woman's with Inmate Feliciano.
 8. At 9:10pm Officers departed the Brigham and Woman's Hospital and arrived at BCCF at 10:36pm.
 9. Duty Officer Matthew Murphy notified of the above.
 10. Inmate Feliciano was seen by medical and then placed on ad-seg status in A-pod (A-8L) due to the overcrowding of G-pod.
- eor

Person Type	Person ID	Booking ID	Name	Housing Unit
Inmate	[REDACTED]	[REDACTED]	[REDACTED]	PODG
Inmate	MSA0706890	P315573	RIVERA MICKEY A	PODG

Entered By: Sprague Patricia Lieutenant**Supervisor:** Sprague Patricia Lieutenant**Date:** 07/11/2015**Comments :** see body of the report**Referred To:****Date:****Comments:****Linked Incident Reports #:** NONE

COMMONWEALTH OF MASSACHUSETTS

Barnstable County Sheriff's Office

Disciplinary Report

Inmate RIVERA, MICKEY A Person ID MSA0706890 Booking ID P315573
Housing Unit PODC D-Report No. 15114536 Facility Barnstable City Corr. Facility
Date 07/11/2015

OFFENSE(S) & CODE NO.:

- 02-Violation of facility rule or regulation.
- 08-Conduct disrupting or interfering with security or orderly running of a facility.
- 18A-Fighting with, assaulting or threatening another inmate
- 32-Violating any law of the Commonwealth of Massachusetts or the United States
- 33-Attempting to commit/aiding another to commit any facility prohibited offenses

Major ☒Minor ☐

Description of Offense(s)

On July 11th, 2015 I (Officer Taylor) witnessed the following at approximately 1:13 pm in C Pod

1. While working from the officer station I heard commotion on the recreation deck.
2. I looked over to the recreation deck and saw inmate RIVERA, MICKEY (MSA0706890) Kicking Inmate [REDACTED] in the head.
3. I hit my body alarm and ordered the unit to "lock in." I then notified central control of the fight in the unit VIA portable phone.
4. Deputies Benson, Rumul, Perry, and Vacca responded to the unit at approximately 1:14 pm
5. Deputy Perry and Deputy Vacca applied restraints to inmate RIVERA. Deputy Benson applied restraints to inmate [REDACTED].
6. Inmate RIVERA was then taken out of the unit by Deputies Perry and Vacca. Following the removal of inmate RIVERA from the unit, inmate [REDACTED] was then taken out of the unit by Deputies Benson and Rumul.

Officer Taylor

BOR

Has Inmate been placed on Awaiting Action Status

Yes ☒No ☐

COMMONWEALTH OF MASSACHUSETTS

Barnstable County Sheriff's Office

Disciplinary Report

Inmate RIVERA, MICKEY A Person ID MSA0706890 Booking ID P315573
Housing Unit PODC D- Report No. 15114536 Facility Barnstable Cty Corr. Facility
Date 07/11/2015

Referred to DA ☒ Yes ☐ No
Reporting Staff TAYLOR, JACOB Date 07/11/2015 Time 13:39
Supervisor Sprague, Patricia Date 07/11/2015 Time 16:48
Shift Commander Sprague, Patricia Date 07/11/2015 Time 16:56
Disciplinary Officer Fernandes, Kevin Date 07/13/2015 Time 07:50

Results

Code Description	Sanctions	Start Date	End Date	# of Units	Restitution Amount	Suspended Sentence
Reviewing Authority						

Inmate Signature _____ Date _____
Refused to Sign _____