

Mahoney 11/29/2012 Coversheet

CHAPTER 268 - CRIMES AGAINST PUBLIC JUSTICE

Section 1 Perjury

Section 6A False written reports by public officers or employees

Section 13B Intimidation of witnesses

Section 36 Compounding or concealing felonies

CHAPTER 263 - RIGHTS OF PERSONS ACCUSED OF CRIME

Section 1 Nature of crime; right to be informed; penalty

Section 2 Arrest on false pretence; penalty

Section 3 False imprisonment

CHAPTER 265 CRIMES AGAINST THE PERSON

Section 13A Assault or assault and battery; punishment

Section 13G Commission of a felony for hire

Section 13K Assault and battery upon an elderly or disabled person

Section 18B Use of firearms while committing a felony

Section 19 Robbery by unarmed person

Section 26 Kidnapping

Section 29 Assault; intent to commit felony; punishment

Section 37 Violations of constitutional rights; punishment

Section 39 Assault or battery for purpose of intimidation

CHAPTER 266 CRIMES AGAINST PROPERTY

Section 30 Larceny

CHAPTER 271A ENTERPRISE CRIME

Sections 1 Criminal enterprise activity, Pattern of criminal enterprise activity

CHAPTER 274 FELONIES, ACCESSORIES AND ATTEMPTS TO COMMIT CRIMES

Section 7 Conspiracy

APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (COURT USE ONLY)

PAGE

of

Trial Court of Massachusetts
District Court Department



I, the undersigned complainant, request that a criminal complaint issue against the accused charging the offense(s) listed below. If the accused **HAS NOT BEEN ARRESTED** and the charges involve:

- ONLY MISDEMEANOR(S), I request a hearing **WITHOUT NOTICE** because of an imminent threat of
 BODILY INJURY COMMISSION OF A CRIME FLIGHT **WITH NOTICE** to accused.
 ONE OR MORE FELONIES, I request a hearing **WITHOUT NOTICE** **WITH NOTICE** to accused.
 WARRANT is requested because prosecutor represents that accused may not appear unless arrested.

Gloucester District Court
197 Main Street
Gloucester, MA 01930

ARREST STATUS OF ACCUSED

- HAS **HAS NOT** been arrested

INFORMATION ABOUT ACCUSED

| | | | | | |
|--|--|------------|--------------------------------------|---------------------|------------------------------------|
| NAME (FIRST MI LAST) AND ADDRESS Daniel J. Mahoney 168 Main St. Rockport, MA 01966 | | | | BIRTH DATE | SOCIAL SECURITY NUMBER |
| | | | | PCF NO. | MARITAL STATUS |
| | | | | DRIVERS LICENSE NO. | STATE |
| HAIR | | RACE | COMPLEXION | SCARS/MARKS/TATTOOS | BIRTH STATE OR COUNTRY |
| | | CAU | | | DAY PHONE (978) 546-3444 |
| EMPLOYER/SCHOOL Rockport Police Dept | | | MOTHER'S MAIDEN NAME (FIRST MI LAST) | | FATHER'S NAME (FIRST MI LAST) |
| GENDER | | HEIGHT | WEIGHT | EYES | |
| M | | | | | |

CASE INFORMATION

| | | |
|---|--|------|
| COMPLAINANT NAME (FIRST MI LAST) James M. Athanas | COMPLAINANT TYPE <input type="checkbox"/> POLICE <input checked="" type="checkbox"/> CITIZEN <input type="checkbox"/> OTHER | PD |
| ADDRESS 31R Broadway Rockport, MA 01966 | PLACE OF OFFENSE Rockport, other unknown location | |
| | INCIDENT REPORT NO. | OBTN |
| | | |
| | CITATION NO(S). | |

| OFFENSE CODE | DESCRIPTION | OFFENSE DATE |
|---|-------------------|--------------------------|
| 1 M&L 27A, Sec 7 | Conspiracy | 11/9/09 - 5/17/12 |
| VARIABLES (e.g. victim name, controlled substance type and value of property, other variable information; see Complaint Language Manual) Enterprise Criminal Activity, Civil Rights Violation, Arms Smuggling | | |
| 2 | | |
| 3 | | |

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|---|-------------------------------------|---------------------------------|
| REMARKS Civil Right Violation | COMPLAINANT'S SIGNATURE X | DATE FILED 11/29/2012 |
|---|-------------------------------------|---------------------------------|

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

| DATE | PROCESSING OF NON-ARREST APPLICATION (COURT USE ONLY) | CLERK/JUDGE |
|------|--|-------------|
| | NOTICE SENT OF CLERK'S HEARING SCHEDULED ON: | |
| | NOTICE SENT OF JUDGE'S HEARING SCHEDULED ON: | |
| | HEARING CONTINUED TO: | |
| | APPLICATION DECIDED WITHOUT NOTICE TO ACCUSED BECAUSE: <input type="checkbox"/> IMMINENT THREAT OF <input type="checkbox"/> BODILY INJURY <input type="checkbox"/> CRIME <input type="checkbox"/> FLIGHT BY ACCUSED <input type="checkbox"/> FELONY CHARGED AND POLICE DO NOT REQUEST NOTICE <input type="checkbox"/> FELONY CHARGED BY CIVILIAN; NO NOTICE AT CLERK'S DISCRETION | |

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

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ARREST STATUS OF ACCUSED

HAS **HAS NOT** been arrested

INFORMATION ABOUT ACCUSED

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| NAME (FIRST MI LAST) AND ADDRESS Daniel J. Mahoney 168 Main St. Rockport, MA 01966 | | | | BIRTH DATE | SOCIAL SECURITY NUMBER | |
| | | | | PCF NO. | MARITAL STATUS | |
| | | | | DRIVERS LICENSE NO. | STATE | |
| HAIR | | RACE | COMPLEXION | SCARS/MARKS/TATTOOS | BIRTH STATE OR COUNTRY | DAY PHONE |
| | | CAU | | | | 978 546 3444 |
| EMPLOYER/SCHOOL Rockport Police Dept | | | MOTHER'S MAIDEN NAME (FIRST MI LAST) | | FATHER'S NAME (FIRST MI LAST) | |

CASE INFORMATION

| | | |
|---|--|------|
| COMPLAINANT NAME (FIRST MI LAST) James M. Atkinson | COMPLAINANT TYPE <input type="checkbox"/> POLICE <input checked="" type="checkbox"/> CITIZEN <input type="checkbox"/> OTHER | PD |
| ADDRESS 168 Main St 31R Rock Broadway Rockport, MA 01966 | PLACE OF OFFENSE Rockport & Gloucester to Parkside | |
| | INCIDENT REPORT NO. | OBTN |
| | CITATION NO(S) | |

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|---|--|---|--|
| 1 | OFFENSE CODE MGL 265, Sec 39 | DESCRIPTION Assault or Battery for purposes of Intimidate (6 times) | OFFENSE DATE 12/1/2009 |
| VARIABLES (e.g. victim name, controlled substance, type and value of property, other variable information; see Complaint Language Manual) No signed warrant, Enterprise Criminal Activity | | | |
| 2 | OFFENSE CODE MGL 266, Sec 30 | DESCRIPTION Larceny (6 times) | OFFENSE DATE 12/1/2005 |
| VARIABLES Over \$250, Enterprise Criminal Activity | | | |
| 3 | OFFENSE CODE MGL 271A, Sec 1 | DESCRIPTION Enterprise Criminal Activity, Pretend criminal activities | OFFENSE DATE 11/9/09 - 5/17/12 |
| VARIABLES Enterprise Criminal Activity, see Affidavit | | | |

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| REMARKS Civil Rights Violation | COMPLAINANT'S SIGNATURE X [Signature] | DATE FILED 11/29/2012 |
|--|---|---------------------------------|

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| | | | | PCF NO. — | MARITAL STATUS — | |
| | | | | DRIVERS LICENSE NO. — | STATE — | |
| HAIR — | | RACE CAU | COMPLEXION — | SCARS/MARKS/TATTOOS — | BIRTH STATE OR COUNTRY — | DAY PHONE (978) 546-3444 |
| EMPLOYER/SCHOOL Rockport Police Department | | | MOTHER'S MAIDEN NAME (FIRST MI LAST) | | FATHER'S NAME (FIRST MI LAST) | |

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| COMPLAINANT NAME (FIRST MI LAST) James M. Atkinson | COMPLAINANT TYPE <input type="checkbox"/> POLICE <input checked="" type="checkbox"/> CITIZEN <input type="checkbox"/> OTHER | PD |
| ADDRESS 31R Broadway Rockport, MA 01966 | PLACE OF OFFENSE Rockport, Gloucester | |
| | INCIDENT REPORT NO. — | OBTN |
| | CITATION NO(S). — | |

| OFFENSE CODE | DESCRIPTION | OFFENSE DATE |
|---|--|-------------------|
| 1 MGL 265, sec 26 | Kidnapping | 12/1/2009 |
| VARIABLES (e.g. victim name, controlled substance, type and value of property, other variable information; see Complaint Language Manual) No signed warrant, Enterprise Criminal Activities | | |
| 2 MGL 265, sec 29 | Assault, Intent to Commit Felony (3 times) | 12/1/2009 |
| VARIABLES Injury inflicted, No signed warrant, Enterprise Criminal Activities | | |
| 3 MGL 265, sec 37 | Violation of Constitutional Rights (13 times) | 11/9/09 → 5/17/12 |
| VARIABLES Enterprise Criminal Activities | | |

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| REMARKS Civil Rights Violations | COMPLAINANT'S SIGNATURE X [Signature] | DATE FILED 11/28/2012 |
|---|---|---------------------------------|

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