

Date/Time Rptd: 10/29/14 10:22	Framingham Police Department Framingham, MA OFFENSE / INCIDENT REPORT	Incident No: 1407246 /
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Location: 1 WORCESTER RD, LOGAN EXPRESS	Cov Area: C Middlesex, MA	Date/Time of Occurrence: 10/29/14 10:22 10/29/14 10:42
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Offense: TRESPASS DISORDERLY CONDUCT WIRETAP, POSSESS DEVICE FOR WIRETAP, UNLAWFUL
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Name: WOLFE, HAROLD J	Role: OFFENDER	Phone: (508) 877-5541
Address: 65 DELMAR AV FRAMINGHAM, MA 01701	Drivers Lic: S06464059	Social Sec: 228-72-0054
Employer Name:	Employer Address:	Phone: (work)

Type of Victim	Date of Birth	Inc Age	Sup Age	Height	Weight	Race	Sex	Resident
	08/17/1949	65	N/A	5'10	185	W	M	R

Incident Summary:

SEE NARRATIVE

Investigating Officer:	Date:	Supervisor:	Date:
123 ESPOSITO, MICHAEL	10/29/14	123 ESPOSITO, MICHAEL	10/29/14
Case Status: ADULT AR	Approval Status: Approved		PAGE 1

Date of Report: 10/29/14 10:22	Framingham Police Department Framingham, MA OFFENSE / INCIDENT REPORT CONTINUATION	Incident No: 1407246 /
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Officer Narrative: ESPOSITO, MICHAEL

C# 1407246

Arrest - Shoppers World, 1 Worcester Road, Framingham, MA 01701

On Wednesday, October 29, 2014 at approximately 10:22 AM, the reporting officer Sergeant Michael J. Esposito while working a paid detail at the Logan Express Construction Site had occasion to observe and make an arrest of a subject for Trespassing and being a Disorderly Person.

Sergeant Richard Pomales, Sergeant Kathryn Esposito and I, Sergeant Michael Esposito had been assigned to the construction detail at the Consigli Construction Site. This company is building the new Logan Express Bus Terminal.

The detail consists of three officers assigned to various areas at the site depending on the movement of men and equipment.

I, Sergeant Michael Esposito was assigned the Route 30 and Burr Street intersection. After observing a truck run over some of the orange barricades on Burr Street I drove to the construction trailer to report that one of the oversized trailer trucks that carry the cement pre-cast decking for the project had just ran over and crushed 4 of the protective plastic traffic barriers.

Sergeant Kathryn Esposito was manning construction gate #2 on Burr Street and Sergeant Pomales was manning gate #1. After making the notification, Sergeant K. Esposito was relieved to take a break. It was at this time that I took over the duties at gate #2.

As soon as I pulled up in the cruiser a large oversized truck and trailer combination was attempting to make his move and back into the work site. It was at this same time that Construction site LABOR Shop Stewart Anthony Gines pointed out a subject that was on the grassy area where a sign and guard rail was. This area is an unimproved area with no

Investigating Officer: 123 ESPOSITO, MICHAEL	Date: 10/29/14	Supervisor: 123 ESPOSITO, MICHAEL	Date: 10/29/14
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sidewalk or any "way" for safe pedestrian traffic to navigate. Where this subject was standing was causing a distraction and was dangerously close to the nose of the trucks as they negotiated their moves to back into the job site.

This was not only a danger to the construction workers but a danger to the individual himself. It was also noted that this person was holding a camera to his eye and appeared to be taking pictures of the job site.

This subject was approached and advised that he could not stand in the area where he was. This subject was now recognized as a subject known to me as one Harold J. Wolf. Wolf replied that he could stand there if he wanted to. It was explained to Wolf that the property where he stood was private and was not improved or protected for pedestrian traffic. He was also advised that the entire property of Shoppers World is posted to prevent trespassing. Wolf disagreed and stated he saw no signs.

Note: All entry points leading onto the private property commonly known as Shoppers World as a sign stating:

"PRIVATE PROPERTY" Shoppers World and its parking area are private property, hand billing, soliciting, overnight parking or ANY OTHER USE other than shopping is absolutely prohibited and regarded as TRESPASSING - M.G.L. 266 sec. 120D"

Wolf was again for the second time told to leave the area. He was told that he could take pictures and stand in safe areas all day long but had to leave this area now. He stated "what's your name you don't know anything I'm not moving".

I, Sergeant Michael Esposito again for the third time ordered Wolf to immediately leave the area as he was now being disorderly (his actions were not for a legitimate purpose as well as posing a danger to himself and others)and was continuing to Trespass on private property after having been ordered to leave. Wolf replied "you don't know what you're doing and you also know nothing about policing". Wolf was then advised that after having

Investigating Officer: 123 ESPOSITO, MICHAEL	Date: 10/29/14	Supervisor: 123 ESPOSITO, MICHAEL	Date: 10/29/14
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been told three times and given ample time to leave the property and cease his actions that he was now under arrest and no longer free to leave.

Wolf was handcuffed and his camera was removed from his hand and placed in his pocket. Wolf was escorted over the guard rail onto the roadway and moved to a safe area to await the arrival of a transport vehicle. While waiting for the transport vehicle Wolf was advised of his Miranda rights which here read to him via a printed card. After hearing his rights Wolf was asked if he understood them and he replied "no". As a result of the "no" answer no questions were put to Wolf.

While waiting for responding officers Detective Sergeant Scott Brown arrived as a result of hearing the radio transmission and remained with the writer until backup arrived.

Officers Christopher Burrell and Paul Duncan arrived and facilitated the transport of Wolf to the station for booking.

At the time of booking the camera and a recording device was secured as evidence with regards to this case.

This camera was taken as evidence to memorialize Wolf's position at the time of his arrest. It was also at this time that it was learned that Wolf had secretly recorded (me) Sergeant Michael Esposito without my permission as I stood upon a private way and without any knowledge of being audio recorded.

As a result of this event Wolf was charged with:

Trespassing - 266/120

Disorderly - 272/53

Unlawful Secret Recording - 272/99C

Respectfully submitted,

Sergeant Michael J. Esposito #123

Investigating Officer: _123_ ESPOSITO, MICHAEL	Date: _10/29/14_	Supervisor: _123_ ESPOSITO, MICHAEL	Date: _10/29/14_
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Investigating Officer: _123_ ESPOSITO, MICHAEL	Date: _10/29/14_	Supervisor: _123_ ESPOSITO, MICHAEL	Date: _10/29/14_
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Offense: TRESPASS DISORDERLY CONDUCT WIRETAP, POSSESS DEVICE FOR WIRETAP, UNLAWFUL
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Name: WOLFE, HAROLD J	Role: OFFENDER	Phone: (508) 877-5541
Address: 65 DELMAR AV FRAMINGHAM, MA 01701	Drivers Lic: S06464059	Social Sec: 228-72-0054
Employer Name:	Employer Address:	Phone: (work)

Type of Victim	Date of Birth	Inc Age	Sup Age	Height	Weight	Race	Sex	Resident
	08/17/1949	65	N/A	5'10	185	W	M	R

Incident Summary:

SEE NARRATIVE

Investigating Officer: 123 ESPOSITO, MICHAEL	Date: 10/29/14	Supervisor: 123 ESPOSITO, MICHAEL	Date: 10/29/14
Case Status: ADULT AR	Approval Status: Approved		PAGE 1

FRAMINGHAM POLICE STANDARD OFFENSE REPORT  
SHORT FORM

1. DISPATCH 2. CITIZEN 3. ON VIEW	DATE/TIME REPORTED 2 10/29/14 10:22	DATE/TIME OCCURRED 10/29/14 10:22	CASE # 1407246
LOCATION OF OFFENSE 1 WORCESTER RD, LOGAN EXPRESS		TYPE OF PREMISE	
INCIDENT/OFFENSE (List most serious first)		1. STREET 2. SINGLE RESIDENCE 3. MULTIPLE RESIDENCE 4. COMMERCIAL 5. GAS STATION 6. STORE 7. PHARMACY/DR. OFFICE 8. PUBLIC COMMUNITY BLDG/SCHOOL 9. RESTAURANT 10. WAREHOUSE 11. TAVERN BAR 12. VEHICLE 13. BANK 14. OPEN AREA 15. OTHER	
A. TRESPASS	D. WIRETAP, UNLAWFUL	(Insert Number) _____ 1 _____	
B. DISORDERLY CONDUCT	E.		
C. WIRETAP, POSSESS DEVICE FOR	F.		
CODES: (INSERT LETTER) V=Victim B=Business W=Witness P=Parent DC=Discovered Crime RP=Reporting Party			
1. NAME: LAST, FIRST MIDDLE WOLFE, HAROLD J		1. CODE O	RESIDENCE ADDRESS 65 DELMAR AV FRAMINGHAM, MA 01701
SEX M	RACE W	HAIR GRY	EYES BRO
HT. 5'10	WT. 185	DOB 08/17/1949	AGE 65
SSN 228-72-0054		DRIVERS LICENSE S06464059	OCCUPATION
2. NAME: LAST, FIRST MIDDLE		2. CODE	RESIDENCE ADDRESS
SEX	RACE	HAIR	EYES
HT.	WT.	DOB	AGE
SSN		DRIVERS LICENSE	OCCUPATION
VEHICLE INFORMATION			
REG NO	STATE	YEAR	MAKE
MODEL	COLOR	VIN	INSURANCE
PROPERTY STATUS (Insert Letter) S=Stolen RE=Recovered/Safekeeping F=Found HE=Hold for Evidence			
Status	Qty	Description of Property	Code
1.			
2.			
3.			
A. Currency/Mail/Checks/Stamps		D. Locally Stolen Motor Vehicle	
B. Jewelry/Precious Metals		E. Office Equipment	
C. Clothing		F. TV/Radio/Stereos/Electronic Equip	
		G. Firearms/Weapon	
		H. Household Goods	
		I. Consumable Goods/Drugs	
		J. Livestock/Pets	
		K. Bldg & Construction	
		Materials/Lawn/Misc	
NARRATIVE			
C# 1407246			
Arrest - Shoppers World, 1 Worcester Road, Framingham, MA 01701			
On Wednesday, October 29, 2014 at approximately 10:22 AM, the reporting officer Sergeant Michael J. Esposito while working a paid detail at the Logan Express Construction Site had occasion to observe and make an arrest of a subject for Trespassing and being a Disorderly Person.			
Sergeant Richard Pomales, Sergeant Kathryn Esposito and I, Sergeant Michael Esposito had been assigned to the construction detail at the Consigli Construction Site. This company is building the new Logan Express Bus Terminal.			
The detail consists of three officers assigned to various areas at the site depending on the movement of men			

SERGEANT MICHAEL ESPOSITO (123) \_\_\_\_\_ 10/29/14 \_\_\_\_\_ SERGEANT MICHAEL ESPOSITO (123) \_\_\_\_\_ 10/29/14 \_\_\_\_\_  
Officer's Signature (PSN) Time Date Reviewed by Time Date

Date of Report: 10/30/14	Framingham Police Department Framingham, MA SUPPLEMENT REPORT	Incident No: 1407246 - 3
Location: 1 WORCESTER RD, LOGAN EXPRESS ,MA Middlesex, MA		
Offense: TRESPASS DISORDERLY CONDUCT WIRETAP, UNLAWFUL.		

Date of Report: 10/30/14	Framingham Police Department Framingham, MA SUPPLEMENT CONTINUATION	Incident No: 1407246 - 3
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Ptl. D.Studley #223

Crime Scene Services

Investigating Officer:	Date:	Approved By:	Date:
_223_ STUDLEY, DAVID	_10/30/14_		
Case Status:	Approval Status:		PAGE_ 2
ADULT AR			



Date of Report: 11/03/14	Framingham Police Department Framingham, MA SUPPLEMENT REPORT	Incident No: 1407246 - 1
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Location: 1 WORCESTER RD, LOGAN EXPRESS ,MA Middlesex, MA

Offense: TRESPASS  
DISORDERLY CONDUCT  
WIRETAP, UNLAWFUL  
WIRETAP, POSSESS DEVICE FOR

Officer Narrative: ESPOSITO, KATHY

SUPPLEMENTAL REPORT REFERENCE CASE # 1407246

On Wednesday October 29, 2014 I Sgt. Kathryn Esposito was working a paid detail for Consigli Construction at Logan Express Construction site, 1 Worcester Rd. I was assigned to Gate #2 (Burr St.) I was standing outside this Gate waiting for tractor trailer trucks to arrive and assist them as they backed into this gate. These trucks were carrying oversized pre-cast cement structures for this construction project.

At approximately 15:30 hrs. I observed Harold J. Wolfe standing across the street on the corner of Ring Rd next to Joe's Bar and American Grill taking photos with a camera aimed at my location. There was another male subject standing next to Wolfe. Sgt. Michael Esposito had arrested Wolfe earlier in the day at this location (see report). Laborer Shop Stewart, Anthony Gines then approached my location at Gate 2. He became concerned and also alerted me that Wolfe was back taking photos.

I walked across the street towards Wolfe's location. As I got closer, I then recognized the second male subject known to me as Jim Rizoli (DOB: 9/9/52). Both turned upon seeing me and walked away towards the parking lot closest to DSW Shoe Store in Shopper's World. Mr. Rizoli then turned around to face me and stopped. I said hello to Mr. Rizoli and asked him what was going on. Mr. Rizoli stated that he had just picked up Wolfe from court and Wolfe wanted to take pictures of the location of where he was arrested. Rizoli stated that Wolfe was going to sue for false arrest.

I explained to Mr. Rizoli that Wolf was not falsely arrested and that there was probable cause for his arrest for disorderly conduct and trespassing on posted property and refusing to leave after being told several times to do so. I asked Mr. Rizoli what his relationship was with Wolfe and he told me that he was Wolfe's only friend. Rizoli stated that he did not have a problem with me or other officers of the Framingham Police

Investigating Officer: _243_ ESPOSITO, KATHY	Date: _11/03/14_	Approved By:	Date:
Case Status: ADULT AR	Approval Status:	PAGE_ 1	

Date of Report:	Framingham Police Department Framingham, MA SUPPLEMENT CONTINUATION	Incident No: 1407246 - 1
11/03/14		

Department. During the course of our conversation, He told me that I did not have to address him as "Mr. Rizoli" but could call him "Jim". I thanked him and said out of respect, I would continue to address him as "Mr. Rizoli". He told me that Wolfe is just crazy. I asked him why he would then get involved. Rizoli stated what would you do if you were his only friend? I told Mr. Rizoli that I did not have any problem with him either and that he should advise Wolfe to stop targeting the police and seek psychiatric help for him. He stated that his arrest today was ridiculous and it would be thrown out. Rizoli asked me, "Do you know the best way to handle Harold?" He then stated that we should just ignore him. He further stated that Wolfe hates us (the police) and it all stems from his first arrest.

I explained to Mr. Rizoli that it was again Mr. Wolfe's actions that got him arrested the first time and that he is his own worst enemy. I explained to Mr. Rizoli that ignoring Wolfe is not the answer. I asked Mr. Rizoli how he would feel if someone (crazy by his own term) stalked him all day taking videos and pictures of him while he worked. I told Mr. Rizoli that we were not looking for revenge against Wolfe, but if he was breaking the law he was going to be treated like anyone else and be arrested. I stated that I was concerned about Wolfe's all-consuming rage against the police and his bizarre behavior. I then thanked Mr. Rizoli for speaking with me. End of conversation.

Respectfully Submitted,  
Sgt. Kathryn Esposito #243

Investigating Officer:	Date:	Approved By:	Date:
_243_ ESPOSITO, KATHY	_11/03/14_		
Case Status:	Approval Status:		PAGE_ 2
ADULT AR			

Date of Report: 11/03/14	Framingham Police Department Framingham, MA SUPPLEMENT REPORT	Incident No: 1407246 - 2
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Location: 1 WORCESTER RD, LOGAN EXPRESS ,MA Middlesex, MA

Offense: TRESPASS  
DISORDERLY CONDUCT  
WIRETAP, UNLAWFUL  
WIRETAP, POSSESS DEVICE FOR

Officer Narrative: ESPOSITO, KATHY

SUPPLEMENTAL REPORT REF. CASE # 1407246

Witness: Robert Morelli  
DOB: 7/21/61  
263 Salem St. Reading, Ma  
Cell phone: 617-217-8094  
Job title: Mass Port Resident Engineer-Tishman Construction

On Thursday 10/30/14 at approximatley 10:30 hrs I spoke to Mr. Morelli at the Logan Express Construction site, 1 Worcester Rd. This interview was in regards to Mr. Morelli's previous interactions with Harold J. Wolfe (DOB:8/17/49) who was arrested at this location on October 29, 2014 (see Sgt. Michael Esposito's report).

Mr. Morelli stated that the Laborer Shop Stewart, Anthony Gines AKA Mookie (Dob: 12/17/70) alerted him that Wolfe was taking pictures of the construction site. Wolfe was standing on a grassy island across the street from Gate 1 where the office trailer is located.

Mr. Morelli stated that he approached Wolfe in an attempt to introduce himself and see if he could answer any questions he might have about the project. Mr. Morelli stated Wolfe immediatley yelled at him, "You're harassing me". Wolfe then shoved a microphone type device that he was holding in his face and said, "I'm recording you". Mr. Morelli was stunned and said, "OK". Mr Morelli stated that Wolfe then said "Fuck you". Wolfe then walked away and got into his car. Mr. Morelli stated it was unsettling to observe such a reaction from an individual as this. He stated that Wolfe is clearly unstable. End of interview.

Respectfully Submitted,  
Sgt. Kathryn Esposito #243

Investigating Officer: _243_ ESPOSITO, KATHY	Date: _11/03/14_	Approved By:	Date:
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Investigating Officer: _243_ ESPOSITO, KATHY	Date: _11/03/14_	Approved By:	Date:
Case Status: ADULT AR	Approval Status:		PAGE_ 2

Date of Report: 11/15/14	Framingham Police Department Framingham, MA SUPPLEMENT REPORT	Incident No: 1407246 - 4
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Location: 1 WORCESTER RD, LOGAN EXPRESS ,MA Middlesex, MA

Offense: TRESPASS  
DISORDERLY CONDUCT  
WIRETAP, UNLAWFUL  
WIRETAP, POSSESS DEVICE FOR

Officer Narrative: ESPOSITO, MICHAEL  
Supplemental Report - C# 1407246

RE: Arrest of Harrold J. Wolfe - 10/29/2014 at 10:22 AM

As a result of this arrest two items of evidence we taken from Wolfe at his time of arrest.

1 - Canon ELPH 520 HS Digital Camera

1 - Olympus WS-100 Digital Voice Recorder

These items were given to Officer David Studley by me Sergeant Michael Esposito while the booking of Wolfe was being processed. Officer Studley, the department "Crime Scene Service" Officer took the camera and recorder to his crime lab. He was told to make sure if there was any recordings or items of evidentiary value to secure them. Officer Studley secured both items and downloaded the contents of the camera onto the computer in the crime lab and made a spare back up copy of the download onto a disk.

Photographs were viewed by me, Sergeant M. Esposito as well as Officer Studley depicting pictures of Sergeant's Michael Esposito and Richard Pomaes who were working the detail at the construction site where Wolfe was arrested. Other photographs were noted to be of the construction site that was taken from the vantage point where Wolfe had stood at the time of his arrest.

In addition to the still photographs there was a short video clip showing the reporting officer, Sergeant Michael Esposito walking towards Wolfe. This short clip in addition to showing the scene also contained the recorded voice of me Sergeant Michael Esposito stating "Sir you will have to" and then the recording ended.

Investigating Officer: 123 ESPOSITO, MICHAEL	Date: 11/15/14	Approved By:	Date:
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After hearing this recording the additional charges were added to the booking sheet charging Wolfe with violation of Mass General Law 272 section 99C (Unlawful Secret Recording)

Wolfe was transported to the court house from the police station to be arraigned. After his arraignment he (Wolfe) immediately returned to the area of his arrest. He then stood in an area where the general public was allowed and again he started taking pictures of the Police Officer and construction site. Wolfe left the area when approached by the officer. (See Report submitted by Sergeant Kathryn Esposito)

It was later in the early evening of the 29th that discussion about obtaining a warrant for the camera came about.

The following day October 30, 2014, the reporting officer Sergeant Michael Esposito at 12:21 PM delivered the recorder and camera from the evidence room and turned it over to Detective Larry Hendry who is the department computer forensic specialist. At this time a search warrant affidavit was prepared and submitted to the Middlesex District Attorney's Office for review.

ADA Margaret Pastuszak and ADA Michael Kaneb were the Assistant District Attorneys who reviewed the warrant affidavit. It was decided that the warrant should have been secured prior to the viewing of the camera. ADA Kaneb suggested that we (the police) think about proceeding. Both DA's were advised that a decision would be made after we reviewed our case.

On Thursday October 30, 2014 at 6:42 PM ADA Pastuszak and Kaneb were both advised that we would not be proceeding with the photographs or the recording that was found to be on the defendant's camera.

It was also taken into account that even with the statement by defendant Wolfe in the newspaper that he, "might have accidently recorded the officers voice" was not worth the effort to proceed against him for what he had done.

Investigating Officer: _123_ ESPOSITO, MICHAEL	Date: _11/15/14_	Approved By:	Date:
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The camera, the recorder, the download as well as the disk all remain in evidence and the Framingham District Court Assistant District Attorney will be advised as to the status of this case.

Respectfully submitted,

Sergeant Michael J. Esposito #123

Investigating Officer:	Date:	Approved By:	Date:
_123_ ESPOSITO, MICHAEL	_11/15/14_		
Case Status:	Approval Status:		PAGE_ 3
ADULT AR			

Framingham Police Department  
Arrest - Custody Report

Booking No. 0070049

(X) Arrest/Booking Report  
( ) Protective Custody Report

Case No. (X) Incident  
1407246 ( ) Supplement

Name (Last, First, Middle) WOLFE, HAROLD J  
( ) Alias  
( ) Maiden Name

Residence Address: No. Street 65 DELMAR AV FRAMINGHAM, MA 01701  
City, State Sex M Race W HT (in) 5'10 Wt (lbs) 185

Hair GRY Eyes BRO Date of Birth 08/17/19 Age 65 Place of Birth PARIS FRANCE Social Security 228-72-0054 Oper lic / State S06464059 /MA

Location - Where taken into custody 1 WORCESTER RD, LOGAN EXPRESS Date & Time 10/29/14 10:22 Arresting Officer 123 ESPOSITO, MICHAEL

Offenses - Reason for Custody	Counts	Mgl.ch.sec	Personal Valuables
TRESPASS	1		BELT, KEYS, CHAPSTICK, SMALL BLUE SWISS POCKET KNIFE, 2ND SET KEYS, EAR BUD3 PENS, 1 HI LIGHTER. CELL PHONE, 1 CAMERA AND 1 RECORDER KEPT AS EVIDENCE BY KEPT BY S/ M ESPO AS EVIDENCE.
DISORDERLY CONDUCT	1		
WIRETAP, UNLAWFUL	1		
WIRETAP, POSSESS DEVICE FOR	1		

Cash  
83.10

The above list is my property  
X

Searched By  
DUNCAN, PAUL K

Remarks  
DISORDERLY, TRESPASSING, WIRETAP, WIRETAP FELONY. ARREST BY SGT M ESPOSITO.

Witness

Booking Officer Signature  
LOUGHMAN, MICHAEL

I have received the above property

Comm. Officer

Fathers Name MACK WOLFE Mothers Name MONIQUE KREASNIER Occupation Employer/School

Advised of Miranda Rights: Time: Place: Notice of Rights ( ) Ch.263, Sec.5A ( ) Ch.276, Sec.33A ( ) Ch.90, Sec.24

Phone Used Yes( ) No(X) Describe condition when contacted HEALTHY Visible injury/ill ( ) Yes (X) No ( ) Detox Notified ( ) Taken to Detox

( ) Taken Home (X) Taken to Hosp. Hospital taken to Breathalyzer Readings / / Breathalyzer By: ( ) Refused

Cell No. Time Fingerprints ( ) Yes (X) No Photos Bail Commissioner

Juvenile, Minor or P.C. - person notified Relation Amt Bail Date & Time

Address Telephone Registration

Notified By Date & Time Make

Probation Officer Released to NCIC - LEAPS CHECKS Name (X)

Assisting Officers DUNCAN, PAUL K BURRELL, CHRIST BROWN, SCOTT



