

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON MUNICIPAL COURT
WEST ROXBURY DIVISION
2206CR000359

COMMONWEALTH

vs.

GEORGE A. ESPINOZA

MOTION TO DISMISS

George A. Espinoza, defendant in the above captioned matter, moves to dismiss the complaint on the grounds The magistrate violated the defendant's right to due process and violated the District Court Standards of Judicial Practice, *The Complaint Procedure* (Revised October 1, 2008) by issuing a criminal complaint without:

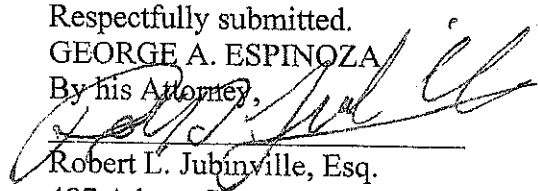
- Providing the defendant with notice that the Complainant had moved for issuance of a Complaint;
- Conducting a hearing at which the Commonwealth would bear the burden of proving the defendant had violated the "no contact" condition imposed at the October 6, 2021, magistrate's hearing;
- Making a finding that the defendant had violated said condition.

The defendant further relies on his Memorandum of Law and Affidavit, which are attached hereto and incorporated by reference. The defendant moves for a hearing on the motion.

Respectfully submitted.

GEORGE A. ESPINOZA

By his Attorney,


Robert L. Jubinville, Esq.

487 Adams Street

Milton, MA 02186

Tel. 617-698-8000

BBO# 255540

2 June 2022

CERTIFICATE OF SERVICE

I, Robert L. Jubinville, attorney for George A. Espinoza in the above captioned case, do hereby swear that I served a true copy of the attached document(s) to Assistant District Attorney SUFRAL K. LAMETZ by U.S. Mail, first class postage prepaid/by hand on 3rd June 2022. Conf by PAX 612-522-4540

Signed under the pains and penalties of perjury this 3 day of June 2022.

Robert L. Jubinville
Robert L. Jubinville, Esq.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

**BOSTON MUNICIPAL COURT
WEST ROXBURY DIVISION
2206CR000359**

COMMONWEALTH

vs.

GEORGE A. ESPINOZA

**MEMORANDUM OF LAW
IN SUPPORT OF MOTION TO DISMISS**

George A. Espinoza, defendant in the above captioned matter, moves to dismiss the complaint on the grounds the magistrate violated the defendant's right to due process and violated the District Court Standards of Judicial Practice, *The Complaint Procedure* (Revised October 1, 2008) by issuing a criminal complaint without:

- Providing the defendant with notice that the Complainant had moved for issuance of a Complaint;
- Conducting a hearing at which the Commonwealth would bear the burden of proving the defendant had violated the "no contact" condition imposed at the October 6, 2021, magistrate's hearing;
- Making a finding that the defendant had violated said condition.

Procedural Background

On or about June 23, 2021, Heather Arroyo reported that she and her husband Felix G. Arroyo were walking along Bourne Street when a man later identified as George A. Espinoza slowed his car and said, "Felix, I see where you're at." Ms. Arroyo also said that Mr. Espinoza made a gun motion with his hands and pointed at them. The man then allegedly drove away in the same direction the couple was walking.

Ms. Arroyo told the police that she and her husband resumed their walk. She said they heard someone yelling behind them. Ms. Arroyo said the same man who had been in the car was now on foot. He allegedly said, "Felix, let's settle this." Mr. Arroyo replied, "Who is this?" The man reportedly answered, "You know who I am." According to Ms. Arroyo, the man continued to walk toward them with one hand clenched and the other either near or in his pocket. The Arroyos continued to walk away. When Ms. Arroyo looked back, the man was no longer following. Mr. Arroyo later told his wife he recognized the man as the husband of a woman who is opposing him in a civil lawsuit.

After speaking with the complainants, BPD Detective Matthew Becker filed for a Magistrate's Hearing pursuant to G.L. c. 218, § 35A. A virtual hearing was held on October 6, 2021. Attorney Anthony Ellison appeared on behalf of Felix and Heather Arroyo. Attorney Robert L. Jubinville appeared for Mr. Espinoza. After a full hearing, including testimony from Felix Arroyo and Heather Arroyo, the case was continued until October 6, 2022. A condition of no contact between the Arroyos and Mr. Espinoza was imposed. The court docket states that Detective Becker agreed with the magistrate's decision.

On November 12, 2021, Attorney Ellison appealed the magistrate's decision on behalf of Felix and Heather Arroyo. On December 6, 2021, the matter came on for hearing before J. Key. The Court held that neither Mr. Arroyo nor Ms. Arroyo had a right to appeal the decision of the magistrate. The appeal was denied.

On April 22, 2022, the docket reflects that the matter was brought forward by Detective Becker and a criminal complaint issued.

I. ISSUANCE OF THE COMPLAINT WITHOUT A FURTHER HEARING VIOLATED THE DEFENDANT'S RIGHT TO DUE PROCESS.

The magistrate violated the defendant's right to due process and failed to comply with the District Court Standards of Judicial Practice, *The Complaint Procedure* (Revised October 1, 2008) by failing to:

- Provide the defendant with notice that the Complainant had moved for issuance of a Complaint;
- Conduct a hearing at which the Commonwealth would bear the burden of proving the defendant had violated the "no contact" condition imposed at the October 6, 2021, magistrate's hearing;
- Make a finding that the defendant had violated said condition.

Magistrate hearings are conducted under the procedures set forth in the District Court Standards of Judicial Practice, *The Complaint Procedure*.

Boston Police Detective Matthew Becker initiated proceedings against Mr. Espinoza when he signed the Application for Criminal Complaint on July 21, 2021. Mr. Espinoza was not arrested. See Application for Criminal Complaint, attached as **EXHIBIT ONE**.

A magistrate's hearing was held via Zoom on October 6, 2021. Mr. Espinoza was represented by counsel, as were both of the Commonwealth's witnesses. After a hearing which included testimony from Felix Arroyo and Heather Arroyo, the Court found sufficient facts, but continued the case for compliance until October 6, 2022. The Court imposed a condition of no contact with Mr. Arroyo and Ms. Arroyo. See Finding of Magistrate After Hearing Under c. 218, § 35A (Docket # 2106AC000871-HR), attached as **EXHIBIT TWO**.

The decision to continue the case without issuing a Complaint was clearly within the discretion of the magistrate. Standard 3:01 provides, "The primary objective of the complaint

procedure in non-arrest cases is to determine whether to authorize a criminal complaint to prosecute the accused for alleged criminal acts. The Court may also play a useful function in the informal resolution of conflicts if this is done in a manner that is consistent with the primary objective of the complaint procedure. The Commentary to Standard 3:01 elaborates.

“[M]agistrates may decline to authorize complaints where the law allows the conflict to be fairly resolved in a different manner. In *Gordon v. Fay*, 382 Mass. 64, 69-70 ... (1980), the Supreme Judicial Court noted that the ‘implicit purpose of the [G.L. c. 218, § 35A hearings is to enable the court clerk to screen a variety of minor criminal or potentially criminal matters out of the criminal justice system through a combination of counseling, discussion, or threat of prosecution.’”

The magistrate’s decision to defer the application for complaint requires the assent of the complainant and the accused. *Commonwealth v. Clerk of Boston Div. of the Juvenile Court Dep’t*, 432 Mass. 693, 703 (2000). See also Commentary to Standard 3:19. The Complainant, Detective Becker, specifically agreed to deferral of the complaint. See **EXHIBIT TWO**. The same was true of the accused, Mr. Espinoza. See **Affidavit of Attorney Robert L. Jubinville**, attached hereto and incorporated by reference.

The witnesses, Felix Arroyo and Heather Arroyo, were not satisfied with the magistrate’s decision. Attorney Ellison filed an appeal on their behalf. After notice to the accused, a hearing was held before Key, J. on December 6, 2021. The Court once again confirmed that Detective Becker, the Complainant, had agreed with the magistrate’s decision to defer issuance of the Complaint. The Court denied the Arroyos’ appeal, holding that a witness has no right to appeal the magistrate’s decision in a c. 218, § 35A hearing. This is undoubtedly correct. In modern

times the decision to formally pursue criminal prosecution is largely vested in the executive branch of government. See *Bradford v. Knights*, 427 Mass. 748, 751-752 (1998).

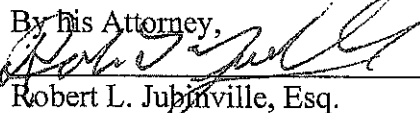
The defendant recognizes that a Court has inherent power to rehear and reconsider its own determinations, so long as the rehearing or reconsideration is conducted in a timely and regular way and violates no other provision of law. *Bradford v. Knights*, at 752. In other words,

On April 22, 2022, Detective Becker brought the application for a complaint forward and a complaint issued. There was no notice to the accused. There was no allegation that Mr. Espinoza had violated the no contact order, let alone any proof that he had done so. There were no new findings of fact by the magistrate. In short, the magistrate violated the standards set forth in *The Complaint Procedure*, thereby denying Mr. Espinoza the opportunity to confront his accuser and present evidence in his own defense.

Conclusion

For each of the reasons set forth above, the defendant moves to dismiss the complaint.

Respectfully submitted,
GEORGE A. ESPINOZA
By his Attorney,



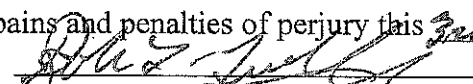
Robert L. Jubinville, Esq.
487 Adams Street
Milton, MA 02186
Tel. 617-698-8000
BBO# 255540

2 June 2022

CERTIFICATE OF SERVICE

I, Robert L. Jubinville, attorney for George A. Espinoza in the above captioned case, do hereby swear that I served a true copy of the attached document(s) to Assistant District Attorney S. Folk County by U.S. Mail, first class postage prepaid/by hand on 3rd June 2022, and Fax No. 617-541-4540

Signed under the pains and penalties of perjury this 3rd day of June 2022.


Robert L. Jubinville, Esq.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

**BOSTON MUNICIPAL COURT
WEST ROXBURY DIVISION
2206CR000359**

COMMONWEALTH

vs.

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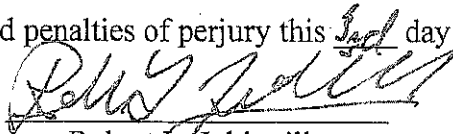
**AFFIDAVIT OF COUNSEL
IN SUPPORT OF MOTION TO DISMISS**


I, Robert L. Jubinville, do hereby depose and say:

1. I am an attorney licensed to practice in the Commonwealth of Massachusetts.
2. I represented George A. Espinoza in a magistrate's hearing in this Court (2106AC000871).
3. Boston Police Detective Matthew Becker signed the Application for Complaint as the Complainant.
4. The magistrate conducted the hearing via Zoom on October 6, 2021.
5. Two civilian witnesses testified for the Commonwealth: Felix Arroyo and Heather Arroyo.
6. Both civilian witnesses were represented by counsel.
7. After hearing, the magistrate continued the case until October 6, 2022. A condition of no contact between the Arroyos and Mr. Espinoza was imposed. Detective Becker agreed with the magistrate's decision.
8. Mr. Espinoza agreed to the magistrate's decision.
- 9.. Attorney Ellison filed an appeal on behalf of the witnesses.
10. The Court, Key, J, denied the appeal after hearing on December 6, 2021.

11. On April 22, 2022, the Complainant (Detective Becker) brought the case forward and the magistrate issued a complaint.
12. The Court did not provide notice to Mr. Espinoza of Detective Becker's April request to issue a complaint.
13. If the magistrate conducted a rehearing, it was done *ex parte* because neither counsel nor Mr. Espinoza received notice.
14. The Court did not make any finding that Mr. Espinoza violated the "no contact" condition imposed at the October 6, 2021, hearing.

Signed under the pains and penalties of perjury this 3rd day of June 2022.


Robert L. Jubinville

CRIMINAL COMPLAINT DEFENDANT COPY		DOCKET NUMBER 2206CR000359	NO. OF COUNTS 1	Trial Court of Massachusetts BMC Department	
DEFENDANT NAME & ADDRESS George A Espinoza 144 Warren Ave Hyde Park, MA 02136				COURT NAME & ADDRESS BMC West Roxbury 445 Arborway Jamaica Plain, MA 02130 (617)971-1200	
DEFENDANT DOB 03/12/1982	COMPLAINT ISSUED 04/22/2022	DATE OF OFFENSE 06/20/2021	ARREST DATE		
OFFENSE CITY / TOWN Boston		OFFENSE ADDRESS BOURNE STREET		NEXT EVENT DATE & TIME 05/20/2022 09:00 AM	
POLICE DEPARTMENT Boston PD Area E-13		POLICE INCIDENT NUMBER 212041642		NEXT SCHEDULED EVENT Arraignment	
OBTN	PCF NUMBER 2301271	DEFENDANT XREF ID 6368842		ROOM / SESSION 1st (Arraignment) Session	
<p>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.</p>					


COUNT	CODE	DESCRIPTION
1	268/13B/A	WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B

On 06/20/2021 did, directly or indirectly, wilfully threaten, attempt or cause physical injury, emotional injury, economic injury or property damage to; or did convey a gift, offer or promise of something of value to; or did mislead, intimidate or harass another person who was a witness or potential witness; person who is or was aware of information, records, documents or objects that relate to a violation of a criminal law or a violation of conditions of probation, parole, bail or other court order; judge, juror, grand juror, attorney, victim witness advocate, police officer, correction officer, federal agent, investigator, clerk, court officer, court reporter, court interpreter, probation officer or parole officer; person who is or was attending or a person who had made known an intention to attend a proceeding described in this section; or family member of a person described in this section, with intent to or with reckless disregard for the fact that it may; (i) impede, obstruct, delay, prevent or otherwise interfere with: a criminal investigation at any stage, a grand jury proceeding, a dangerousness hearing, a motion hearing, a trial or other criminal proceeding of any type or a parole hearing, parole violation proceeding or probation violation proceeding; or an administrative hearing or a probate or family court proceeding, juvenile proceeding, housing proceeding, land proceeding, clerk's hearing, court-ordered mediation or any other civil proceeding of any type; or (ii) punish, harm or otherwise retaliate against any such person described in this section for such person or such person's family member's participation in any of the proceedings described in this section, in violation of G.L. c.268, § 13B(1).

(PENALTY: state prison not more than 10 years; or jail or house of correction not more than 2½ years; or fine not less than \$1000, not more than \$5000; or both. Superior Court jurisdiction, however, District Court has final jurisdiction for intimidation of a witness or juror 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.

APPLICATION FOR CRIMINAL COMPLAINT		APPLICATION NO. (COURT USE ONLY)		PAGE 1 of 1		Trial Court of Massachusetts WEST ROXBURY COURT - BMC			
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:								ARREST STATUS OF ACCUSED <input type="checkbox"/> HAS <input checked="" type="checkbox"/> HAS NOT been arrested	
<input type="checkbox"/> ONLY MISDEMEANOR(S), I request a hearing <input type="checkbox"/> WITHOUT NOTICE, because of an imminent threat of: <input type="checkbox"/> BODILY INJURY <input type="checkbox"/> COMMISSION OF A CRIME <input type="checkbox"/> FLIGHT <input type="checkbox"/> WITH NOTICE to accused <input checked="" type="checkbox"/> ONE OR MORE FELONIES, I request a hearing <input type="checkbox"/> WITHOUT NOTICE <input checked="" type="checkbox"/> WITH NOTICE to accused <input type="checkbox"/> WARRANT is requested because prosecutor represents that accused may not appear unless arrested.									
INFORMATION ABOUT ACCUSED									
NAME (FIRST MI LAST) AND ADDRESS ESPINOZA, GEORGE ADAM 144 WARREN AVENUE BOSTON, MA 02136					BIRTH DATE		SOCIAL SECURITY NUMBER		
					03/12/1982		028628579		
					PCF NO.		MARITAL STATUS		
					00002301271				
					DRIVERS LICENSE NO.		STATE		
					S23309441		MA		
HAIR		RACE	COMPLEXION	SCARS/MARKS/TATTOOS		BIRTH STATE OR COUNTRY		DAY PHONE	
		WHITE	LIGHT						
EMPLOYER/SCHOOL			MOTHER'S MAIDEN NAME (FIRST MI LAST)			FATHER'S NAME (FIRST MI LAST)			
			BEVIHACQUO			ESPINOZA, JORGE			
CASE INFORMATION									
COMPLAINANT NAME (FIRST MI LAST)					COMPLAINANT TYPE:			PD	
BECKER, MATTHEW					<input checked="" type="checkbox"/> POLICE <input type="checkbox"/> CITIZEN <input type="checkbox"/> OTHER			BOSTON POLICE	
ADDRESS					PLACE OF OFFENSE				
ONE SCHROEDER PLAZA					BOURNE STREET, BOSTON, MA 02130				
BOSTON, MA 02120					INCIDENT REPORT NO.		OBTN		
					212041642				
					CITATION NO(S).				
					NONE				
1	OFFENSE CODE		DESCRIPTION				OFFENSE DATE		
	268/13B/A-5		WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 \$13B				06/20/2021		
VARIABLES (e.g. victim name, controlled substance, type and value of property, other variable information; see Complaint Language Manual)									
06/20/2021 (OFFENSE DATE)									
2	OFFENSE CODE		DESCRIPTION				OFFENSE DATE		
VARIABLES									
3	OFFENSE CODE		DESCRIPTION				OFFENSE DATE		
VARIABLES									
REMARKS					COMPLAINANT'S SIGNATURE			DATE FILED	
					<i>X Matthew A. Becker</i>			07/21/2021	
COURT USE ONLY		A HEARING UPON THIS COMPLAINT APPLICATION WILL BE HELD AT THE ABOVE COURT ADDRESS ON				DATE OF HEARING		TIME OF HEARING	
DATE						AT		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			

REPORTED ON DATE / TIME

Jul 21, 2021 13:19

OCCURRED FROM DATE / TIME - OCCURRED TO DATE / TIME

Jun 23, 2021 14:10

REPORTING OFFICER

MATTHEW BECKER #81441

SUPPLEMENT TYPE

Complaint/Warrant, Other

NARRATIVE

As a result of a follow up investigation/interview with the victims I, Detective Becker, will be filing for a Magistrate hearing at West Roxbury District Court in which the suspect, George Adam Espinoza (DOB, 03/12/1982), will be summonsed for Ch.268 Sec. 13B, "Witness Interference and Obstruction of Justice."

Both victims stated that they were threatened and harassed as a direct result of victim, Felix Arroyo, being recently deposed as a witness against the suspect's wife in regards to a lengthy on-going civil lawsuit.

REPORTING OFFICER SIGNATURE / DATE

MATTHEW BECKER #81441 Jul 21, 2021 13:38 (e-signature)

PRINT NAME

MATTHEW BECKER #81441

SUPERVISOR SIGNATURE / DATE

TOMAS KEARNEY #11617 Jul 21, 2021 13:51 (e-signature)

PRINT NAME

TOMAS KEARNEY #11617

# 212041642 - Supplemental - 1 Report		
REPORTED ON DATE / TIME Jun 23, 2021 15:31	OCCURRED FROM DATE / TIME - OCCURRED TO DATE / TIME Jun 23, 2021 14:10	REPORTING OFFICER CHRISTOPHER WALTON #157629
SUPPLEMENT TYPE Other		
NARRATIVE		

About 3:40 PM on Wednesday 06/23/2021 Officer Walton was assigned to the front desk of district E-13 took a walk in report for threats to do bodily harm that occurred at Bourne St. Jamaica Plain.

Heather Arroyo (Victim) stated her and her husband (Felix Arroyo) were walking with their dog by St. Michael's cemetery on Bourne Street between Halliday and Catherine Street, when a man who appeared to be white in his 30s with a reddish beard was driving in a white car. Arroyo was not sure what kind of vehicle but stated it looked like a white 4-door Honda Accord and it had a Firefighter symbol on his license plate. Arroyo stated he slowed down the car, stopped it, turned back towards them and the suspect said "Felix, I see where you're at" and made a gun gesture with his hands and pointed it at them. Arroyo stated the suspect then drove away down Bourne Street in the same direction as they were walking.

Arroyo stated they continued to walk down the street. Then, we heard someone yelling behind us as we were walking on Bourne Street before they reached the corner of Goodway Street. Arroyo stated it was the same man that was in the car, but he was walking on foot towards them yelling "You know what you did, you know what you did." Arroyo stated they continued walking, but as the suspect got closer, they could hear him saying "Felix let's settle this". Felix said "who is this?" And the suspect stated "You know who I am." He kept walking towards them with one fist clenched and another either near or actually in his pocket. Felix responded "I'm here with my lady - just stop." but the suspect looked at Arroyo and said "I don't care." Arroyo stated the comments made her feel like the suspect was going to hurt her as well. Arroyo stated she was more afraid because she is pregnant and in her second trimester. Arroyo stated she walked further down the street away from the suspect to talk to 911 and when she looked back towards the suspect she could see that he had stopped following them.

Arroyo stated after the incident, Felix told her that when the suspect said "you know who I am" that he recognized him as George (Adam) Espinoza, the husband of the person who he is in a civil lawsuit and testifying against. Felix stated he was just deposed in the case this month specifically about the case that he is a witness against the suspects wife.

INVOLVED PERSONS

INVOLVED PERSON-1 NAME (LAST, FIRST MIDDLE) P-1 Arroyo, Heather		DOB / ESTIMATED AGE RANGE 1987-07-07
SEX Female	RACE / ETHNICITY Unknown / Unknown	PHONE NUMBER (201) 247-7032 (primary, cell)
HOME ADDRESS 93 WACHUSETT ST, JAMAICA PLAIN, MA 02130		
INVOLVEMENT TYPE Victim		

INVOLVED LOCATIONS

LOCATION BOURNE ST & SOUTHBOURNE RD, JAMAICA PLAIN, MA 02130

REPORTING OFFICER SIGNATURE / DATE CHRISTOPHER WALTON #157629 Jun 23, 2021 16:08 (e-signature)	SUPERVISOR SIGNATURE / DATE KEVIN MCGOLDRICK #11340 Jun 23, 2021 19:05 (e-signature)
PRINT NAME CHRISTOPHER WALTON #157629	PRINT NAME KEVIN MCGOLDRICK #11340

REPORTED ON DATE / TIME

Jun 20, 2021 14:59

DISTRICT / SECTOR / REPORTING AREA

E13 / J431

OCCURRED FROM DATE / TIME - OCCURRED TO DATE / TIME

Jun 20, 2021 14:10 - 14:17

OFFENSE CODE

THREATS TO DO BODILY HARM

OFFENSE LOCATION

BOURNE ST & SOUTHBOURNE RD, JAMAICA PLAIN, MA 02130

OCCURRED FROM DATE/TIME

Jun 20, 2021 14:10

OCCURRED TO DATE/TIME

Jun 20, 2021 14:17

INVOLVEMENT

S-1

NAME

George Adam Espinosa

HOME ADDRESS

WARREN AVENUE
BOSTON, MA 02136

DOB / ESTIMATED AGE RANGE

30 - 40 years old

RACE

White

SEX

Male

INVOLVEMENT

V-1

NAME

Felix Arroyo

HOME ADDRESS

93 WACHUSETT ST
JAMAICA PLAIN, MA 02130

DOB / ESTIMATED AGE RANGE

1979-05-25

RACE

White

SEX

Male

NARRATIVE

On Sunday 06/20/2021 at about 2:21PM, Officers Szeto/ Zager in the J201D unit responded to a radio call for a suspicious person at Bourne St/ Southbourne Rd

Upon arrival, officers spoke to the victim (Felix Arroyo) who relayed the following : the suspect (George Adam Espinosa) came up on him driving possible a white Honda sedan bearing some sort of firefighter plate unknown plate and verbally threatened the victim stating "I know what you did" and with his hand made a gesture of a gun putting him in fear. Victim further stated that he has an ongoing civil case with suspect's wife. Suspect fled scene when victim was on phone with 911. Suspect (George Adam Espinosa) is described as a white Hispanic male in his 30's with reddish hair and beard wearing a light colored shirt, khaki shorts. Victim could only provide suspect's address on Warren Ave. in Hyde Park unknown number but possibly 44, 46. or 48 Warren Ave. Suspect encountered victim while driving past him and on foot following victim. Officers advised victim to seek a harassment prevention order if need be through the court system.

Officers canvassed area for said suspect, but to no avail.

REPORTING OFFICER SIGNATURE / DATE

TONY SZETO #11132 Jun 20, 2021 15:50 (e-signature)

PRINT NAME

TONY SZETO #11132

SUPERVISOR SIGNATURE / DATE

JACQUELINE CREAVER #10708 Jun 20, 2021 19:13 (e-signature)

PRINT NAME

JACQUELINE CREAVER #10708

OCCURRED FROM DATE/TIME Jun 20, 2021 14:10	OCCURRED TO DATE/TIME Jun 20, 2021 14:17	OFFENSE COMPLETION <input checked="" type="checkbox"/> COMPLETED <input type="checkbox"/> ATTEMPTED	SUSPECTED HATE CRIME <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
---	---	---	---

DOMESTIC VIOLENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	GANG INFORMATION None/Unknown
--	----------------------------------

CITY JAMAICA PLAIN				STATE MA		ZIP 02130		COUNTRY CODE US	
INTERSECTION STREET 1 BOURNE ST				INTERSECTION STREET 2 SOUTHBOURNE RD					
LOCATION CATEGORY Highway/ Road/ Alley/ Street/ Sidewalk				DISTRICT / SECTOR / REPORTING AREA E13 / J431				PUBLIC / PRIVATE Public	

VICTIMS-1 NAME (LAST, FIRST MIDDLE) V-1 Arroyo, Felix				DOB / ESTIMATED AGE RANGE 1979-05-25	
SEX Male	RACE / ETHNICITY White / Hispanic Origin		PHONE NUMBER (617) 224-6965 (primary, cell)	EMAIL ADDRESS felix.arroyo.71 (facebook)	

HOME ADDRESS 93 WACHUSETT ST, JAMAICA PLAIN, MA 02130					
VICTIM IS OFFICER <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					

SUSPECTS-1 NAME (LAST, FIRST MIDDLE) S-1 Espinosa, George Adam				DOB / ESTIMATED AGE RANGE 30 - 40 years old	
SEX Male	RACE / ETHNICITY White / Hispanic Origin				

HOME ADDRESS WARREN AVENUE, BOSTON, MA 02136					
---	--	--	--	--	--

RELATIONSHIPS ADDENDUM		
NAME Felix Arroyo	RELATIONSHIP STRANGER OF	SUBJECT George Adam Espinosa

REPORTING OFFICER SIGNATURE / DATE TONY SZETO #11132 Jun 20, 2021 15:50 (e-signature)	SUPERVISOR SIGNATURE / DATE JACQUELINE CREAVER #10708 Jun 20, 2021 19:13 (e-signature)
PRINT NAME TONY SZETO #11132	PRINT NAME JACQUELINE CREAVER #10708

REPORTED ON DATE / TIME

Jun 20, 2021 14:59

DISTRICT / SECTOR / REPORTING AREA

E13 / J431

OCCURRED FROM DATE / TIME - OCCURRED TO DATE / TIME

Jun 20, 2021 14:10 - 14:17

REPORTING OFFICER

TONY SZETO #11132

REPORT TAKEN LOCATION

BOURNE ST & SOUTHBOURNE RD, JAMAICA PLAIN, MA 02130

EVENT STATISTICS

- | | |
|--|---|
| <input type="checkbox"/> Gun | <input type="checkbox"/> Drugs |
| <input type="checkbox"/> Sexual Assault | <input type="checkbox"/> NIDV |
| <input type="checkbox"/> Child Present | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> CRU - Hate/Bias | <input type="checkbox"/> Car Jack |
| <input type="checkbox"/> Other Agency/Unit Notified | <input type="checkbox"/> Bicycle |
| <input type="checkbox"/> DVIP | <input type="checkbox"/> Licensed Premise |
| <input type="checkbox"/> Warrant Arrest | <input type="checkbox"/> School |
| <input type="checkbox"/> Juvenile | <input type="checkbox"/> Disabled |
| <input type="checkbox"/> Gang | <input type="checkbox"/> Search Warrant |
| <input type="checkbox"/> Homeland Security | <input type="checkbox"/> Shots Fired |
| <input type="checkbox"/> Sex Offender | <input type="checkbox"/> Elderly |
| <input type="checkbox"/> Homeland Security UASI | <input type="checkbox"/> Victim Shot |
| <input type="checkbox"/> Home Invasion | <input type="checkbox"/> Victim Stabbed |
| <input type="checkbox"/> Human Trafficking | <input type="checkbox"/> Child Abuse |
| <input checked="" type="checkbox"/> Body Worn Camera | |

NARRATIVE

On Sunday 06/20/2021 at about 2:21PM, Officers Szeto/ Zager in the J201D unit responded to a radio call for a suspicious person at Bourne St/ Southbourne Rd

Upon arrival, officers spoke to the victim (Felix Arroyo) who relayed the following : the suspect (George Adam Espinosa) came up on him driving possible a white Honda sedan bearing some sort of firefighter plate unknown plate and verbally threatened the victim stating " I know what you did" and with his hand made a gesture of a gun putting him in fear. Victim further stated that he has an ongoing civil case with suspect's wife. Suspect fled scene when victim was on phone with 911. Suspect (George Adam Espinosa) is described as a white Hispanic male in his 30's with reddish hair and beard wearing a light colored shirt, khaki shorts. Victim could only provide suspect's address on Warren Ave. in Hyde Park unknown number but possibly 44, 46. or 48 Warren Ave. Suspect encountered victim while driving past him and on foot following victim. Officers advised victim to seek a harassment prevention order if need be through the court system.

Officers canvassed area for said suspect, but to no avail.

OFFENSE 1

OFFENSE CODE

THREATS TO DO BODILY HARM

REPORTING OFFICER SIGNATURE / DATE

TONY SZETO #11132 Jun 20, 2021 15:50 (e-signature)

PRINT NAME


TONY SZETO #11132

SUPERVISOR SIGNATURE / DATE

JACQUELINE CREAVER #10708 Jun 20, 2021 19:13 (e-signature)


PRINT NAME

JACQUELINE CREAVER #10708

SUMMONS TO DEFENDANT ORIGINAL		DOCKET NUMBER 2206CR000358		Trial Court of Massachusetts BMC Department	
DOB 03/12/1962	GENDER Male	PHONE	NO. COUNTS 1	COURT NAME & ADDRESS BMC West Roxbury 446 Arborway Jamaica Plain, MA 02130 (617)971-1200	
NAME & ADDRESS OF DEFENDANT George A Espinoza 144 Warren Ave Hyde Park, MA 02136				DATE & TIME 05/20/2022 09:00 AM	YOU MUST APPEAR AT ABOVE COURT ON THIS DATE & TIME
POLICE DEPARTMENT OF OFFENSES Boston PD Area E-13				PROCAUSE(S) SUCH 1st (Arraignment) Session	
FIRST FIVE OFFENSE COUNTS				SCHEDULED EVENT Arraignment	
COUNT	CODE	OFFENSE DESCRIPTION		DATE OF OFFENSE	
1	268/13B/A	WITNESS/JUROR/POLICE/COURT OFFICIAL INTIMIDATE 268 513B		08/20/2021	
TO THE ABOVE-NAMED DEFENDANT: You are hereby ordered to appear in this court on the date and time indicated above to answer to a criminal complaint that has been issued against you. Please report to the probation office upon your arrival at the court.					
TESTE OF FIRST JUSTICE		DATE ISSUED	SIGNATURE OR FACSIMILE OF CLERK, CLERK, MAGISTRATE / ASS. CLERK		
WITNESS: Hon. Kathleen E Coffey		4/22/22			

INSTRUCTIONS TO DEFENDANT

- YOU ARE REQUIRED TO APPEAR IN COURT** on the date and time shown above. Please bring this summons with you to the court.
 - IF YOU FAIL TO APPEAR** in court on the date and time shown above or on any future scheduled dates, you will be found in default, a warrant for your immediate arrest will be issued, the Registry of Motor Vehicles will suspend your driver's license or right to operate, and you may be required to pay substantial court costs and warrant removal fees. The court may also issue a new criminal complaint against you for failing to appear (G.L. c.276, §62A), which is separately punishable by up to \$50,000 in fines and up to 5 years imprisonment (if you are charged with a felony) or up to \$10,000 in fines and up to 1 year imprisonment (if you are charged with a misdemeanor).
 - THE CHARGES AGAINST YOU.** The number of offense counts (charges) in this criminal complaint are shown in the "no. counts" box above, and the first five offense counts are listed above. If there are more than five offense counts, you may obtain the details of them from the clerk-magistrate's office prior to arraignment. At your arraignment, you or your lawyer will be given a copy of the complaint.
- LAWYER.** You have a right to be represented by an attorney at every state of proceedings against you. If you are charged with an offense punishable by imprisonment and you are unable to afford an attorney, you may be entitled to the services of a court-appointed attorney at no or reduced cost to you. You may apply for a court-appointed attorney when you report to the probation office on the date and time shown above.
- TRIAL BY JURY OR TRIAL BY A JUDGE.** If your case is not disposed of at arraignment or as a result of a pretrial hearing by a guilty plea or other disposition, it will be scheduled for trial before a jury of six persons. If you waive the right to a jury, your case will be scheduled for trial by a judge without a jury. At any trial, you may remain silent and will be presumed innocent. You will have to prove each charge beyond a reasonable doubt, and you may question any witnesses against you.

FINDING OF MAGISTRATE AFTER HEARING UNDER C218/35A		DOCKET NUMBER 2106AC000871-HR	COUNT 1	Trial Court of Massachusetts Department		
CASE NAME: Det. Matthew Becker, E13 vs. George A Espinoza						
NAME & ADDRESS OF ACCUSED PARTY: George A Espinoza 144 WARREN AVENUE Hyde Park, MA 02136				COURT NAME & ADDRESS: BMC West Roxbury 445 Arborway Jamaica Plain, MA 02130		
NAME OF APPLICANT/ POLICE: Det. Matthew Becker, E13			INCIDENT REPORT# 212041642	DATE & TIME HEARING: SCHEDULED 10/06/2021 at 09:00 AM		
LICENSE NO. S23309441	STATE. MA	LOCATION OF OFFENSE Boston		MAGISTRATE'S CONDUCTING HEARING: <i>J. Hartigan</i>		
REGISTRATION NO.	STATE.	POLICE DEPARTMENT Boston PD Area E-13		"X" IF APPLICABLE <input type="checkbox"/> DEFENDANT FAILED TO APPEAR <input type="checkbox"/> COMPLAINANT NOT PRESENT <input type="checkbox"/> NEITHER PARTY PRESENT <input type="checkbox"/> RESOLVED W/O HEARING		
OFFICER ID	CD RECORDING LOG START: _____ END: _____					
VIOLETION CODE CITATION NO.	VIOLETION DESCRIPTION			OFFENSE DATE/ RANGE	CLERK DISPOSITION	
268/13B/A NONE	WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B			06/20/2021		
7/30/21	(VT) Felix Arroyo					
	(VT) Heather Arroyo					
10/6/21	Accused via Zoom; Ally. Ellison, victims Felix & Heather Arroyo via Zoom.					
	Ally. Jubinville and Det. Becker present in court					
	After full hearing, testimony from victims					
	Compliance until 10/6/2022					
	Conditions: NO contact between victims & accused					
	Complainant/ Det. Becker in agreement to leave open for 1 year					
Offense Disposition Codes:						
NPC- No Probable Cause- denied; PC- Probable Cause found; RCMV- Responsible - CMVI C90C/3; NRCMV- Not Responsible - CMVI C90C/3; SFF35A- Sufficient Facts Found for Probable Cause; AFDNH- Application - Filed and Denied; WD- Withdrawn.						
Application Process ordered by Court: <input type="checkbox"/> Complaint and Summons <input type="checkbox"/> Complaint and Warrant						
<input checked="" type="checkbox"/> Sufficient Facts found- Hearing continued for compliance to 10/6/22						
<input type="checkbox"/> Application denied-Defendant complied with conditions of continuance order.						
DATE ISSUED		CLERK-MAGISTRATE				

FINDING OF MAGISTRATE AFTER HEARING UNDER C218/35A

DOCKET NUMBER
2106AC000871-HR

COUNT
1

Trial Court of Massachusetts
Department



CASE NAME:
Det. Matthew Becker, E13 vs. George A Espinoza

NAME & ADDRESS OF ACCUSED PARTY:

George A Espinoza
144 WARREN AVENUE
Hyde Park, MA 02136

2206C20359

COURT NAME & ADDRESS:

BMC West Roxbury
445 Arborway
Jamaica Plain, MA 02130

Appeal Before Justice

NAME OF APPLICANT/ POLICE:

Det. Matthew Becker, E13

INCIDENT REPORT#

212041642

DATE & TIME HEARING SCHEDULED

12/06/2021 at 09:00 AM

LICENSE NO.
S23309441

STATE.
MA

LOCATION OF OFFENSE
Boston

MAGISTRATE'S CONDUCTING HEARING:

REGISTRATION NO.

STATE.

POLICE DEPARTMENT
Boston PD Area E-13

"X" IF APPLICABLE

- ☐ DEFENDANT FAILED TO APPEAR
☐ COMPLAINANT NOT PRESENT
☐ NEITHER PARTY PRESENT
☐ RESOLVED W/O HEARING

OFFICER ID

CD RECORDING LOG

START:

END:

VIOLATION CODE
CITATION NO.

VIOLATION DESCRIPTION

OFFENSE DATE/ RANGE

CLERK DISPOSITION

268/13B/A
NONE

WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B

06/20/2021

11/12/21 VT #1) Felix Arroyo (VT #2) Heather Arroyo
atty Anthony Robert Ellison # 567037 o/b/o alleged victims
atty Robert L. Jubinville # 255540 o/b/o accused
apn via e/m

12/6/21

Atty Jubinville, Atty. Ellison, Det. Becker,
Felix Arroyo and Heather Arroyo present in
3rd Session.
Appeal Denied J. Key (Atty. Ellison has no
right of appeal)

Offense Disposition Codes:

NPC- No Probable Cause- denied; **PC**-Probable Cause found; **RCMV**-Responsible - CMVI C90C/3; **NRCMV**- Not Responsible - CMVI C90C/3; **SFF35A**- Sufficient Facts Found for Probable Cause; **AFDNH**- Application - Filed and Denied; **WD**- Withdrawn.

Application Process ordered by Court: ☐ Complaint and Summons

☐ Complaint and Warrant

☐ Sufficient Facts found- Hearing continued for compliance to

☐ Application denied-Defendant complied with conditions of continuance order.

DATE ISSUED

CLERK-MAGISTRATE

4.22.22 BF by Complainant (Det. Becker). Complaint to Issue J. Hartigan