

Exhibit A

United States District Court
District of Rhode Island

Charles Mauti,

CA No. 06-6IT

v.

Lauren Matarese, *et al.*

Affidavit of Charles Mauti In Support of
Objection to Defendants' Motion for Summary Judgment

Having been duly sworn, Charles Mauti states as follows:

1. I am the plaintiff in this case.
2. On May 10, 2005, at approximately 7:30 a.m. I was driving on Grove Avenue in the Town of Westerly, Rhode Island. Construction work was being performed at that location at the time.
3. I was driving a 1990 full-size Ford Bronco and was traveling along my regular route from my home in Westerly, Rhode Island, to my office in the Hopkinton Town Hall, where I was employed as Hopkinton's Building and Zoning Official.
4. Because of the construction project along the side of Route 3 (Grove Avenue), traffic was moving at the posted reduced speed limit. As usual at that time on a weekday morning, the traffic on this stretch of Grove Avenue was steady, and there were several cars both ahead of and behind me.
5. As I was passing through the construction zone, I noticed a black car on the opposite side of Grove Avenue. Immediately after I went past the black car, it turned around and pulled directly behind my car.
6. I then saw flashing lights behind its grille and recognized it as an unmarked police car. I immediately pulled my car out of traffic and over to the side of the road.
7. Captain Matarese got out of the unmarked car and approached the driver side window of my car. I asked why I was being stopped and Captain Matarese said it was because a construction worker had pointed at my car. She said nothing further in response to my question, except that when she looked again the construction worker was not there. She said nothing further regarding the construction worker.
8. Captain Matarese then asked me for my driver's license, vehicle registration, and proof of insurance.

9. I handed Captain Matarese all three documents, including what I thought was the registration certificate for the Bronco I was driving. The registration was contained in a packet on my windshield visor which also contained the registration certificate for a boat trailer we used the Bronco to tow. The Bronco and trailer registrations were folded together and clipped with a paper clip.
10. At the time I was arrested, I had (and gave to Captain Matarese) a valid and unexpired drivers license from the state of Arizona, where I had lived until I moved to Rhode Island.
11. I have never had any driver's license issued by Rhode island or Arizona suspended or revoked, nor has either state ever refused my application for a driver's license.
12. Officer Brancato pulled up behind Matarese's car immediately after I gave my drivers license, proof of insurance, and vehicle registration to Captain Matarese, and prior to her walking back to her car with the documents I had given her.
13. Captain Matarese returned to my car and informed me that it was a violation of Rhode Island law not to have a Rhode Island driver's license if you have lived in the state for more than thirty days.
14. Captain Matarese then told me to get out of my car, which I did. She then led me to the back of her car.
15. Captain Matarese left me in the custody of Officer Brancato, who told me to empty my pockets, which I did. Officer Brancato then took possession of my wallet, cell phone, and other items, including the two registration certificates for the Bronco and the trailer that Captain Matarese had given back to me.
16. It was at this point that I asked Officer Brancato if I was being arrested, and he said I was. Captain Matarese never told me that I was being arrested.
17. He placed me in the back of his marked police car and drove me to the Westerly police station.
18. Neither Matarese nor Brancato ever presented me with a warrant for my arrest.
19. My conduct at the time of my arrest did not pose any danger to myself or others, and posed no threat to any property.
20. At the Westerly police station, I was finger-printed by Captain Matarese, and photographed by Officer Brancato. The booking process I went through at the Westerly police station lasted approximately one hour.

From: NOEL AND GYORGY

401 621 5688

01/19/2007 15:34

#062 P. 003/003

21. Before I left the station I was given the ticket that is attached to this Affidavit as Exhibit 1, and a Summons requiring me to appear in Fourth Division District Court on May 20, 2005. The Summons listed the "CRIME" as "No License." A copy of the Summons is attached as Exhibit 2.
22. Captain Matarese said nothing to me indicating that I was under arrest for, or that she was considering charging me with violating R.I.G.L. 31-11-18.
23. Neither Captain Matarese nor Officer Brancato ever told me that my Arizona driver's license was not valid in Rhode Island.
24. Captain Matarese and Officer Brancato did not issue me a citation for driving an unregistered vehicle or failing to have the Bronco's registration, nor did they tow my vehicle from the scene.
25. When the booking process was complete, Captain Matarese then drove me to the Department of Motor Vehicles office in Westerly, where I applied for a Rhode Island driver's license. Because I had an unexpired Arizona license which I turned in to the DMV, I was given a permanent Rhode Island license that day without being required to take a road test or written exam. The plastic laminated card was not available the same day the license was issued, but was mailed to me later. In the meantime, the DMV gave me a "temporary receipt" as evidence that I had been issued a Rhode Island driver's license. A copy of that receipt is attached as Exhibit 3.
26. On May 20, 2005 the Town of Westerly filed a one count Criminal Complaint against me in the Fourth Division of the Rhode Island District Court charging me with a misdemeanor, but listing the statutory violation as section 31-10-1. A copy of that Complaint is attached as Exhibit 3.


 Charles Mauri

Notary Certificate

Subscribed and sworn before me this 19th day of January, 2007.

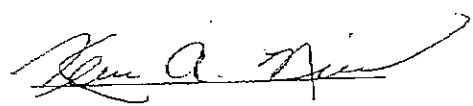

 Notary Public Kendra A. Nicastro
 My commission expires:

EXHIBIT 1: TICKET
 EXHIBIT 2: SUMMONS
 EXHIBIT 3: RECEIPT

Exhibit 1 to Exhibit A


CR		293 AS		05 504		000531	
		10/66				SUMMONS NO.	
							
* 0 5 5 0 4 0 0 0 5 3 1 *							
RITT-05, REV. 7/04							
THE UNDERSIGNED OFFICER STATES THAT:							
ON	MONTH	DAY	YEAR	AT (TIME)	IN (TOWN)		
	05	10	05	7 25	AM	WESTERLY	
DRIVERS LICENSE NO.				CDL	ARMED FORCES	STATE	
057361730						12	
MOTORIST'S FIRST NAME				MID	MONTH	DATE OF BIRTH	JUV
CHARLES				INI	05	31	14
LAST NAME				SEX			
MARTIN				M <input checked="" type="checkbox"/> F <input type="checkbox"/>			
MAILING ADDRESS AS LISTED AT REGISTRY OF MOTOR VEHICLES							MOTORIST'S INITIALS
33 ELW ST							
CITY				STATE		ZIP CODE	
WESTERLY				RI		02891	
DID UNLAWFULLY (CAUSE TO BE) OPERATE(D) A MOTOR VEHICLE							
VEHICLE REG. NO.		STATE	CDL VEHICLE	PLATE TYPE	PASS	SUB	
P-712		RI	YES <input type="checkbox"/> NO <input type="checkbox"/>	COMM <input type="checkbox"/> OTHER			
SERIAL NUMBER/VIN				VEHICLE MAKE		YEAR	
1FMEU15H3LLB35698				Ford		90	
OWNED BY (LAST)		(FIRST)	(IN.)	TYPE		COLOR	
PEZZULLO		PARKIA	A	Ford		H4	
ADDRESS (NO.)		(STREET)	(CITY)	(STATE)		(ZIP)	
		SAME					
ROAD COND.	TRAFFIC	VISIBILITY	ZONED SPEED	ACTUAL SPEED	LASER CLOCKED RADAR	ACCIDENT HAZ. MAT.	
D	2	C	25				
VIOLETION CODE	CDL	VIOLETION(S)			STATUTE	FINE	
029		1 NO LICEN R (RI)			31-10-1	H	
		2					
		3					
<input type="checkbox"/> You may pay the total amount due by mail and not appear in court subject to the conditions on the back of this summons. <input type="checkbox"/> You may not pay by mail and MUST appear in court. <input type="checkbox"/> Persons under 18 years of age may not pay by mail and MUST appear at RITT with a parent or guardian.					TOTAL AMOUNT DUE		
					\$ HEALING		
COURT LOCATION: (401) 222-8000				Your court date is:		Time:	
<input type="checkbox"/> Rhode Island Traffic Tribunal <input type="checkbox"/> Oliver Steadman Government Center Tower Hill Road, Wakefield, RI 02879						8:30 a.m.	
District Court (401) 782-4131 Fourth Division District Court McGrath Judicial Complex 4800 Tower Hill Road Wakefield, RI 02879				<input checked="" type="checkbox"/>		Your court date is: 5-20-05 Time: 9:00 a.m.	
Municipal Court (401) 596-7374				Your court date is:		Time:	
<input type="checkbox"/> 45 Broad Street Westerly, RI 02891-1890						10:00 a.m.	
I certify that a copy of this complaint and summons was served on the person named above as required by law.					DEPT. NO.	OFFICER ID NO.	
OFFICER SIGNATURE					504	702	
By signing below I acknowledge that I have received and read this summons and that the information I have provided is true. I understand that if I am required to appear in court on the date and time given, my failure to do so will be admission of the violation(s) above and penalties will be imposed as provided by law.					DATE		OFFICER'S INITIALS
MOTORIST'S SIGNATURE							
X							
DEPARTMENT COPY							

Exhibit 2 to Exhibit A



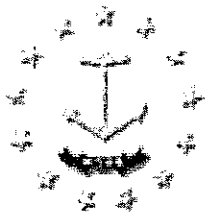
STATE OF
RHODE ISLAND
AND
PROVIDENCE
PLANTATIONS

DISTRICT COURT
SUMMONS

S-135C(8-74)

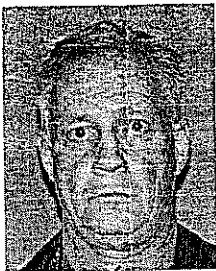
COMPLAINT NO.		4 th DIVISION OF THE DISTRICT COURT	
STATE EX REL.	CITY/TOWN Westerly	VS DEFENDANT Charles Mauti	
<p>YOU ARE HEREBY SUMMONED TO APPEAR BEFORE A JUDGE OF THE DISTRICT COURT FOR THIS DIVISION ON THE DATE AND AT THE TIME AND PLACE SHOWN BELOW TO ANSWER A COMPLAINT CHARGING YOU WITH THE CRIME DESCRIBED HEREIN.</p>			
<p>CRIME No License</p>			
<p>STATUTE(S) VIOLATED 31-10-2</p>			
THE TIME, DATE AND PLACE OF HEARING			
TIME 9:00 AM M	DATE 5-20-05	LOCATION 4800 Tower Hill Road, South Kingston, RI	
<p>IF YOU FAIL TO APPEAR AND ANSWER, A WARRANT WILL BE ISSUED FOR YOUR ARREST.</p>			
<p>DATE</p> <p>May 10, 2005</p>		<p>JUDGE, JUSTICE OF THE PEACE X</p> <p>POLICE OFFICER (MISDEMEANOR) <i>(Signature)</i></p>	
<p>WILLFUL FAILURE TO APPEAR IN ANSWER TO THIS SUMMONS MAY BE PUNISHED BY A FINE OF NOT OVER FIFTY DOLLARS (50.00) OR IMPRISONMENT FOR NOT OVER FIFTEEN (15) DAYS.</p>			

Exhibit 3 to Exhibit A



Rhode Island And Providence Plantations TEMPORARY RECEIPT

DL



DRIVER LICENSE # 2550509 CLASS:10 RESTR:A ENDORS:
DATE OF BIRTH: 05-31-1946
EXPIRATION DATE: 05-31-2007
TRANSACTION DATE: 05-10-2005

CHARLES M MAUTI
33 ELM ST
WESTERLY, RI 02891



RHODE ISLAND
DIVISION OF
MOTOR VEHICLES
ADMINISTRATOR


Class: 10 - Operator License

Endorsements: None

Restrictions: A - Glasses

This document expires 60 days from the Transaction Date printed above.

You should receive your card in the mail within 30 days.

DISTRICT COURT NO. 200501882		COURT DIVISION FOURTH		POLICE NO. 504		 STATE OF RHODE ISLAND DISTRICT COURT CRIMINAL COMPLAINT	
STATE EX REL	VS. DEFENDANT (NAME AND ALIAS) CHARLES M. MAUTI						
DEFENDANT ADDRESS AND PHONE 33 Elm Street, Westerly, RI 02891							
DEF. D.O.B. 5-31-46	DEF. BCI NO. @10157658	DEF. SOC. SEC. NO. 058-36-1730	DEF. M.V. LIC. NO.	DETERMINE ATTY DATE	PRE TRIAL DATE 5/27/05		
OFFENSE DATE 5-10-05	<input type="checkbox"/> DIVERS DATE	OFFICER/COMPLAINANT Capt. L. Matarese		PRE-ARRAIGN CONF DATE	TRIAL DATE 5/27/05		
POLICE DEPT./COMPLAINANT ADDRESS Westerly Police Department				SUPERIOR CT ARRAIGN DATE	MISC DATE/BAIL HRG/CONTROL		
05-504-000531				ON BEHALF OF THE STATE I SWEAR THAT THE ABOVE DEFENDANT DID TO ANY JUDGE OR JUSTICE OF THE PEACE: COMMIT THE FOLLOWING OFFENSES:			
OFFICER/COMPLAINANT X <i>Capt. L. Matarese</i>		DATE 5.20.05	SWORN TO BEFORE JUDGE/JUSTICE OF THE PEACE X <i>[Signature]</i>		DATE 5/20/05		
INITIAL APPEARANCE							
APPEARANCE DATE	BAIL FOR ALL COUNTS \$	ARRAIGNMENT DATE	JUSTICE OF THE PEACE				
ARRAIGNMENT							
ARRAIGNMENT DATE 5/20/05	ADVISED OF RIGHTS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	JURY TRIAL WAIVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PLEA COUNT 1 NG	PLEA COUNT 2	PLEA COUNT 3		
BAIL FOR ALL COUNTS \$ 1000 PR	ATTORNEY NAME	<input type="checkbox"/> PRIVATE <input type="checkbox"/> COURT APPT. <input type="checkbox"/> P.D.	JUDGE/JUSTICE OF THE PEACE X <i>[Signature]</i>				
COUNT 1	STATUTE(S) VIOLATED 31-10-1	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISDEMEANOR <input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDINANCE					
DRIVING WITHOUT A LICENSE							
"Did operate a motor vehicle on a highway within this State, to wit High Street, so-called, in the Town of Westerly, at a time when he did not have a valid RI license to operate a motor vehicle, in violation of RIGL 31-10-1 as amended."							
DISPOSITION <input type="checkbox"/> DISMISSAL <input type="checkbox"/> GUILTY PLEA <input type="checkbox"/> NOLO PLEA <input type="checkbox"/> GUILTY FINDING		<input type="checkbox"/> NOT GUILTY FINDING <input type="checkbox"/> CASE FILED 1 YEAR <input type="checkbox"/> INFO/TRUE BILL <input type="checkbox"/> NO INFO/NO TRUE BILL <input type="checkbox"/> OTHER		SENTENCE IMPOSED			
PROCEEDING <input type="checkbox"/> ARRAIGN <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL <input type="checkbox"/> OTHER		APPEAL TAKEN <input type="checkbox"/>	JUDGE X	DATE			
COUNT 2	STATUTE(S) VIOLATED	<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDINANCE					
DISCOVERY							
DISPOSITION <input type="checkbox"/> DISMISSAL <input type="checkbox"/> GUILTY PLEA <input type="checkbox"/> NOLO PLEA <input type="checkbox"/> GUILTY FINDING		<input type="checkbox"/> NOT GUILTY FINDING <input type="checkbox"/> CASE FILED 1 YEAR <input type="checkbox"/> INFO/TRUE BILL <input type="checkbox"/> NO INFO/NO TRUE BILL <input type="checkbox"/> OTHER		SENTENCE IMPOSED			
PROCEEDING <input type="checkbox"/> ARRAIGN <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL <input type="checkbox"/> OTHER		APPEAL TAKEN <input type="checkbox"/>	JUDGE X	DATE			
COUNT 3	STATUTE(S) VIOLATED	<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDINANCE					
DISPOSITION <input type="checkbox"/> DISMISSAL <input type="checkbox"/> GUILTY PLEA <input type="checkbox"/> NOLO PLEA <input type="checkbox"/> GUILTY FINDING		<input type="checkbox"/> NOT GUILTY FINDING <input type="checkbox"/> CASE FILED 1 YEAR <input type="checkbox"/> INFO/TRUE BILL <input type="checkbox"/> NO INFO/NO TRUE BILL <input type="checkbox"/> OTHER		SENTENCE IMPOSED			
PROCEEDING <input type="checkbox"/> ARRAIGN <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL <input type="checkbox"/> OTHER		APPEAL TAKEN <input type="checkbox"/>	JUDGE X	DATE			
VICTIM(S) NOTIFIED <input type="checkbox"/> ARRAIGNMENT <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL		VICTIM(S) APPEARED <input type="checkbox"/> ARRAIGNMENT <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL		CASE TYPE <input type="checkbox"/> DOMESTIC VIOLENCE		IMMEDIATE APPEAL TAKEN DATE JUDGE X	
ADDITIONAL COUNTS ATTACHED <input type="checkbox"/>							

PROSECUTION COPY

Exhibit B

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

CHARLES MAUTI,

v.

CA No. 06-61T

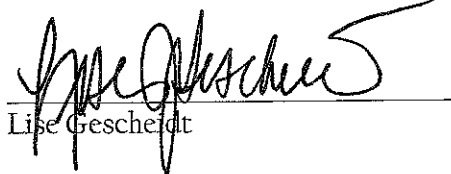
LAUREN MATARESE, ET AL.

AFFIDAVIT OF LISE GESCHEIDT

I, Lise Gescheidt, having been duly sworn, make the following statement:

1. I am an attorney licensed to practice in the State of Rhode Island and am admitted to practice before this Court. I have personal knowledge of the matters set forth in this Affidavit and would be competent to testify thereto if called upon to do so.
2. In May of 2005 I represented Charles Mauti in the case brought against him by the Town of Westerly in the Fourth Division of Rhode Island District Court charging him with a violation of R.I.G.L. § 31-10-1.
3. At Mr. Mauti's arraignment on May 20, 2005, I spoke with Captain Lauren Matarese before court about the circumstances of Mr. Mauti's arrest. Captain Matarese was the arresting officer and also the prosecuting officer for Westerly's cases in state district court.
4. During that conversation, Captain Matarese described to me the circumstances of her stopping Mr. Mauti's car as follows:
 - a. As she was driving through a construction area, a construction worker pointed to Mr. Mauti's car. She did not recognize Mr. Mauti or his car, and did not observe any traffic or motor vehicle violations in her presence.
 - b. She did not have any conversation with the construction worker before stopping Mr. Mauti's car, and she did not know why he pointed at it.

- c. When Mr. Mauti gave her an Arizona driver's license, she recognized his name and knew he was a Rhode Island resident because of a previous dispute he had with the Town. She thought his Rhode Island license might have been suspended, but when she ran a check on his license it came back clean.
5. Captain Matarese never made any further statement to me or provided any additional information that differed from, contradicted, added to, or elaborated upon what she said to me on May 20th regarding the construction worker who she said pointed at Mr. Mauti's car.
6. The Town's prosecution of Mr. Mauti was dismissed on May 27, 2005, at the conclusion of a hearing before Judge Erickson. The Court at that time also entered an Order, a copy of which is attached as Exhibit A to this Affidavit, which required among other things that the Town "destroy any fingerprints, photographs, physical measurements or other records of arrest and identification" of Mr. Mauti made in connection with his arrest on May 10, 2005. Captain Matarese was in Court when this Order was entered, and I handed her a signed copy of the Order before we left.
7. I sent another copy of the Order, with a cover letter, to the Westerly Police Department on May 31, 2005. A copy of my letter is attached as Exhibit B to this Affidavit.


Lisa Gescheidt

Notary Certificate

Subscribed and sworn to in Providence, Rhode Island, this 18th day of January, 2007.


Notary Public
Commission Expires: 2/18/09

Exhibit A to Exhibit B

STATE OF RHODE ISLAND
WASHINGTON, SC

FOURTH DIVISION
DISTRICT COURT

TOWN OF WESTERLY

VS

CHARLES M. MAUTI

ORDER

This matter came to be heard on this _____ day of _____, 2005
before the Honorable Stephen Erickson, Associate Justice of the District Court, and after
hearing thereon, it is hereby;

ORDERED, ADJUDGED AND DECREED

1. That Charles M. Mauti (dob 5-31-46) is entitled to the sealing of Court records in this case;
2. That said records shall be sealed;
3. That, within forty-five days, the Office of the Attorney General, the Westerly Police, the Rhode Island State Police, and the State Bureau of Criminal Identification shall destroy any fingerprints, photographs, physical measurements or other records of arrest and identification of said Charles Mauti taken in connection with the above-entitled complaint regarding his custodial arrest on or about May 10, 2005 for ~~violation~~ violation of GL 31-10-1. and further that the Westerly Police Department and BCI advise the FBI of this Order and request the FBI to destroy and expunge all records of defendant's arrest and prosecution in connection with this offense.

By Order:

Rose Mary T. Cantley
CLERK

ENTER:

[Signature]
The Honorable Stephen Erickson
Associate Judge of the District Court

5/27/05

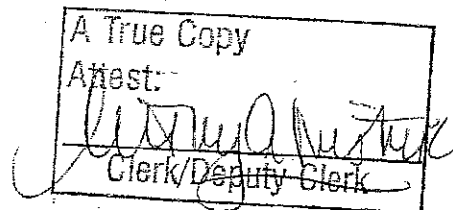


Exhibit B to Exhibit B

MACFADYEN, GESCHEIDT & O'BRIEN
ATTORNEYS AT LAW

TELEPHONE
401-751-5090

JOHN A. MACFADYEN
LISE J. GESCHEIDT
C. LEONARD O'BRIEN

THE OWEN BUILDING
101 DYER STREET - PROVIDENCE, RI 02903

FACSIMILE
401-751-5096

OF COUNSEL
B. JEAN ROSIELLO
TAMARA A. BARNEY

May 31, 2005

Office of the Attorney General
150 South Main Street
Providence, RI 02903

BCI
150 South Main Street
Providence, RI 02903

✓ Westerly Police Department
Union Street
Westerly, RI 02891

Rhode Island State Police
311 Danielson Pike
North Scituate, RI 02857

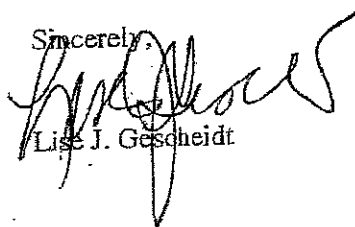
RE: Westerly Police Department vs. Charles M. Manti
Fourth Division #41-2005-001882

Dear Sirs:

Enclosed please find an Order Sealing all records of my client's arrest and prosecution in connection with his arrest in Westerly for driving in violation of the requirements of G.L. 31-10-1, and ordering the destruction of all records of identification taken in connection with this arrest.

I would appreciate you advising me when your department has complied with this Order. Thank you for your cooperation. Best wishes.

Sincerely,



Lise J. Gescheidt

Cc: Charles M. Manti

Exhibit C

Westerly Police Department
Arrest ReportPage: 1
05/10/2005Arrest #: 05-393-AR
Call #: 05-10766Date/Time Reported: 05/10/2005 @ 0730
Arrest Date/Time: 05/10/2005 @ 0744
Booking Date/Time: 05/10/2005 @ 0744Court: 4TH DISTRICT COURT
Court Date: 05/20/2005 @ 0900
Reporting Officer: Captain Lauren Matarese
Assisting Officer: Patrol Frank Brancato
Booking Officer: Patrol Frank Brancato

#	DEFENDANT(S)	SEX	RACE	AGE	SSN	PHONE
1	MAUTI, CHARLES 33 ELM ST WESTERLY RI 02891	M	W	58	NOT AVAIL	501-348-9882

HEIGHT: 511 WEIGHT: 180 HAIR: BROWN EYES: BROWN
 BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.
 DOB: 05/31/1946 PLACE OF BIRTH: NY
 LICENSE NUMBER: NOT AVAIL. ETHNICITY: NOT HISPANIC

[APPEARANCE]

GLASSES WORN: YES

SCARS: SC BACK(6 INCH)

ALIAS LAST NAME	FIRST NAME	MIDDLE NAME	SSN	DOB
MAUTI	CHARLES		NOT AVAIL	05/31/1946

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: MARRIED
SPOUSE'S NAME: PEZZULLO, PATRICIA
FATHER'S NAME: DECEASED, DECEASEDEMPLOYER/SCHOOL: TOWN OF HOPKINTON
395 WOODVILLE RD
HOPKINTON RI

OCCUPATION: BUILDING OFFIC

[RIGHTS/BOOKING CHECKS]

PHONE USED: N
ARRESTEE SECURED: N

PHONED DATE/TIME: 05/10/2005 @ 0745

FINGERPRINTED: Y
PHOTOGRAPHED: Y
SUICIDE CHECK: Not Performed
PERSONS: State&Federal
NCIC VEHICLE CHECK: Not Performed
INJURY OR ILLNESS: N

DISCOVERY

Westerly Police Department
Arrest ReportPage: 2
05/10/2005Arrest #: 05-393-AR
Call #: 05-10766

OFFENSE(S)

A/C STATE LAW

LOCATION TYPE: Highway/Road/Alley/Street Zone: North Side
1 NARRAGANSETT AVE @ 113 HIGH ST
WESTERLY RI 028911 LICENSE VIOLATIONS - GENERAL
OCCURRED: 05/10/2005 0730

C 31-10 1/4

DISCOVERY

NARRATIVE FOR CAPTAIN LAUREN MATARESE

Ref: 05-393-AR

While returning from the gas pump, I was traveling on Grove Ave in the construction zone, when a worker motioned about a vehicle that had just passed him. I turned around and stopped RI Reg. P-712 on High Street. The operator was identified as Mr. Mauti and he presented an Arizona's drivers license. He stated he had been residing in the area for several years and had the RI application at home, but never completed it. He then stated that he was considering returning to Arizona.

He was advised that under the statute 31-10-1 he must obtain a RI license within 30 days of establishing residency. I have personal knowledge that Mr. Mauti has in fact been a local resident for several years. Mr. Mauti was charged with No RI License and released with a court date of 5-20-05. With his permission, his vehicle was removed to the Sorensen and McCuin parking lot so it would not be towed.

Capt L. Matarese #2

DISCOVERY

Exhibit D

Checks from WEST01/RI0050401 0700 0900 hours May 10, 2005

DQ.RI0050401.RI,CT.TXT

NAM/MAUTI,CHARLES.DOB/19460531.SEX/M

MRI 807571 IN: WEST01 5 AT 10MAY2005 07:27:54 OUT: SPBG00 20 AT 13APR2006
15:17:19

RETRIEVAL: ORIGINALLY INPUT - WEST01 5 AT 10MAY2005 07:27:54.

DQ.RI0050401.RI,CT,AZ.TXT

NAM/MAUTI,CHARLES.DOB/19460531.SEX/M

MRI 807669 IN: WEST01 6 AT 10MAY2005 07:28:38 OUT: SPBG00 21 AT 13APR2006
15:17:19

RETRIEVAL: ORIGINALLY INPUT - WEST01 6 AT 10MAY2005 07:28:38.

IQ.RI0050401.RI,CT.TXTPUR/C.ATN/CPL

LACHAPELLE.NAM/MAUTI,CHARLES.DOB/19460531.SEX/M.RAC/U

MRI 807922 IN: WEST01 7 AT 10MAY2005 07:32:40 OUT: SPBG00 22 AT 13APR2006
15:17:19

RETRIEVAL: ORIGINALLY INPUT - WEST01 7 AT 10MAY2005 07:32:40.

RQ.RI0050401.RI.TXTLIC/P712.LIY/2005.LIT/PC

MRI 808706 IN: WEST01 8 AT 10MAY2005 07:44:52 OUT: SPBG00 23 AT 13APR2006
15:17:19

RETRIEVAL: ORIGINALLY INPUT - WEST01 8 AT 10MAY2005 07:44:52.

Checks from WEST00/RI0050400 1300 1400 hours May 9, 2005

RQ.RI0050400.RI.TXTLIC/106506.LIY/2005.LIT/CO

MRI 716918 IN: WEST00 36 AT 09MAY2005 13:33:54 OUT: SPBG00 24 AT 13APR2006
15:24:30

RETRIEVAL: ORIGINALLY INPUT - WEST00 36 AT 09MAY2005 13:33:54.

DQ.RI0050400.RI.TXT

NAM/MAUTI,CHARLES.DOB/19460531.SEX/M

MRI 716970 IN: WEST00 37 AT 09MAY2005 13:35:00 OUT: SPBG00 25 AT 13APR2006
15:24:31

RETRIEVAL: ORIGINALLY INPUT - WEST00 37 AT 09MAY2005 13:35:00.

Checks sent to NLETS (Out of State) May 31, 2005

DQ.RI0050401.RI,CT.*0493807571.

NAM/MAUTI,CHARLES.DOB/19460531.SEX/M

MRI 807571 IN: WEST01 5 AT 10MAY2005 07:27:54 OUT: SPBG00 26 AT 13APR2006
15:37:43

RETRIEVAL: ORIGINALLY OUTPUT - NLET 1176 AT 10MAY2005 07:27:54.

DQ.RI0050401.RI,CT,AZ.*0493807669.

NAM/MAUTI,CHARLES.DOB/19460531.SEX/M

MRI 807669 IN: WEST01 6 AT 10MAY2005 07:28:38 OUT: SPBG00 27 AT 13APR2006
15:37:43

RETRIEVAL: ORIGINALLY OUTPUT - NLET 1182 AT 10MAY2005 07:28:39.

IQ.RI0050401.RI,CT.*0493807922.

PUR/C.ATN/CPL LACHAPELLE.NAM/MAUTI,CHARLES.DOB/19460531.SEX/M.RAC/U

MRI 807922 IN: WEST01 7 AT 10MAY2005 07:32:40 OUT: SPBG00 28 AT 13APR2006
15:37:43

RETRIEVAL: ORIGINALLY OUTPUT - NLET 1202 AT 10MAY2005 07:32:40.

Exhibit E

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CHARLES MAUTI :
 :
VS. : C.A. NO.: 06-61T
 :
LAUREN MATARESE, ET AL. :

DEPOSITION OF LAUREN MATARESE, a Defendant in the
above-entitled cause, taken on behalf of the Plaintiff, before
Barbara Warner, Notary Public in and for the State of Rhode Island,
at the offices of Noel & Gyorgy, 50 South Main Street,
Providence, RI, on January 11, 2007 at 10:00 A.M.

PRESENT:
FOR THE PLAINTIFF..... NOEL & GYORGY, LLP
BY: JOHN P. GYORGY, ESQUIRE

FOR THE DEFENDANT..... OLENN & PENZA, LLP
BY: MICHAEL COLUCCI, ESQUIRE

ALLIED COURT REPORTERS
115 PHENIX AVENUE
CRANSTON, RI 02920

January 11, 2007

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1 A. In-service training.

2 Q. Such as what?

3 A. There are different periods of time
4 where an officer is dedicated to teaching a
5 block of training. That officer will teach
6 that block.

7 Q. That officer is not necessarily the
8 training officer?

9 A. That's correct.

10 Q. Have you taught designated training blocks
11 yourself?

12 A. Yes.

13 Q. Within the past, say, three years, have you
14 done it since you became Captain?

15 A. Yes.

16 Q. Can you tell me when and tell me what
17 substantive areas you taught?

18 A. Either September or October of 2006, it
19 could have been November, I taught report
20 writing.

21 Q. Do you still have your notes from
22 Mr. Shipley's class?

23 A. No.

24 Q. He would be disappointed. What did that
25 class consist of?

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1 A. What is necessary to properly prepare a
2 police report.

3 Q. What materials did you use for the class?

4 A. My own experience and some police
5 manuals that were in the station.

6 Q. How did you conduct the class; did you buy
7 sandwiches for everybody and say, come in
8 on Saturday? What was the setting?

9 A. We have a training room, also the roll
10 call room. It was a powerpoint
11 presentation. It was very informal. The
12 training officer set up the hours and the
13 times and officers attended.

14 Q. As they could, did you conduct multiple
15 sessions so everybody could get to it?

16 A. Yes.

17 Q. Rule Number 2 of the deposition, if I pause
18 during a question, wait until I am done
19 because she cannot write down what both of
20 us say at the same time. I will try not to
21 interrupt you, and if you could try to wait
22 for me because it is a little unnatural
23 because in a conversation, at least north
24 of the Mason-Dixon Line, people interrupt
25 each other all of the time.

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1 A. Okay.

2 Q. This was fairly recent, September of last
3 year?

4 A. Yes.

5 Q. Did the Chief ask you to conduct that
6 training?

7 A. No.

8 Q. Why did you conduct it at the time you
9 conducted it?

10 A. The training officer asked me to.

11 Q. Lieutenant Wright?

12 A. No, Turano.

13 Q. Lieutenant Wright, what is Lieutenant
14 Wright's title, do you know?

15 A. No.

16 Q. They mean that much?

17 A. No, they are important.

18 Q. Lieutenant Turano asked you to conduct the
19 training session on report writing?

20 A. Yes.

21 Q. Did he tell you why he wanted that done?

22 A. As part of our in-service training.

23 Q. Was it just that it was time to put that on
24 again?

25 A. I don't know why he selected that

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1 topic.

2 Q. You said that you used a powerpoint
3 presentation?

4 A. Yes.

5 Q. Was that something prepared by you or
6 someone else at the department?

7 A. Yes. It was prepared.

8 Q. Who prepared that?

9 A. I did.

10 Q. What did the powerpoint presentation
11 consist of?

12 A. Slides.

13 Q. Were they written slides, were they
14 graphics, were they copies of documents
15 that were example; what did you use in the
16 powerpoint presentation, bulleted points
17 about what is important?

18 A. Bulleted points.

19 Q. How much of that do you remember in terms
20 of what you tried to stress in the material
21 that you prepared and presented?

22 A. A fair amount.

23 Q. Can you give us a five-minute synopsis of
24 how to write a report?

25 A. The presentation was to be very

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1 specific, depending on what you were
2 investigating, detail-oriented. For
3 example, a narcotics investigation would be
4 more detailed-oriented than a minor
5 infraction, like a speeding ticket.
6 Spelling, grammar, update information. Get
7 everybody's information.

8 Q. When you say, get everybody's information,
9 you are talking about for any given event,
10 if there are five people with firsthand
11 knowledge of it, get everybody's
12 information, not necessarily to include it,
13 but to make sure there is nothing
14 contradictory?

15 A. Anything that had to do substantively
16 with the case.

17 Q. Can you explain that a little bit?

18 A. If you have ten people but not
19 everybody witnessed it, give me the people
20 that witnessed it.

21 Q. That sounds like focusing, rather than
22 including too many, include what matters,
23 is that one of the bulleted subpoints?

24 A. Not really.

25 Q. I am not sure I understand that part of it.

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1 I can understand the detail-oriented
2 include everything pertinent to the matter
3 that is being investigated, get everybody's
4 information?

5 A. The correct information. Some of our
6 officers do not update the information
7 regarding telephone numbers and addresses
8 and that is important. That is what I mean
9 by that.

10 Q. When you say update information, are you
11 talking about contact information?

12 A. If you were to file a complaint today
13 and listed 50 South Main Street as your
14 address and you filed a complaint tomorrow,
15 I would assume 50 South Main is still your
16 address, but I ask the officers to confirm
17 that because oftentimes that is not the
18 case. If I have to contact that person or
19 subpoena them, I would like to know where
20 they are.

21 Q. As the court officer, you understand how
22 important it is not to have to go looking
23 for somebody at the last minute?

24 A. Yes.

25 Q. And you can stress that appropriately to

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1 report writing was done in connection with
2 promotional exams that were coming up?

3 A. No.

4 Q. Did you refer to the promotional exams with
5 respect to the study books?

6 A. They were available because there had
7 been a promotional exam. They were still
8 in the station and I thumbed through the
9 indexes to jog something in my memory.

10 Q. How often are promotional exams given?

11 A. Every two years.

12 Q. Before they are given, are the materials
13 you are talking about materials that come
14 into the station before promotional exams
15 and tend to disappear after the promotional
16 exams?

17 A. Yes.

18 Q. Where do they come from?

19 A. You have to ask the Chief that. I
20 don't know.

21 Q. Is it an outside agency or another
22 jurisdiction, or does it depend?

23 A. It depends, but there is a list of
24 suggested reading material to prepare for
25 whatever promotional exam you are preparing

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1 A. Yes.

2 Q. Sometime during the fall of last year?

3 A. Yes. I know breathalyzer
4 recertification I was there.

5 Q. Was that also this past fall?

6 A. I think so.

7 Q. Along with the one you did, you attended
8 two others?

9 A. At least two others.

10 Q. One was breathalyzer and one was defensive
11 driving?

12 A. Yes.

13 Q. Can you think of any others in the course
14 of the past year you attended?

15 A. I know there is another one, but I
16 can't recall what it was. I remember being
17 present because I remember being there.

18 Q. How is your participation recorded? If you
19 went back to the station and said, why
20 can't I remember what it was, where would
21 you go to check to see what it was?

22 A. Lieutenant Turano, you sign in and he
23 maintains that.

24 Q. Is there a departmental requirement of a
25 certain amount of attendance at training

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1 seminars during the course of the year?

2 A. Not really.

3 Q. Is that one of the roles of the training
4 officer, to make sure no one hides
5 successfully for their entire career, does
6 he keep track of who has done what and go
7 around to people or suggest to the Chief
8 that he ask so and so to, how is that
9 supervised or monitored?

10 A. If you are in patrol, the training
11 sessions are established so that it is done
12 during your normal working hours and you
13 are expected to attend.

14 Q. All patrol officers?

15 A. As an administrator, I am allowed for
16 leniency.

17 Q. Are the patrol officers required to attend
18 every training session given during their
19 shift?

20 A. If they are working, they will attend
21 the training.

22 Q. If they are on, they are at the training
23 for some portion of that shift?

24 A. Yes.

25 Q. Do the classes last typically the same

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1 Q. Officer Brancato?

2 A. Yes.

3 Q. Joe Touro?

4 A. Yes.

5 Q. And Chief Scuncio from Hopkinton?

6 A. Yes.

7 Q. When did you talk to Chief Scuncio?

8 A. Approximately 9:15 that morning.

9 Q. Did you call him or did he call you?

10 A. He called me.

11 Q. Why did he call you?

12 A. He heard that an arrest was made
13 involving a Hopkinton official and wanted
14 to know the details of the arrest. Usually
15 he would call the Chief, my Chief. My
16 Chief was off that day.

17 Q. What did he say, as best you can remember?

18 A. It will not be verbatim.

19 Q. The best you can remember, the substance as
20 best you can recollect it.

21 A. He heard that a Hopkinton official had
22 been arrested. He asked me who the
23 official was and what the charges were.

24 Q. What did you tell him?

25 A. I told him that Mr. Mauti had been

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1 they are. I also have friends that live in
2 Hopkinton. I am not sure which phone he
3 called me on.

4 Q. When I asked if you had said anything else
5 to Chief Scuncio, you first responded,
6 about Mr. Mauti or generally, and I said
7 about Mr. Mauti; what else did you discuss
8 with him other than Mr. Mauti during that
9 conversation?

10 A. The previous day there was a fire, a
11 structure fire at the Bradford Dyeing
12 Association, we refer to it as BDA, and we
13 talked about that.

14 Q. You were up early that morning on the 9th?

15 A. Yes.

16 Q. You were at the fire?

17 A. Yes.

18 Q. And Chief Scuncio was at the fire?

19 A. At some point he came, yes.

20 Q. And you had a discussion with him at the
21 Bradford Dyeing site, this would have been
22 the morning of the 9th?

23 A. Yes.

24 Q. Did it any in way concern Mr. Mauti?

25 A. Absolutely not.

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1 road, yes.

2 Q. You did not know whether the vehicle was
3 registered until you got back to the
4 station?

5 A. That's correct.

6 Q. You ran the license check on Mr. Mauti
7 using the number from the Arizona license,
8 or you just asked dispatch to run it using
9 his name?

10 A. I asked dispatch to run Arizona and
11 Rhode Island.

12 Q. Did you ask dispatch to run Arizona because
13 he presented you with an Arizona license?

14 A. Yes.

15 Q. Now, the Arizona license he presented to
16 you on its face had not expired?

17 A. On its face, right.

18 Q. Do you remember what the expiration date
19 was?

20 A. No.

21 Q. What came back from dispatch, how soon did
22 they get back to you with an answer to that
23 inquiry?

24 A. Very quickly. Less than a minute.

25 Q. You called them after getting the license,

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1 insurance card and registration certificate
2 and taking them back to your vehicle?

3 A. Yes.

4 Q. What was the response you got from
5 dispatch?

6 A. Nothing found in Rhode Island, active
7 Arizona.

8 Q. Active meaning active license Arizona?

9 A. Yes, on its face anyway.

10 Q. And did you not run -- strike that. Did
11 you run another inquiry, NCIC inquiry, at
12 the time of the arrest?

13 A. Dispatch automatically runs checks when
14 you call something in.

15 Q. You did not ask them to run the plate?

16 A. No, I didn't.

17 Q. That was done back at the station?

18 A. When I went back to the station, I
19 realized he gave me the wrong registration.
20 That is when I asked them to run the plate.

21 Q. Let me follow up on that.

22 MR. GYORGY: As a matter of
23 fact, can you read back that last answer.

24 (ANSWER READ BACK)

25 Q. Did you not look at the registration that

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1 he gave you at the time he gave it to you?

2 A. I did not look at it.

3 Q. So between the time of his arrest and when
4 you got back to the station, you did not
5 know whether he was driving an unregistered
6 vehicle or not?

7 A. That is fair to say, yes.

8 Q. The number you have, do you have a number
9 in your cell phone for the Hopkinton police
10 station?

11 A. No.

12 Q. Do you know the number?

13 A. Yes.

14 Q. What is the number there?

15 A. 401-377-7750.

16 Q. Do you use any other extensions at the
17 department?

18 A. That is the only number that I know.

19 Q. Do they have separate extensions at the
20 Hopkinton department, if you know?

21 A. I don't know.

22 Q. I think I remember the document you
23 mentioned looking at earlier were the phone
24 records that you said you had retrieved?

25 A. I retrieved them, yes.

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1 information you need to take to court?

2 A. Yes.

3 MR. GYORGY: Off the record.

4 (OFF THE RECORD)

5 MR. GYORGY: Back on the
6 record.

7 Q. I am showing you Exhibit 3, which is a
8 four-page document. The thirist two pages,
9 I believe, are the photographs that were
10 taken at the station of Mr. Mauti. The
11 third and fourth page are the fingerprint
12 cards. Can you confirm that you agree with
13 that?

14 (WITNESS PERUSES DOCUMENT)

15 A. Yes, I agree with that.

16 Q. At the station you took Mr. Mauti's
17 fingerprints, and Officer Brancato took his
18 photograph; is that correct?

19 A. Yes.

20 Q. Did you fill out the rest of the
21 fingerprint card?

22 A. That is done by computer.

23 Q. Tell me how.

24 A. There is a computer where all of the
25 booking information goes, Mr. Mauti's name

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1 address and all of the questions that are
2 asked. That is transferred electronically
3 to what is called a live scan fingerprint
4 machine that we used to have. There is an
5 arrest number, so all I have to do is
6 highlight that arrest number and this is
7 all backfilled.

8 Q. You put the arrest number on a form that is
9 on the computer?

10 A. You just call up the arrest number
11 before I take the prints, so I am
12 associating the print with the person
13 standing there.

14 Q. So the prints are not taken as an
15 electronic image?

16 A. They are. It is called live scan.

17 Q. Are they printed on a card as well?

18 A. Yes.

19 Q. What we are looking at here is the copy of
20 the card?

21 A. Yes.

22 Q. Did you retrieve this?

23 A. Did I retrieve?

24 Q. The copy of the card that we are looking
25 at, Exhibit 3?

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1 A. How did he get it or how did you get?

2 Q. How did I get it?

3 A. I don't know how you got it.

4 Q. Did you make a copy of the card and provide
5 it to counsel?

6 A. Either I did or the Chief did. I am
7 not sure who did.

8 Q. You don't know whether you did it or not?

9 A. I may have. I am not sure if I did.
10 Most likely I did. It was a while ago.

11 Q. How long ago was it?

12 A. I am not sure when it was asked of me.

13 Q. A month, three months, six months?

14 A. Within the last six months.

15 Q. But it was not within the last month?

16 A. I don't know. I don't think so.

17 Q. You would have been taking time out of
18 Christmas shopping, so maybe early December
19 but not late?

20 A. I have a very huge case load, one day
21 runs into the next for me. I apologize.

22 Q. You cannot pinpoint it anymore specifically
23 than to say within the last six months?

24 A. That would be my best guess.

25 Q. When you retrieved it, you made a copy of

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1 the fingerprint card itself?

2 A. Either the card or a copy of the card.

3 I am not sure which one it was.

4 Q. When you say a copy of the card, are you
5 talking about a piece of paper?

6 A. Yes, like this.

7 Q. And you are holding up Exhibit 3?

8 A. Yes, the last page of Exhibit 3.

9 Q. You were in court with Mr. Mauti twice,
10 right, before Judge Erickson?

11 A. Three times.

12 Q. The last time that you were in court was on
13 May --

14 A. It was twice. I apologize.

15 Q. The last time can only refer to one time,
16 and that was May 27, I think the date that
17 the case was disposed of?

18 A. Yes.

19 Q. At the conclusion of that hearing, Lise
20 Gescheidt gave you a copy of an expungement
21 order?

22 A. Yes.

23 MR. GYORGY: Mark this as
24 Exhibit 13.

25 (EXHIBIT 13 MARKED FOR IDENTIFICATION)

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1 Q. Take a look at the second page of that
2 order and tell me if that is the
3 expungement that was issued on May 27?

4 A. Yes, this is a copy of that.

5 Q. Is that a copy of what Lise gave you at the
6 conclusion of the hearing?

7 A. Yes.

8 Q. I am referring to the second page. The
9 first page is a letter sent to the
10 department later, so just referring to the
11 second page of the exhibit, is that a copy
12 of the order that Lise gave you at the
13 conclusion of that May 27 hearing?

14 A. I believe it is, yes.

15 Q. Looking at the first page of the letter, if
16 a letter like that came to the department,
17 can you tell me who it would have gone to
18 in the normal course?

19 A. It would have gone to me, and I would
20 have given it to Mrs. Algieri.

21 Q. Do you remember getting that letter with
22 the copy of the order after Mr. Mauti's
23 case was disposed of by mail; do you
24 remember seeing the letter?

25 A. I don't remember, but I know that the

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1 case was ordered seal and I am confident
2 she sent it. I don't dispute she sent it.

3 Q. The copy of the order you got on the 27th,
4 when you got back to the station, would you
5 have given that to Mrs. Algieri?

6 A. No, because it was sealed. That was on
7 order to seal.

8 Q. And that is all that the order was intended
9 to do, as far as you knew?

10 A. I would have to review that order,
11 which I think is this one. I remember she
12 made an oral motion to expunge and seal.

13 Q. You don't remember a written motion?

14 A. I am sure there was, but if you are
15 asking me to recite it.

16 Q. When you say she made an oral motion, are
17 you talking about the 27th?

18 A. Yes.

19 Q. Where is the fingerprint card that is the
20 last two pages of Exhibit 3, where is that
21 now?

22 A. I don't know.

23 Q. Where are they kept?

24 A. The fingerprint cards are kept in the a
25 file. Because this was expunged, I am sure

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1 that was destroyed.

2 Q. Are you telling me that the copy of the
3 fingerprint card that I am looking at in
4 Exhibit 3 was made before the -- let me ask
5 you this way. How do you explain I am
6 looking at the last two pages of Exhibit 3,
7 which is a record of physical
8 identification that ought to have been
9 destroyed, according to the terms of Judge
10 Erickson's order?

11 MR. COLUCCI: Objection. You
12 can answer, if you know.

13 A. I am sure that was destroyed, and my
14 understanding is that it was destroyed.
15 There is a copy in the prosecution file.

16 Q. The prosecution file maintained by whom?

17 A. By me. Not the department file, that
18 was destroyed.

19 Q. Are you saying the prosecution file records
20 are not department records?

21 A. I am not sure what you mean.

22 Q. You did not represent a private client in
23 this case, did you?

24 A. No.

25 Q. To the extent you acted at all, you acted

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1 as a representative of the department in
2 your capacity as the second in command,
3 right?

4 A. I don't understand.

5 Q. Were any of the actions you took with
6 respect to Mr. Mauti, Mr. Mauti's arrest or
7 anything else having to do with the records
8 of this case taken in any capacity other
9 than as capacity with the Westerly Police
10 Department?

11 A. The file that I have is because I
12 believed he was going to sue me, and that
13 is why is there is a prosecution file.

14 Q. The prosecution file is kept where?

15 A. On my desk.

16 Q. Tell me why you thought he was going to sue
17 you?

18 A. Number 1 is he has a reputation for
19 bringing suit, and I don't always disagree
20 with his reason for bringing suit. This
21 was a very minor misdemeanor that got blown
22 out of proportion, and the conversation
23 that I had with his attorney, Lise
24 Gescheidt, led me to believe that Mr. Mauti
25 would sue me.

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1 Q. Which desk, your desk at work?

2 A. My desk at work.

3 Q. Why do you refer to it as the prosecution
4 file?

5 A. Because I believe that all of the
6 originals were destroyed, or whatever
7 manner they expunge records. I am not
8 involved in the expungement of records.

9 Q. Other than to give the orders to
10 Mrs. Algieri?

11 A. Yes.

12 Q. You believe the originals were destroyed?

13 A. Yes.

14 Q. Do you know if the department has a
15 procedure or a practice of responding to
16 requests such as are reflected in Exhibit
17 13, Lise's letter, requesting that they
18 comply with the order and advising her once
19 they have?

20 A. I am not sure what the procedure is.

21 Q. Tell me if I have the sequence right in
22 terms of your preparation of these
23 documents. The first document that you
24 prepared was the citation itself, the
25 ticket; is that correct?

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1 process?

2 A. For the misdemeanor, no.

3 Q. Are you talking about the dangerous weapon
4 assault case?

5 A. That was a felony.

6 Q. Which one caused you to remember --

7 A. I remember in '98 I was going through
8 that, and I was not the court officer.

9 Q. But you were, in 1999 and up until 2001
10 when you became Lieutenant, the court
11 officer for Traffic Tribunal?

12 A. Yes, I am pretty sure I was. I am hazy
13 on the dates, but I am pretty sure I was.

14 MR. GYORGY: Off the record.

15 (OFF THE RECORD)

16 MR. GYORGY: Back on the
17 record.

18 Q. In your affidavit, Paragraph 4, this is
19 Exhibit 2, the last section or the last
20 sentence, beginning with, The actions of
21 construction worker caused me to suspect
22 that there may have been some type of
23 problem/motor vehicle infraction. Should I
24 interpreter that slash as an and/or or
25 something else? Should I read that as some

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1 type of problem and motor vehicle
2 infraction or problem or motor vehicle
3 infraction?

4 A. I would say it is an and/or.

5 MR. GYORGY: Thank you. For
6 present purposes, I explained to Michael
7 taking your deposition today because of the
8 summary judgement motion that is pending.
9 You can see by virtue of how tall the
10 stacks of paper are there will be more at
11 some point if the motion is not granted.

12 (SUSPENDED AT 2:20 P.M.)
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