

STATEMENT OF FACTS

IN SUPPORT OF
APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (court use only)

PAGE

1 OF 10

Supreme Judicial Court of Massachusetts
District Court Department



The undersigned alleges the following as a full or partial statement of the factual basis for the offense(s) for which a criminal complaint is sought.

COURT DIVISION
CENTRAL BERKSHIRE DISTRICT COURT
24 WENDELL AVE
PITTSFIELD, MA. 01201

Arrival at Accident Scene

I worked my scheduled shift from 3 p.m. to 11 p.m. on Sunday November 17, 2019 with Officer John Marley. I was assigned to patrol in marked police cruiser 796. At approximately 5:48 p.m. I was dispatched to the Citgo/Food Mart gas station located at 650 Main St. for a report of a two car motor vehicle accident. Upon arrival I observed a blue in color Chevrolet Trax bearing MA REG 9ARX30 with front end damage that had collided with a concrete barrier located in front of a gas pump. I observed a female who I identified as Stephanie CAPORALE (D.O.B. 12/07/78) standing on the passenger side of her vehicle with the door open. The driver side door was also open and I could see that the front driver side air bags had deployed. I approached CAPORALE and asked her if she was in pain and if she needed an ambulance. At this time she looked at me and did not answer. She seemed lethargic, so I asked her again if she needed medical attention, to which she denied at this time.

At this time Officer Marley arrived on scene and began to approach CAPORALE. I asked her for her license and proceeded to notify dispatch of the vehicle information as well as her license information. As I was doing this, a female party, Catherine Cory, approached me and said, "she hit my car too". Officer Marley remained with CAPORALE while I spoke with Ms. Cory. I asked her if she needed any medical attention, which she denied. The following is a summary of what Ms. Cory stated.

A. I was standing next to my car pumping gas.

B. I saw her (CAPORALE's vehicle) sitting in the entrance to the station, kind of half in the street and

(Use additional sheets if necessary)

PRINTED NAME

BENCIVENGA, DYLAN

SIGNATURE

x *Dylan Bencivenga*

I AM A:

- LAW ENFORCEMENT OFFICER
- CIVILIAN COMPLAINANT OR WITNESS

DATE SIGNED

11-17-19

ADDITIONAL FACTS FOUND BY CLERK-MAGISTRATE / ASST. CLERK / JUDGE BASED ON ORAL TESTIMONY

REMARKS

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half in the lot.

C. I thought it was strange that she was just parked there.

D. She started driving forward and hit my car.

E. She had her window down, so I told her that she just hit my car.

F. She said to me, "yeah, I know", then stepped on the gas and ended up crashing into the gas pump over there.

Observations of CAPORALE at the Scene

At this time I photographed the vehicles and completed an accident exchange form per departmental policies and procedures. I gave one copy to Ms. Cory and allowed her to leave the scene. I went back over to the vehicle where Officer Marley was speaking with CAPORALE. I observed the following.

A. When Officer Marley was speaking with CAPORALE, she kept reaching inside of her vehicle and picking up a paperback book and placing it back down on the passenger side seat.

B. Officer Marley asked CAPORALE what had happened, to which she stated that she hit the other vehicle because she was thinking about what side of the car the gas tank was on.

C. Officer Marley asked CAPORALE if she remembered how she collided with the concrete barrier in front of the gas pump. She answered by again stating she was thinking about what side the gas tank was on and hit the other vehicle.

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Superior Court of Massachusetts
District Court DepartmentThe undersigned alleges the following as a full or partial statement of the factual basis for the offense(s) for which a criminal complaint is sought.

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D. Officer Marley asked CAPORALE an additional time if she remembered how she collided with the concrete barrier, to which she then stated, "Oh I didn't hit that".

E. During the conversation, Officer Marley shined his flashlight near CAPORALE's face to observe the reaction of her pupils. Her pupils were constricted. When the light was removed, her pupils remained constricted and did not react to the light. Typically in the absence of light the pupils will dilate.

F. At this time Officer Marley asked CAPORALE if she had taken any narcotics, to which she told him that she had taken Gabapentin, a medication typically used as an anti-convulsant. When she was asked about the dosage and approximate time that she had taken the medication, she would not answer.

G. CAPORALE maintained a relaxed demeanor and was laughing during parts of the conversations that she was having with Officer Marley. She did not seem concerned that she had crashed the vehicle that she was operating.

Transport to Berkshire Medical Center

The EMT's on scene then began to speak with CAPORALE, who consented to going to the hospital to be further evaluated. Officer Marley and I conducted a tow inventory of the vehicle per departmental policies and procedures and contacted Sayers Auto Body for the tow. At approximately 6:30 p.m. I cleared the scene while Officer Marley remained on scene to wait for Sayers to arrive.

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Judicial Branch
Court of Massachusetts
District Court Department



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At this time I believed with the totality of the circumstances and based on my training and experience, CAPORALE was operating her motor vehicle under the influence of narcotics. At 6:38 p.m. I went to Berkshire Medical Center (BMC) to serve a preservation notice for CAPORALE's blood work pending a warrant for her blood. I also served in hand to CAPORALE Massachusetts Uniform Citation #R8767915 for operating under the influence of drugs.

Drug Evidence Located

Prior to arriving at BMC I was notified via phone call from Officer Marley that dispatch had been notified by a County Ambulance paramedic, Sean Sommers, that Heroin along with a straw was found in CAPORALE's purse. I contacted Mr. Sommers and the following is a summary of what he told me.

A. CAPORALE's phone kept ringing multiple times.

B. Upon her request Mr. Sommers retrieved her cell phone.

C. When he picked the phone up, right next to it was what he believed to be heroin and a straw in plain view.

I arrived at BMC at 6:45 p.m. to serve CAPORALE the citation and serve the blood preservation notice to the ER nurse. I was given the heroin and straw, which had been wrapped in a nitrile glove due to one of the packets being opened. I was told by Berkshire County Sheriff Deputy Russell Moody, who was working security and was first to be given the narcotics by the paramedic, Mr. Sommers, that the bag was stamped with the name, "power pack". Officer

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Stockton with the Pittsfield Police Department (PPD) was also on scene. Deputy Moody had called PPD to report the drugs had been found as he thought CAPORALE had been transported from Pittsfield. I placed the evidence in a clear evidence bag, which was then sealed and labeled with my initials "DRB" and the date "11-17-19" per departmental policies and procedures (19-343-PR).

Witness Statements

Upon returning to town, I went to Citgo/Food Mart to take a video and audio recorded statement from the sales clerk who witnessed the accident. The clerks name is Mark Valois, who consented to providing me with a recorded statement of what he witnessed (see attached DVD). The following is a summary of what Mr. Valois stated.

A. I looked up and a vehicle was coming around the corner in front of the building and hit a pole right in front of me.

B. When she (meaning CAPORALE) got out of her vehicle she did say she needed gas and she needed to leave right away.

On Tuesday November 19, 2019 Ms. Cory consented to providing me with a recorded statement of what had happened the night of November 17, 2019 at Food Mart. At 3:30 p.m. she provided me with an audio and video recorded statement in the interview room of the Dalton Police Station (See attached DVD). The following is a summary of what Ms. Cory stated.

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COURT DIVISION
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A. I was pumping gas.

B. I saw out of the corner of my eye someone (meaning CAPORALE's vehicle) drive in, it was late at night so the lights were really bright.

C. As I was pumping gas I realized that they were still there, they hadn't pulled off to the side to go into the store or go and pull up to the gas tank.

D. And I thought that was a little weird.

E. Then you could hear her rev up and then she just smashed into my car.

F. Her window was down and I was at the back of the car anyways, so I walked up to her and she just kept going, but my car wasn't moving.

G. I said stop you are hitting my car.

H. She looked at me and said, "I know".

I. She looked at me again and quietly said, "no"

J. I heard her hit the concrete sidewalk in front of the store, I thought she was going to go into the store, but then she veered off and hit the barrier.

K. When she veered off I thought she was going to hit and run.

In the statement that Ms. Cory provided to me she states that CAPORALE (meaning CAPORALE's vehicle) was not there at the time she was pumping her gas. Ms. Cory states that she did observe CAPORALE (meaning CAPORALE's vehicle)

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enter the parking lot from Main St., a public way maintained by the Dalton Highway Department.

Surveillance Video

After taking the statement from Ms. Cory, I watched the surveillance video provided to me by the Citgo/Food Mart manager. Officer Baroli retrieved a copy of the video on November 19, 2019 (see attached DVD) In the video the following can be observed.

At 5:36:06 p.m. A vehicle matching the description of the one operated by CAPORALE is seen pulling into the parking lot of the Citgo/Food Mart lot from the eastbound lane of Main St., a public way maintained by the Dalton Highway Department.

The passenger side directional signal is activated as the vehicle enters the lot and remains activated while the car remains at the entrance of the lot for a few seconds.

The vehicle slows and then continues forward until it makes contact with Ms. Cory's vehicle.

At 5:36:14 p.m. the vehicle that Ms. Cory is pumping gas into moves forward as CAPORALE's vehicle makes contact with it.

At 5:36:19 p.m. Ms. Cory's vehicle is moved forward again as it appears CAPORALE's vehicle accelerates an additional time.

At the same time, Ms. Cory can be seen approaching CAPORALE's vehicle and speak to her.

At 5:36:32 p.m. CAPORALE's vehicle then accelerates, pushing past Ms. Cory's vehicle.

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al Court of Massachusetts
District Court DepartmentThe undersigned alleges the following as a full or partial statement
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COURT DIVISION

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24 WENDELL AVE
PITTSFIELD, MA. 01201At 5:36:35 p.m. the vehicle then strikes the curb in front of the building, scraping the building with the
passenger side bumper (see attached photos).

At 5:36:37 p.m. the vehicle collides with the barrier located in front of the gas pump.

At 5:39:11 p.m. a female party, CAPORALE, emerges from the driver side of the vehicle.

At 5:41:47 p.m. I arrived on scene in cruiser 796 and observed CAPORALE standing on the passenger side of the
vehicle.

Probable Cause Facts

I, Officer Bencivenga, identified Stephanie CAPORALE as the operator of a blue Chevrolet Trax bearing MA REG 9ARX30
that had collided with a vehicle, a business and a concrete barrier.

CAPORALE was identified by two witnesses on scene who provided audio and video recorded witness statements.

CAPORALE is seen on surveillance video from Citgo/Food Mart exiting the vehicle after the multiple collisions
occurred.

CAPORALE admitted to me on scene that she was driving the vehicle and that it was her mother's vehicle.

CAPORALE maintained a lethargic and confused demeanor, and had constricted pupils that did not react to changes in
light, consistent with that of opioid use.CAPORALE admitted to taking an unknown dose of Gabapentin, an anti-convulsant medication, at an unspecified time
before the accident.

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The entrance to the Citgo/Food Mart gas station has access via public way. The vehicle operated by CAPORALE can be seen on the provided surveillance footage entering from the eastbound lane on Main St., a public way maintained by the Dalton Highway Department.

Heroin was located in CAPORALE's purse after she gave consent for County Ambulance Paramedic Sean Sommers to retrieve her cell phone during transport to BMC. Upon retrieving her cell phone, Heroin was seen in plain view next to the phone by Paramedic Sean Sommers.

Charges

Stephanie CAPORALE (D.O.B. 12/07/1978) is being charged with the following.

Massachusetts General Law - Chapter 90 Section 24/F - Operating Under the Influence of Drugs

Stephanie CAPORALE was observed operating a motor vehicle bearing MA REG 9ARX30

On a public way

While under the influence of narcotics that were found in her possession.

Massachusetts General Law - Chapter 94c Section 34/A - Possession of a Class A Drug

Stephanie CAPORALE was found in possession of a Class A substance (Heroin).

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