

SUPPLEMENTAL NARRATIVE FOR SERGEANT JOHN T CATERALL (3C)

Ref: 11-1840-AR

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On Sunday, 6/12/11 I was assigned as the Communications/Booking Supervisor on the "A" Shift. At approximately 2:40 a.m. Officer Steven Alers brought Curtis Finkley into central booking under arrest for OUI Liquor and other motor vehicle offenses.

Finkley was brought into the room with the BT machine and he was informed that he was being videotaped (NBPd OUI Videotape #2B85) and I advised him of his rights under Miranda from a rights card. Mr. Finkley stated he understood and agreed to answer questions. Please refer to the videotape to see and hear exactly what questions and answers were exchanged. For a short summary, Mr. Finkley told me that he had consumed 3 shots of Captain Morgan/Bicardi rum while attending a graduation party for his cousin's nephew. Mr. Finkley is not from New Bedford and did not recall the name of the venue, however, he remembered the address was 561 Purchase Street because he had to type that address into his GPS.

Mr. Finkley told me that he ate rice, beans and some meat - he said he ate well - while at the party and he consumed the 3 shots of alcohol. Mr. Finkley further stated that he works a lot of hours as a landscaper/groundsman at Boston College and that he was tired from working many hours. Mr. Finkley denied getting into any type of motor vehicle accident and he told me that he purchased his vehicle, a 1999 Mercedes Benz, last fall. Mr. Finkley said the vehicle had scrape marks on both the left and right sides of the vehicle when he bought it. Mr. Finkley said there were no dents or broken lenses or broken glass on the vehicle. Please refer to Officer Alers' report for information regarding the damage he found on Mr. Finkley's vehicle. I told Mr. Finkley that there was an accident where a traffic signal light was knocked over and he said that it wasn't him or his vehicle involved. Mr. Finkley said he would be aware of his being involved in a motor vehicle accident.

Mr. Finkley told me that he dropped his girlfriend off at home somewhere on Reynolds Street in New Bedford. Mr. Finkley told me that his girlfriend offered to drive him home because of his alcohol consumption and that he was slurring his speech. Mr. Finkley said that he declined the offer and drove off. Mr. Finkley further stated that he thought about what his girlfriend said and decided to pull over. Mr. Finkley further said that he didn't want to hit anybody or anything. Mr. Finkley said the police arrived seconds after he stopped his vehicle, and he stated the engine was not running and the key was not in the ignition when the police arrived. Mr. Finkley did admit, again, that he drove from Reynolds Street to the location where the police found him, which was the area of Allen Street and Page Street.

I asked Mr. Finkley if he thought the alcohol he consumed affected his ability to drive and he said yes, a little bit. He felt the alcohol consumption, in addition to the number of hours he has been working, contributed to his feeling sleepy.

I then advised Mr. Finkley of his rights to a doctor pursuant the MGL c. 263 s. 5A and I attempted to hand him a written copy of these rights. Mr. Finkley refused to accept them and I directed Officer Alers to place the copy in his property bag. I advised Mr. Finkley of his rights to use the telephone and I requested that he submit to a chemical test. This was all read off of the Statutory Rights and Consent Form. Mr. Finkley initially refused to take the BT, then said he wanted to take it, then refused to take the test. Mr. Finkley refused to sign any of the forms. It should be noted that Officer Luis Cabral, assigned as the Prisoner Transport Van operator, was present and witnessed Mr. Finkley's refusal to take the BT. Officer Cabral and I signed to appropriate forms to indicate the refusal. I am a certified BT operator and I entered Mr. Finkley's information into the BT machine and generated the refusal forms. I read to Mr. Finkley his rights regarding the refusal and his opportunity to ask for a hearing and I directed Officer Alers to place a copy of the form in his property bag.