

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

I, Officer Peter J. Buck being fully sworn, depose and say:

1. I am a full time police officer for the Town of Athol. I was appointed to the Athol Police Department in September 1999, serving as a Reserve Officer. I was promoted to full-time status in June 2002. Prior to my appointment with the Town of Athol, I was appointed as a Police Officer in the Town of Petersham in February 1996, later being promoted to full-time in September 1999. My combined experience totals approximately 19 years.
2. Over the past 12 years I have participated in the planning and execution of multiple search warrants for narcotics/stolen property/evidence relating to crimes. I have also investigated numerous Operating Under the Influence of Alcohol and Operating Under the Influence of Drug (OUI Alcohol/Drugs) cases. I have been the affiant in multiple search warrants.
3. I completed the Reserve Intermittent Police Academy in 1995, which was sponsored by the Massachusetts Criminal Justice Training Council (MPTC). I completed a Full Time Police Academy in 2000 held at the Boylston Regional Police Academy, sponsored by the MPTC. During my career as a police officer, I have become a certified instructor in the following: Standardized Field Sobriety Testing (SFST), Drug Recognition Expert (DRE), Speed Measurement, Breath Test Operator, Traffic Occupant Protection Strategies (TOPS), Advanced Roadside Impaired Driving Enforcement (ARIDE), Drug Impairment Training for Education Professionals (DITEP), Legal Update, First Responder/CPR, Tactical Casualty Combat Care (TCCC), Pre-Hospital Trauma Life Support (PHTLS), and Police Interactions with Persons with Mental Illness.
4. In the course of my official duties, I have interrogated suspects regarding OUI cases. I have participated in numerous investigations involving the processing and preservation of crime scenes and the collection of physical and/or biological evidence. Through my training and experience I have become aware that urine toxicology testing can also provide evidence of impaired operation by showing the presence and concentration of alcohol and/or drugs. I am also aware that the Massachusetts State Police Toxicology Lab has a toxicology unit that tests urine for the presence of alcohol and drugs.

5. On Friday the 12<sup>th</sup> of June 2015, Officer Robert Legare of the Petersham Police Department was dispatched to a two car motor vehicle crash at the intersection of New Salem Road and West Street. During the on-scene accident investigation, Officer Legare identified the operators of both vehicles, and determined that \_\_\_\_\_ DOB: \_\_/\_\_/\_\_\_\_, OLN: \_\_\_\_\_, was operating a 2012 Honda Civic color brown bearing MA PC 54SV66. Officer Legare stated that \_\_\_\_\_ displayed an altered mental state, cyclic moods, and spoke with slurred speech. Due to the level of medical care that was being administered to \_\_\_\_\_, there was no opportunity to perform Standardized Field Sobriety Tests prior to her being transported. This medical care included C-Spine Immobilization, and application of a long spinal board. \_\_\_\_\_ was later transported to Athol Hospital for medical treatment. \_\_\_\_\_ was later treated and released several hours after the crash, indicating that there were no neurological injuries to support the above physical and clinical signs of impairment.
  
6. Officer Legare spoke with \_\_\_\_\_ who was traveling northbound on New Salem Road, approaching West Street when he observed \_\_\_\_\_ motor vehicle traveling westbound on West Street, drive straight through the stop line, into the oncoming traffic traveling north and south on New Salem Road, resulting in the motor vehicle crash taking place. \_\_\_\_\_ explained to Officer Legare that he feared being struck by the vehicle that \_\_\_\_\_ was operating, and after nearly being struck by the vehicle as he drove through the intersection, he observed the crash happen.

(It should be noted, that a scientifically supported effect of marijuana is its impact on time and distance recognition by the substance user, while the drug is psychoactive in the brain. Studies indicate that although the peak effects of marijuana are one to three hours, the lengths of psychoactive effects are up to twenty-four hours.)

7. Prior to both motor vehicles involved in the two car crash being removed from the scene, Officer Legare conducted a motor vehicle inventory, at which time several loose prescription pills were located inside of the vehicle that \_\_\_\_\_ was operating, as well as several marijuana style smoking apparatus, marijuana storage containers, a metallic grinder used in the preparation of marijuana for smoking, and a small glass jar with metal screw on style lid, containing several individually wrapped baggies of a green vegetable substance, consistent with marijuana in color, texture, and odor.

(Officer Buck has also viewed all of the above items, and based on his training and experience as a Police Officer, Narcotics Instructor and Drug Recognition Expert Instructor, concurs that the above mentioned items are consistent with marijuana based on color, texture, odor, and the nature in which they are packaged for street level purchasing.)

The several baggies containing the green vegetable matter produced a very strong odor of marijuana, even when stored inside of a sealed glass jar, indicating to Officer Buck the likely nature of a high THC content, based on his level of training and experience with marijuana, including holding a certification in Narcotics Identification and Investigation instruction. Furthermore, the presence of a marijuana grinder, indicates the active preparation and use of marijuana, as a user who smokes inside their home would have no need to carry on them a grinder, and or smoking apparatus.

8. Officers Legare and Officer Buck met at the Athol Hospital, at which time they spoke briefly with \_\_\_\_\_, regarding the accident. \_\_\_\_\_ was found to be conscious, alert and oriented to time, place, and event, and recognized both officers. During this conversation, \_\_\_\_\_ denied the use of any illicit substances including but not limited to marijuana, and stated that she is not a card holding medical marijuana program participant. \_\_\_\_\_ was made aware of the discovery of the marijuana and related items in her vehicle, at which time she stated that she last smoke marijuana on Thursday the 11<sup>th</sup> of June 2015.

While speaking with \_\_\_\_\_, she began to exhibit cyclic behavior, and became argumentative regarding the crash, stating that she has lived in the area her entire life, and that the vehicle that struck her was at fault for the crash, regardless of the fact that the other vehicle involved had the right of way while traveling on New Salem Road/Rt.122, which is a busy state highway in Petersham MA. No Standardized Field Sobriety Tests were able to be administered at the Athol Hospital, due to medical treatment still taking place.

Based on the presence of several baggies of green vegetation believed to be marijuana inside of the vehicle, the metallic grinder used for the preparation of marijuana, and a zippered pouch including, among other things, pipes suitable for smoking marijuana, it is Officer Buck's belief that \_\_\_\_\_ drove on a public way while marijuana/THC was still psychoactive in her system, including her neurological, cardiovascular, and muscular systems, all of which impacted her ability to operate her motor vehicle safely.

9. Officer Buck spoke with the Athol Memorial Hospital E.R. staff, including the nurse that was providing patient care to \_\_\_\_\_ and learned that both urine and blood samples had been collected from \_\_\_\_\_ for reasons of medical treatment and were currently being stored and processed in the laboratory. Officer Buck provided a verbal preservation order, instructing the Athol Hospital to secure any remaining urine, as a search warrant would be sought for the same.
  
10. Based on the above facts and circumstances, I believe that there is probable cause to believe that evidence as to whether or not the operator \_\_\_\_\_ DOB: \_\_/\_\_/\_\_\_\_ was operating under the influence of drugs at the time of the crash will be found in the toxicology test of the blood and urine of \_\_\_\_\_.
  
11. I am requesting permission to seize all the urine samples and vials of blood drawn from \_\_\_\_\_ on June 12, 2015, currently stored at the Athol Hospital located at 2033 Main Street in Athol MA, 01331. The blood/urine sample will be in the name of \_\_\_\_\_ DOB: \_\_/\_\_/\_\_\_\_ and utilized for the purposes of testing at the Massachusetts State Police Toxicology Laboratory.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS THE 12th DAY OF June 2015.

\_\_\_\_\_  
Officer Peter J. Buck  
Petersham Police Department

\_\_\_\_\_  
Asst. Clerk Magistrate