STATEMENT OF FACTS IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT	APPLICATION NO. (COURT USE ONLY)	PAGE 1 of 2	Trial 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	Springfield District Court 50 State St. Springfield, MA 01101-2421

COCCHI, NICHOLAS

1. On Saturday, September 21, 2024, at approximately 1909 hours, Officers of the Gaming Enforcement Unit (GEU) were investigating a vehicle in the valet area of the MGM Springfield parking garage that was missing its right front tire and had extensive damage to the wheel rim. The vehicle was a white Ford Explorer and displayed a blue police license plate bearing "State H315." The vehicle was unoccupied and left running with the engine on. There was also plant matter under the right front wheel area, by the damaged wheel rim. The right rear wheel also appeared to be chipped. The vehicle was unlocked and contained golf clubs in the rear area along with other property from the Hampden County Sheriff's Office. The vehicle keys, a $50 dollar bill, and a wallet with the identification of Nicholas Cocchi was in the front center console. The casino was busy with many patrons arriving for a Saturday night. A later video review of the vehicle's arrival showed patrons stop and noticeably watch the vehicle drive by them with the missing wheel.

2. The officers requested a supervisor respond to the scene. I arrived and observed the vehicle and damaged right front wheel. I then contacted the desk officer in the GEU and requested a video review of the vehicle's arrival to determine the operator and if they were still on property. I also contacted the Troop B Headquarters and requested the Troop Field Officer-in-Charge (FOIC) to respond to assist me as a second commissioned officer. Lieutenant Brendan O'Neill was dispatched to assist.

3. At approximately 1922 hours, Nicholas Cocchi walked from the casino valet entrance to the scene by the vehicle. His speech was slurred, and I could smell the odor of an alcoholic beverage coming from his breath and person. I also noted his eyes to be bloodshot and glassy. I asked what happened and he stated that he was coming around the corner and popped the tire. He then denied that he was driving and advised a friend of his was driving who was currently in the casino. He then admitted that he was driving. He further advised he was playing golf this date and consumed a couple beers. A later video review shows Cocchi arriving at 1844 hours and entering the casino. I noted him stumble several times on the video walking into the casino.

4. Sergeant Matthew Kane arrived to assist. I requested Cocchi perform several field sobriety tests. He declined. While waiting for the arrival of the FOIC, I again spoke with the GEU desk officer and requested he perform a detailed video review to determine if any alcohol was consumed since Cocchi's arrival. Cocchi later stated that he did not consume any alcohol while at the casino and that he drove directly from the Springfield Country Club to the casino. Video review by GEU officers confirmed no alcohol consumption by Cocchi in the casino.

5. During this time, Officers noted several patrons taking pictures as they walked by. As the casino was only growing busier, I decided to continue without the FOIC. I again asked Cocchi to perform field sobriety testing. He again declined.

6. Based on his vehicle operation, both confirmed by himself and by video review showing his arrival as the operator and sole vehicle occupant, the odor of an alcoholic beverage on his breath and person, along with his admission of alcohol consumption this date, his slurred speech and bloodshot and glassy eyes, and his unsteadiness on his feet as observed on video as he walked into the casino, I formed the opinion that he operated a motor vehicle while under the influence of intoxicating liquor. He was placed under arrest and transported to the Springfield Barracks, where he was booked per department policy. He was read a statutory rights and consent form and was requested to take an evidentiary breath test to determine his blood alcohol concentration. He refused the test and signed the form indicating such at 2028 hours. He was provided with a copy of the notice of license suspension for a chemical test refusal and his driver's license was seized. The bail clerk was contacted, and Cocchi was later released on PR and fee. Citation #T216622 was issued in hand.

7. As the vehicle being driven was not a personal vehicle, but rather state owned, and

as it contained property of the Hampden County Sheriff's Department, it was released to a Sheriff's Department employee who had arrived earlier to fix the tire, rather than being towed and maintained by a civilian tow company.

8. Sergeant Kane and I later attempted to backtrack visible marks/scarring in the roadway that appeared to be from the tireless rim on the vehicle. We followed same from MGM Way to State Street. No tire debris was found and marks/ scarring consistent with the travelled path is visible for over 500 feet, between MGM Way and down State Street. A later video review shows the vehicle travel on State Street from the area of East Columbus and proceed into the valet area of the casino. No crash was observed, nor was any tire debris, indicating the event that caused the loss of the tire occurred sometime before State Street. Video also confirms Cocchi as the operator and sole occupant.

9. A video preservation request was made to MGM. Body worn camera ("BWC") and/or cruiser mounted camera ("CMC") video images were captured during this incident. The Department of State Police policy recognizes that body worn cameras and cruiser mounted cameras, by virtue of their placement on a member's uniform and cruiser, do not capture all visual and auditory observations made by a member on scene. This report is a summary of the events, and not intended to capture every detail. Please refer to the BWC/CMC for further information.

Respectfully submitted,

Corey J. Mackey #3640

Lieutenant

Massachusetts State Police

PRINTED NAME	SIGNATURE	I AM A:	DATE SIGNED
	X	[x] LAW ENFORCEMENT OFFICER [ ] CIVILIAN COMPLAINANT OR WITNESS	

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

REMARKS	SIGNATURE OF CLERK-MAGISTRATE / ASST. CLERK / JUDGE	DATE SIGNED
	X	

DC-CR-34 (7/04)