STATEMENT OF FACTS IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT	APPLICATION NO. (COURT USE ONLY)	PAGE Of	Trial Court of Massachusetts District Court Department
The undersigned alleges the following as a full o basis for the offense(s) for which a criminal complain		COURT DIVISION	

On January 4, 2010 at approximately 10:30 hours I responded to MIT building 16, room 004T for a report of a past break. This room is a telephone closet and networking closet; it's access is controlled by MIT's IS&T Department. David Newman of MIT IS&T explained to me that someone had entered the restricted room and connected a laptop and external hard drive directly to a networking switch. The laptop and external hard drive were being hidden under a cardboard box. Newman further explained that they were able to determine that this laptop was illegally downloading scientific periodicals from JStor, a subscription based database that houses academic periodicals.

Cambridge Police Detective Joseph Murphy, Special Agent Michael Pickett from the United States Secret Service and Boston Police Officer Tim Laham responded to building 16 room 004T. Cambridge Police's Crime Scene Services also responded and processed the laptop and external hard drive for latent prints. It was determined that the laptop would be left in place and IS&T would monitor the network traffic in an attempt to identify the suspect. A camera was also installed by MIT's IS&T Department to monitor the area.

On January 4, 2010 at approximately 15:26 hours a white male, dark or black shoulder length wavy hair, wearing a dark coat, gray backpack, jeans with a white bicycle helmet enters the room. It appears as though the suspect takes a hard drive out of his back pack and bends over the laptop and external hard drive. He exits the room moments later.

On January 5, 2010 MIT's IS&T Department informed me that approximately 70 gigabytes of data had been downloaded, 98% of which was from JStor. SA Mike Pickett had informed me that MIT's IS&T had put an approximate value on the downloaded information at \$50,000.

On January 6, 2010 at approximately 12:32 hours a white male, dark or black shoulder length wavy hair, wearing a dark coat, gray backpack, jeans with a white bicycle helmet enters the room, I was monitoring the video feed at the MIT Police Department at this time. It appears as though the suspect packed up the laptop and hard drive and exited the room. MIT Police units responded to the area and searched for the suspect. A check of the room determined that the laptop and hard drive had been removed.

On January 6, 2010 at approximately 14:11 hours Captain Albert Pierce of the MIT Police Department called me and stated he had located the suspect riding his bike on Massachusetts Ave at Lee Street. Special Agent Pickett and I responded to the Lee Street to assist Captain Pierce. The suspect jumped off his bike when encountered by Captain Pierce and ran down Lee Street. Captain Pierce and Special Agent Pickett were able to apprehend the suspect at 24 Lee Street. He was handcuffed by SA Pickett.

The suspect encountered by Captain Pierce and apprehended on Lee Street is the same person seen on video entering the restricted telephone closet in building 16 on January 4th at 15:26 hours and on January 5th at 14:11 hours.

He was arrested for two counts of Breaking and Entering in the daytime with the intent to commit a felony, Chapter 266 Section 18

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

.*PPLICATION FOR CRIMINAL COMPLAINT 1, the undersigned complainant, request that a criminal com				(1) (S)	10. (COURT)	\	1	of 2	Trial Co District			chusetts ment	Ü.	
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The undersigned alleges the following as a full of basis for the offense(s) for which a criminal compla		COURT DIVISION		

SEE ATTACHED MIT POLICE INCIDENT REPORT 11000351

PRINTED NAME	SIGNATURE X	I AM A: LAW ENFORCEMENT OFFICER CIVILIAN COMPLAINANT OR WITNESS	DATE SIGNED
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Main Form Page 1 of 2



M.I.T. POLICE 301 VASSAR ST CAMBRIDGE, MA

INCIDENT # / REPORT #

OFFICER JPERAULT RANK DETECTIVE REVIEW STATUS

APPROVED by JPERAULT

INCIDENT #11000351 DATA

11000351 / 1

As Of 01/06/2011 16:19:21

BASIC INFORMATION

CASE TITLE

LOCATION

APT/UNIT

CITY, STATE

B&E

21 AMES ST

CAMBRIDGE, MA

DATE/TIME REPORTED

DATE/TIME OCCURRED

01/06/2011 14:20:45

On or after 01/04/2011 15:26

INCIDENT TYPE/OFFENSE

B&E DAYTIME FOR FELONY c266 S18

PERSONS

ROLE VICTIM **NAME** MIT,

<u>Sex</u>

RACE

<u>AGE</u>

DOB

PHONE

(HOME)

ADDRESS: 77 MASSSACHUSETTS AVE CAMBRIDGE, MA

(CELL)

OFFENDERS

DEFENDANT

STATUS

NAME

SWARTZ, AARON H

SEX MALE RACE

AGE DOB

PHONE (HOME)

ADDRESS:

UNKNOWN

24

11/08/1986

(CELL)

[NO VEHICLES]

PROPERTY

CLASS

DESCRIPTION

MAKE

MODEL

SERIAL #

VALUE

OFFICER REPORT: 11000351 - 1 / JPERAULT (DETECTIVE)

DATE/TIME OF REPORT

TYPE OF REPORT

REVIEW STATUS

01/06/2011 14:20:45

INCIDENT

APPROVED

NARRATIVE

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Main Form Page 2 of 2

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He was arrested for two counts of Breaking and Entering in the daytime with the intent to commit a felony, Chapter 266 Section 18.

CRIMINAL COMPLAINT ORIGINAL			DOCKET NUMBER 1152CR000073	NO. OF COUNTS	Trial Court of Massachusetts District Court Department
Aaron H Swartz 349 Marshman Av	FENDANT NAME & ADDRESS aron H Swartz 49 Marshman Ave. ighland Park, IL 60035				COURT NAME & ADDRESS Cambridge District Court 4040 Mystic Valley Parkway Medford, MA 02155 (781)306-2710
DEFENDANT DOB 11/08/1986	01/07/201		DATE OF OFFENSE 01/04/2011	ARREST DATE 01/06/2011	ARREST
OFFENSE CITY / TOWN OFFENSE Cambridge			ADDRESS		NEXT EVENT DATE & TIME 01/07/2011 9:00 AM
POLICE DEPARTMENT M.I.T Campus Police			POLICE INCIDENT NUMBER 11000351		NEXT SCHEDULED EVENT Arraignment
OBTN TCAM201100032					ROOM / SESSION Arraignment Session

The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.

COUNT CODE DESCRIPTION
1 266/18/B B&E BUILDING DAYTIME FOR FELONY c266 §18

On 01/04/2011 did in the day time break and enter a ship, motor vehicle or vessel, the property of MIT & Jstor.com, with Intent to commit a felony, in violation of G.L. c.266, §18.

PENALTY; state prison not more than 10 years; or jall not more than 2 years and not more than \$500. District Court has final jurisdiction under G.L. c 218, \$26.

SIGNATURE OF COMPLAINANT	SWORN T	OBEFORE GLERK-MAGISTRATHASST.CLERK/DEP. ASST. CLERK MANUAL MAGISTRATHASST.CLERK/DEP. ASST. CLERK	DATE 1-11
NAME OF COMPLAINANT	A TRUE	CLERK-MAGISTRATE/ASSY CLERK	DATE
Craic A- Maritin	ATTEST	X	

CRIMINAL COMPLAINT ORIGINAL			DOCKET NUMBER 1152CR000075	NO. OF COUNTS	Trial Court of Massachusetts District Court Department	
DEFENDANT NAME & AD Aaron H Swartz 349 Marshman Av Highland Park, IL	/e.		COURT NAME & ADDRESS Cambridge District Court 4040 Mystic Valley Parkway Medford, MA 02155 (781)306-2710			
DEFENDANT DOB 11/08/1986	COMPLAIN 01/07/201		DATE OF OFFENSE 01/06/2011	ARREST DATE 01/06/2011	ARREST	
OFFENSE CITY / TOWN Cambridge		OFFENSE	ADDRESS		NEXT EVENT DATE & TIME 01/07/2011 9:00 AM	
POLICE DEPARTMENT M.I.T Campus Police			POLICE INCIDENT NUMBER 11000351		NEXT SCHEDULED EVENT Arraignment	
OBTN TCAM201100032					ROOM / SESSION Arraignment Session	
The undersione	d complair	ant on h	ehalf of the Common	wealth on cath com	notains that on the date(s) indicated belo	ow the

defendant committed the offense(s) listed below and on any attached pages.

COUNT CODE DESCRIPTION

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SIGNATURE OF COMPLAINANT	SWORN TO BEFORE CLERK-MAGISTRADE ASST. CLERK	DATE ///
NAME OF COMPLAINANT	A TRUE CLERK-MAGISTRATE/ ASST. CLERK	DATE
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DEFENDANT NAME AN	ND ADDRES	SS	DOB	24222	GENDER		JRT NAME & Al nbridge Distric			
Aaron H Swartz			8/1986	Male	4040	Mystic Valle	y Parkway			
349 Marshman A					33060	Med	ford, MA 021	55		
Highland Park, II	- 60033			7/2011	REST DATE	INTE	RPRETER RE	OUIRED		
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FIRST FIVE OFFENSE COUNTS COUNT CODE OFFENSE DESCRIF 1 266/18/B B&E BUILDIN			IION 3 DAYTIME FO	R FELONY	′ c266 §18		. 11,0			<u>OFFENSE DATE</u> 01/04/2011
		(1-7-	11)				50.105.050			
DEFENSE ATTORNEY	ulia (T (Simula)	Esa	Cambride	CITY/TOWN ge		M.I.T Cam	pus Police		
DATE & JUDGE		DOC	KET ENTRY		DATE & JUD	GE		FEES IN	MPOSED	
1-7-11	1	ey appointed (SJC R. enied & Deft. Advised					Counsel Fee (211D § 2A¶2)		☐ WAIVED
Thomas, a		r of Counsel found aft		C -			Counsel Confi \$	ribution (211D §	§ 2)	WAIVED
1-7-11	Terms of		PR Bail \ C	to total condition	U(Default Warra	nt Fee (276 § 3	091)	☐ WAIVED
Thomas	star	~	Held (276, §50A)	. 6	De Roccio		\$	nt Arrest Fee (2		
1-7-11	Arraigne		Potential of bail levi Right to bail to revi		58)		Probation Sup \$	ervision Fee (2	76 § 87 <i>F</i>	A) WAIVED
Thomas a			Right to drug exam	(111E § 10)			Bail Order For	feited		
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	Advised o	f trial rights as pro se	(Dist. Ct. Supp.R.4)							
	Advised o	f right of appeal to Ap	neals Ct (M.R. Crim	PR 28)						
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SRP = Status review of payme	nts FAT = Fi	rst appearance in jury sessi	on SEN = Sentencing	CWF = Continue	ance-without-finding schedul	led to ten	minate PRO = Pro	obation scheduled 1	io terminato	
	DFTA - Defendant falled to appear & was defaulted						ATE)			
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CRIM	INAL DO	CKET	DOCKET NUMBER	NO. OF COUNTS	Trial Court of	Massachusetts	
			1152CR000075	1	District Court	2.55.5	
DEFENDANT NAM		SS	DOB 11/08/1986	GENDER	COURT NAME & ADDRE Cambridge District Co		
349 Marshma			DATE COMPLAINT	Male ISSUED	4040 Mystic Valley Par	rkway	
Highland Par			01/07/2011		Medford, MA 02155		
_			PRECOMPLAINT AF	RREST DATE	INTERPRETER REQUIR	ĒD	
			01/06/2011				
FIRST FIVE OFFE COUNT CODE 1 266/18/E	<u>E</u>	OFFENSE DESCRIP	TION S DAYTIME FOR FELONY	/ c266 §18	ARRE	OFFENSE DATE 01/06/2011	
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DATE & JUDGE		DOCH	KET ENTRY	DATE & JUD	GE	FEES IMPOSED	
1-7-11		ey appointed (SJC R.	-		Counsel Fee (211D	§ 2A¶2)	
Thomas		enied & Deft. Advised er of Counsel found afti	•		Counsel Contribution	on (211D § 2)	
1-7-11	Terms o	4 ×-14:	PR Ball		Default Warrant Fee	e (276 § 30¶1) ☐ WAIVED	
Thomas	Held (276 \$50		See Docket for special condition Held (276 §58A)	-	Default Warrant Arr	est Fee (276 § 30 ¶2)	
Start american			Potential of ball revocation (276 §	(5)	Probation Supervisa \$	on Fee (276 § 87A) WAIVED	
Thomas	0	П	Right to bail to review (276 §58) Right to drug exam (111E § 10)		Bail Order Forfeited		
(right to jury —	Warver of jury found after colloque	6/17/1	Adv reg.	of Comm -	
	Advised o	if trial rights as pro se ((Dist. Ct. Supp.R.4)				
	Advised o	f right of appeal to App	peals CI. (M.R. Cnm P.R. 28)				
			SCHEDULIN	G HISTORY		_	
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APPROVED ABBR ARR = Arraignment PT SRP = Status review of p	TH = Pretnal heanng payments FAT = Fil	rst appearance in jury sessio	nce & jury selection BTR = Bench trial on SEN = Sentencing CWF = Continue sued WARD = Default warrant issued	JTR = Jury trial PCH = Pro ance-without-finding schedule	bable cause treating MOT = Mo d to terminate PRO = Probation	scheduled to terminate	
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CRIMINAL DOC	KET	DEFENDANT NAME	DOCKET NUMBER
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SRP = Status review of payments F	hearing DCI AT = First app	E = Discovery compliance & jury selection 8TR = Bench trial TR = Jury trial PCH = Probable cause to pearance in jury session SEN = Sentencing CWF = Continuance-without-finding scheduled to terminate WAR = Warrant Issued WARD = Default warrant issued WR = Warrant or default warrant recalled	PRO – Probation scheduled to terminate
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CRIMINAL DOCI	KET	Aaron H Swartz	DOCKET NUMBER					
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APPROVED ABBREVIATION: ARR = Arraignment PTH - Pretrial h	S nearing DCE	= Discovery compliance & jury selection BTR = Bench trial LTR = Jury trial PCH - Probable cause hearing MOT = M	obon heaning SRE = Status review					
SRP = Status review of payments FA	AT = First app	earance in jury session SEN = Sentencing CWF = Continuance-without-finding scheduled to terminate PRO = Probation WAR = Warrant Issued WARD = Default warrant issued WR = Warrant or default warrant recalled PVH = probation re	scheduled to terminate					

RIMINAL DO	OCKET - OFFENSES	DEFENDANT NAME Aaron H Swartz				1152CR000073		
COUNT / OFFENSE					DISPOSIT	ION DATE AND JUDGE		
1	G DAYTIME FOR FELONY	266 §18			12/	16/11	Snecow S	
DISPOSITION METHOD		FINE/ASSESSMENT	SURFINE	COSTS		OUI §24D FEE	OUI VIGATIMS ASM	
☐ Guilty Plea or ☐ Admission	on to Sufficient Facts							
accepted after colloquy and	278 §29D warning	HEAD INJURY ASMT	RESTITUTION	V/W ASSESS	MENT	BATTERER'S FEE	OTHER	
□Jury Trial								
□ Dismissed upon:		SENTENCE OR OTH	ER DISPOSITION				_	
I -	ealth ☐ Request of Victim	DSufficient facts found but continued without a finding until:						
		Defendant placed on probation until:						
☐ Request of Defendant ☐ Failure to prosecute		□ Risk/Need or OUI □ Administrative Supervision						
Other:			S. 551		10,0,1			
☐ Filed with Defendant's co	onsent		on pretrial probation (276	•				
Nolle Prosequi		10 be dismissed if	court costs / restitution p	ald by:				
☐ Decriminalized (277 §70	(C)							
FINDING	<u>, </u>	FINAL DISPOSITION				JUDGE	DATE	
□Guilty	☐ Not Guilty		mmendation of Probatio	n Dept.				
Responsible	☐ Nat Responsible	☐ Probation terminat	ted: defendant discharge	ed				
☐Probable Cause	☐ No Probable Cause	☐ Sentence or dispo	sition revoked (see conf	'd page)				
COUNT / OFFENSE	- No Flobable Cause			DIS	SPOSITIO	ON DATE AND JUDGE		
DISPOSITION METHOD			I	1		L		
	and a Cofficient Foots	FINE/ASSESSMENT	SURFINE	COSTS		OUI §24D FEE	OUI VICTIMS ASMT	
☐ Guilty Plea or ☐ Admission accepted after colloquy and			economic de la constantina della constantina del					
☐Bench Trial		HEAD INJURY ASMT	RESTITUTION	V/W ASSESSI	MENI	BATTERER'S FEE	OTHER	
□Jury Trial								
☐ Dismissed upon:		SENTENCE OR OTH	IER DISPOSITION					
☐ Request of Commonwealth ☐ Request of Victim		Sufficient facts found but continued without a finding until:						
Request of Defendant		☐ Defendant placed	on probation until:					
		☐ Risk/Need	or OUI 🚨 Admin	istrative Super	vision			
☐ Other:		Defendant placed on pretrial probation (276 §87) until:						
☐ Filed with Defendant's o	consent	□To be dismissed if court costs / restitution paid by:						
☐ Nolle Prosequi								
☐ Decriminalized (277 §70	0 C)							
FINDING		FINAL DISPOSITION				JUDGE	DATE	
□Guilty	☐ Not Guilty		ommendation of Probation	•				
□Responsible	□ Not Responsible	-	ated: defendant discharg osition revoked (see con					
☐ Probable Cause	☐ No Probable Cause	Sentence or displ		(u page)				
COUNT / OFFENSE				Di	SPOSITIO	ON DATE AND JUDGE		
DISPOSITION METHOD		FINE/ASSESSMENT	SURFINE	costs		OUI §24D FEE	OUI VICTIMS ASMT	
☐ Guilty Plea or ☐ Admissi	ion to Sufficient Facts							
accepted after colloosy an	id 278 §29D warning	HEAD INJURY ASMT	RESTITUTION	V/W ASSESS	MENT	BATTERER'S FEE	OTHER	
_								
□ Jury Trial		SENTENCE OR OTH	ER DISPOSITION					
Dismissed upon:		l_		a finding tiptil:				
☐ Request of Commer wi	ezith 🗆 Request of Victim	☐ Sufficient facts found but continued without a finding until: ☐ Defendant placed on probation until;						
☐ Request of Defendant	☐ Failure to prosecute	_ '		istrativo Super	ISION.			
Other:		□ Risk/Need or OU(□ Administrative Supervision						
Filed with Defendant's consent		Defendant placed on pretrial probation (276 §87) until:						
☐ Noile Prosequi		To be dismissed if	court costs / restitution p	aid by:				
Decriminalized (277 §70	D C)							
FINDING		FINAL DISPOSITION				JUDGE	DATE	
i _	☐ Not Guilly		emmendation of Probatio	n Dept.		JODGE	DATE	
Guitty	•		ted: defendant discharge					
Responsible	□ Not Responsible	☐ Sentence or disco	sition revoked (see conf.	d nage)				



☐ No Probable Cause

☐ Probable Cause

CRIMINAL DOCKET - OFFENSES		DEFENDANT NAME Aaron H Swartz			Ι.	DOCKET NUMBER			
					1152CR000075 DISPOSITION DATE AND JUDGE				
	DAYTIME FOR FELONY	266 §18		ľ	ial	16/11 S	mesou D		
DISPOSITION METHOD		FINE/ASSESSMENT	SURFINE	COSTS		OUI §24D FEE	OUL VICTIMS ASM		
☐ Guilty Plea or ☐ Admission accepted after colloquy and 2	to Sufficient Facts								
Bench Trial	70 9290 Walling	HEAD INJURY ASMT	RESTITUTION	V/W ASSESS	MENT	BATTERER'S FEE	OTHER		
☐ Jury Trial									
☐ Dismissed upon:		SENTENCE OR OTHER DISPOSITION							
☐ Request of Commonwea	☐ Request of Commonwealth ☐ Request of Victim		□ Sufficient facts found but continued without a finding until:						
Request of Defendant	☐ Failure to prosecute	☐ Defendant placed on probation until:							
		□ Risk/Need or OUI □ Administrative Supervision							
Other:	_		Defendant placed on pretrial probation (276 §87) until:						
☐ Filed with Defendant's con:	sent	To be dismissed if court costs / restitution paid by:							
Nolle Prosequi									
Decriminalized (277 §70 C)								
FINDING		FINAL DISPOSITION		- 0 - 1		JUDGE	DATE		
Guilty	☐ Not Guilty	I	mmendation of Probation ted: defendant discharge						
□Responsible	☐ Not Responsible		sition revoked (see cont						
☐ Probable Cause COUNT / OFFENSE	☐ No Probable Cause			100	COCUTIO	ON DATE AND JUDGE			
COUNTYOFFENSE					SPOSITIC	IN DATE AND JUDGE			
DISPOSITION METHOD									
1		FINE/ASSESSMENT	SURFINE	COSTS		OUI §24D FEE	OUI VICTIMS ASMT		
☐ Guilty Plea or ☐ Admission accepted after colloguy and 2				4					
☐ Bench Trial	•	HEAD INJURY ASMT	RESTITUTION	V/W ASSESS/	MENT	BATTERER'S FEE	OTHER		
□Jury Trial									
☐ Dismissed upon:		SENTENCE OR OTH	ER DISPOSITION						
☐ Request of Commonweal	Ith Request of Victim	Sufficient facts found but continued without a finding until:							
☐ Request of Defendant	☐ Failure to prosecute	□ Defendant placed on probation until:							
		☐ Risk/Need or OUI ☐ Administrative Supervision							
☐ Other: ☐ Filed with Defendant's con	cont	Defendant placed on pretrial probation (276 §87) until:							
□ Nolle Prosequi	sen	☐To be dismissed if	court costs / restitution p	oaid by:					
Decriminalized (277 §70 C	· ·								
FINDING	···	EINAL DISPOSITION				JUDGE	DATE		
□Guilty	☐ Not Guilty	FINAL DISPOSITION	ammondation of Probati	no Dont	,	JODGE	DATE		
Responsible	☐ Not Responsible	☐ Dismissed on recommendation of Probation Dept. ☐ Probation terminated: defendant discharged							
□ Probable Cause	☐ No Probable Cause	Sentence or disposition revoked (see cont'd page)							
COUNT / OFFENSE		_	_	D	SPOSITIO	ON DATE AND JUDGE			
DISPOSITION METHOD			lavesum			I	T		
☐ Guilty Plea or ☐ Admission	to Sufficient Facts	FINE/ASSESSMENT	SURFINE	COSTS		OUI §24D FEE	OUT VICTIMS ASMT		
accepted after collegely and 2		HEAD INJURY ASMT	RESTITUTION	V/W ASSESSI	MENT	BATTERER'S FEE	OTHER		
☐ Bench Trial									
☐ Jury Trial		CENTENCE OF OTHE	Th Discostrion						
☐ Dismissed uppn:		SENTENCE OR OTHER DISPOSITION							
☐ Request of Commonwealth ☐ Request of Victim		☐ Sufficient facts found but continued without a finding until: ☐ Defendant placed on probation until:							
☐ Request of Defendant ☐ Failure to prosecute									
Other:									
Filed with Defendant's consent		Defendant placed on pretrial probation (276 §87) until:							
Nolle Prosequi		□To be dismissed if court costs / restitution paid by:							
Decriminalized (277 §70 C)								
FINDING	<u> </u>	FINAL DISPOSITION				JUDGE	DATE		
□Guilty	□ Not Guilty	Dismissed on recommendation of Probation Dept.							
Responsible		☐ Probalion terminated: defendant discharged							
☐ Probable Cause	☐ Sentence or disposition revoked (see contic page)								