

Reference: 99-712-AR

Officer: PATROLMAN DEREK M DAVIS

03/28/1999 0524

I, Derek M Davis am a police officer for the City Rochester, New Hampshire.

On March 28, 1999 I was on routine uniformed patrol in a fully marked patrol unit.

As I was in the process of completing an extra patrol in the area of Leonard Street, dispatch requested that I respond to the station to speak with a female in the lobby.

Contact with TRISTAN EVANS:

Once I arrived at the station I made contact with EVANS and she stated that she wanted to file a report about being assaulted but was scared to file a report due to what could happen to her. EVANS at that point began crying and stated that she was very scared of her husband. I asked EVANS to relax and take a few deep breaths and try to calm down. After several minutes EVANS became calm and stated that she was ready to give a written statement.

EVANS stated that on March 28, 1999 when she arrived at her residence at 191 Milton Road she went up stairs to see her children and her husband. EVANS then stated that when she went up stairs she entered her children's room and gave them a kiss on the face. EVANS then stated that she then went into her bedroom and laid down in bed next to her husband CHAD EVANS. EVANS then stated that she asked CHAD EVANS if he had gotten the children's cloths. EVANS then stated that CHAD EVANS reached over and grabbed her by the throat and threw her to the bedroom floor. EVANS then stated that CHAD EVANS grabbed her by her hair and dragged her down the stairs to the living room. EVANS stated that once she was down stairs she was thrown on the couch and slapped in the face.

EVANS then stated that CHAD EVANS began yelling at her and when she attempted to leave the residence he suddenly grabbed her again by the hair and threw her up against the couch and told her that she was not leaving. EVANS then stated that she covered her head in an effort to prevent further abuse to her head and face area. EVANS then stated that she tried to talk to CHAD EVANS but he again grabbed her by the throat and hit her in the face.

EVANS stated that she then went up stairs back to bed at the request of CHAD EVANS and laid down on the bed. EVANS then stated that CHAD EVANS went to sleep at which time EVANS stated that she left the residence and went to her mothers house in Milton with the children.

EVANS had many red marks on her neck and chest area and some scratches on her left arm. EVANS then showed this officer a cracked in her tooth that was caused by CHAD EVANS when he struck her in the face. EMS was called to the station because EVANS has many friends at the Rochester Hospital and did not want to be seen by them. I then gave EVANS a medical release form which she stated that she would be checked out in NASHUA, NH.

EVANS requested a Emergency Domestic Order at which time I completed such form and contact Judge Robert Carigan, who granted the order. I then went 191 Milton Road and made contact with CHAD EVANS and advised him that he was being placed under arrest for domestic assault. He was then hand cuffed and searched. CHAD EVANS stated that he did not mean to hit her that hard and

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was sorry for what he did and really loved his wife. He was secured in the rear of the patrol vehicle. A condition of the DV order was that CHAD EVANS was to give up all his deadly weapons to the Rochester Police Department. The weapons were then gathered by myself and Ofc. Archibald and placed in the rear of the patrol vehicle and were transported to the station where Ofc. Bealand logged them into evidence. The weapons were then logged into evidence by Ofc. Bealand and Lt. Moore. The charges were decided on by Lt. Moore and I followed his direction.

As I started to read EVANS his rights he stated that he had nothing to say and wanted his lawyer before I said another word. I then stopped reading him his rights at that time and asked no questions

Comm. Ferland was called to the scene where he set bailed at 5000.00 cash for the crime of second degree assault and criminal restraint CHAD EVANS was then transported to the Strafford County Jail until monday morning.

End Of Report

04/03/1999 2046

On the above date I met with Lt. Taylor who gave me this pack back and stated that I was to read the packet and go forward with what it directs me to do. AT this time I will be charging EVANS with two counts of simple assault instead of what was stated before.

End Of Report

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Officer: LIEUTENANT PAUL J MOORE

04/04/99 0016 Hrs.

On 3/28/99 I was the supervisor for the 12-8 Shift. Officer Davis made me aware that he was interviewing a Tristan Evans who was assaulted by her husband Chad Evans.

Officer Davis told me that Tristan was beaten repeatedly by Chad and that Tristan had received a chipped tooth. That had been photographed by Davis.

I reviewed the statute for second degree assault and felt that a chipped tooth would fit the elements of the statute for serious bodily injury because of the protracted loss.

I advised Officer Davis to charge Evans with the Felony and if the County Attorney's office wanted to change it to a lesser offense then we would do so at that time.

Officer Davis next advised me that Tristan had tried to leave the residence but Chad would not allow her to. Chad threw her to the couch and told her to go to her room. I asked Davis if that was in Tristan's statement and it was not. Davis stated that it was what she told him. I advised Davis to charge Chad Evans with Criminal Restraint due to the fact that he wouldn't let her leave and she was exposed to risk of serious bodily injury by the beatings and receiving a chipped tooth. I also instructed Officer Davis to contact Tristan Evans, ASAP to update her statement form to include the Criminal Restraint.

Later in the shift Officer Davis and Officer Archibald returned from arresting Evans and advised me that they had a cruiser full of deadly weapons and requested assistance.

Officer Bealand and Officer Archibald were assigned the task of logging the weapons into the computer and tagging them.

Later in the evening I logged the weapons into the Evidence Locker for safe keeping. There were some knives that Officer Archibald brought to my attention that were illegal. These were separated and placed into a bag and marked illegal. That bag was placed along with the weapons in the evidence locker room.

Case closed ==PJM==



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Officer: PATROLMAN PETER E ARCHIBALD JR

On 03-28-99 I went to assist Ofc. DAVIS with an arrest at 191 Milton Road. Ofc. DAVIS briefed me on the arrest and stated that it would be under the 6 hour domestic violence statute and that a restraining order would also be served at that time and any deadly weapons would be seized.

We went to 191 Milton Road, made contact with Chad EVANS. Prior to arresting him I told him that we were there due to his wife making a complaint. He stated initially that he didn't touch her. I then advised that his wife had a chipped tooth and marks around her neck. He asked if her tooth was really broken. I advised him that it was. He stated that he had gotten upset. He stated that they were going through some tough times and that she told him that she wanted a separation. He said that he tried to do whatever he could to change and thought she was being receptive to this and then she went out and was 9 hours late in coming home. He stated that he lost it. He stated that he didn't mean to hit her.

At this point EVANS was advised that he was under arrest and was arrested without incident. He was handcuffed using the proper procedure. The cuffs were checked for tightness and they were double locked. I advised EVANS that we had a restraining order ordering the seizure of his weapons. He was cooperative with this. I removed multiple guns from a cabinet in a dining room as well as numerous knives, shuriken, a blowgun, and butterfly knives.

While taking the knives, I noted that there was a knife that was double edged (boot knife), a stiletto (Nato brand) and a trench knife that incorporated a brass knuckle type hilt. These knives were taken in separately as illegal weapons.

EVANS and the weapons were brought to the station. Ofc. DAVIS began to book EVANS. I assisted Ofc. BEALAND with the inventory and tagging of the weapons.

I then cleared.

Case closed.

END OF REPORT



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Officer: DETECTIVE MARN E SPEIDEL

03/29/1999 1833

On this date at about 4:00 PM, Tristan Evans came to the station requesting to speak with me. It is unclear how she received my name, but may have asked to see the prosecutor.

Before speaking with Tristan, I contacted Hope Libby of the Strafford County Attorney's Victim's Assistance Program, and confirmed that Libby was available to come to the station to meet with us.

Tristan appeared calm and had no visible sign of injuries. She stated she had several questions she needed answered. Tristan advised she had called her husband, Chad, earlier in the day and he had told her he was court-ordered not to have any contact with her. She was confused about that as she had not heard anything from the police department since Chad was arrested. I advised Tristan of the restrictions placed on Chad by the "no contact" bail order. The Victim's Assistance Coordinator and I explained how the court procedure would work.

Tristan expressed some concern at the nature of the charges - she stated that she felt Chad should have counselling but did not want him to face felony charges. The State's position with respect to domestic violence was explained to her and she was assured that she would have input in the disposition of any criminal charges that resulted in conviction.

Tristan went on to explain that she sought treatment at St. Joseph's Hospital in Nashua, NH on March 28. She works for the mobile MRI unit which travels to various hospitals. According to Tristan, some X-rays were taken of her jaw area but the diagnosis was that there were no fractures or broken bones of any kind. I asked her about her chipped tooth. Tristan explained that she had broken half of her front tooth several years ago, and that one of her front teeth had been bonded. The incident for which Chad was charged had caused a small part of the bonding to be chipped, but Tristan advised it was not enough for her to seek any further medical or dental treatment. She stated she no longer had any pain in the area and had no difficulty eating or drinking. Tristan showed me her front teeth, and I could see some discoloration on one of the teeth which was obviously the bonded area. A small part of the bonding was chipped.

Tristan was asked whether she mentioned the bonding on her tooth to Officer Davis, and she said she did not. She also stated that while Chad was yelling at her, he never told her she could not leave. She also states she did not ask to leave at any time. She waited until Chad had gone to bed before taking the children and leaving.

I asked Tristan about the time frame of the incident. He stated that she arrived home after midnight, and as her statement indicates, "this went on until about 1:00 AM". I showed her the statement she had written and asked her if anything in it was not true. She stated that everything she wrote in her statement was the truth.

I asked Tristan about any other injuries she had received. She pointed to the area of her left jaw and stated that the only mark that remained was in this area. The red marks and scratches that had been visible at the time of the incident had faded.

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Tristan willingly signed another medical records release form, in the event St. Joseph's Hospital chose not to honor the form which was on Frisbie Memorial Hospital's letterhead. I later contacted St. Joseph's Hospital and made arrangements for the records to be sent to Officer Davis.

Case returned to Officer Davis for follow-up.

04/07/1999 1914

On this date I consulted with Officer Davis on this case. Officer Davis advised me that he had completed two simple assault complaints, and that the case was still being held pending completion of narratives reports by Officers Archibald and Bealand. Officer Davis also advised me he had not yet received medical records from St. Joseph's Hospital.

I reviewed the complaints, the statement of Tristan Evans, and Officer Davis' report. It appears clear that Chad Evans substantially interfered with Tristan's physical movement - he reportedly threw her into a couch by her hair and held her down at some point by her throat. Since there was no serious bodily injury suffered, however, the offense of Criminal Restraint will be similarly difficult to prove beyond reasonable doubt as the State would have to show he exposed Tristan to "risk of serious bodily injury".

Clearly, there were several distinct counts of Simple Assault. In her statement, Tristan writes "he turned over, grabbed me by the neck" while they both were laying in bed. She writes that she was thrown to the floor and dragged down the stairs by her hair. He "slapped me in the face" after throwing her on the couch. She writes, "this went on until about 1:00 A.M."

She then writes, "Then he sat me down on the couch...he grabbed me by the throat and squeezed until I grabbed his hands". This is clearly False Imprisonment by statutory definition. I therefore completed three complaints for Simple Assault, further clarifying the complaints made by Officer Davis, and a complaint for False Imprisonment.

Attorney Stephen Gaige had contacted me regarding this case, and submitted a request for rescheduling of the Probable Cause hearing. As of 4/7/99, the probable cause hearing on the felony charges is scheduled for 4/23/99, but that is likely to be changed. The felony charges will be not proessed at that hearing, and Evans will be arraigned on the misdemeanor charges. At this time, bail conditions remain the same.

A review of the case also indicates several illegal knives were seized. The knives are illegal as defined in RSA 159:16, but no charges are filed since there is no indication they were actually carried upon Chad Evans' person.

Report completed.