

DEFENDANT: [REDACTED]
DOB: 08/22/1985 AGE: 35
ADDRESS:
[REDACTED]
Plattsburgh, NY 12901

ARRAIGNMENT DATE: April 8, 2021
SA CASE ID: 21-3967
ASSIGNED SA: Doug DiSabito Esq. ERN: 4480
POLICE DEPT.: Grand Isle County Sheriff Department
INVESTIGATING OFFICER: Dep. Zebulon DuBois
VICTIM ADVOCATE:
INCIDENT NO.: 21GIC0267

STATE OF VERMONT

SUPERIOR COURT
GRAND ISLE UNIT

STATE OF VERMONT

v.
[REDACTED]

CRIMINAL DIVISION

DOCKET NO. 21-CR-

INFORMATION BY STATE'S ATTORNEY

By the authority of the State of Vermont, the State's Attorney for Grand Isle County, upon the oath of office charges:

COUNT 1 OF 2

CHARGE CODE: 18V4234A1 | CODE ID: 803 | OFFENSE CLASS: M
CHARGE NAME: DEPRESSANT/STIMULANT/NARCOTIC-POSSESSION < 100X DOSE

[REDACTED] in the County of Grand Isle, at Grand Isle, on or about March 5, 2021, knowingly and unlawfully possessed a narcotic drug, TO WIT, Buprenorphine, in violation of 18 V.S.A. § 4234(a)(1).

Penalty: Imprisoned not more than 1 year or fined not more than \$2,000.00 or both.

COUNT 2 OF 2

CHARGE CODE: 23V674A2 | CODE ID: 2184 | OFFENSE CLASS: M
CHARGE NAME: VEHICLE OPERATION-LICENSE SUSPENDED/OSC

[REDACTED] in the County of Grand Isle, at Grand Isle, on or about March 5, 2021, operated a motor vehicle upon a public highway while his license or privilege to operate a motor vehicle was suspended or revoked, having violated 23 V.S.A. § 676, having two prior offenses that occurred within two years of this alleged offense and on or after December 1, 2016, TO WIT, on 3/24/2020 and 12/1/2020, in violation of 23 V.S.A. § 674(a)(2).

Penalty: Imprisoned not more than two years or fined not more than \$5,000.00 or both.

Against the peace and dignity of the State.

DATED: March 24, 2021

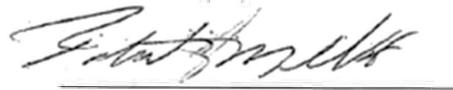


State's Attorney

Referral(s) if applicable: No Diversion Referral - Does Not Serve Interests of Justice

This information has been presented to me and I have found probable cause.

DATED: **3/26/2021**



Superior Court Judge

AFFIDAVIT

**STATE OF VERMONT
GRAND ISLE COUNTY, ss.**

NOW COMES Deputy Zebulon DuBois, affiant(s), being duly sworn and on oath, deposes and says he has probable cause to believe that [REDACTED]

DOB: 08/22/1985 (hereinafter referred to as [REDACTED]) has committed the offense(s) of:

- DLS, a violation of 23 VSA 674
- Depressant, Stimulant, and Narcotic Drugs a violation of 18 VSA 4234

CASE #21GIC0267

1. I am a part time certified Police Officer in the State of Vermont. I am certified through the Vermont Criminal Justice Training Council and I am employed through the Grand Isle County Sheriff Department.
2. **VEHICLE INFORMATION: REGISTRATION; TEMP: W021791-BMW X3 REGISTERED OWNER; [REDACTED] DOB: 08/22/1985.**
3. On March 5, 2021 at approximately 2133 hours, I was on duty for the Grand Isle County Sheriffs Department. At this time, dispatch advised of an unresponsive male, slouched in the driver's seat of his vehicle at Gordons Landing (Ferry Dock) in Grand Isle. Dispatch advised the vehicle was in lane one. It should be noted that Gordons Landing in considered a private lot/staging area because its gated and you must pay a fee to access it. However, before the gated portion of Gordons Landing there is a portion that is open to the general flow of traffic, making it a Public Highway as defined by Vermont Title 23. It should also be noted Route 314 is a Public Highway as defined by Vermont Title 23 and an operator must use Route 314 to access Gordons Landing.
4. I arrived, along with Sergeant Allen. As we proceeded through the tollbooth, I observed a gray BMW X3 bearing temporary registration W021791 parked in lane one. I exited my cruiser and approached the vehicle on the driver's side. I noted the keys were in the ignition, the vehicle was running and there was male in the driver's seat that was slumped over and unresponsive. I determined the male to be the sole occupant of the vehicle and I knocked on the window. The male did not respond. I then pounded on the window several times and announced my presence. I could see the male attempt to acknowledge by moving his head slightly but then appeared to go unconscious again. I saw the door was unlocked, so I opened it, to render aid to the male. Again, I addressed the male and he became slightly more aware by lifting his head. When the male lifted his head, he vomited a clear foamy substance from his mouth. I noted a knife located in between the male's legs. I removed the knife and secured it for officer safety. I advised the male to

exit the vehicle and he reached for the column shifter to put the vehicle in drive. I grabbed the males' hand and ordered him out of the vehicle. With the help of Sergeant Allen, I was to get the male out of the vehicle. We radioed dispatch requesting rescue respond. Sergeant Allen asked the male if he had taken any drugs and he advised he had not, that he was tired. I observed the males' pupils to be pinpoint and his eyes to be watery. His speech was slurred, and his eye lids and head kept drooping. This is commonly referred to as nodding off. Nodding off can occur when an individual uses Heroin or other Opioids and the individual is in a trans-like state that constantly switches from drowsiness to alertness. Based on my training and experience, all my observations can be indictive to an individual who had used illicit drugs. Sergeant Allen asked the male about any underlying medical issues and he advised he has Diabetes. Sergeant Allen asked the male when he had taken his sugar last, and the male advised that morning. Sergeant Allen asked if his sugar was high, low, or normal and the male advised it was a bit low. I asked the male if he knew where he was and he advised "Grand Isle, Fairfax". The male then went on to tell me about how his vehicles driveshaft was spent. The male was unable to hold a conversation with me and had an extremely delayed reaction.

5. I asked the male for his name and he verbally identified as [REDACTED] DOB: 08/22/1985. I advised [REDACTED] that rescue was going to look at him because of what had happened and the state we had found him in. As I spoke with [REDACTED] Sergeant Allen advised me of a spoon located on [REDACTED]'s passenger seat with a white substance in it. Along with the spoon, we could see a butane lighter, and needle located in a clear water bottle. I asked [REDACTED] again about consuming illicit drugs and he stated he had not, that he was tired. I informed [REDACTED] about the spoon and needle we could see. [REDACTED] stated he had taken Buprenorphine. Buprenorphine often referred to as Bupe, is a prescription drug used to help individuals in getting off heroin or other opioid drugs. [REDACTED] told me he had injected the Bupe in his arm using a syringe. [REDACTED] advised he is a recovering drug addict and has a prescription for the Bupe. I asked [REDACTED] to see his prescription and he advised he did not have it on him. [REDACTED] stated he only possessed the Bupe he had injected and there were no other drugs in the vehicle. I asked [REDACTED] if it was normal for him to inject Bupe and he stated he sometimes does it.
6. Rescue arrived on scene and [REDACTED] was medically evaluated. Sergeant Allen informed me that he stopped [REDACTED] approximately a week prior and [REDACTED]'s Vermont driver's license was under Criminal Suspension. I had Sergeant Allen confirm [REDACTED] was still showing to be Criminally Suspended and he confirmed.
7. A records check indicated [REDACTED] was currently under suspension for Failure to Pay Fine (FAF) and Your Suspension in the State of New Hampshire (XNH). Two prior Operating After Suspension (OSC) convictions put [REDACTED]'s Vermont driver's license under criminal suspension.

8. [REDACTED]'s' DMV record is fully incorporated and listed as followed:

CONVICTION CODE	SUSPENSION	EFFECTIVE DATE	TERM OF SUSPENSION
FAF		10-25-20	0030D
XNH		11-15-20	INDF
OSC		03/24/20	
OSC		12-01-20	

9. [REDACTED] was medically cleared by rescue and signed the medical release form. I advised [REDACTED]; I would like to conduct a consent search of his vehicle. [REDACTED] agreed and signed the Consent to Search Form. I then conducted a complete search of the vehicle.

10. During my search I located several syringes in a plastic bag in the center console area. I located a metal spoon, that contained a small white cotton ball on the passenger seat. Based on my training and experience, individuals will use the cotton as a filter for their needle, so it does not get plugged with impurities as they draw their drug of choice. I located a butane torch on the passage seat and two pieces of wax like paper, known as folds or tabs commonly used to package Heroin with the stamp "Bad Habit" near the column shifter. Lastly, I located a small clear baggie containing three small white pills with the number "2" on the face and an arrow on the back, in the top center console compartment of the vehicle. I seized these items, and they were logged into evidence at the Grand Isle Sheriffs Department.

11. I issued [REDACTED] a citation to appear in Grand Isle County Superior Court (Criminal Division) to answer to the charges of Operating After Suspension (Criminal) and Possession of a Controlled Substance (Depressant, Stimulant and Narcotic Drugs). [REDACTED] was released into the care of his girlfriend. The vehicle was temporarily grounded in Gordons Landing parking lot.

12. This incident was captured on my Watch Guard Body Worn Body Camera.

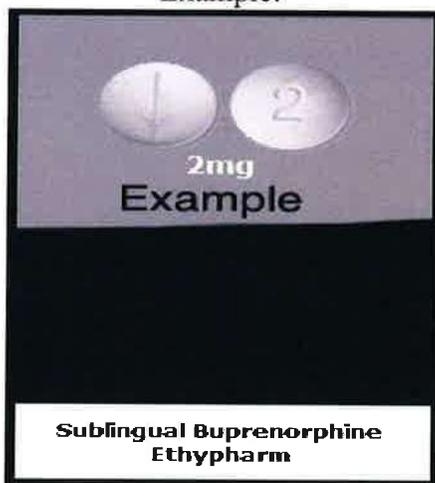
13. On March 6, 2021 I was provided security footage of the incident from the Ferry Company. The footage is incorporated with this Affidavit. In the footage you can see [REDACTED]'s vehicle turn left into Gordons Landing parking lot from Route 314.

14. On March 6, 2021 I researched the three white pills found in the clear plastic baggie. I was able to identify them Buprenorphine using an online sight.

Pills found on scene:



Example:



Subscribed and sworn to before me on
this 6th day of March, 21

[Signature]
(Notary Public) (Judicial Officer)

[Signature]
(Affiant)
03-06-2021
(Date)