

WESTBORO POLICE DEPARTMENT

Ex. H

*** WORKING COPY ***

DATE/TIME REPORTED: 01/28/1992 0001
 DATE/TIME OF OFFICER'S REPORT: 02/01/1992 1925
 INCIDENT OCCURRED BETWEEN: 09/28/1992 0001 AND 09/29/1992 0145
 INCIDENT STATUS: OPEN

REPORTING OFFICER: KING, THOMAS
 ZONE: OUT OF TOWN

# OFFENSE(S)	A/C	ENTRY	# PREMISES	CHAP	SEC
LOCATION TYPE: BAR/NIGHT CLUB WINNERS CIRCLE SHREWSBURY ST WORCESTER, MA					
AGGRAVATED ASSAULT	C			265	15A

# SUSPECT(S)	SEX	RACE	AGE	SSN	PHONE
ELBEY, MICHAEL SHREWSBURY ST WORCESTER, MA	M	W	00	000001335	
HEIGHT: 502	WEIGHT: 230	HAIR: BROWN	EYES: BROWN		
BODY: MUSCULAR	COMPLEXION: MUSCULAR				
DOB: 00/00/0000					

[RELATIONSHIPS TO VICTIM(S)]

RELATIONSHIP TO VICTIM NUMBER(S): 1 RELATIONSHIP UNKNOWN

Exh. #	
Ident. A	<i>01/28/92</i>

93-1-0F

***** CONFIDENTIAL VICTIMS *****

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	KING, THOMAS W. P.O. BX 3 WESTBOROUGH, MA 01581 EMPLOYER: WESTBORO POLICE INJURIES: OTHER MAJOR INJURY TAKEN TO: UNIVERSITY OF MASS VICTIM CONNECTED TO OFFENSE NUMBER(S): 1	M	W	43	01440-1113	508-366-8201 508-366-8201

ON 09/29/92 I WENT TO THE WINNERS' CIRCLE TO SEE THE BARTENDER JEFF. I HAD BEEN TALKING WITH A FRIEND AT U-MASS HOSPITAL AND I WAS TOLD THAT JEFF WAS LEAVING HIS JOB FOR ANOTHER. I WENT TO SEE WHERE HE WAS GOING TO WORK, AT. UPON ARRIVAL I SPOKE WITH JEFF AND I ORDERED A DRINK. SOME PEOPLE I KNOW WERE ALSO THERE. I WAS TALKING WITH SOME FRIENDS AND I FINISHED MY DRINK AND ORDERED ANOTHER. AS I WAS TALKING WITH SOME PEOPLE A MAN ACROSS THE BAR FROM ME STARTED YELLING AND SWEARING AT JEFF. TO THE MAN'S RIGHT WAS TWO YOUNG WOMEN AND THE SUBJECT'S LANGUAGE WAS BECOMING RATHER OFFENSIVE.

AT THIS TIME I STOOD UP AND ASKED THE SUBJECT TO BE QUIET DOWN AND WATCH HIS LANGUAGE HE STARTED YELLING AT ME AND I STARTED TO WALK TOWARD THE SUBJECT SO I COULD TALK TO HIM WITHOUT YELLING ACROSS THE BAR. AS I WALKED TOWARD THE MAN A FRIEND MITCH STOOD UP AND PLACED HIS HAND ON MY STOMACH AND TOLD ME THAT THE SUBJECT WAS TROUBLE AND NOT TO BOTHER WITH HIM.

AT THIS TIME I WENT BACK TO MY SEAT AND THE SUBJECT KEPT YELLING AT ME AND ASKED ME TO STEP OUT SIDE AND I TOLD HIM TO BE QUIET AND THAT I WOULDN'T WASTE MY TIME. AT THIS POINT JEFF CAME OVER TO ME AND THANKED ME FOR TRYING TO HELP AND HE BOUGHT ME ANOTHER DRINK VIA AN UPSIDE DOWN GLASS IF I WANTED IT. JEFF TOLD ME THAT HE KNOWS THE SUBJECT AND HE FELT THAT HE WOULD CALM DOWN.

A SHORT TIME LATER I WAS FINISHING MY SECOND DRINK AND I WAS TALKING TO A MAN ON MY RIGHT AT THIS TIME THE SUBJECT YELLED SOMETHING AND JUMPED TO HIS FEET AND HE SMASHED THE BEER BOTTLE HE WAS HOLDING ON A POLE NEXT TO HIM THE GLASS CHATTERED EVERYWHERE BUT THE MAJORITY OF IT WENT IN THE DIRECTION OF THE TWO GIRLS TO THE SUBJECT'S RIGHT. BOTH GIRLS COVERED THEIR FACES AND ONE OF THE GIRLS STARTED BLEEDING FROM THE EYE AREA.

THE SUBJECT WAS MAKING JABBING MOTIONS IN THE DIRECTION OF JEFF AND TOWARD EVERYONE ELSE WITH THE NECK OF THE BOTTLE. HE THEN TURNED TOWARD THE DOOR AND STARTED TO RUN OUT THE DOOR HE THREW DOWN THE BOTTLE NECK AS HE RAN OUT THE DOOR. I YELLED FOR SOMEONE TO CALL THE WORCESTER POLICE AND I STARTED AFTER THE SUBJECT OUT THE DOOR. I DID NOT KNOW THE IDENTITY OF THE SUBJECT SO I WAS GOING TO TRY TO GET A PLATE NUMBER AND THE DIRECTION OF TRAVEL FOR THE POLICE.

THE SUBJECT RAN EAST ON SHREWSBURY ST. AND I CHASED HIM UP THE STREET FOR APPROXIMATELY 50 TO 60 YARDS. AT THIS POINT THE SUBJECT STOPPED AND TURNED TOWARD ME. I TOLD HIM THAT HE HAD HURT A GIRL AND THAT HE WAS GOING TO HAVE TO WAIT FOR THE WORCESTER POLICE. I APPROACHED HIM WITH OPEN HANDS OUT STRETCHED TO MY SIDES. THE SUBJECT THEN STARTED THROWING PUNCHES IN MY DIRECTION I BLOCKED ALL BUT ONE PUNCH WHICH STRUCK ME IN MY LEFT CHEEK. AT THIS POINT I GRABBED THE SUBJECT AROUND BOTH ARMS TRYING TO SUBDUE HIM. THE SUBJECT MANAGED TO GET HIS RIGHT ARM FREE AND AT THIS POINT HE TOOK HIS RIGHT THUMB AND JABBED IT INTO MY LEFT EYE, I STRUGGLED TO GET HIS THUMB OUT OF MY EYE AND HE KEPT TRYING TO JAMB IT BEHIND MY EYE WHICH IS A TACTIC THAT IS USED TO POP THE EYE OUT OF PERSONS EYESOCKET.

I MANAGED TO GET HIS THUMB OUT OF MY EYE AND AT THAT POINT I KNOCKED THE SUBJECT TO THE GROUND AND GET ON TOP OF HIM AND AT THIS POINT I REALIZED THAT I WAS BLIND IN MY LEFT EYE. I GRABBED FOR HIS HANDS TO SUBDUE HIM AT THIS TIME HE AGAIN JABBED HIS THUMB INTO THE OTHER SIDE OF MY EYE. I AT THIS POINT I COULD HEAR PEOPLE BEHIND ME I MANAGED TO GET HIS HAND OUT OF MY EYE ONCE MORE. AT THIS POINT I REALISED I WAS HURT BAD. I TOLD THE PEOPLE TO HOLD THE SUBJECT FOR THE POLICE. WHICH SOME PEOPLE DID COME OVER TO HIM I ROLLED OFF THE SUBJECT AND PUT MY HAND UP TO MY EYE AND I SAW BLOOD AND STICKY FLUID COMING FROM MY EYE. I WAS DIZZY AT THIS POINT AND TOLD THE PEOPLE THAT I NEEDED A RIDE TO THE HOSPITAL FOR I WOULD LOOSE MY EYE IF I DID NOT GET TREATMENT FAST.

93-1-OF

: KING, THOMAS

AT THIS POINT I WAS TREATED AT MEMORIAL HOSPITAL BY AN EYE SURGEON AND EVERY DAY AFTER THAT FOR THE REST OF THE WEEK. THE EYE SUSTAINED A LACERATION WHICH HEALED WITHOUT SURGERY. I STILL HAVE PROBLEMS WITH THIS EYE.

I BECAME INVOLVED BECAUSE A FELONY HAD BEEN COMMITTED IN MY PRESENCE TO WIT THE BEER BOTTLE THAT HIT THE TWO GIRLS AND CUT ONE OF THE GIRLS. UNDER STATUTE LAW FROM THE MASS APPEALS COURT A POLICE OFFICER OUT OF HIS/HER JURISDICTION CAN MAKE A CITIZENS ARREST UPON PROBABLE CAUSE THE A FELONY HAS BEEN COMMITTED. I FELT THAT I HAD THE RIGHT TO DETAIN THE SUBJECT UNTIL THE PROPER AUTHORITIES ARRIVED.