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November 17, 2020

Via First Class Mail

West Newbury Police Department
ATTN: Police Chief Jeff Durand
401 Main Street
Public Safety Building
West Newbury, MA 01985

Essex County District Attorney's Office
ADA Michelle Belmonte
Newburyport District Court
188 State Street
Newburyport, MA 01950

RE: Commonwealth v. Hannah N. Gil
Newburyport District Court
Docket No. 2122CR-000913

Dear Chief Durand:

I represent Hannah N. Gil regarding the above referenced matter.

Ms. Gil lives with her family at 24 Baileys Lane, West Newbury, Massachusetts.

There was an incident that took place at the end of the Gil family's driveway on Saturday evening home November 6, 2021 from approximately 9:28 PM to approximately 9:38 PM that I want to bring to your attention.

The delay in notifying you of this incident was caused by me and not my client who along with her family are deeply distressed and concerned with the events that transpired on November 6th.

This incident involved West Newbury Reserve Officer George Lenotte. Officer Lenotte, is the same officer who physically arrested Ms. Gil on September 8, 2021.

Ms. Gil at the time of the incident was talking with her friend in his car, which was parked in the Gil family private driveway. Ms. Gil recently had a friend/co-worker commit suicide and Hannah and her friend were talking about the tragedy in the car in the Gil's driveway.

Mr. and Mrs. Gil knew they were there, and they were aware that Ms. Gil's friend was coming over and that they were going to talk for a while and then go out to eat. Ms. Gil was not driving, nor was she even in the driver's seat of that vehicle at any time that night.

Neither Ms. Gil nor her friend were engaged in any proscribed behavior. They were simply talking about their friend who had recently killed herself.

At approximately 9:27 PM as Ms. Gil and her friend were talking, they noticed a marked West Newbury Police Department vehicle drive past the Gil's driveway heading

toward the dead-end portion of their street, Baileys Lane. Moments later, another marked West Newbury Police Department cruiser passed the Gil's driveway heading in the same direction as the first West Newbury Police Department cruiser.

A point of significance, is that neither West Newbury Police Department cruisers had their emergency lights or sirens on. Approximately thirty seconds later, one of the West Newbury Police Department cruisers drove back up Baileys Lane heading toward Main Street and abruptly stopped directly in front of the Gil's driveway completely blocking it at a perpendicular angle.

That same cruiser then proceeded to activate his cruiser's takedown/side alley lights to light up the vehicle in which Ms. Gil and her friend were in, which was parked in the Gil family driveway. The officer kept those extremely bright takedown/alley lights trained on Ms. Gil's friend's vehicle for approximately two minutes. Ms. Gil became frightened and her friend was alarmed and stressed out, as he did not know what was going on.

The officer, who was later identified as Reserve Officer George Lenotte, never said a word to Ms. Gil or her friend over his PA system, nor did he get out of his cruiser to approach the vehicle. He did not attempt to stand outside of his cruiser to try and address Ms. Gil and her friend who were, again, parked in the Gil's driveway. Moments later, the second West Newbury Police Department cruiser that had driven down toward the dead-end of Baileys Lane appeared directly behind Reserve Officer Lenotte's cruiser.

After approximately two minutes of having the takedown/alley lights trained into Ms. Gil's friend's vehicle, Reserve Officer Lenotte shut them off and remained parked directly in front of the Gil's driveway, blocking any vehicular entry or departure. Said actions were threatening and served no legitimate law enforcement purpose.

Ms. Gil was completely shaken and anxiety ridden as a result of Reserve Officer Lenotte's actions. She facetimed her father and showed him what was going on, as the cruiser was blocking the Gil's driveway.

As Mr. Gil began to make his way out to the driveway to speak with his daughter Hannah and her friend, Reserve Officer Lenotte left the driveway area in his cruiser and then headed down Bailey's Lane toward Main Street.

Mr. Gil spoke to Hannah and her friend (Mr. Jason Mercado, 20 year old male, who was operating his father's 2006 Infiniti FX, MA Reg: 3AD422) and instructed them to call him right away if the marked cruiser (s) returned.

Mr. Gil walked back into his house and his son told him that his cellphone was ringing and the person who was calling Mr. Gil was, West Newbury Reserve Officer George Lenotte. Mr. Gil does not know Reserve Officer Lenotte and has never given Reserve Officer Lenotte his personal cell phone number.

When Mr. Gill observed Reserve Officer Lenotte's number on his phone he then texted Sgt. Dwyer and asked if he could give him a call. Sgt. Dwyer informed Mr. Gil that Reserve Officer Lenotte was on security patrol on the Gil family's street, Bailey Lane, due to the threat that Ms. Gil and her family received in September. It is my understanding that Ms. Gil was threatened on September 3, 2021 by a female, and not once has the Gil family been contacted by the West Newbury Police Department regarding an unknown vehicle in their driveway.

There is no rational reason why Reserve Officer Lenotte should be blocking the Gil's driveway and intimidating Ms. Gil and her friend in the manner described above. West Newbury Dispatch/Operations could have called the Gil family home telephone number on a recorded line which would have been the reasonable manner to make any inquiry and ask whatever questions the officer may have or inform Mr. Gil what the officer was concerned about.

Reserve Officer Lenotte did nothing to prevent a potential crime. Reserve Officer Lenotte failed to speak to those he may have thought were about to commit a crime, and failed to identify who he believed were potential threats to the Gil family.

Blocking the Gil's driveway and blasting high intensity takedown lights into Ms. Gil's friend's vehicle's interior for approximately for just under seven minutes whereby Ms. Gil and her friend were contained without the officer even saying a single word to them serves no reasonable law enforcement purpose nor does it enhance public safety. Ms. Gil and her friend never did go out to eat that evening, they were too afraid to leave.

You are aware that Ms. Gil has a pending criminal matter pending in the Newburyport District Court as a result of her arrest by members of your department.

Ms. Gil has been arraigned for those charges and has invoked her right to counsel. As such, Ms. Gil does not have to avail herself to any questioning, inquiry and interrogation by a police officer from your department regarding that pending case.

Reserve Officer Lenotte's actions indicate that he is attempting to provoke or initiate contact with Ms. Gil. It appears that Reserve Officer Lenotte is employing unlawful tactics to communicate with or engage Ms. Gil in conversation.

Ms. Gil is intent on going about her business without being harassed, intimidated, accosted, or made to feel threatened by Reserve Officer Lenotte or by his colleagues.

Any attempt by the West Newbury Police Department to question and or communicate with Ms. Gill other than communicating with her regarding the active Harassment Prevention Order case is a violation of her sixth amendment right to counsel.

As you are aware, Ms. Gil has a Harassment Prevention Order against a woman for the threats that that woman made against Ms. Gil and the Gil family. Those threats, at Mr. Gil's request, triggered additional patrols on Bailey Lane. The Gil family is grateful for those additional patrols.

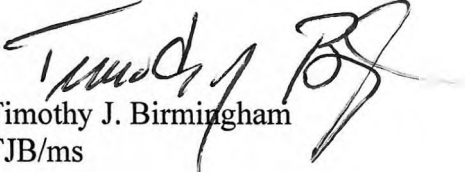
However, Reserve Officer Lenotte's actions on the evening of November 6, 2021 cannot and should not be considered or viewed as an effort to protect Ms. Gil and her family.

Reserve Officer Lenotte should have taken other steps or actions to dispel what he perceived was a threat. He did not do that. It appears that he is using this patrolling initiative to justify engaging Ms. Gil or to paint her in a continued negative light. His responses and actions on the evening of November 6, 2021 were not commensurate with any purported concern for Ms. Gil and her family.

Once again, the Gil family is grateful for the additional patrols.

However, I ask that you instruct Reserve Officer Lenotte and any other police officer employed by the West Newbury Police Department to cease and desist from the aforementioned; unwarranted, harassing and inappropriate behavior and actions toward Ms. Gil and her family as the behavior and actions described serve no legitimate law enforcement purpose and do not enhance public safety.

Very truly yours,


Timothy J. Birmingham
TJB/ms

cc: Essex County ADA, Michelle Belmonte