

CASE SUMMARY

CASE NO. 450-2010-CR-01786

State v. Sonja Smock

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§
§
§
 Location: 4th Circuit - District Division -
 Laconia
 Filed on: 07/06/2010

CASE INFORMATION

Offense	Deg	Date	Case Type: Motor Vehicle
Jurisdiction: Belmont			
1. Negligent Storage of Firearms	VIOL	05/19/2010	Case Status: 09/28/2010 Closed
ChargeID: 358020C ACN: 007025J100358020001			
Arrest:			

PARTY INFORMATION

Defendant	Smock, Sonja 19 Silkwood ave Belmont, NH 03220 White Female Height 5' 10" Weight 150 DOB: 03/24/1964 Age: 46
Arresting Agency	Belmont Police Department PO Box 320 Belmont, NH 03220

DATE	EVENTS & ORDERS OF THE COURT	INDEX
06/17/2010	Arrest Warrant	Index #1
06/17/2010	Supporting Affidavit	Index #2
07/15/2010	Arraignment on Complaint	
09/25/2010	Plea (Judicial Officer: MacLeod, Lawrence A, Jr.) 1. Negligent Storage of Firearms Guilty	
09/25/2010	Disposition (Judicial Officer: MacLeod, Lawrence A, Jr.) 1. Negligent Storage of Firearms Finding of Guilty	
09/28/2010	CANCELED Trial	
09/28/2010	Acknowledgement and Waiver of Rights	Index #3
09/28/2010	Sentence (Judicial Officer: MacLeod, Lawrence A, Jr.) 1. Negligent Storage of Firearms Sentenced Condition - Adult: 1. Good Behavior for One Year, 09/28/2010, Active 09/28/2010 Fees (Fines: 500.00, Suspended Fines: 500.00)	

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH

<http://www.courts.state.nh.us>

Court Name: Laconia District Court

Case Name: SONJA SMACK

Case Number: 10-CR-1786
(if known)

ACKNOWLEDGMENT AND WAIVER OF RIGHTS
VIOLATION

The statements made below shall apply to each and every complaint, if there be more than one, to which I intend to plead guilty or *nolo*.

09/28/10
Date

I, Sonja Smack of Belmont have been charged with:

- ☐ **LICENSE REQUIRED:** RSA 263:1. If convicted of the offense for a second time in a twelve (12) month period, I would be guilty of a misdemeanor. THE MAXIMUM PENALTY FOR A MISDEMEANOR IS ONE YEAR IN JAIL AND A FINE OF \$2,000.00 plus penalty assessment.
- ☐ **RECKLESS DRIVING:** RSA 265:79. Upon conviction, I shall lose my license and/or right to operate a motor vehicle for a period of sixty (60) days and be fined not less than \$500.00 plus penalty assessment. If convicted of a second offense, I shall lose my license and/or right to operate a motor vehicle for a period of not less than sixty (60) days nor more than a year.
- ☐ **OPERATING AFTER SUSPENSION/REVOCAION:** RSA 263:64. If convicted of this offense a second time in a seven year period, I would be guilty of a misdemeanor. THE MAXIMUM PENALTY FOR A MISDEMEANOR IS ONE YEAR IN JAIL AND A FINE OF \$2,000.00 plus penalty assessment.
- ☐ **UNLAWFUL POSSESSION OF ALCOHOL:** RSA 179:10. If convicted, a minimum fine of \$300.00 plus penalty assessment shall be imposed for a first offense and minimum fine of \$600.00 plus penalty assessment for a second or subsequent offense. If I am not yet 21 years of age on the date of the incident, pursuant to RSA 263:56-b, the Court may revoke my license for not less than 90 days nor more than one year for a first offense and not less than 6 months nor more than two years for a subsequent offense.

☒ **OTHER (Specify):** NEGLIGENT STORAGE OF FIREARM

I understand that I may be represented by a lawyer of my own choosing at my own expense.

☐ I am represented by _____, a lawyer admitted to practice in New Hampshire. I am satisfied with my lawyer and all explanations have been clear.

☒ I do not want a lawyer. I understand and know what I am doing. I hereby waive being represented by a lawyer.

☒ I UNDERSTAND that this complaint is brought as a violation and that the Court may impose such sentence as in its discretion it considers appropriate, subject to a maximum penalty of a fine not to exceed \$1,000.00 plus penalty assessment.

I understand that I do not have to plead GUILTY or NOLO and that even after signing this form I still do not have to plead GUILTY or NOLO.

I understand that by pleading GUILTY or NOLO that I am giving up the following constitutional rights as to the charge(s):

MY RIGHT to a speedy and public trial.

MY RIGHT to see, hear, and question all witnesses. This gives me the opportunity and right to face the witnesses against me and question them myself or through my attorney.

MY RIGHT to present evidence and call witnesses in my favor and to testify on my own behalf.

MY RIGHT to remain silent and not testify at a trial.

Case Name: _____

Case Number: _____

ACKNOWLEDGEMENT AND WAIVER OF RIGHTS VIOLATION

MY RIGHT to have the judge *ORDER* into court all evidence and witnesses in my favor.

MY RIGHT not to be convicted unless the State proves that I am guilty beyond a reasonable doubt with respect to all elements of the charge(s), which have been explained to me.

MY RIGHT to keep out evidence, including confessions, illegally obtained.

MY RIGHT to appeal to the Supreme Court on issues of law.

I GIVE UP ALL THE ABOVE RIGHTS OF MY OWN FREE WILL.

I understand that by pleading GUILTY or NOLO I am admitting to or not contesting the truth of the charge(s) against me in the complaint(s) and that on the judge's acceptance of my GUILTY or NOLO plea, a conviction(s) will be entered against me.

No force has been used upon me, nor have any threats been made to me, by any member of the Prosecutor's Office or anyone else to have me enter this plea of GUILTY or NOLO.

No promises have been made to me by any member of the Prosecutor's Office or anyone else in an effort to have me enter this plea of GUILTY or NOLO to the charge, except as follows:

\$ 500 FINE, SUSPENDED WITH 1 YEAR GOOD BEHAVIOR

However, I understand that the judge is not bound by the prosecutor's recommendation as to sentence, and that I may withdraw my plea if the judge exceeds the limits of a negotiated plea.

I further understand that if the complaint(s) against me is a violation of the motor vehicle laws, and if I should have a record of as few as two other motor vehicle convictions, I understand that the State may seek to have me declared a HABITUAL OFFENDER; and as a consequence of being declared a habitual offender, I would lose my license to operate for one to four years. I realize that if I am found to be a habitual offender, it is my responsibility, at the end of the one to four year period, to petition the Director, Division of Motor Vehicles, to restore my privilege to drive a motor vehicle. I understand that if I were to operate during that revocation period, or any time before my privilege to drive a motor vehicle is restored, then I would be subjecting myself to a mandatory prison term of not less than one year, and not more than five years.

I understand the nature of the charge(s) against me and the maximum punishment that may be imposed. I am not under the influence of alcohol or drugs.

I understand the entire contents of the Acknowledgment of Rights, and I freely and voluntarily sign this form below. I also understand that I may have a copy of this form upon request.

09/28/10
Date

Soiya Smor
Defendant

46
Age

College
Highest Educational Grade Completed

As counsel for the defendant, I have thoroughly explained to the defendant all the above, including the nature of the charge(s), the elements of the offense(s) which the State must prove beyond a reasonable doubt and the minimum and maximum penalties. I believe the defendant fully understands the meaning of the Acknowledgment of Rights, is not under the influence of drugs or alcohol, and knowingly and intelligently waives all rights as set forth in this form.

Date

Counsel for the Defendant

I hereby certify that I have examined the Defendant concerning the plea entered in this case. Based upon that examination I find that the Defendant understands the nature of the charge(s), the minimum and maximum penalties which may be imposed therefore, and the elements of the offense(s); and I find that the Defendant is not under the influence of drugs or alcohol, and that the waiver of each rule set forth on this form is made intelligently, knowingly and voluntarily. I further find there is a factual basis for the Defendant's plea.

9/28/10
Date

[Signature]
Presiding Justice

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

Laconia District Court
26 Academy Street
Laconia NH 03246

Telephone: (603) 524-4128
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF HEARING

FILE COPY

Case Name: **State v. Sonja Smock**

Case Number: **450-2010-CR-01786**

The above referenced case(s) has/have been scheduled for:

Trial

<u>Charge ID</u>	<u>Statute</u>	<u>Description</u>
<u>358020C</u>	<u>650-C:1</u>	<u>Negligent Storage of Firearms</u>

Date: September 28, 2010

Time: 1:00 PM

**Location: Courtroom 1 - Laconia District
26 Academy Street
Laconia, NH 03247-1010**

If you are unable to appear, you must file a request for a continuance, in writing, with the Court and a copy of your request must be sent to the prosecutor. Please indicate in writing that you have sent this copy when you file your request for continuance. All such motions shall be filed at least ten (10) days prior to the above court date. No motion to continue filed within ten days of the date of the hearing shall be considered by the Court, unless good cause is shown and is verified under oath by affidavit. The hearing will remain as originally scheduled unless your request is approved by the Court. If the request is granted, you will receive a new hearing notice. **FAILURE TO APPEAR OR PROPERLY OBTAIN A CONTINUANCE FROM THE COURT MAY RESULT IN AN ORDER FOR YOUR ARREST.**

When a person pleads guilty/nolo or is convicted after trial, the court expects all fines imposed to be paid in full on the date of the hearing.

Multiple cases are scheduled at this time. Please notify the court 15 days prior to the hearing date above if the hearing is expected to last longer than 30 minutes.

If you will need an interpreter or other accommodations for this hearing, please contact the court immediately.

Please be advised (and/or advise clients, witnesses, and others) that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625.11, V in a courtroom or area used by a court.

July 15, 2010

Diane F. Lane
Clerk of Court

(235)

C: Belmont Police Department; Sonja Smock

SUMMONS

THE STATE OF NEW HAMPSHIRE

BELMONT POLICE DEPARTMENT

Name . . . Sonja L. Smack D.O.B. 03/24/1969
St. & No. 19 Silkwood Ave . . . City or Town Belmont . . . State NH

You are hereby notified to appear before the District Court of Laconia . . . (City or Town)
in the State of New Hampshire, to be holden on the 15th . . . day of July . . . 20 10

at 8:30 am . . . o'clock in the forenoon ~~afternoon~~ to answer to a complaint (to be filed in said court)

charging you with Negligent Storage of Firearms RSA 650-C:1

. in violation of the laws of the State of New

Hampshire. Hereof fail not, as you will answer your default under penalty of the law in that behalf made and provided.

Dated at Belmont P.D. . . . [Signature] BOISVEAU
(Name)

the 17th day of June . . . 20 10 **Belmont Police Department**

PENALTY: Upon failure to appear, a warrant of arrest may issue. Failure to appear in answer to such summons may be punished by a fine of not over \$1000 and/or imprisonment for not more than 1 year.

Ref: 10-50-WA

The State of New Hampshire
County of Belknap
ARREST WARRANT

Belknap, SS

Laconia District Court

To the Sheriff of any County in this State, or his Deputy, or any Police Officer of this State, or of any City or Town in this State.

Whereas: Officer Gary R. Boisvert of the Belmont Police Department

In the County of Belknap has exhibited to me, Kerry Lee Bergeron

A Justice/Justice of the Peace, in the County of Belknap

his/her complaint, upon oath against the Defendant, Sonja L. Smock D.O.B. 03/24/1964
19 Silkwood Avenue Belmont, NH 03220

in the county of Belknap

for the crime(s) of Negligent Storage of Firearms RSA 650-C:1

WE COMMAND YOU to take the Defendant Sonja L. Smock D.O.B. 03/24/1964
(if found to be in your precinct) and bring him before the Laconia District Court.

Dated the 14th day of June 2010

Kerry Lee Bergeron
Justice/Justice of the Peace

2010 JUL -6 A 8:34

RETURN
State Of New Hampshire
County of Belknap

I have arrested the Defendant and now have him/her before the Court as commanded.

06/17/2010
Date

6:54am

Time

Gary R. Boisvert BOISVERT
Name of Officer

Patrolman
Title of Officer

Ref: 10-50-WA

Supporting Affidavit for Request to Issue Arrest Warrant

INSTRUCTIONS: A person seeking an arrest warrant shall appear personally before any justice, or justice of the peace and shall give an affidavit in substantially the form hereinafter prescribed. The affidavit shall contain facts, information and circumstances upon which such person relies to establish probable cause for the issuance of the warrant and the affidavit may be supplemented by oral statements under oath for the establishment of probable cause. The person issuing the warrant shall retain the affidavit and shall make notes personally of the substance of any oral statements under oath supplementing the affidavit or arrange for a transcript to be made of such oral statements.

Probable Cause is defined as: "An apparent state of facts found to exist upon reasonable inquiry, which would induce a reasonably intelligent and prudent person to believe, in a criminal case, that the accused person had committed the crime charged"

The State of New Hampshire

Belknap,SS

Laconia District Court

I, Gary R. Boisvert Being duly sworn, depose and say:

1. I am a Police Officer for the Town of Belmont, New Hampshire

I herewith make application for the issuance of an Arrest Warrant against the defendant:

Sonja L. Smock D.O.B. 03/24/1964 19 Silkwood Avenue Belmont, NH 03220

2. I have information that a crime (or offense) has been committed by the Defendant as follows:

Negligent Storage of Firearms pursuant to RSA 650-C:1

(describe source, facts indicating reliability and credibility of source and nature of information; if based on personal knowledge so state)

1. On May 19, 2010 at approximately 1850 hours Belmont Dispatch advised me that 911 had a male caller on the line advising a child had shot their mother in the arm. Officer Baron and I responded to this call.

2. Officer Baron and I arrived at 19 Silkwood Avenue and made contact with Sonja Smock, who had been shot in the arm, and Sookraj Singh. Sookraj was on the phone with 911. I asked Sookraj where the gun was. Sookraj did not know. After several minutes of searching the gun was found on top of a shelf. The gun was a Smith & Wesson .38 Special revolver.

3. Sergeant Mann interviewed the juvenile, K.L., that shot Sonja. The juvenile K.L. stated that she had picked the gun up off of the bedroom floor in her mother's, Sonja Smock, bedroom. K.L. stated she was going to give the gun to her mother when the gun had went off.

4. Sergeant Mann also spoke with Sookraj Singh who stated that Sonja usually keeps the gun in a drawer in dresser.

5. Sonja Smock told Officer Baron that she had the gun hidden under her jewelry box.

6. Based on verbal and written statements from Sonja, Sookraj, and K.L. it was determined that the gun was not properly secured. It was determined that the gun was never locked up.


7. According to RSA 650-C:1 any person who stores, or, leaves on the premises under their control a loaded firearm and who knows, or, should know a child could gain access to the firearm is guilty of a violation.

Ref: 10-50-WA

8. I believe Sonja Smock committed the crime of Negligent Storage of Firearms by allowing her daughter, K.L., to gain access to a loaded firearm and the firearm having been discharged by K.L. in a negligent manner.

3. Based upon the foregoing information, and upon my personal knowledge, there is probable cause to believe that the defendant did commit the crime (or offense) as above stated.

Wherefore, I request that the Court issue a warrant and order a duly authorized officer to take the defendant and bring him before the court having jurisdiction.


Gary R. Boisvert

Name of Officer

Then personally appeared the above named Gary R. Boisvert and made oath that the foregoing affidavit by him subscribed is true.

Before me this 14th day of June 2010

Justice of the
or Justice of the Peace

Kerry Lee Bergeron Court

And I, Kerry Lee Bergeron a (Justice of the Peace within and for the State of New Hampshire)
(Justice of the - Kerry Lee Bergeron Court)

KLB
have personally examined the Complaint against the aforesaid defendant, any information contained in the above affidavit, and have orally examined the above applicant. Based upon such information, I conclude that there (IS) (IS NOT) sufficient probable cause for the issuance of the arrest warrant sought. Therefore, the arrest warrant is (GRANTED) (DENIED) and the arrest warrant (IS) (IS NOT) issued.

Kerry Lee Bergeron
Name

JF / Bail Commissioner
Official Title

NOTES: _____

2010 JUN -6 A 8:34

Docket # 10-1786 TN # _____

Docket # (3580206)

The State of New Hampshire
COMPLAINT

☐ DOMESTIC VIOLENCE RELATED
☒ VIOLATION ☐ CLASS A MISDEMEANOR ☐ FELONY
☐ CLASS B

YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE SAID COURT
AT 8:30 O'CLOCK IN THE AM July 15th YR. 10
UNDER PENALTY OF LAW TO ANSWER TO A COMPLAINT
CHARGING YOU WITH THE FOLLOWING OFFENSE:

TO THE Laconia COURT, COUNTY OF Belkn ap

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

NAME SMOCK SONJA L
Last Name First Name Mi

19 SILKWOOD AVE BELMONT, NH 03220
Address State Zip

DOB 03/24/64 OP. LIC.# NH 03SKS64241

<u>F</u>	<u>W</u>	<u>5</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>5</u>	<u>0</u>
<small>Sex</small>	<small>Race</small>	<small>Height</small>	<small>Weight</small>	<small>WRITE OUT: BLOND OR S</small>		<small>GREEN</small>	

☐ COMM. VEH. ☐ COMM. DR. LIC. ☐ HAZ. MAT.

AT 19 SILKWOOD AVE BELMONT, NH
(Location) A.M. XXX

ON THE 19 DAY OF May YR. 10 at 6:50 P.M.

on/at in said county and state, did commit the offense of NEGLIGENT

STORAGE OF FIREARMS contrary to RSA 650-C:1

and the laws of New Hampshire for which the defendant should be held to
answer, in that the defendant did
**store a loaded Smith & Wesson .38 Special Revolver at 19
Silkwood Avenue, where a juvenile, K.L., would likely gain
access to it, the said juvenile having gained access to the
firearm without parental permission and did negligently
discharge said firearm, said offense constituting a
Violation,**

against the peace and dignity of the State.

☐ SERVED IN HAND

Patrolman Gary R Boisvert, Belmont Police Department
Complainant Dept.

Personally appeared the above named complainant and made oath that the
above complaint by him/her subscribed is, in his/her belief, true.

DATE June 14, 2010 Kerry Lee Bergeron
Justice of the Peace

JUL - 6 A 8:34