


CRIMINAL COMPLAINT ORIGINAL		DOCKET NUMBER 2247CR000752	NO. OF COUNTS 5	Trial Court of Massachusetts District Court Department	
DEFENDANT NAME & ADDRESS Frederick P Smith [REDACTED]				COURT NAME & ADDRESS Concord District Court 305 Walden Street Concord, MA 01742 (978)369-0500	
DEFENDANT DOB [REDACTED]	COMPLAINT ISSUED 07/11/2022	DATE OF OFFENSE 07/08/2022	ARREST DATE 07/08/2022		
OFFENSE CITY / TOWN Acton	OFFENSE ADDRESS 177 MAIN STREET		NEXT EVENT DATE & TIME 07/11/2022 10:00 AM		
POLICE DEPARTMENT ACTON PD	POLICE INCIDENT NUMBER 22ACT-604-AR		NEXT SCHEDULED EVENT Arraignment		
OBTN TACT202200604	PCF NUMBER	DEFENDANT XREF ID 45407012		ROOM / SESSION Arraignment Session	
The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.					

- | COUNT | CODE | DESCRIPTION |
|-------|-----------|---|
| 1 | 265/15A/A | A&B WITH DANGEROUS WEAPON c265 §15A(b)
On 07/08/2022 did, by means of a dangerous weapon, a PIPE, assault and beat KEVIN MACKIE, in violation of G.L. c.265, §15A(b).
PENALTY: state prison not more than 10 years; or house of correction not more than 2½ years; or not more than \$5000 fine; or both such fine and imprisonment. District Court has final jurisdiction under G.L. c.218, §26. |
| 2 | 265/15A/A | A&B WITH DANGEROUS WEAPON c265 §15A(b)
On 07/08/2022 did, by means of a dangerous weapon, a PIPE, assault and beat PHILLIP VALERI, in violation of G.L. c.265, §15A(b).
PENALTY: state prison not more than 10 years; or house of correction not more than 2½ years; or not more than \$5000 fine; or both such fine and imprisonment. District Court has final jurisdiction under G.L. c.218, §26. |
| 3 | 265/15B/A | ASSAULT W/DANGEROUS WEAPON c265 §15B(b)
On 07/08/2022 did, by means of a dangerous weapon, a PIPE, assault MICHELLE EFENDI, in violation of G.L. c.265, §15B(b).
PENALTY: state prison not more than 5 years; or jail not more than 2½ years; or not more than \$1000. |
| 4 | 265/13A/B | A&B c265 §13A(a)
On 07/08/2022 did assault and beat MICHELLE EFENDI, in violation of G.L. c.265, §13A(a).
PENALTY: house of correction not more than 2½ years; or not more than \$1000 fine. |
| 5 | 272/53/F | DISORDERLY CONDUCT c272 §53
On 07/08/2022 was a disorderly person, in that he or she did, with purpose to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, engage in fighting or threatening, or in violent or tumultuous behavior, or did create a hazardous or physically offensive condition by an act that served no legitimate purpose of the defendant, in violation of the common law and G.L. c.272, §53.
PENALTY: not more than \$150 fine. *An elementary or secondary student SHALL NOT be adjudged a delinquent child for an alleged violation of this offense for such conduct within school buildings or on school grounds or in the course of school-related events.* |

SIGNATURE OF COMPLAINANT 	SWORN TO BEFORE CLERK/MAGISTRATE/ASST. CLERK/DEP. ASST. CLERK 	DATE 7/11/22
NAME OF COMPLAINANT Douglas Mahoney	CLERK/MAGISTRATE/ASST. CLERK X	DATE

Notice to Defendant: 42 U.S.C. § 3796gg-4(e) requires this notice: If you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.



Arrest Report

07/11/2022

Arrest #: 22ACT-604-AR
Call #: 22-13005
Incident #: 22ACT-840-OF

Date/Time Reported: 07/08/2022 @ 1807
Arrest Date/Time: 07/08/2022 @ 1950
Booking Date/Time: 07/08/2022 @ 1950

OBTN: TACT202200604
Court: Concord District
Court Date: 07/11/2022 @ 0830
Reporting Officer: Kevin Gordon

Bail For Court: Concord District
Cash Bail Set 40.00
Cash Bail Set

Set: 07/08/2022 @ 1957

Bail Set By: Matt Day
Bail Paid:

Signature: _____

#	DEFENDANT(S)	SEX	RACE	AGE	SSN	PHONE
1	SMITH, FREDERICK [REDACTED]	M	W		[REDACTED]	[REDACTED]

Military Active Duty: N
HEIGHT: 511 WEIGHT: 260 HAIR: BLOND OR STRAWBERRY EYES: BLUE
BODY: NOT AVAIL. COMPLEXION: LIGHT
DOB: [REDACTED] PLACE OF BIRTH: [REDACTED]
LICENSE NUMBER: [REDACTED] ETHNICITY: NOT HISPANIC
PCF #: NONE

[CONTACT INFORMATION]

Home Phone
Cell Phone



[APPEARANCE]

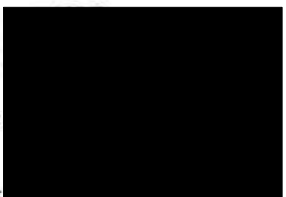
GLASSES WORN: NO

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS:
FATHER'S NAME:
MOTHER'S NAME:

EMPLOYER/SCHOOL:

OCCUPATION:



Arrest #: 22ACT-604-AR
 Call #: 22-13005
 Incident #: 22ACT-840-OF

#	DEFENDANT(S)	SEX	RACE	AGE	SSN	PHONE
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[RIGHTS/BOOKING CHECKS]

RIGHTS ADVISED BY: Raymond Grey DATE/TIME: 07/08/2022 @ 1951
 PHONE USED: Y PHONED DATE/TIME: 07/08/2022 @ 1951
 ARRESTEE SECURED: Y 07/08/2022 1953
 ARRESTEE CELL #: 4

FINGERPRINTED: Y
 PHOTOGRAPHED: Y
 SUICIDE CHECK: Performed
 PERSONS: State&Federal
 NCIC VEHICLE CHECK: Not Performed
 INJURY OR ILLNESS: Y - EYE IRRITATION
 TAKEN TO: Emerson Hospital BY Ambulance

#	OFFENSE(S)	ATTEMPTED	TYPE
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LOCATION TYPE: Specialty Store Zone: South
 DISCOVERY MUSEUM
 177 MAIN ST
 ACTON MA 01720

- | | | | |
|---|---|---|-------------|
| 1 | DISORDERLY CONDUCT
272/53/F | N | Misdemeanor |
| | OCCURRED: 07/08/2022 1807 | | |
| 2 | ASSAULT W/DANGEROUS WEAPON
265/15B/A | N | Felony |
| | OCCURRED: 07/08/2022 1807
WEAPON/FORCED USED: Blunt Object
AGGR. ASSAULT/HOMICIDE: Argument | | |
| 3 | A&B WITH DANGEROUS WEAPON
265/15A/A | N | Felony |
| | OCCURRED: 07/08/2022 1807
WEAPON/FORCED USED: Blunt Object
AGGR. ASSAULT/HOMICIDE: Argument | | |
| 4 | A&B WITH DANGEROUS WEAPON
265/15A/A | N | Felony |
| | OCCURRED: 07/08/2022 1807
WEAPON/FORCED USED: Other
AGGR. ASSAULT/HOMICIDE: Other Circumstances | | |
| 5 | A&B
265/13A/B | N | Misdemeanor |
| | OCCURRED: 07/08/2022 1807
WEAPON/FORCED USED: Personal Weapons (Hands/Feet/Etc) | | |

Arrest Report

01/11/2022

Arrest #: 22ACT-604-AR
 Call #: 22-13005
 Incident #: 22ACT-840-OF

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	MACKIE, KEVIN D [REDACTED]	M	W		[REDACTED]	[REDACTED]
	DOB: [REDACTED] INJURIES: Apparent Minor Injury ETHNICITY: Not of Hispanic Origin RESIDENT STATUS: Non Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 2 RELATION TO: SMITH FREDERICK CONTACT INFORMATION: [REDACTED]					
					Otherwise Known	
2	VALERI, PHILLIP A [REDACTED]	M	W		[REDACTED]	[REDACTED]
	DOB: [REDACTED] INJURIES: Possible Internal Injuries ETHNICITY: Not of Hispanic Origin RESIDENT STATUS: Non Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 3 RELATION TO: SMITH FREDERICK					
					Relationship Unknown	

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
1	MACFADDEN, MOLLY A [REDACTED]	WITNESS	F	W		[REDACTED]	[REDACTED]
	DOB: [REDACTED]						
2	EFENDI, MICHELLE A [REDACTED]	PARTICIPANT	F	W		[REDACTED]	[REDACTED]
	DOB: [REDACTED] CONTACT INFORMATION: [REDACTED]						

I, Officer Kevin Gordon, report the following:

On Friday July 8, 2022, I was working my assigned 1500-2300 shift. At approximately 18:07, Sergeant Grey, Officer Frelick, Officer Monahan, Officer Mixon and I were dispatched to 177 Main Street, The Discovery Museum for the report of an out of control protest. Dispatch informed us that the incident became physical and at least one person had pepper spray. Upon arrival, Officer Monahan and Officer Mixon were speaking with individuals. The situation was calmed down although there still were several people upset, video taping the incident.

I began speaking with a male party later identified as Kevin Mackie. He said he was peacefully protesting baby vaccinations for Covid in front of the museum. A large male party came over and began yelling and screaming at them for protesting. He then began yelling at the cameras and ripping at their signs they were holding in their hands. He then grabbed a three-foot piece of PVC pipe approximately one-inch thick that was being used to hold the sign, striking Kevin on the side of his left knee and left elbow area. There were apparent marks although no serious injuries. Kevin said out of fear for his life, he pulled out his pepper spray, spraying the male party in the face. He said the male party then ran towards the wood line and did not see him again. He described the male as heavy set with a beard wearing a brown t-shirt with "Ranger" written across the back.

Moments later, I heard dispatch inform us they were dispatching fire to the residence of a pepper spray victim. The residence was [REDACTED] which backed up to the parking lot of the Discovery Museum. Officer Frelick responded to the residence while I walked through the woods. I could see a heavy-set male party sitting on the ground in just his underwear pouring water over his face. His face was extremely red as was his chest and left arm. On the ground next to the male party was a brown t-shirt with the word, "Ranger" across the back. The ambulance was just arriving on scene and assisted him as he was having a difficult time breathing. He was able to give me his license identifying himself as Frederick Smith. I asked him what happened today at the Discovery Museum and he said he was at home and heard people protesting with bullhorns. He went over and confronted them and was sprayed with pepper spray. He said he ran home and jumped in the shower and began having a tough time breathing which is when he called 911.

Frederick was loaded into the ambulance where his eyes were continuously rinsed out by the paramedics. After speaking with Sergeant Grey, Frederick was placed under arrest by me, handcuffed in the front, double locked and checked for tightness. The situation was explained to Frederick and he said he understood. He was transported to Emerson Hospital by Acton Fire. I rode in the ambulance while Officer Frelick followed in his cruiser. He was treated at Emerson and eventually released with no injuries. He was transported back to the PSF by Officer Frelick and me, handcuffed behind his back, double locked and checked for tightness. Once back, he was booked per department standard operating procedures by Sergeant Grey. Frederick will be charged with the following:

- **265/15B/A- Assault and battery with a dangerous weapon- PVC pipe**
- **272/53/F- Disorderly conduct**

I later spoke with Officer Monahan and he stated he spoke with another individual on scene. He said while Frederick was swinging the PVC pipe, his knuckles were struck. He was identified as Phillip Valeri. He was checked out by the

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paramedics and Philip later refused any more care. See Officer Monahan's report for further.

Respectfully Submitted By:

Officer Kevin M. Gordon

Acton Police Department

Ref: 22ACT-604-AR

While on the road I heard Communications dispatching units to the Discovery Museum on Main Street for a disturbance. While en route the call was upgraded from people yelling at each other to a physical fight in progress. I requested Communications to start two additional units and ask the Maynard Police if they could send an officer.

When I arrived Officer Monahan and Mixon were on scene and trying to separate the parties involved. Once they were separated Officer Monahan spoke with Kevin Mackie, Phillip Valeri and Michelle Efendi. Officer Mixon was speaking with Molly McFadden an employee at the museum. I overheard Molly telling Officer Mixon that she observed one of the involved hitting another with a plastic pipe. Frederick Smith was later identified as the one who hit Kevin MacKie with the pipe.

Communications advised that a resident of [REDACTED] was requesting EMS for being sprayed with a chemical in the face. I sent Officers Gordon and Frelick to the address.

Officer Monahan had finished speaking with Mackie, Valeri and Efendi. I was briefed by Officer Monahan prior to speaking to the three of them. All acknowledged that Frederick Smith was aggressive when he approached them. Kevin stated he was holding the sign when Frederick tried to pull it away from him. When the sign pulled apart Frederick used one of the plastic pipes to strike him and Phillip. Kevin recalled being hit on the knee and arm with the pipe. Phillip stated he was hit on the hand with the pipe and felt it may have injured a finger. Both Kevin and Phillip requested EMS to check out there injuries. Kevin pointed out the sign he was holding which was in a pile on the main walkway to the museum.

Michelle Efendi gave the same accounting of what transpired. Michelle was unsure if she was struck by Frederick swinging the pipe. She did recall Frederick grabbing her arm and trying to pull her towards him. Michelle was able to break free and move away from Frederick. Michelle informed me two other friends were with them. Both ran away when Frederick was running at them. Michelle advised she was trying to video the incident and will forward it to me.

I was informed by Officer Gordon that Frederick was being transported to the E.D. at Emerson. I advised Officer Gordon to place Frederick under arrest for Assault and Battery with a Dangerous Weapon. Officer Gordon rode in the ambulance and Officer Frelick followed in his cruiser.

I followed Michelle, Kevin and Phillip to the sidewalk across from the museum prior to clearing the area.

Frederick was transported back from the hospital by Officers Gordon and Frelick. At the station he was booked, used the phone and advised of his rights. I offered Frederick an opportunity to provide a statement which he declined. Frederick was placed in cell#4 awaiting bail.

Officer Gordon bagged and tagged Frederick's shirt. It was placed in evidence locker#6.

07-09-2022

I received a call from Michelle Efendi advising she was forwarded several video's showing the incident. Michelle will be forwarding them to me. Additionally, she now recalls Frederick Smith coming at her while

swinging the pipe. Michelle indicated she had to move away in order not to be hit. Michelle wanted to make sure Frederick was charged for grabbing her arm and pulling her towards him.

A complaint will be sought on Frederick Smith at the Concord District Court for:

M.G.L. 265 -13A Assault and Battery - Michelle Efendi

M.G.L. 265 - 15B Assault with a Dangerous Weapon - Pipe -Michelle Efendi

M.G.L. 265 - 15A Assault and Battery with a Dangerous Weapon - Pipe (2cts) Kevin Mackie/Phillip Valeri

M.G.L. 272 - 53 Disorderly Conduct

On July 8, 2022, I Officer Monahan worked the 3:00 P.M. - 11:00 P.M. shift in marked patrol car five while in complete duty uniform. At approximately 6:07 P.M., car eight (Sergeant Grey), car three (Officer Mixon), car fifteen (Officer Frelick), and car seven (Officer Gordon), along with a Maynard officer, responded to the Discovery Museum at 177 Main street for a report of an active physical incident at a protest, with pepper spray being discharged.

Upon my arrival, three individuals were yelling at each other in close proximity. Due to the reports of the physical nature described by dispatch, I immediately separated the parties to deescalate the situation. I spoke with three individuals involved in the assault; the first was Michelle Efendi. I asked Michelle to explain exactly what happened before the officers' arrival. Michelle told me that she and a few others arranged to protest at the Discovery Museum for children receiving Covid-19 vaccinations. Michelle stated that they were peacefully protesting in front of the Discovery Museum. At this time, a heavy-set man with a beard wearing a brown rangers shirt was described as having "destroyed the sign they made and using the pipe to hit several people with." Michelle also stated that this individual grabbed her on the forearm. Michelle indicated that she did not require any medical treatment.

Michelle also said that two more parties, described as females, left the scene out of fear. Michelle did not want to give out the info on the parties as she did not know if they wished to have the personal information distributed.

I then spoke with Kevin Mackie, the individual who discharged his pepper spray. Kevin stated that they also had a peaceful protest interrupted by this individual. Kevin was holding the sign when the individual destroyed it. The sign was constructed of PVC pipe approximately three feet long and about one inch thick. Kevin stated that this pipe struck him. Kevin deployed his pepper spray and sprayed this individual in the face. Kevin said he sprayed him because "he feared for his life." I asked Kevin where he was struck, and he told me that he was struck in the left elbow area; I observed a red mark in this area. The male fled into the woodline after Kevin pepper-sprayed him. Kevin also pointed out to me that he had a scrape on the side of his left knee. I asked Kevin if he wanted any medical attention, but he did not.

After talking with Kevin, Dispatchers advised officers that they received a call from a male party requesting medical attention at [REDACTED] after being pepper-sprayed. Officer Frelick and Officer Gordon found a heavy-set male in his underwear, with a ranger's shirt next to him at this location matching the description. At this time, Officer Gordon and Officer Frelick arrested this individual based on the information we received.

I also spoke with Phillip Valeri, who also stated they were having a peaceful protest. Phillip watched Kevin get struck with the pipe. Phillip walked over to Kevin to assist in defending him, but in the process, he was grazed by the pipe on his left knuckles. Phillip could not confirm if this was intentional or by accident. I asked Phillip if he needed medical attention, and he replied, "yes" at this time, Sergeant Grey requested an ambulance. Phillip signed a refusal to go to the hospital.

After speaking with the parties involved in the initial assault, I talked to Molly Macfadden, the museum's assistant director. Molly stated that she was aware of the protestors and asked them to leave politely. I asked how many times she asked, and she said "many." Molly also confirmed that Kevin was struck with PVC pipe. Molly was in emotional distress as these individuals yelled at her. Molly was not involved in any physical

altercation and did not need medical attention.

At approximately 7:17 P.M. Officer Mixon and I were dispatched back to the discovery museum for the protestors' return. Upon our arrival, the protestors were positioned across the street, standing on the sidewalk. The protest was verbal and did not incite any violence. Sergeant Grey advised that I remain on the scene until the protestors left. See Officer Mixon's report for more information.

The protestors did not comment on if they would return to the area. All units cleared without further issue.

Respectfully Submitted,
PTL. Kyle Monahan
Acton Police Dept.

Respectfully Submitted,
PTL. Kyle Monahan
Acton Police Dept.

On Friday, July 8, 2022, I worked my assigned shift of 1500-2300 hours assigned to the west sector of town in marked cruiser 3. At approximately 1635 hours, Officer Monahan, Sgt. Grey, and I were dispatched to the Discovery Museum for a report of a protest in progress. While in route, dispatch updated responding units that the protest had become physical.

Upon arrival, dispatch also notified us that someone had been pepper sprayed. I spoke to **MOLLY MCFADDEN (DOB [REDACTED])** who is an employee at the scene. Molly stated that there were two men involved in a physical altercation. She described the first man as having a beard and pointed him out on the scene. He was later identified as **KEVIN MACKIE (DOB [REDACTED])**. Molly described the second male individual as heavy-set, wearing a brown Ranger's shirt with sandy hair. The male individual wearing the brown shirt was later identified as **FREDERICK SMITH [REDACTED]**. Molly stated that Kevin was hit by the plastic white pipe that held the protest signs by Frederick. Molly then told me that after Kevin was hit with the pipe by Frederick, he pepper sprayed Frederick.

I then spoke to **DANA O'CONNOR [REDACTED]** who stated that she had the incident on a video recording. I provided Dana with my email address to send the video footage. I then asked Dana what had occurred, and she stated that she came outside when she heard the initial commotion. Dana stated that when she walked out of the building, she observed the two previously mentioned male parties fighting over a white plastic rod. Dana stated that the man wearing the brown shirt had grabbed the flag that Kevin was holding, and Kevin hit the male party with the mega horn. Dana stated that the first physical violence contact was when Kevin hit the other male party with the mega horn. Dana then stated that Kevin had pepper sprayed Frederick, and Frederick had left the scene.

I then spoke to **THOMAS ANDREWS (DOB [REDACTED])** who stated that he witnessed the events as well. Thomas told me that there were 5-6 protestors present. He stated that the employees of the Discovery Museum had asked the employees to leave after they began yelling on the property. Thomas told me that Frederick attempted to grab the sign away from Kevin that he was holding at the time and Kevin sprayed the pepper spray multiple times after Frederick attempted to grab the sign. Thomas stated that Frederick then tried to push Kevin away from him, and that Kevin then hit Frederick with the plastic white pole.

Thomas then told me that as police arrived, he witnessed two female parties leaving the scene on foot. Thomas described the first female party as a White woman in her mid-40s wearing jeans and a black polka-dot shirt with brown shoulder-length hair. Thomas described the second female, who left shortly after the first, as an Asian woman wearing a black shirt.

I also spoke to **GARY AYALA (DOB [REDACTED])** and **GRANT AYALA (DOB [REDACTED])**. Gary and Grant stated that they were outside when the incident occurred. Gary provided me with the same recount of events as Dana, and showed me a video that he recorded on his cell phone. I provided Gary with my email address to send me the footage.

Lastly, I spoke **CHARLIE SMITH (DOB [REDACTED])**. Charlie told me that Frederick had grabbed the sign from Kevin's hands, asking him to leave. Charlie stated that that was when Kevin sprayed Frederick twice, immediately reaching for his pepper spray. Charlie disclosed that she tagged the police department in her video on Facebook.

The Facilities Director, **MART KOOPER (DOB [REDACTED])** arrived on scene, and provided his information.

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Mart did not witness any events.

Respectfully Submitted,
Officer Stephanie Mixon #208