

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

BROCKTON SUPERIOR COURT

BROCKTON DIVISION

COMMONWEALTH

VS.

JACQUELINE M. WHITE

**COMMONWEALTH REQUESTS FOR \$10,000 BAIL TO ENSURE THE
DEFENDANT'S APPEARANCE IN COURT.**

The Commonwealth respectfully requests the Court order the defendant to post **\$10,000 cash bail, along with the pretrial conditions of release, that she stay away and have no contact with Stop and Shop grocery stores. Finally, the Commonwealth requests that the defendant be outfitted with a GPS monitoring device to ensure she remains in Massachusetts and complies with the stay-away order.**

Basis for Requested Pretrial Conditions of Release:

- The Commonwealth respectfully requests that the Court order the defendant to have no contact and stay away from Stop and Shop stores. Should the defendant post bail, the Commonwealth requests that she wear a GPS monitoring device, and the Court orders her to remain in Massachusetts. The defendant traveled across Massachusetts and Rhode Island to carry out her counterfeit couponing scheme. The Commonwealth believes that she stole from other retailer businesses besides Stop and Shop, including Walmart, Walgreens, Starbucks, Petco, Shaws, Hannaford, and CVS. The requested condition of release explicitly addresses the characteristics of the defendant and the indicted offenses. Commonwealth v. Gomes, 73 Mass. App. Ct. 857, 858 (2009).

Basis of \$10,000 Bail Request

The Commonwealth respectfully requests the Court set, under Massachusetts General Law Chapter 276 section 58, a cash bail in the amount of **\$10,000**; the amount of bail is based on the following factors:

Nature and Circumstances:

- The Commonwealth incorporates facts in the "Case Overview." The Commonwealth alleges the defendant perpetrated a lengthy fraudulent couponing scheme that netted her approximately \$27,000 in stolen merchandise.

Potential Penalties:

- The defendant faces the potential of serving fifteen years in state prison for committing organized retail theft, and five years in state prison for committing larceny by false pretense.
- Notably, the Commonwealth believes the defendant's theft exceeds the scope of the indictments, given she frequently referenced stealing from other commercial businesses not included in the indictments. The full extent the defendant's theft will remain unknown. She also committed several thefts in Rhode Island, which the Commonwealth of Massachusetts cannot indict her for.
- The defendant likely profited for several years from this long-running counterfeit couponing scheme. The defendant relied on six different Stop and Shop rewards cards which indicate that between 2019 and 2022, the defendant 'collected' over \$100,000 in discounts from coupons.¹

Ability to Post Bail:

- The defendant sold the merchandise stolen from Stop and Shop online and pocketed the cash earned. Accordingly, the defendant potentially has access to stolen cash which increases her potential to relocate and leave Massachusetts. Furthermore, financial statements and the defendant's admissions indicate she stole from other retailers. Therefore, the requested cash bail is an amount the defendant can afford to post. Commonwealth v. Brangan, 477 Mass. 691 (2017). The Commonwealth requests the amount of \$10,000 cash bail to sufficiently ensure the defendant's appearance in Court and answer to the allegations lodged against her.

Lacks Ties to Plymouth County:

- The defendant resides in Taunton, MA. Abington Police requested Taunton Police interview White regarding allegations she stole from Stop and Shop. Taunton Police indicated they could not locate White and reported that she "often moves around."

¹ Historical Rewards Card Excel Spreadsheet.

The defendant's phone number returned disconnected, and neither Taunton Police, nor Abington Police successfully located the defendant.

- The defendant's lack of employment and valid driver's license further diminishes any solid community connections.
- The defendant recently posted her current home, a 2000 Sandpiper trailer camper, online on Facebook Marketplace. The sale of her home further diminishes her little ties to Massachusetts.

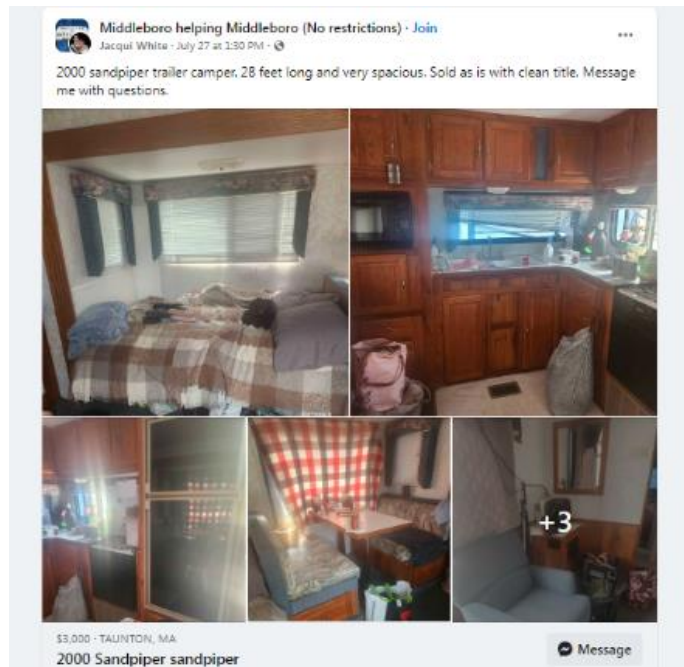


Figure – Trailer Sale Posting

Flight Risk:

- The defendant's Massachusetts Board of Probation record indicates the defendant defaulted twice on criminal matters. The two defaults occurred while the defendant faced charges of motor vehicle homicide.²
- Furthermore, the defendant's actions indicate she flips between using the last name "Schell" and "White," potentially making it more difficult for authorities to locate her should she default. The defendant used a Stop and Shop card under the name "Fiona Frazier." The false name created difficulty for loss prevention officers in identifying the defendant.

² Plymouth Superior Court Docket 02-002.

- The defendant previously failed to provide police with her name, for which she received a continuance without a finding.³
- The Plymouth County Grand Jury issued subpoenas for records related to the defendant's background. These records include Meta Platform, Massachusetts Department of Transitional Assistance, Stop and Shop, Hannaford, and Santander Bank NA. The records demonstrate that the defendant utilized numerous phone numbers, email addresses, debit and credit cards, and addresses. This information demonstrates that if the defendant defaulted, locating her may be difficult. Her little consistency in retaining banks, phones, vehicles, email addresses, and homes means there would be little for investigators to track if law enforcement needed to find her.
- The defendant admitted to frequently traveling outside Massachusetts to commit larceny-related crimes. White stressed to other shoplifters that it was essential for them to avoid "hitting" the same store within a month. As a result, White traveled across Southern Massachusetts and Rhode Island, selecting the stores she would pass fraudulent coupons at. In one social media posting, she referenced traveling and *shopping* in Rhode Island "all the time."

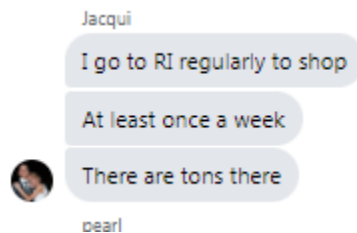


Figure – Trixie Kidd Posting.

Previous Convictions:

- The defendant served committed time for motor vehicle homicide.
- The defendant's record also indicates convictions for larceny-related offenses [uttering].⁴
- The defendant also received a continuance without a finding after shoplifting from a Hannaford's grocery store. The police report indicates Loss Prevention officers recognized the defendant from previous incidents at the same store. The defendant is well known by Hannaford loss prevention officers for repeatedly being caught shoplifting.⁵ The defendant stole from several different Hannaford grocery stores, resulting in the business issuing a lifetime no-trespassing ban against her.

³ Taunton District Court Docket 013-47B.

⁴ Taunton District Court 013-47A.

⁵ 8383-3; 8383-20-SHOPAPC-26.

Subsequently, the defendant violated the restraining order, stole from the store, and got arrested by Taunton Police.

Upon arrival, I met with Asset Prevention Coordinator Daniel Sibulkin. Daniel explained that he witnessed the female party, Jacqueline White, attempt to conceal \$144.89 worth of merchandise (receipt of products uploaded to this report) in several reusable Hannaford bags. Daniel explained that Jacqueline placed the \$144.89 worth of assorted merchandise in the reusable bags and attempted to exit the store without paying. Daniel states he proceeded to confront Jacqueline who admitted to attempting to steal the merchandise. It should be noted that Daniel would inform me that this was not the first time Jacqueline had attempted to shoplift for this particular Hannaford Supermarket.

Figure – Taunton Police Report⁶

Inability to Comply with Orders:

- Stop and Shop loss prevention officers and representatives from the Coupon Information Corporation warned the defendant to cease shoplifting from stores.⁷ She ignored the warnings and continued stealing thousands of dollars in goods from various stores. This information is known because after receiving the warning, the defendant took to social media and shared a screen grab of the email with other shoplifters. She didn't heed the warning, continued to steal, and brought in additional members to the fake coupon forum.

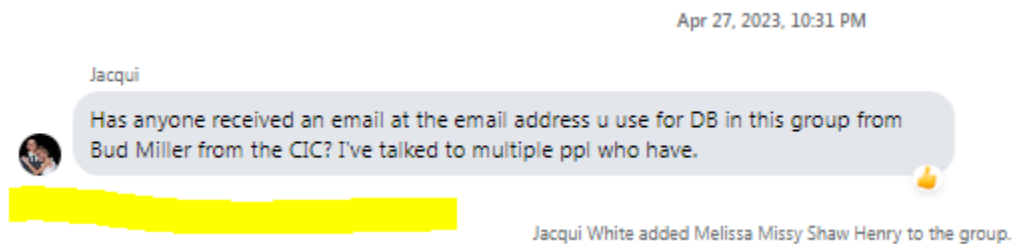


Figure – White Facebook Posting

- The defendant continued driving, despite losing her license due to a motor vehicle homicide.⁸ Several Stop and Shop Asset Protection Officers reported seeing the defendant operating the Chevy Equinox used in the fake coupon scheme. Additionally, the defendant's EBT card reflects repeated purchases of gasoline. These actions increase the likelihood the defendant will ignore orders from the Court.
- The defendant violated a trespassing order and returned to stores she previously had been caught shoplifting at.

⁶ 21TAU-13645-AR.

⁷ CIC Bud Miller Email.

⁸ Dockets 22-1943; 22-387.

- The defendant seems to suffer from an addiction to shoplifting because despite numerous warnings, "close calls" with law enforcement, and arrests, she continues to steal from businesses.

For the above reasons, the Commonwealth respectfully requests the Court set bail at \$10,000 with the listed pretrial release conditions. The Commonwealth has provided all discovery to the defendant and is ready for trial.

Respectfully Submitted,

ADA Alex Zane

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

BROCKTON SUPERIOR COURT

BROCKTON DIVISION

COMMONWEALTH

VS.

CRYSTAL LEE TRAVIS

COMMONWEALTH REQUESTS THE DEFENDANT BE ORDERED TO STAY AWAY
FROM ALL STOP AND SHOP STORES AND OUTFITTED WITH A GPS MONITORING
DEVICE TO ENSURE THE DEFENDANT'S APPEARANCE

Basis of Bail Request

Nature and Circumstances: The Commonwealth incorporates facts in the "Case Overview."

Criminal Record: The defendant has no prior contact with the criminal system.

Pretrial Conditions of Release: The Commonwealth respectfully requests that the Court order the defendant to have no contact and stay away from Stop and Shop stores. This requested condition of release explicitly addresses the particular characteristics of the defendants and the indicted offenses. *Commonwealth v. Gomes*, 73 Mass. App. Ct. 857, 858 (2009). The Commonwealth requests that the defendant be outfitted with a GPS monitoring device to ensure she complies with the stay-away order. Finally, the Commonwealth respectfully requests that the defendant be ordered to remain in Massachusetts for the pendency of this criminal case.

For the above reasons, the Commonwealth respectfully requests the Court release the defendant under the listed pretrial release conditions.

Respectfully Submitted,

ADA Alex Zane

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

**BROCKTON SUPERIOR COURT
BROCKTON DIVISION**

COMMONWEALTH

VS.

**CRYSTAL LEE TRAVIS
+
JACQUELINE WHITE**

**MOTION IN LIMINE FOR MASON TURVEY AND JOHN GREGSON TO IDENTIFY
THE DEFENDANTS IN-COURT**

Pursuant to Commonwealth v. Crayton, 470 Mass. 228 (2014), the Commonwealth requests permission for Mason Turvey and John Gregson to identify the defendants in-court during the criminal trial.

Mason Turvey and John Gregson will identify the defendants in court. Neither individual participated in a pretrial identification of the defendants.

Turvey will testify that defendant White entered the Stop and Shop in Hingham on June 2, 2023, and that he recognized her as "Fiona Frazier." Turvey knew White from when she stole from the same store on April 2, 2023. Turvey documented his findings in a loss incident store report. The defendants were together in this incident. Turvey viewed them in person and over the close-circuit television. On June 2, 2023, the defendants returned to the store, and Turvey remembered them from the earlier date. He watched them in person and on close-circuit television while they presented the cashier with fake coupons. He pulled the video and reported the theft to Hingham Police. Turvey told Hingham Police the defendants stole twice from the store and provided a detailed description of both defendants.

Turvey will identify both defendants as those he watched steal from Stop and Shop.

Gregson previously stopped the defendants in a Quincy Abington from stealing. He observed them in the diaper aisle loading up their carriages with assorted household

cleaning items. He suspected they might try to steal the items. He followed them into the store, watched them select items, and contacted Quincy Police. Quincy Police showed up, and Gregson watched as the defendants dumped their carriages in a side aisle and exited from the side of the store. Gregson recalled this event when he observed the Abington Stop and Shop defendants on June 2, 2023. He immediately recognized them and watched as they passed a bunch of fake coupons to the cashier. He told Abington Police about both incidents. Abington Police memorialized this in their police report. Gregson will identify both defendants as those he watched steal from Stop and Shop.

Respectfully Submitted,

ADA Alex Zane

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

BROCKTON SUPERIOR COURT

BROCKTON DIVISION

COMMONWEALTH

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CRYSTAL LEE TRAVIS

+

JACQUELINE WHITE

CERTIFICATE OF DISCOVERY COMPLIANCE I

Pursuant to Mass. R. Crim. P. 14 (a) (3), the Commonwealth, to the best of its knowledge and after reasonable inquiry, has disclosed and made available all items subject to discovery at this time, other than reports of experts. Mass. R. Crim. P. 14 (a) (1) (A) requires disclosure of the following:

- (i) All written or recorded statements, and the substance of any oral statements, made by the defendant or a co-defendant.
- (ii) The grand jury minutes, and the written or recorded statements of any person who has testified before the grand jury.
- (iii) All facts of an exculpatory nature.
- (iv) The names, addresses, and dates of birth of the Commonwealth's prospective witnesses, other than law enforcement witnesses or subject to a protective order.
- (v) The names and business addresses of prospective law enforcement witnesses.
- (vi) Intended expert opinion evidence (other than evidence that pertains to the defendant's criminal responsibility and is subject to Mass. R. Crim. P. 14 (b)(2)), including the identity, current curriculum vitae, and list of publications of each intended expert witness.
- (vii) Material and relevant police reports, photographs, tangible objects, all intended exhibits, reports of physical examinations of any person or of scientific tests or experiments, and statements of persons the Commonwealth intends to call as witnesses.
- (viii) A summary of identification procedures, and all statements made in the presence of or by an identifying witness that are relevant to the issue of identity or to the fairness or accuracy of the identification procedures.

(ix) Disclosure of all promises, rewards or inducements made to witnesses the Commonwealth intends to present at trial.

Specifically, the Commonwealth has provided the defense with the following items of discovery:

- 1]. Facebook Notes [w/ Commentary]
- 2]. Facebook Postings White, Travis, James White
- 3]. FBI Letter Bud Miller
- 4]. Bud Miller Resume
- 5]. Fifth Third Bank – No Records Confirmation
- 6]. Final Transactions On “Old” Cards
- 7]. GS1 – White Transactions
- 8]. Hannaford Store Reports.
- 9]. Hingham Stop and Shop Surveillance Footage
- 10]. Hingham Police Reports (2)
- 11]. Mason Turvey – Photograph
- 12]. History [Transactions]
- 13]. J White Santander Bank Account Information
- 14]. J White Removed by Rachel Marie [Screen Grab]
- 15]. J White Taunton Police Report (1)
- 16]. Jacqueline White Facebook Account Information
- 17]. Jacqueline White Facebook Registration
- 18]. JP Morgan Response Credit Card
- 19]. Legal Doc ID
- 20]. Master Card Response – No Records Confirmation
- 21]. Numbers For Debit and Credit Cards [Full Numbers – Unredacted]
- 22]. Plainville Stop and Shop Surveillance
- 23]. Stop and Shop Historical Coupon Use
- 24]. Historical Payment Card Compared to Facebook Records
- 25]. Sample Coupons

- 26]. Santander Bank Jacqueline White
- 27]. Santander Letter Re: Master Card
- 28]. Screen Grab White Removed From Our Place
- 29]. State Police Middleboro Report
- 30]. Stop and Shop Store Reports (6)
- 31]. Stop and Shop Excel Spreadsheet
- 32]. Tammy Marie Truth Finder Reports
- 33]. Tender of Plea Taunton District Court
- 34]. Trailer Sale Facebook
- 35]. Transaction Report EBT Card
- 36]. Transactions Identified By Payment
- 37]. White Loyalty Card Transactions
- 38]. Bail Request
- 39]. White Board of Probation Record
- 40]. Travis – No Board of Probation Record
- 41]. White Still Image
- 42]. William Frazier Obituary
- 43]. Yahoo Records
- 44]. Yahoo Account Information
- 45]. Google LLC Affidavit
- 46]. Google LLC Records
- 47]. CVS Transactions
- 48]. D311, etc.
- 49]. CVS Cover Letter
- 50]. CSE Instruments
- 51]. CSE Primer
- 52]. Crystal Travis RMV Records
- 53]. Crystal Travis Facebook Account Records
- 54]. VISA 4328 Transactions

- 55]. Abington Police Report (1 Report)
- 56]. Photograph Hingham Coupons
- 57]. Abington Stop and Shop Surveillance Footage
- 58]. Listing 6 Transactions w/ No POS
- 59]. 34 William Street Carver, MA Clear Search
- 60]. CIC Restitution Guide
- 61]. Rachel Marie Cook File
- 62]. Darkside Glossary
- 63]. DTA Files
- 64]. DTA Correspondence
- 65]. Facebook Market Place Postings
- 66]. JP Morgan Chase Bank Response – No Records
- 67]. James White Facebook Registration
- 68]. James White Facebook Records
- 69]. Sample Coupons
- 70]. Stop and Shop Fraud Reports
- 71]. Yahoo Declaration
- 72]. CIC Background
- 73]. Stop and Shop Historical Account Registrations
- 74]. Fiona Frazier Registration
- 75]. Hingham PD Counterfeit Coupons Photograph
- 76]. Google LLC Records Masonfisherman1020
- 77]. Google LLC Records Faithly25
- 78]. Bank of America Accounts (2) Customer Profiles
- 79]. CIC Collecting Screen Grabs
- 80]. Travis MA RMV Documents
- 81]. Coupon Usage Comparisons [Via Retail Business Services]
- 82]. Google LLC Records Masonfisherman23
- 83]. CIC Coupon Guide – Redemption, Etc.

- 84]. Stop and Shop Internal Review GS1 Barcode Comparison
- 85]. Paypal Account [Via Meta Platform Inc. Internal Documents – Account Name and Linked Credit/Debit Cards
- 86]. Google Pay James White Records
- 87]. Google Pay Jacqueline White Records
- 88]. Indictment Sheets – J White
- 89]. Indictment Sheets – C Travis
- 90]. Re: Extreme Couponers Witness Summonses
- 91]. Grand Jury Notes and Comments Sheet
- 92]. Gregory C. Barrett Notes [Target]
- 93]. Bud Miller – Expert Regarding Coupons Notification
- 94]. Gregory Dinnen – Expert Regarding Point of Sales, Etc. Notification
- 95]. Indictment – White Sheet Listings
- 96]. Facebook Usernames [3]
- 97]. Prior Bad Acts MIL
- 98]. Expert MIL
- 99]. Identification MIL
- 100]. Business Records MIL
- 101]. White/Travis Coupons Passed Versus Rachel Marie Coupons
- 102]. Images White/Travis Coupons Same as Rachel Marie Fake Coupons

The Commonwealth reserves the right to amend this document at any time to continue to comply with its obligations pursuant to Mass. R. Crim. Pro. 14. **Grand Jury Minutes remain outstanding.**

The prosecutor holds an “open file” policy and will permit defense counsel to request a review of my entire file at any point during the pendency of this case.

Respectfully Submitted,

ADA Alex Zane

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

PLYMOUTH SUPERIOR COURT

BROCKTON DIVISION

DOCKET:

COMMONWEALTH

v.

JACQUELINE WHITE

CRYSTAL TRAVIS

COMMONWEALTH'S MOTION IN LIMINE TO ADMIT EVIDENCE OF DEFENDANT WHITE USING COUNTERFEIT COUPONS IN THE PAST TO STEAL MERCHANDISE FROM RETAIL STORES.

Specific Prior Bad Acts:

- **All Coupon Discounts Obtained Under All Stop and Shop Reward Cards [White]:** Defendant White routinely posted online via Facebook [Meta Platform Inc.] under her screenname Jacquelinewhite.1020, that she passed fake coupons at numerous commercial businesses. Meta Platform Inc. provided records according to a Plymouth County Grand Jury subpoena, demonstrating defendant White registered the Facebook account. Defendant White [Posting as "Jacqueline White"] references stealing and/or requesting coupons for Petco, CVS, Walgreens, Walmart, Target, General Dollar Store, and Shaws. The Commonwealth provided copies of defendant White's postings in the "Case Overview."
- **Defendant White's Facebook Postings Referencing Stealing [White]:** Defendant White references utilizing counterfeit coupons before joining Trixie Kidd. Stop and Shop rewards cards associated with defendant White confirm she likely passed numerous bogus coupons outside the timeframe of the indictments. **Defendant**

White's prior rewards cards indicate she received approximately \$107,000 in discounts from "coupons." Google LLC confirmed that the email address Faithly25@gmail.com, linked to rewards card 86673047, belongs to defendant White. Defendant White purchased items under rewards card 1270103698 using credit cards linked to her Bank of America and Santander Bank accounts. [Visa XXXX4897 linked to account XXXX9961; Master Card XXXX9968 linked to account XXXX9958]. [See Bank of America Customer Profile]. Google LLC confirmed that defendant White likely supplied the fictitious name "Fiona Frazier" to activate the email address linked to rewards card 1270103698. Stop and Shop rewards cards 1263647644; 1270103698; 1270721784; 1271088363. These rewards cards relied on Visa Card XXXX4897, matching the card defendant White supplied to Meta Platform Inc. for payments. Defendant White likely passed fraudulent coupons while purchasing items with these reward cards. The final transaction on card #1270103698 **involved the purchase of thirty-five items for the price of just \$4.47.** The final transaction on **card #1271088363 involved the purchase of one hundred and eight items for the price of only \$4.53.** The last transaction on card #**1263647644 involved the purchase of one hundred and seven items for the low price of \$20.71.** [See "History" Excel Spreadsheet – Receipts."].

- **May 26, 2023, Attempted Larceny [White and Travis]:** On May 26, 2023, Stop and Shop Asset Protection Officer John Gregson contacted Quincy Police after observing the defendants lingering in the diaper aisle with grocery carts filled with laundry detergent and household cleaning products. A Quincy Police officer responded in full uniform and slowly walked by the defendants. The defendants lingered inside the store before discarding their grocery carts near the self-check-out aisle and exiting the store's side door. John Gregson calculated that the defendants abandoned approximately \$1,200 of merchandise.
- **Rhode Island Theft: [White and Travis]:** On May 3, 2023, loyalty card **2212719619444 purchased one hundred and twenty-three items for \$564 at a Stop and Shop in East Providence, RI.**⁹ White passed enough fraudulent coupons to exceed the retail price, requiring the store to credit \$3.50 to White's government issued E.B.T. card. **On May 4, 2023, loyalty card 2212719619444 conducted two back-to-back transactions at a Stop and Shop in Pawtucket, RI,** buying two hundred and sixty-two items totaling \$1,264.99.¹⁰ Utilizing fraudulent coupons shrunk the final price to just \$1.97.

The Massachusetts Supreme Judicial Court has held that "[i]t is well settled that the prosecution may not introduce evidence of a defendant's prior or subsequent bad acts to demonstrate bad character or propensity to commit the crimes charged." *Commonwealth v. Barrett*, 418 Mass. 788 (1994) and cases cited. Such evidence, however, "is admissible for

⁹ Location: 1925 Pawtucket Avenue in East Providence, RI; Cashier: 179; Transaction: 361; Time: 9:46 PM.

¹⁰ Location: 368-398 Cottage Street; Cashier 318; Transaction: 191-192; Time: 9:26 PM; 9:45 PM.

other relevant probative purposes.” *Commonwealth v. Cordle*, 404 Mass. 733 (1989). Prior bad acts are admissible to show knowledge, intent, motive, opportunity, or absence of mistake or accident. See *Commonwealth v. Helfant*, 398 Mass. 214, 244 (1986); *Commonwealth v. Imbruglia*, 377 Mass. 682, 695 (1979).

In this case, the evidence that defendant White requested and used counterfeit coupons at various commercial businesses demonstrates her intent and motive. Defendant White sought counterfeit coupons designed to "work" at specific businesses for specific retail items. Defendant White intended to pass the fake coupons to steal from businesses. The social media posts demonstrate that when coupons failed to work for defendant White, she requested new coupons designed to deceive other stores. This evidence shows her intent to rely on counterfeit coupons and use them at whichever stores fell for the trickery. If coupons failed to work, defendant White requested new coupons for specific items. Ultimately, this pattern of deceit demonstrates that she didn't fall prey to a ruse, and she accidentally believed that she obtained legitimate coupons from some third-party vendor online. Defendant White recognized the counterfeit nature of the coupons but continued using them at Stop and Shop. This evidence negates any claim defendant White would have that she accidentally passed bogus coupons. Without this evidence, the finder of fact risks examining the counterfeit coupons and mistakenly believing that, given the counterfeiting quality, defendant White believed the coupons were legitimate. This evidence demolishes the claim that defendant White passed the fake coupons by mistake or accident.

The May 26, 2023, incident demonstrates that the defendants [White and Travis] recognized that passing counterfeit coupons risked alerting Quincy Police to their criminal actions. Acknowledging their intent to commit a crime (larceny, shoplifting, etc.), the defendants abandoned their grocery carts and fled the store. This evidence demonstrates that the defendants recognized their thievery and negates any claim they accidentally passed bogus coupons. The evidence also demonstrates intent and motive - both defendants intended to continue passing counterfeit coupons to escape from stores after only paying a few dollars for merchandise.

Accordingly, the Commonwealth respectfully requests permission from the Court to be permitted to introduce evidence of these prior bad acts at trial.

Respectfully Submitted,

ADA Zane

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

PLYMOUTH SUPERIOR COURT

BROCKTON DIVISION

DOCKET:

COMMONWEALTH

v.

JACQUELINE WHITE

CRYSTAL TRAVIS

**COMMONWEALTH'S MOTION IN LIMINE TO PUBLISH AND ENTER SPREADSHEET
DURING TRIAL.**

The Commonwealth seeks the Court's permission to publish a spreadsheet of the transactions conducted at Stop and Shop using loyalty card 221271969444. The proposed spreadsheet will list the location, date, register, cashier, amount paid, method of payment, coupons passed, and exact time of each fraudulent transaction.

Stop and Shop provided records, under a Plymouth County Grand Jury subpoena, reflecting that between March 10, 2023, and June 22, 2023, defendant White's loyalty card 2212719619444 purchased thousands of products at Stop and Shop stores located in Quincy, Weymouth, Raynham, Plainville, Whitman, Abington, Pembroke, Norwell, Hingham, North Dartmouth, New Bedford, East Providence, Pawtucket, Sandwich, and Brockton. [See "White's Loyalty Card Transaction" Excel Spreadsheet.]The defendants passed numerous counterfeit coupons in all transactions and, in exchange, received outlandish discounts, saving them approximately \$27,000.

The proposed spreadsheet takes data in each transaction POS and combines the information into a single row. The proposed spreadsheet clearly outlines all transactions and provides the finder of fact with a clear, concise bullet point. Otherwise, publishing this spreadsheet is necessary for the finder of fact to avoid reviewing thousands of pages of POS information. The Commonwealth respectfully suggests that this proposed spreadsheet will streamline the trial and provide the finder of fact with a clearer understanding of the allegations. The Commonwealth notes that it intends to enter the POS documents into evidence, allowing the finder of fact to compare and contrast the spreadsheet against the POS data. Entering the original POS transactions further allows the Commonwealth and the Defendant to ask Stop and Shop Keeper of Records [Gregory Dinneen] specific questions about specific transactions.

Accordingly, the Commonwealth respectfully requests that the Court allow the Commonwealth to enter the spreadsheet into evidence at trial.

Respectfully Submitted,

ADA Alex Zane

Plymouth County District Attorney's Office

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

PLYMOUTH SUPERIOR COURT

BROCKTON DIVISION

DOCKET:

COMMONWEALTH

v.

JACQUELINE WHITE

CRYSTAL TRAVIS

**COMMONWEALTH'S MOTION IN LIMINE TO ENTER TRAVIS AND WHITE FACEBOOK
POSTINGS SELLING STOLEN GOODS.**

Now comes the Commonwealth in the above-captioned matter and moves, *in limine*, for an order allowing the Commonwealth to introduce messages and photographs obtained

on Facebook [Meta Platform Inc.]. The Commonwealth seeks to introduce messages collected by the Coupon Information Corporation ["CIC"].

Specifically, the Commonwealth intends to admit messages/comments posted by defendant White, defendant Travis, and James White [Defendant White's husband].

The Commonwealth contends that the messages are admissible. "The requirement of authentication . . . as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims." Mass. G. Evid. § 901(a) (2011). Evidence may be authenticated by direct or circumstantial evidence, including its "[a]pppearance, contents, substance, internal patterns, or other distinctive characteristics." Mass. G. Evid. § 901(b)(1), (4). Fed.R.Evid. § 901(b)(1), (4). A judge deciding the authenticity of a communication sought to be introduced in evidence may look to "confirming circumstances" that would allow a reasonable jury to conclude that this evidence is what its proponent claims it to be. See Commonwealth v. Hartford, 346 Mass. 482, 488 (1963).

The evidence includes - **1). Jacqueline White; James White; Crystal Travis Selling Stolen Goods on Facebook Market Place/Overstock Sale; 2). Defendant White commenting on using counterfeit coupons.**

The Commonwealth acknowledges that the proposed postings stem from the CIC taking screenshots of the messages/comments. However, the Commonwealth respectfully suggests that the format of the messages does not negate their admissibility at the criminal trial. Meta Platform Inc. provided records under a Plymouth County Grand Jury subpoena confirming each defendant/individual registered and activated the involved accounts.

Defendant White's husband posted as "James (Jimmy) White" under the Facebook username "James.White.90. Defendant White held an account under the name "Jacqui.White1020." Defendant Travis held an account under the name "Crystal.Travis.1023." Social media postings show the defendants frequently uploaded photographs of car trunks and grocery carts stuffed with countless stolen goods. The defendants' Facebook display names are "Jacqui White" and "Crystal Lee Travis." [See Internal Ticket 7975925 (3x)]. James White used the display name "James (Jimmy) White."

Furthermore, each account's profiles feature photographs, "about me information," and background information consistent with the defendants/individuals. Finally, the postings involving selling stolen merchandise correlate with the dates involving passing fake coupons. After taking the same items from Stop and Shop, the defendants advertised stolen goods a day or two on Facebook. The items the defendant put up for sale, match items on their Stop and Shop receipts.

The best evidence rule does not forbid the use of ‘copies’ of electronic records (including e-mails and text messages and other computer data files), because there is no ‘original’ in the traditional sense.” Commonwealth v. Salyer, 84 Mass. App. Ct. 346, 356 n. 10 (2013). In Commonwealth v. Purdy, 459 Mass. 442, 449 (2011), the Supreme Judicial Court approved of a reasonable preponderance standard of admissibility of electronic communications because “confirming circumstances” beyond the sender’s self-identification tended to corroborate the authenticity of the message from the apparent author. Looking at the evidence as a whole, the Commonwealth would proffer it has established by preponderance of the evidence that the defendant was in the individual who was engaged in the conversations the Commonwealth intends to introduce. Further, the Commonwealth notes that hearsay rules do not apply as it is an accepted evidentiary rule that “[a]ny extrajudicial statement by a party may be admitted in evidence against [him] by an opponent, and will not be excluded on the ground that it constitutes hearsay.” Commonwealth v. Cutts, 444 Mass. 821, 834 (2005), quoting from Liacos, Massachusetts Evidence § 8.8.1, at 496 (7th ed.1999).

The defendant’s communications should be admitted as well under the doctrine of verbal completeness. In order to be admitted under the doctrine of verbal completeness, the additional portions of the statement must be (1) on the same subject as the admitted statement; (2) part of the same conversation as the admitted statement; and (3) necessary to the understanding of the admitted statement. Commonwealth v. Clark, 432 Mass. 1, 14 (2000). The purpose of the doctrine is to prevent one party “from presenting a fragmented and misleading version of events by requiring the ‘admission of other relevant portions of the same statement or writing which serve to “clarify the context” of the admitted portion.’” Commonwealth v. Garrey, 436 Mass. 422, 436 (2002), quoting Commonwealth v. Carmona, 428 Mass. 268, 272 (1998).

As such, the Commonwealth contends that such evidence should be admissible. The Commonwealth respectfully requests the Court permit the introduction of the Facebook messages/comments at the criminal trial.

Respectfully submitted,

ADA Alex Zane
Plymouth County District Attorney’s Office

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS

PLYMOUTH SUPERIOR COURT

BROCKTON DIVISION

DOCKET:

COMMONWEALTH

v.

JACQUELINE WHITE

CRYSTAL TRAVIS

COMMONWEALTH'S MOTION IN LIMINE TO ENTER BUSINESS RECORDS AT TRIAL.

According to Massachusetts General Laws Chapter 233 Section 79J, the Commonwealth respectfully seeks to enter the following records into evidence at the

criminal trial. The Plymouth Superior Court received copies of the records under a trial subpoena, and each record included a certified/signed certificate. The records include:

- Massachusetts RMV Records [Public/Business Record]
- Bank of America Customer Profile Information
- Santander Bank NA J White Account
- Santander Bank NA J White Transactions
- Yahoo Inc. Email Records
- Google LLC Gmail Records
- Meta Platform LLC [Facebook] Records
- Master Card Records
- Massachusetts EBT/Department of Transitional Assistance Records

The records are relevant and probative for the following reasons:

- Financial Records: Defendant White linked her bank accounts to Stop and Shop loyalty cards used to commit the larceny offenses.
- Email Records: Defendant White linked her email addresses to the Stop and Shop loyalty card used to commit the larceny offenses.
- MA RMV Records: Defendant White and Defendant Travis used a White Chevy Equinox to travel to Stop and Shop grocery stores in Massachusetts and Rhode Island to commit theft. The Commonwealth suggests *Commonwealth v. Parenteau* is not applicable given the indictments do not allege driving without a valid license, etc.
- Meta Platform Records: Defendant White and Defendant Travis posted stolen items for sale on Facebook under their Facebook accounts. Furthermore, defendant White provided Meta Platform LLC with contact information consistent with the information listed on the Stop and Shop loyalty cards.
- EBT Records: Defendant White paid with her EBT card in several fraudulent transactions.

These records are documents businesses keep in the regular course of conducting business. [See Massachusetts Rules of Evidence 803 (6)]. The listed records are relevant and probative as they demonstrate the defendants registered and maintained control of items linked to the Stop and Shop loyalty card.

As a condition to the admissibility of business records, the trial judge may require the party offering the business record into evidence to call a witness with personal knowledge of the facts stated in the record. [G. L. c. 233, § 78](#). See [Burns v. Combined Ins. Co. of Am.](#), 6 Mass. App. Ct. 86, 92 (1978).

The Commonwealth respectfully suggests that a witness should not be required to enter the records into evidence. All records contain minimal information, listing the registered name associated with the bank account, email address, or social media profile. The Commonwealth obtained all records during the Plymouth County Grand Jury investigation re: 003-ExtremeCouponers. The Commonwealth provided copies of the records to the

defendants at their respective arraignments in Brockton Superior Court. Accordingly, the Commonwealth requests that the Court exercise its discretion and allow the documents to be entered at the criminal trial.

In any event, the Commonwealth will ensure a witness from each business will testify should the Court require.

Respectfully Submitted,

ADA Alex Zane
Plymouth County District Attorney's Office

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**COMMONWEALTH'S MOTION IN LIMINE TO ENTER VIDEO SURVEILLANCE WITHOUT A
KEEPER OF RECORD TESTIFYING FROM EACH STOP AND SHOP.**

The Commonwealth respectfully requests that the Court allow Gregory Dineen to testify to the authenticity of three Stop and Shop surveillance videos, which capture the defendants passing fake coupons to cashiers.

Video Recordings - Abington, Hingham, Plainville Stop and Shops

A surveillance video is typically authenticated by having an eyewitness testify that the video is a fair and accurate representation of what the witness saw on the day in question or by having someone testify about the surveillance procedures and the methods used to store and reproduce the video material. Still, a surveillance video may also be authenticated by circumstantial evidence, including its appearance, contents, substance, internal patterns, or other distinctive characteristics. Commonwealth v. Davis, 487 Mass. 448, 466 (2021) (cell phone video of surveillance video sufficiently authenticated by "plentiful circumstantial evidence"); Commonwealth v. Heang, 458 Mass. 827, 855-856 (2011) (store surveillance video properly authenticated by testimony of customer who had been there several hours before shootings, as well as by detective's description of process by which videotape was copied from store's system).

Here, the Commonwealth respectfully suggests that each video captures the interior of a Stop and Shop grocery store. The videos include aisles filled with merchandise, shopping cards, cash registers, and individuals outfitted in Stop and Shop uniforms. Accordingly, the Commonwealth requests that each video be entered during the testimony of Gregory Dinneen. Dinneen will testify that he received the videos from Stop and Shop. Dinneen will also testify that he recognizes the stores in each video.

Respectfully Submitted,

ADA Alex Zane

Plymouth County

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**COMMONWEALTH'S MOTION IN LIMINE TO ENTER GOOGLE EARTH/MAPS
DOCUMENTS**

The Commonwealth seeks permission to enter the following maps/overhead images – and driving distances.

- 11 Highland Street in Taunton, MA.
- Taunton Self Castle Storage in Taunton, MA
- Stop and Shop locations in Rhode Island and Massachusetts
- Stop and Shop Gas Locations

The Commonwealth will use these maps to demonstrate the distances the defendants traveled to commit theft, the location of each theft, and the proximity defendant White used her loyalty card to her home address.

Respectfully Submitted,

ADA Alex Zane

Plymouth County District Attorney's Office