

COMMONWEALTH OF MASSACHUSETTS – PLYMOUTH DISTRICT
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NEWS RELEASE
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**SJC REVERSES DISTRICT COURT JUDGE'S UNLAWFUL DIMISSAL FOR
PEMBROKE MAN WHO CLAIMED HE WAS TOO INTOXICATED TO KNOW HE
WAS ENDANGERING SON**

BROCKTON – The state's highest court reversed a district court judge's improper pre-trial dismissal of child endangerment charges where a Pembroke man was claiming that he was too intoxicated to know walking his son along train tracks was dangerous, Plymouth County District Attorney Timothy J. Cruz has announced.

On August 19, 2013, Halifax Police responded to a report of two people walking on active train tracks near the MBTA station in Halifax. Upon arrival, police found David A. Coggeshall Jr. (DOB: 08/08/63) of Pembroke, walking with his 11-year-old son. Police described Coggeshall as visibly intoxicated and smelling of alcohol. Police also said Coggeshall required the help of his son to walk along the train tracks. The MBTA was notified to disrupt service along the train line and Coggeshall was arrested and charged with reckless endangerment of a child and walking on railroad tracks.

Coggeshall filed a motion to dismiss the reckless endangerment charge, arguing that he was too intoxicated at the time to possess the necessary intent for the charge. Plymouth District Court Judge Kathryn Hand allowed Coggeshall's motion to dismiss. The Commonwealth filed a motion to reconsider, which was denied before filing an appeal and the SJC took the case on its own. Today, the SJC issued an opinion that vacates the district court order and the case has been remanded to Plymouth District Court for trial.

"We are pleased that the SJC has agreed with the Commonwealth's assessment of this case," DA Cruz said. "Mr. Coggeshall's assertion that he was too intoxicated to know that a walk along train tracks with an 11-year-old is a dangerous idea is absurd and the court has recognized that."

The SJC held that the reckless endangerment statute requires subjective intent and that the application for complaint contained sufficient facts to establish probable cause that Coggeshall was aware of the risk he placed his 11-year-old son in by walking on tracks that day. Specifically, the SJC found that the walking on active train tracks while heavily intoxicated and leaning on your 11-year-old child for assistance, presented a "substantial risk of personal injury."

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Additionally, the SJC agreed with the Commonwealth's argument that Coggeshall was aware of the situation when he told police officers that he always walked on the tracks, was holding his son's hand, and that he drank several beers.

Assistant District Attorney Vanessa Madge represented the Commonwealth on the case.

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