

IMPOUNDED

Volume: II  
Pages: 1-241  
Exhibits: 21

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

DISTRICT COURT DEPARTMENT OF  
THE TRIAL COURT

\* \* \* \* \*

IN RE: INQUEST INTO THE DEATH \* Docket No. 2253IN000001

OF PAUL COURTEMANCHE \*

\* \* \* \* \*

INQUEST HEARING  
BEFORE THE HONORABLE SHELBY M. SMITH

APPEARANCES:

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Woburn, Massachusetts  
January 12, 2023

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WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE
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(By Mr. Anderson)		50			
EDELYN ACKERT (By Mr. Harren)	58		80		
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1 (Court called to order.)

2 (10:38 a.m.)

3 MR. HARREN: Your Honor, at this time, the Commonwealth  
4 calls Dr. Adebola Yakubu-Owolewa.

5 DR. YAKUBU-OWOLEWA: Yakubu-Owolewa.

6 MR. HARREN: Sorry.

7 THE COURT: You can step up, ma'am.

8 DR. YAKUBU-OWOLEWA: Thank you.

9 THE CLERK: Please raise your right hand.

10 DR. ADEBOLA YAKUBU-OWOLEWA, Sworn

11 THE WITNESS: I do.

12 THE COURT: Oh, I'm sorry. I just have to step off for one  
13 second, but I'm coming right back.

14 THE COURT OFFICER: Court, all rise.

15 (Pause)

16 THE COURT OFFICER: Court, all rise. Thanks.

17 THE COURT: Okay. You can inquire.

18 MR. HARREN: Thank you.

19 DIRECT EXAMINATION

20 BY MR. HARREN:

21 Q Good morning.

22 A Good morning.

23 Q Would you please state your name and spell both your first  
24 and last names for the record?

25 A Yes. My name is Dr. Adebola Yakubu-Owolewa. My first name

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1 is spelled A-d-e-b-o-l-a. My last name is spelled  
2 Y-a-k-u-b-u - O-w-o-l-e-w-a.

3 Q Where do you work?

4 A I work in the Boston office of the Office of the Chief  
5 Medical Examiner.

6 Q How long have you worked there?

7 A I have been there since July of 2017.

8 Q You're a medical doctor; is that correct?

9 A Yes. I'm a medical doctor.

10 Q When did you obtain that degree?

11 A I graduated from Harvard Medical School in 2013.

12 Q After graduating, what work did you have?

13 A After graduating from medical school, I did a four-year  
14 pathology residency at Beth Israel Deaconess Medical Center.  
15 Then I did my forensic pathology fellowship in -- from 2017 to  
16 2018, from July to June, at the Office of the Chief Medical  
17 Examiner, and then stayed on as a staff medical examiner from  
18 July 2018 onward.

19 Q Can you estimate the number of autopsies that you've  
20 performed?

21 A I've done approximately 1,000 autopsies.

22 Q And the types of autopsies that you've done, is there a  
23 particular type of suspected death that you specialize in, or do  
24 you handle all autopsy investigations into all types of  
25 different deaths?

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1 A I handle all types of autopsies regardless of the potential  
2 cause in their death.

3 Q Have you testified before in court with the Commonwealth as  
4 an expert witness?

5 A I have.

6 Q Approximately, how many times have you done that?

7 A At least, I want to say approximately 10 times, 10 to 15  
8 times.

9 Q And has that all been related to your work for the Office  
10 of the Chief Medical Examiner?

11 A No. I've done primarily my own cases, but if a medical  
12 examiner is no longer working for the Commonwealth of  
13 Massachusetts, I have worked as a substitute medical -- or  
14 expert on those cases as well.

15 Q Do you know what the breakdown is between how many times  
16 you've testified as an expert relative to your own examinations,  
17 and how many times you have testified as a substitute examiner?

18 A So probably about 4 times as a substitute expert on cases,  
19 and probably another 10 times on my own cases.

20 Q Did you have the occasion to conduct an autopsy on Paul  
21 Courtemanche?

22 A I did.

23 Q Do you recall when you did that?

24 A I believe it was January 24th of 2022.

25 Q When you began your autopsy, can you please take the Court,

1 just in a general overview to start with, how you begin the  
2 process of an autopsy?

3 A Okay. So the day will begin with -- after the roster is  
4 set and the cases have been assigned, I will go get the chart  
5 and look at the usually like one-paragraph summary of what  
6 happened to that particular decedent, and -- and so I will then  
7 do the external examination and followed by the internal  
8 examination, and the internal examination is what people think  
9 of as the autopsy.

10 In cases where it could be thought of as suspicious, where  
11 it's possibly a homicide, I will do hair and nails as evidence.  
12 So taking -- clipping the fingernails, saving that in a manilla  
13 envelope, doing the same with -- in terms of like pulling the  
14 pubic hair and pulling the scalp hair, saving those in separate  
15 manilla -- manilla envelopes and a purple top tube for blood.  
16 That's what I would do in terms of collecting evidence.

17 In a case where -- sorry.

18 Q So I was going to say just to break it down a little bit,  
19 slow it down, when you first do the external observation of the  
20 body can you take the Court through the process that you go  
21 through doing the external observation?

22 A Okay. So in a routine case, just like any kind of basic  
23 case where it's not suspicious, not thought to be a homicide, I  
24 will first look at the toe tag to make sure that I am doing an  
25 examination on the right person, and after that, I will take

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1 pictures of the -- so the person is going to be laying with  
2 their back on the gurney. I'll take pictures of the body, the  
3 anterior aspect of the body, and then --

4 Q When you say anterior, what part of the body are you  
5 referring to?

6 A So let's say someone is, like, laying down. Let's say this  
7 is a gurney. If they're laying down on it, their back is on the  
8 gurney. I'm taking a picture of their face, their chest, the  
9 front of their legs, the front of the arms. I will move the  
10 arms to -- to see other sides of it. So those -- that's what I  
11 mean by the front. Assuming like someone is laying on a table  
12 with their back on the table.

13 So -- so then we -- I gather demographic information as I  
14 walk around, take notes of the body habitus, color of their  
15 hair, color of their eyes, whether they have any pierced ears,  
16 that sort of thing, but also noting any signs of disease or  
17 injury. So if there's a gunshot wound, if there's a stab wound,  
18 that is also part of the external examination. If they have a  
19 protuberant belly, that's also part of the examination.

20 And so after I'm done with that view of the front of their  
21 body, in most cases, the medical examiner assistant will turn  
22 the body. So they might just turn the body perpendicular to the  
23 table so I could see the back. If it's a suspicious case or a  
24 homicide, they will turn them fully over, so now their -- their  
25 stomach is on the table. And I can then, again, take pictures

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1 of the back of the body. That's the back of the head, the  
2 back -- the back of the legs, the back of the arms, and taking  
3 pictures -- after I take pictures, I will then take notes of  
4 what I see in terms of lividity or the -- where the blood is  
5 pooling in the body. Do they have any injuries or signs of  
6 disease that I can see? If there are gunshot wounds or stab  
7 wounds, that's also going to be noted and -- and measured. So  
8 that's the external examination.

9 Q In this particular case, the autopsy of Mr. Courtemanche,  
10 did you follow that same procedure?

11 A I did, but the first thing to do is collect evidence. So  
12 before a body is going to be turned or handled, it's important  
13 to take any evidence that you need. And so --

14 Q So that would be the hair pulls, the fingernails, things --

15 A Exactly.

16 Q -- of that nature?

17 A So that would be first before even touching the body too  
18 much.

19 Q Okay.

20 A Yeah.

21 Q Once you did that, in terms of the external observation,  
22 did you follow that same procedure --

23 A Yes.

24 Q -- you just described to the Court?

25 A Yes.



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1 Q Can you please describe to the Court what, if any,  
2 observations you made of Mr. Courtemanche's body as you did the  
3 external observation?

4 A Okay. So he had two gunshot defects to the left eyelid,  
5 and --

6 Q To interrupt you, when you say it's a gunshot defect, what  
7 do you mean by the word defect?

8 A So some people would say wound. I'm just using the word  
9 defect because the wound is actually the entire path of the  
10 gunshot. So like if someone is shot, let's say, in the arm and  
11 it goes through and through, so there are two holes in the arm,  
12 that's actually one wound. It's caused by one projectile.  
13 That's one wound.

14 So the wound is really made up of both that entrance wound  
15 and the exit wound, and the path in between. So it -- I think  
16 it might be easier to call them separate defects while they  
17 belong to one overall wound just so that I would not be thinking  
18 about like, you know, more than one projectile here when we're  
19 talking about the wounds on his face.

20 Q Okay. Thank you.

21 A Yeah.

22 Q And I'm sorry for interrupting you --

23 A No, it's fine.

24 Q -- but I just wanted to make sure that was clear. So --

25 A Absolutely.

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1 Q -- you noted the two defects to his eyelid?

2 A Yes.

3 Q Do you recall which eyelid?

4 A The left.

5 Q Any other observations that you made?

6 A Also externally on the right flank, on like the front of  
7 the right flank, there was also an entrance gunshot wound, and  
8 when he was turned over, it was -- one can also see post -- on  
9 the posterior right flank, there was also a gunshot defect.  
10 So -- so there was one wound path in the right flank and one  
11 wound path, but two defects, at the right eyelid. At the  
12 left -- sorry, left eyelid.

13 Q When you described on the defects on the right flank, I  
14 believe you described the one on the front as being an entrance?  
15 I think you used the term --

16 A Yes.

17 Q -- wound, but probably an entrance defect; is that correct?

18 A That's correct. Entrance defect, yes.

19 Q What about your observations of that defect on his front  
20 right flank made you believe that that was an entrance point as  
21 opposed to an exit wound?

22 A So generally, one can often tell an entrance wound -- an  
23 entrance -- entrance defect from a -- from a exit defect based  
24 on certain characteristics. So usually, the entrance defect is  
25 going -- is going to be round or is going to be such that

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1 there's like a hole of tissue missing. So the tissue has been  
2 pushed through -- the -- the projectile has caused a hole.  
3 Doesn't necessarily have to be round, but it causes a hole,  
4 while for the exit wounds, they tend to be more slit-like, as if  
5 like one can try to push the tissue back together. So it's  
6 almost like on the -- for an entrance, is there that defect that  
7 one can see, like the hole in the tissue, while it's more  
8 slit-like, usually, for the exit wound.

9 Q So your observations of on his right flank, the front and  
10 the back, the front appeared, based on your examination, to be  
11 an entrance defect and the back appeared, based on your  
12 examination, to be an exit defect?

13 A Yes.

14 Q Of the same wound, so to speak, as you provided?

15 A Yes, same wound. So the like -- so these two defects are  
16 related to each other, like relating to the same projectile,  
17 while one is the entrance defect, one is the posterior  
18 defect -- or exit defect. If I could see my autopsy report, I  
19 can also give more description of the entrance and exit defects.

20 Q Well, let me do that just to --

21 A Okay.

22 Q -- pause for a moment --

23 A Okay.

24 Q -- before we get to that.

25 MR. HARREN: Your Honor, may I approach?

1 THE COURT: Yes.

2 BY MR. HARREN:

3 Q I'm handing you a two-page document. Is this part of your  
4 file from the examination?

5 A Yes.

6 Q So the first page is a body diagram where you've noted the  
7 gunshot defects, correct?

8 A Yes, that's correct.

9 Q And then the second page is some of your notations relative  
10 to that diagram?

11 A That is correct.

12 Q All right. Thank you. So can I have that back for one  
13 moment?

14 A Absolutely.

15 MR. HARREN: Your Honor, I'd move to introduce this as the  
16 next exhibit.

17 THE COURT: Is there any objection?

18 MR. ANDERSON: No objection.

19 THE CLERK: Exhibit 37.

20 THE COURT: Thank you.

21 MR. HARREN: Thank you.

22 THE CLERK: Thank you.

23 THE COURT: I'm sorry, what exhibit number is that?

24 THE CLERK: So Judge, we actually -- we pre-marked those  
25 exhibits they spoke about.

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1 THE COURT: Oh, okay.

2 THE CLERK: So they're a bunch of photos that we just  
3 pre-marked because there's a bunch.

4 THE COURT: Okay, so this one --

5 THE CLERK: So this will be 37.

6 THE COURT: -- comes in as 37?

7 THE CLERK: Yeah.

8 THE COURT: Okay. Thank you.

9 THE CLERK: Sorry. I should have mentioned --

10 THE COURT: No, that's okay.

11 THE CLERK: -- that before.

12 (The court reporter marks the Body Diagram as Exhibit 37.)

13 BY MR. HARREN:

14 Q So, Doctor, can you see this on the monitor?

15 A I can.

16 Q In terms of the body diagram, there are four portions on  
17 here that are labeled A, B, C, and D; is that correct?

18 A That is correct.

19 Q A and B, what do those represent?

20 A Those represent defects, gunshot defects, on the left  
21 eyelid and --

22 Q And then -- I'm sorry, go ahead.

23 A No, that's okay.

24 Q What does C represent?

25 A C represents the gunshot defect, the entrance gunshot

1 defect on the front of the right flank.

2 Q What does D represent?

3 A D represents the exit gunshot defect on the posterior, or  
4 back, of the right flank.

5 MR. HARREN: May I approach?

6 THE COURT: Yes.

7 BY MR. HARREN:

8 Q I'm showing you a photo. Do you recognize what's depicted  
9 in this photo?

10 A Yes.

11 Q Actually, I'm going to show you a different photo. Do you  
12 recognize what's depicted in that photo?

13 A Yes.

14 Q What is depicted in that photo?

15 A These are the gunshot defects of the left eyelid/left  
16 eyebrow.

17 Q Thank you.

18 MR. HARREN: Your Honor, I'd move to introduce this as the  
19 next exhibit.

20 THE CLERK: Okay, 38.

21 MR. ANDERSON: There's no objection, Judge. There's no  
22 objection to any of these exhibits.

23 THE COURT: Okay. Thank you.

24 (The court reporter marks the Photo-Gunshot Defects as Exhibit  
25 38.)

1 BY MR. HARREN:

2 Q And so as we're looking at Exhibit 38, there's an A and B  
3 written on Mr. Courtemanche's head; is that correct?

4 A That is correct.

5 Q A represents the lower defect and B represents the upper  
6 defect?

7 A Yes. Or like inferior versus a -- the superior defect,  
8 yes.

9 Q Inferior meaning --

10 A Like just --

11 Q --location --

12 A Yes.

13 Q -- not that it's a less serious?

14 A Absolutely.

15 Q I'm going to show you another photo. Do you recognize --

16 MR. HARREN: Actually, if I could, for simplicity's sake,

17 Your Honor, may I please borrow your stapler?

18 THE COURT: Oh, sure.

19 THE CLERK: Oh, here it is.

20 BY MR. HARREN:

21 Q I'm going to show you a series of three photos.

22 A Okay.

23 Q Do you recognize what's depicted in each of these three  
24 photos?

25 A Yeah. Well, this one, yes. Yes.

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1 Q What's depicted in each of these three photos?

2 A These are closeup photos relating to the gunshot defects of  
3 the right flank.

4 Q So the C and D --

5 A Yes.

6 Q -- defects?

7 A Yes.

8 MR. HARREN: Your Honor, I'd move to introduce these three  
9 photos, collectively, as the next exhibit.

10 THE COURT: Okay.

11 THE CLERK: Okay. Exhibit 39.

12 (The court reporter marks the Three Photos of Gunshot Defects as  
13 Exhibit 39.)

14 MR. HARREN: Thank you.

15 BY MR. HARREN:

16 Q And so as we look at Exhibit Number 39, C is the front, D  
17 is the back?

18 A That's correct. So the decedent is -- his -- his abdomen  
19 is on the gurney.

20 Q That's the first photo we're looking at has both C and D  
21 visible, correct?

22 A That is correct.

23 Q And then when we turn to the second photo, this is  
24 depicting C, which is the front defect; is that correct?

25 A That is correct.



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1 Q And that has the characteristics you were talking about,  
2 about tissue being pushed in; is that right?

3 A Or -- yeah, a hole -- a hole being present for an entrance  
4 wound.

5 Q And then when we turn to the third photograph, that depicts  
6 D; is that correct?

7 A That is -- yes.

8 Q And that has the characteristics of being an exit defect?

9 A It does. Sometimes defects are not going to be textbook,  
10 but yes, D is the exit defect.

11 Q In having a scenario where defects C and D appear to be a  
12 through-and-through gunshot wound, did you then attempt to  
13 determine the trajectory of that wound?

14 A Yes.

15 Q There's that. I'm going to show you another photograph.  
16 Do you recognize what's depicted in that photograph?

17 A Yes. I put a probe through defects -- through the path  
18 connecting gunshot defects C and D.

19 Q Does that appear an accurate depiction of how that probe  
20 appeared?

21 A Yes.

22 Q Thank you.

23 MR. HARREN: Your Honor, I'd move to introduce this as the  
24 next exhibit.

25 THE CLERK: 40. Is it written in here?

1 (The court reporter marks the Photo-Probe as Exhibit 40.)

2 BY MR. HARREN:

3 Q And so that probe shows the trajectory that the bullet took  
4 through Mr. Courtemanche's body?

5 A That's correct.

6 Q Now that I've done that, you asked a few moments ago to see  
7 your autopsy report?

8 A Yes, please.

9 Q Is there something that you don't recall that reviewing  
10 your autopsy report would help refresh your recollection?

11 A Well, if you're -- I guess when you were asking about  
12 specific characteristics of the entrance and -- entrance and  
13 exit defects, looking at my report could, you know, just in  
14 terms of how I described it, it could be helpful in just being  
15 very definitive about what exactly were the characteristics of  
16 those wounds. But it's -- it's okay. I'm -- yeah.

17 MR. HARREN: Your Honor, may I approach?

18 THE COURT: Yes.

19 BY MR. HARREN:

20 Q Handing you a document. Is this a copy of your autopsy  
21 report?

22 A That is correct.

23 Q All right. Please take a look at it --

24 A Okay.

25 Q -- and refresh your memory as needed.

1 A Okay.

2 Q Has that refreshed your memory?

3 A It has, absolutely. Thank you.

4 Q So what more can you tell us about the C and D defects?

5 A Well, so gunshot -- the entrance gunshot defect is oval and  
6 that goes very well along with the idea of there being like a  
7 hole or tissue missing for an entrance wound. For the exit, it  
8 is a little -- it's a little different, so it's not the  
9 characteristic slit-like that one might see, but it's definitely  
10 the exit -- exit gunshot defect.

11 So even though traditionally sometimes one might feel like,  
12 okay, in textbook cases you see specific things or some things  
13 may be there. It's not always a case that -- that gunshot  
14 defects go by the book or exactly what you might read in a  
15 textbook. So -- so even though D is not slit-like, it very much  
16 is consistent with a gunshot exit defect.

17 Q And as part of your examination of defects C and D, did you  
18 conduct any measurements?

19 A Yeah. So I would -- I measure -- for all gunshot wounds, I  
20 will measure the -- where it's located on the body. So  
21 exit -- or entrance gunshot defect C is on the right flank, so I  
22 measured from the top of the head to the location of the center  
23 of the defect. I also would measure how far away it is from the  
24 midline of the decedent's abdomen, and I would also measure the  
25 size of the defect, any characteristics like abrasions around it

1 or lacerations.

2           There -- as we could see on -- in the photos, there was a  
3 large contusion in the area between exit -- exit defect D and  
4 entrance defect C, and so I measured that as well. And then for  
5 exit defect D, I also measured from the top of the head to  
6 the -- to the location or to like the midpoint of the wound, and  
7 then also measured from the midline of the back to the middle of  
8 the wound, and also measured the wound as well and if there are  
9 any abrasions or lacerations near, I measured that as well.

10           So there -- there are several measurements that go along  
11 with gunshot wounds in terms of from -- usually from the top of  
12 the head, depending on the location, but if it's on the leg or  
13 if it's on the arm, it would be from the top of the shoulder or  
14 from above the sole of the foot. But measurement and location  
15 are important for gunshot wounds, as well as the size of the  
16 wound itself.

17           Q     So I'm now turning to the second page of Exhibit Number 37.  
18 These are your notes that -- relative to the examination that  
19 we've been talking about; is that correct?

20           A     That is correct.

21           Q     And so when you measured from the top of Mr. Courtemanche's  
22 head to the center of gunshot defect C, that was 81 centimeters;  
23 is that correct?

24           A     I can't see. I thought my eyesight was better but --

25           THE CLERK: Oh, I'm sorry. Here.

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1 THE WITNESS: I apologize. But absolutely. Yes, 81  
2 centimeters from the top of the head.

3 BY MR. HARREN:

4 Q When you measured from the top of Mr. Courtemanche's head  
5 to the center of gunshot defect D, what was that measurement?

6 A 76.5 centimeters.

7 Q So the distance was greater to C than it was to D; is that  
8 correct?

9 A That is correct.

10 Q What, if anything, does that tell you regarding the  
11 trajectory of the bullet as it passed through Mr. Courtemanche?

12 A It was slightly upward. And this is also, I should say,  
13 all of these measurements or when we think about trajectory,  
14 it's in the normal anatomic position. So the normal anatomic  
15 position -- if -- if it's okay for me to stand up?

16 THE COURT: Sure.

17 THE WITNESS: So the front is this way, with the palms  
18 facing this way. Posterior is this way, where the palm, the  
19 back of the palm is facing backwards. So when I say slightly  
20 upward, it's starting here and going higher, and I also said  
21 front to back. So entering here, exiting here, but that does  
22 not mean he was standing like this when it occurred. Just in  
23 terms of communicating in the report, it's good to -- for  
24 everyone to have the same kind of reference point, but this in  
25 no way says that he was standing in that particular position

1 when he was shot.

2 BY MR. HARREN:

3 Q Understood.

4 A Yeah.

5 Q So you don't know how he was standing at the time that he  
6 was shot?

7 A That is correct. I do not know.

8 Q But the trajectory of the bullet through his body was  
9 slightly upward?

10 A Yes. Yes.

11 Q Similar to C and D, regarding defects A and B, did you  
12 conduct measurements of those as well?

13 A I did.

14 Q And what is your recollection of the measurements of those?

15 A So gunshot defect A is 10.5 centimeters below the top of  
16 the head, so it was along the left eyelid, and gunshot defect B  
17 is 9.5 centimeters below the top of the head, and they're both 6  
18 centimeters to the left of midline. So they're  
19 both -- they're -- they're both in line with each other, even  
20 though they're at different distances on the eyelid, different  
21 positions.

22 Q In describing gunshot defects A and B, I haven't heard you  
23 use the term either being an entrance wound -- or excuse me, an  
24 entrance defect or an exit defect. Are you able to make that  
25 determination about A and B about whether either are entrance or

1 exits?

2 A So -- so in this case, there is no -- like, there's no  
3 ultimate, like, exit wound in terms of the projectile fragments  
4 were found in the head. So there is not like one defect  
5 somewhere on the back of the skull or something. So given that  
6 this all fits with one projectile, what I believe occurred is  
7 that the projectile struck the eyelid, causing gunshot defect A  
8 first, and then as the projectile is traveling -- traveling  
9 backwards, it causes gunshot defect B, then enters the skull.

10 So I -- what I think could have happened is that maybe the  
11 decedent's eyelid was up and there could have been, like,  
12 redundancy in terms of folds, and that's why there are two  
13 defects on the eyelid, so one projectile going through the skin  
14 twice, causing two defects. So causing A first, and then B as  
15 the projectile is traveling backwards.

16 Q In a little bit, I want to get into more detail --

17 A Okay.

18 Q -- about the internal examination of Mr. Courtemanche's  
19 head. Fair to say you found metal fragments inside -- turning  
20 to the autopsy; is that correct?

21 A Yes.

22 Q Based on the number of fragments you recovered, are you  
23 able to say -- or the number or the manner in which those  
24 fragments were recovered, are you able to say that there was, in  
25 fact, one projectile that entered into his skull cavity or that

1 it could have been two?

2 A Oh, it appears that there's only one.

3 Q Okay.

4 A Yeah.

5 Q So that -- also, did that influence your opinion that it  
6 was likely one gunshot wound causing -- excuse me, one bullet  
7 causing both defects A and B?

8 A That is correct.

9 Q Okay. And just to finish off on that, the one projectile  
10 going through would be consistent with Mr. Courtemanche having  
11 his eye opened at the time he was shot, as opposed to closed; is  
12 that correct?

13 A That's what I -- that's what I think that -- and also, the  
14 two defects are on a same position to the left of midline. So  
15 like they're right in line with each other, and I think  
16 that -- I mean, I -- I haven't seen too many cases of someone  
17 being shot, like, you know, so close, like having two gunshot  
18 defects so close together where, you know, like, they're  
19 perfectly lined up like that.

20 And there's also, I think in this case, it is helpful that  
21 there is no exit wound from the skull. So had there been, it  
22 would -- it might be harder to try -- to think about whether  
23 there could have been more than one projectile involved here,  
24 but they're -- the fragments line up with being just one  
25 projectile. The two defects are in perfect alignment on the



1 eyelid, and so I think it's very likely that his eyelid was open  
2 such that there was redundancy of the folds of tissue, and  
3 that's why there are two defects.

4 Because also, the size of gunshot defect A is smaller than  
5 B, so and by it being lower, I think it also could make sense  
6 that the projectile first hit at A when the eye -- when the  
7 eyelid is up and there is redundancy of the folds, then it goes  
8 through B and then continues backward. So I think this is all  
9 consistent with one projectile.

10 Q Thank you. In addition to gunshot defects A through D, was  
11 there anything else on your external examination of Mr.  
12 Courtemanche's body that you saw that you made note of?

13 A I did make note of the abrasion on his back.

14 Q And can you describe what you observed on that?

15 A It appeared to almost be like an irregular, round-shaped  
16 abrasion, where -- like it wasn't even. It -- and so  
17 there -- there were no other abrasions that looked like it, so I  
18 did make note of the distance from the top of the head and the  
19 distance from midline for that -- for that abrasion.

20 MR. HARREN: May I approach?

21 THE COURT: Yes.

22 BY MR. HARREN:

23 Q Going to show you a photo. Do you recognize what's  
24 depicted in that photo?

25 A Yes.

1 Q What's depicted in that photo?

2 A That is the abrasion on the back, which I found to be  
3 irregular in that there's no other abrasion like it, as well as  
4 there was a description in the reports of the decedent being  
5 struck by something. So I thought -- I'm not familiar with that  
6 object, but he also has an irregular abrasion. I'm not sure if  
7 they're connected at all, but I thought it might be good to  
8 document it.

9 Q Okay.

10 MR. HARREN: Your Honor, I move to introduce this  
11 photograph as the next exhibit.

12 THE COURT: Okay. Thank you.

13 THE CLERK: Exhibit 41.

14 (The court reporter marks the Photo-Abrasion on Back as Exhibit  
15 41.)

16 BY MR. HARREN:

17 Q And now I'd like to show you a second photograph. Is that  
18 a closeup of what was just depicted in Exhibit Number 41?

19 A That is correct.

20 Q Thank you.

21 MR. HARREN: I'd move to introduce this, Your Honor, as the  
22 next exhibit.

23 THE CLERK: Okay, 42.

24 (The court reporter marks the Closeup of Exhibit 41 as Exhibit  
25 42.)

1 BY MR. HARREN:

2 Q So looking at Exhibit 41 on the monitor, that gives us kind  
3 of a little bit of broad context for it. It appears to have  
4 struck him almost just right of center of his spine in the  
5 middle of his back; is that correct?

6 A Yeah. I would say, like, closer to maybe, like -- like  
7 upper back, but yeah, just off midline of the back, absolutely.

8 Q And then when we look at Exhibit 42 that's zoomed in, it  
9 appears as though this -- how do you describe this defect or  
10 whatnot on his body? Is that a wound, is that a abrasion? How  
11 would you describe that?

12 A I'm calling it a red abrasion.

13 Q Okay. So the red abrasion appears to come more from the  
14 right side and lessen as it's moving towards the left; is that  
15 correct?

16 A I don't really think of abrasions as moving. So like the  
17 way it, like, just how it is, is just how I would describe it.  
18 Just like -- you know, I always measure the dimensions and one  
19 could say that maybe -- you could say it's discontinuous where,  
20 like, some -- not all the little -- there are some smaller, red  
21 abrasions that don't exactly connect with the largest piece, but  
22 I don't really talk about, like, directions or where abrasions  
23 are moving. I just kind of look at them as it's there, just  
24 measure it, and that's about it.

25 Q Okay. Have you had the opportunity in the course of your

1 experience to review blunt force injuries?

2 A Yes.

3 Q Understanding everyone's body can be a little bit  
4 different, how do blunt force injuries typically appear?

5 A So blunt force injuries can be abrasions or what one might  
6 consider scratches, that kind of thing. Let's say -- it could  
7 be bruises. We call them contusions or bruises that can happen.  
8 Those are also blunt force injuries, and also, lacerations. So  
9 let's say someone has some sort of cut and there's tissue  
10 bridging. That's -- that would be considered a laceration.  
11 Those are three types of blunt force injuries.

12 Q The shape of this abrasion, particularly as to the right  
13 side, does that inform your opinion at all about the shape of  
14 whatever caused that abrasion? Meaning, do you think -- does it  
15 appear consistent with being hit with something shaped like how  
16 he was -- how that abrasion appears, or hit with something that  
17 appeared differently?

18 A I mean, there can be a lot that goes into the shape of a  
19 bruise, so it's probably -- it would probably be speculation as  
20 to try to say well, here's an abrasion, here's a potential  
21 object; could it have caused it. If other people have more  
22 experience with, like, comparing particular objects with  
23 abrasions, then maybe that could be -- you know, that could be  
24 more a question for them, but --

25 Q Are you familiar with what a skip wound is?

1 A A skip wound? I am not. I'm not -- I'm not familiar with  
2 that term.

3 Q Okay. Is there a term or another way of medically looking  
4 at it where, you know, if someone is struck at a 90-degree angle  
5 with the body by whatever, a injury may appear in one manner; is  
6 that correct?

7 A That's -- yeah. Okay.

8 Q If someone were struck by something at, say, a 45-degree  
9 angle or a different angle where -- rather than direct on, could  
10 that affect how the injury appears?

11 A I can see how an angle -- how the difference in angle  
12 could -- could affect the appearance of a wound.

13 Q So in this case, there's evidence that Mr. Courtemanche had  
14 been struck with a large rubber, less than lethal, as it's  
15 described, projectile.

16 A Okay.

17 Q Could that abrasion be consistent with him being struck by  
18 that projectile?

19 A I'm -- I have not seen what -- like, I have not seen -- so  
20 I look -- in reading about the -- you know, the reports for this  
21 case, I have heard that term, but I have not seen the object in  
22 question that's being referenced.

23 MR. HARREN: May I approach?

24 THE COURT: Yes.

25 BY MR. HARREN:

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30

1 Q I'm going to show you what's been previously marked as  
2 Exhibit Number 11. I'd submit to you that there will be  
3 evidence that that is the projectile that was described as the  
4 less than lethal that struck Mr. Courtemanche.

5 A Okay.

6 Q And I'm sorry, I should have put it on the monitor.

7 A Okay.

8 Q So comparing Exhibit 11 to Exhibit 42, do you have an  
9 opinion as to whether or not the abrasion exhibited in Exhibit  
10 42 is consistent with the projectile depicted in Exhibit 11?

11 A I could not talk about that because, like, I don't  
12 know -- I guess, like -- I guess if -- if I could see better in  
13 terms of the dimensions of the --

14 Q Would having the exhibits in hand help?

15 A It could, but I guess -- so the -- so the abrasion does  
16 have a rounded edge to it, so it's possible that the object that  
17 caused it -- or whatever -- whether -- I should -- I should  
18 start over. Whatever caused the abrasion, it could have been  
19 a -- something round. That's possible, given the shape of the  
20 abrasion, but I wouldn't be able to say definitively that it was  
21 this particular object that caused it.

22 Q Okay. Fair to say Exhibit Number 11 that that's a  
23 rubber -- it could deform its shape meaning the projectile  
24 depicted in 11 could deform when it came into contact with  
25 someone or something?

1 A It could deform its shape?

2 Q Yes.

3 A So this would probably be a better question for someone who  
4 is familiar with the characteristics of the object, because I'm  
5 not. This is my first time seeing it. I don't know, like, what  
6 it's made out of or -- and it might be good to see patterns of  
7 it in use. Like previous times where, let's say, the decedent  
8 was wearing a particular clothing. Having, you know, examples  
9 of other people in similar clothing being struck, does it leave  
10 a similar mark? I think --

11 Q So you can't determine?

12 A Yeah. I would not -- I think --

13 Q So that's --

14 A Yeah. Yeah.

15 Q -- I don't mean to cut you off, but --

16 A Sure.

17 Q -- we have your answer.

18 A Yeah.

19 Q Was there anything else externally that you noted about Mr.  
20 Courtemanche in the examination?

21 A He did have some other blunt force injuries, but in terms  
22 of the cause of death and manner of death, they were not  
23 significant, or they did not contribute.

24 Q Those were more minor abrasions; is that correct, those  
25 other injuries that you're discussing?

1 A I wouldn't call them minor, but I would say that there were  
2 other abrasions.

3 Q Okay. How would you describe them then if you wouldn't  
4 call them minor?

5 A Yeah. I just call things like abrasions. Like I usually  
6 don't, like, you know, say -- or instead of using minor, I would  
7 say that it didn't contribute to the person's death.

8 Q Okay.

9 A But -- yeah.

10 Q And does that capture all of your observations of the  
11 external examination?

12 A Pretty much, yes.

13 Q Okay. Turning to the external -- excuse me, internal  
14 examination, did you conduct an internal examination of his  
15 skull cavity?

16 A I did.

17 Q And can you please take the Court through that process?

18 A Okay. So in process do you mean like how it's done or what  
19 I found?

20 Q On a 10,000 foot level, how it's done --

21 A Okay.

22 Q -- and then we'll get into what you found.

23 A Okay. So the medical examiner assistant will reflect the  
24 scalp, which would then reveal the --

25 Q Let me just interrupt you. What do you mean by reflect the



1 scalp?

2 A So the assistant, the medical examiner assistant, will make  
3 a incision between the ears, so from one ear to the other,  
4 generally, and from there, using a scalpel, reflect. So like  
5 move the scalp forward and downward in order to reveal the  
6 skull-cap underneath.

7 Q Okay. Thank you.

8 A So from there, I would take pictures, note any subgaleal  
9 hemorrhage, which is hemorrhages on the -- or contusion on the  
10 underside of the scalp. Also, one can sometimes see skull  
11 fractures, and -- and so that's what I did. And then after  
12 that, the medical examiner assistant will use a saw to separate  
13 the skull-cap from the skull base, and I would then reflect the  
14 skull-cap in order to reveal the brain, take pictures of it,  
15 remove it, and then also look at the skull base.

16 Q And all that occurred regarding Mr. Courtemanche; is that  
17 correct?

18 A That is correct.

19 Q When you conducted that examination what observations or  
20 findings did you make?

21 A So he had a large subgaleal hemorrhage, so it's like a  
22 large bruising to the underside of the scalp, and there were  
23 also fractures of the skull base. And then more internally,  
24 there was a subdural hemorrhage, which is bleeding around the  
25 brain, so between the dura, which is tissue --

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1 Q You know what? Let me pause you there --

2 A Okay.

3 Q -- before we do that. So I'm showing you a photo. Do you  
4 recognize what's depicted in that photo?

5 A Yes.

6 Q What's depicted in that photo?

7 A So that is a skull base.

8 Q And is that where you saw your first description? I'm not  
9 going to do justice to how you described it. Is that part of  
10 your first part of your answer of what you observed?

11 A Well, the -- the skull-cap would have been over this, but  
12 like you -- you -- this is probably the last thing one would see  
13 when they -- after -- so after you remove the brain, you -- you  
14 can see the dura on top of this. Once the dura is removed, you  
15 see this. This is one of the last things you see in the -- in  
16 the head.

17 Q All right. Let me do this.

18 A Okay.

19 MR. HARREN: Your Honor, I move to introduce this as the  
20 next exhibit.

21 THE CLERK: Exhibit 43.

22 THE COURT: Okay.

23 MR. HARREN: Thank you.

24 (The court reporter marks the Photo of Skull Base as Exhibit  
25 43.)

1 BY MR. HARREN:

2 Q So as we're looking at Exhibit Number 43, fair to say the  
3 top of the exhibit is the front on Mr. Courtemanche's face, the  
4 bottom of the exhibit would be the back of his head?

5 A So can you say that one more time?

6 Q The top of the exhibit, so up here where I'm pointing, that  
7 would be towards the front of Mr. Courtemanche, down here where  
8 I'm pointing, that would be towards the back; is that correct?

9 A Yes, that's correct. Yeah.

10 Q All right. Can you please describe to the Court what, if  
11 any, injuries you observed as this part of the examination?

12 A So if you think about this in terms of thirds, the interior  
13 cranial fossa is like the top third, so where we see -- like it  
14 looks like there are like on each side there are like three  
15 cavities, so the topmost one is the interior cranial fossa, and  
16 the --

17 Q That's up here?

18 A That's here, yep. That's the left one and the other one is  
19 the right one. And then the next level down is the middle  
20 cranial fossa, and then going down further is a posterior  
21 cranial fossa, and there's one left and one right. So on the  
22 top left side, the left anterior cranial fossa we see  
23 there's -- there's a hole there. So there's like -- there's a  
24 fracture there, so that is part of the path for the projectile.

25 Q Was there also fracturing that occurred?

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1 A Yeah. So we could see that piece of bone that's sticking  
2 out irregularly, and also, there -- there are fractures along  
3 there. And there's also a fracture that's better seen like  
4 closer up, but along like the middle cranial fossa as well, so  
5 yeah, so there are fractures as well.

6 Q Turning back briefly to Exhibit 38, which is the front of  
7 Mr. Courtemanche with defects A and B, where would that fracture  
8 be that we're seeing in Exhibit 43 that you described?

9 A So like that large defect that we're seeing, you know, the  
10 hole and all that on the left anterior cranial fossa, that would  
11 be behind -- that's generally behind the eye. So after the  
12 projectile goes through gunshot defect A, goes through gunshot  
13 defect B, it passes through the globe of the eye and then  
14 goes -- and it enters the skull through the left anterior  
15 cranial fossa. So like right behind the eye is the left  
16 anterior cranial fossa.

17 Q In addition to the fracture that we were just discussing,  
18 just below it, and it may be hard to see on the Elmo, there is a  
19 more darker red substance. What is that?

20 A So it would just be like hemorrhage or like -- which is  
21 like blood, like --

22 Q Consistent with that wound?

23 A Absolutely.

24 Q You also conducted an examination of Mr. Courtemanche's  
25 brain, is that correct?

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37

1 A That is correct

2 Q And did that occur before or after that examination we just  
3 talked about?

4 A Well, I -- so in order to look at the skull base, the brain  
5 has to be removed.

6 Q Okay.

7 A So I would have removed the brain before being able to have  
8 access to the skull base.

9 Q Okay.

10 A Yeah.

11 Q I'm going to show a photo. Do you recognize this photo?

12 A I do.

13 Q What is that?

14 A So this is we're looking at the bottom of the brain, so  
15 like the top of the brain is down --

16 Q Will you describe it? What is it?

17 A So this is the brain.

18 Q All right.

19 A Yep.

20 Q And based on the case number, is this the brain from Mr.  
21 Courtemanche?

22 A It is.

23 Q Thank you.

24 MR. HARREN: I'd ask that this be marked -- or I move to  
25 introduce this.

1 THE CLERK: 44.

2 THE COURT: It's 44?

3 (The court reporter marks the Photo of Brain as Exhibit 44.)

4 MR. HARREN: Thank you.

5 BY MR. HARREN:

6 Q Okay, Doctor. I had stopped you from describing how we're  
7 looking at it. Now that it's on the monitor, can you --

8 A Okay.

9 Q -- give that description, please?

10 A So, yeah. So we're looking at the brain where the top of  
11 the brain is actually down on the blue board, and what's  
12 sticking out at us is actually the bottom of the brain.

13 Q Okay. As you look at this brain, do you note any injuries  
14 to it?

15 A Yes. So on this case, the way the brain is oriented, what  
16 is on our -- what is on the left in the picture is really the  
17 right side. What's on the right is really the left side of the  
18 brain. And so the top part on the right side, which is actually  
19 the left side of his brain, we see that there is -- the brain is  
20 disrupted over there. And so that's where the projectile  
21 entered, which is the inferior or the bottom aspect of the left  
22 frontal lobe.

23 Q Once you removed the brain did you then slice it and do a  
24 further examination?

25 A Yeah. So -- yep. So after measuring it, like weighing it,

1 and taking pictures, I will then, you know, look at -- look for  
2 any aneurysms and then also cut the brain.

3 Q Showing you a photo. Do you recognize what's depicted in  
4 this photo?

5 A Yes.

6 Q What is depicted in that photo?

7 A These are slices of Mr. Courtemanche's brain.

8 Q Thank you.

9 MR. HARREN: Your Honor, I move to introduce this as the  
10 next exhibit.

11 THE COURT: Okay. 45.

12 THE CLERK: 45.

13 (The court reporter marks the Photo-Slices of Brain as Exhibit  
14 45.)

15 BY MR. HARREN:

16 Q So now I put Exhibit 45 on the monitor. Can you please  
17 orientate everyone to what we're looking at?

18 A So the way I sliced and laid out the brain, basically, so  
19 on the -- so on the leftmost portion, leftmost and -- so like  
20 the left -- the top left corner, that is where the slices start,  
21 so the top left corner is the frontal lobe, and this also is  
22 left is left, right is right, for any of the two pairs. So  
23 there's a -- so just backing up completely, there's a left side  
24 of the brain and a right side of the brain, so the two halves --

25 Q Let me stop you right there.

1 A Okay.

2 Q I'm going to show you the diagram. Is this the diagram of  
3 the brain that we previously discussed?

4 A Yes.

5 MR. HARREN: Your Honor, I move to introduce this as the  
6 next exhibit.

7 THE COURT: Be 46. Thank you.

8 (The court reporter marks the Diagram of Brain as Exhibit 46.)

9 MR. HARREN: Thank you.

10 BY MR. HARREN:

11 Q Turning to Exhibit 46, does that help you in describing the  
12 different parts and sides of the brain?

13 A Yes. So there is a left half, a left hemisphere, and a  
14 right hemisphere of the cerebral -- of the cerebrum, which most  
15 people call the brain. There's also a cerebellum, but for this  
16 case, if we're just focusing on the cerebrum and calling that  
17 the brain, there's a left side and a right side. And then  
18 looking at the picture or the diagram on the left, the  
19 most -- like if you think about the brain in terms of thirds,  
20 the most anterior or the front third is the frontal lobe on each  
21 side. The middle third is a parietal lobe and the posterior  
22 third is the occipital lobe, and then there's an extra lobe  
23 that's kind of like just jutting on the side. That's a temporal  
24 lobe.

25 So the first third, the frontal lobe, middle third parietal



1 lobe, the last third is the occipital lobe with the temporal  
2 lobe jutting on the side.

3 Q Okay.

4 A And so -- yep. You can go back to the other diagram. And  
5 so looking at the diagram --

6 MR. HARREN: Just for the record, we're at Exhibit 45  
7 again.

8 THE WITNESS: Okay. So the -- the way I cut the brain and  
9 laid it out, the top left corner is going to be the frontal lobe  
10 while the -- the bottom right corner is going to be the  
11 occipital lobe. So here we can see that there is injury to the  
12 frontal lobe and it's mostly along the inferior aspect of it.  
13 And as we're -- so the first slice --

14 BY MR. HARREN:

15 Q Again, when you're saying the inferior aspect of it, just  
16 to make it clear, how else would you describe it?

17 A Like the bottom aspect.

18 Q Okay.

19 A Yep. So -- so the first slice we see the frontal lobe and  
20 then the second slice, it's frontal getting towards the parietal  
21 lobe, and by the third slice, we're getting even closer towards  
22 the parietal lobe. And so the middle piece is going to be a  
23 piece that's more parietal -- is going to be parietal lobe, and  
24 now we're at the top right corner. That's definitely parietal  
25 by this point, and we see that there is some injury there.

1           So the first two slices should be mostly frontal lobe.  
2           The -- the tiniest piece and the second piece where you see the  
3           significant damage at the bottom, that's going to be more of the  
4           frontal lobe. By the time you get to the fifth slice, which is  
5           the top right corner, that's a parietal lobe, and we're seeing  
6           some injury there. And so the projectile entered the bottom  
7           aspect of the left frontal lobe and exited the top portion or  
8           the superior aspect of the left parietal lobe.

9           Q     So turning back to Exhibit 46 then for a moment, your  
10          testimony is that the projectile entered the lower portion of  
11          the frontal lobe and exited the upper portion of the parietal  
12          lobe; is that correct?

13          A     That's correct.

14          Q     Now as we're looking at this diagram in Exhibit 46, that  
15          appears to be going upwards; is that correct?

16          A     Looking at that diagram, it does.

17          Q     Can you describe or can you explain whether those facts  
18          that it was on the lower portion of the parietal lobe and the  
19          upper portion of the -- excuse me, the lower portion of the  
20          frontal lobe and the upper portion of the parietal lobe in terms  
21          of how that plays out for an examination whether or not that  
22          speaks to a trajectory?

23          A     I did not include that in the trajectory because if you  
24          look at the skull base, like the brain -- so this is  
25          just -- this is a diagram, but the brain isn't, like, isn't

1 sitting that way. Like it's -- so for example, like the brain  
2 is more tilted than that when sitting --

3 Q Tilted which direction?

4 A So it's tilted with like the frontal lobe is even like a  
5 little bit higher up. Like so if you were like to rotate your  
6 diagram -- let's see. Yeah. So it's -- so it's not -- so  
7 the -- the inferior -- the bottom portion of the frontal lobe is  
8 not sitting like -- like vertically, like horizontally, so that  
9 I did not include it in the trajectory.

10 Q And that's how the brain sits inside the skull cavity,  
11 correct?

12 A That's correct.

13 Q So as I'm standing here standing upright, describing that  
14 as how my brain would be sitting in my head, correct?

15 A Yes, yes.

16 Q But that assumes that I'm standing upright, correct? In  
17 terms of that's the angle of the frontal lobe where you said the  
18 frontal lobe is not perfectly horizontal is when we look at  
19 Exhibit 46 as we would a sheet of paper --

20 A Yeah, yeah.

21 Q -- the frontal lobe appears to be level or horizontal with  
22 the bottom of the paper, correct?

23 A That's correct.

24 Q But as I'm actually standing here, my frontal lobe is at an  
25 angle. It's not perpendicular to -- or excuse me, parallel to

1 the floor?

2 A That is correct.

3 Q Recording Mr. Courtemanche, you don't know what position he  
4 was standing at the time that he was struck with the bullet; is  
5 that correct?

6 A Yes. I don't know the position of his body, and I don't  
7 know if -- if he were standing at all.

8 Q So the position of his body could affect any kind of  
9 trajectory in terms of how his head is positioned or tilted in  
10 terms of whether or not that's a trajectory?

11 A I -- I wouldn't say -- well, I mean, so overall, how a  
12 person's body is positioned can affect the trajectory, but in  
13 normal -- but if I'm using the normal anatomic position, like it  
14 shouldn't -- it shouldn't affect things. Like -- like so what  
15 I'm trying to say is for the normal -- for the normal anatomic  
16 position I would not say that that trajectory is upward in terms  
17 of how the projectile moved in his head. And -- and given that  
18 that's the case in normal anatomic position, I guess I'm not  
19 seeing a way that it would be different no matter how he was  
20 positioned.

21 Q Well, could it be manner which he was -- his body was  
22 positioned, whether he was standing or not standing? But if  
23 someone is standing over somebody, their head is going to be in  
24 a different position and then there's a further factor of what  
25 position the bullet is coming at them from? So I guess what my

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1 point is, is if someone is standing in the normal anatomical  
2 position and they are shot directly straight in the eye, as  
3 we're discussing here, this wound is consistent with the bullet  
4 going in a straight trajectory kind of almost like a level  
5 trajectory? Would you agree with that based on what you said?

6 A Well, I think I need to correct a few things. So I think  
7 your -- like in -- in --

8 Q Perhaps, I'm oversimplifying it.

9 A Well, but I guess like in the way that you -- so you asked  
10 a question, but there's a lot leading up to it. So you said  
11 that like we're talking about him being shot straight into the  
12 eyes and then going backwards.

13 Q Let me --

14 A Okay.

15 Q I apologize for interrupting you. Let me ask maybe a  
16 better question.

17 A Okay.

18 Q What you were talking about in terms of your assessment of  
19 the path of the bullet through his brain assumed the normal  
20 anatomical position; is that correct?

21 A That is correct.

22 Q Do you know what position Mr. Courtemanche was in at the  
23 time that he was struck?

24 A I do not know.

25 Q Okay. I think that's probably a better way to ask.

1 A Okay. Okay. Thank you.

2 Q In the course of your examination, did you review a  
3 toxicology report for Mr. Courtemanche?

4 A I did.

5 MR. HARREN: Your Honor, may I approach?

6 BY MR. HARREN:

7 Q I'm handing you a report. Do you recognize this report?

8 A I do.

9 Q And what do you recognize that report to be?

10 A This is -- so these are -- this is a toxicology report for  
11 Mr. Courtemanche, and --

12 Q So I'm going to stop you there.

13 MR. HARREN: Your Honor, I move to introduce this as the  
14 next exhibit.

15 THE CLERK: Exhibit 47.

16 (The court reporter marks the Toxicology Report as Exhibit 47.)

17 BY MR. HARREN:

18 Q All right. Now I'm going to give you back Exhibit 47 and  
19 what did that report reveal and how did the contents of that  
20 report affect your examination, if at all?

21 A So the report reveals -- so it says benzodiazepine screen  
22 is positive, cannabinoid screen is positive. There's Delta-9  
23 THC at 13 nanograms per milliliter, Delta-9 Carboxy THC at 24  
24 nanograms per milliliter. There's also nicotine and cotinine  
25 detected as well.

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1 Q So those various substances that you just described that  
2 were present in Mr. Courtemanche's body, in your medical  
3 opinion, did any of those affect his cause or manner of death?

4 A No.

5 Q As part of the investigation for the autopsy, the Office of  
6 the Chief Medical Examiner routinely requests various medical  
7 records; is that correct?

8 A Sorry? Can you repeat your question?

9 Q As part of the investigation to the autopsy, the Office of  
10 Chief Medical Examiner routinely requests additional medical  
11 records, if it's from the hospital the person was received from  
12 things of that nature?

13 A It depends. In some -- in some cases, yes. Some cases  
14 it's not available, but it's one thing that can be part of the  
15 overall investigation, but it's not always present.

16 Q In this particular case of Mr. Courtemanche, was it  
17 present?

18 A Yes.

19 Q And so there were records that were received from both  
20 Lahey Hospital from January 23rd of 2022; is that correct?

21 A I don't recall the exact date when they were received or  
22 like when he was treated.

23 Q Let me do this. I'm showing you a packet of documents.

24 A Okay.

25 Q Do you recognize this packet of documents?

1 A Yes.

2 Q What do you recognize those to be?

3 A These are records for Mr. Courtemanche. After he was shot,  
4 he received care.

5 Q And that's from the Lahey Hospital in Burlington; is that  
6 correct?

7 A That is correct.

8 Q Thank you.

9 MR. HARREN: Your Honor, I move to introduce this as the  
10 next exhibit.

11 THE COURT: Thank you.

12 THE CLERK: Be 48.

13 THE COURT: 48.

14 (The court reporter marks the Lahey Hospital Records as Exhibit  
15 48.)

16 MR. HARREN: Thank you.

17 BY MR. HARREN:

18 Q And in addition to the Lahey Hospital records, do you  
19 recall whether or not there were records from Holy Family in  
20 Methuen that were received?

21 A I don't recall, but I'll -- I will definitely look at the  
22 records.

23 Q I'm going to show you a packet of documents.

24 A Okay.

25 Q Take a look and see if that helps refresh your



1 recollection?

2 A Yes. Yeah.

3 Q So does that help refresh your memory?

4 A Absolutely, yes.

5 Q So do you recall reviewing these records as part of your  
6 examination?

7 A Yes.

8 Q Okay. So what are those records?

9 A So these records are from a previous visit to -- to Holy  
10 Family Hospital and they do include psychiatric notes,  
11 and -- yeah. So like --

12 Q And those are for Mr. Courtemanche; is that correct?

13 A Oh, that's correct. That's correct.

14 Q Thank you.

15 MR HARREN: Your Honor, I move to introduce this as the  
16 next Exhibit.

17 THE COURT: Okay. This 49? Thank you.

18 (The court reporter marks the Packet as Exhibit 49.)

19 BY MR. HARREN:

20 Q Based on your external/internal examinations, as well as  
21 the records that you reviewed in this matter, did you form an  
22 opinion as to the manner and cause of Mr. Courtemanche's death?

23 A I did.

24 Q What was that opinion?

25 A So in terms of the cause of death, gunshot wounds of head

1 and torso. And then in terms of manner, homicide.

2 Q Okay. Thank you.

3 BY MR. HARREN: Your Honor, I have no further questions.

4 THE COURT: Do you have any questions for the medical  
5 examiner?

6 MR. ANDERSON: Yes.

7 CROSS-EXAMINATION

8 BY MR. ANDERSON:

9 Q Morning, doctor. My name is Kenny Anderson. I represent  
10 Officer Miedico in this proceeding.

11 A Good -- good morning.

12 Q So there's two different gunshot wounds, correct?

13 A That's correct.

14 Q One to the flank, and then one to the eye?

15 A That's correct.

16 Q And you can't tell us from performing your autopsy which  
17 wound occurred first, correct?

18 A Yes. I cannot do so.

19 Q And you can't tell us the sequence in terms of if one wound  
20 was 5 seconds after, 10 seconds after, or a millisecond after,  
21 correct?

22 A That is correct. I do not speculate as to, like, when they  
23 occurred.

24 Q But to a reasonable degree of medical certainty, can you  
25 give us an opinion as to what the impact of each of those wounds

1 have been on the decedent?

2 A What do you mean?

3 Q Well, someone shot through the flank --

4 A Uh-huh.

5 Q -- is that a wound that you would expect would immediately,  
6 you know, render them dead; cause their death?

7 A So -- so it really depends. So like, not all wounds to the  
8 flank will be the same. So in this case the wound to the flank  
9 didn't hit bone, it didn't hit a major organ. And so it really  
10 went through skin, tissue -- like, soft tissue, and went out  
11 through the skin.

12 So this one -- the wound to the flank would've been much  
13 less devastating. And it's possible for the average person, who  
14 is not on blood thinners -- it would not be an -- it would not  
15 be an immediately fatal wound. The gunshot wound that struck  
16 the eye and entered the brain could lead to a person dying.

17 And like, it - it's more -- it's a more catastrophic injury  
18 than the wound to the flank.

19 Q So if the injury to the flank happened first, is it fair to  
20 say that that individual would likely be able to continue  
21 to -- if they were chasing somebody pursuing something,  
22 continued to walk forward with the wound to the flank, it  
23 wouldn't immediately immobilize him, correct?

24 A So -- okay. So I don't know the order of the wounds, when  
25 they occurred.

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52

1 Q So I'm just asking you to state the wound --

2 A Okay.

3 Q Just pretend that --

4 A Uh-huh.

5 Q -- the gunshot to the head never happened. Just talk  
6 about --

7 A Okay.

8 Q -- the wound to the flank.

9 A Absolutely.

10 Q I'm shot through the flank, and I'm chasing with you a  
11 knife. I'd still be able to proceed towards you for a period of  
12 time, correct?

13 A It is possible that a person could still -- could still  
14 move while having this particular gunshot wound to the flank.  
15 There was no -- no organ -- like, if -- if -- besides the skin  
16 being considered an organ, there was no major organ that was  
17 struck. The spine was not struck, which could possibly lead to  
18 someone losing the ability to move. That -- that did not happen  
19 here.

20 I did not see scene photos, but I would not expect massive,  
21 immediately blood loss. So I -- I believe it is possible that a  
22 person can still be moving -- if they -- if the only wound that  
23 they had was the gunshot wound to the right flank.

24 Q Okay. Now let's take the flank injury out of the picture.  
25 Just talk about the gunshot wound to the eye. What would you

1 expect the impact to be on someone's ability to continue to walk  
2 to pursue somebody?

3 A I tried -- like, I tried not to be definitive. But I -- I  
4 mean, I could -- I mean, the frontal -- a bunch of the frontal  
5 lobe on the left side, there was significant damage there. I  
6 think it's possible that a person would not continue moving or  
7 not continue moving for long after having that gunshot wound to  
8 the head.

9 Q And in terms of the trajectory, you agree that the  
10 trajectory for the wound to the flank is going in an upward  
11 trajectory?

12 A I would say that the overall direction was front to back.  
13 And I called it slightly upward. So it wasn't much of a  
14 deviation upward.

15 Q Okay. And again, you don't know the body position of the  
16 descendent, correct?

17 A That is correct. So this is all in normal anatomic  
18 position. I do not know where -- how he was positioned at all.

19 Q And you don't know the body position of the law enforcement  
20 officer who discharged that gun, correct?

21 A That is correct.

22 Q But if we were to hear testimony that the officer who  
23 discharged that shot had been walking backwards, had fallen, and  
24 then hit their head, and was firing from the ground, that upward  
25 trajectory would be consistent with somebody firing upward from

1 the ground; would it not?

2 A It's possible.

3 Q Okay. And if there was medical records introduced that  
4 that officer, on page 5 of the records, was noted to have a  
5 small hematoma noted an occiput, O-C-C-I-P-U-T, without any bony  
6 tenderness or deformity. What is the occiput?

7 A So the occiput is the back of the head. So in the diagram  
8 that had, like, the back third of the brain being the occipital  
9 lobe, the portion of the scalp in the back of the head, like,  
10 lower back of the head, that would be considered the occiput.

11 Q And if someone were to fall backwards on the back of the  
12 head, that's the part of the head that would hit the ground,  
13 most likely?

14 A Sorry, can you the question again? I'm sorry.

15 Q If the officer was walking backwards, and fell, and hit the  
16 ground, the occiput would be the part of the head that would  
17 strike the ground?

18 A I mean, in -- in -- according to the medical description  
19 that you had, then that would've been the part. But for anyone  
20 who just falls, it doesn't necessarily have to be that part.  
21 But people -- yeah.

22 So hitting the lower back of the head, that's where that  
23 hematoma, or that contusion, likely came from. But for everyone  
24 who falls on the back of their head, they don't have to  
25 necessarily hit their occiput.

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1 Q And in terms of the toxicology screen that was  
2 conducted -- if I could just put this up here and ask you a  
3 couple questions. The Delta-9 THC, what is that?

4 A That is the -- that is an active component or metabolite of  
5 cannabis.

6 Q And the reading itself there of 13 nanograms to a  
7 megaliter. Is that what that is?

8 A Milliliter.

9 Q Milliliter.

10 A Uh-huh.

11 Q Can you put any quantification with that? Is that a high  
12 level, a low level, a medium level?

13 A I mean, I think in thinking about how people react to  
14 whether, you know, medications or drugs -- it's really -- that  
15 might be more of a clinical question, how that person might  
16 react or how -- if it's high for them. And also, people who use  
17 medicine, or illicit drugs, or any drugs in general, they might  
18 have a tolerance.

19 So evaluating levels might be -- might not be -- it might  
20 be more of a clinical question -- someone who knows that person  
21 and how they behave. But I do not feel -- this was not a,  
22 like -- a very high level. And it was not something that I  
23 believe contributed in terms of the cause of death.

24 Q Oh, no, no. I'm not trying to say that --

25 A Okay.

1 Q -- it was a marijuana overdose.

2 A Uh-huh.

3 Q I'm just saying, you can't give us any opinion in terms of  
4 how that may have impacted his behavior --

5 A Oh, no, no, no.

6 Q -- that level?

7 A No. I think how any medication, or drug, or illicit  
8 substance would affect someone -- I think that's more of  
9 a -- within the clinical realm.

10 Q Right.

11 A And probably someone who actively treated the person when  
12 they were alive, might be a better person to ask.

13 Q Okay. And if I were to ask you the same question about the  
14 Delta-9-Carboxy THC, would you give the same answer --

15 A So --

16 Q -- that you couldn't give us, to a reasonable degree of  
17 medical certainty, any opinion as to how they would impact his  
18 behavior.

19 A So the Delta-9-Carboxy THC is an inactive metabolite of  
20 cannabis. So being inactive, one probably wouldn't much stock  
21 in that at all. But how drugs, medications, any illicit  
22 substance would affect someone, that should be more on the  
23 clinical realm. Because every person might have a different  
24 tolerance, and different use pattern. But inactive metabolites,  
25 people usually don't even consider.



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1 Q Okay. And then the benzodiazepine that was positive, what  
2 would that drug be prescribed for?

3 A So benzodiazepines -- so it says here, the benzodiazepine  
4 screen was positive. So -- but we don't see any benzodiazepines  
5 being detected. So sometimes screens can be positive, but the  
6 lab didn't detect any particular benzodiazepine being present.

7 Q Okay. In terms of the height and weight of --

8 A Uh-huh.

9 Q -- the decedent, is that something that you made note of?

10 A Absolutely, absolutely.

11 Q And do you recall what that was?

12 A I -- I recall that he was 5'10". I don't recall his  
13 weight.

14 Q Okay. And if I could just approach.

15 A Absolutely.

16 Q You agree with me that --

17 A Yep. 5'10", 228 pounds, as is. So as is, is  
18 when -- if -- for cases that are possible homicides, any  
19 clothing that they have on at the time is left on them. And  
20 then so they're -- they're weighed in whatever hospital gurney  
21 or clothes they have.

22 So these are also -- so as -- those as is measurements are  
23 based on whatever he had on at the time. So his true weight  
24 could have been less than 228. And -- and if he we wearing  
25 shoes, he -- that would've been -- his height could've been less

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1 than 5'10". But given how he came into the office and was  
2 measured, given the protocols that we have, that's  
3 the -- that's -- our measurements are 5'10" and 228 pounds.

4 MR. ANDERSON: Okay. I have no further questions.

5 THE COURT: Anything further?

6 MR. HARREN: No, thank you, Your Honor.

7 THE COURT: Okay. Thank you, Doctor.

8 THE WITNESS: Thank you very much.

9 THE CLERK: Your Honor, Commonwealth calls Edelyn Acker to  
10 the stand.

11 THE COURT: Okay.

12 THE CLERK: Please raise your right hand.

13 EDELYN ACKER, SWORN

14 THE WITNESS: I do.

15 MR. HARREN: Proceed?

16 THE COURT: You may inquire.

17 DIRECT EXAMINATION

18 BY MR. HARREN:

19 Q Good morning.

20 A Good morning.

21 Q Would you please state your name and spell both your and  
22 last names for the record?

23 A My name is Edelyn Acker, E-D-E-L-Y-N, A-C-K-E-R.

24 Q Where do you work?

25 A I'm employed at the Massachusetts State Police Crime

1 Laboratory, assigned to the criminalistics unit.

2 Q And what is your position within that unit?

3 A Currently, I'm a forensic scientist III, which is a  
4 supervisor in the criminalistics unit.

5 Q How long have you worked for the Mass crime lab?

6 A Approximately 15 years.

7 Q What positions have you held within the crime lab?

8 A I started as a forensic scientist I, which is a training  
9 position. And then once I was confident and authorized to  
10 perform case work, I was then promoted to a forensic scientist  
11 II, which is a case working analyst. And then, I believe, in  
12 2013, that was when I was promoted to supervisor.

13 Q What types of work do you do in the criminalistics unit?

14 A In the criminalistics unit, we are assigned various items  
15 of evidence that are submitted from various agencies. I perform  
16 biological fluid testing, gunshot residue testing, blood stain  
17 pattern analysis, trace identification and collection. I also  
18 respond to crime scenes, and then write reports, and testify  
19 when needed.

20 Q Prior to, or as part of being hired for the crime lab,  
21 what's your educational background?

22 A I have a bachelor's in science degree from the Catholic  
23 University of Puerto Rico in biology, and I also have a master's  
24 of science in biotechnology from Johns Hopkins University.

25 Q Each of those different areas that you just mentioned you

1 do work for in the crime lab, have you received on the job  
2 training for that?

3 A Yes. At the time of my employment, I underwent  
4 approximately one year in-house training program, which  
5 consisted of in-house presentations, case working scenarios,  
6 mocks cases, practical examinations, and written examinations.  
7 And at the conclusion of my entire training, then I was issued a  
8 comprehensive written examination, a lab practical, and then I  
9 went through a mock-court testimony.

10 Q Since that initial training period, do you go to annual or  
11 other types of continuing education and training?

12 A Yes. I do continuing education for blood and stain pattern  
13 analysis. I've also done several workshops throughout the  
14 course of my career. And then we also are issued an annual  
15 proficiency testimony for all of the disciplines that we are  
16 authorized to perform testing on.

17 Q I believe you mentioned it, but part of your -- or  
18 actually, before I ask you that, the Massachusetts State Crime  
19 Lab is accredited; is that correct?

20 A That's correct.

21 Q And who's it accredited by?

22 A That's the Asclad Lab ISO Organization.

23 Q Of the different types of testing that you'll do at the  
24 lab, do you ever test articles of clothing, looking to see if  
25 there's gunshot residue on it?

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1 A Yes. I'm currently authorized for gunshot residue testing.

2 Q What is gunshot residue?

3 A Gunshot residue is a collection of residues that are  
4 resulting from the discharge of a firearm.

5 Q So can you break that down further? How does residue come  
6 out as part of a firearm being discharged?

7 A So as part of the firearm being discharged, a cloud of  
8 residues, particles, are expelled from the firearm in several  
9 different directions, whether it's forward or area the ejection  
10 port of the firearm. So some of these residues can include  
11 unburned particles, partially-burned particles, and completely  
12 burned particles. Along with metallic fragments due to the  
13 projectile, and also propellants can be expelled from there as  
14 well, along with several items -- or particles and residues.

15 Q Those particles and residues, what chemicals are those?

16 A The one that we specifically do testing for is a residue  
17 called nitrites.

18 Q And that's an ingredient of gunshot powder, or is  
19 that -- how does nitrates play into gunshot residue?

20 A So nitrites, specifically, are the result of partially  
21 burned gun powder. So this nitrite particle will land on the  
22 target. So it's due to partially-burned gun power particle.

23 Q And so there's testing that is able to be done, where you  
24 can determine whether or not those particles are present on an  
25 item?

1 A Yes. I perform a testing called the Griess test, and this  
2 test is testing for those nitrite particles that are due to  
3 partially-burned gun powder.

4 Q Can you describe that test?

5 A Yes. So this test, it employs acetic -- it employs  
6 chemicals and heat. And so with the chemicals and heat, I take  
7 a transfer paper -- so this paper is chemically treated. And I  
8 take the questioned item with the hole in question, and I place  
9 it on top of our testing paper.

10 With that, I apply a chemical and also use heat in the form  
11 of an iron, just a household iron that's heated up. And then I  
12 place the iron on top of my testing apparatus. And then once  
13 I've heated it thoroughly, I remove everything, look at my  
14 testing paper, and at that point I can make a determination of  
15 my results.

16 Q And I'm sure I'm not going to pronounce it correctly.  
17 That's the Griess test?

18 A That's correct.

19 Q In addition or as part of conducting that test, is there an  
20 observation period, or an examination of some other particular  
21 article that you want to do the Griess test on?

22 A Yes. So once I have the item in my custody, the first step  
23 for my entire analysis is to do photography. So I photograph  
24 the item as I've received it, and I use scales in my  
25 photography. At that point, I'll do a visual examination, just

1 observing any particles that might be around the hole, absorbing  
2 the hole itself, to know any kind of staining or any features  
3 that I may need to note in my notes.

4 At that point then, I'll take the article and place it  
5 underneath a stereo zoom microscope, so it's just a bigger  
6 microscope that has a little bit more surface area, that it can  
7 observe the hole itself, and all of the area of the fabric  
8 around the hole. So with that stereo zoom microscope I can look  
9 for any observations, any characteristics that might be  
10 something that I would note in my notes.

11 So for this item in particular --

12 Q So I'm going to stop you there.

13 A Oh, okay.

14 Q I'm going to show you a document. Do you recognize this?

15 A I do.

16 Q What do you recognize that to be?

17 A This is a copy of my notes that I produced in my  
18 examination.

19 Q And this is specific to the article of clothing and your  
20 initial external examination; is that correct?

21 A Yes. It is.

22 MR. HARREN: Thank you. I move to introduce this as the  
23 next exhibit.

24 THE CLERK: Exhibit 50? Yeah.

25 THE COURT: That's 50, right?

# IMPOUNDED

1 THE CLERK: 5-0, yes, Judge.

2 THE COURT: Okay.

3 (The court reporter marks Notes as Exhibit 50.)

4 THE CLERK: Thanks.

5 BY MR. HARREN:

6 Q So with the ELMO we have, the entire document doesn't fit  
7 in one shot on the screen. But starting with the top portion  
8 first, can you describe what we're looking at?

9 A Yes. So this is a photograph of the exterior front of the  
10 sweatshirt. Noted on the right-bottom side of that sweatshirt  
11 is a hole. And noted around the hole is some black-gray  
12 staining around the hole. And then I also observed some  
13 red-brown stains throughout the sweatshirt.

14 You'll also notice that I collected a sample, so that's  
15 noted as 1-6.1, and I noted that as trace material. Trace  
16 material can be anything that we consider trace from hairs and  
17 question fibers. So those are removed from the item, and then  
18 separately placed into secure packaging.

19 Q Turning back to your observations of the top photos of the  
20 front of what looks like a sweatshirt, right --

21 A Yes.

22 Q -- and then the zoomed in view of the hole under the  
23 microscope. The observations that you noted about the staining  
24 and the characteristics of the hole, based on your training and  
25 experience, what significance do those have to you?



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1 A So the black and gray staining that I noted around the  
2 exterior or hole, is consistent with a perimeter residue, which  
3 is just known as just sooting and smoke that is  
4 around -- present around the hole. That can be indicative of a  
5 passage of a projectile.

6 Q What about the manner in which the fibers at the hole are  
7 orientated and things of that nature? Does that have any  
8 significance to you?

9 A I do take stereo zoom microscope photographs of the edges  
10 of those fibers, just to show that they -- they showed in  
11 this -- in these photos that they were frayed, and they were  
12 uneven in their ends. So just showing that those fibers were  
13 not cut, it was more of a tear. So you could see the ends of  
14 them are frayed.

15 Q Focusing now on the bottom portion of Exhibit 50, can you  
16 describe what we're looking at there?

17 A So this is a photo of the exterior back of the sweatshirt.  
18 So there were red-brown stains also noted, and then there was an  
19 additional hole on the back right of that sweatshirt.

20 Q The black-gray staining that was around hole 1, on the  
21 front of the sweatshirt, did you note that same staining at hole  
22 2, the back of the sweatshirt?

23 A No. I did not.

24 Q What, if any, significance does that have to you?

25 A With no gray staining, the fact that the first hole had the

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1 gray staining indicates to me that that would be the entrance  
2 hole.

3 Q Now, when you were describing the Griess --

4 A The Griess test.

5 Q Griess test, excuse me. You described a process where you  
6 used a piece of paper, so chemical reagents, and a household  
7 iron to conduct that testing; is that correct?

8 A That's correct.

9 Q That piece of paper, that's a standard size sheet of paper?

10 A More or less. Yes. It's about 8 and a half by 11 or so,  
11 maybe 9 by 11.

12 Q I'm showing you a piece of paper. Do you recognize what's  
13 depicted on that particular piece of paper?

14 A Yes. This is a photograph or a photocopy of the actual  
15 paper that I took. So I did shrink it down to size, so that I  
16 could capture the scale, and the entirety of the paper.

17 MR. HARREN: Thank you. Your Honor, I move to introduce  
18 this as the next Exhibit.

19 THE COURT: Okay. 51? Thank you. Okay.

20 (The court reporter marks the Photo as Exhibit 51.)

21 BY MR. HARREN:

22 Q As we look at Exhibit Number 51 on the monitor, in each of  
23 the four corners there are pink lines coming in diagonally. Do  
24 you see that?

25 A Yes.

1 Q What is that?

2 A Those are my positive controls that I use to make sure that  
3 the paper is working. So my positive control is just a swab  
4 that has nitrite on it. So it's a nitrite solution that we use.

5 Q And so that told you that this particular tester was  
6 working properly?

7 A That's correct. Yeah. It's able to detect the nitrite.

8 Q So after you had used the test -- you had tested in each of  
9 the corners, can you just say specifically what you did in this  
10 case?

11 A So for this case, once I test with the positive control, I  
12 also do a negative control, which is just with another chemical  
13 that I use for the testing itself. So in between those pink  
14 lines, you'll see a circle with a pencil that says neg on it,  
15 N-E-G. So that just means my negative controls are done on each  
16 of the four sides of the paper.

17 In the center of the paper, you'll see an X, and that's  
18 where the hole was marked. So I have my testing paper on my  
19 platform, I then my take my question item and I lay it on top of  
20 my testing paper. I'll look to see where that hole is, and I'll  
21 take a pencil, and just right through the hole with the pencil,  
22 just draw an X on the testing paper.

23 At that point, I'll then take a cheesecloth, which is just  
24 a medium that we use, it's a clean, light cloth that I soak in a  
25 chemical. At that point, I will put that cheesecloth on top of

1 my question item, and then I apply paper towels just as a  
2 barrier for the iron, and I apply the iron on top of that whole  
3 apparatus.

4 And then I'll go and just move the iron, just by lifting  
5 and shift my position, just to make sure the entirety of that  
6 paper gets heated thoroughly. At that point, I'll remove the  
7 iron, and then lightly look at testing paper to make sure -- to  
8 see that it got heated through appropriately. And then I'll  
9 just remove everything, and I'll have my testing paper  
10 completed.

11 Q Just to make sure I have it straight, the testing paper  
12 goes on the bottom on the desk or workbench, whatever it is.  
13 The item article goes on top of that. Then the cheesecloth on  
14 top of the article. And then paper towels on top of the  
15 cheesecloth?

16 A That's correct.

17 Q So when you did that in this case, what part of the  
18 sweatshirt -- it was the sweatshirt you did it to, correct?

19 A Yes.

20 Q And the hole marked with the X is the hole that we're  
21 talking about? Hole 1 or the hole in hole 2?

22 A That would be hole 1.

23 Q Okay. So what part of the sweatshirt touched the paper?

24 A The part that was around the hole. So since it's a zip  
25 sweatshirt, it was fairly easy to just unfold part of it, and

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1 take that -- that right half of the sweatshirt and lay it down  
2 on top. So my -- the part that see the exterior front, that is  
3 the part that's coming in contact with the testing paper.

4 So I have to flip it that side, directly onto the testing  
5 paper. So any area around that hole, it's coming into  
6 the -- pretty much that whole area, 8 by 11 of the sweatshirt,  
7 is coming in contact with the paper.

8 Q When you did that in this case, what was the result?

9 A In this result, I concluded that it was positive. There  
10 were several particle pinpoint reactions. So there's dark pink  
11 areas, which are visible if you look at the X over to the upper,  
12 slight left side -- more towards the center. Yes.

13 There's a pink spot there. With the ELMO it's a little  
14 washed out, but I used a photo on the computer, and also I  
15 looked at the item itself in order to make this determination.  
16 Unfortunately, with the photography, some of the other spots get  
17 washed out. But there were a couple of lighter spots that might  
18 be visible on that -- on that screen. It's just a little bit  
19 harder once you start getting away from the original.

20 Q The punchline is, there were multiple spots on this test  
21 sheet of paper that turned pink; therefor were positive?

22 A That's correct.

23 Q And that means they were positive for the nitrates?

24 A For the nitrite. Yes.

25 Q Nitrite, excuse me. And then, because it was positive for

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1 the nitrite, could you make a determination on that --

2 A So -- yes. At that point, I had determined that this  
3 item -- the area around the hole tested positive for gunshot  
4 residue.

5 Q In this case, did you learn information about the police  
6 circumstances, under which that article came into the condition  
7 it was when you tested it?

8 A I do have a copy of the police report.

9 Q So essentially, you learned that the allegation was that a  
10 police officer had shot at the person wearing it, during an  
11 interaction?

12 A That's the information that was in our case record.

13 Q Were you asked to do a further -- in connection with this  
14 case, were you asked to do testing relative to the officer's  
15 firearm?

16 A I was not specifically asked, but it is part of our  
17 procedures, that if we get a positive result on the question  
18 item, that we go and -- we have the suspected weapon in  
19 custody -- that we will go on to do a standard range of test  
20 fires for that weapon.

21 Q So when you say a standard range of test fires, can you  
22 elaborate on that, please?

23 A Yes. So we work together with our firearm identification  
24 section in order to make a set of standards. So what that means  
25 is -- I can start from the beginning. So I'll start, in the

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1 laboratory, I'll take plain-white cotton fabric and I'll cut it  
2 into a square, about a nine by nine square, and mount it on a  
3 piece of cardboard.

4 So I'll just staple it to a piece of cardboard, and I'll  
5 make a series of about maybe six or eight of those. And then  
6 I'll take my boards and I'll work with a trooper in our firearm  
7 identification section. So we'll set up a time and this trooper  
8 will then set up this board in an apparatus that they have,  
9 where they can secure the firearm in this apparatus.

10 And then I measure from the distance of my target, which  
11 was that fabric that was mounted on the cardboard. I measure  
12 with a measuring tape from that cardboard target, to the muzzle  
13 of the firearm. And so we set specific distances for that  
14 firing.

15 So once we have our first distance set -- so for example,  
16 in this case, it was 48 inches. And I used an arbitrary number  
17 to start my -- my standards. I know that 48 inches, I will get  
18 a positive reaction because it is a pretty close distance, just  
19 based on my training and -- and experience. So we'll set the 48  
20 distance, and then the trooper will fire the firearm right at  
21 the target.

22 So I'll have a hole then in the center of my target. I'll  
23 remove that and then place a new one. And then from there,  
24 we'll set a new distance. So for our testing and our protocols,  
25 we use 12 -- every 12 inches. So at this point, then we move it

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1 back about 12 inches more, so I have a 60 inch range.

2 We'll remeasure from the target to the muzzle of the  
3 firearm, and ensure that it's about 60 inches. And then the  
4 trooper will fire from there.

5 Q When you do the second test firing, is the trooper test  
6 firing at the same piece of white cotton fabric as the first  
7 test firing? Or is it a new, clean one that --

8 A I -- I replaced it. Yeah. So I would remove the one that  
9 he fired from, place a new one that is untouched and clean.

10 Q And so in this case, did you and the trooper follow that  
11 procedure?

12 A Yes. We did.

13 Q And you did that for various ranges; is that correct?

14 A Yes. We went to 96 inches.

15 MR. HARREN: Your Honor, may I approach?

16 THE COURT: Yes.

17 BY MR. HARREN:

18 Q I'm showing you a document. Do you recognize this  
19 document?

20 A Yes. This is my documentation of the distances of the test  
21 fires. And then also, I included my observations, because I  
22 come back to the lab and actually do a laboratory analysis on  
23 each of those.

24 MR. HARREN: Thank you. Your Honor, I move to introduce  
25 this as the next Exhibit.



1 THE CLERK: Thank you.

2 THE COURT: Thank you.

3 (The court reporter marks the Documentation as Exhibit 52.)

4 BY MR. HARREN:

5 Q And so looking at Exhibit Number 52, on the left-hand  
6 column here, these are all the distances that the test fires  
7 were done; is that correct?

8 A That's correct.

9 Q The second column to the left, particulate residue yes or  
10 no, what is that column represent?

11 A So when I look at the question item or the standards  
12 underneath the stereo zoom microscope, sometimes you can see  
13 what we call particulate residue, which can be unburned -- just  
14 particulate residue from the gun powder itself, from the  
15 firearm.

16 In these samples, you are able to see it, because it's a  
17 pristine, lab-created sample. They are test fires. So once the  
18 test fire is completed, I take the board and then I carefully  
19 put paper on it, so that it's not disturbed.

20 Just knowing from my training and experience that these  
21 gunshot residue particles are very loose, and they -- they can  
22 fall, and they can be displaced. So I do use care, which is not  
23 something that -- it is a variable that exists for question  
24 items.

25 Q So the particular residue, if at all, how does that compare

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1 to the black-gray staining that you noted on hole 1 in Exhibit  
2 50.

3 A It's -- they're different things.

4 Q Okay.

5 A So the particulate residue are what looks like small  
6 particles. So it can look like small discs or small, just,  
7 piece of gray material, which is different from that gray-black  
8 sooting or staining that I saw around the hole.

9 Q As part of this examination, do you look for that type of  
10 gray or black sooting that you noted in hole 1?

11 A I don't specifically note it because it's shot through, so  
12 I know it's an entrance. And they do have that, it's -- I do  
13 have photographs of all of my standards, and that gray sooting  
14 is present around the hole on all of them.

15 Q Okay. Turning the third column now that says, smoke  
16 residue, what does that represent?

17 A Smoke residue can represent -- it's a sooting that can  
18 appear around the area of the hole. So it looks like a gray  
19 haze -- a gray smokey residue that would be present in the area  
20 around the hole. I didn't notice that for any of these.  
21 Typically, it's something that you would see if it's shot from a  
22 little bit closer.

23 Q And again, just turning to hole 1 in Exhibit Number 50,  
24 those are different things that you'd be looking for, right?

25 A Yes, sir. That's different.

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1 Q The fourth column, the Griess testing -- I know that you've  
2 discussed the Griess testing. It goes to assume then, that  
3 that's whether or not those tests were positive or negative for  
4 the testing you previously described?

5 A That's correct. I did the same test on those.

6 Q So as you did the testing, you and the trooper, what was  
7 your conclusion?

8 A So the trooper only does the firing of the firearm, I just  
9 want to clarify. I am the one that does all of the laboratory  
10 testing and observations. So once I'm in the lab, I -- with  
11 those test fires, I concluded that I had two negatives, at 84  
12 inches and at 96 inches.

13 Q And what does that tell you, having the two negatives at  
14 those two distances?

15 A So at that point, I can then make a distance determination  
16 conclusion for the question item. So according to our  
17 procedures, we report out the maximum distance. So the way that  
18 the report would read is that, no residues are observed after 84  
19 inches.

20 So I have the two negatives that show at 84 it's negative,  
21 and then at 96 inches it's negative. So my report is that there  
22 are no residues that are noted after 84 inches. So that would  
23 be the max distance of the muzzle to target.

24 Q There was positive, and residue noted at 72 inches,  
25 correct?

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1 A That's correct.

2 Q Is there any way of determining where, in that distance  
3 between 72 and 84, the maximum may lie?

4 A Not based on my testing. I would have to do more -- more  
5 ranges. But 84 -- 12 -- every 12 inches is our standard.

6 Q Okay. So you know at 72, it was present, you know at 84 it  
7 was not present, but you don't know where the maximum may lie  
8 between those two numbers?

9 A That's correct.

10 Q The Griess testing and other observations that we  
11 previously discussed on the sweatshirt, were relative to an  
12 apparent bullet hole in the lower front of the sweatshirt; is  
13 that correct?

14 A Yes.

15 Q In this particular case, did you learn that there were at  
16 least four gunshots that went off at the time that the subject  
17 was shot?

18 A Yes. I was told this information.

19 Q With the sweatshirt being positive in the area surrounding  
20 the hole, do you know whether or not that gunshot residue that  
21 was present on the sweatshirt -- whether or not that it was the  
22 shot that created that hole, that left that residue, or if it  
23 could've been one of the other three shots that left the  
24 residue?

25 A There's no way of knowing that.

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1 Q So based on that, is it fair to say that, this sweatshirt  
2 and the person wearing the sweatshirt was at least within 84  
3 inches of the end of the muzzle of the firearm, when at least  
4 one of the shots were fired?

5 A Yes.

6 Q And is that essentially what your determination is?

7 A Yes. That is the conclusion from my report.

8 MR. HARREN: Thank you. Your Honor, I have no further  
9 questions.

10 THE COURT: Attorney Anderson?

11 CROSS-EXAMINATION

12 BY MR. ANDERSON:

13 Q Good afternoon, Ms. Acker.

14 A Good afternoon.

15 Q I just have a couple of questions.

16 A Sure.

17 Q My name is Kenny Anderson. I represent Burlington Police  
18 Officer Aurise Miedico.

19 A I see.

20 Q In terms of the testing, you agree with me that 72 inches  
21 is six feet?

22 A Yes.

23 Q And 84 inches is seven feet?

24 A Yes.

25 Q And what we know is that it had to be closer than seven

1 feet?

2 A Yeah.

3 Q It was, 84 inches came up with nothing; it was negative?

4 A Correct.

5 Q And you could've tested at 83 inches, which could've been  
6 positive or negative?

7 A Correct.

8 Q But we don't know?

9 A That's correct.

10 Q And you could've tested at 82 inches, which could've been  
11 positive or negative; we don't know?

12 A Yes. The range is from that --

13 Q Right. So the --

14 A -- 84.

15 Q -- absolute outside window is seven feet?

16 A Correct.

17 Q Fair?

18 A Eighty-four inches. Yes.

19 Q And we know that at six feet, at 72 inches, that it was  
20 positive?

21 A Yes.

22 Q And it's possible you could've tested at 73 inches being  
23 6'1", and it could've been negative.

24 A Sure. That's defendant possible.

25 Q And that would've given us a better bookmark in terms of

1 where that distance range would be?

2 A This is according to our protocols. We used these standard  
3 ranges, and it's very standard to just go out 12 inches, because  
4 these firearms do fire a far distance. So you know, we just  
5 work according to a range. It's not an absolute number.

6 Q Okay.

7 A There's many factors that can affect the stability of those  
8 residues and particles being on an item.

9 Q Okay.

10 A So it -- it is -- it is an estimation.

11 Q Okay. And in terms of this case, we know that there were  
12 four bullets that were discharged, correct?

13 A That's what I was told.

14 Q Okay.

15 A Yeah.

16 Q And we don't know if this was the first bullet, second  
17 bullet, third bullet, or fourth bullet, correct?

18 A That's correct.

19 Q Are you aware that the decedent was shot through the eye?

20 A I am aware. I had a copy of the autopsy report.

21 Q Okay. And you don't have any way to test the distance from  
22 the decedent and Officer Miedico at the time that shot through  
23 the eye was fired, do you?

24 A No. We don't. This specific test is only for textiles.

25 Q Okay. And then there were two shots that missed the

1 decedent, as far as we know?

2 A I'm not sure.

3 Q If I represented he had two gunshot wounds to him, then  
4 there were two that didn't hit him?

5 A I'm not sure, I'm not at liberty to --

6 Q Okay.

7 A -- conclude that.

8 Q And you have no way to determine the distance when those  
9 were discharged, correct?

10 A Would you mind rephrasing that?

11 Q Actually, it wasn't a good question.

12 A Okay.

13 Q I'll just withdraw it.

14 MR. ANDERSON: I have no further questions.

15 THE COURT: Anything further from the Commonwealth?

16 MR. HARREN: Just very briefly.

17 REDIRECT EXAMINATION

18 BY MR. HARREN:

19 Q Did you also learn that there was a less than lethal  
20 projectile that was discharged at the subject?

21 A I believe I was told after the fact. Yes.

22 Q And so that actually operates similar to a gun, in that  
23 there's a cartridge with gun powder in it that shoots out the  
24 less lethal projectile, as opposed to a bullet is that correct?

25 A Yes. I know that leaves gun powder.



1 Q That device would also emanate particulates and could  
2 potentially create GSR to be on an item as well; is that  
3 correct?

4 A Yes. It could.

5 Q You did not do a distance determination for these less than  
6 lethal device that was used; is that correct?

7 A I did not.

8 Q Okay.

9 A No.

10 Q Not saying you were asked to do it, just that --

11 A Yeah.

12 Q -- it was not done?

13 A No. I did not.

14 Q Okay. Thank you.

15 THE COURT: All right. Thank you so much.

16 THE WITNESS: Thank you.

17 THE COURT: So Mr. Harren, your trooper is the next  
18 witness, correct?

19 MR. HARREN: Yes. Sergeant Anthony DeLucia.

20 THE COURT: Let me ask you, how long do you think his  
21 testimony is going to be?

22 MR. HARREN: His actual testimony I think we could get in  
23 before the 1 o'clock break.

24 THE COURT: Okay.

25 MR. HARREN: Through his testimony, there were recorded

1 interviews of both Officers Miedico and Reyes.

2 THE COURT: All right.

3 MR. HARREN: So I'd like to introduce the disc through  
4 Sergeant DeLucia, and then play them once he's not sitting on  
5 the stand. They're fairly lengthy, so he's not just --

6 THE COURT: Okay.

7 MR. HARREN: -- sitting on the stand while they're playing.

8 THE COURT: That's what I was thinking. I didn't know if  
9 it made better sense to take the lunch break now, but I think  
10 you're right. Have him testify, and then when we come back we  
11 can listen to the interviews.

12 MR. HARREN: Okay.

13 THE COURT: Okay. Thank you.

14 THE CLERK: Please raise your right hand.

15 SERGEANT ANTHONY DELUCIA, Sworn

16 THE WITNESS: I do. Good afternoon, Your Honor.

17 THE COURT: Afternoon. You can inquire.

18 MR. HARREN: Proceed?

19 DIRECT EXAMINATION

20 BY MR. HARREN:

21 Q Good afternoon.

22 A Good afternoon.

23 Q Would you please state your name and spell your first and  
24 last names for the record?

25 A Anthony DeLucia, A-N-T-H-O-N-Y, D-E-L-U-C-I-A.

1 Q Where do you work?

2 A I'm a sergeant with the Massachusetts State Police.

3 Q What is your assignment?

4 A I'm a death investigator in the Middlesex District  
5 Attorney's Office.

6 Q Were you assigned as the supervisor for the state police  
7 investigation, in terms of the fatal shooting of Paul  
8 Courtemanche on January 23rd of 2022?

9 A I was.

10 Q As part of that, you had an opportunity to observe the  
11 scene and be familiar with the investigation; is that correct?

12 A Yes.

13 Q What I'd like to do is walk through with you a number of  
14 scene photos, that we've taken the liberty to pre-mark as  
15 exhibits, and just go through each with you, in terms of what  
16 they depict; is that okay?

17 A Certainly.

18 Q Putting Exhibit 9 on the monitor. I know the ELMO's a  
19 little fuzzy. This depicts where the less than lethal  
20 projectile came to final rest, looking out towards the driveway  
21 in part of Baron Park Lane; is that correct?

22 A That's correct.

23 Q Exhibit 10 is capturing both that projectile, again, and  
24 looking more into the parking lot that is adjacent to 1 Baron  
25 Park Lane; is that correct?

1 A Correct.

2 Q Exhibit 12 is a closeup of the less than lethal deployment  
3 device that was believed to have been used in this case; is that  
4 correct?

5 A Correct.

6 Q that was placed there after the fact. That wasn't  
7 necessarily dropped right there by Officer Reyes after he  
8 deployed it; is that correct?

9 A That's correct.

10 Q Exhibit 14 is another angle of that less than lethal  
11 device?

12 A Yes.

13 Q Exhibit 14 shows that less than lethal drive at placard 2,  
14 and then moving over towards the exhibit to placard 15, where  
15 the projectile came to rest; is that correct?

16 A Yes. It is.

17 Q Less than lethal projectile?

18 A Yes. It is.

19 Q Exhibit 15 is another angle of where the less than lethal  
20 projectile came to final rest; is that correct?

21 A Yes.

22 Q You were present yesterday when we did the view on that 1  
23 Baron Park Lane; is that correct?

24 A I was.

25 Q And at one point during the view we did a demonstration

1 where I walked out of the door at a normal pace, and attorney  
2 Anderson timed 24 seconds; is that correct?

3 A Yes. That's correct.

4 Q And do you recall when the 24 seconds ran, when I stopped,  
5 we made note that I was just short of the last window, closest  
6 to the parking lot at 1 Baron Park Lane?

7 A Yes. We did.

8 Q And I was closer to the air conditioner that's next to the  
9 next window; is that correct?

10 A Yes.

11 Q But I was kind of in the middle of the grassy area, much  
12 like that projectile is; is that right?

13 A That's right. Yes. You were.

14 Q So when we looked at these various exhibits that I've been  
15 going through, a reference point for how far I was able to walk  
16 in that 24 seconds was shorter of the distance than where the  
17 projectile came to rest. But we could use that as a rough  
18 estimation of where it took me to. Is that fair to say?

19 A That's accurate. Yes.

20 Q Exhibit 16 is another view from that driveway area, looking  
21 back towards the vestibule, capturing the projectile; is that  
22 correct? The less than lethal projectile.

23 A Yes.

24 Q Exhibit 17 captures just right at the base of the less than  
25 lethal project -- excuse me, what do you call that? It's not a

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1 gun. It's not a rifle, right? It's --

2 A The -- the 40 millimeter --

3 Q Yes.

4 A Less lethal is the terminology that I would use.

5 Q Okay. But it's the less lethal looking down further into  
6 the scene, into the parking lot driveway area; is that correct?

7 A Yes. It is.

8 Q Exhibit 18 just shows you various pieces of evidence that  
9 are scattered a little bit more, as we get into that driveway  
10 area?

11 A Yes.

12 Q In addition to the various items, evidentiary pieces with  
13 the placards next to them in the parking lot, you can also see  
14 what appears to be a shield on the grass area here; is that  
15 correct?

16 A Yes. It is.

17 Q Exhibit 19 is a close-up of that shield, is that correct?

18 A Yes. It is.

19 Q And that is actually where that shield came to rest, as far  
20 as you're aware; is that correct?

21 A Yes.

22 Q Exhibit 20 is a close-up of placard 3 that has Officer  
23 Miedico's firearm there; is that correct?

24 A Yes.

25 Q And we learned that Captain Hanafin, then Lieutenant

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1 Hanafin, had placed it there after the incident, not  
2 necessarily -- that doesn't depict necessarily where the firearm  
3 came to rest during the incident, correct?

4 A Correct.

5 Q Exhibit 21 depicts placard 4, which was a knife that was  
6 inside the parking lot?

7 A Correct.

8 Q And that knife was identified as being the one that Mr.  
9 Courtemanche was carrying at the time of the incident; is that  
10 correct?

11 A That is correct.

12 Q Exhibit 22 shows a few pieces of evidence, but also a white  
13 blanket that was in the parking lot; is that correct?

14 A Yes. It does.

15 Q And that's the white blanket that Mr. Courtemanche was  
16 identified as having carried at the time?

17 A Yes.

18 Q Exhibit 23 shows placards 5 and 6 together; is that  
19 correct?

20 A Yes. It does.

21 Q Exhibit 24 is a close-up of placard 5 and shows a  
22 discharged shell casing; is that correct?

23 A Yes. It is.

24 Q Exhibit 25 is a close-up of placard number 6, that also  
25 shows an up-close of a discharged shell casing; is that correct?

1 A Yes. It does.

2 Q Exhibit number 26 captures the relative positions of  
3 placard 6 and 7; is that correct?

4 A I can't see the -- the top right. Yeah. 6 and 7. Yes.

5 Q Then Exhibit number 27 shows a close-up of placard 7, which  
6 is a third discharged shell casing; is that correct?

7 A Yes. It is.

8 Q Exhibit number 28 shows placard 7. And then you can see in  
9 distance, underneath the vehicle, placard 8. So Exhibit 28  
10 shows placard 7 then the relative position of placard 8; is that  
11 correct?

12 A Yes. It is.

13 Q There's also another placard that you can't read, that  
14 appears to be next to a cell phone and handcuffs; is that  
15 correct?

16 A Yes.

17 Q And you can also clearly see the blanket as well?

18 A Yes.

19 Q And the shield?

20 A Yes. I can.

21 Q Exhibit 29 is a close-up of placard 8. That also shows a  
22 spent shell casing; is that correct?

23 A Yes. It does.

24 Q Exhibit 30 shows a close-up of placard 9, which is a cell  
25 phone; is that correct?



1 A That is correct.

2 Q And placard 9 was that placard that was turned the  
3 direction we couldn't read, as we were looking at the relative  
4 positions of placards 7 and 8; is that correct?

5 A Yes.

6 Q Exhibit 31 shows the relative positions of placard 8 and  
7 the shield; is that correct?

8 A Yes.

9 Q Exhibit 32 shows, standing in the driveway that we've been  
10 talking about, looking across the street with a vehicle that was  
11 struck with a projectile; is that correct?

12 A Yes. It is.

13 Q Exhibit 33 shows a close-up of where that projectile struck  
14 that vehicle?

15 A Correct.

16 Q And then Exhibit 34 shows that vehicle with the door open,  
17 and the projectile having gone through the door; is that  
18 correct?

19 A Yes. It is.

20 Q Exhibit 35 shows a view standing at the back of this car  
21 that was struck, towards the scene where everything happened; is  
22 that correct?

23 A Yes. It is.

24 Q So this view and angle doesn't necessarily depict exactly  
25 the view from where the car was struck; is that correct?

1 A Yes.

2 Q But the distance is similar?

3 A Correct.

4 Q Are you aware that the night that this incident occurred,  
5 there was ultimately a search done on Mr. Courtemanche's  
6 apartment?

7 A Yes.

8 Q In the course of that search, there was a series of knives  
9 that were found in a knife block; is that correct?

10 A Yes.

11 Q And Exhibit number 37 is one of those knives that was found  
12 in the knife block; is that correct?

13 A Yes. It is.

14 Q And the knife that's depicted in Exhibit number 36 is,  
15 would you agree, consistent with the knife depicted in Exhibit  
16 number 21, which was identified as the knife that Mr.  
17 Courtemanche was carrying that day?

18 A Yes.

19 MR. HARREN: Thank you. Will you put the lights back on?

20 BY MR. HARREN:

21 Q As part of the investigation into this matter, are you  
22 aware that the Middlesex District Attorney's Office requested  
23 Officers Miedico and Reyes to provide their medical records from  
24 this day to investigators?

25 A Yes. I am.

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1 Q Are you aware that each of them signed releases permitting  
2 the District Attorney's Office to obtain their medical records?

3 A Yes. I am.

4 Q Showing you a packet of documents. Do you recognize this?

5 A I do.

6 Q What is that?

7 A There are medical records of Officer Reyes.

8 Q And those were the ones received in response to the  
9 District Attorney's Office's request?

10 A Yes.

11 MR. HARREN: Okay. Your Honor, move to introduce this as  
12 the next exhibit.

13 THE COURT: Okay.

14 THE CLERK: 53.

15 (The court reporter marks the Medical Records of Officer Reyes  
16 as Exhibit 53.)

17 BY MR. HARREN:

18 Q I'll show you another packet of documents. Do you  
19 recognize these documents?

20 A I do.

21 Q What are those documents?

22 A These are the documents provided by Officer Medico,  
23 medical documents.

24 Q Pursuant to the release that was signed for the District  
25 Attorney's Office?

1 A Correct.

2 MR. HARREN: Thank you. Your Honor, I move to introduce  
3 this as the next exhibit.

4 THE COURT: Okay.

5 THE CLERK: Exhibit 54.

6 (The court reporter marks the Medical Documents as Exhibit 54.)

7 BY MR. HARREN:

8 Q Are you aware of whether or not the District Attorney's  
9 Office requested Attorney Kelly, who is representing Mr.  
10 Courtemanche's estate, if they would sign a release so that the  
11 District Attorney's Office could obtain similar records?

12 A I believe that request was made. Yes.

13 Q And are you aware that that request was denied?

14 A Correct. It was denied. Yes.

15 Q I'm showing you an email chain. Is that an email chain you  
16 previously see regarding the communication denying that request?

17 A Yes. It is.

18 MR. HARREN: Thank you. And I move to introduce this as  
19 the next Exhibit.

20 THE COURT: 55. Thank you.

21 THE CLERK: Thank you. Number 55.

22 (The court reporter marks the Email Chain as Exhibit 55.)

23 BY MR. HARREN:

24 Q On January 26th of 2022, did you have the occasion to  
25 interview both Officer Reyes and Officer Miedico?

1 A I did.

2 Q You read each of them their Miranda rights before  
3 conducting the interview; is that correct?

4 A I did.

5 Q And then during the course of each of their interviews, you  
6 used Google Earth images for them to mark certain locations and  
7 describe things that were recorded; is that correct?

8 A Yes. I did.

9 Q I'm showing you a packet of documents. Do you recognize  
10 what's contain in this packet?

11 A I do.

12 Q What is contained in that packet?

13 A This is the Miranda form, signed by Officer Reyes. And  
14 attached to that are three Google Earth satellite photos that we  
15 used as diagrams.

16 MR. HARREN: Thank you. Your Honor, we introduce this as  
17 the next exhibit.

18 THE COURT: Okay. Thank you.

19 THE CLERK: Exhibit 56.

20 (The court reporter marks the Miranda Form as Exhibit 56.)

21 BY MR. HARREN:

22 Q I'm handing you another packet of documents. Do you  
23 recognize this document?

24 A I do.

25 Q What do you recognize that as?

1 A This is the Miranda form signed by Officer Miedico, and  
2 attached to that are three diagrams we used to make notations  
3 on.

4 MR. HARREN: Thank you. Your Honor, I move to introduce  
5 this as the next Your Honor.

6 THE COURT: Okay. Thank you.

7 THE CLERK: Okay. 57.

8 (The court reporter marks the Miranda Form as Exhibit 57.)

9 BY MR. HARREN:

10 Q And then each of those interviews you conducted with  
11 Officer Miedico and Officer Reyes were audio recorded; is that  
12 correct?

13 A Yes. They were.

14 Q In Officer Miedico's interview, you took a break towards  
15 the end because she had become somewhat distraught. Is that  
16 fair to say?

17 A Correct.

18 Q So then you resumed the interview a short time later, after  
19 she had regained her composure; is that correct?

20 A Yes. We did.

21 Q And then for Officer Reyes, it was one straight-through  
22 interview; is that correct?

23 A Yes.

24 Q It was a total, then, of three audio files for those  
25 interviews?

1 A Yes.

2 Q Two were for Officer Miedico, one was for Officer Reyes?

3 A Correct.

4 Q I'm showing a CD. Does this CD contain a copy of those  
5 recorded interviews?

6 A Yes. It does.

7 MR. HARREN: Thank you. Your Honor, I move to introduce  
8 this as the next Exhibit.

9 THE CLERK: 58.

10 (The court reporter marks the CD With Recorded Interviews as  
11 Exhibit 58.)

12 THE COURT: Both are on that same -- all three are on the  
13 disc?

14 MR. HARREN: Yes.

15 THE COURT: Okay. Thank you.

16 MR. HARREN: Your Honor, I have no further questions.

17 THE COURT: Okay. Any questions?

18 MR. ANDERSON: Just a couple quick questions.

19 THE COURT: Sure.

20 CROSS-EXAMINATION

21 BY MR. ANDERSON:

22 Q Good afternoon, Lieutenant DeLucia.

23 A Good -- good afternoon, sir.

24 Q The photographs of the scene that we went through fairly  
25 quickly there, those are all taken after the tape was put up,

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1 the suspect was rendered medical aid, and things were cleaned  
2 up, correct?

3 A Yes.

4 Q And you weren't there when this situation itself occurred?

5 A That's right. I was not there.

6 Q Okay. So where things were when the situation occurred,  
7 versus how they were when they were photographed would be very  
8 different?

9 A Correct.

10 Q I mean, there were fire fighters who were running through  
11 the scene?

12 A Yes.

13 Q There were ambulance personnel coming to the scene?

14 A Yes.

15 Q Other police officers coming to the scene?

16 A Yes.

17 Q In terms of shell casings, you're not a ballisticsian,  
18 correct?

19 A I'm not.

20 Q But you go to the range regularly, and you're trained in  
21 firearms?

22 A Annually. Yes.

23 Q And in terms of the firearms that the Burlington police  
24 carry, do you recall what those were?

25 A I think they carry Glocks but I'm not 100 percent certain.



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1 Q Okay. And what type of firearm do you carry?

2 A I carry Smith & Wesson 45.

3 Q And that's a semi-automatic weapon?

4 A Yes.

5 Q And when you discharged that weapon, what happens to the  
6 shell casing? How is it ejected?

7 A It pops off -- pops out the top.

8 Q Okay. And which way does it go?

9 THE COURT: Can you answer -- you can always --

10 BY MR. HARREN:

11 Q It go forward, backwards, to the right, to the left?

12 A It goes to the side. It goes to -- I -- I think it goes to  
13 the right. I -- I don't know definitively which way it goes.

14 Q But once they go out, and they hit the ground, do they  
15 bounce?

16 A Certainly.

17 Q And did they all end up in the same location, or did they  
18 end up in a scattered range?

19 A They would end up in different locations.

20 MR. ANDERSON: I don't have any further questions.

21 THE COURT: Okay.

22 MR. HARREN: No furth questions, Your Honor.

23 THE COURT: Okay. So are you at a point -- are you going  
24 to -- is this the point where you're going to do the interviews?

25 MR. HARREN: Yes. I would ask to play them. They're both

1 fairly length.

2 THE COURT: Yeah.

3 MR. HARREN: I don't think we'd be able to get it done  
4 before the break.

5 THE COURT: Do you think it's -- I'm flexible either way.  
6 We can take a break now and then go through in the afternoon, or  
7 get 15 minutes in now and then continue on in the after?

8 MR. HARREN: It's up to Your Honor. Officer Reyes, which I  
9 would play first, is about 30 minutes long.

10 THE COURT: Okay.

11 MR. HARREN: And Officer Miedico's is just over an hour.

12 THE COURT: Yeah. So we'd have to stop in the middle of  
13 Officer Reyes, so let's just take the lunch break now, come  
14 back, and then we can just do it all in that one time. All  
15 right. So let's just come back a little bit before 2, if that's  
16 what they want.

17 MR. HARREN: Okay.

18 THE CLERK: All right. Great.

19 THE COURT: Thank you.

20 MR. HARREN: Thank you.

21 THE CLERK: And I'll be in recess.

22 (Court recessed at 12:44 p.m.)

23 (Court reconvened at 1:57 p.m.)

24 THE COURT OFFICER: We're back on the record with the  
25 Courtemanche matter.

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1 THE COURT: Okay. Commonwealth, whenever you're ready.

2 MR. HARREN: Thank you, Your Honor. One matter Attorney  
3 Anderson and I were talking about --

4 THE COURT: Sure.

5 MR. HARREN: -- is Officer DiChiara, who would be the use  
6 of force expert to testify tomorrow, is currently in the  
7 Dominican Republic. And I think as a result of everything going  
8 on with the airlines, his flight was delayed.

9 THE COURT: Oh, right.

10 MR. HARREN: He's not going to get in until about midnight  
11 tonight.

12 THE COURT: Okay.

13 MR. HARREN: We were wondering, where we've started at  
14 10:00 the past two days, would it be okay to start at 10:00  
15 tomorrow?

16 THE COURT: Sure.

17 MR. HARREN: Give him a little bit more of a buffer.

18 THE COURT: That's no problem. Okay. Thank you.

19 MR. HARREN: Okay. Your Honor, as I play the interviews,  
20 Exhibits 57 and 58 were both the Miranda and the diagrams that  
21 each officer used, my thought was, I could put them on the ELMO  
22 at the appropriate times as we're listening.

23 THE COURT: Sure.

24 MR. HARREN: So, Your Honor, I have Exhibit 58 in my  
25 computer, and I'll play Officer Reyes' interview now.

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1 THE COURT: Okay. Thank you.

2 (Audio playback begins)

3 SERGEANT DELUCIA: Okay. It's January 26th, 2022.

4 Sergeant Anthony DeLucia with the Middlesex District Attorney's  
5 office. I'm here with --

6 SERGEANT LEARY: Sergeant Matt Leary from Burlington  
7 Police.

8 OFFICER REYES: Officer Robert Reyes from Burlington  
9 Police.

10 MR. ANDERSON: And Attorney Kenneth Anderson,  
11 A-N-D-E-R-S-O-N, for Officer Reyes.

12 SERGEANT DELUCIA: We're at the Burlington Police  
13 Department, and I'm just going to read you your Miranda Rights.  
14 If you have any questions, let me know, okay?

15 OFFICER REYES: Yes.

16 SERGEANT DELUCIA: Before asking you any questions, it is  
17 my duty to advise you of your rights. You have the right to  
18 remain silent. If you choose to speak, anything you say may be  
19 used against you in a court of law. You have the right to  
20 consult with a lawyer before answering any questions, and you  
21 may have a lawyer with you during questioning. If you cannot  
22 afford a lawyer or want one, a lawyer will be provided at no  
23 cost before any questioning.

24 If you decide to answer questions, you may stop at any  
25 time.

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1 Do you understand each of these rights I have just read to  
2 you?

3 OFFICER REYES: I do.

4 SERGEANT DELUCIA: Pages are yes or no, and initials, if  
5 you could check those off.

6 MR. ANDERSON: Okay. Do you want to do it with a blue pen  
7 versus a red pen?

8 SERGEANT DELUCIA: Sure, sure.

9 MR. ANDERSON: We'll use the red one for the diagrams.

10 SERGEANT DELUCIA: Sure.

11 MR. ANDERSON: You want to throw the date on there too?

12 OFFICER REYES: Yeah.

13 MR. ANDERSON: The 26th.

14 OFFICER REYES: Thank you.

15 SERGEANT DELUCIA: And it's 3:30.

16 MR. ANDERSON: You want military time, or --

17 SERGEANT DELUCIA: Yeah, that'd be preferred. Yeah, that'd  
18 be great.

19 And then the only last thing that I didn't read to you,  
20 that having these rights in mind, do you wish to speak with me  
21 now?

22 OFFICER REYES: Yes.

23 SERGEANT DELUCIA: Yes, and your initials.

24 OFFICER REYES: Okay.

25 SERGEANT DELUCIA: And Matt will be the witness on that.

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1 Thank you.

2 So Officer Reyes, thank you for coming down here  
3 voluntarily. As you know, this is an investigation into the  
4 death that occurred on Sunday. This is not an internal affairs  
5 investigation, okay? And Attorney Anderson, you're aware of  
6 that as well?

7 MR. ANDERSON: Yes.

8 SERGEANT DELUCIA: Okay. Could you tell me how many years  
9 you've been a police officer?

10 OFFICER REYES: I've been a police officer for 25 years, 18  
11 of which are here in Burlington.

12 SERGEANT DELUCIA: And where prior to Burlington were you?

13 OFFICER REYES: I worked with Harvard University. I was a  
14 reserve with Winthrop, Mass and I was a full-time officer in  
15 Sudbury, Mass.

16 SERGEANT DELUCIA: Okay. In terms of have you gone to  
17 school at all for criminal justice? Do you have any --

18 OFFICER REYES: Yes, I have an associate's degree or  
19 equivalent from Western New England College.

20 SERGEANT DELUCIA: Western New England?

21 OFFICER REYES: Correct.

22 SERGEANT DELUCIA: What year did you get that? Do you  
23 remember?

24 OFFICER REYES: Oh, boy. Early -- mid-90s, I want to  
25 say --

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1 SERGEANT DELUCIA: Okay.

2 OFFICER REYES: '98, '99.

3 SERGEANT DELUCIA: Okay. In terms of training with the  
4 Burlington Police Department, do you partake in in-service  
5 training?

6 OFFICER REYES: I do.

7 SERGEANT DELUCIA: And what type of in-service training  
8 have you had over the years? I'm sure it's extensive, so --

9 OFFICER REYES: Yeah. It's very extensive. Criminal law,  
10 civil -- civil law, or excuse me, not civil law, con law,  
11 defensive tactics, firearms.

12 SERGEANT DELUCIA: Okay. Any that happened annually, or  
13 like every-other year, for instance firearms, that you have to  
14 qualify?

15 OFFICER REYES: Yes. We qualify twice a year.

16 SERGEANT DELUCIA: Okay. Do you have an online training  
17 that you participate in?

18 OFFICER REYES: Yeah. We have a week of in-service  
19 training that I participate in.

20 SERGEANT DELUCIA: Okay. How about less lethal training?  
21 Do you have any training when it comes to that type of  
22 equipment?

23 OFFICER REYES: Yes. I certify -- I re-qualify with the  
24 less lethal device also.

25 SERGEANT DELUCIA: So as a Burlington police officer,

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1 you're certified for that?

2 OFFICER REYES: Yes, sir.

3 SERGEANT DELUCIA: Is everybody in your department  
4 certified for that?

5 OFFICER REYES: No, sir.

6 SERGEANT DELUCIA: Okay. So could you explain to me why  
7 you are and someone may not be?

8 OFFICER REYES: Some of the newer officers probably haven't  
9 gone to the course as of yet.

10 SERGEANT DELUCIA: Okay. Is that voluntary, or do they  
11 require you to do that?

12 OFFICER REYES: I'm not really sure on that.

13 SERGEANT DELUCIA: Okay. How long have you been qualified,  
14 in this instance it's the 40 mm we're talking about  
15 specifically?

16 OFFICER REYES: Correct.

17 SERGEANT DELUCIA: How familiar are you with that piece of  
18 equipment?

19 OFFICER REYES: Very familiar with it.

20 SERGEANT DELUCIA: Okay.

21 OFFICER REYES: I was certified with it as soon as we got  
22 the device. I don't really remember when we got the device, but  
23 ever since we've gotten the device, I've been certified with it.

24 SERGEANT DELUCIA: Okay. Have you ever used it, deployed  
25 it, in the course of your duties before?



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1 OFFICER REYES: No.

2 SERGEANT DELUCIA: Okay. During your training, do you  
3 shoot it during your training?

4 OFFICER REYES: Yes.

5 SERGEANT DELUCIA: Okay. So going back, you know, to the  
6 date in question. What was your assignment that day for work?

7 OFFICER REYES: I was assigned to the sector 3 area part of  
8 town, which is the east area part of town, working the  
9 8:00-4:00 -- 8:00 a.m. to 4:00 p.m. shift.

10 SERGEANT DELUCIA: Uniformed patrol in a marked police car?

11 OFFICER REYES: Yes, sir.

12 SERGEANT DELUCIA: Okay. Do you remember what time you  
13 arrived in that day?

14 OFFICER REYES: 8:00 a.m.

15 SERGEANT DELUCIA: Okay.

16 OFFICER REYES: Yeah.

17 SERGEANT DELUCIA: Your shift starts at that -- right  
18 around that time.

19 OFFICER REYES: Yes, maybe 5 of, to be exact.

20 SERGEANT DELUCIA: Okay. When you arrive at work, what  
21 happens? Do you guys have a roll call, do you uniform up? What  
22 exactly happens?

23 OFFICER REYES: Yes, we -- we have a formal roll call.

24 SERGEANT DELUCIA: And did that happen that day?

25 OFFICER REYES: Yes, sir.

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1 SERGEANT DELUCIA: Okay. Do you have a memory of that  
2 happening that day?

3 OFFICER REYES: Yes.

4 SERGEANT DELUCIA: Okay. Who handles roll call? Who is in  
5 charge of roll call?

6 OFFICER REYES: It's usually the watch commander in charge  
7 of the shift.

8 SERGEANT DELUCIA: And who was that that day?

9 OFFICER REYES: That was Lieutenant Dan Hanafin.

10 SERGEANT DELUCIA: Okay. Anything of any consequence come  
11 in during roll call that you recall?

12 OFFICER REYES: Nothing, as far as the -- the general roll  
13 call, but we just -- we did have a training discussion after the  
14 initial roll call.

15 SERGEANT DELUCIA: And could you take me through that?  
16 Explain exactly what that was?

17 OFFICER REYES: Yeah. We were -- we were reviewing the  
18 incident that occurred out in Springfield, Massachusetts, where  
19 a police officer's bodycams and video was recorded in regards to  
20 a stabbing.

21 SERGEANT DELUCIA: Okay.

22 OFFICER REYES: Where an officer was slashed in the face.

23 SERGEANT DELUCIA: Okay. And what was the discussion like?  
24 Was it like a training discussion, was it an open discussion?  
25 How did exactly information get shared?

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1 OFFICER REYES: It -- it was a training discussion.

2 SERGEANT DELUCIA: Okay.

3 OFFICER REYES: Yeah. And we did have some open discussion  
4 about it afterwards.

5 SERGEANT DELUCIA: Okay. And did you view actual footage  
6 from that incident that day?

7 OFFICER REYES: Yes, sir.

8 SERGEANT DELUCIA: Okay. So after that, do you go out on  
9 patrol? Or what happens after that discussion happens?

10 OFFICER REYES: Yup, we -- I went out on patrol.

11 SERGEANT DELUCIA: Okay. Did you recall if you had any  
12 service calls prior to this one?

13 OFFICER REYES: Yes. I had a medical call. It was a  
14 medical aid call, I believe it was number 6 on Richard Road.

15 SERGEANT DELUCIA: Okay.

16 OFFICER REYES: So I responded to that call.

17 SERGEANT DELUCIA: Do you remember where you were when this  
18 call came in?

19 OFFICER REYES: Yeah. I was just arriving on location,  
20 number 6 Richard.

21 SERGEANT DELUCIA: Okay. Was it a radio call or a phone  
22 call? How did you initially hear about this second call, this  
23 subsequent call?

24 OFFICER REYES: A radio call.

25 SERGEANT DELUCIA: It was a radio call from the dispatcher?

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1 OFFICER REYES: Correct.

2 SERGEANT DELUCIA: Do you remember what information was put  
3 out over the air?

4 OFFICER REYES: You're talking about the second call after  
5 the medical call?

6 SERGEANT DELUCIA: Yeah. So you're at the medical call.

7 OFFICER REYES: Yeah.

8 SERGEANT DELUCIA: This incident that happened on Sunday,  
9 how did you come to learn that something was going on?

10 OFFICER REYES: The dispatcher put it over the air. She  
11 dispatched 151, which is Officer Miedico, was the initial -- was  
12 the initial car to respond, but it was a Q5 (phonetic) man who  
13 was feeling suicidal and was holding a knife.

14 SERGEANT DELUCIA: Okay.

15 OFFICER REYES: And I was -- I was dispatched as a  
16 secondary unit.

17 SERGEANT DELUCIA: Okay. Were you able to wrap up where  
18 you were and head to this call? Or how exactly did that happen?

19 OFFICER REYES: I -- I kind of left that call  
20 before -- before I had a chance to wrap that call up.

21 SERGEANT DELUCIA: Okay. So this took priority, this more  
22 recent call?

23 OFFICER REYES: Correct, correct.

24 SERGEANT DELUCIA: Where were you coming from? You're  
25 saying Richardson Road?

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1 OFFICER REYES: Richard Road.

2 SERGEANT DELUCIA: Richard Road, okay.

3 OFFICER REYES: Which is the opposite side of town where  
4 the second call came in.

5 SERGEANT DELUCIA: Okay. While you're on your way to that  
6 call, is additional information going out?

7 OFFICER REYES: Yes.

8 SERGEANT DELUCIA: And do you have a memory as to what that  
9 information was?

10 OFFICER REYES: I remember the dispatcher stating that the  
11 man was in possession of a knife and he was -- he didn't want to  
12 put it down, and it was -- he -- he wasn't sure whether or not  
13 he wanted to hurt the police when they arrived to the address.

14 SERGEANT DELUCIA: Okay. Have you been to calls like that  
15 before?

16 OFFICER REYES: Yes, yes. I can say I have, yup.

17 SERGEANT DELUCIA: Okay. On your way to that call, was  
18 there any information exchanged, like over the radio, with  
19 Officer Miedico?

20 OFFICER REYES: Yes. I -- my -- my normal cruiser that I  
21 usually take on patrol has a less lethal device in it.  
22 Just -- that particular cruiser was out of service.

23 SERGEANT DELUCIA: Okay.

24 OFFICER REYES: So when I did a cruiser check on this one,  
25 I realized that this particular cruiser I was assigned to on

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1 that day didn't have that device.

2 SERGEANT DELUCIA: Okay.

3 OFFICER REYES: So I just -- I transmitted to her, because  
4 it sounded like when her initial transmission came over, that  
5 she was -- she was transmitting from inside the station.

6 SERGEANT DELUCIA: Okay.

7 OFFICER REYES: So I asked if she could just grab a less  
8 lethal, a 40 mm, and bring it down to the call with us, because  
9 I knew I didn't have one.

10 SERGEANT DELUCIA: Now, do you remember if you did that  
11 over the radio, or --

12 OFFICER REYES: I did that over the radio, yes.

13 SERGEANT DELUCIA: Over the radio. Okay.

14 OFFICER REYES: Yeah.

15 SERGEANT DELUCIA: When you talk about a cruiser  
16 inspection, or whatever language you used, do you do that prior  
17 to your shift, or is that a normal thing that gets done?

18 OFFICER REYES: Yes.

19 SERGEANT DELUCIA: So you did one that day?

20 OFFICER REYES: Yes.

21 SERGEANT DELUCIA: And you knew you there was no less  
22 lethal in the cruiser that you were going to be in for the day?

23 OFFICER REYES: Correct.

24 SERGEANT DELUCIA: Okay. Which resulted in you reaching  
25 out to her. After this call comes in, do you remember what

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1 exactly you asked her to do?

2 OFFICER REYES: I just -- I just advised her to grab the  
3 less lethal and bring it down to the call.

4 SERGEANT DELUCIA: Okay.

5 OFFICER REYES: Yeah.

6 SERGEANT DELUCIA: Okay. Did she, in fact, do that?

7 OFFICER REYES: Yes, she did.

8 SERGEANT DELUCIA: Okay. On your way to the call --

9 OFFICER REYES: Uh-huh.

10 SERGEANT DELUCIA: Did you end up meeting up with Officer  
11 Miedico, or did you guys get there at the same time? Could you  
12 take me through that?

13 OFFICER REYES: Sure. I was coming from Richard Road,  
14 which is down off of Westwood Street, which is on the far -- if  
15 I have my direction right -- that's the far east part of the  
16 town.

17 SERGEANT DELUCIA: Okay.

18 OFFICER REYES: Lord Baron is more on the southwest part of  
19 the town, so I was -- I responded down Cambridge Street, up  
20 Church Street, down Bedford Street, to Terrace Hall.

21 SERGEANT DELUCIA: Okay.

22 OFFICER REYES: As I was taking a right onto Bedford Street  
23 off of Church -- Church Lane, her cruiser pulled in behind mine,  
24 and we actually arrived at the same time.

25 SERGEANT DELUCIA: Okay. So I have a diagram here, okay?

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1 And I'm going to make this, with this letter A. And I'm just  
2 going to over-describe this, since we're only on audio right  
3 now.

4 OFFICER REYES: Sure.

5 SERGEANT DELUCIA: Is this familiar to you? Do you know  
6 what this is?

7 OFFICER REYES: Yes.

8 SERGEANT DELUCIA: This is Baron Park Lane right here?

9 OFFICER REYES: Yes.

10 SERGEANT DELUCIA: This is Building 1?

11 OFFICER REYES: Yes.

12 SERGEANT DELUCIA: Okay. So correct me if I'm wrong, this  
13 is the Middlesex Turnpike over here?

14 OFFICER REYES: Yup.

15 SERGEANT DELUCIA: You would have entered this way?

16 OFFICER REYES: That's correct.

17 SERGEANT DELUCIA: Okay. So if you could --

18 OFFICER REYES: Yup.

19 SERGEANT DELUCIA: Could you please, with a red pen -- if  
20 you can get one of these to work -- could you draw where your  
21 cruiser was --

22 OFFICER REYES: Sure.

23 SERGEANT DELUCIA: -- and where Officer Miedico's cruiser  
24 came to a rest when you arrived?

25 OFFICER REYES: Sure. My cruiser was probably right



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1 about -- right by the crosswalk.

2 SERGEANT DELUCIA: Can you make, like a --

3 MR. ANDERSON: Actually, I think, why don't you grab the  
4 other red pen? I think that one --

5 OFFICER REYES: You want me to draw the cruiser number on  
6 there, or --

7 SERGEANT DELUCIA: Well, you know what, if you could put  
8 your initials.

9 OFFICER REYES: Okay.

10 SERGEANT DELUCIA: And then if you make it like a  
11 rectangle.

12 OFFICER REYES: Okay.

13 SERGEANT DELUCIA: Like, kind of the shape of a car, if you  
14 will, like a box.

15 OFFICER REYES: Sure.

16 SERGEANT DELUCIA: And write your initials as to where your  
17 car was, and her initials where hers was.

18 OFFICER REYES: Right about here was mine. Sorry for  
19 the --

20 SERGEANT DELUCIA: No, that's okay.

21 OFFICER REYES: -- the diagram. And her car was directly  
22 behind mine.

23 SERGEANT DELUCIA: So in that picture that I'm looking at,  
24 your cruiser is the one closer to the front door, and hers is  
25 behind you.

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1 OFFICER REYES: Correct. I pulled -- I wanted to make sure  
2 that I didn't want to pull directly in front of the -- the door  
3 here, so I tried to be as tactical as I could when I pulled in.

4 SERGEANT DELUCIA: Okay. And if you wouldn't mind, could  
5 you just put your initials, and then the date, which is all the  
6 way up here.

7 OFFICER REYES: Sure.

8 SERGEANT DELUCIA: Just your initials, and then the date,  
9 which is 1/26/22, and then the time is 1540 hours. And the  
10 notation I made on this, you did numbers and they were doing  
11 letters here. This is where you guys came to rest when you  
12 arrived.

13 OFFICER REYES: Correct.

14 MR. ANDERSON: Is it fair to say you came in, if you're  
15 looking at the diagram, you came from the right-hand side, going  
16 towards the left-hand side?

17 OFFICER REYES: I'm sorry. I don't know.

18 MR. ANDERSON: You came -- you entered this diagram from  
19 the right-hand side?

20 OFFICER REYES: Yes, I came this way. Yup.

21 SERGEANT DELUCIA: So the nose of your vehicle would have  
22 been facing the Middlesex Turnpike?

23 OFFICER REYES: Correct. My passenger door was right by  
24 the curbing.

25 SERGEANT DELUCIA: Correct. Okay. Great. When you

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1 arrive, what happens then?

2 OFFICER REYES: Officer Miedico informed me that she had  
3 the less lethal; however, she wasn't certified with it.

4 SERGEANT DELUCIA: Okay.

5 OFFICER REYES: So I took position of the less lethal and  
6 she took possession of the shield.

7 SERGEANT DELUCIA: Okay.

8 OFFICER REYES: We -- we just -- the lieutenant had radioed  
9 that he was on his way down to the -- the civil location, that  
10 he was responding. So we -- we decided just to hang out and  
11 wait for the lieutenant to arrive and try to, you know, figure  
12 out a game plan on what type of action we were going to take.

13 SERGEANT DELUCIA: Were you aware of any other services  
14 that were coming there, other than the police? Did you know if  
15 anybody else was responding?

16 OFFICER REYES: I believe the fire department was  
17 responding too -- too -- for possible section 12 transport.

18 SERGEANT DELUCIA: And that information, do you believe you  
19 heard that over the radio?

20 OFFICER REYES: I don't remember hearing that.

21 SERGEANT DELUCIA: Okay. But that was your understanding?

22 OFFICER REYES: Correct.

23 SERGEANT DELUCIA: That you were getting there and there  
24 was going to be a plan put into place?

25 OFFICER REYES: Correct.

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1 SERGEANT DELUCIA: Okay. Have you ever been in this  
2 building before, or this complex before?

3 OFFICER REYES: I have.

4 SERGEANT DELUCIA: Are you familiar with the building  
5 itself?

6 OFFICER REYES: Yes.

7 SERGEANT DELUCIA: Okay. So when you guys are here, do you  
8 end up retrieving the less lethal from Officer Miedico?

9 OFFICER REYES: Yes, I do.

10 SERGEANT DELUCIA: And how did that come to be?

11 OFFICER REYES: She just handed it to me. I just told her  
12 where she wasn't certified, you know, why don't you hand it to  
13 me, and I'll -- and I'll be less lethal cover, if needed.

14 SERGEANT DELUCIA: Okay. Where about, roughly, are you  
15 either standing with her or having conversations with her once  
16 you guys exit your vehicles?

17 OFFICER REYES: We were right over here behind her car, up  
18 on the lawn area, I want to say somewhere in this area here.

19 SERGEANT DELUCIA: Okay. When does it come to be  
20 that -- when do you see this individual that you ultimately,  
21 that you have interaction with?

22 OFFICER REYES: I didn't see him until he was  
23 probably -- we were probably right here, up on the lawn.

24 SERGEANT DELUCIA: Okay.

25 OFFICER REYES: And I didn't see him until he was maybe

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1 about, I'd say 12 to 15 feet from me on the lawn.

2 SERGEANT DELUCIA: So on this one, which we're going to  
3 make Letter B, okay? And you can look at this one.

4 OFFICER REYES: Yeah.

5 SERGEANT DELUCIA: Could you just, in terms of a range,  
6 could you put where he was in terms of, like, a circle.

7 OFFICER REYES: Sure.

8 SERGEANT DELUCIA: And/or you could put like a circle and  
9 an X if you will, or wherever you think he was when you first  
10 saw him.

11 OFFICER REYES: Somewhere in this area.

12 SERGEANT DELUCIA: Okay. And the same thing. Could you  
13 just do initials --

14 OFFICER REYES: Sure.

15 SERGEANT DELUCIA: -- date, and time?

16 OFFICER REYES: Oh, yeah. I'm sorry.

17 SERGEANT DELUCIA: No, that's okay. And we'll do like 1543  
18 on that one for the time.

19 OFFICER REYES: 1/26/22, 1546?

20 SERGEANT DELUCIA: 43.

21 OFFICER REYES: 43.

22 MR. ANDERSON: And just to clarify if needed, you're  
23 drawing a red dot on there in kind of the bottom right-hand  
24 corner of the area surrounding this main building, correct?

25 OFFICER REYES: Sure, yes.

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1 MR. ANDERSON: And the dot, it's probably maybe halfway  
2 between where there was, like, a speedbump and then the entryway  
3 to the parking lot?

4 OFFICER REYES: Yes, that's correct.

5 MR. ANDERSON: Okay.

6 SERGEANT DELUCIA: And we're calling this letter B, okay?

7 OFFICER REYES: Okay.

8 SERGEANT DELUCIA: So we did A, and this is B. When you  
9 see the individual --

10 OFFICER REYES: Yup.

11 SERGEANT DELUCIA: -- what's he doing?

12 OFFICER REYES: He's running right at us.

13 SERGEANT DELUCIA: He's moving toward you?

14 OFFICER REYES: Yes.

15 SERGEANT DELUCIA: He's not standing still?

16 OFFICER REYES: No.

17 SERGEANT DELUCIA: Okay. Does he have anything that  
18 catches your attention?

19 OFFICER REYES: At first I didn't realize -- it happened so  
20 quick, it took my brain maybe about 2 seconds to process what  
21 exactly was going on.

22 SERGEANT DELUCIA: Okay.

23 OFFICER REYES: And then once my -- once my brain focused  
24 on what was going on, I could see a knife.

25 SERGEANT DELUCIA: Okay. Where did you see the knife? Was

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1 it in his hands, was it in --

2 OFFICER REYES: It was in his right hand, and he was  
3 holding it up toward -- he was holding it up near his head.

4 SERGEANT DELUCIA: Okay. Did you see anything else in his  
5 hands?

6 OFFICER REYES: Something appeared to be a blanket that was  
7 over his head, either a blanket or, I don't know, a jacket or  
8 something.

9 SERGEANT DELUCIA: Okay.

10 OFFICER REYES: I really couldn't make out what it was  
11 exactly.

12 SERGEANT DELUCIA: Could you see what color it was?

13 OFFICER REYES: I -- I want to say it was dark, like a  
14 grayish color.

15 SERGEANT DELUCIA: Okay.

16 OFFICER REYES: Yeah.

17 SERGEANT DELUCIA: And again, we don't have visual here.

18 OFFICER REYES: Yeah.

19 SERGEANT DELUCIA: But could you show me exactly what  
20 you're talking about with the knife in his hand.

21 OFFICER REYES: Yeah, yeah. He had it just like this. The  
22 blade was coming down this way. He had it up by his head and he  
23 looked like he was, like, was going to stab something.

24 SERGEANT DELUCIA: So just to describe what you're doing.  
25 You have your right hand holding the knife by, like, the handle?

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1 OFFICER REYES: Correct. By the handle up here.

2 SERGEANT DELUCIA: And you can see the blade?

3 OFFICER REYES: Correct.

4 SERGEANT DELUCIA: Okay. How would you describe the knife?

5 OFFICER REYES: It looked like maybe a kitchen knife or  
6 something.

7 SERGEANT DELUCIA: Okay.

8 OFFICER REYES: That's the best way I could describe it.

9 SERGEANT DELUCIA: Okay. When you saw that, what happened  
10 then?

11 OFFICER REYES: Well, I said, "Oh, shit," and I -- in my  
12 head I said, "Oh, shit," and I -- and I yelled, "Drop the knife!  
13 Drop the knife!"

14 SERGEANT DELUCIA: So you start giving verbal commands,  
15 correct?

16 OFFICER REYES: Correct.

17 SERGEANT DELUCIA: Do you have your less lethal at that  
18 point?

19 OFFICER REYES: Yes, I do.

20 SERGEANT DELUCIA: Okay. In terms of what, really focus on  
21 what your actions were.

22 OFFICER REYES: All right.

23 SERGEANT DELUCIA: If you can see, were you able to have a  
24 visual of Officer Miedico then, or are you only looking at the  
25 threat that's in front of you?



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1 OFFICER REYES: I'm only looking at the threat in front of  
2 me.

3 SERGEANT DELUCIA: Okay. Did he respond to any of your  
4 commands?

5 OFFICER REYES: No, not at all.

6 SERGEANT DELUCIA: Not verbally?

7 OFFICER REYES: Nothing, nothing.

8 SERGEANT DELUCIA: What did you do, in terms of your  
9 movements, at that point?

10 OFFICER REYES: I started to walk back to try to create  
11 some distance.

12 SERGEANT DELUCIA: So when you say walk back, are you  
13 walking into Baron Park Road, is that, like, when you say walk  
14 back?

15 OFFICER REYES: Yeah, correct. I was -- I was -- where was  
16 I? I was here, so I was kind of walking back in this direction.  
17 I knew -- I knew Officer Miedico was to my right, so I wanted to  
18 separate from her.

19 SERGEANT DELUCIA: Okay.

20 OFFICER REYES: So I figured if I walked back this way I  
21 would kind of move myself away from her.

22 SERGEANT DELUCIA: Okay. And so the direction that we're  
23 talking right now, when you say, walk back, is you're walking  
24 toward Baron Park Lane.

25 OFFICER REYES: Correct.

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1 SERGEANT DELUCIA: Out toward the main road.

2 OFFICER REYES: Correct.

3 SERGEANT DELUCIA: And she's more on this driveway area,  
4 which is off of Baron Park Lane; is that accurate?

5 OFFICER REYES: That is accurate.

6 SERGEANT DELUCIA: Okay. Do you ultimately discharge the  
7 less lethal?

8 OFFICER REYES: I do. I remember right before I discharged  
9 it, I -- I'll never forget his eyes. It was like a blank stare,  
10 but he didn't say two words, you know, I was -- I was telling  
11 him to put the knife down, put the knife down. No response.  
12 There was like nothing there, just the blank stare.

13 SERGEANT DELUCIA: Okay.

14 OFFICER REYES: So right before I discharge it, I yelled  
15 out, "Less lethal! Less lethal!" That's what we're trained to  
16 do here in Burlington, and also to make my partner aware that I  
17 was -- that I was going to deploy that projectile.

18 SERGEANT DELUCIA: Okay. And did that happen?

19 OFFICER REYES: It did, yeah.

20 SERGEANT DELUCIA: And did you see where -- did it strike  
21 him?

22 OFFICER REYES: Yes, it -- it definitely did strike him,  
23 yes.

24 SERGEANT DELUCIA: Do you know where on his body?

25 OFFICER REYES: I want to -- I want to say, from what I

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1 remember, it hit him on the lower -- one of the lower -- either  
2 the left or right lower -- lower quadrant of his body.

3 SERGEANT DELUCIA: So if you recall, was he facing you when  
4 this happened?

5 OFFICER REYES: Yes.

6 SERGEANT DELUCIA: Like, in front of you?

7 OFFICER REYES: Yes.

8 SERGEANT DELUCIA: Okay. And he got struck. How many  
9 projectiles were fired?

10 OFFICER REYES: Just one.

11 SERGEANT DELUCIA: Were you able to reload?

12 OFFICER REYES: No.

13 SERGEANT DELUCIA: Okay. So he gets struck with one. What  
14 does he do after that?

15 OFFICER REYES: It -- it's -- when -- when it struck him,  
16 it -- it was like he got stung by it, because he took his  
17 attention off me and put his attention solely on her.

18 SERGEANT DELUCIA: Okay. That was your impression that was  
19 going on? Like, he --

20 OFFICER REYES: Yeah.

21 SERGEANT DELUCIA: -- he was done with you, focusing on  
22 something else?

23 OFFICER REYES: Correct.

24 SERGEANT DELUCIA: Did he make a noise or anything when he  
25 got hit by the thing, that you recall?

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1 OFFICER REYES: I -- I don't recall.

2 SERGEANT DELUCIA: Okay. All right. When he focuses his  
3 attention to Officer Miedico, is he standing still, or what's he  
4 doing in terms of movements?

5 OFFICER REYES: Well, he's running right towards her.

6 SERGEANT DELUCIA: Running?

7 OFFICER REYES: Yeah.

8 SERGEANT DELUCIA: And did you see him drop the knife or  
9 anything during that instance?

10 OFFICER REYES: No, no.

11 SERGEANT DELUCIA: And what about this other thing that he  
12 had, that he was also holding?

13 OFFICER REYES: I didn't even see that all, to be honest  
14 with you.

15 SERGEANT DELUCIA: Okay. So as he is advancing on Officer  
16 Miedico. What are you doing?

17 OFFICER REYES: I -- I immediately dropped -- because the  
18 particular device that I had didn't have a sling on it, so I  
19 just dropped it, and I tried to transition to my firearm.

20 SERGEANT DELUCIA: Okay.

21 OFFICER REYES: Which I didn't have a chance to even pull  
22 out of my holster before he was top of her.

23 SERGEANT DELUCIA: Okay. So if you could take me through  
24 that.

25 OFFICER REYES: Sure.

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1 SERGEANT DELUCIA: Did you see Officer Miedico shoot, or  
2 did you just hear it, or neither?

3 OFFICER REYES: I just heard it.

4 SERGEANT DELUCIA: You heard it?

5 OFFICER REYES: Yeah.

6 SERGEANT DELUCIA: Okay. How many shots did you hear?

7 OFFICER REYES: I heard two.

8 SERGEANT DELUCIA: Two total?

9 OFFICER REYES: Two total.

10 SERGEANT DELUCIA: Together, or were they spread out? Do  
11 you recall?

12 OFFICER REYES: I want to say it was together, like a  
13 double-tap.

14 SERGEANT DELUCIA: Okay, okay. And you heard one -- so a  
15 double-tap -- one double-tap?

16 OFFICER REYES: Yeah.

17 SERGEANT DELUCIA: And where did that occur in terms of,  
18 how close was he to her when --

19 OFFICER REYES: He was -- he was right on top of her.

20 SERGEANT DELUCIA: Okay.

21 OFFICER REYES: I mean, right on top of her.

22 SERGEANT DELUCIA: So when you say on top of her, is she  
23 not standing anymore?

24 OFFICER REYES: She was standing, but she was -- she was  
25 shuffling back -- she was shuffling back, and he was, like,

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1 right on top of her, you know, like this.

2 SERGEANT DELUCIA: Yup.

3 OFFICER REYES: I'll -- I'll -- that'll -- that'll stay  
4 with me the rest of my life.

5 SERGEANT DELUCIA: Okay. And is that when you heard the  
6 shots?

7 OFFICER REYES: That's when I heard the shots.

8 SERGEANT DELUCIA: Okay.

9 OFFICER REYES: And then she stumbled back.

10 SERGEANT DELUCIA: Okay. Did she hit the ground?

11 OFFICER REYES: Yes.

12 SERGEANT DELUCIA: What did he do then?

13 OFFICER REYES: He dropped. I noticed that he dropped, and  
14 he landed on his back.

15 SERGEANT DELUCIA: He landed on his back?

16 OFFICER REYES: Correct.

17 SERGEANT DELUCIA: Okay. When she shot, did you happen to  
18 notice if she had the shield still? Do you know where the  
19 shield went, or is it just not a level of detail you have?

20 OFFICER REYES: Yeah, I don't.

21 SERGEANT DELUCIA: Okay.

22 OFFICER REYES: I -- I don't remember.

23 SERGEANT DELUCIA: Okay. During this entire interaction,  
24 you don't hear him? He's not verbalizing anything?

25 OFFICER REYES: Nothing.

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1 SERGEANT DELUCIA: Okay. Do you go over after it happens?

2 OFFICER REYES: Yes.

3 SERGEANT DELUCIA: And what do you see, like, what's on the  
4 ground? Do you see --

5 OFFICER REYES: He's on the ground. Then I see the -- I  
6 clearly see the knife. And my concern was Officer Miedico, if  
7 she was okay.

8 SERGEANT DELUCIA: Okay.

9 OFFICER REYES: Yeah.

10 SERGEANT DELUCIA: Is she conscious?

11 OFFICER REYES: She is conscious.

12 SERGEANT DELUCIA: Okay. Did you end up seeing the knife  
13 more closely?

14 OFFICER REYES: Yes.

15 SERGEANT DELUCIA: How would you describe what the knife  
16 looked like?

17 OFFICER REYES: It had a brown handle, I don't know,  
18 maybe -- I don't know, eight inches, maybe.

19 SERGEANT DELUCIA: Okay.

20 OFFICER REYES: Maybe a thin blade.

21 SERGEANT DELUCIA: And that's like a fixed blade, not a  
22 collapsible?

23 OFFICER REYES: No, a fixed blade.

24 SERGEANT DELUCIA: Because you had described it as a  
25 kitchen knife?

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1 OFFICER REYES: Yeah, a fixed blade.

2 SERGEANT DELUCIA: Okay. This other thing that he had that  
3 looked gray, was that anywhere around?

4 OFFICER REYES: I didn't even notice.

5 SERGEANT DELUCIA: Okay.

6 OFFICER REYES: Yeah.

7 SERGEANT DELUCIA: Was he saying anything after he got  
8 shot? Was there any verbal exchange coming from him?

9 OFFICER REYES: No. He -- he was exchanging in the air,  
10 but it was garbled.

11 SERGEANT DELUCIA: Okay.

12 OFFICER REYES: Yeah.

13 SERGEANT DELUCIA: Okay. And did you do anything at that  
14 point?

15 OFFICER REYES: Yeah. At that point I kicked the knife  
16 away from him, that way it was no longer a threat. And I rolled  
17 him on his stomach to handcuff him and secure his hands.

18 SERGEANT DELUCIA: Okay.

19 OFFICER REYES: Then I rolled him back over on his back so  
20 I wouldn't obstruct his airway.

21 SERGEANT DELUCIA: Okay. And did you see at any point the  
22 fire department arrive?

23 OFFICER REYES: Yes.

24 SERGEANT DELUCIA: Okay. And could you take me through  
25 that?



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1 OFFICER REYES: Yeah. As I -- as I handcuffed him and one  
2 of the firefighters came running over and just asked how we were  
3 and everything good, you know? Are you guys all right?

4 SERGEANT DELUCIA: Yeah.

5 OFFICER REYES: And I instructed Officer Miedico to grab  
6 a -- a medical bag. Well, first I asked her if she was okay;  
7 she said she was okay. Then I asked her to -- I instructed her  
8 to grab a medical bag out of the back of the cruiser --

9 SERGEANT DELUCIA: Okay.

10 OFFICER REYES: -- so we could render aid.

11 SERGEANT DELUCIA: Okay.

12 OFFICER REYES: And then the fire department just took  
13 over.

14 SERGEANT DELUCIA: Okay. In terms of the proximity, how  
15 close would you say this guy got to you? And again, we're not  
16 looking for hyper-technical, just the best you can do, the best  
17 of your knowledge.

18 OFFICER REYES: Yeah. I would say 12 feet.

19 SERGEANT DELUCIA: 12 feet from you?

20 OFFICER REYES: 12 feet.

21 SERGEANT DELUCIA: So when you deploy the less lethal,  
22 what's a good range on that that you could usually hit somebody?  
23 I mean, are you, like, really good with it, or if you were to  
24 hit somebody at 12 feet, is that reasonable?

25 OFFICER REYES: Yeah.

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1 SERGEANT DELUCIA: I don't know the answer to that, that's  
2 why I'm asking you.

3 OFFICER REYES: I mean, it's close, but yeah, you could hit  
4 somebody at 12 feet.

5 SERGEANT DELUCIA: They're pretty accurate?

6 OFFICER REYES: Yeah, yeah.

7 SERGEANT DELUCIA: So 12 feet that's a reasonable?

8 OFFICER REYES: Sure, sure.

9 SERGEANT DELUCIA: And that's as close as he got to you, is  
10 that 12 feet mark --

11 OFFICER REYES: Yeah. I would say that.

12 SERGEANT DELUCIA: -- when he got hit by that?

13 OFFICER REYES: Yeah. It was like -- like I said, I think  
14 it stunned him a little bit --

15 SERGEANT DELUCIA: Okay.

16 OFFICER REYES: -- because he took his eyes -- we had eye  
17 contact the whole time. I'll never forget -- I'll never forget  
18 that. And it's like when I hit him with it, he took his eyes  
19 off me and directly beelined it for her.

20 SERGEANT DELUCIA: Yeah. Okay. How would you  
21 describe -- I know you said the eyes, right -- the physical  
22 appearance of this guy? Do you have any idea how tall he was  
23 or --

24 OFFICER REYES: I know he was taller than me, most people  
25 are anyway, so --

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1 SERGEANT DELUCIA: Okay. How tall are you?

2 OFFICER REYES: I'm 5'6".

3 SERGEANT DELUCIA: Okay.

4 OFFICER REYES: He seemed a little bit on the heavier side.

5 SERGEANT DELUCIA: Okay.

6 OFFICER REYES: And he had dark eyes and he was a white  
7 man.

8 SERGEANT DELUCIA: Okay. All right. Do you remember what  
9 he was wearing for attire at all?

10 OFFICER REYES: I don't.

11 SERGEANT DELUCIA: Okay. All right. So I'm going to ask  
12 you about one more map here that we have. It's just slightly  
13 different. It has the four buildings, instead of the one.

14 OFFICER REYES: Okay.

15 SERGEANT DELUCIA: I mean, not of the single ones. So this  
16 is the Middlesex Turnpike.

17 OFFICER REYES: Yup.

18 SERGEANT DELUCIA: So this is -- and correct me if I'm  
19 wrong -- this would be building number 1?

20 OFFICER REYES: Correct.

21 SERGEANT DELUCIA: I'm going to write right on there,  
22 building number 1, just slightly different --

23 MR. ANDERSON: And what he said was Middlesex Turnpike;  
24 that was on the left margin of the diagram.

25 SERGEANT DELUCIA: Let's put that right there. So Attorney

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1 Anderson, so this is what we can't see in the other ones. This  
2 is the Middlesex Turnpike. So those cars, their cruisers would  
3 have entered this way.

4 MR. ANDERSON: From the right.

5 SERGEANT DELUCIA: Correct. Yeah, it's backwards. Sorry.  
6 From the right toward the left. And again, if we look at A,  
7 they're parked right here. They see him right in this corner  
8 here for the first time. Is that all accurate? Do you agree  
9 with that?

10 OFFICER REYES: Yes, yeah.

11 SERGEANT DELUCIA: Okay. So the last thing is, if you  
12 could note where you and Officer Miedico were in relation to  
13 this individual when you first saw him. So what I'd like you to  
14 do, if you can, make a notation as to where you were, where  
15 Officer Miedico was, and then where this individual was when you  
16 first saw him. Do you know what I mean?

17 OFFICER REYES: Yeah.

18 SERGEANT DELUCIA: And you can just note it with --

19 OFFICER REYES: Yeah. I just want to --

20 SERGEANT DELUCIA: Yeah. Take your time.

21 OFFICER REYES: Because our cruisers were at the corner  
22 here, so --

23 SERGEANT DELUCIA: Yeah. And again, you can take a look at  
24 these two if those gauge you. I just don't want to have too  
25 much on one picture.

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1 OFFICER REYES: Yeah. So I'll do a circle for me, and you  
2 want me to do a --

3 SERGEANT DELUCIA: If you can do a circle with your  
4 initials.

5 OFFICER REYES: Yeah.

6 SERGEANT DELUCIA: Do a circle with her initials.

7 OFFICER REYES: Okay.

8 SERGEANT DELUCIA: And then if you could just do a circle  
9 with maybe, like, an X. And again, it doesn't have to be  
10 precise. It could be a range for him, if you want to draw a  
11 larger circle in, you know, roughly this area.

12 MR. ANDERSON: If you can't put your initial, if you want  
13 to maybe make a line down to the bottom there and put your  
14 initials.

15 SERGEANT DELUCIA: You can certainly do that too. If you  
16 made a circle -- yeah. You can do that as well, if it's not  
17 writing well for you.

18 OFFICER REYES: Did you want me to sign -- initial and  
19 date?

20 SERGEANT DELUCIA: Yeah. That would be great. Yeah. Let  
21 me just -- I want to see up here, because I want --

22 OFFICER REYES: I know she was to my right. I -- I just  
23 can't be as, you know, I'm trying to be as accurate as I can.

24 SERGEANT DELUCIA: Yeah. No, and all we're looking for is  
25 your best memory. It doesn't have to be perfect. So -- yup.

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1 RR, 1/26/22, and 1556 hours.

2 All right. So as we're looking at this, this is you, RR?

3 OFFICER REYES: Yup.

4 SERGEANT DELUCIA: And this is her.

5 OFFICER REYES: Correct.

6 SERGEANT DELUCIA: Where is he?

7 OFFICER REYES: Oh, I'm sorry.

8 SERGEANT DELUCIA: So that's okay. Yeah. Like I said, it  
9 doesn't have to be precise, but, you know, roughly where he was.

10 OFFICER REYES: He was 12 feet from me, right around this  
11 area here.

12 SERGEANT DELUCIA: Okay. And if you could just, you can  
13 make a little line there and we'll just note it with an X, I  
14 guess, would be fine. Okay.

15 So is it fair to say you don't see this guy come out of the  
16 building?

17 OFFICER REYES: No.

18 SERGEANT DELUCIA: So when you guys arrive and you're  
19 getting your stuff together --

20 OFFICER REYES: Yeah.

21 SERGEANT DELUCIA: And I think we said it's coming up with  
22 a plan, essentially, as to what you're going to do.

23 OFFICER REYES: That's correct.

24 SERGEANT DELUCIA: You don't know where he comes from.

25 OFFICER REYES: No.

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1 SERGEANT DELUCIA: He is just there.

2 OFFICER REYES: Yes, sir. Yeah.

3 SERGEANT DELUCIA: Was there anybody else around? When you  
4 first got there, like, you know, I'm assuming -- I think it's  
5 safe to assume you're scanning the area when you come in --

6 OFFICER REYES: Yeah.

7 SERGEANT DELUCIA: -- because it's a pretty hot call.

8 OFFICER REYES: Yeah.

9 SERGEANT DELUCIA: And when you first pull up there's  
10 nothing that's alarming to you when you first pull up?

11 OFFICER REYES: I didn't see -- no, not at all.

12 SERGEANT DELUCIA: Because I would imagine from the radio  
13 calls your anticipating he's going to be inside and not outside.  
14 Is that fair to say?

15 OFFICER REYES: That's accurate, yeah.

16 SERGEANT DELUCIA: Okay.

17 OFFICER REYES: Yeah.

18 SERGEANT DELUCIA: And again, and that's based upon the  
19 information that you're being given.

20 OFFICER REYES: Yup.

21 SERGEANT DELUCIA: Okay. Let's see. Had you ever dealt  
22 with this individual before?

23 OFFICER REYES: Never.

24 SERGEANT DELUCIA: Never. Okay.

25 MR. ANDERSON: Rob, when you said you kicked the knife

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1 away, where was the knife in relation to him when you first kind  
2 of rolled up to it?

3 OFFICER REYES: I want to say it was -- it was next to him  
4 on the right side of his body.

5 MR. ANDERSON: So in between he and Aurise?

6 OFFICER REYES: Yeah, yeah.

7 SERGEANT DELUCIA: When you, and again, I'm not overly  
8 familiar with this less lethal weapon that you had.

9 OFFICER REYES: Sure.

10 SERGEANT DELUCIA: When you said it usually has a sling on  
11 it, that allows you to put it over your shoulder --

12 OFFICER REYES: Correct.

13 SERGEANT DELUCIA: -- so you can do other things?

14 OFFICER REYES: Correct.

15 SERGEANT DELUCIA: This didn't have that?

16 OFFICER REYES: That's correct.

17 SERGEANT DELUCIA: So in order to get that out of your  
18 hands, that's going to the ground; is that right?

19 OFFICER REYES: That's correct. Yeah.

20 SERGEANT DELUCIA: Okay. And do you have a bag?

21 OFFICER REYES: Yes.

22 SERGEANT DELUCIA: Is that slung around you? How does  
23 that --

24 OFFICER REYES: Yeah. That was slung around, right around  
25 on my left side, on my off-side of dominant.



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1 SERGEANT DELUCIA: Okay.

2 OFFICER REYES: I didn't want it on my gun side --

3 SERGEANT DELUCIA: Yeah.

4 OFFICER REYES: -- so I had it on my nondominant side, so  
5 that way I could reload if I needed to.

6 SERGEANT DELUCIA: Okay. And again, the reason that you  
7 didn't reload?

8 OFFICER REYES: Yeah. There wasn't enough time.

9 SERGEANT DELUCIA: Wasn't enough time. Okay. And did you  
10 transition to your gun?

11 OFFICER REYES: When I was -- when I was in the process of  
12 doing so, that's when I heard the shots go off.

13 SERGEANT DELUCIA: Okay.

14 OFFICER REYES: So I -- I never got it out of the holster.

15 SERGEANT DELUCIA: Right. And you did not fire your  
16 weapon?

17 OFFICER REYES: No, I did not.

18 SERGEANT DELUCIA: Okay. All right. I don't know if I  
19 have anything else, Attorney Anderson.

20 MR. ANDERSON: Just a couple questions.

21 SERGEANT DELUCIA: Sure.

22 MR. ANDERSON: When you were outside talking to Officer  
23 Miedico, she told us that there was some discussion about the  
24 doors on the apartments, I guess these apartments have multiple  
25 doors.

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1 OFFICER REYES: Yeah.

2 MR. ANDERSON: As you were outside having that discussion,  
3 did you have any description of who this person was, I mean, his  
4 clothing, his height, his weight, his hair color, or nothing?

5 OFFICER REYES: No, no physical description. Nothing. And  
6 that's why it took my mind a couple of seconds to process what  
7 was going on, because I just thought this was some random  
8 guy -- random person running towards us. I didn't know it was  
9 the same subject we were dealing with.

10 SERGEANT DELUCIA: Right. You weren't anticipating him  
11 being outside --

12 OFFICER REYES: Yeah, yeah.

13 SERGEANT DELUCIA: -- based upon the information you had  
14 been given.

15 OFFICER REYES: Right.

16 SERGEANT DELUCIA: Okay.

17 MR. ANDERSON: And I know you said that he was right on top  
18 of Officer Miedico.

19 OFFICER REYES: Yeah.

20 MR. ANDERSON: Is there a way you could put that into feet  
21 or inches or arm lengths?

22 OFFICER REYES: God. A couple of feet, three feet maybe.

23 MR. ANDERSON: Okay.

24 OFFICER REYES: Yeah. I mean, right on top of her. And I  
25 just remember her yelling, "No, no, no," you know.

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1 MR. ANDERSON: And was the knife still up over his head at  
2 that time?

3 OFFICER REYES: Yes. Yeah, I thought he -- I thought he  
4 had stabbed her.

5 MR. ANDERSON: Okay.

6 SERGEANT DELUCIA: Did you ever lose sight of her, in terms  
7 of, like --

8 OFFICER REYES: When I was engaged with the subject, I lost  
9 sight of her. When I was backing up and I had -- I was locked  
10 on with him, I lost sight of her.

11 SERGEANT DELUCIA: Okay. And I don't know if I'll explain  
12 this properly, so give me --

13 MR. ANDERSON: Yeah, yeah.

14 SERGEANT DELUCIA: If I don't, say you don't understand.  
15 Where you were standing after you deployed your less lethal, was  
16 he on the grass at that point, or where was he?

17 OFFICER REYES: He was on the grass.

18 SERGEANT DELUCIA: Okay. Because I believe the -- that's  
19 where the projectile ended up, was on the grass, I think.

20 OFFICER REYES: Yeah.

21 SERGEANT DELUCIA: He's in this, again, this corner here --

22 OFFICER REYES: Yeah.

23 SERGEANT DELUCIA: He's in -- again, it's a range, he's in  
24 this grassy area?

25 OFFICER REYES: Correct.

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1 SERGEANT DELUCIA: And after he's done with you, he  
2 proceeds to this driveway.

3 OFFICER REYES: That's correct.

4 SERGEANT DELUCIA: Do you see Officer Miedico?

5 OFFICER REYES: We -- we were actually backing up in a  
6 triangle position.

7 SERGEANT DELUCIA: Okay.

8 OFFICER REYES: She was going more towards the parking lot,  
9 where I was going out towards the street to create separation.

10 SERGEANT DELUCIA: Okay.

11 OFFICER REYES: When I deployed my round, it struck him,  
12 and then, like I said, he lost focus on me and went directly  
13 towards her.

14 SERGEANT DELUCIA: And you're on pavement when you  
15 did -- your feet are on pavement too?

16 OFFICER REYES: Yes, correct. Yeah.

17 SERGEANT DELUCIA: When he starts advancing towards her,  
18 was there any situation where you can't see her anymore because  
19 you're looking at his back, or could you see her --

20 OFFICER REYES: I could see her at that point.

21 SERGEANT DELUCIA: You could see her now. Okay.

22 OFFICER REYES: Yeah, yeah.

23 SERGEANT DELUCIA: All right. Okay. I don't believe -- I  
24 don't think I really have anything else.

25 MR. ANDERSON: I don't have anything else to add.

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1 SERGEANT DELUCIA: Okay. I think that's all. I mean,  
2 unless there's something we didn't ask you that --

3 OFFICER REYES: No, no.

4 SERGEANT DELUCIA: Are you sure?

5 OFFICER REYES: I mean, I'm just really -- I'm just -- I  
6 wish I could have done more for her, you know. She's just a kid  
7 and, you know, I just wish I -- I just wish I could have done  
8 more for her.

9 SERGEANT DELUCIA: Okay. It's 1601 hours on January 26,  
10 2022, Wednesday, and we're going to end this interview, okay?

11 OFFICER REYES: Thank you, sir. I appreciate it.

12 SERGEANT DELUCIA: Thank you Officer Reyes.

13 (Audio playback ends)

14 MR. HARREN: Okay. I'll play the first part of Officer  
15 Miedico's.

16 THE COURT: Okay.

17 (Audio playback begins)

18 SERGEANT DELUCIA: My name is Anthony DeLucia. I'm a  
19 Sergeant with the Massachusetts State Police. I work out of the  
20 Middlesex District Attorney's office. I'm just going to have  
21 everybody go around and say who they are. So go ahead,  
22 Sergeant.

23 SERGEANT LEARY: Sergeant Matt Leary, Burlington Police.

24 OFFICER ZACCAGNINI: Officer Brittany Zaccagnini,  
25 Burlington Police.

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1 OFFICER MIEDICO: Officer Aurise Miedico, Burlington  
2 Police.

3 MR. ANDERSON: Attorney Kenneth Anderson, A-N-D-E-R-S-O-N,  
4 for Officer Miedico.

5 SERGEANT DELUCIA: Thank you. So today is Wednesday,  
6 January 26th, 2022. It is 1355 hours, we're at the Burlington  
7 Police Department. This is a death investigation dated back to  
8 Sunday. I'm going to read you the Miranda form. I'm just going  
9 to read you this, okay?

10 Before asking you any questions, it is my duty to advise  
11 you of your rights. You have the right to remain silent. If  
12 you choose to speak, anything you say may be used against you in  
13 a court of law. You have the right to consult with a lawyer  
14 before answering any questions, and you may have a lawyer with  
15 you during any questioning. If you cannot afford a lawyer or  
16 want one, a lawyer will be provided at no cost before any  
17 questioning.

18 If you decide to answer questions, you may stop at any  
19 time.

20 Do you understand each of these rights that I have just  
21 read to you?

22 OFFICER MIEDICO: Yes.

23 SERGEANT DELUCIA: Okay. So I'm handing you the form. So  
24 there's a yes or no, and then your initials. And then the very  
25 next question: Having these rights in mind, do you wish to

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1 speak with me now? Again, yes, no, and initials, whichever.

2 Okay.

3 OFFICER MIEDICO: And I just sign?

4 SERGEANT DELUCIA: Yes. You can sign right on that  
5 signature line. Yes, please. And Attorney Anderson, you  
6 acknowledged it?

7 MR. ANDERSON: I acknowledged it, yes.

8 SERGEANT DELUCIA: Okay. Thank you.

9 MR. ANDERSON: Does she date that? Or do you want it  
10 dated, the Miranda?

11 OFFICER MIEDICO: Thank you.

12 SERGEANT DELUCIA: Yeah. I was going to. Yeah, you can  
13 date it. Sure. The date and time, and again it's at 1356  
14 hours. Yeah. That would be helpful.

15 OFFICER MIEDICO: Thank you. I'm sorry. What's the date?

16 SERGEANT DELUCIA: It is the 26th, and then it's 1356  
17 hours.

18 OFFICER MIEDICO: I'm sorry. I messed that up.

19 SERGEANT DELUCIA: It's okay. Thanks. How do I properly  
20 say your last name?

21 OFFICER MIEDICO: Miedico.

22 SERGEANT DELUCIA: Miedico. Okay.

23 OFFICER MIEDICO: Yeah.

24 SERGEANT DELUCIA: So Officer Miedico, as I stated, thank  
25 you for coming in today voluntarily. As stated before, this is

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1 an investigation, it's a death investigation, okay? This is not  
2 an internal affairs investigation, okay? This is an  
3 investigation into what happened on Sunday, okay?

4 OFFICER MIEDICO: Yeah.

5 SERGEANT DELUCIA: We understand that, right?

6 MR. ANDERSON: Yes.

7 SERGEANT DELUCIA: Okay. So in terms of how long have you  
8 been a police officer for?

9 OFFICER MIEDICO: I was a reserve in Old Orchard, Maine for  
10 two summers, while I was in college. And the summer after I  
11 graduated I got hired full time with Westbrook, but I never  
12 worked on the street because I was going to the academy. I left  
13 the Maine Academy, and got hired with Burlington. Went to the  
14 Lowell Police Academy.

15 SERGEANT DELUCIA: Do you remember the dates when you did  
16 that, the year you did that?

17 OFFICER MIEDICO: 2020 -- in July of 2020, is when I  
18 started the police academy in Lowell.

19 SERGEANT DELUCIA: The Lowell Academy. Okay. So where  
20 would you have finished that? How long is that academy.

21 OFFICER MIEDICO: I finished it in December of 2020.

22 SERGEANT DELUCIA: Okay.

23 OFFICER MIEDICO: Like the second week in December, it was,  
24 like, the 11th or the 12th or something.

25 SERGEANT DELUCIA: And did you put yourself through that,



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1 or did somebody put you through that?

2 OFFICER MIEDICO: No, Burlington did.

3 SERGEANT DELUCIA: So you were going to be hired upon  
4 completion of that, then?

5 OFFICER MIEDICO: Yes.

6 SERGEANT DELUCIA: Okay. And did you start shortly  
7 thereafter your graduation?

8 OFFICER MIEDICO: Yeah. So the day of -- that we were  
9 supposed to have our graduation, because of COVID, we got some  
10 paperwork and then we came here.

11 SERGEANT DELUCIA: Okay.

12 OFFICER MIEDICO: So I'm like a month off of probation.

13 SERGEANT DELUCIA: Okay. In terms of you had mentioned  
14 school. What is your academic background?

15 OFFICER MIEDICO: I went to Norwich University in Vermont,  
16 and I was in the Corps of Cadets there, so it's the military  
17 side of it.

18 SERGEANT DELUCIA: Okay.

19 OFFICER MIEDICO: With a major in criminal justice, a minor  
20 in criminology, and a minor in -- no, a concentration in  
21 criminology and a minor in philosophy.

22 SERGEANT DELUCIA: Did you graduate from Norwich?

23 OFFICER MIEDICO: Yes.

24 SERGEANT DELUCIA: Okay. Is that a BA or a BS? What did  
25 you get from there?

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1 OFFICER MIEDICO: A BA.

2 SERGEANT DELUCIA: A BA in criminal justice?

3 OFFICER MIEDICO: Yes.

4 SERGEANT DELUCIA: Okay. And when did you graduate from  
5 Norwich? Do you remember the year?

6 OFFICER MIEDICO: It would have been the summer of 2019.

7 SERGEANT DELUCIA: Okay. So a year prior to going to the  
8 academy? So if you're in the academy in 2020.

9 OFFICER MIEDICO: Yes.

10 SERGEANT DELUCIA: Okay.

11 OFFICER MIEDICO: Yeah. And I was in Maine working, like,  
12 part-time shifts with Old Orchard until December of 2019.

13 SERGEANT DELUCIA: Okay. And that was the next question I  
14 was going to ask, in terms of past employment. What have you  
15 had for jobs, just throughout your lifetime?

16 OFFICER MIEDICO: I was a -- I worked at Dunkin Donuts.

17 SERGEANT DELUCIA: Okay.

18 OFFICER MIEDICO: I worked at an ice cream shop, like  
19 Orange Leaf, which is, like a frozen yogurt place.

20 SERGEANT DELUCIA: Yeah.

21 OFFICER MIEDICO: And then I for, like, multiple years was  
22 a dock attendant and a gas attendant at a yacht club in Beverly.

23 SERGEANT DELUCIA: Okay.

24 OFFICER MIEDICO: And then my dad owns a business, like, I  
25 worked in, like, his office a little bit.

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1 SERGEANT DELUCIA: Okay.

2 OFFICER MIEDICO: But not too, too much.

3 SERGEANT DELUCIA: Okay. On Sunday, what was your  
4 assignment when you came to work on Sunday?

5 OFFICER MIEDICO: I was assigned to sector 1, which is,  
6 like, the mall area of Burlington. The incident occurred in  
7 sector 2. So I was assigned to sector 1, but given minimums.  
8 Like, so we are -- we only have three officers on the street as  
9 a minimum on weekends, and then there's two people inside, one's  
10 a dispatcher and one's a desk officer. The dispatcher was going  
11 on lunch, so the sector 2 officer was working the dispatcher's  
12 side of the desk.

13 SERGEANT DELUCIA: Okay.

14 OFFICER MIEDICO: So that's why I was sent. I was on my  
15 meal break, but I was pulled off of my meal break to respond to  
16 that call with Officer Reyes.

17 SERGEANT DELUCIA: Okay. Who else was working that day?

18 OFFICER MIEDICO: It was me in sector 1, Tristan Cochran in  
19 sector 2, Officer Reyes in sector 3, and then Lieutenant Hanafin  
20 was the supervisor. On the desk was Jillisa Smith, who took the  
21 call. And the dispatcher who was on break was Ed  
22 Kolhonen -- Kolhonen. Yeah.

23 SERGEANT DELUCIA: Okay. Had you worked with all of these  
24 people before?

25 OFFICER MIEDICO: Yes.

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1 SERGEANT DELUCIA: Okay. Is that a regular shift for you,  
2 a day shift assignment?

3 OFFICER MIEDICO: I was in overtime, but we'd called a  
4 swap, so I was working my -- someone else's shift for them.

5 SERGEANT DELUCIA: Okay.

6 OFFICER MIEDICO: And they were working -- they were going  
7 to work my shift for me, I believe, at some point this week.

8 SERGEANT DELUCIA: Okay.

9 OFFICER MIEDICO: I think everyone working, besides Ed and  
10 the lieutenant was on overtime.

11 SERGEANT DELUCIA: Okay.

12 OFFICER MIEDICO: Or no, Rob is assigned to that shift. So  
13 me, the desk officer, and Tristan were all on overtime.

14 SERGEANT DELUCIA: Okay. What time does that shift begin?

15 OFFICER MIEDICO: 8:00 a.m.

16 SERGEANT DELUCIA: And do you remember that day what time  
17 you arrived, just approximately?

18 OFFICER MIEDICO: Probably like 8:50, -- no, I'm  
19 sorry -- 7:50, 7:55 maybe.

20 SERGEANT DELUCIA: Okay. And when you get here, do you  
21 change up when you get here?

22 OFFICER MIEDICO: I change at home.

23 SERGEANT DELUCIA: Okay. So you come here in uniform?

24 OFFICER MIEDICO: Uh-huh. Yup.

25 SERGEANT DELUCIA: Do you have to come to the station to

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1 get a car? How exactly does that work? Do you guys have roll  
2 call?

3 OFFICER MIEDICO: Yeah, we have roll call. So roll call  
4 starts at 8:00. Sometimes if, like, everyone is in here he'll  
5 start it a little early.

6 SERGEANT DELUCIA: Okay.

7 OFFICER MIEDICO: That day we had roll call, where you go  
8 over what has happened in previous shifts. So we talked about,  
9 like, the night before, the shift before, just nothing was  
10 really going on.

11 SERGEANT DELUCIA: Okay.

12 OFFICER MIEDICO: So we talked about nothing was really  
13 going on. Checked, like, the SharePoint, which is kind of like  
14 a community, like, board that we use. So if, like, an officer  
15 goes to a -- any type of call, and they say while they're there,  
16 I'm afraid of this, or I think my husband might do this.

17 SERGEANT DELUCIA: Yeah.

18 OFFICER MIEDICO: And, okay, extra checks there.

19 SERGEANT DELUCIA: Sure.

20 OFFICER MIEDICO: And it's kind of a place where everyone  
21 can see what was requested of different officers, like, if  
22 someone has, like, they're saying that, like, people speed on  
23 their street --

24 SERGEANT DELUCIA: Understood.

25 OFFICER MIEDICO: -- now every shift will see that.

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1 SERGEANT DELUCIA: Maybe special attention to something.

2 OFFICER MIEDICO: Yeah, and stuff like that.

3 SERGEANT DELUCIA: Okay. Who would have handled the roll  
4 call that day?

5 OFFICER MIEDICO: Lieutenant Hanafin.

6 SERGEANT DELUCIA: And did he, in fact, handle that?

7 OFFICER MIEDICO: Yes.

8 SERGEANT DELUCIA: Okay. Do you have a roll call room?  
9 Where does that happen?

10 OFFICER MIEDICO: It's in here.

11 SERGEANT DELUCIA: This is the roll call room?

12 OFFICER MIEDICO: Yeah. This is the roll call room. So  
13 everyone sits in whatever seat they want --

14 SERGEANT DELUCIA: Okay.

15 OFFICER MIEDICO: -- and lieutenant, or the sergeant will  
16 stand up at the podium and we use the projector to look at the  
17 SharePoint. Or on that day we were talking about an incident  
18 that happened in Springfield two weeks ago, so we watched the  
19 bodycam footage on -- on the board.

20 SERGEANT DELUCIA: And what's that instance that you're  
21 referring to at Springfield?

22 MR. ANDERSON: Springfield, Massachusetts.

23 OFFICER MIEDICO: Yes.

24 SERGEANT DELUCIA: Okay.

25 OFFICER MIEDICO: So there was -- like I said, a lot of us

1 were on overtime, so while we were -- we kind of went through  
2 roll call and given, like, the -- the way our department is, we  
3 have a lot of, like, people that have specialties or people that  
4 have, like -- they're on, like, NEMLEC, which is the regional  
5 response team.

6 SERGEANT DELUCIA: Sure.

7 OFFICER MIEDICO: Or there on, like, the SWAT or whatever.  
8 So if something's talked about on a shift or it happens nearby  
9 and the supervisor wants to -- sometimes, we'll have, like  
10 informal trainings. Not really trainings, but, like,  
11 discussions about that. So I believe that we'd gone through all  
12 of -- everything in roll call and, like, I -- like, roll call, I  
13 guess, was over, but, like, there's not a lot happening, so we  
14 were all still in here.

15 SERGEANT DELUCIA: Okay.

16 OFFICER MIEDICO: And one of the officers that had worked  
17 the night before said that they had talked on the midnight shift  
18 about an incident in Springfield, which was a man with a knife  
19 that was shot and killed by police.

20 SERGEANT DELUCIA: Okay.

21 OFFICER MIEDICO: So he said that, like, the bodycam  
22 footage was on YouTube, so we looked it up and we watched it,  
23 and we kind of watched it a bunch of times and talked about it.  
24 Hey, what does our department have, like, if we were to get this  
25 call? What do we have? What options do we have? And

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1 that's -- we talked about that for probably an hour, so I don't  
2 think we left roll call, because we didn't really get any calls  
3 either, until, like 9:00.

4 SERGEANT DELUCIA: Okay. Who would have been speaking  
5 during that? Is that more of the lieutenant sharing  
6 information, or is it really a discussion amongst everybody,  
7 where people are giving their own opinions?

8 OFFICER MIEDICO: Yeah. It's a discussion.

9 SERGEANT DELUCIA: Okay.

10 OFFICER MIEDICO: Lieutenant, given his training, he was  
11 kind of leading the discussion, but not because he was the  
12 lieutenant, because he had the training.

13 SERGEANT DELUCIA: Okay.

14 OFFICER MIEDICO: Tristan would say, hey, this is what we  
15 talked about on the midnight shift, like, that's what we got out  
16 of it. And then, okay, we'd all talk about that. And then we  
17 were all -- it was an open discussion. It wasn't really a -- it  
18 wasn't anyone telling anyone, like, this is -- know if it  
19 happens here, this is what you do. It was more, this is what we  
20 have. What do you think about that? Like how do you -- that  
21 type of thing.

22 SERGEANT DELUCIA: Okay. So getting back to that, in terms  
23 of your training.

24 OFFICER MIEDICO: Uh-huh.

25 SERGEANT DELUCIA: Towards your in-service training.



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1 OFFICER MIEDICO: Yup.

2 SERGEANT DELUCIA: Do you have to -- what type of  
3 in-service training have you participated in, in your 13 months?

4 OFFICER MIEDICO: After COVID, I believe, the Burlington  
5 Police Department went to online in-service training.

6 SERGEANT DELUCIA: Okay.

7 OFFICER MIEDICO: So we used to go to Lowell and do  
8 in-service there. Now, we do it online with, like, Acadis and  
9 that. So you'll log in and you watch someone present on  
10 something, you see a PowerPoint you -- it kind of goes through  
11 it that way. So I have completed all of my in-service training,  
12 I don't know if it's this year or next; however they send it  
13 out.

14 SERGEANT DELUCIA: Okay.

15 OFFICER MIEDICO: I don't think it's due yet, but I have  
16 completed it all, and I completed it prior to January, so last  
17 month, I think.

18 SERGEANT DELUCIA: Do you do that at home, or do you do  
19 that here?

20 OFFICER MIEDICO: It has to be off -- off duty, yeah, so  
21 you do it at home.

22 SERGEANT DELUCIA: You do it home, so on a laptop at home,  
23 something like that?

24 OFFICER MIEDICO: Uh-huh.

25 SERGEANT DELUCIA: Okay. Do you remember any of those that

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1 you've taken, in terms of the subject matter of these online  
2 classes, or excuse me not -- well, essentially they are online  
3 classes, right?

4 OFFICER MIEDICO: Yeah.

5 SERGEANT DELUCIA: So which ones have you covered, if you  
6 recall?

7 OFFICER MIEDICO: I -- I did all the ones that were  
8 assigned to me.

9 SERGEANT DELUCIA: Okay.

10 OFFICER MIEDICO: There was a few, of course I'm drawing a  
11 blank.

12 SERGEANT DELUCIA: It's okay if you don't remember.

13 OFFICER MIEDICO: There was, like, one on human  
14 trafficking.

15 SERGEANT DELUCIA: Okay.

16 OFFICER MIEDICO: There was one on for, like,  
17 responder -- first responder. There was a few, like, con  
18 law -- or not con law, a few, like, case law updates. I think  
19 there was, like, three of those. It's all different subjects.  
20 It's a variety of subjects that you just have to be up to date  
21 with.

22 SERGEANT DELUCIA: Okay. So you get, like a syllabus for  
23 the year, and you can just kind of blast through it and get it  
24 done. It's not like, hey, January, you have to do this online  
25 training, you know, March, you have to do this online training?

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1 OFFICER MIEDICO: No. So it's sent to us, I don't know  
2 what month, but it's sent to you at some point, and then I think  
3 we have, like, three, four months to do it.

4 SERGEANT DELUCIA: Okay.

5 OFFICER MIEDICO: And then once you do it, you tell them  
6 you did it.

7 SERGEANT DELUCIA: You have to get checked off and move on  
8 to the next.

9 OFFICER MIEDICO: Yeah.

10 SERGEANT DELUCIA: Okay. So do you remember what time you  
11 went out on the road on Sunday? Obviously roll call had ended.

12 OFFICER MIEDICO: Yeah.

13 SERGEANT DELUCIA: There's this discussion regarding this  
14 incident that happened in Springfield.

15 OFFICER MIEDICO: Uh-huh.

16 SERGEANT DELUCIA: Do you have a recollection or memory as  
17 to what you did after that, whether you went out on the road or  
18 whether you did something else?

19 OFFICER MIEDICO: So I remember we went, like, we probably  
20 talked for about an hour in here, because I remember, like,  
21 looking at the clock, and I was like, oh, that was a long  
22 conversation. And then I walked down -- every shift I always  
23 ask the person on the desk if they, like, want coffee or if they  
24 need anything before I go out. But I don't normally -- I don't  
25 think I hung around, too, too much.

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1 SERGEANT DELUCIA: Okay.

2 OFFICER MIEDICO: So at probably, like, 9:10, 9:15, I was  
3 on the road.

4 SERGEANT DELUCIA: Okay. Did you have any service calls  
5 prior to this incident happening?

6 OFFICER MIEDICO: Not that I remember.

7 SERGEANT DELUCIA: Okay.

8 OFFICER MIEDICO: I don't think so.

9 SERGEANT DELUCIA: Okay. When this call came in --

10 OFFICER MIEDICO: Yeah.

11 SERGEANT DELUCIA: -- where were you?

12 OFFICER MIEDICO: I was in the matron's office downstairs,  
13 because I was on break. So, like, I was exhausted. I was like,  
14 all right, like, I'm going to sit down, I'm on my break, I have  
15 45 minutes. So I sat down in the matron's office, took my vest  
16 off, took my belt off, and I was just, like, scrolling on, like,  
17 my phone.

18 SERGEANT DELUCIA: Okay.

19 OFFICER MIEDICO: Like, wasn't really talking to anyone,  
20 like, on Instagram, Facebook, whatever it was. And I remember  
21 the call came in and they called my number first, and I was  
22 like, I'm on break, like, I'm ready to kind of correct them,  
23 like, that's what I'm doing. And then I heard what the call  
24 was. It was sent out as a suicidal male with a knife who has  
25 stated that -- I don't know if this was in the first

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1 transmission, but it was very quickly after -- that had stated  
2 that he does not know if he'll hurt himself or if he'll hurt  
3 officers responding.

4 SERGEANT DELUCIA: Okay. And that came out over the radio?

5 OFFICER MIEDICO: Yes, before I left the station. So when  
6 that came out, I don't know if that had been, like, that  
7 information had been given already or not, or if Rob was  
8 dispatched to, like, to come as well, and then she gave that  
9 out, so everyone was listening. But at some point it was put  
10 out over the radio. And then because we had just talked about  
11 it, we were, like, all right -- they had also said, because  
12 I -- I don't know if I asked, or someone had asked, there was no  
13 one else -- he was saying there was no one else in the apartment  
14 with him.

15 SERGEANT DELUCIA: Okay.

16 OFFICER MIEDICO: So as a department, we are very -- slow  
17 it down. You know, like, if there's no one else and he's just a  
18 danger to himself, we can slow it down, make sure no one else  
19 is, like, put in harm's way.

20 SERGEANT DELUCIA: Okay.

21 OFFICER MIEDICO: So as soon as they said that, Rob was on  
22 a call already; he was at a medical. So he was responding from  
23 somewhere else, but he asked me to get a less lethal, because  
24 he's certified in that; I'm not.

25 SERGEANT DELUCIA: Okay.

# IMPOUNDED

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1 OFFICER MIEDICO: So I went into the deployment room. They  
2 had a less lethal there, but it didn't have a bag, but my car  
3 normally has one. So I went back out, double-checked, I had a  
4 less lethal in my car, had a bag in my car. So I was, like, all  
5 right, good there. Checked all the other -- or checked other  
6 cruisers to make sure I had a shield, which wasn't a ballistic  
7 shield, it's like a plexiglass -- not even plexiglass, it's like  
8 a -- it's like hard plastic.

9 SERGEANT DELUCIA: You can see through it?

10 OFFICER MIEDICO: Yeah. You can see through it. It says,  
11 police, in the middle. It's like a riot shield.

12 SERGEANT DELUCIA: Okay.

13 OFFICER MIEDICO: So I made sure to grab one of those. I  
14 put that in, and I went back in to -- this might not be the  
15 totally correct order --

16 SERGEANT DELUCIA: Sure.

17 OFFICER MIEDICO: -- but at some point when I was at the  
18 station, I also checked back in with dispatch, and I was, like,  
19 anything else? Because I'm already here. And, nope, nothing  
20 else, like, well enter the call. I was, like, okay.

21 So at that point I also called the lieutenant and verified,  
22 hey, make sure there's a shield. I am on my way as well. And I  
23 think he had put over the radio that he was also going. He was  
24 in the station too at the time, but I hadn't seen him, so --

25 SERGEANT DELUCIA: Okay.

# IMPOUNDED

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1 OFFICER MIEDICO: I got into the car, left the station. As  
2 soon as I, like, pulled out, lights and sirens, not -- we don't  
3 run sirens the whole way, we just kind of use them, like, you're  
4 going through an intersection.

5 SERGEANT DELUCIA: Sure.

6 OFFICER MIEDICO: If there is a red light, like, after you  
7 stop, like, put them on so, like, people see you.

8 SERGEANT DELUCIA: Okay.

9 OFFICER MIEDICO: So my lights were on. I got to, like,  
10 the Simonds Park area on Bedford Street, and there was a car  
11 between me and then Rob Reyes pulled out. I believe he said it  
12 was Church Street, but I'm not -- the street after Simonds Park  
13 that goes onto Bedford Street. So he pulled out, there was a  
14 car between us, the car pulled over, and then me and him were,  
15 like, driving together to the call, so we arrived at the exact  
16 same time. We drove in the exact same way.

17 SERGEANT DELUCIA: Okay.

18 OFFICER MIEDICO: We parked right behind each other.

19 SERGEANT DELUCIA: Okay.

20 OFFICER MIEDICO: He got out and I said -- I forget what I  
21 said, but he got out and he got the less lethal.

22 SERGEANT DELUCIA: So where was that in your car? Where  
23 was the less lethal?

24 OFFICER MIEDICO: It was in the back. It was in the trunk.

25 SERGEANT DELUCIA: It was in the trunk? Okay.

# IMPOUNDED

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1 OFFICER MIEDICO: Yeah. So we -- we have, like -- like,  
2 safes in the trunk, kind of.

3 SERGEANT DELUCIA: Okay.

4 OFFICER MIEDICO: Like, that's where, like, the duty rifle  
5 is and all that. So you open the trunk and then, like, you hit  
6 a button on the side and it, like, all kind of mechanically  
7 comes down and comes out and -- yeah.

8 SERGEANT DELUCIA: So you pop your trunk when you get  
9 there. He goes in and grabs the less lethal?

10 OFFICER MIEDICO: I got out of my car.

11 SERGEANT DELUCIA: Okay.

12 OFFICER MIEDICO: I -- hey, I have the less lethal. And he  
13 comes around. I don't know if I had popped it or if he used the  
14 key, because you can also use the key to open it.

15 SERGEANT DELUCIA: Okay.

16 OFFICER MIEDICO: Open the trunk, gets the less lethal. He  
17 mentioned that there was no sling on this one. They normally  
18 have slings on them. But I've not -- like I said, I'm not  
19 certified in it, so I didn't even know to look for that.

20 SERGEANT DELUCIA: Okay.

21 OFFICER MIEDICO: I was, like, oh, sorry.

22 SERGEANT DELUCIA: Is that just to carry it? Is that the  
23 purpose of having the sling on it?

24 OFFICER MIEDICO: I -- I think so, yeah.

25 SERGEANT DELUCIA: Okay.



# IMPOUNDED

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1 OFFICER MIEDICO: It's just -- it's, like, if you have to  
2 transition, like, you can drop it to your side and it doesn't  
3 hit the ground.

4 SERGEANT DELUCIA: Okay.

5 OFFICER MIEDICO: But this one didn't have a sling, so he  
6 made a comment about that. It didn't matter.

7 SERGEANT DELUCIA: Where was the shield? Was that also in  
8 the trunk?

9 OFFICER MIEDICO: No. The shield I had gotten from another  
10 car, so the shield was in my passenger's seat.

11 SERGEANT DELUCIA: Okay.

12 OFFICER MIEDICO: Because I pulled it out of the car. I  
13 was in 45; I think I took it out of 43 or 44.

14 SERGEANT DELUCIA: Okay.

15 OFFICER MIEDICO: So I just -- I'm going. So I just  
16 grabbed the shield and I just put it next to me so that I could  
17 get it.

18 SERGEANT DELUCIA: Okay.

19 OFFICER MIEDICO: So we got on scene. Him and I were  
20 there. I don't -- I don't know when he -- I think he was  
21 loading the less lethal prior to anything happening, just -- I  
22 don't -- again, I don't know their protocol, but I'm assuming  
23 it's not fast. So he was kind of getting that ready, getting  
24 his equipment ready. I was holding a shield and we were talking  
25 about how those apartments have two doors, either can be the

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1 front door. Because there's like -- there's no, like, back  
2 exit, you know.

3 SERGEANT DELUCIA: Okay.

4 OFFICER MIEDICO: All the, like -- there's two doors to the  
5 apartments, probably for, like, fire purposes. But different  
6 people use different doors. Some people have doormats, some  
7 people don't, you know. So we were talking -- and when you're  
8 in the hallways too, like, in these apartments they have, like  
9 swinging doors that you can see through.

10 SERGEANT DELUCIA: Okay.

11 OFFICER MIEDICO: But they're there. So sometimes the  
12 apartments, you'll have two doors, and that could be in the same  
13 hallway, or your door could be on the other side of that weather  
14 door, whatever it is.

15 SERGEANT DELUCIA: Okay.

16 OFFICER MIEDICO: So I was talking to Rob about, hey, it's  
17 like, remember that, because lieutenants on his way, and that's  
18 who we were waiting for outside. Lieutenants on his way, we're  
19 going to try to make contact, but the guy could come out from  
20 the other door. So the other door -- sometimes they're so  
21 close, like, you don't even see it, you know.

22 SERGEANT DELUCIA: So I understand this, because I do know  
23 what you're talking about.

24 OFFICER MIEDICO: Yup.

25 SERGEANT DELUCIA: But when you're in the interior, you

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1 could be knocking on a door, and somebody could exit that  
2 apartment from a different door, and you can't see that.

3 OFFICER MIEDICO: Yes. So like, the front door could lead  
4 into their living room or could lead into their kitchen --

5 SERGEANT DELUCIA: Understood.

6 OFFICER MIEDICO: Which is on the same side of the  
7 apartment, but it's two different doors.

8 SERGEANT DELUCIA: I understand what you're talking about.

9 OFFICER MIEDICO: So we were talking about that, and  
10 we -- I -- we then noticed, and I don't know if it was me or if  
11 it was him that noticed it, a person was noticed. It was a guy  
12 coming out -- he was already out of the apartment. So if you  
13 look --

14 SERGEANT DELUCIA: Yeah. So I'm going to make a notation  
15 on this one right here, okay?

16 OFFICER MIEDICO: Okay.

17 SERGEANT DELUCIA: I'm going to just call this number 1.

18 OFFICER MIEDICO: Okay. So our cruisers were, like -- I  
19 was parked in front.

20 SERGEANT DELUCIA: So if you don't mind --

21 OFFICER MIEDICO: Okay.

22 SERGEANT DELUCIA: -- could you just make a notation, like  
23 even just a little box as to where your car was.

24 OFFICER MIEDICO: Yeah. So I was parked in front of -- not  
25 to scale obviously.

# IMPOUNDED

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1 SERGEANT DELUCIA: Sure.

2 OFFICER MIEDICO: I was -- can I get a different --

3 SERGEANT DELUCIA: This one's not working.

4 OFFICER MIEDICO: I was in front of the fire hydrant, and I  
5 was driving behind Rob, so Rob was in front of the fire -- I was  
6 parked in front of the fire hydrant, facing the extension, and  
7 Rob was in front of me. So the two cruisers --

8 SERGEANT DELUCIA: So maybe put a letter in one for yours,  
9 your know, your initials or his, whatever you think. Just so  
10 when we look at this a year or two later, we'll know what we're  
11 looking at.

12 OFFICER MIEDICO: Yeah, that's fine.

13 MR. ANDERSON: And if I could just say, when you  
14 approached, you came in from the right side of the diagram  
15 towards the left side, and you stopped basically in the center?

16 OFFICER MIEDICO: So we were probably talking.

17 MR. ANDERSON: No, no. But when you drove in, which --

18 OFFICER MIEDICO: Oh, yeah. We came from --

19 SERGEANT DELUCIA: Without marking. Don't mark that up.  
20 Yeah. That's okay. Yes, just show us.

21 OFFICER MIEDICO: Yeah. So we came from this side.

22 MR. ANDERSON: From the right side of the diagram?

23 OFFICER MIEDICO: Yes. Sorry, from the right side of the  
24 diagram. And then the left side of the diagram it, like, goes  
25 out to the turnpike extension. We -- that's normally, like, the

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1 front.

2 SERGEANT DELUCIA: Okay.

3 OFFICER MIEDICO: So if you were driving and you were,  
4 like -- and so that's why this is 1 and this probably 3.

5 SERGEANT DELUCIA: Yeah. You would normally come into the  
6 complex.

7 OFFICER MIEDICO: Yeah. We came from the back, so --

8 SERGEANT DELUCIA: Okay. And when you came in, you'd come  
9 nose in and you would just pull off to the side. You don't make  
10 a U-turn, you don't turn around?

11 OFFICER MIEDICO: No. Yeah, we just --

12 SERGEANT DELUCIA: As you pull in, you go to the right and  
13 you park.

14 OFFICER MIEDICO: Yeah. We just parked and yeah -- we just  
15 both parked right here. And he got out of his car, and we were  
16 by my car. So -- because he, like I said, he was getting the  
17 less lethal, which was in my trunk, so we were --

18 SERGEANT DELUCIA: At the rear of your car?

19 OFFICER MIEDICO: We were at the rear of my car on the  
20 grass.

21 SERGEANT DELUCIA: Okay. So if you wouldn't mind, could  
22 you just write your initials like on the white -- actually,  
23 write your initials here, and then again, we're just going to  
24 date and time it, okay. So it's 6:26 -- excuse me 1/26/22. And  
25 then it's 1418 hours. We're probably going to have a couple of

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1 these, so we just want to -- and that's going to be diagram  
2 number 1.

3 OFFICER MIEDICO: Okay.

4 SERGEANT DELUCIA: Then one I'm going to -- yup. I'm just  
5 going to have you look at a --

6 OFFICER MIEDICO: Okay.

7 SERGEANT DELUCIA: Just --

8 OFFICER MIEDICO: So we were -- I know they say that I,  
9 like, don't even know if we were on the grass.

10 SERGEANT DELUCIA: (Indiscernible -- simultaneous speech)

11 OFFICER MIEDICO: We were just to the rear of my cruiser.

12 SERGEANT DELUCIA: Yup.

13 OFFICER MIEDICO: Maybe I was on the grass, and  
14 he -- because my trunk wasn't on the grass. He was getting  
15 something out of my trunk.

16 SERGEANT DELUCIA: Understood.

17 OFFICER MIEDICO: He wouldn't have been, I might have been  
18 because I was to the side.

19 SERGEANT DELUCIA: Okay.

20 OFFICER MIEDICO: And we noticed someone already out of the  
21 building. I don't know if he had been out there already. Like,  
22 it was a Sunday day. People are coming and going. So we  
23 weren't even, at that point, we were waiting for the lieutenant  
24 talking about what was going to happen. We weren't, like, doing  
25 a perimeter. Like, we weren't -- you know --

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1 SERGEANT DELUCIA: Do you remember what you were talking  
2 about? Any of the actual conversations?

3 OFFICER MIEDICO: The doors. The doors. The way that --

4 SERGEANT DELUCIA: You were talking about --

5 OFFICER MIEDICO: Yes.

6 SERGEANT DELUCIA: If you were to be in the interior,  
7 somebody could come out of a door --

8 OFFICER MIEDICO: When we get in there and when we start  
9 knocking on the door to try to make contact, be mindful that  
10 there's a second door.

11 SERGEANT DELUCIA: Okay.

12 OFFICER MIEDICO: That's what we were talking about. And I  
13 think I brought that up just because no one had told me that  
14 originally. It was, like, the first time I was ever in this  
15 apartment was, like, a noise complaint. I was, like, okay,  
16 there's two doors.

17 SERGEANT DELUCIA: Yup.

18 OFFICER MIEDICO: So I --

19 SERGEANT DELUCIA: You know, now that you mention that,  
20 you've been in that building before then?

21 OFFICER MIEDICO: I don't know that I've been in this exact  
22 building.

23 SERGEANT DELUCIA: Okay.

24 OFFICER MIEDICO: I very likely have, but this is a  
25 frequent area to get calls, whether they're -- they're very thin

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1 walls, so we get a lot of noise complaints. We get a lot of  
2 medicals. We've had, like, people, like, reportedly fighting in  
3 parking lots. Like, we're --

4 SERGEANT DELUCIA: Okay.

5 OFFICER MIEDICO: If you're a Sector 2 car, you're very  
6 likely to go there.

7 SERGEANT DELUCIA: Okay.

8 OFFICER MIEDICO: It's not a -- it's not like we don't go  
9 there often. That's a --

10 SERGEANT DELUCIA: So to your knowledge, have you ever been  
11 to Unit 23 before that day in building number 1?

12 OFFICER MIEDICO: I don't believe -- I don't -- I don't  
13 believe so.

14 SERGEANT DELUCIA: Okay.

15 OFFICER MIEDICO: Like, nothing that -- I don't remember  
16 that unit.

17 SERGEANT DELUCIA: Okay.

18 OFFICER MIEDICO: But I don't --

19 SERGEANT DELUCIA: It's not like the kind of thing when you  
20 get a call for that unit and you're like, okay, I've been there  
21 a dozen times --

22 OFFICER MIEDICO: No.

23 SERGEANT DELUCIA: -- and I know who lives there, and  
24 everything else?

25 OFFICER MIEDICO: Yup.



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1 SERGEANT DELUCIA: That was not the case?

2 OFFICER MIEDICO: No.

3 SERGEANT DELUCIA: Okay.

4 OFFICER MIEDICO: No. No. So that being said, I also had  
5 no idea what this person looked like, or any description of  
6 them, because no one -- sometime -- like, there's people in  
7 other units where you're like, okay, be mindful that  
8 it's -- it's this. We didn't have that, so I didn't know what  
9 the person looked like. So kind of like I said, we weren't  
10 looking for any -- we weren't -- if he had already been out  
11 there when we pulled up, and I didn't notice or Rob didn't  
12 notice, we didn't know what we were looking for.

13 SERGEANT DELUCIA: I understand. So when you do -- do you  
14 remember exactly who noticed what? Like, how it got -- you just  
15 don't remember?

16 OFFICER MIEDICO: I don't.

17 SERGEANT DELUCIA: Okay. So this will be number 2, okay.

18 OFFICER MIEDICO: Okay.

19 SERGEANT DELUCIA: Could you draw where you saw -- the  
20 person you're referring to, that ended up involved in this  
21 incident, where were they when you first saw them? Because we  
22 get a good idea as to where you are based upon these cars where  
23 we said you may have been on the grass --

24 OFFICER MIEDICO: Yeah. Where are they?

25 SERGEANT DELUCIA: Where was this individual that you're

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1 referring to have seen?

2 OFFICER MIEDICO: Yeah.

3 SERGEANT DELUCIA: If we're saying -- and again, just  
4 roughly. And if you don't know, you don't know.

5 OFFICER MIEDICO: Yeah.

6 SERGEANT DELUCIA: But this is the front door. So they  
7 were outside?

8 OFFICER MIEDICO: Yeah.

9 SERGEANT DELUCIA: So if you -- and again, if you don't  
10 know, it's okay. Because we know eventually --

11 OFFICER MIEDICO: I can, like, give an estimate, but, like,  
12 I --

13 SERGEANT DELUCIA: Well, that's all these -- that's all  
14 these are. This is not -- we're not looking for hyper-technical  
15 anything. We're just looking for --

16 OFFICER MIEDICO: Okay.

17 SERGEANT DELUCIA: -- when you, obviously, see this person  
18 at some point --

19 MR. ANDERSON: Do you want to -- can you draw like a big  
20 circle, like, what the range would have been, is that --

21 SERGEANT DELUCIA: A range is fine. Wherever you think  
22 this person may have been, and mainly, it's just, like, okay,  
23 well it wasn't back here.

24 OFFICER MIEDICO: Yeah.

25 SERGEANT DELUCIA: It wasn't over here.

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1 OFFICER MIEDICO: No. It was probably --

2 SERGEANT DELUCIA: You know, it's not over here. We know  
3 you guys are generally in this vicinity.

4 OFFICER MIEDICO: It'd be, like, right here.

5 SERGEANT DELUCIA: Sure. And again, you can draw it with a  
6 circle and whatever you think.

7 OFFICER MIEDICO: Yeah. Like --

8 SERGEANT DELUCIA: So -- so closer to the street than the  
9 building, that looks like to me.

10 OFFICER MIEDICO: Yeah. It's, like, I don't -- you  
11 can't -- I don't even know it if exists or just like at the  
12 moment, it seemed like it, but it's almost, like, there's a  
13 sidewalk over here.

14 SERGEANT DELUCIA: Okay.

15 OFFICER MIEDICO: I think there is, but I --

16 SERGEANT DELUCIA: Okay.

17 OFFICER MIEDICO: I don't know.

18 SERGEANT DELUCIA: Okay.

19 OFFICER MIEDICO: And like he was -- or there's like a path  
20 that, like, people have walked.

21 SERGEANT DELUCIA: Okay.

22 OFFICER MIEDICO: He was on that. He wasn't coming -- he  
23 wasn't, like, there, and then running out. He was, like,  
24 walking -- sometimes when you're on calls, people will, like,  
25 come out, like, hey, are you here for something like that.

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1 Like, if I hadn't seen him the way I saw him, like, he  
2 wasn't -- he was walking -- he was in a normal place doing a  
3 not-normal thing.

4 SERGEANT DELUCIA: Okay.

5 OFFICER MIEDICO: Does that make sense?

6 SERGEANT DELUCIA: Well, again, it's all -- it's  
7 how -- what you saw, so it all makes sense. Because it's what  
8 your experience was. Okay?

9 OFFICER MIEDICO: Yeah. So I think he was, like --

10 SERGEANT DELUCIA: So here's -- here's maybe a different  
11 way of asking.

12 OFFICER MIEDICO: Okay.

13 SERGEANT DELUCIA: Did you see this guy come out of the  
14 building?

15 OFFICER MIEDICO: No.

16 SERGEANT DELUCIA: Okay. So you pull up, and there -- are  
17 there a lot of people hanging out, hanging around at this time  
18 of the day?

19 OFFICER MIEDICO: I feel like I saw someone, like, walk  
20 out. I don't think it was him, but I -- when -- like, looking  
21 around, no. Like, there weren't people walking around. Like,  
22 someone may have, like, run out and, like, got in a car, you  
23 know, like, I don't --

24 SERGEANT DELUCIA: No. But you didn't see that, is what  
25 I'm asking?

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1 OFFICER MIEDICO: No.

2 SERGEANT DELUCIA: So you ultimately see this person at  
3 some point?

4 OFFICER MIEDICO: Yes.

5 SERGEANT DELUCIA: And it's at the point where you believe  
6 you're standing on the grass, Rob is at the back of the car, you  
7 guys are conversing or doing whatever, and formulating, really,  
8 an approach. Is that accurate?

9 OFFICER MIEDICO: Yeah. And we were waiting for the  
10 lieutenant.

11 SERGEANT DELUCIA: Yup.

12 OFFICER MIEDICO: And, like, given lieutenant's background  
13 and the fact that he was a supervisor, he was -- when we got  
14 there, he was going to be the one saying what we were going to  
15 do.

16 SERGEANT DELUCIA: Yeah.

17 OFFICER MIEDICO: It was just more me and Rob, like, all  
18 right, like, be mindful of this. This is probably -- this is  
19 most likely -- you know, like --

20 SERGEANT DELUCIA: Yeah.

21 OFFICER MIEDICO: -- talking about what we perceived was  
22 the thing that was going to happen next --

23 SERGEANT DELUCIA: Okay.

24 OFFICER MIEDICO: -- based off calls that you've -- you  
25 know --

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1 MR. ANDERSON: Can I just say for the record, because when  
2 we talked about drawing a circle, you put an X on this diagram?

3 OFFICER MIEDICO: Yeah. But I don't know if that's --

4 SERGEANT DELUCIA: Put a circle around that X. Okay?

5 OFFICER MIEDICO: Okay.

6 UNIDENTIFIED SPEAKER: Circle of certainty -- uncertainty.

7 SERGEANT DELUCIA: And then, same thing, just initials,  
8 date, and the time on that one. It looks like 1425.

9 MR. ANDERSON: And just for the record, the circle with the  
10 X you'd drawn, almost comes down to the area where there's a  
11 speedbump in that diagram?

12 OFFICER MIEDICO: Yeah. In that area somewhere.

13 SERGEANT DELUCIA: Okay. All right. I totally get it.  
14 And that is a range, we're not looking for --

15 OFFICER MIEDICO: Okay.

16 SERGEANT DELUCIA: -- precise measurements here. This is  
17 just -- again, this is just so when we look at it later on --

18 OFFICER MIEDICO: Yup.

19 SERGEANT DELUCIA: -- years from now, we all know what  
20 we're looking at. Okay?

21 OFFICER MIEDICO: Uh-huh.

22 SERGEANT DELUCIA: So okay. So you guys are speaking at  
23 the back -- towards the rear of your car?

24 OFFICER MIEDICO: Yeah. We're looking at each other So  
25 that was, like, kind -- that was part of it too, is it

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1 wasn't -- we weren't looking at the building and then saw  
2 someone come out. We noticed someone close to us. You don't  
3 really like people close to you when you're responding to a call  
4 that someone might have a knife. So we noticed this guy, and  
5 almost just as soon as we noticed him, he's -- both of arms were  
6 in the air with a blanket. He was, like, holding a blanket  
7 behind him.

8 SERGEANT DELUCIA: Okay.

9 OFFICER MIEDICO: So he's -- I'm trying to like, for the  
10 recording, but he's like this.

11 SERGEANT DELUCIA: Yeah.

12 OFFICER MIEDICO: With a blanket, like a white blanket  
13 behind him in his hands and a knife in his right hand.

14 SERGEANT DELUCIA: So --

15 OFFICER MIEDICO: So you --

16 SERGEANT DELUCIA: Just to -- just to describe what you're  
17 doing right now. You're holding both hands up over your head?

18 OFFICER MIEDICO: Yup.

19 SERGEANT DELUCIA: You're saying he had the -- the blanket  
20 was in both hands?

21 OFFICER MIEDICO: Yes.

22 SERGEANT DELUCIA: In addition to his right hand, he also  
23 had a knife?

24 OFFICER MIEDICO: Yes.

25 SERGEANT DELUCIA: And what did you -- like, how did you

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1 know it was a knife. What -- what did you see that alerted you  
2 to the fact that he had knife?

3 OFFICER MIEDICO: You could see the metal.

4 SERGEANT DELUCIA: Okay.

5 OFFICER MIEDICO: Because it was, like, a sunny day.

6 SERGEANT DELUCIA: This is what you saw, though?

7 OFFICER MIEDICO: Yeah. So I could see the metal. Like,  
8 not even -- I'm -- the metal. You could see the reflection off  
9 the metal.

10 SERGEANT DELUCIA: I understand. Yup. I get it.

11 OFFICER MIEDICO: And it was a blade. It was, like, a  
12 triangular or a -- I don't even know what I'm -- it was -- I  
13 could tell it was a blade.

14 SERGEANT DELUCIA: Okay. Was this person communicating at  
15 all?

16 OFFICER MIEDICO: I don't know if he said anything, and  
17 just auditory exclusion, but I did not hear a word come out of  
18 him.

19 SERGEANT DELUCIA: Okay. At some point, did you figure out  
20 this is why I'm here? This must be the reason why I'm on this  
21 call?

22 OFFICER MIEDICO: As soon as I saw the knife, it was him.  
23 And --

24 SERGEANT DELUCIA: You knew -- okay --

25 OFFICER MIEDICO: Yeah.



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1 SERGEANT DELUCIA: Okay.

2 OFFICER MIEDICO: And he also, like, wasn't -- a normal  
3 person walks straight, even weight distribution. A normal  
4 person runs straight, even -- even weight distribution. That  
5 wasn't happening.

6 SERGEANT DELUCIA: Okay.

7 OFFICER MIEDICO: He was -- once, I think, he saw we  
8 noticed him, he accelerated, but it wasn't a run. He went all  
9 my weight was on my right -- or all his weight is on his right  
10 foot, and then -- it's like a staggering walk, that's fast.

11 SERGEANT DELUCIA: Okay. Toward you guys or --

12 OFFICER MIEDICO: Toward -- directly towards us. He  
13 was -- he was looking at us, but like, if I'm looking at you  
14 right now, you are giving me eye contact, you are looking at me.  
15 He was looking at us, but not -- no eye contact. Like, through  
16 you. That -- that stare. Like, his eyes were sunken. He was  
17 just -- it's like as close to zombie as I can imagine.

18 SERGEANT DELUCIA: Okay.

19 OFFICER MIEDICO: He's walking very, like, it's a heavy  
20 run/walk all the way to one side, all the way to another. He's  
21 not answering. His face is just --

22 SERGEANT DELUCIA: Do you remember if you were trying to  
23 communicate at all?

24 OFFICER MIEDICO: We were -- it was being yelled. I don't  
25 know if it was me or if it was just Rob. I think I was yelling,

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1 as well. But --

2 SERGEANT DELUCIA: Okay.

3 OFFICER MIEDICO: So much of a blur. Stop, drop the knife,  
4 stop. He was getting commands. He was getting commands to stop  
5 his action, to put the knife down, and it wasn't happening. And  
6 it wasn't even phasing him. Like, sometimes you can tell  
7 someone, hey, do this. And they're like, nah. But you can tell  
8 they heard what you were saying. He wasn't -- I don't even  
9 think he was hearing us. It was just -- he was doing what he  
10 was doing, and it wasn't --

11 SERGEANT DELUCIA: Like the verbal commands were not  
12 deterring his actions?

13 OFFICER MIEDICO: No. No. Nothing -- nothing was changing  
14 it.

15 SERGEANT DELUCIA: Okay.

16 OFFICER MIEDICO: And from that moment to when he was  
17 looking at me, I don't -- that I don't have a perception of when  
18 that was.

19 SERGEANT DELUCIA: Okay.

20 OFFICER MIEDICO: So I know Rob says that he was looking at  
21 Rob at one point.

22 SERGEANT DELUCIA: So getting --

23 OFFICER MIEDICO: For me, that wasn't -- I don't, like -- I  
24 don't know if my mind's blocking it out or what, but I don't --

25 SERGEANT DELUCIA: Well, as we talk about it more, there

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1 may be some more things you remember --

2 OFFICER MIEDICO: Yup.

3 SERGEANT DELUCIA: -- and if you don't, that's fine too.

4 OFFICER MIEDICO: Okay.

5 SERGEANT DELUCIA: So when this is going on, and you've  
6 identified this as the threat?

7 OFFICER MIEDICO: Yeah.

8 SERGEANT DELUCIA: Based upon the descriptions that you're  
9 giving. Again, this might sound silly. Do you remember what  
10 color the blanket was?

11 OFFICER MIEDICO: It was white.

12 SERGEANT DELUCIA: Okay.

13 OFFICER MIEDICO: And then he was wearing like pajamas. So  
14 I don't know if it was, like -- I think they were pajamas.  
15 Maybe like sweats or whatever.

16 SERGEANT DELUCIA: Okay.

17 OFFICER MIEDICO: But he had, like, long pants on, and I  
18 don't know if it was, like, a sweatshirt or a shirt, but  
19 he -- there was something there.

20 SERGEANT DELUCIA: Okay.

21 OFFICER MIEDICO: So he was fully clothed with this  
22 blanket.

23 SERGEANT DELUCIA: Okay.

24 OFFICER MIEDICO: And yeah. It's just --

25 SERGEANT DELUCIA: So do you -- do you and Rob end up,

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1 like, either separating at one point or moving in a different  
2 direction? Because if you remember that, can you take me  
3 through it?

4 OFFICER MIEDICO: Yeah. So Rob -- Rob starts walking  
5 towards Barron (ph). He was not facing Barron Park Lane (ph),  
6 he's backing up into Barron Park Lane. And I am backing up into  
7 this -- I thought it was a parking lot, but parking lot --

8 SERGEANT DELUCIA: Yeah. I'd call that a parking lot.

9 OFFICER MIEDICO: Okay. So I'm backing up into --

10 SERGEANT DELUCIA: So if you wouldn't mind?

11 OFFICER MIEDICO: Okay.

12 SERGEANT DELUCIA: We'll make this one number 3, okay? So  
13 when you see this guy, and if you could put down where you and  
14 Rob are in relation to where this guy is when you see him?

15 OFFICER MIEDICO: Okay.

16 SERGEANT DELUCIA: Does that makes sense?

17 OFFICER MIEDICO: Yeah. Can I do the circle thing again?

18 SERGEANT DELUCIA: Here, I'll -- you can even use these as  
19 a guide, if you will.

20 OFFICER MIEDICO: Okay. Okay. So can I do circles for,  
21 like, everyone? Because I am not sure --

22 SERGEANT DELUCIA: Yeah. Just do initials or something  
23 like that.

24 OFFICER MIEDICO: Okay.

25 SERGEANT DELUCIA: So if you do a circle, what's -- for

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1 Rob, like RR. Or, you know, your initials.

2 OFFICER MIEDICO: Yeah

3 SERGEANT DELUCIA: And then you can just have the other  
4 guy, he can just be an X. Okay?

5 OFFICER MIEDICO: Okay. This is when we saw him?

6 SERGEANT DELUCIA: Yeah. Well, again, it's when you have  
7 decided, this is the -- this is why I was here.

8 OFFICER MIEDICO: That was immediate.

9 SERGEANT DELUCIA: Okay. Then, yes. Right where that  
10 would be.

11 OFFICER MIEDICO: I did two Xs. I'm -- I put the first one  
12 and then it --

13 SERGEANT DELUCIA: Again, as long as we understand it, it's  
14 fine.

15 OFFICER MIEDICO: It's like when I -- yeah. let's just--

16 SERGEANT DELUCIA: Just so I understand this right. So  
17 this is -- this is him?

18 OFFICER MIEDICO: Yeah.

19 SERGEANT DELUCIA: Again, this is a range. And this is  
20 where you guys are because your cars are parked here obviously,  
21 based upon this. This is where you guys are when you see him.  
22 And this is where he's walking toward you, to your memory?

23 OFFICER MIEDICO: It's a fast walk.

24 SERGEANT DELUCIA: Okay.

25 OFFICER MIEDICO: It's not like a slow --

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1 SERGEANT DELUCIA: But he's not standing still?

2 OFFICER MIEDICO: No.

3 SERGEANT DELUCIA: He's advancing toward you?

4 OFFICER MIEDICO: Yes.

5 SERGEANT DELUCIA: And then -- so if we can do the same  
6 thing with your initials, and then the date, and then 1432 on  
7 that one.

8 OFFICER MIEDICO: Fourteen -- what was it?

9 SERGEANT DELUCIA: Thirty-two, 1432.

10 OFFICER MIEDICO: Okay.

11 SERGEANT DELUCIA: So okay. So I can see -- whose initials  
12 are those?

13 OFFICER MIEDICO: Me --

14 SERGEANT DELUCIA: And that's --

15 OFFICER MIEDICO: Rob --

16 SERGEANT DELUCIA: Rob.

17 MR. ANDERSON: And for the record, you're closer to the top  
18 of the diagram and he's closer to the bottom of the diagram, the  
19 way you've drawn them?

20 OFFICER MIEDICO: Yeah.

21 SERGEANT DELUCIA: And again, we're doing that for  
22 the -- again, for the -- this, right?

23 OFFICER MIEDICO: Yeah.

24 SERGEANT DELUCIA: And this is number 3, this is the photo  
25 we have that we -- that I marked number 3?

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1 OFFICER MIEDICO: Uh-huh.

2 SERGEANT DELUCIA: This is when you see what's going on.

3 And we're not going to draw this out. But how do you and Rob

4 react to this. Do you know -- I know -- if you don't know where

5 Rob goes, that's fine. Where do you go?

6 OFFICER MIEDICO: I, walking backwards, am going this way.

7 SERGEANT DELUCIA: And "this way," would be towards the

8 parking lot, which is --

9 OFFICER MIEDICO: Towards the parking lot, trying -- so we  
10 learned, try to keep a triangle.

11 SERGEANT DELUCIA: Yup.

12 OFFICER MIEDICO: So Rob is walking -- I --

13 SERGEANT DELUCIA: If you don't know, you don't know.

14 OFFICER MIEDICO: Yeah. I'm walking backwards and Rob is  
15 walking backwards. I didn't see exactly where Rob went, but  
16 trying to keep this guy in front of us, not between us.

17 SERGEANT DELUCIA: Okay.

18 OFFICER MIEDICO: So we're both walking backwards trying to  
19 keep that triangle. So I'm going this way towards the parking  
20 lot. Rob's walking more towards the street. And this guy is  
21 still --

22 SERGEANT DELUCIA: And the street you're referring to, is  
23 this Barron Park Lane?

24 OFFICER MIEDICO: Barron Park Lane.

25 SERGEANT DELUCIA: He's walking out into the street again

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1 for exactly what you're stating, that's to -- for safe  
2 coverage --

3 OFFICER MIEDICO: I didn't see him walking into the street.  
4 I just know he was also walking backwards.

5 SERGEANT DELUCIA: Okay. Okay.

6 MR. ANDERSON: Can I ask --

7 SERGEANT DELUCIA: Yes.

8 MR. ANDERSON: The way you're pointing that you were  
9 walking towards the parking lot, are you walking, like, directly  
10 towards the top of the diagram, or are you walking more towards  
11 the top right corner of the diagram, kind of crossing that  
12 roadway as you're going back?

13 SERGEANT DELUCIA: If you'd like, sir, she can put, like,  
14 a -- or like, you know, if you want to put, like, dotted lines  
15 coming. If that's helpful?

16 OFFICER MIEDICO: I don't know for sure because I was just  
17 going backwards. I wasn't trying to get to a point. I was just  
18 trying to make distance. So it'd be like, if right now, I was,  
19 like, walking backwards and you were saying, are you trying to  
20 go towards the windows or towards the wall. I'm just going  
21 backwards.

22 SERGEANT DELUCIA: Okay. Do you know, ultimately, where  
23 you ended up, based upon this --

24 OFFICER MIEDICO: I think, and I'm not sure.

25 SERGEANT DELUCIA: Okay. And if you're not sure, you're



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1 not sure. It's fine.

2 OFFICER MIEDICO: Over here.

3 SERGEANT DELUCIA: Okay. All right. So based upon that,  
4 when you say over here, okay, again we're on -- we're on this  
5 parking lot drive-through here, if you will. That would result  
6 in you -- Rob's going out in the street and you're -- if you're  
7 walking backwards, you're walking out onto that walkway --

8 OFFICER MIEDICO: Yes.

9 SERGEANT DELUCIA: -- that parking lot driveway, if you  
10 will? Right, is that what we're saying?

11 OFFICER MIEDICO: Yes.

12 SERGEANT DELUCIA: This area right here is where you had  
13 pointed to just now, correct?

14 OFFICER MIEDICO: Yes.

15 SERGEANT DELUCIA: Okay. I just want to make sure it makes  
16 sense --

17 OFFICER MIEDICO: Yes. Not in the grass. I was in  
18 the -- I was on the --

19 SERGEANT DELUCIA: On the pavement?

20 OFFICER MIEDICO: Yeah.

21 SERGEANT DELUCIA: And when you're doing that, have you  
22 taken -- have you taken your gun out of the holster yet; do you  
23 recall?

24 OFFICER MIEDICO: I don't. I don't recall.

25 SERGEANT DELUCIA: You have the shield?

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1 OFFICER MIEDICO: Yes.

2 SERGEANT DELUCIA: How are you holding the shield?

3 OFFICER MIEDICO: I'm holding the shield in my left hand.

4 SERGEANT DELUCIA: Yeah.

5 OFFICER MIEDICO: In front of my body, or like, front of  
6 the side of my body, not fully --

7 SERGEANT DELUCIA: Yeah.

8 OFFICER MIEDICO: -- walking backwards.

9 SERGEANT DELUCIA: Are you right handed shooting-wise?

10 OFFICER MIEDICO: Yes.

11 SERGEANT DELUCIA: Okay. You carry a gun on your right  
12 side?

13 OFFICER MIEDICO: Yes.

14 SERGEANT DELUCIA: So when you have the shield, and I only  
15 saw this briefly, you can hold it with one hand?

16 OFFICER MIEDICO: Yes.

17 SERGEANT DELUCIA: So is it like a -- and handle or how  
18 would you describe it?

19 OFFICER MIEDICO: Yeah. So where it says "police" on the  
20 shield, the other side is like some foam, weird material with  
21 like a handle, and there is Velcro. I don't know if the  
22 Velcro -- if I had Velcro'ed it in or not.

23 SERGEANT DELUCIA: Okay.

24 OFFICER MIEDICO: But I was holding the shield -- because  
25 that one's light. It's not the ballistics one that's heavy.

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1 That one's light.

2 SERGEANT DELUCIA: Right.

3 OFFICER MIEDICO: So you put your hand -- your forearm  
4 is --

5 SERGEANT DELUCIA: It's resting against --

6 OFFICER MIEDICO: -- is resting against this, like, weird  
7 foam material, while your hand is holding onto a handle.

8 SERGEANT DELUCIA: I got it.

9 OFFICER MIEDICO: -- that is all, I guess, hidden by that  
10 word "police" in the front of it.

11 SERGEANT DELUCIA: Yeah.

12 OFFICER MIEDICO: And the rest of it is see-through.

13 SERGEANT DELUCIA: Right. I've seen it.

14 OFFICER MIEDICO: Okay.

15 SERGEANT DELUCIA: I know exactly what you're talking  
16 about. So your left arm, the handle is where your hand is?

17 OFFICER MIEDICO: Yeah.

18 SERGEANT DELUCIA: Your forearm, which would likely be in  
19 front of your body --

20 OFFICER MIEDICO: Yes.

21 SERGEANT DELUCIA: -- that's where the shield is?

22 OFFICER MIEDICO: Yes.

23 SERGEANT DELUCIA: Covering your forearm in its -- however,  
24 top to bottom. I know exactly what you're talking about.

25 OFFICER MIEDICO: Okay.

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1 SERGEANT DELUCIA: So you -- you have that in your left  
2 hand. Do you remember when you transitioned to your weapon or  
3 when you took your weapon out, or you don't remember?

4 OFFICER MIEDICO: I was backing up, and at some point, I  
5 either audibly thought and, like, thought I hear it, but I was  
6 thinking it, or Rob had said, "lethal cover."

7 SERGEANT DELUCIA: Okay.

8 OFFICER MIEDICO: And at that point, I pulled my firearm  
9 out. I perceived that was before -- I don't even know. Like,  
10 and, like, timeline-wise, I don't know how to, like, say, like,  
11 when that was.

12 SERGEANT DELUCIA: Does -- does "lethal cover" to you, if  
13 that's a command you're familiar with, what does that signify to  
14 you?

15 OFFICER MIEDICO: So because we had a less lethal device  
16 out, which could be -- which was this 40 millimeter --

17 SERGEANT DELUCIA: Yup.

18 OFFICER MIEDICO: -- launcher, that I'm not certified, and  
19 so I don't really know anything about, besides the fact that  
20 it's orange and it shoots like a foam thing. That's really all  
21 I know about it. When that is out, there's a lethal cover to go  
22 with it. So you -- because that -- the non-lethal -- or the  
23 less lethal, I'm sorry, isn't used in, like, a calm situation.  
24 So because of that -- that if it fails, there needs to be a  
25 lethal cover because it's normally used in a lethal situation or

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1 a situation where that is possible.

2 SERGEANT DELUCIA: Okay.

3 OFFICER MIEDICO: So when he had that out, I don't -- like,  
4 again, I just remember hearing less lethal -- or "lethal cover,"  
5 so I took my firearm out. And at that point, he was -- I don't  
6 even -- at some point, my firearm was out, and he was looking at  
7 me and he was coming -- he was charging me.

8 SERGEANT DELUCIA: And who's "he"? You're talking about  
9 the ultimate -- the guy who ultimately got shot?

10 OFFICER MIEDICO: Yes.

11 SERGEANT DELUCIA: You're not talking about Rob?

12 OFFICER MIEDICO: No, no. Not Rob. I -- it's -- once we  
13 saw this guy, I never saw Rob again. I don't know -- I could've  
14 been looking right at him. I never noticed Rob again.

15 SERGEANT DELUCIA: Do you have a memory, or do you know if  
16 Rob ever deployed the less lethal?

17 OFFICER MIEDICO: I remember hearing the less lethal.

18 SERGEANT DELUCIA: You heard --

19 OFFICER MIEDICO: I heard whatever command they say. I  
20 think it's, like, less lethal, it's similar to the taser one.

21 SERGEANT DELUCIA: Yup.

22 OFFICER MIEDICO: And I heard it go off, and he was looking  
23 at -- I don't -- not at the same time. But it had gone off. I  
24 had heard it go off. And then whatever time has lapsed, my gun  
25 is now out. This guy is looking at me. And he was charging me.

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1 SERGEANT DELUCIA: Okay. So when -- again, I kind of want  
2 to just drill down on this a little bit.

3 OFFICER MIEDICO: That's fine.

4 SERGEANT DELUCIA: When you hear the "less lethal," you  
5 believe our firearm was out? You think? And if you don't know,  
6 you don't know.

7 OFFICER MIEDICO: I don't. I don't know.

8 SERGEANT DELUCIA: If you don't know, you don't know. Do  
9 you know if he gets struck by the less lethal?

10 OFFICER MIEDICO: I heard it.

11 SERGEANT DELUCIA: Okay.

12 OFFICER MIEDICO: So I didn't know -- again, I'm not  
13 trained in it. I don't --

14 SERGEANT DELUCIA: It deployed? You heard it strike  
15 somebody or you just --

16 OFFICER MIEDICO: I don't know the difference.

17 SERGEANT DELUCIA: Okay.

18 OFFICER MIEDICO: I haven't been around one or been around  
19 one that was used --

20 SERGEANT DELUCIA: Okay.

21 OFFICER MIEDICO: -- before.

22 SERGEANT DELUCIA: And you didn't see Rob fire it?

23 OFFICER MIEDICO: No.

24 SERGEANT DELUCIA: Okay.

25 OFFICER MIEDICO: I didn't see Rob. So I heard Rob's

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1 voice, and then I heard it either go off or it hit him or  
2 whatever.

3 SERGEANT DELUCIA: Okay.

4 OFFICER MIEDICO: I heard something.

5 SERGEANT DELUCIA: Yup.

6 OFFICER MIEDICO: Then he's looking at me, and after  
7 or -- like, this -- that part is very jumbled. You know,  
8 like --

9 SERGEANT DELUCIA: Sure.

10 OFFICER MIEDICO: So at some point, now, he's looking at  
11 me, and he's charging me.

12 SERGEANT DELUCIA: Is he saying anything?

13 OFFICER MIEDICO: No.

14 SERGEANT DELUCIA: Okay.

15 OFFICER MIEDICO: He never said anything.

16 SERGEANT DELUCIA: Okay. Can you describe how he's  
17 charging at you; does he still have the blanket, do you know;  
18 like, do you see the blanket?

19 OFFICER MIEDICO: At that point --

20 SERGEANT DELUCIA: Okay.

21 OFFICER MIEDICO: No. Like, I don't -- I don't know.

22 Again, I don't know how to describe it because it's -- I  
23 don't -- I don't remember anything besides his face. So I don't  
24 know --

25 SERGEANT DELUCIA: Okay.

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1 OFFICER MIEDICO: Sorry.

2 SERGEANT DELUCIA: No. It's okay. Take your time. Okay?

3 OFFICER MIEDICO: I don't know if he had the blanket.

4 SERGEANT DELUCIA: Okay.

5 OFFICER MIEDICO: I just remember his face, and just sunken  
6 in, and was just, like, looking through me, coming at me.

7 SERGEANT DELUCIA: So he's still advancing towards you?

8 OFFICER MIEDICO: Yes.

9 SERGEANT DELUCIA: Okay. And what -- what are you doing?

10 OFFICER MIEDICO: I'm backing up. And I backed up, and I  
11 fired. I'm not sure how many times. More than once. And even  
12 stopped, nothing changed. So I knew I had fired my weapon  
13 because of the distance, which I think is probably six, ten  
14 feet. I -- based off the distance and the fact that I had  
15 fired, if he wasn't stopping, he wasn't going to stop. I didn't  
16 know if I had hit him. I haven't seen anything, but it was just  
17 still all happening.

18 SERGEANT DELUCIA: So based upon firing those two shots --

19 OFFICER MIEDICO: Yeah.

20 SERGEANT DELUCIA: -- nothing changed?

21 OFFICER MIEDICO: Absolutely nothing changed.

22 SERGEANT DELUCIA: Okay.

23 OFFICER MIEDICO: And I'm still trying to create distance  
24 and I --

25 SERGEANT DELUCIA: You're still backing up?



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1           OFFICER MIEDICO: I'm still backing up the entire time.  
2 I'm trying to create distance. I'm trying to back up. And I  
3 tripped. I don't know if I tripped on something, I tripped on  
4 myself.

5           SERGEANT DELUCIA: Okay.

6           OFFICER MIEDICO: Sorry.

7           SERGEANT DELUCIA: Take your time.

8           OFFICER MIEDICO: I tripped. My head hit the ground. And  
9 when my head hit the ground, like, it didn't hurt. It was like  
10 I knew I hit the ground hard, and I was just -- I'm -- I'm dead.  
11 That's what it was. It wasn't, like, he's going to kill me. It  
12 was, like, I am dead. Like -- sorry. That -- like, that was  
13 it.

14           And I still had my -- my firearm in my hand. And he was  
15 still coming at me, and I was on the ground. And I remember  
16 firing again, and like, that one -- that one hit him. And I  
17 didn't -- like, I didn't -- it's almost like I remember seeing,  
18 like, a drop of blood, but not registering it as blood. I just  
19 knew, like, that one hit him.

20           I don't remember getting up. I don't remember  
21 re-holstering. I don't remember dropping the shield. I don't  
22 remember him hitting the ground.

23           But then I'm up and I'm going towards the car. And as I'm  
24 going towards the car, I'm getting the med bag because, again,  
25 either someone said "med bag" or I'm thinking, okay, he's -- I'm

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1 standing somehow, so that's the next step.

2 So when I'm running back around towards my cruiser, there  
3 is a paramedic or a firefighter or someone also running towards  
4 me. And he's saying, "What happened?" I don't know. Shots  
5 fired. He said, "Are you okay?" And, yes, I'm -- yeah. So I  
6 opened my car. I grabbed the med bag, and he takes it from me,  
7 and he runs over to the guy on the ground. And Rob, who was  
8 also there -- Rob, like, now I see Rob again. And Rob is  
9 rendering aid and sometime Rob's there. Rob's next to him.  
10 Kind of like kneeling, doing something.

11 The paramedic has the med bags, opening it, he's doing  
12 something. I'm now standing on the grass, and I said, "Is there  
13 anything I can do?" I don't remember getting an answer, but  
14 then Lieutenant Hanafin arrived. He parked on the  
15 other -- like, same roadway that we parked on, but probably,  
16 like, 30, 40 feet back. Came in the same way we came in.

17 SERGEANT DELUCIA: The back way?

18 OFFICER MIEDICO: Yes. So his cruiser was facing the same  
19 way as us. He was on the same side of the street, but he was in  
20 front of that other building, the building next door, which I  
21 believe is Building 3. It might not be.

22 SERGEANT DELUCIA: Okay.

23 OFFICER MIEDICO: And Lieutenant Hanafin came over to me  
24 and walked me over to his car. And I sat in his car  
25 and -- yeah. I'm not -- yeah.

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1 SERGEANT DELUCIA: Okay. All right. And again, these  
2 questions are going to be difficult and I'm sorry.

3 OFFICER MIEDICO: No, it's --

4 SERGEANT DELUCIA: They're going to be hard. Okay?

5 OFFICER MIEDICO: Uh-huh.

6 SERGEANT DELUCIA: When you fired, do you remember how many  
7 shots you fired? Did you fire -- when you say you fired more  
8 than once, do you know if they were, like, successive; do you  
9 know if they were -- how would you perceive this to the firing  
10 that you did in terms of was it two different groups, was it --

11 OFFICER MIEDICO: It was two different times.

12 SERGEANT DELUCIA: Okay.

13 OFFICER MIEDICO: So there was the firing -- the only  
14 reason the firing had two different portions is because I fell.  
15 I didn't shoot a few times, and then, like -- I didn't shoot,  
16 and then stop because something had changed. The change was I  
17 had fallen.

18 SERGEANT DELUCIA: Okay.

19 OFFICER MIEDICO: So I didn't -- like, that's -- that  
20 was --

21 SERGEANT DELUCIA: I understand. So the first time -- the  
22 first time you fired your weapon --

23 OFFICER MIEDICO: Yeah.

24 SERGEANT DELUCIA: -- any idea how far away he was from  
25 you, if you had to put a range on it? Again --

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1 OFFICER MIEDICO: Six feet.

2 SERGEANT DELUCIA: Okay.

3 OFFICER MIEDICO: Like, he was --

4 SERGEANT DELUCIA: So you believe it if it was six feet  
5 between you and he?

6 OFFICER MIEDICO: By the time we noticed him, and by the  
7 time he was -- because he was walking towards us, we didn't have  
8 time to create a lot of distance. So he was walking towards us,  
9 and almost as soon as we noticed him, this entire thing  
10 occurred. Like, I don't know how long it lasted. But, like, it  
11 was very, very, very fast. It wasn't -- like, we didn't see him  
12 coming out of the building, and okay, I'm going to go over here.  
13 Like, that wasn't --

14 SERGEANT DELUCIA: Yeah.

15 OFFICER MIEDICO: By the time we noticed it, he was a  
16 threat, and it was -- like, I don't know. He was a threat. And  
17 it --

18 SERGEANT DELUCIA: We're talking seconds, not minutes.

19 OFFICER MIEDICO: Yeah. So I don't know how far back I  
20 walked, but like, he was moving faster than I was.

21 SERGEANT DELUCIA: Okay.

22 OFFICER MIEDICO: So there was -- there was no way he was  
23 further than like 10 feet. I think it was more like six.

24 SERGEANT DELUCIA: Okay. So the first one, again, saying  
25 about six feet away?

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1 OFFICER MIEDICO: Yeah.

2 SERGEANT DELUCIA: The second time, when there was a second  
3 group of shots, is he closer --

4 OFFICER MIEDICO: Yes.

5 SERGEANT DELUCIA: -- or further away?

6 OFFICER MIEDICO: He was closer. I don't know how close  
7 because, like I said, I kind of -- I only remember seeing  
8 his -- like, I -- I guess when I think of -- like, looking back,  
9 I'm thinking he's still, like, six feet away. But like, he  
10 wasn't. It was impossible for him to still be that far away  
11 because I was on the ground, and I was looking at him. And he  
12 was looking at me, very close to me.

13 SERGEANT DELUCIA: Okay.

14 OFFICER MIEDICO: But I don't know how close that was. My  
15 arm wasn't fully extended. It was, like, I don't know. It  
16 wasn't fully extended, but it wasn't tucked. It was, like,  
17 somewhere in the middle of that.

18 SERGEANT DELUCIA: Okay.

19 OFFICER MIEDICO: And like, I was close enough to where I  
20 saw his -- I saw his face. And I don't know, I just I knew that  
21 that threat had stopped. I don't know why. I didn't  
22 see -- like, I didn't -- I don't remember seeing, like, a bullet  
23 hit him. I just remember seeing, like, a little blood  
24 something. But, like, nothing -- you know, it was, like, I saw  
25 something and then now I'm remembering a few seconds later.

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1 Like, I don't -- that's -- I don't know.

2 SERGEANT DELUCIA: Okay. All right. How tall are you?

3 OFFICER MIEDICO: 5'3", 5'4".

4 SERGEANT DELUCIA: And how much do you weigh, roughly?

5 OFFICER MIEDICO: Like 150 pounds.

6 SERGEANT DELUCIA: Okay. Any idea how -- how tall that guy  
7 would have been?

8 OFFICER MIEDICO: Bigger than me.

9 SERGEANT DELUCIA: Okay.

10 OFFICER MIEDICO: I don't know if -- definitely bigger than  
11 me. Maybe it was because he had that blanket, and, like, that  
12 was -- seeing him with the blanket was the only time I remember,  
13 like, seeing all of him, besides that -- like, that's the only  
14 time, like, maybe it was because of the shield. Like, I  
15 didn't -- you know, like, my hands right here, I'm not seeing  
16 feet anymore. Like, whatever. But I would say about six feet.  
17 Maybe a little under six feet. Maybe like 5'10". Like, tall.  
18 He was a tall man.

19 SERGEANT DELUCIA: Okay.

20 OFFICER MIEDICO: I don't think he was, like, overweight.  
21 He didn't look like he was -- he didn't look -- like, I  
22 didn't -- I couldn't see really any skin, you know, like --

23 SERGEANT DELUCIA: Right.

24 OFFICER MIEDICO: Everything was -- he had pants on, he had  
25 a shirt on. Like, the only -- like, his face, but he didn't

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1 look to me like -- like a big -- bigger guy. Like, he was just  
2 a tall man. It was -- he was not abnormally skinny. He wasn't  
3 abnormally, like, large. He was just --

4 SERGEANT DELUCIA: Okay.

5 OFFICER MIEDICO: Yeah.

6 SERGEANT DELUCIA: Okay. No. And it's very hard to gauge  
7 people --

8 OFFICER MIEDICO: Yeah.

9 SERGEANT DELUCIA: -- certainly, if you're on the ground,  
10 if they're far away. This -- it's hard to judge.

11 OFFICER MIEDICO: Yeah.

12 SERGEANT DELUCIA: It's -- it matters what your perception  
13 was. And again, if it's a guy 5'10", 6 feet tall coming at  
14 you --

15 OFFICER MIEDICO: Yeah.

16 SERGEANT DELUCIA: -- that's your -- that's what you said  
17 your perception was.

18 OFFICER MIEDICO: Uh-huh.

19 SERGEANT DELUCIA: When he -- when you fired -- so  
20 before -- actually, maybe a better question is. It sounded like  
21 you -- you were kind of locked in to looking at this guy.

22 OFFICER MIEDICO: Yeah.

23 SERGEANT DELUCIA: Looking at his face, I mean. Was there  
24 ever an instance where you felt as though he was focusing on Rob  
25 and not focusing on you, or was he focusing on you?

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1 OFFICER MIEDICO: I don't really --

2 SERGEANT DELUCIA: What was your take on that?

3 OFFICER MIEDICO: I don't really remember.

4 SERGEANT DELUCIA: Okay.

5 OFFICER MIEDICO: A lot of this incident, for me, is a huge  
6 blur. So I don't remember, like, I saw him and then I only saw  
7 his face. And I don't know what -- like, where he was in that,  
8 like, different -- you know, when I first -- when I saw his  
9 entire body, him with the blanket, all of that, he was on the  
10 grass. When I saw his face, he was in front of me on the  
11 pavement.

12 SERGEANT DELUCIA: Okay.

13 OFFICER MIEDICO: I don't -- that's --

14 SERGEANT DELUCIA: Okay.

15 OFFICER MIEDICO: I don't have a perception of events or  
16 time or anything between when I saw him, all of him, and when I  
17 only saw his face and I was walking backwards.

18 SERGEANT DELUCIA: Okay.

19 OFFICER MIEDICO: If that makes sense.

20 SERGEANT DELUCIA: Yeah. And I -- it does make sense.

21 OFFICER MIEDICO: It barely makes sense to me, so.

22 SERGEANT DELUCIA: No. I totally get it. And no one would  
23 expect you to remember everything from this anyway. You know,  
24 even -- I mean, you're in the middle of it, people who -- if  
25 somebody were to view it, they wouldn't even remember



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1 everything. So nobody expects you to remember everything.

2 OFFICER MIEDICO: Okay.

3 SERGEANT DELUCIA: When you -- and again, I'm asking you  
4 questions, not --

5 OFFICER MIEDICO: No. I -- yeah.

6 SERGEANT DELUCIA: Not so you get the answers wrong and not  
7 because I'm -- you know we're trying to do anything like that.  
8 It's just a matter of, again, sometimes just being asked, it'll  
9 spur a memory.

10 OFFICER MIEDICO: Yeah.

11 SERGEANT DELUCIA: When you fired the first -- we'll call  
12 it the first group, if you will?

13 OFFICER MIEDICO: Yeah.

14 SERGEANT DELUCIA: Okay. The first time. Do you know if  
15 you had the shield on you then?

16 OFFICER MIEDICO: Yes. I had -- I believe I had the shield  
17 on me the entire -- I don't think I dropped the shield until I  
18 was getting up. I just don't remember getting up.

19 SERGEANT DELUCIA: Okay.

20 OFFICER MIEDICO: So but, like, when I was on the ground,  
21 the shield was on top of me.

22 SERGEANT DELUCIA: Okay.

23 OFFICER MIEDICO: Not on top of my face. But, like, it  
24 was --

25 SERGEANT DELUCIA: Attached to your arm?

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1 OFFICER MIEDICO: Yeah. On my arm. I didn't brace for the  
2 fall. I didn't know I was falling until my head hit the ground.  
3 So --

4 SERGEANT DELUCIA: Well you don't even have a free arm to  
5 brace yourself with because you have a shield and a gun.

6 OFFICER MIEDICO: Exactly. So I know that, like, I  
7 didn't -- it didn't -- the shield didn't go to my side.

8 SERGEANT DELUCIA: Right. Understood.

9 OFFICER MIEDICO: You know, the shield was still -- so  
10 the -- every time my -- when my weapon was out, the shield was  
11 out.

12 SERGEANT DELUCIA: Okay. Yeah. No. And again, your hands  
13 are occupied during this instance, so you don't have the ability  
14 to brace yourself if you fall. That's what I'm hearing you say.  
15 Is that --

16 OFFICER MIEDICO: I didn't know I was falling until I hit  
17 the -- you know, like, there was so much happening. Looking at  
18 him, like, I -- I didn't even know I was falling until my  
19 head -- and like, that's kind of why I think why I'm saying,  
20 like, it didn't hurt, but I knew I hit the ground, and I knew I  
21 hit it hard. And that's the only reason why I knew I was on the  
22 ground, is that I was no longer moving. I couldn't.

23 SERGEANT DELUCIA: Okay.

24 OFFICER MIEDICO: But it was -- when I was falling, I  
25 wasn't, like, oh, I'm falling. I didn't -- I just, I had

1 fallen.

2 SERGEANT DELUCIA: Okay. And again, I know we've already  
3 covered this a little bit. But when you're falling, you're  
4 obviously not moving backwards anymore. And --

5 OFFICER MIEDICO: But he --

6 SERGEANT DELUCIA: -- this individual was still advancing  
7 in front of you?

8 OFFICER MIEDICO: Yes. Yeah. He, like -- it's not like  
9 when you're a kid and you're playing tag and you fall and  
10 someone is, like, oh, are you okay, like, that didn't -- I was  
11 falling, and he was, like, all right. Like, it didn't matter,  
12 he was still at the same speed, maybe fast -- I don't know. But  
13 he -- nothing changed. The entire time, nothing changed, until  
14 it was over.

15 SERGEANT DELUCIA: Okay. Okay. Do you know how many  
16 rounds that you fired?

17 OFFICER MIEDICO: Later on, I heard someone say four.  
18 That's the only reason -- yeah.

19 SERGEANT DELUCIA: I want more of what your memory is  
20 versus what --

21 OFFICER MIEDICO: Three to four. Three to four.

22 SERGEANT DELUCIA: -- your memory?

23 OFFICER MIEDICO: Yes. My memory was three to four because  
24 I was worried about that. I remember when I was in the car, I  
25 was like, because when you qualify, when you do stuff, you know,

1 around accountability, like, know what you're doing. And I  
2 remember being in the car, like, I don't -- I don't know. And I  
3 was worried about that because I didn't know. And I -- when I  
4 got in the car and I was waiting for everything, like, I don't  
5 know, for anything. I had my phone, but I remember I didn't  
6 even touch it because I didn't want to do the wrong thing. If I  
7 had the gun, I could have -- I could have looked, but I didn't  
8 want to do the wrong thing, because I knew that, like, there's  
9 steps, there's procedures, there's everything, and I was -- I  
10 knew that I had done something. I didn't know if he was dead.  
11 Didn't know anything like that. But I knew I didn't now want to  
12 do the wrong thing. I was terrified I was going to.

13 SERGEANT DELUCIA: Okay.

14 OFFICER MIEDICO: We have, like, debriefs after events to  
15 another shift. So a few weeks ago, we had an event where  
16 someone had pulled a gun on an officer, but it wasn't a real  
17 gun. It was during something, and that officer didn't shoot  
18 him. He didn't, like -- whatever those events were, that didn't  
19 happen. When we were doing the debrief, like, a few days later,  
20 when the officer was talking about it, he kind of got emotional,  
21 and said, like, I remember, if I had shot him,  
22 (indiscernible -- unclear speech). If I hadn't shot him, like,  
23 my life would've been over. (Indiscernible -- unclear speech)  
24 everything.

25 SERGEANT DELUCIA: Do you understand any difference between

1 those two situations?

2 OFFICER MIEDICO: Oh, yes. Yes. But, like, that officer  
3 is someone I look up to. (Indiscernible -- unclear speech). He  
4 knows what he's doing. He's a very good officer. And so as  
5 soon as I had done that, like, I look up to this guy, and as  
6 soon as I did what I did, I'm hearing what he was saying. Two  
7 very different circumstances. Two very different -- nothing the  
8 same about them. But here I am saying if I had done that, this  
9 would have happened to me. Immediately, like, after I got in  
10 the car, like, that's what's going to happen to me. You know,  
11 whether it's justified or not. Like, I can't do something wrong  
12 because I was just -- so many things going through my mind.  
13 Like, what the heck just happened with that guy. Like, is he  
14 alive? Is he not alive? Like, I remember thinking, like, does  
15 he have a family?

16 SERGEANT DELUCIA: Do you want to take a minute?

17 Why don't we pause the --

18 MR. ANDERSON: I'm doing that right now. It's 1456 hours.  
19 Okay.

20 SERGEANT DELUCIA: Okay so it's January 26th, 2022. It's  
21 1509 hours. Just took a break. We're just coming back from  
22 that after we shut the recorder off.

23 I don't think we really have any more questions for you.

24 OFFICER MIEDICO: Okay.

25 SERGEANT DELUCIA: Attorney Anderson, did you have anything

1 that you wanted -- we -- do you want us to discuss that we  
2 didn't -- that we didn't bring up?

3 MR. ANDERSON: No. I think just a couple follow-up.

4 At some point did you turn your firearm and your equipment  
5 over to somebody at the scene?

6 OFFICER MIEDICO: Yeah. I -- so I was placed in Lieutenant  
7 Hanafin's cruiser. I got in the front seat, like, the  
8 passenger's seat. And when he put me in there, he took my -- my  
9 radio. He said if you need anything, use the car radio. And  
10 then he came back later on. I don't know how much longer. And  
11 he said, like, for procedural purposes, like, I need the firearm  
12 for evidence. And he made it clear, like, he wasn't taking it  
13 because I did something wrong, he was taking it because he  
14 needed to. So I got out of the car, and I stood next to it, and  
15 I, like, took it out of its holster. But, like, just barely,  
16 and he then took it from that point, cleared it, and took  
17 control of that.

18 MR. ANDERSON: Okay.

19 OFFICER MIEDICO: And then I took off, like, my vest and my  
20 belt. When a detective that worked -- a different detective  
21 came up before I went in the ambulance and she made the comment,  
22 like, why are you still wearing everything. And she helped me  
23 take it off. And then I went to ambulance and to the hospital.

24 MR. ANDERSON: Okay. And I'm sure everybody else knows,  
25 but what type of firearms do you guys have in --

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1 OFFICER MIEDICO: It's a Glock 17, I believe, 17 rounds.

2 MR. ANDERSON: Okay. Is that six on the mag, 1 on the  
3 chamber? Is that how that works?

4 OFFICER MIEDICO: I think it's -- it's -- I think it's 17  
5 rounds. So the --

6 MR. ANDERSON: So 16 in the magazine. And when you're hot,  
7 there's one in the chamber?

8 OFFICER MIEDICO: I believe so. Yes.

9 MR. ANDERSON: Okay. Does that sound right?

10 OFFICER MIEDICO: Yeah.

11 MR. ANDERSON: Okay. And spare magazine, you turned them  
12 over, as well?

13 OFFICER MIEDICO: No. I didn't turn over the spare  
14 magazines. Those were -- those -- I never did a reload or  
15 mag-drop or anything, so those were still on my duty belt. They  
16 stayed on my duty belt, and then when I took my duty belt and my  
17 vest off, I left those in the cruiser, in Lieutenant Hanafin's  
18 cruiser.

19 MR. ANDERSON: Okay. And -- the way that the knife was  
20 being held, it was right hand up over the head --

21 OFFICER MIEDICO: Yeah. Right hand --

22 MR. ANDERSON: -- for initial --

23 OFFICER MIEDICO: It was, like --

24 MR. ANDERSON: His arm was up at a right angle?

25 OFFICER MIEDICO: It wasn't a right angle. It was, kind of

1 like what I said when I was on the ground, it was between a  
2 right angle and, like, straight up in the arm, but it was  
3 crooked. Because I -- he was holding something. So I  
4 don't -- he couldn't have been, like, maybe he could of -- but  
5 it wasn't straight up in the air, and it wasn't a right angle.  
6 It was like a, like, a crooked -- but it was in the air.

7 MR. ANDERSON: And that position never changed?

8 OFFICER MIEDICO: I'm not sure.

9 MR. ANDERSON: And after you discharged the second time,  
10 did you see that knife at -- he had?

11 OFFICER MIEDICO: No. He -- like I said, I don't remember  
12 seeing him, like, fall or seeing him -- or anything like that.  
13 I just --

14 MR. ANDERSON: And just, when you discharged both the first  
15 round and the second round, like, what -- and I know it was, you  
16 know, very close proximity coming at you the second time when  
17 you were on the ground, but what -- what was the backdrop behind  
18 him?

19 OFFICER MIEDICO: Like, saying it from memory and not from  
20 just knowing the area, I just remember -- it was a blue sky. Or  
21 like -- like, I didn't see people. I didn't see buildings. I  
22 didn't -- I didn't see -- I didn't even Rob again. Like, I  
23 didn't -- I didn't see anything. It was blue. There was  
24 nothing behind him.

25 MR. ANDERSON: I don't have anything else.



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1           SERGEANT DELUCIA: Okay. I don't think I do either. So  
2 we're going to conclude this interview right now, okay. It is  
3 1513 hours, January 26th, 2022.

4 (Audio playback ends)

5           MR. HARREN: You're Honor, that's the entirety of the  
6 interviews.

7           THE COURT: All right. So that's all for today. And I  
8 guess I'll see everybody back here at 10:00 tomorrow morning.

9           MR. HARREN: Thank you.

10          THE COURT: Thank you.

11 (Hearing adjourned at 3:42 p.m.)

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## C E R T I F I C A T I O N

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*Melissa Looney*

March 29, 2023

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