FINDINGS OF DISTRICT ATTORNEY MARIAN T. RYAN REGARDING THE NON-FATAL SHOOTING OF TIMOTHY MARTIN BY DETECTIVE CHRISTOPHER GRACE AND DETECTIVE JOHN RYAN IN WAKEFIELD ON JANUARY 19, 2021

INTRODUCTION:

Timothy Martin was shot four times as he charged at Wakefield Police Detectives Christopher Grace and John Ryan with a knife on January 19, 2021. At the time, the detectives were in the process of clearing a home, 11 Otis Street, after the discovery of Pamela Wood's body in the basement during a well-being check.

Martin (DOB 97) was Pamela's son. Massachusetts State Police troopers assigned to the Middlesex District Attorney's Office, Wakefield Police officers, and this prosecutor conducted an investigation of Martin's shooting.

Members of the Massachusetts State Police Forensic Sciences Group responded to the home, documented the scene, collected evidence, and conducted testing and examination of evidence at the Crime Laboratory. Members of the State Police Firearms Identification Section responded to the scene and collected firearms-related evidence. They also took possession of Detectives Grace and Ryan's department-issued firearms for examination. Crime scene and ballistics reports were prepared. Additionally, the basement was scanned using a Leica RTC360 laser scanner so 2D diagrams could be prepared with IMS Maps360 software and 3D point clouds could be created with Register 360 software.

Massachusetts State Police Lieutenant William Donoghue and Wakefield Police Detective Sergeant Richard DiNanno interviewed Detectives Grace and Ryan. These interviews were conducted separately and audio-recorded. Attorney Kenneth Anderson represented both officers and was present for both interviews. Other police officers who responded to the home wrote reports. Investigators conducted interviews of civilian witnesses, including

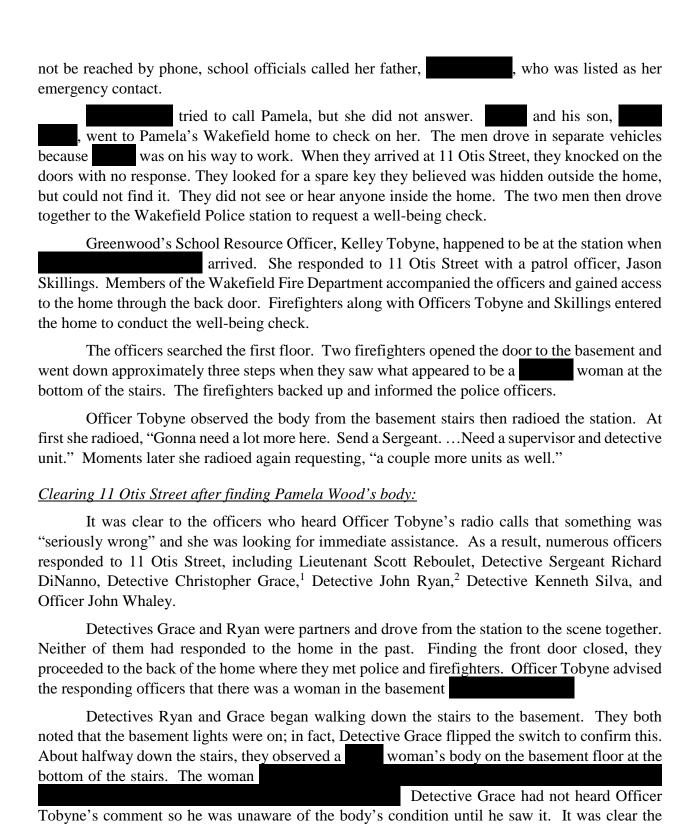
Surveillance video from the Housing Authority building next door to 11 Otis Street was preserved. Additionally, police radio transmissions from the call were preserved.

The primary goal of the investigation was to determine whether any person bears criminal responsibility in connection with the non-fatal shooting of Martin. The attached Appendix details the records and materials reviewed and considered as part of this investigation.

INVESTIGATIVE FINDINGS:

Events leading up to the discovery of Pamela Wood's body:

Pamela Wood worked as a speech therapist at the Greenwood Elementary School in Wakefield for the past fifteen years. She was scheduled to meet with a student at 8:30 AM on January 19, 2021. When the student and her mother arrived at the school and Pamela did not, the student's mother notified school officials. Because Pamela's absence was unusual and she could



¹ Detective Grace had been a police officer for 27 years of which he spent the last 13 as a detective.

woman was deceased. Detective Grace returned to the top of the stairs so he could use his radio

² Detective Ryan had been a police officer since 1995, worked for Wakefield since 2000, and been a detective since October 2007.

to notify the station that they were securing the scene and clearing the home. He never lost sight of his partner, Detective Ryan, who maintained his position on the basement stairs and surveyed the basement. The firefighters and any officers not involved in clearing the home went outside.

Lieutenant Reboulet and Officer Whaley began clearing the home looking for other possible victims and/or suspects. They cleared the second floor first, then the first floor. As they did so, the officers were yelling, "Police, show yourself, come out." Nobody was located on either floor. Detective Ryan, who maintained his position on the basement stairs, did not draw his department-issued weapon until he heard the other officers clearing the home. At that point, he drew his weapon to the low ready position and announced his presence in the basement several times by stating loudly, "Police, if anybody is down here, come out." Detective Grace heard the commands and described them as ones anyone in the basement if not the whole house could hear. At one point, Detective Ryan thought he heard a noise, but he attributed the sound to the water heater.

Shooting of Timothy Martin:

The final area to be cleared was the basement. Detective Grace followed by Lieutenant Reboulet and Officer Whaley moved down the basement stairs behind Detective Ryan who asked, "We ready?" A square room built in the middle of the basement, which was later identified as the furnace room, obstructed their view of the far side of the basement. It also had the effect of creating corridors to the left (essentially straight ahead) and right at the bottom of the stairs. The officers moved slowly into the basement. They continued to announce their presence, "Wakefield Police, come out, if anyone's down here, come out."

Detective Ryan

Detective Ryan

Detective Ryan

Detective Ryan looked to the right and saw a table approximately 6-8 feet away. He observed a bag on the table

Detective Grace reported that his level of concern was heightened

was still in the home "it's gonna be somebody dangerous" given the "serious crime scene."

Detective Ryan decided to proceed into the left corridor toward the "B side" of the home because it was the path of least resistance. He described the right corridor as very congested with the table and other items; contrarily, there was nothing restricting the officers' movement in the left corridor. Within seconds of stepping over Pamela's body, Detective Ryan heard a man's voice yell, "You'll never take me alive" and saw a man come around the far corner of the furnace room in a "full sprint" toward them holding a knife in his outstretched left hand.

The man, later identified as Martin, was dressed in dark clothes. Detective Ryan estimated he was 5 feet away from him when he first saw him. Detective Ryan began to back-peddle, moving into the right corridor, but fell backwards on the clutter. As he was falling, Detective Ryan thought, "I'm gonna die in this basement. He's gonna stab me." He later explained that Martin was so close there was "no room between us."

Detective Ryan believed Martin killed Pamela based on what he was yelling, his charging around the corner, and the knife in his hand. Even though he had his gun out, Detective Ryan believed "he's gonna kill me." Detective Ryan also was very concerned for his partner, Detective Grace, and the other officers who were entering the basement directly behind him. He believed that if Martin got past him, he would continue to them and "it would've been the same result, he would've killed [Detective Grace]."

Detective Ryan explained that Martin "ended up being pretty much in my face" as he charged at him. As he fell backwards, Detective Ryan fired his weapon "at least four times." He had no time to issue verbal commands before firing. Detective Ryan fell to the ground. Martin "dropped" right in front of him with his chin on the table. Martin would have landed on top of Detective Ryan but for the table blocking him and holding his body up. As Detective Ryan looked up, he saw Martin's face staring at him right next to Detective Ryan jumped up and visually checked his fellow officers, very thankful he had

Detective Ryan jumped up and visually checked his fellow officers, very thankful he had not shot any of them.

Detective Grace described that he had not taken more than 1-2 steps into the basement when Martin emerged from the left corridor. He first saw Martin by the doorway in the middle of the furnace room. As he ran and lunged toward the officers with a knife in his left hand, Martin angrily yelled, "I'll never go alive. You'll never take me alive." Detective Grace reported there was "no question in my mind that if he got to me or Detective Ryan he would kill us." He saw Detective Ryan back down the right corridor. Detective Grace himself backed up, bumping into what he believed was a stairway railing, as Martin came at him. The railing prevented him from moving any further. Detective Grace aimed his weapon at Martin who turned the corner and was 3 feet away. Martin ran past Detective Grace toward Detective Ryan. Detective Grace fired his weapon 1-2 times. He stopped firing out of fear that a projectile would go through Martin and hit Detective Ryan. Detective Grace saw Martin continue toward Detective Ryan who fired his weapon more than once. Martin dropped and all firing ceased.

Lieutenant Reboulet described entering the basement directly behind Detective Grace. Within seconds of reaching the basement, he saw Martin emerge from around the corner and run toward the bottom of the stairs. Lieutenant Reboulet said Martin was less than 20 feet away when he first saw him. Martin's arm was raised and he was holding a knife with the blade facing out as he ran toward the officers. Due to the tight quarters, it was impossible to take any positions of cover. He saw Detective Ryan try to create distance by backing up towards the washer/dryer. Martin continued charging at the officers with his knife raised while yelling. There was no doubt in Lieutenant Reboulet's mind that Martin was "on a mission" to attack the detectives with his knife. Detectives Grace and Ryan fired their weapons and Martin dropped directly in front of Detective Ryan.

Lieutenant Reboulet radioed, "Shots fired. Suspect's down." Lieutenant Reboulet ordered, "We have to render aid to him." Martin was "caught on that table" so it was moved.

Officer Whaley kicked the knife Martin had been holding away in Detective Ryan's direction. Detective Ryan described it as having a black handle, 3½-4" long, and covered in blood. Cataldo Ambulance responded and transported Martin to Lahey Hospital in

Burlington. A second knife was found under Martin as first aid was administered. Detectives Grace and Silva continued clearing the basement, including the center room, which was locked and required a Halligan tool to access. No other victims or suspects were located in the home.

Martin's Criminal Case:

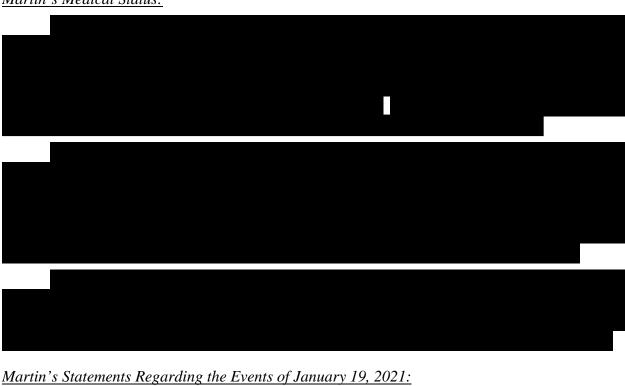
Martin initially was charged with murder and three (3) counts of assault with a dangerous weapon (Docket No. 2150CR000117). Due to his medical condition (see below), Martin was not arraigned until Monday, March 1, 2021. The Woburn District Court arraignment took place over defense counsel's objection via Zoom before Judge James LaMothe.

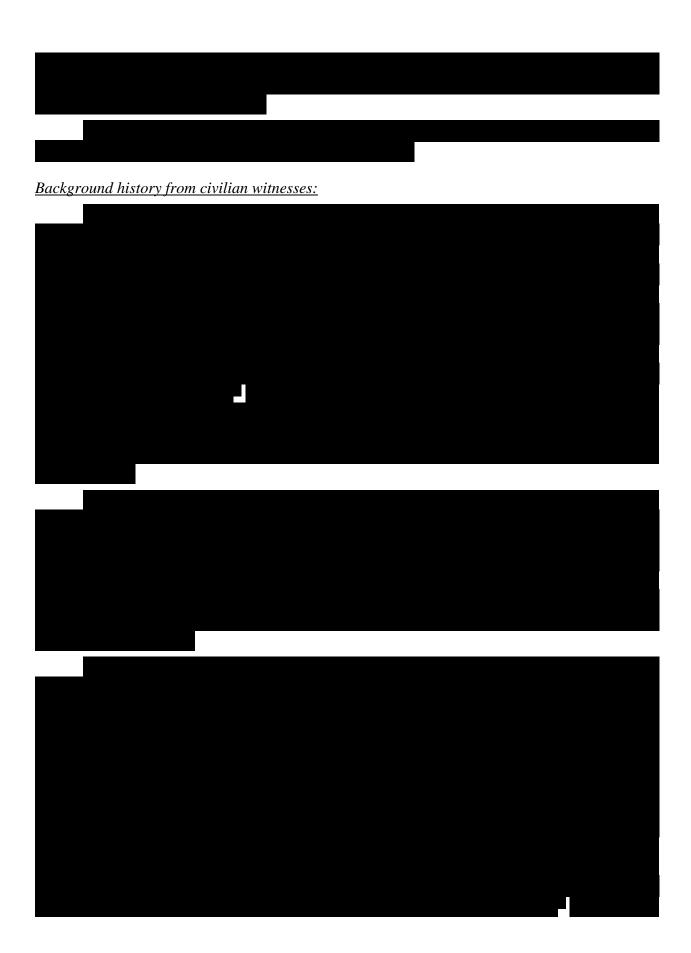
She was present

with Martin in his hospital room for the arraignment. At the Commonwealth's request, the Court held Martin without bail. Following his discharge from Lahey Hospital on March 9, 2021, Martin was transferred to Lemuel Shattuck Hospital.

The grand jury indicted Martin on May 28, 2021 for murder, improper disposition of a human body, and three (3) counts of assault with a dangerous weapon (Docket No. 2181CR00226). On July 6, 2021, Martin was arraigned via Zoom in Middlesex Superior Court before Judge Christopher Barry-Smith and held without bail. Martin continues to be held at Lemuel Shattuck Hospital.

Martin's Medical Status:

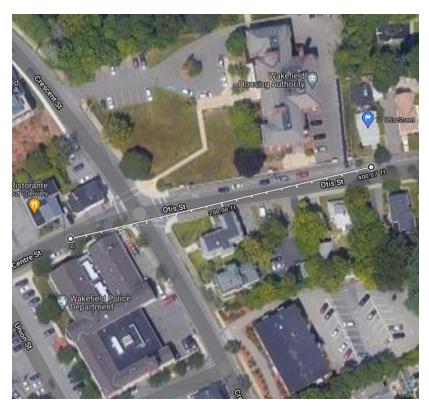






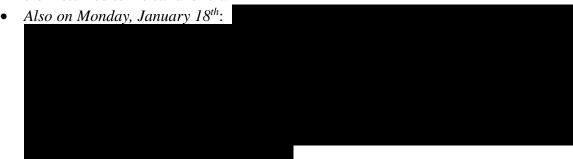
Housing Authority Surveillance Video:

The police retrieved video surveillance from 26 Crescent Street, the Wakefield Housing Authority, which is located next door to 11 Otis Street and captures the side of the home. The below image depicts the relative locations of 11 Otis Street, 26 Crescent Street, and the Police Department.



Detective Kenneth Silva reviewed video from noon on Saturday, January 16th through 10:00 AM on Tuesday, January 19th when Officer Tobyne arrived. Of note, he observed:

- Saturday, January 16th: Pamela left home at 2:15 PM and returned alone at 6:08 PM
- *Sunday, January 17th*: Martin walked up to the front porch then moved out of view at 6:35 AM; someone moved in Martin's bedroom at 6:44 AM; the drape in Martin's bedroom was closed at 10:31 AM; lights were seen going on in the bathroom next to the kitchen at 5:01 PM, 6:18 PM, and 7:08 PM.
- *Monday, January 18th*: knocked on the door, walked to the front porch, then returned to his car; he knocked on the door again at 2:00 PM then returned to his car and left.



Tuesday, January 19th: a trash truck entered the Lincoln School lot at 7:35 AM; arrived at the home at 9:34 AM and knocked on the porch and front doors and windows; they left in a vehicle headed toward the Wakefield Police Station at 9:44 AM; they returned to the home with Officer Tobyne at 10:00 AM.

Crime Scene:

11 Otis Street is located approximately 500 feet up the street from the rear of the Wakefield Police station. It is a two-story, single-family home with a full, unfinished basement. A driveway runs along the right of the house to the rear back yard. There are front and rear entrances to the home. The rear entrance opens into the kitchen.





Ahead of you on your left as you enter the kitchen through the back door and walk toward the front of the home is the door and stairway leading to the basement. The stairs run along the left wall of the building as you enter from the back porch (D side). Because there is no wall on the right side of the staircase, there is an open view of the basement on your right as you descend.

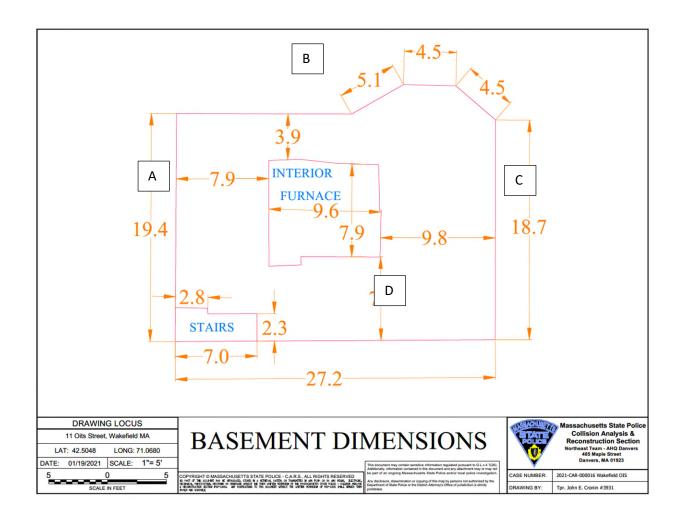




A furnace room is in the center of the basement. The overall dimensions are detailed in the diagram below. (This prosecutor added letters to label the sides of the home to aid with orientation and referencing.)

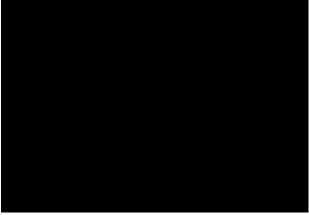
Of particular note:

- The total length of the "left corridor" (A side) is 19.4', including the stairway
- The stairway was 2.3' wide
- The corridor on the far side of the basement (B side) is 3.9' wide
- The furnace room is 7.9' wide (slightly wider on the A side of the structure)



Kelly King, a Forensic Scientist II with the Massachusetts State Police Crime Laboratory, who processed the scene, described the basement as having an overall cluttered appearance. Below are images of the "left corridor" that extends from the bottom of the stairs to the back of the basement (A side) and is the corridor Martin charged down toward the officers.





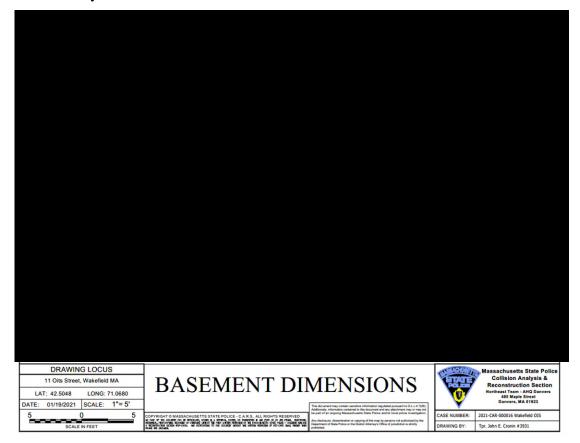
The "right corridor" (D side) contained utility sinks, a washer and dryer set, a shelving unit, a printer, and clutter that narrowed the width of the corridor and made the path of travel more difficult to maneuver. Detective Ryan used this right corridor in his efforts to retreat. Below are pictures:





Detailed in the diagram below are the basement dimensions with additional items of relevance detailed. Of particular note:

- Pamela's body was 2.1' out from the bottom step of the stairway
- The "right corridor" was just over 4' wide given the positioning of the sinks, washer, and dryer



Detailed in the 2D diagram below is the location of relevant physical evidence at the time the basement was processed,



The photographs below depict the two knives recovered from the basement.





Ballistics:

Sergeant Kevin Callahan, Detective Lieutenant David Cahill, and Trooper Jason Beausoleil from the State Police Firearms Identification Section responded. They took possession of Detective Ryan's department issued 9mm Luger caliber, Glock, model 43, semi-automatic pistol (Serial No. BCTZ97) as well as one live cartridge from the chamber, the magazine from inside the

pistol (capacity for 6 live cartridges), and one live cartridge from inside the magazine. They also took possession of Detective Grace's department issued .40 Smith & Wesson caliber, Glock, model 23 Gen4, semi-automatic pistol (Serial No. XKP149) as well as one live cartridge from the chamber, the magazine from inside the pistol (capacity for 13 live cartridges), and 11 live cartridges from inside the magazine.

Troopers recovered five (5) 9mm Lugar caliber discharged cartridge casing from the basement: three (3) were recovered from the floor as indicated by placards 6, 8, and 13; one (1) was recovered on top of the printer/scanner as indicated by placard 16; and one (1) was recovered from under the printer/scanner (no placard). The troopers also recovered a spent copper jacket from the basement floor as indicated by placard 5. A spent projectile in fragments of lead and copper jacketing was recovered from the basement/closet floor (no placard). The location on the placards is detailed in the 2D diagram below.



On January 22nd, Sergeant Callahan received the following additional ballistic evidence recovered from 11 Otis Street: a .40 Smith & Wesson caliber discharged cartridge case found under Pamela's body; a fragment of copper-jacketing found on the basement stairs; a fragment of copper-jacketing found in pole at bottom of basement stairs; a spent projectile in fragments found on the floor near Pamela's body; a fragment of copper-jacketing found in the basement; and a spent projectile (2 fragments) of copper-jacketing found in the basement.

The available ballistics evidence is consistent with the events described by the officers. It also is consistent, if they topped off, with Detective Ryan firing his weapon five (5) times and Detective Grace firing his weapon two (2) times. Four (4) of the seven (7) shots fired hit Martin. No projectiles were recovered from Martin's body so comparative analysis could not be performed; thus, no determination could be made regarding who hit Martin and where.

CONCLUSION:

In Massachusetts, a person may use deadly force to defend himself or another person(s) if they reasonably and actually believe they or another person is in imminent danger of death or serious bodily injury. For such a belief to be reasonable, the person must believe they could only save themselves or the other person(s) from some overt threatening act by using deadly force. Additionally, before resorting to the use of deadly force, the person must use all proper and reasonable means available to them given the circumstances and personal safety considerations, such as the weapons used, the availability of maneuver room, and whether a reasonable means of escape was available. See Commonwealth v. Santos, 454 Mass. 770, 772-773 (2009); Commonwealth v. Hart, 428 Mass. 614, 615-616 (1999); Commonwealth v. Pike, 428 Mass. 393, 398-399 (1998).

These legal principles regarding the use of deadly force guide the analysis of whether the shooting of Martin by either Detective Grace or Detective Ryan constitutes a criminal act. To be lawful, the individual detective's actions must have been objectively reasonable in light of all the circumstances confronting him at the time. It is critical to keep in mind, as has been recognized by the United States Supreme Court, "[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." Graham v. Connor, 490 U.S. 386, 396-397 (1989).

Considering the totality of the circumstances, Detective Grace was reasonable in his belief that he and Detective Ryan and possibly the other officers in the basement with them were in imminent danger of death or serious bodily injury at the hands of Martin. Further, Detective Grace was reasonable in his belief that there was no other means available to him to protect their lives other than by discharging two rounds from his department-issued service weapon. The reasonableness of Detective Grace's actions and the rapidly evolving nature of the situation is evident from his decision to stop firing when continuing potentially would put his partner's life at risk given Martin's changed position.

Considering the totality of the circumstances, Detective Ryan also was reasonable in his belief that he as well as Detective Grace and possibly the officers in the basement with them were in imminent danger of death or serious bodily injury at the hands of Martin. Further, Detective Ryan was reasonable in his belief that there was no other means available to him to protect their lives and safety other than by discharging five rounds from his department-issued service weapon.

In reaching these determinations, it is important to note that Martin remained hidden in the basement behind the furnace room despite multiple Wakefield Police Officers repeatedly announcing their presence in the home and demanding that anyone present show themselves. When he did step out of his hiding place, Martin charged at the officers in a full sprint wielding a knife and yelling, "You'll never take me alive." Detective Grace backed up until he was physically blocked by the stairway from moving further. Detective Ryan also retreated, but fell over clutter on the floor as Martin continued to charge at him. Martin was moving so quickly that there was "no room between us" and, thus, no reasonable means of escape. The lack of time and distance

was compounded by the cluttered basement that prohibited any further maneuvering. Detectives Grace and Ryan both were certain that Martin was intent on killing them. Lieutenant Reboulet who was one position back in their stack also was certain that Martin was "on a mission" to attack them.

Given these circumstances as well as consideration of the fact that it was reasonable to conclude that Martin

Detectives Grace and Ryan were reasonable in their belief of being in imminent danger of being stabbed and suffering death or serious bodily injury at the hands of Timothy Martin. Their use of deadly force was not excessive (i.e., no more force than was reasonably necessary) in the circumstances; therefore, the shooting by both officers was justified in the reasonable exercise of self-defense/defense of another under Massachusetts law.

The criminal investigation into the non-fatal shooting of Timothy Martin is closed without criminal charges against either Detective Grace or Detective Ryan.

APPENDIX:

The following records and materials were reviewed as part of this investigation:

- 1. Wakefield Police radio transmissions (13 total)
- 2. Recorded Interview of Detective Christopher Grace
- 3. Recorded Interview of Detective John Ryan
- 4. Wakefield Police Department reports, Incident No.
 - a. Detective Kenneth Silva's report, dated 1/19/21 (3 pages)
 - b. Detective Kenneth Silva's report, dated 1/20/21 (2 pages)
 - c. Detective Kenneth Silva's report, dated 1/21/21 (1 page)
 - d. Detective Kenneth Silva's report, dated 1/22/21 (1 page)
 - e. Detective Kenneth Silva's report, dated 1/25/21 (1 page)
 - f. Detective Kenneth Silva's report, dated 1/29/21 (3 pages)
 - g. Detective Kenneth Silva's report, dated 2/2/21 (2 pages)
 - h. Detective Kenneth Silva's report, dated 2/3/21 (1 page)
 - i. Detective Kenneth Silva's report, dated 2/4/21 (2 pages)
 - j. Detective Kenneth Silva's report, dated 2/5/21 (1 page)
 - k. Detective Kenneth Silva's report, dated 2/26/21 (5 pages)
 - 1. Detective Kenneth Silva's report, dated 3/2/21 (2 pages)
 - m. Detective Kenneth Silva's report, dated 3/2/21 (2 pages)
 - n. Detective Kenneth Silva's report, dated 3/4/21 (2 pages)
 - o. Detective Kenneth Silva's report, dated 3/23/21 (1 page)
 - p. Detective Kenneth Silva's report, dated 4/14/21 (1 page)
 - q. Lieutenant Scott Reboulet's report, dated 1/19/21 (2 pages)
 - r. Sergeant Richard DiNanno's report, dated 1/20/21 (1 page)
 - s. Sergeant Richard DiNanno's report, dated 1/21/21 (1 page)
 - t. Sergeant Richard DiNanno's report, dated 1/25/21 (2 pages)
 - u. Officer Mark O'Brien's report, dated 1/19/21 (1 page)
- 5. Massachusetts State Police reports, Case No. 2021-110-42
 - a. Homicide/Death Report by Trooper Robert Macaleese, dated 1/20/21 (5 pages)
 - b. Interview Report 1 by Trooper Michael Sullivan, dated 1/19/21 (3 pages)
 - c. Interview Report 2 by Trooper Michael Sullivan, dated 1/19/21 (4 pages)
 - d. Interview Report 3 by Trooper Robert Macaleese, dated 1/21/21 (3 pages)
 - e. Interview Report 4 by Trooper Mark Delaney, dated 1/22/21 (4 pages)
 - f. Administrative Report 5 by Trooper Mark Delaney, dated 1/19/21 (2 pages)
 - g. Search Warrant Execution Report 6 by Trooper Michael Sullivan, dated 1/19/21 (4 pages)
 - h. Interview Report 7 by Trooper Patrick O'Keefe, dated 1/19/21 (4 pages)
 - i. Interview Report 8 by Trooper Patrick O'Keefe, dated 1/19/21 (3 pages)
 - j. Interview Report 9 by Trooper Robert Macaleese, dated 1/28/21 (3 pages)
 - k. Interview Report 10 by Trooper Robert Macaleese, dated 1/28/21 (3 pages)
 - 1. Interview Report 11 by Trooper Robert Macaleese, dated 1/28/21 (2 pages)
 - m. Autopsy Result Report 12 by Trooper Robert Macaleese, dated 1/28/21 (3 pages)
 - n. Report 13 by Trooper Robert Macaleese, dated 1/28/21 (2 pages)

- o. Interview Report 14 by Trooper Robert Macaleese, dated 1/28/21 (3 pages)
- p. Digital Evidence Report 15 by Trooper Robert Macaleese, dated 1/28/21 (2 pages)
- q. Report 16 by Trooper Robert Macaleese, dated 1/29/21 (2 pages)
- r. Interview Report 17 by Trooper Robert Macaleese, dated 1/29/21 (3 pages)
- s. Interview Report 18 by Trooper Robert Macaleese, dated 2/9/21 (3 pages)
- t. Report 19 by Trooper Robert Macaleese, dated 2/9/21 (2 pages)
- u. Interview Report 20 by Trooper Mark Delaney, dated 2/18/21 (4 pages)
- v. Search Warrant Execution Report 21 by Trooper Robert Macaleese, dated 2/9/21 (3 pages)
- w. Report 22 by Trooper Robert Macaleese, dated 2/24/21 (3 pages)
- x. Report 23 by Lieutenant William Donoghue, dated 9/8/21 (2 pages)
- y. Report 24 by Lieutenant William Donoghue, dated 9/8/21 (2 pages)
- 6. Massachusetts State Police Crime Laboratory records, Case No. 21-01231
 - a. Sergeant Kevin Callahan's Scene Report, dated 1/22/21 (2 pages)
 - b. Forensic Scientist Kelley King's Crime Scene Report, dated 2/17/21 (4 pages)
 - c. Evidence Submission Forms
 - d. Crime Scene Photos, 11 Otis Street
 - e. Autopsy Photos
 - f. Martin Hospital Photos
 - g. Martin Apartment Photos
- 7. E-mail communications between Pamela Wood and Timothy Martin, dated 1/9/21, 1/10/21, 1/14/21, and 1/15/21
- 8. Carl Schiller's report, dated 1/19/21 (4 pages)
- 9. Housing Authority Surveillance Videos
- 10. Search Warrant for 11 Otis Street
- 11. Redacted medical records of Timothy Martin (4685 pages)