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February 11, 2014

Anthony Tarricone, Esq.
Kreindler and Kreindler, LLP
277 Dartmouth Street
Boston, MA 02116

Re: Stamps, Eurie A. Sr. (deceased)

Dear Mr. Tarricone:

As you requested, I have reviewed the materials that you forwarded to me pertaining to the death of Eurie A. Stamps, Sr. These materials include:

1. Report of the postmortem examination performed by Henry M. Nields, M.D., postmortem toxicology report, autopsy diagrams and administrative documents pertaining to the case generated by Office of the Chief Medical Examiner of the Commonwealth of Massachusetts
2. Death Certificate
3. Autopsy photographs
4. Scene videotape and photographs
5. Framingham Fire Department Run Report
6. American Medical Response (AMR) Patient Care Report
7. Emergency Department record from MetroWest Medical Center, Framingham Union Hospital
8. Memorandum of Lieutenant Michael Hill to Chief Steven B. Carl of the Framingham Police Department titled "Internal Review of Narcotics Investigation and Officer Involved Shooting at 26 Fountain Street on January 5, 2011" and dated May 31, 2011

9. Statement of the Middlesex District Attorney's Office titled "Regarding The Police-Involved Fatality That Occurred On January 5 In Framingham" and dated March 9, 2011
10. Letter from Gerald T. Leone, Jr., Middlesex District Attorney, to Chief Carl dated March 9, 2011
11. Crime Scene Report of Ptl. D. Studley of the Framingham Police Department
12. Crime Scene Reports and Investigation Notes from the Commonwealth of Massachusetts Department of State Police
13. Reports from the Massachusetts State Police Crime Laboratory
14. Firearms Identification Section Report from the Commonwealth of Massachusetts Department of State Police
15. After Action Report Submitted by Deputy Chief Craig W. Davis and dated January 5, 2011
16. Additional memoranda and notes provided by the Middlesex District Attorney's Office
17. Middlesex District Attorney Press Release
18. Search Warrant applications and affidavits of Lieutenant Edward Foster and Detective Dinis Avila of the Framingham Police Department
19. Supplemental Report of Search Warrant Service by Detective Felipe Martinez of the Framingham Police Department
20. Photographs of the Colt M-4 Commando rifle involved in the shooting of Mr. Stamps
21. Letter from Major Steve Ijames, retired Deputy Chief of Police from Springfield, MO, "to whom it may concern" dated 8-8-11
22. Memo from Brian E. Simoneau, attorney who was an Assistant to the Chief of the Framingham Police Department, to Mr. Ijames dated May 03, 2011
23. Audiotapes and transcripts of interviews of Framingham Police Department Special Weapons and Tactical (S.W.A.T.) team members including Sergeants Vincent E. Stuart and Robin Siviglio, Lieutenant Robert F. Downing, Officers Stephen Casey, Brian Curtis, Paul Duncan, Chris Illiardi, Christopher Langmeyer, Christopher Murtaugh, Timothy O'Toole, Greg Reardon, Sean Riley, James M. Sebastian and Michael F. Sheehan

24. Transcripts of interviews of Captain Joseph C. Hicks and Firefighters Jeffrey Beckwith and Nicholas A. Ferry with the Framingham Fire Department and members of the Tactical Emergency Medical Support Unit (TEMS) that accompanied the S.W.A.T. team
25. Transcript of interview of David J. Kay, paramedic with American Medical Response assigned to the Framingham Police Department S.W.A.T. team TEMS unit
26. Memoranda pertaining to interviews of Norma F. Bushfan-Stamps, Joseph Bushfan, Thalin Reyes and neighborhood canvass by members of the Massachusetts State Police
27. Arrest Reports of Joseph Bushfan and Devon Talbert by Detective Martinez of the Framingham Police Department
28. Town of Framingham Police Department Policies on Use of Force #100-4, Officer Involved Shootings #200-16, S.W.A.T. Team #100-23, Firearms and Weapons #50-4 and Search and Seizure #100-1
29. Framingham Police S.W.A.T. Training Records
30. Memorandum of Sergeant Scott A. Brown to Chief Carl dated 6/22/2007
31. CJISWeb printouts
32. Transcript of Framingham Wave Radio Broadcast
33. Transcripts of depositions of Deputy Chief Davis, Sergeants O'Toole and Stuart, Lieutenant Downing, Officers Duncan, Langmeyer, Riley, Sebastian and Sheehan, and Mr. Simoneau, and deposition exhibits
34. Transcripts of depositions of Dr. Nields, Norma Bushfan-Stamps and Dwayne Barrett

Additionally, on April 24, 2012, I accompanied you to the residence at 26 Fountain Street, Framingham, MA and viewed the scene of the fatal shooting of Mr. Stamps.

Eurie Stamps was 68 years old at the time of his death on January 5, 2011. He died as a result a gunshot wound sustained at the residence at the above mentioned address during the course of the execution of a search warrant pertaining to alleged narcotic-related offenses by the Framingham Police Department. The warrant was executed shortly after midnight on January 5, 2011. According to the documents provided, entry to the first floor apartment was made first into a common hallway shared with the second floor apartment and then through two doors to the first floor apartment, one to a kitchen at the far end of the hallway and the other immediately to the right inside the common door into a living room. Officer Stephen Casey, who was with Officer Christopher Langmeyer, broke a kitchen window on the left side of the house and

deployed a flash bang diversionary device. The door to the kitchen from the hallway was unlocked and entry was made by Officer Michael Sheehan, followed by Lieutenant Robert Downing and Officer Timothy O'Toole. Officer Paul Duncan broke the door to the living room with a battering ram and entered the room, followed by Sergeant Vincent Stuart and Officer James Sebastian. In her deposition, Norma Bushfan-Stamps, Eurie Stamps wife, indicated that her son, Joseph Bushfan, had been using the living room as a bedroom. Officer Duncan then moved into an adjoining den. Officers who had entered the kitchen observed a man, later identified as Mr. Stamps, coming out of a room into a hallway at the far end of the kitchen and ordered him to lie on the floor.

According to his deposition transcript, Officer Duncan exited the den and entered the kitchen with his M-4 rifle in the low ready position and turned the safety lever device to the off (semi-automatic) with his right index finger outside the trigger guard. He testified in his deposition that he observed Mr. Stamps lying on the floor in the hallway at the far end of the kitchen, with his head two or three feet in from the threshold into the kitchen and with his head toward the kitchen. He further testified that the hallway was cluttered with debris on the floor and fairly dark, although there was some ambient light. Mr. Stamps' elbows were on the floor, his hands and fingers were "hovering over his head" and they made eye contact. Officer Duncan had his rifle pointed at Mr. Stamps. Officer Duncan decided to go to the side of Mr. Stamps to get the prone man's hands behind his back. He stated that he stepped to his (Officer Duncan's) right on Mr. Stamps' left side, had to step backwards with his left foot, lost his balance and fell over backwards. He had to take his left hand off the front grip of his gun, attempting to catch himself, although the gun remained in his right hand. He heard the discharge of a firearm, which he later learned to be his rifle, during the interval between when he first started to fall and when he impacted the wall to his right of where Mr. Stamps was laying. He landed with his buttocks on the ground and his back against the wall. In his interview, Officer Duncan stated that he was somewhere around (Mr. Stamps') shoulders or just passed his shoulders when he lost his balance, and that when he landed, he was very close to Mr. Stamps' head and he was literally "almost on top of him". He then realized that Mr. Stamps had been shot. He testified that he was not aware that his finger was ever inside the trigger guard of his gun, although he admitted in his deposition that his finger did enter the trigger guard and depressed the trigger, causing the rifle to discharge. Officer Duncan was moved into the den and then was escorted out of the residence by Sergeant Robin Siviglio, where he remained with Officer Chris Illiardi.

Framingham Fire Department Captain Joseph Hicks, leader of the Tactical Emergency Medical Support Unit (TEMS), and American Medical Response (AMR) paramedics David Kay and Jeffrey Beckwith went to examine Eurie Stamps, rolled him over, dragged him into the kitchen using extrication webbing and began to render care. Paramedic Kay stated that Mr. Stamps had a very weak carotid pulse prior to being dragged into the kitchen and no pulse after he was secured on a backboard and a stretcher. Cardiopulmonary resuscitation was begun and he was transferred to the American Medical Response ambulance that was staged outside of the residence. He was found to be in cardiac arrest (asystole) in the ambulance and was intubated en route to MetroWest Medical Center, where he arrived with no cardiac activity and no other signs of life. Resuscitation efforts, including a thoracotomy and blood transfusion, were continued until he was pronounced dead in the emergency department at 12:58 a.m.

In their depositions, Lt. Downing and Officers Sebastian and Riley testified that they were in the kitchen when they heard a gunshot or a loud noise. Sgt. Stuart testified that he was in the den when he heard the gunshot and was the first to reach Officer Duncan. He indicated that he stood over Officer Duncan in the doorway, then helped him up and called for medics. However, Officer Riley indicated that that when he immediately turned toward Officer Duncan after hearing the gunshot, Officer Duncan was on his feet but appeared to be getting up from some lower position, "kind of getting your feet back underneath you". Officer Riley testified that he never saw Officer Duncan flat on the ground or sitting on the ground and Officer Sebastian testified that that he only saw Officer Duncan walking in the kitchen. Lt. Downing also stated during his deposition that the first time he observed Officer Duncan after the shot was fired; Duncan was in the kitchen walking towards him.

The report of the postmortem performed on the body of Mr. Stamps indicates that he suffered a single gunshot wound. The bullet entered the left cheek and passed through the soft tissue over the mandible to exit the left upper neck and re-enter the left lower neck/clavicle area. The bullet then fractured the left clavicle and fragmented, with fragments perforating the pericardial sac and the left ventricle of the heart, the upper lobe of the left lung, the edge of the trunk of the pulmonary artery and the edge of the aortic arch. The bullet traveled in a downward, right to left and front to back path. There was 500 cc of partially clotted blood in the left chest cavity and 200 cc of mostly clotted blood in the pericardial sac. Fragments of copper-colored bullet jacket and lead core were recovered from the chest. The autopsy report describes gunpowder stippling on the left side of the face "principally above and forwards of the perforation" over an area that measured 5 ½ inches in vertical dimension and 3 inches in horizontal dimension, as well as "petechial hemorrhages in the lateral bulbar conjunctiva and the lower palpebral conjunctiva of the left eye". The autopsy was otherwise remarkable only for an enlarged heart (560 g) and a mildly enlarged liver (1950 g). No other injuries or pre-existing natural disease processes were identified. Postmortem toxicologic studies were negative. The cause of death was certified as "Gunshot wound of head, neck and chest with injuries of heart, lung and major blood vessels" and the manner of death was certified as "Homicide (shot by police)".

Opinions and the Basis and Reasons Therefore

My opinions in this matter are based on my review of the above-listed materials, as well as my training and experience in medicine and in the subspecialty of forensic pathology. All of my opinions, unless otherwise specified, are stated to a reasonable degree of medical certainty.

It is my opinion, to a reasonable degree of medical certainty and in agreement with the conclusion of Dr. Niels, that the cause of death of Eurie A. Stamps, Sr. was a gunshot wound of the head, neck and chest and that the manner of death was homicide. However, it is also my opinion, based on my review of the autopsy materials and the scene, that the shooting did not happen in the way described by Officer Duncan. Based on the position and location in which Officer Duncan alleges the shooting occurred and Mr. Stamps' position, a bullet striking Mr. Stamps in the left cheek would not have traveled in a downward, right to left and front to back path in his body. The gun would not have been positioned in a way that would have resulted in

the path of the gunshot wound. The path of the bullet, as evidenced by the injuries to the body, is inconsistent with the rifle being discharged in the location and position described by Officer Duncan. Based on Officer Duncan's testimony, at the time that he stumbled, the muzzle of the rifle would have been past Mr. Stamps' head and not pointed toward his left cheek and the bullet would not have followed the pathway described in the autopsy report. However, if Officer Duncan had been standing in the kitchen facing Mr. Stamps as he lay on the hallway floor, with his rifle in the low ready position, the path of a bullet fired from the gun would have been consistent with the path of the gunshot wound. This position would also be consistent with the testimonies of Lt. Downing and Officers Riley and Sebastian, all of whom observed Officer Duncan on his feet in the kitchen immediately after they heard the gunshot.

It is further my opinion, to a reasonable degree of medical certainty, that Eurie Stamps, Sr. experienced a period of conscious pain and suffering following the gunshot wound. No injuries to the brain or spinal cord were identified at postmortem examination that would have rendered Mr. Stamps unconscious prior to his losing consciousness due to hypoperfusion of the brain resulting from blood loss. There was also no evidence of any pre-existing natural disease that would have affected his level of consciousness. His period of conscious pain and suffering could have lasted anywhere from up until the time when he was examined by emergency medical personnel and found to be unresponsive. Additionally, Mr. Stamps conscious pain and suffering would have included the fear and panic that he experienced during the period when the S.W.A.T. team began their procedures to enter the residence up until the time the he suffered the gunshot wound.

My Qualifications

I am a physician, licensed to practice medicine in the state of Florida. I also hold inactive licenses in the states of Massachusetts, New York and New Jersey. I am currently employed as the District Medical Examiner for Florida's District Five, serving Lake, Sumter, Marion, Hernando and Citrus Counties. I am Board Certified in the specialties of anatomic pathology, hematopathology and forensic pathology. I have previously served as the Director of the Divisions of Anatomic Pathology and Hematopathology in the Department of Pathology and Laboratory Medicine at the Albany Medical Center, and I was an adjunct full Professor of Pathology at the Albany Medical College. Between 1991 and 2001 I also served up to 20 counties in upstate New York as a coroner's pathologist.

I resigned from the directorship position at Albany Medical Center in 1996 to pursue fulltime forensic pathology. In 1997 I took the position of Chief Medical Examiner for Rensselaer County, New York, and in 1999 I became the Director of Forensic Medicine for the Medicolegal Investigation Unit of the New York State Police. I relocated to Palm Beach County, Florida in 2001 and assumed my current position in November, 2007.

As part of my duties as a forensic pathologist I perform postmortem examinations in cases where death is not known to have been caused by a natural disease process. In my career to date I have performed in excess of 8,000 autopsies, including many autopsies of individuals who were

victims of gunshot wounds. Additionally, I also on occasion conduct review of cases for the purpose of providing expert forensic pathology opinion. I have provided testimony in both civil and criminal matters in trials, hearings and depositions in excess of 500 proceedings in many states. I also have testified before the United States Congress pertaining to my work in the examination of the remains of victims found in mass graves in Bosnia and Croatia. I am enclosing a copy of my current curriculum vitae and a listing of my trial and deposition testimonies over the past four years.

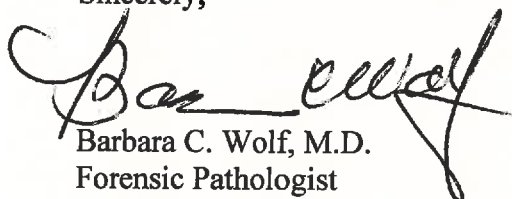
As a forensic pathologist, my expertise includes the evaluation of injuries and their effects on the body. This in some cases includes the evaluation of potential conscious pain and suffering incurred by individuals who have suffered injuries prior to their deaths.

My Compensation in this Matter

For purposes of reviewing the materials pertaining to this case, preparation of my report and deposition testimony, I bill at the rate of \$400.00 per hour. For work that necessitates travel, I bill at the rate of \$3,500.00 per day, exclusive of expenses.

Please feel free to contact me if I can be of further assistance.

Sincerely,



Barbara C. Wolf, M.D.
Forensic Pathologist

Cc: Joseph P. Musacchio, Esq.,
Kreindler and Kreindler, LLP