

Officer Avila Interview #WS400013

This is Lieutenant Ed FORSTER with the State Police assigned to the Middlesex District Attorney Office.

It's Thursday, January 6, 2011. Approx. 1:30 with the Framingham Police Department to conduct an interview of Dennis Avila.

Also in attendance is:

Deputy Chief, Ken Ferguson

Officer Dave Carlos, Union President for Framingham Police Department

Attorney Allen McDonald, Counsel for the Union

FORSTER

We are investigating a homicide shooting of Eurie A. Stamps that occurred on January 5, 2011 at approximately at 12:30 in the morning at 26 Fountain Street. Officer Avila is one of the detectives assigned to the case. Officer Avila please tell me your involvement basically maybe you could start with the investigation you had going there at 26 Fountain Street. We can take it to the night when you were actually doing the warrant there.

AVILA

We had an ongoing investigation there were we were purchasing narcotics it was an ongoing investigation we had several buys into that location of narcotics.

FORSTER

Alright. You mentioned there were some extensive records that people you were investigating.

AVILA

Yes. [REDACTED]
[REDACTED]

FORSTER

At that point was it on the fourth you applied for an actual search warrant was it that day or when was the search warrant issued?

AVILA

It was issued on the day it was executed, which would be the fifth.

FORSTER

Well the fourth you guys executed actually it on the fifth so probably would have got it on the fourth. Unless I have the dates wrong.

UNKNOWN

The fifth it was executed at 12:30.

AVILA

Ok I apologize.

FORSTER

It's alright. I'm trying to be accurate.

FORSTER

So, that was the warrant and if you have any knowledge the SWAT Team was used to secure the premises and help you guys with the warrant. Do you have any knowledge as to why you used the SWAT Team?

AVILA

Because the two targets have criminal history and being known to us like I said before they have firearms and weapons charges. So, Deputy Davis was notified of this and the decision I guess was made for a SWAT Team to assist.

FORSTER

Alright. So we have a general background for what was going on there on Fountain Street. Why don't take up what your assignment that night. You're not a SWAT Team member you are a detective.

AVILA

Right.

FORSTER

And this was your...

AVILA

I was perimeter. I was assigned to assist with the holding down of the outside perimeter of the structure.

FORSTER

Ok. If we give you a picture of the front of the structure could you tell us maybe where you were?

AVILA

Yes I could! AVILA looking at picture.

ED

There you go. Beautiful. If you were in a vehicle if you were on foot?

AVILA

Looking at picture-The vehicle was parked.

FORSTER

Your cruiser?

AVILA

It was in the grey explorer 956 I believe. It was Myself, Martinez, and Sergeant Louise. We parked it at the gulf station. We were then behind the SWAT Team. We parked at the Gulf Station and approached on foot to the house I went to the rear.

FORSTER

Ok so you would be, just put who you were with in the rear. That would be the B Side they call it. I'll help you on that.

AVILA

The BC Side.

FORSTER

Oh BC side Ok the C is in back? Ok. So you are familiar with all that. I will put C right there.

AVILA

I would be in the back far corner here between this garage/shed.

FORSTER

Throw down your name. Maybe you could put an arrow up to the name so they can see it in that area. There you go. Were you with anybody else?

AVILA

There were two SWAT members back here as well.

FORSTER

But you were the only one in the back side yourself and not SWAT members you and another detective?

AVILA

NO. I was the only one on the *BRAVO CHARLIE* side that was not a SWAT member. There were two SWAT members that were in that corner.

FORSTER

Alright. Just put the two SWAT guys over there to. You don't have to know their names, just put two SWAT officers. That's fine.

SOMEONE ELSE

Do you know who they were Dennis? Do you remember?

AVILA

Curtis. I'm 90% sure one was Curtis and I think Reardon. So I put two SWAT...

FORSTER

Ok! Go ahead Dennis. Continue.

AVILA

So, we were here the back and communications hear the radio go off and flash bangs go off you hear glass smashing and then I heard we need a medic or tems.

FORSTER

How long after the glass smashing and all that if you remember?

AVILA

It was so hard amongst all the confusion. Well not confusion everything going on it was a short time it wasn't a long time.

FORSTER

OK.

AVILA

A short amount of time. I can't give you an exact time. It wasn't long at all.

FORSTER

OK. Then you heard that then the temps...

AVILA

The Temps medic or ambulance that was getting thrown out there. Then they arrived and I stayed back here holding down the back with the two SWAT guys. Then they came up to the front to see exactly what's going on. The medics (tech EDs) they went in with a stretcher and they came out with the male on the stretcher.

FORSTER

You saw that?

AVILA

Yes. I saw them come out with him. I actually did as they were coming out they had to go between those two cars like kind of like right here but not these specific cars and they brought him out between here. I actually held the side of the gurney stretcher or whatever you want to call it to help lift. There were a bunch of guys. He was a big man. There were bunch of guys. Lifting the gurney stretcher and I actually put one hand on it to help assist it over the hood in a way that BMW that was parked there.

FORSTER

Did you have your radio with you? I assume.

AVILA

I did. Yah.

FORSTER

Before this happened, you were with Louise and Martinez, I'm sorry Phil.

AVILA

Yes. Did you hear any radio transmissions about anything at all before you actually get...?

AVILA

Before you get into that, I'm trying to think was Louise in the back too? It's kind of back and forth. I can't quite remember I think Louise was with me in the back too and also sort of playing this area?

FORSTER

Ok. Yah.

AVILA

I'm sorry that popped into my head.

FORSTER

That's alright. Any radio transmissions before the SWAT was doing the warrant you guys went into the back was there anything on the radio that you heard at all?

AVILA

Before the approach?

FORSTER

Yes before. Like that whole timeframe getting out of the car or whatever.

AVILA

Well, there was another situation going on where our target was being taken down.

FORSTER

Did you see any of that?

AVILA

I saw it out of the corner of my eye because it all happened at the same time upon swatting our approach and the arrest of Joseph Bushfan it all happened quick. I saw out of the corner of my eye. It was controlled. There was a cruiser there. Gubbal was there. They were effecting the arrest and then Fall (SP) came in with the SWAT Team. As far as to answer your question was there anything on the radio? There was a command once we get to Phillips class it was whatever SWAT uses to say we are almost there.

FORSTER

Ok I know what you are saying.

AVILA

And then as far as there was a command to yah know commence the SWAT operations. I get another command to commence SWAT operations on the house. As they all got into position. Again what that command is...

FORSTER

Ok. Alright. So you go back there helped the victim into the ambulance. What happened after that?

AVILA

Just from this corner just to get it over with, when they brought victim to ambulance and I went in. Because there was. I was notified that there was a guy in the back room that they have in custody. I believe Sheehan and Langmeyer were back there with them I can't say that for certain you have to understand these guys are all masks up.

FORSTER

Yup.

AVILA

But I believe it was them. They brought him out and I told them to put him at the side of the house. On the "P" side of the house out of the way. And I stayed out there with him and Detective DeRosa came over and read him his rights and he was transported by cruiser to the station. Hoop transported him but I'm not sure.

FORSTER

Did you go back into the house at all? Did you ever go into the house period that night?

AVILA

Yes.

FORSTER

Yes.

AVILA

When I went in there.

FORSTER

Just to help you along. Did you go in after the arrest? Oh you went in to see Langmeyer. I'm sorry. Did you go back in there again after that?

AVILA

Yes.

FORSTER

Ok Did you guys like start to search or whatever?

AVILA

No.

FORSTER

No. Ok.

AVILA

We stayed in the front with this situation Lieutenant Slavi says search we have to wait we have to call the state and so there are people that do live upstairs so just to maintain. We have windows broken and this door broken so we had to make sure no one else is coming in and out of there. So we stayed, we it was Me, Louise, Martinez, someone else at one point for a little while then we stayed in there to secure it until we got further orders.

FORSTER

So when the guy got taken out did you realize that he was shot? When did you realize there was a shooting or if there was any talk about what had happened?

AVILA

Amongst the radio transmissions and kind of hearing everything going on. When he got out on the stretcher I looked at his face and could see the blood.

FORSTER

Yup. You are putting it all two-and-two together.

AVILA

I'm putting it all together.

FORSTER

Yah.

AVILA

As far as hearing a shot being fired I can't tell you I heard a shot being fired.

FORSTER

Yup, you already said that. I'm sorry. Did you have any conversation with any of the SWAT guys that night at all about what happened in there or anything?

AVILA

No. I think it was Sergeant Stewart he's the one that told me they have someone in the back room in custody. So that's why I went back there. So I did go through there through that area where the blood was.

FORSTER

So basically after that you stood by and then we showed up there whatever and think I saw you there at some point.

AVILA

Yup that's pretty much it.

FORSTER (?)

What weapon did you have with you?

AVILA

I had my service weapon. My six-hour.

FORSTER (?)

So your side arm? That was it.

AVILA

My side arm that was it. With just a magazine in it and an extra magazine in my left pocket.

FORSTER

Dennis is there anything else you would like to add?

AVILA

I just really think about.

FORSTER

So when you were on the premises you hear the glass breaking did you think two flash bangs went off or one.

AVILA

It sounded like multiple.

FORSTER

Ok.

AVILA

It did sound like multiple flash bangs going off.

FORSTER

So you hear the glass breaking? You hear...

AVILA

I hear the popping of the glass. The flash pings going off...The radios...

FORSTER

So you thought there were two flash backs went off.

AVILA

Yes. I definitely felt like more than one flash bang going off.

FORSTER

I can't think of anything else right now. It's about ten of two.
Interview closed.