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MIDDLESEX, SS. COMMONWEALTH OF MASSACHUSETTS
DISTRICT COURT DEPARTMENT
OF THE TRIAL COURT

* * * * *

MIDDLESEX DISTRICT ATTORNEY

v.

ALAN GREENOUGH

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*
* Docket No. 1853IN000001
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* * * * *

INQUEST HEARING DAY 1
BEFORE THE HONORABLE STACEY J. FORTES

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Courtroom 2
March 25, 2019

Quaverly H. Rothenberg, Q & A Transcripts
Approved Court Transcriber

APPEARANCES (Continued):

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I N D E X

WITNESSES:	DIRECT	CROSS	REDIRECT	RE CROSS
ASHLEY CUNNINGHAM				
By Ms. Lynch	17			
OFFICER KAYLYN GOOLEY				
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1 [Case Called at 00:00:07 Runtime - Disc 1, Track 3]

2 THE CLERK: The recording has been sealed in this matter.

3 THE COURT: Okay. So, first thing, I'm going to ask everyone
4 in the room to identify themselves for the record.

5 MS. LYNCH: Good morning, Your Honor. Adrienne Lynch,
6 Assistant District Attorney, for the Commonwealth. With me, with
7 the Court's permission, is the paralegal Ashley [phonetic]
8 Cunningham --

9 THE COURT: Yes.

10 MS. LYNCH: -- who would be assisting if the Court allows
11 that motion.

12 THE COURT: That's allowed. Good morning, Ms. Cunningham.
13 Welcome.

14 A.D.A. Lynch, I think you sent a motion requesting -- and I
15 allowed it. I don't know -- earlier. I don't -- And I know --

16 THE CLERK: I have it, Judge, yes.

17 THE COURT: Okay. Perfect.

18 THE CLERK: Mm-hmm.

19 THE COURT: All right. But that is allowed, yes.

20 MR. DRAUSCHKE: Good morning.

21 THE COURT: Good morning.

22 MR. DRAUSCHKE: Officer Erik Drauschke, Reading PD.

23 THE COURT: Good morning.

24 MR. PASCIOCCO: And good morning. Attorney Peter Pasciucco
25 on behalf of Officer Erik Drauschke.

1 THE COURT: Good morning.

2 MR. KOUFMAN: Good morning. Victor Koufman on behalf of
3 Anthony Perrotti and also Catherine, who's -- Catherine Rawson,
4 who's outside, the family.

5 THE COURT: Yes.

6 MR. KOUFMAN: And Melissa Garand is with me. She's also an
7 attorney.

8 THE COURT: Okay.

9 MS. GARAND: Good morning.

10 THE COURT: Good morning.

11 Okay. So, everyone knows this is Attorney Kristen Stone.

12 MS. STONE: Good morning.

13 THE COURT: She's from --

14 MR. PASCIUCCO: Good morning.

15 THE COURT: -- Chief Justice Dawley's Office. And the few
16 inquests that the judges have been asked to do, there's an
17 attorney from Chief Justice Dawley's Office who's assigned to work
18 with the judge. So she'll be working on this with me.

19 Okay. So, now, hopefully -- I know that I had promised you
20 all that I would give you something in writing with regard to the
21 ground rules. And hopefully everybody received that. I'm sorry I
22 sent it out later than I anticipated.

23 So, there are family members who are outside, family members
24 of Mr. Greenough's. And are they going to be joining us in the
25 courtroom? Or what were you planning on doing? I did allow them

1 to be here.

2 MR. KOUFMAN: Yes. But we --

3 THE COURT: Yeah.

4 MR. KOUFMAN: -- were told just for the attorneys to come in
5 right now.

6 THE COURT: Okay, okay. I also, A.D.A. Lynch, indicated that
7 the Court, based on my review of the documentation, would like to
8 have a view.

9 MS. LYNCH: Yes, Your Honor.

10 THE COURT: Okay. And I don't know at what point you would
11 think that would be appropriate, given the testimony. Because
12 this is not an adversarial proceeding, we don't have a jury, -- I
13 didn't set up things the way that we would if there was -- if this
14 was a jury trial. I did in advance speak to both the Clerk's
15 Office and the Court Officers to make sure that we had proper
16 recording equipment to take with us. But I anticipated that
17 perhaps the Reading Police could direct us as to where we should
18 go for the view, the location. And we would have Court Officers
19 with us but everybody could essentially go in their own vehicles,
20 if that makes sense to everyone. Okay?

21 What other preliminary issues do we have before we get
22 started?

23 MS. LYNCH: Your Honor, with respect to preliminary matters,
24 as the Court is aware, at your request the Commonwealth's filed a
25 series of discovery materials in connection with the case. We

1 have supplemental materials; I advised Attorney Pasciucco about
2 that.

3 THE COURT: Okay.

4 MS. LYNCH: But I have to file them as part of the impounded
5 documentation, the second notice of discovery, both on a Zip drive
6 as well as in hard copy form, --

7 THE COURT: Mm-hmm.

8 MS. LYNCH: -- consisting of an updated timeline.
9 Originally, the Commonwealth had sent a letter to the Court
10 indicating that the surveillance video was 33 minutes and 15
11 seconds fast. After speaking to the trooper who downloaded the
12 video, it was determined that it was 32 minutes and 50 seconds.
13 So it's a difference of 25 seconds. And the Commonwealth has
14 updated that timeline and would ask that the timeline with --
15 dated in the corner March 24th, 2019, be substituted for that.

16 And then I would file with the Clerk the remaining binders,
17 including an updated Cellebrite download. The Cellebrite download
18 that was previously filed was UTC-0, which is Greenwich Mean Time,
19 which doesn't help when you're trying to figure out what time it
20 was in Reading.

21 THE COURT: Mm-hmm.

22 MS. LYNCH: So the trooper did do a conversion so that it is
23 real-time in that binder, substituted, of both phones -- is
24 included in the discovery materials, as it is expected to be an
25 exhibit in the matter.

1 THE COURT: Thank you.

2 MS. LYNCH: And I would just at this time provide this to the
3 Clerk.

4 THE COURT: Okay.

5 MS. LYNCH: Additionally, Your Honor, one of the witnesses,
6 Officer Sean Wilson, is a member of the United States Coast Guard.
7 He was -- is deployed to Guantanamo Bay, Cuba. He -- His unit
8 shipped out last night. He is here until he can testify. So I'd
9 like to take him out of order --

10 THE COURT: Absol --

11 MS. LYNCH: -- and make sure that he is on today.

12 THE COURT: Okay.

13 MS. LYNCH: And I believe those are the preliminary matters.

14 THE COURT: Preliminary matters, okay. All right.

15 Any other preliminary issues that anyone else has?

16 MR. KOUFMAN: Yes, Judge, if I may.

17 THE COURT: Yes.

18 MR. KOUFMAN: I understand from your order that you didn't
19 provide counsel for the family with an opportunity to ask
20 questions.

21 THE COURT: Right. Mm-hmm.

22 MR. KOUFMAN: I would just ask that -- We've done our own
23 sort of investigation. And I haven't seen the Commonwealth's
24 investigation, per the Court order.

25 THE COURT: Mm-hmm.

1 MR. KOUFMAN: But should something come up during the course
2 of the hearing that I think would add to your role to investigate
3 the matter, I would just ask if I could have an opportunity on
4 behalf of the family to make an offer of proof and then at that
5 point to ask the Court to allow me to either ask questions or
6 introduce a document.

7 THE COURT: You definitely have the opportunity to make and
8 offer of proof. And if I think it would be appropriate pursuant
9 to the standards in terms of the Court's role as investigatory,
10 then I would entertain it at that time.

11 MR. KOUFMAN: I truly understand that this is non-
12 adversarial.

13 THE COURT: Yes.

14 MR. KOUFMAN: Thank you.

15 THE COURT: Thank you.

16 MR. PASCIUCCO: Good morning, Your Honor. I do have a motion
17 I can provide to the Court. We would like after the Commonwealth
18 presents its case to put a use of force expert or an individual
19 who is a certified use of force/defense tactics instructor on the
20 stand to testify to three or four different areas and maybe be
21 posed hypotheticals. He is not involved in this incident at all,
22 but we do feel it would assist the Court in its investigatory
23 function.

24 THE COURT: And again, counsel, what I would say is once the
25 Commonwealth has presented all the information to the Court, if

1 the Court thinks that that would be helpful to the investigatory
2 process then I will hear you at that time.

3 MR. PASCIUCCO: Okay. Thank you.

4 THE COURT: Okay?

5 Any other preliminary issues? No.

6 A.D.A. Lynch, at what point do you think -- Is it today that
7 you think it would be appropriate to take a view? Or at what
8 point? Just so that we can give some notice to court staff and
9 the like.

10 MS. LYNCH: I think that folks are prepared for it to be
11 today.

12 THE COURT: Mm-hmm.

13 MS. LYNCH: I think to -- just to the extent that we could do
14 it before Officer Wilson's testimony. But I just want to make
15 sure we get Officer Wilson on.

16 THE COURT: Okay. All right, all right. Well, do you want
17 to start with Officer Wilson then? Or do you want to start with
18 the view? I leave it to you. We're going to get to Officer
19 Wilson today.

20 MS. LYNCH: Okay. Then I --

21 THE COURT: Okay?

22 MS. LYNCH: -- think that the view would be helpful.

23 THE COURT: Okay. All right. Okay. And are the Reading
24 Police prepared to direct us to --

25 MS. LYNCH: I do have a state trooper and I can ask the

1 lieutenant from Bedford -- Reading, rather, to coordinate.

2 THE COURT: Okay. So, why don't we plan to recess now --

3 MS. LYNCH: Okay.

4 THE COURT: -- to do that. You can get the recording
5 equipment. Go ahead.

6 MS. LYNCH: And just to be clear, who will be on the view?

7 THE COURT: Okay. Well, in terms of people who are here or
8 in terms of your witnesses? In terms of -- Everyone in the room
9 now would be on the view and then, again because I'm looking at it
10 as investigatory, anyone who would be able to assist kind of the
11 Court in understanding where things transpired. So --

12 MS. LYNCH: And so, I would just ask permission to have
13 Lieutenant Bulman, who is on the list potentially as a witness --
14 He was going to drive me to --

15 THE COURT: Okay.

16 MS. LYNCH: -- the location. And I will speak to Lieutenant
17 Abate from Reading about having a Reading cruiser meet us at
18 Reading.

19 THE COURT: Okay. And will Lieutenant Bulman then be able to
20 point out --

21 MS. LYNCH: I would do that, Your Honor.

22 THE COURT: Okay. All right. Thank you. All right. So, if
23 we recess now, and with the -- How far away from the Court is the
24 location?

25 MS. LYNCH: If you -- If we get off at the Main Street exit,

1 which I believe is Route 28, it's probably 15 minutes from here.

2 THE COURT: Okay. All right. So, why don't we plan to all
3 be there by ten o'clock. Okay?

4 MR. KOUFMAN: Judge, if I may just -- I haven't checked with
5 the family. But if they wanted to come to the view, can they?

6 MS. LYNCH: Your Honor, in a regular trial, members of the
7 public don't come on --

8 THE COURT: Right. I --

9 MR. KOUFMAN: They're not members of the public.

10 THE COURT: No, I know.

11 MR. KOUFMAN: They're interested parties.

12 MS. LYNCH: Well, the --

13 MR. KOUFMAN: I would --

14 MS. LYNCH: -- victim's families don't --

15 MR. KOUFMAN: I would --

16 MS. LYNCH: -- come on views.

17 MR. KOUFMAN: I would control them. I would make sure they
18 stay out of the way unless you or somebody had -- Adrienne had --
19 Lynch had a question.

20 THE COURT: Sure. Let me think about it for a minute. I
21 want to review the standards and I'll let you know. Okay?

22 MR. KOUFMAN: Thank you.

23 THE COURT: All right. Thank you.

24 [Court in Recess at 00:10:28 Runtime - Disc 1, Track 3]

25 [Back on Record at 00:00:10 Runtime - Disc 1, Track 4]

1 THE COURT: Okay. I just wanted to review the standards
2 again. The standards do indicate that all persons allowed to
3 attend the inquest are allowed to attend the view. So I'll let
4 the family attend the view. But if there's any disruptions or
5 anything, then I'm going to have to change my ruling.

6 MR. KOUFMAN: Thank you.

7 THE COURT: Okay? All right. Okay.

8 THE CLERK: Judge, do you want me to have them sign in prior
9 to --

10 THE COURT: Yes.

11 THE CLERK: -- them going?

12 THE COURT: Yes.

13 THE CLERK: Okay. So, if you could just have those family
14 members come in and sign in.

15 MR. KOUFMAN: One other thing: could we sit here as opposed
16 to over there?

17 MS. LYNCH: No. It'll be -- The video will be obstructed.

18 MR. KOUFMAN: I'm trying to get out of the way from it.
19 Okay.

20 MS. LYNCH: All right. Yeah.

21 THE CLERK: Thank you.

22 MS. LYNCH: This is going to be -- I just wanted to mention
23 that to --

24 THE COURT: Sure.

25 MS. LYNCH: -- the Court. Instead of the TV, which -- This

1 is apparently the --

2 THE CLERK: Video --

3 MS. LYNCH: -- remote.

4 THE CLERK: Yeah.

5 THE COURT: Yeah.

6 MS. LYNCH: The recordings and all the pictures will be on
7 that wall.

8 THE COURT: Okay. All right. Thank you.

9 MR. PASCIUCCO: Thank you.

10 [Court in Recess at 00:00:56 Runtime - Disc 1, Track 4]

11 [Viewing Held]

12 [Back on Record at 01:01:38 Runtime - Disc 2, Track 1]

13 THE CLERK: Sorry, Judge; I just received this summons. I
14 believe that this is one of -- Mr. James Burke, is that a witness
15 of yours?

16 MS. LYNCH: Yes.

17 THE CLERK: Okay. So, that's all.

18 Judge, I just need a moment. There are two other individuals
19 who are in the courtroom who were not at the viewing, so I just
20 needed them to sign in.

21 THE COURT: Okay.

22 MS. LYNCH: Can I ask for the record who they are?

23 THE COURT: Yes, I was just going to -- about to do that
24 myself.

25 And who are these folks that are in the courtroom now?

1 MR. KOUFMAN: Michael Sweeney [phonetic] is the stepbrother.

2 And --

3 MR. SWEENEY: My girlfriend, as well.

4 THE COURT: All right. Well, --

5 THE CLERK: Judge, this is the list from the last court date.

6 I don't know if it's the same name.

7 THE COURT: Okay. So, at the -- This is the list from the
8 preliminary hearing.

9 THE CLERK: Correct, Judge.

10 THE COURT: Okay. So, at the preliminary hearing it was the
11 -- Mr. Sweeney was on the list as the stepbrother. And is it
12 Victoria McLean [phonetic]?

13 MR. KOUFMAN: Yes.

14 THE COURT: Okay. She was on the original list, as well. So
15 I'll allow her to be in the courtroom as well.

16 MR. KOUFMAN: Thank you.

17 THE COURT: Okay?

18 THE CLERK: And, Judge, I'm just going to note their relation
19 to the parties on the list.

20 THE COURT: Okay. So, Ms. Lynch, whenever you're ready to
21 call witnesses.

22 MS. LYNCH: Thank you. Your Honor, as a preliminary matter I
23 would call Ashley Cunningham to -- just for authentication.

24 THE COURT: Sure.

25 [ASHLEY CUNNINGHAM, Sworn.]

DIRECT EXAMINATION OF WITNESS, ASHLEY CUNNINGHAM

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BY MS. LYNCH:

Q Good morning. If you would, would you state your name and spell your last name for the record.

A Sure. It's Ashley Cunningham, C-U-N-N-I-N-G-H-A-M.

Q And what is your occupation?

A I am a paralegal at the Middlesex District Attorney's Office, currently assigned to the homicide unit.

Q How long have you been a paralegal -- or employed by the Middlesex District Attorney's Office?

A Just about seven years.

Q And how long have you been assigned as the paralegal to the homicide unit?

A Two years, nine months or so.

Q Now, directing your attention to February of 2018, were you assigned as a paralegal to work on this case?

A Yes, I was.

Q And as part of your responsibilities, were you assigned this case on Monday, February 5th of 2018?

A Yes, I was.

Q As part of your involvement did you transcribe certain recorded interviews?

A Yes, I did.

Q Did you arrange for a transcriptionist to transcribe other interviews?

1 A Yes, I did.

2 Q Did you review certain recorded police radio transmissions
3 and phone calls for February 2nd of 2018 and February 3rd of 2018
4 related to the calls to 1462 Main Street --

5 A Yes, I did.

6 Q -- in Reading?

7 Did you review downloads of two phones, one identified to be
8 the phone of Alan Greenough and the other identified to be the
9 cell phone of Devin McDonald?

10 A Yes, I did.

11 Q Concerning those phone downloads, were they originally
12 provided in Coordinated Universal Time, also referred to as UTC?

13 A Yes, they were.

14 Q Now, in order to review them for Eastern Standard Time as was
15 in effect in February of 2018, is there a conversion that is
16 required?

17 A There is. You have to subtract five hours from the recorded
18 time provided in Coordinated Universal Time to get the Eastern
19 Standard Time conversion.

20 Q And so, is the original UTC provided in discovery?

21 A It was.

22 Q And subsequently was the conversion done?

23 A It was.

24 Q And have you caused to be printed up the updated downloads
25 with the times to be used as an exhibit in this case?

1 A I did.

2 MS. LYNCH: I would offer this as the next -- as the first
3 exhibit.

4 THE COURT: Exhibit No. 1.

5 [Converted Phone Extractions Marked as Exhibit No. 1]

6 BY MS. LYNCH:

7 Q Now, as part of your involvement in this case did you review
8 surveillance footage downloaded by Trooper John Conron of the
9 State Police cyber crime unit taken from the East Coast Gas &
10 Service Station.

11 A Yes, I did.

12 Q And with regard to this video, were you informed by the
13 trooper, Trooper Conron, that the surveillance video was faster
14 than real time?

15 A Yes. I was advised it was 33 minutes, 15 seconds faster than
16 real-time.

17 Q And that was the original information?

18 A That was the original information.

19 Q Did you subsequently learn from Trooper Conron how much
20 faster the video was in regard to real time?

21 A Yes. I was then advised it was 32 minutes, 15 -- sorry --
22 50, 5-0, seconds instead of the 33:50 [sic].

23 Q Now, in -- as part of your duties as a paralegal, did you
24 assist in the preparation of a timeline in which you coordinated
25 or -- in chronological order the times of radio transmissions and

1 calls to the police, calls and texts according to the phone
2 downloads, as well as the surveillance video converted to actual
3 real-time using that 32 minutes, 50 seconds time differential?

4 A Yes, I did.

5 Q And showing you this document consisting of 28 pages,
6 captioned March 24th of 2019, do you recognize this document?

7 A I do.

8 Q And is this to the best of your abilities a fair and accurate
9 recitation of the timeline in real-time from those various
10 sources?

11 A It is.

12 MS. LYNCH: I would ask that this be marked as the next
13 exhibit.

14 THE COURT: Exhibit No. 2.

15 [Timeline Marked as Exhibit No. 2]

16 BY MS. LYNCH:

17 Q Just for purposes of the hearing, is this a disc prepared by
18 you of the 9-1-1 and radio transmissions for February 2nd and 3rd
19 related to this case as provided by the Essex Emergency
20 Communications Center as well as the Reading Police Department?

21 A It is.

22 MS. LYNCH: I'd ask that this be admitted as the next
23 exhibit.

24 THE COURT: Exhibit No. 3.

25 [Disc of 911 and Radio Transmissions Marked as Exhibit No. 3]

1 BY MS. LYNCH:

2 Q Now, when video was provided by East Coast Service & Gas or
3 the download was done at their -- with their consent, did it
4 consist of four separate camera angles?

5 A It did.

6 Q And is this a disk prepared by you, downloading all of those,
7 Channels 1 through 4, for February 2nd and February 3rd in the
8 requested time-period?

9 A It is.

10 MS. LYNCH: Okay. At this time I would offer this as the
11 next exhibit. And maybe in order to mark it I can give you the
12 sleeve.

13 THE CLERK: That would be great. Thank you.

14 THE COURT: It's 3?

15 THE CLERK: 4, Judge.

16 THE COURT: 4.

17 [Disc of Surveillance Footage Marked as Exhibit No. 4]

18 BY MS. LYNCH:

19 Q Now, in terms of the involvement in this investigation, did
20 you focus on the two cameras designated Channels 1 and Channel 2,
21 specifically one showing the interior office area of the gas
22 station and one showing the external area of the gas station?

23 A Yes.

24 Q And is this a video of those montages in terms of Continuous
25 Channel 1/Continuous Channel 2 without going to a separate folder?

1 A Yes, they are.

2 MS. LYNCH: I'd ask that this be admitted as the next
3 exhibit.

4 [Disc of Surveillance Footage Marked as Exhibit No. 5]

5 BY MS. LYNCH:

6 Q Did you also cause to be duplicated the -- a copy of the
7 video taken at the scene, 1462 Main Street, Reading, by Trooper
8 Perry of the Massachusetts State Police --

9 A I did.

10 Q -- crime scene services? And does this appear to be that
11 disc?

12 A It does.

13 MS. LYNCH: I would ask that this be admitted as the next
14 exhibit.

15 THE COURT: Exhibit 6.

16 [Disc of Crime Scene Services Footage Marked as Exhibit No. 6]

17 BY MS. LYNCH:

18 Q And does this -- Do you recognize this to be a digital copy
19 of the Cellebrite downloads of both the McDonald and Greenough
20 phones?

21 A I do.

22 MS. LYNCH: I would ask that this be admitted as the next
23 exhibit.

24 THE COURT: 7.

25 [Cellebrite Reports Marked as Exhibit No. 7]

1 BY MS. LYNCH:

2 Q Now, just as part of the original discovery provided, how was
3 the surveillance video formatted?

4 A It was originally formatted -- You opened up the USB and
5 there were two main folders: one for February 2nd, 2018; and one
6 for February 3rd, 2018. Then, within each of those folders, the
7 camera angles were delineated by Channel 1 through 4. So each
8 folder had four camera angles.

9 Q And then were each camera angles broken down into segments?

10 A They were. Each camera angle was then provided to us with
11 the video clips, segments of about 20 minutes or so.

12 Q And did you request and have someone provide to you a
13 continuous video of each clip for ease of viewing?

14 A I did.

15 Q Now, in reviewing the camera angles identified as the outside
16 of the front of the gas station and the interior office, did you --
17 were you able to notice whether or not there was a correlation or a
18 synchronization, if you will, between the radio transmissions and
19 those video clips?

20 A I was able to identify that, yes.

21 Q And, again, this was an effort in which you looked at the
22 video, did the arithmetic, if you will, and then compared it to
23 the records provided as to the time and duration of the recorded
24 police calls?

25 A Yes, that's correct.

1 Q Thank you.

2 A Thank you.

3 THE COURT: Thank you.

4 THE WITNESS: Thank you.

5 [Witness steps down]

6 MS. LYNCH: The first witness would be Officer Kaylyn Gooley.

7 THE COURT: Okay. Before the first witness is called into
8 the courtroom, I just want to make sure that I remind the folks in
9 the room who have been allowed to sit in on the inquest -- and I
10 know I said this at the preliminary hearing -- that I want to make
11 sure I remind everyone that this is a closed hearing. It's not
12 open to the public for a reason. Everything that is heard during
13 the course of the inquest is not to be shared with anyone or
14 discussed with anyone outside of this room. This information is
15 not available to the public until the inquest has concluded and
16 the Court has authored a report as to it. Everyone understands
17 that? Yeah, okay.

18 You can call your first witness.

19 MS. LYNCH: Thank you. Officer Kaylyn Gooley, please.

20 [OFFICER KAYLYN GOOLEY, Sworn.]

21 THE WITNESS: Good morning, Your Honor.

22 THE COURT: Good morning.

23 DIRECT EXAMINATION OF WITNESS, OFFICER KAYLYN GOOLEY

24 BY MS. LYNCH:

25 Q Good morning.

1 A Good morning.

2 Q If you would, would you please speak up in a loud voice. And
3 if you would state your name and spell your last name for the
4 record.

5 A Yes. My name is Kaylyn Gooley, last name G-O-O-L-E-Y.

6 Q And what is your occupation?

7 A I work for the Reading Police Department as a patrolman.

8 Q How long have you been a patrol officer with the Reading
9 Police Department?

10 A It'll be five years in July.

11 Q Prior to coming to the Reading Police Department did you have
12 any other law enforcement experience?

13 A I did. I worked in Orleans, Mass., down the Cape. I worked
14 there for three months.

15 Q And did you also have professional experience at the
16 university level?

17 A I did. I worked at two colleges: North Shore Community
18 College and Salem State University.

19 Q And how long a period of time between those two did you serve
20 as a police officer?

21 A I worked at North Shore for seven months and Salem for a -- a
22 little over a year.

23 Q Now, directing your attention to Saturday, February the 3rd
24 of 2018, were you on duty with the Reading Police?

25 A I was.

1 Q And what was your assignment that day?

2 A I was working an overtime shift. I was working the morning
3 shift, the B shift, from eight to four.

4 Q And when had you first reported for duty?

5 A At 8:00 a.m. in the morning.

6 Q Was your assignment uniform or plain clothes?

7 A Uniform.

8 Q Were you assigned to foot patrol or in a vehicle?

9 A I was assigned to Cruiser 5.

10 Q And is that a marked police unit?

11 A Yes, it is.

12 Q And were you in that unit alone or with a partner that day?

13 A I was in it alone.

14 Q And do you have as a Reading police officer a radio call
15 number or identifier?

16 A I do. My badge number is 88.

17 Q And is that the number that when you are broadcasting you
18 use?

19 A Yes, it is.

20 Q Now, directing your attention to the time 3:46:23 p.m., did
21 you receive a radio transmission or transmission?

22 A We did.

23 Q Now, at the time that you received these initial radio
24 transmissions, where were you physically situated?

25 A I was at the police station at that time.

1 MS. LYNCH: And for the record, with the Court's permission I
2 would ask that Track 2 for 3:46:24 p.m., Reading Police disc for
3 February 3rd be played.

4 THE COURT: Yes.

5 [Audio Playing at 00:16:24 Runtime - Disc 2, Track 1]

6 BY MS. LYNCH:

7 Q Now, as a result of that radio transmission did you leave the
8 police station?

9 A I did.

10 Q And while you were travelling to that call, directing your
11 attention to Track 3 at 3:47:22 p.m., did you receive this radio
12 transmission?

13 MS. LYNCH: With the Court's permission, if --

14 THE COURT: Yeah.

15 A Yes, I did.

16 [Audio Playing at 00:17:29 Runtime - Disc 2, Track 1]

17 BY MS. LYNCH:

18 Q As a result of that, were you the only unit that was
19 dispatched to that call?

20 A No, I was not.

21 Q What other units were dispatched, if you recall?

22 A Officer Lee and Officer Wilson were dispatched.

23 Q And were they in separate vehicles or were they together?

24 A They were in separate vehicles.

25 Q Now, with regard to that I would draw your attention to Track

1 No. 5 of February 3rd of 2018, transmitted at 3:48:19.

2 MS. LYNCH: With the Court's permission, if that may be
3 played.

4 THE COURT: It may be played.

5 [Audio Playing at 00:18:38 Runtime - Disc 2, Track 1]

6 BY MS. LYNCH:

7 Q On that radio transmission, who was the officer that
8 requested that the reporting party report to the scene?

9 A That was Officer Wilson.

10 Q Now, how long did it take you to arrive at that location?

11 A Approximately maybe two/three minutes.

12 Q Now I'm going to direct your attention to a video, real-time
13 3:51 p.m., from Video C2, timestamp 1623:50. And I'm going to ask
14 you to -- if you recognize on the monitor -- Do you recognize what
15 this depicts?

16 [Video Playing at 00:19:59 Runtime - Disc 2, Track 1]

17 BY MS. LYNCH:

18 A I do.

19 Q And what do you recognize this to be?

20 A That's East Coast Gas, the gas station that we responded to.

21 [Video Playing at 00:20:25 Runtime - Disc 2, Track 1]

22 BY MS. LYNCH:

23 Q Now, on the video at this time do you -- if you could
24 indicate what that reveals.

25 A That is Officer Lee. He's arriving on scene first.

1 THE COURT: Mr. Court Officer, could you turn off the lights?

2 Okay. Okay, thank you.

3 BY MS. LYNCH:

4 Q And the second vehicle?

5 A That would be me arriving on scene.

6 Q And then?

7 A That is Officer Wilson arriving on scene.

8 Q Now, can you tell us, once you arrived at that location did
9 you broadcast a radio transmission at approximately 30 -- 3:50:41
10 p.m. that you and the other officers had arrived?

11 A Yes.

12 Q Now, directing your attention to your arrival at that
13 location, at that location can you tell us what you and your other
14 officers did when you got there?

15 A When I first arrived on scene, I was approached by the gas
16 station owner. I learned that he was the owner later. And I
17 explained to him that we were looking for the party, the suspect
18 that was living in the apartment.

19 Q Did you --

20 A He --

21 Q -- identify him by name?

22 A By "Alan Greenough," yes. We -- The store owner, Joe, then
23 left. Anthony, who I later found out was Alan's brother,
24 approached me. I was explaining to him that we were here due to a
25 domestic and that I was looking for Alan Greenough. We -- I then

1 asked -- I -- We attempted to get into the main apartment. So,
2 there's a gas station and attached to the gas station is an
3 apartment building. It's divided into two apartments. There is a
4 main entry door and then once you get into the main entry door
5 there are two apartment doors: one on the left, one on the right.

6 When we first attempted to get into the main door, it was
7 locked. We were unable to get in. Anthony said that he might
8 have a key, so he left to go get a key. During that time, we were
9 still waiting for the victim, Devin, and his girlfriend, Kim, to
10 show up on-scene to see if they had keys to get in.

11 Q Now, as you were outside that door, the door was locked?

12 A The door was locked, yes, and all the lights in the apartment
13 were off.

14 Q Now, did one of you three officers go around to the back of
15 the building to see if any lights were on or if windows --

16 A I did. I walked around the building and looked out back. I
17 noticed that there was one door that was out back. At that time,
18 I wasn't aware what that door was for. Later, Anthony came back
19 to me with a key. I tried to open the -- the main front door. We
20 were unable to. And he and I went over the building of the layout
21 [sic]. I asked him where everything was and in what room. And
22 then I asked him about the door out back. And he said that that
23 only went to the far apartment on the righthand side if you're
24 facing the building.

25 Q Did you have any conversation with Anthony regarding whether

1 | there were any other doors other than the main door off that front
2 | hallway into the apartment?

3 | A We did. I asked him to go room by room to try to explain the
4 | layout of the apartment. And I asked him about any other doors
5 | because the only door that I knew about was the main door that we
6 | were trying to get into.

7 | He said that there were no other doors.

8 | I said, "There's no back door?"

9 | He said no.

10 | I asked him if there was any door from the gas station.

11 | He said no, there was not.

12 | I said, "Are you sure there's no door? 'Cause it's an
13 | apartment. It has to have some kind of door."

14 | And he said that there were no other doors.

15 | Q Now, where did this conversation take place?

16 | A It was outside, right in front of the apartment building.

17 | Q Now, with regard to your presence at that location, did you
18 | receive a radio transmission from Sergeant Pat Silva at
19 | approximately 3:51:01 p.m., which would be Track 10 on the
20 | February 3rd video [sic]?

21 | A I did.

22 | MS. LYNCH: And if -- With the Court's permission, if we
23 | could play that.

24 | THE COURT: Yes.

25 | [Audio Playing at 00:25:00 Runtime - Disc 2, Track 1]

1 BY MS. LYNCH:

2 Q Now, directing your attention to the radio transmission which
3 would be Track 13 at 5 -- 3:55:20 p.m., I would like to play that
4 and ask you if you recognize that transmission.

5 [Audio Playing at 00:26:02 Runtime - Disc 2, Track 1]

6 BY MS. LYNCH:

7 Q Now, at the time that you were at the gas station in the
8 early stages of the call between 10 to 4:00 and, say, 4:10 did you
9 see or were you aware of the door from the waiting room of the gas
10 station into the apartment where Mr. Greenough resided?

11 A No, I was not.

12 Q Now, at some point did you learn that there was an Officer
13 Fontes that had been dispatched to the Lobster Claw to meet with
14 the civilians?

15 A Yes, I do. Officer Fontes was dispatched by the sergeant to
16 go meet the civilians at Lobster Claw.

17 Q And at some point did that plan change?

18 A It did. The victims were later requested to show up on scene
19 so we could meet with them and we could meet with them and we
20 could also ask them to see if they had any keys to the apartment.

21 Q And directing your attention to Track 14 at 3:56:20 p.m.

22 MS. LYNCH: If you would play that, please.

23 [Audio Playing at 00:27:28 Runtime - Disc 2, Track 1]

24 BY MS. LYNCH:

25 Q Now, at some point after that did you learn that there was

1 another officer that was being dispatched to join you at that
2 location, specifically Officer Vatcher?

3 A Yes. We were told by the sergeant that Officer Vatcher was
4 going to arrive on scene, that he had gone there the night
5 previous for the same incident and he was going to assist us.

6 Q And that call was at 4:01:23, the radio transmission?

7 A Yes.

8 Q Now, at some point after that radio transmission -- and I'm
9 going to direct your attention to the video with the real-time of
10 4:02:17 p.m., which the Video C2 timestamped 1635:07, ask you if
11 you recognize what is depicted in that.

12 [Video Playing at 00:28:54 Runtime - Disc 2, Track 1]

13 BY MS. LYNCH:

14 A Right now is when Devin and his girlfriend Kim were arriving.
15 They parked on the far side of the gas station. If you're facing
16 the gas station, it's to the right.

17 Q And they responded there at the request of --

18 A They res --

19 Q -- the sergeant?

20 A Yes.

21 Q Now, with regard to the radio transmissions, I'm just going
22 to go back. And at 4:0 -- Did you approach them in their vehicle
23 and ask for a key?

24 A Yes, I did. I approached them and asked for a key to the
25 apartment which they provided, but it did not work.

1 Q As a result of that, did you issue a broadcast, Track 16, on
2 February 3rd at 4:02:28 p.m.?

3 A Yes.

4 MS. LYNCH: I'm going to ask with the Court's permission to
5 play that.

6 THE COURT: You have my permission.

7 [Audio Playing at 00:29:47 Runtime - Disc 2, Track 1]

8 BY MS. LYNCH:

9 Q And at 4:03:04 p.m. was there a follow-up radio transmission
10 between you and the officer in charge?

11 A Yes, there was.

12 MS. LYNCH: And I'd ask you to play Track 17, please, with
13 the Court's permission.

14 [Audio Playing at 00:30:26 Runtime - Disc 2, Track 1]

15 BY MS. LYNCH:

16 Q And directing your attention to Track 18 at 4:04:21, did you
17 make a radio broadcast to your officer in charge at that time?

18 A Yes.

19 MS. LYNCH: And if you would play that, please.

20 [Audio Playing at 00:31:50 Runtime - Disc 2, Track 1]

21 BY MS. LYNCH:

22 Q Now, was that the point in time when you asked Mr.
23 Greenough's brother for a layout of the premises?

24 A Yes, it was. He brought over a set of keys. I attempted to
25 use them on the front door. They did not work. And then at that

1 point is when we stepped in front of the building and we started
2 to do the walkthrough of where -- what was in each room and how
3 the building was laid out.

4 Q Now, did he indicate to you what room was in the front of the
5 building where there were four windows, separated two and two?

6 A Yes, he did.

7 Q And what room was that?

8 A It was the kitchen and what I appeared -- thought was a
9 dining room at the time. It was explained that it was part of the
10 kitchen, was one main room in the front.

11 Q Now, as a result of that, at some point were you able to gain
12 entry into the interior hallway?

13 A We were. I ended up -- I was speaking with Devin and his
14 girlfriend, Kim. I walked around the side of the building again.
15 I noticed that there was a gentleman upstairs in the second
16 apartment. I waved to him, I called him down, he ended up coming
17 down to the main front door. I asked him if he could open the
18 door for us. He then opened the main door to the apartment
19 building. I asked him if he had a key to the other apartment; he
20 said he did not, he only lived in his apartment and was completely
21 separate from the apartment that we were trying gain access into.

22 Q And directing your attention to radio transmission Track 22
23 at 4:06:50 p.m., is this a broadcast that you made?

24 A Yes.

25 MS. LYNCH: Please play it.

1 [Audio Playing at 00:33:57 Runtime - Disc 2, Track 1]

2 BY MS. LYNCH:

3 Q Now, after you made that radio transmission, the neighbor
4 opened the door. What happened next?

5 A He opened the main door. I then went back and asked Gavin
6 for his keys again.

7 Q Is that Devin?

8 A I'm sorry; Devin. I -- I apologize. -- Devin for his keys
9 again. And then Anthony, I still had his keys. We tried to open
10 the main door but there was a deadbolt on top. We weren't able to
11 gain access to the apartment building.

12 Q And when you say the main door, are you talking about the
13 door into that apartment?

14 A Yes, I apologize. I'm talking about the -- We made entry
15 into the main door. Once you get in the hallway, we tried to gain
16 access into the apartment building door but we weren't able to.

17 Q And the door to that apartment as one walks in the front door
18 would be to the left or the right?

19 A It would be to the left-hand side.

20 Q Now, at this point who was trying to knock at the door and
21 gain entry?

22 A It would be myself and Officer Lee.

23 Q And at some point did you hear anything coming from inside
24 the apartment as you were knocking?

25 A We did not hear anything at that time. It wasn't until later

1 that we found that Alan was still in the apartment.

2 Q So, about how long a period of time were efforts made,
3 knocking on the door to determine if anyone was inside?

4 A Approximately a minute or more. We -- We kept banging real
5 hard, trying -- Officer Lee kept trying to make contact by talking,
6 asking Alan to please come to the door. We want to talk to him, we
7 want to find out his side of the story. You know, if -- He kept
8 trying to talk through the door, yell, in case he was further in
9 the apartment and we weren't sure. But we didn't hear anything
10 right away.

11 Q Now, at some point did you go over and speak to Mr. McDonald
12 and his girlfriend, Kimberly Bellino?

13 A I did. I -- While Officer Lee was still at the door, I then
14 went back and I spoke with Mr. McDonald and Ms. Bellino.

15 Q And where were they when this -- when these activities were
16 taking place?

17 A Through the entire time, they stayed in their vehicle. They
18 never exited. I asked them to stay there because they were
19 nervous to get close or be seen that they were there. They didn't
20 want to have any -- any further problems.

21 Q And can you describe for us what each of them told you
22 concerning what led them to call the police that afternoon?

23 A So, they told me that there was an incident the night prior.
24 And then they said that today Alan was extremely emotional. He --
25 They started arguing with Devin and tried to punch him a couple

1 times. They then started to wrestle. And then Alan threw a
2 speaker at Devin's girlfriend, Kim.

3 And then at that time Anthony, Alan's brother, came in and
4 broke it up. And they were able to exit the apartment at that
5 time, due to the fact that his brother came in and separated them.

6 Q Now, as you were talking to Mr. McDonald and Ms. Bellino,
7 what were other officers doing?

8 A Officer Lee was still standing by the door. Officer Fontes
9 was there, as well. And Officer Wilson was standing more in the
10 front of the gas station, where the kitchen windows were.

11 Q Now, was Officer Fontes on your shift or was he part of the
12 reporting 4:00 p.m. shift, to your knowledge?

13 A Officer Fontes was part of the reporting 4:00 p.m. shift.

14 Q Now, in terms of your presence at that location, did a fifth
15 officer, specifically Officer Vatcher, respond to that location?

16 A He did.

17 Q And was Officer Vatcher, to your knowledge, -- did he provide
18 you and other officers with information concerning the incident
19 from the prior evening?

20 A He did. He explained the incident from the prior evening and
21 that they were charging Alan with two counts of assault.

22 Q And with regard to his presence at that location, at some
23 point did you become aware that Mr. Greenough was in the apartment
24 and communicating with people outside?

25 A We did.

1 Q And what -- Can you describe those circumstances?

2 A So, Officer Wilson was standing outside by the windows. I
3 was near the main entrance. The window that was closest to the
4 main entrance to the apartments is where I was near.

5 We found out -- We noticed that Alan was standing in the
6 window. Officer Wilson then was trying to communicate with Alan
7 through that window.

8 Alan was irate. He was extremely angry. He was yelling and
9 screaming and saying that he wasn't going to come out of the
10 apartment.

11 Officer Wilson kept trying to talk to him, to -- kept trying
12 to calm him down, try -- kept trying to ask him to just speak with
13 us and come out.

14 You could see Alan through the window. He was holding
15 something in his hand, waving it around. He made threats, saying
16 that if we were to come in there he was -- he was going to attack
17 us with a pole. And we continued to k -- keep trying to talk t --
18 talk to him and talk him through it, to -- to come out and talk
19 with us.

20 Q Now, could you from your vantage point outside of the
21 building see Mr. Greenough in the kitchen area?

22 A Yes. I ended up moving closer to Officer Wilson at the time
23 when I noticed that Officer Wilson was speak -- was trying to
24 communicate with Alan through the -- through the window.

25 Q Now, up until this time was it just you and Officer Wilson

1 outside, or was there anyone else in the vicinity of that window?

2 A At that time, Officer Vatcher was in the area. Officer Lee
3 was still inside by the doorway, trying to make communication.
4 And Officer Fontes was in the area, as well.

5 Q Could you see where the person you later found out was Mr.
6 Greenough's brother, Anthony, -- did you see him at all during
7 this time?

8 A I did. He approached me. We were talking and he said that
9 Alan -- This is when I found out that Alan was his brother -- I'm
10 sorry; I apologize -- Mr. Greenough was his brother. He said that
11 he was going to give him a call on his cell phone to try to talk
12 to him to have him come out to speak with us.

13 And I told him we would greatly appreciate that because
14 obviously, knowing from past history and now, Alan was very angry
15 and there was no calming him down at this point.

16 Q And when you say he was very angry, what observations did you
17 make that led you to form that opinion?

18 A His body language. He was waving around the item in his
19 hand. He was screaming. He was yelling so much that you could
20 see it in his face, the -- the anger. He was swearing. He was
21 making threats. So, that led me to believe that he was extremely
22 irate.

23 Q How close were you able -- Was the window open?

24 A The window was open.

25 Q Was there any screen in the window?

1 A To my l -- knowledge there was a screen in the window.

2 Q Were you able to make any observations concerning his
3 physical appearance and condition as related to sobriety?

4 A At that time I did not make any determination. But I do know
5 that he had past -- a history with drug use and alcoholism.

6 Q Now, prior to this call had you yourself ever been to that
7 location?

8 A Yes, I have.

9 Q And was Mr. Greenough someone that you had previously had
10 dealings with?

11 A Yes, he was.

12 Q Now, during this exchange between Mr. Greenough and Officer
13 Wilson, did you hear whether there was any reference to the fact
14 that Officer Wilson may have had a prior case involving Mr.
15 Greenough?

16 A During that time?

17 Q Yes.

18 A I don't recall.

19 Q Now, how long a period of time was Mr. Greenough engaged with
20 Officer Wilson through that window?

21 A Felt like a couple minutes that we were standing there trying
22 to communicate back and forth.

23 Q And how did that encounter end?

24 A Anthony tried to make a couple phone calls back and forth.
25 He as actually able to get in contact with Alan. Over the phone,

1 | you could hear Alan yelling. At one point Anthony stepped away
2 | from us. But while he was standing next to me on the phone, I was
3 | able to hear him say, "Alan, come down. They just want to talk to
4 | you. You -- You know, come out, they're not going to hurt you."

5 | Anthony, when he got off the phone with Alan, came over to us
6 | and he warned us that if we tried to get into the apartment --
7 | that Alan was going to fight us, that we should be prepared, that
8 | he doesn't like police, and that he was extremely angry and, you
9 | know, he was -- it was probably going to be a fight when -- if we
10 | entered the apartment.

11 | Q And was this conversation before or after Mr. Greenough had
12 | actually come to the window?

13 | A It was after Mr. Greenough came to the window.

14 | Q So, was the window still open or did something happen to
15 | change that?

16 | A The window was still open.

17 | Q Now, can you tell us how long you remained at that window
18 | area yourself?

19 | A I was near that window area for the majority of the time that
20 | we were there. If anything, I -- I may have walked over to check
21 | on Officer Lee. But that was a only couple-feet difference.

22 | Q And Officer Lee remained where?

23 | A He remained in the main hallway once you entered the main
24 | apartment door. He was standing outside of Alan's apartment door.

25 | Q And could you determine where Officer Fontes or Officer

1 Vatcher were at that time?

2 A Officer Fontes and Officer Vatcher were in the same vicinity.
3 We all were pretty much out front of the apartment building.

4 Q Now, at some point you mentioned that Mr. Greenough indicated
5 that he had a stick of some sort in his hand?

6 A Yes. He said it was a -- if -- if we came in there he was
7 going to hit us with a pole.

8 Q And directing your attention to the radio transmission --

9 MS. LYNCH: If I might just have one moment.

10 THE COURT: Mm-hmm.

11 MS. LYNCH: Just find my --

12 BY MS. LYNCH:

13 Q Were you present when Officer Wilson broadcast a radio
14 transmission reporting that conversation about the having a stick
15 or a pole?

16 A Yes, I was.

17 MS. LYNCH: And with the Court's permission if we could
18 please play on -- the recorded call.

19 THE COURT: Sure.

20 MS. LYNCH: That would be Track 30 from February 3rd of '18.

21 [Audio Playing at 00:45:37 Runtime - Disc 2, Track 1]

22 BY MS. LYNCH:

23 Q And that was at 4:21:52 p.m.; is that right?

24 A Yes.

25 Q Now, as a result of that broadcast, was there a follow-up

1 broadcast, Track 31, at 4:22:39?

2 A Yes.

3 MS. LYNCH: And if we could play that, please.

4 [Audio Playing at 00:46:52 Runtime - Disc 2, Track 1]

5 BY MS. LYNCH:

6 Q And so, at that point, who was that on -- the speaker on that
7 call?

8 A That was Officer Wilson speaking with Sergeant Silva. And he
9 was asking permission for the fire department to open the door.

10 Q Now, was there a follow-up broadcast at 4:22:58, Track 32?

11 A Yes.

12 MS. LYNCH: If we could please play that.

13 [Audio Playing at 00:47:48 Runtime - Disc 2, Track 1]

14 BY MS. LYNCH:

15 Q Now, directing your attention next to a transmission, Track
16 33, at 4:24:57, did you receive this broadcast?

17 A Yes.

18 [Audio Playing at 00:48:20 Runtime - Disc 2, Track 1]

19 BY MS. LYNCH:

20 Q Now, do you know who "80" is?

21 A Yes, that's Sergeant Silva.

22 Q And was Sergeant Silva working with your shift that day?

23 A Sergeant Silva was working --

24 Q Working eight to four?

25 A -- the eight-to-four. No, he was working the C shift that

1 day. I'm -- I apologize.

2 Q And what about "51"?

3 A He was working the C-shift, as well. He just --

4 Q And who was that?

5 A -- got on shift. That is Officer Savio.

6 Q And what about 74?

7 A He was working the C-shift. And that is Officer Drauschke.

8 THE COURT: And the C-shift is?

9 THE WITNESS: I'm sorry; the C-shift is four to midnight.

10 BY MS. LYNCH:

11 Q And that was broadcast at 4:24:57; is that correct?

12 A Yes.

13 Q Now, at some point after receiving that radio transmission,
14 directing your attention to the timeframe of 4:29:21 p.m., did
15 Sergeant Silva, Officer Savio, and Officer Drauschke arrive at
16 that location?

17 A Yes, they did.

18 Q And with the Court's permission, showing you the Video C2,
19 timestamp 1702:11, real-time 4:29:21 p.m.

20 [Video Playing at 00:49:58 Runtime - Disc 2, Track 1]

21 BY MS. LYNCH:

22 A That is Sergeant Silva.

23 Q So, that's a black sports utility vehicle pulling in?

24 A Yes.

25 Q And this white vehicle, do you recognize that?

1 A I do. That's our ACO van, our animal control van. Getting
2 out of it is Officer Drauschke and Officer Savio.

3 Q Now, who is Officer Drauschke and who is Officer Savio?

4 A Officer Drauschke was the one driving the van, and Officer
5 Savio was in the passenger seat.

6 Q And does he appear to be the third officer joining the group?

7 A Officer Drauschke is the third person joining the group.

8 Q Now, at that point when those officers joined your group,
9 what happened when they approached where you were? Were you
10 congregated in that area?

11 A I was. We were updating the sergeant, Officer Drauschke, and
12 Officer Savio on where we were at this point. We also discussed
13 what happened prior. And we were trying to make a game plan to
14 gain entry into the apartment, as well.

15 Q Now, as Officer Drauschke, Officer Savio, and Sergeant Silva
16 joined the group of officers outside of the residence, did you see
17 where Anthony Perrotti went?

18 A I did not.

19 MS. LYNCH: Just to go back.

20 [Video Playing at 00:51:25 Runtime - Disc 2, Track 1]

21 BY MS. LYNCH:

22 Q And looking at this video, can you see an individual under
23 the number --

24 A Yes, yes. I'm sorry; that -- that is Anthony.

25 Q And he is approaching the group just prior to Officer

1 Drauschke joining the officers?

2 A Yes, he is. And then he is walking away from us.

3 Q Now, can you describe as you -- After you were doing that,
4 was your attention attracted to anything as the -- as you officers
5 were congregated down in that area?

6 A It was solely just speaking to the sergeant, at that point in
7 time.

8 Q But as you were talking, did something happen?

9 A Yes. Anthony ended up approaching us. He told us -- He
10 hustled towards us and told us that the -- there was a door that
11 was open. And we asked him what door was he speaking about. And
12 he told us that there was a door to the apartment building that --
13 you could gain entry from the gas station.

14 At that point in time, I asked him, "What door? I asked you
15 previously if there was a door."

16 And he told me that -- that "The door is open, the door is
17 open. Come with me, come with me."

18 And we all followed.

19 Q Did he answer your question as to why you hadn't pointed that
20 out to him [sic] earlier?

21 A He did not, and I did not stop to follow up to get that
22 answer.

23 MS. LYNCH: Now if we could continue to roll the video. And
24 at this point, will both screens work at the same time -- So, this
25 is -- shows outside and in-time [sic] at the same time; is that

1 correct?

2 MS. CUNNINGHAM: Yes.

3 [Video Playing at 00:53:18 Runtime - Disc 2, Track 1]

4 BY MS. LYNCH:

5 Q Individual coming into the office is who, with the cap?

6 A That is Anthony.

7 Q And the man in the blue is who?

8 A That's Joe, the store owner, the gas station owner.

9 [Video Playing at 00:54:00 Runtime - Disc 2, Track 1]

10 BY MS. LYNCH:

11 Q Now, Officer Gooley, did you view this videotape in its
12 entirety? The clips of your time at the gas station?

13 A Yes, I did.

14 Q And did Mr. Perrotti enter that room at all before this last
15 time?

16 A He did.

17 [Video Playing at 00:54:54 Runtime - Disc 2, Track 1]

18 BY MS. LYNCH:

19 Q Now, what is happening as -- in this sequence, if you would?

20 A That was when he exited the final time and he came hustling
21 towards us, telling us that there was a door open: "There's a door
22 open. He left the door open." And by "he," he was talking about
23 Alan. He s -- He said, "Come with me."

24 And I was asking him, "What door? It -- You said that there
25 wasn't another door."

1 And he said, "Well, the door is wide open. Come with me."

2 Q And are you in this video?

3 A I am. I just entered the gas station. I have a baseball cap
4 on.

5 Q And if you can indicate, who is this person at the doorway?

6 A I apologize; I'm having a -- At first, it was Officer Wilson.
7 Then there was me, Officer Vatcher, and I believe at the very end
8 it was Officer Drauschke. And then the -- all the store employees
9 walked back in.

10 Q And did you see Sergeant Silva in that area?

11 A I'm sorry; Sergeant Silva, yes.

12 [Video Playing at 00:56:06 Runtime - Disc 2, Track 1]

13 BY MS. LYNCH:

14 A That is --

15 Q And who is exiting at that time?

16 A Anthony, Sergeant Silva, and Officer Drauschke.

17 Q And the gentleman --

18 MS. LYNCH: If we could just reverse.

19 MS. CUNNINGHAM: Yeah, rewind.

20 [Video Playing at 00:56:29 Runtime - Disc 2, Track 1]

21 MS. LYNCH: Okay.

22 BY MS. LYNCH:

23 Q Now, did the fire department ever make entry at that time, to
24 the apartment?

25 A They did not.

1 [Video Playing at 00:56:59 Runtime - Disc 2, Track 1]

2 BY MS. LYNCH:

3 Q So, for the record, we're now playing Camera 2. And at
4 approximately 1705:52, who goes out of camera view in the bottom
5 lower corner?

6 A That would be Officer Drauschke.

7 Q Now, at this time where are you?

8 A I am inside Alan's apartment with Officer Vatcher and Officer
9 Wilson.

10 Q Now, when you entered that door in the gas station, what room
11 are you in?

12 A You enter the main gas station and then there's, like, a
13 waiting room. And then there's the door to the apartment, which --
14 you enter into the kitchen.

15 Q And from your vantage point as you enter that door, can you
16 see the actual door into the apartment from the hallway --

17 A Yes.

18 Q -- that was closed? And that was the door that Officer
19 Wilson was basically at throughout the encounter; is that right?

20 A Yes. Officer Lee was --

21 Q Excuse me.

22 A -- at that door.

23 Q So, what -- when you walked into that kitchen area, what did
24 you see?

25 A The apartment was in disarray. There was broken furniture

1 everywhere, all over the floor. I tried -- The door that Officer
2 Lee was standing at was right in front of me. I tried to open
3 that door. I was unable to open it. It was almost like it was
4 locked by a key. So I was -- I wasn't able to let Officer Lee
5 into the apartment at the time.

6 Q So, once you entered and walked across that length to that
7 door, what happened next?

8 A We then continued into a living room/bedroom, which would be
9 to the left-hand side. We're now at the back of the apartment.
10 We saw an open window. And through that window I saw Officer
11 Savio standing outside. At that point, that's when he dispatched
12 over the radio that the suspect may have exited through that
13 window. There was a screen on the ground outside.

14 Q Now, at that point did you see anything in the bedroom area
15 other than that broken -- open window?

16 A There were items everywhere. But Alan was not in that room
17 at the time.

18 Q Where did you go next?

19 A At that time Officer Vatcher and I were clearing the
20 apartment. I said, "Let's just clear it just in case the window
21 was just open." We then proceeded to go up the stairs. We made
22 it to the top of the stairs and around the corner, where there was
23 a bathroom. I cleared a bathroom at -- and that's as far as I
24 got.

25 Q And when you say you cleared the bathroom, what do you mean

1 by that?

2 A I walked in, I took a look around, I opened the shower
3 screen, and to make sure that no one was in there.

4 Q Now, to just stop you for a moment: had you ever been
5 dispatched to that house, that apartment, that particular unit,
6 for a call involving Mr. Greenough in the past?

7 A I have.

8 Q And were you aware of other calls that the Reading Police
9 Department had received for Mr. Greenough in which he would not
10 leave the house?

11 A I have.

12 Q Can you describe for the Court what those circumstances that
13 you are aware of were?

14 A So, one incident I was involved with, it was in the fall of
15 2017. We were dispatched for a 43-year-old man that wasn't
16 feeling well. He was feeling dizzy. That happened to be Alan.
17 We arrived on scene --

18 Q And do you recall what time of day it was?

19 A It was at night. I'm sorry; that was early in the morning,
20 for that incident. I don't know exactly what time.

21 Q But it was early morning?

22 A It was early morning, yes. I was working the overnight
23 shift. We arrived on scene. Alan was barricaded inside his
24 house, like he was on this day. He wouldn't come out. I ended up
25 speaking with his roommate, who --

1 Q Was that Mr. McDonald?

2 A That was Mr. McDonald.

3 THE COURT: Can we just go back. When you say barricaded,
4 what do you mean by that?

5 THE WITNESS: I'm sorry; he wouldn't exit the building even
6 though he called for help. He wouldn't open the door, he wouldn't
7 come to the door. He locked himself inside the apartment.

8 THE COURT: Well, was the apartment locked when you got there
9 or did he lock it, do you know? Because barricaded means one
10 thing.

11 THE WITNESS: I'm sorry. The apartment was already locked
12 previous to my arrival.

13 THE COURT: Okay.

14 BY MS. LYNCH:

15 Q So, if you would continue with --

16 A Yes, I'm sorry. So, I ended up speaking with the roommate,
17 Mr. McDonald. He told me that Alan wasn't feeling well, that he
18 called for help because he wasn't feeling well, that he had been
19 drinking, that he has a history of drinking and drug use, and he
20 was -- he had extreme emotions and he was angry, and he doesn't
21 trust the police so he might not come out for us.

22 At that point I asked Mr. McDonald to assist. I said, "Could
23 you go in there? Could you speak with him? Could you have him
24 come to the door?" I said, "We're here for his help. We would
25 like to get him help. The fire department's on their way. Can

1 | you go and calm him down, have him exit?"

2 | Mr. McDonald was successful at this. He was able to have
3 | Alan exit the building. But once he exited, Alan would not come
4 | near us at all. He kept quickly jolting back and forth, running
5 | away from us, even as I was trying to calmly explain to him that
6 | we're help to get us help, that we want him to get checked up with
7 | EFT [phonetic] 'cause he needed medical care.

8 | He kept yelling, swearing, running away from us, saying that
9 | he didn't trust us, that he was abused by the police before.

10 | And I kept trying to explain to him that we were here for
11 | him, that no one wanted to harm him.

12 | Eventually, we were able to make a compromise where if I had
13 | my officers step back -- There was a few of us on scene, due to
14 | knowledge of history of being there and -- and his behavior of
15 | being aggressive and -- and fighting. I agree -- I asked Alan if
16 | he would be evaluated by the fire department if we took a step
17 | back. So, myself and the other officers on scene took a step back
18 | and the fire department was able to get close to Alan to ask him
19 | questions.

20 | And then they ended up escorting him into the back of the
21 | ambulance, where he was then transported to Winchester Hospital.
22 | An officer did follow in tow, though, just for safety reasons.

23 | Q And this was something that you were familiar with and aware
24 | of prior to that time?

25 | A Yes.

1 Q And was there a thought at the time on the part of police
2 that Mr. Greenough might nevertheless still be inside the house
3 when you were going through to clear it?

4 A When -- Back to --

5 Q This night.

6 A This night, yes. I -- I questioned whether or not he was
7 still in the apartment, even though the window was open.

8 Q Now, as you were in that area, did you hear a radio
9 transmission from Officer Drauschke that was communicated at
10 4:33:13 p.m., which would be on Track 38?

11 A Yes.

12 MS. LYNCH: If you would play that, please.

13 [Audio Playing at 01:04:19 Runtime - Disc 2, Track 1]

14 BY MS. LYNCH:

15 Q And did you recognize who the speaker was?

16 A Yes, that was Officer Drauschke.

17 Q And were you able to -- When you heard that, what did you
18 hear?

19 A That Officer Drauschke had him in one of the vehicles.

20 Q And was he more specific as to what vehicle or where?

21 A He was not.

22 Q Now, do you recall where in the apartment you were when this
23 radio broadcast was made?

24 A Yes. At that time, that's when I was upstairs. I just had
25 finished clearing the bathroom and I started to make my way back

1 downstairs.

2 Q And at that point -- At some point after that, specifically
3 at 4:33:25, 12 seconds after the original broadcast, did you
4 receive another radio broadcast from Officer Drauschke?

5 A We did.

6 MS. LYNCH: And if you would, with the Court's permission,
7 play that.

8 [Audio Playing at 01:05:23 Runtime - Disc 2, Track 1]

9 BY MS. LYNCH:

10 Q Did you recognize who the speaker on that was?

11 A Yes, it was Officer Drauschke.

12 Q And so, that was 12 seconds after the broadcast from Officer
13 Drauschke: "Got him in one of the vehicles"?

14 A Yes.

15 Q And that would've been -- He arrived at approximately
16 4:29:43 p.m. That would have been a little more than 4 minutes
17 after he arrived at that location; is that right?

18 A Yes.

19 Q When you heard that radio transmission, what if anything did
20 you do?

21 A At that time we all immediately exited the apartment, exited
22 the gas station, and we all ended up running back towards the main
23 apartment door at that time. Everyo -- All -- All the officers at
24 that point were near the main apartment door. So, when we exited
25 we quickly assumed that it was that way. And then after a moment

1 I realized that -- because I was familiar with the sector and the
2 gas station, that all the cars were to the other side. And I
3 quickly ran in the oth -- other direction.

4 MS. LYNCH: With the Court's permission I'm going to ask if
5 we can resume the video from this point, as Officer Drauschke is
6 walking in that direction, continuously.

7 [Video Playing at 01:07:11 Runtime - Disc 2, Track 1]

8 BY MS. LYNCH:

9 Q What does this show at this point?

10 A This shows Anthony running towards where the cars were, where
11 Officer Drauschke had walked earlier.

12 Q And what else does it show?

13 A It shows Officer Vatcher, Officer Wilson, and myself exiting
14 the gas station and heading towards the main front door of the
15 apartment building.

16 Q Now, other than Anthony, had anyone else run in that
17 direction up until this point?

18 A No.

19 Q And who is this, in this photo?

20 A That is myself. I am running towards Officer Drauschke's
21 location.

22 [Video Playing at 01:08:48 Runtime - Disc 2, Track 1]

23 BY MS. LYNCH:

24 Q Now, you indicate that you ran down the stairs and you ran
25 out the same door that you came in; is that correct?

1 A Yes.

2 Q When you were inside of the house, other than hearing Officer
3 Drauschke's radio transmission of shots fired did you yourself
4 hear any shots?

5 A Initially that night I thought I did. When questioned later,
6 I -- I questioned whether or not I did.

7 Q So you don't know whether what you heard was actually a
8 gunshot.

9 A Yes.

10 Q But when you came out, you could not tell which direction you
11 were headed in.

12 A I could not, no.

13 Q And what was it that led you to run in the opposite
14 direction?

15 A Like I said, when I exited, I immediately went where everyone
16 else was standing. I quickly realized that everyone was standing
17 there and they weren't sure either. And I knew that the car --
18 where all the cars were parked were on the other side. So I
19 quickly went in the other direction.

20 Q Can you describe what you saw as you ran in that direction?

21 A Yes. As I was running, I kept calling for Officer Drauschke.
22 Anthony was coming -- running towards me. He kept yelling
23 that his brother was shot: "He shot my brother. He's dead."

24 And I told Anthony to get back, to get back.

25 And I surpassed -- I went past Anthony and continued towards

1 the vehicles. All I could see were vehicles at the time. I kept
2 yelling for Erik.

3 And eventually I -- he answered me: that the suspect, Alan,
4 was down.

5 And I found him crouched down behind one of the vehicles.

6 Q So, was this him going over the radio or was this him just
7 yelling?

8 A It was just yelling. We were just yelling to each other.

9 Q Now, where did you first see Officer Drauschke and Mr.
10 Greenough?

11 A It was in the lot. There was several vehicles in front of --
12 in front of them. And there was a red Hummer that was next to
13 them. They were in this kind of triangle area where Officer
14 Drauschke and Alan were kneeling on the ground.

15 Q Now, could you tell with the vehicle itself, was the door
16 open or closed on the vehicle?

17 A On the red Hummer, the door was open.

18 Q And which door was open?

19 A It was the pass -- front passenger's door.

20 Q And where were Mr. Greenough and Officer Drauschke in
21 relation to the open door?

22 A So, the open door was in front of us. And Erik and Officer
23 Drauschke were facing that open door.

24 Q Erik is Officer Drauschke.

25 A I'm sorry; I'm sorry. Officer Drauschke and Alan were facing

1 that -- that door.

2 Q And what was Mr. Greenough's position that you could see?

3 A Mr. Greenough was on his knees. He was hunched over. His
4 head was towards the ground. And his right arm was behind his
5 back and his left arm was tucked in between him, in his sweatshirt
6 pocket, in between his upper body and his thighs.

7 Q Now, -- So there was one handcuff that was already on Mr.
8 Greenough's --

9 A There was not. Officer Drauschke was holding Officer [sic]
10 Greenough's right hand behind his back. Officer Drauschke was
11 kneeling.

12 And at that time I approached him. I asked if there were any
13 weapons.

14 He said he wasn't sure. Officer Drauschke said that he kept
15 ordering him to show his hands and he refused to take his hands
16 out of his pockets. And he also stated that Officer Greenough
17 kept making comments of "Shoot me, shoot me."

18 Q When you say Officer Greenough, are you referring to Alan
19 Greenough?

20 A I'm sorry; Alan Greenough kept making comments of -- of
21 "Shoot me, shoot me."

22 At that time I told Officer Drauschke, "Are you okay?"

23 He said, "Yes."

24 I told him I was going to holster my weapon and handcuff
25 Alan. At that point I holstered my weapon and I handcuffed Alan's

1 right hand. And then I grabbed his left hand. I had a hard time
2 getting it out of his sweatshirt. And when I finally did, I
3 cuffed his left hand, as well.

4 Q Now, is that -- as part of your training, to handcuff a
5 suspect in a situation such as this?

6 A Yes.

7 Q Once that was done, what happened next?

8 A At that time I realized that there was a bullet hole in
9 Alan's back. We quickly laid him on the ground. We pat -- patted
10 him down first for any weapons, to make sure there was no weapons.

11 Q And did you find anything?

12 A We did not.

13 Q What happened next?

14 A We then laid him on the ground. That's when all the other
15 officers proceeded to come over. And we started to perform CPR.

16 Officer Lee first requested for a knife. As I was trying to
17 get mine, Officer Drauschke was able to get his faster. We were
18 able to cut Alan's sweatshirt open so then we -- It ended up
19 exposing that there were two bullet holes.

20 Q So, when you say you saw two bullet -- you saw a bullet wound
21 in the back, was the back closest to you or visible to you at that
22 point, as he was hunched over?

23 A As he was hunched over, that was the most visible to me at
24 that time.

25 Q And then when he was laid down and the shirt was cut open,

1 | you were able to visualize two wounds?

2 | A | Yes, I was.

3 | Q | Can you describe what happened next?

4 | A | At that time, a med kit was there. We -- I was handed some
5 | bandages from the med k -- or, not bandages. Oh my God; I'm
6 | sorry. Some cloth from the med kit.

7 | Q | Is that a compression dressing?

8 | A | A com -- Yeah, a compression dressing; thank you.

9 | Officer Lee -- We checked Alan's pulse. When I first -- When
10 | Alan was first leaned over, he was gargling and making noises.
11 | But then when we laid him on his back, we checked his pulse and
12 | there was no pulse. So we immediately started CPR. The CPR was
13 | started by Officer Lee.

14 | I put pressure on the wounds with some dressing. I applied
15 | dressing to the back. But Alan's back was on the ground, so while
16 | the compressions were happening, the ground -- I -- I left that
17 | one to be compressed with the ground and his body weight while I
18 | held the front.

19 | I also assisted holding -- supporting his neck while Officer
20 | Savio got the Ambu bag to supply oxygen to Alan.

21 | Q | Now, while this was going on, initially it was you and
22 | Officer Drauschke; is that right?

23 | A | Yes.

24 | Q | And as this was going on and unfolding, what was -- what
25 | observations did you make about Officer Drauschke and his ability

1 to perform in those circumstances?

2 A So, at first he was assisting. And then at some point he was
3 removed from the situation. I believe it was by Officer Silva --
4 I mean, Sergeant Silva. And he was taken out of the -- the area
5 where we were.

6 Q But until that time, did he assist and --

7 A He did, yes.

8 Q Was he able to do so?

9 A He was able to do so, yes.

10 Q Now, at some point were you aware that fire medics had been
11 dispatched to that location?

12 A I was, yes.

13 Q And at some point did the fire dispatch respond?

14 A They did.

15 Q And once fire-rescue personnel responded, who took over the
16 medical treatment of Mr. Greenough?

17 A So, at the time that they were responding and they were
18 preparing to come towards us, Officer Lee asked for a relief. I
19 th -- Due to the tight quarters where we were, Officer Vatcher and
20 Officer Lee had to switch places. So, I was up near Alan's head.
21 I went -- leaned over and started to do compressions while Officer
22 Lee and Officer Vatcher were switching places. Due to the poor
23 angle that I was in, Officer Vatcher quickly took over doing
24 compressions at that time.

25 Throughout the entire time, Officer Savio was still providing

1 air.

2 Q Now, during this time when you were tending to Mr. Greenough,
3 did you make any observations concerning any odors?

4 [End of Disc 2, Track 1, at 02:19:01 Runtime]

5 [Beginning of Disc 3, Track 1, at 00:00:00 Runtime]

6 BY MS. LYNCH:

7 A I did. At one point I noticed that Officer Greenough [sic]
8 was bleeding in his mouth. I turned his head to try to let the
9 blood -- and it also smelled like vomit and alcohol -- come out of
10 -- come out of his mouth so he wouldn't choke. His eyes were also
11 wide open during that time.

12 Q Now, once the fire-medics responded to that location, did you
13 perform a role in terms of maintaining the evidence in that area?

14 A Yes. Everything moved really quickly. The fire department
15 came in. They boarded Mr. Greenough and they got him to the --
16 they got him through this tight quarters that we were in. And
17 they ended up uncuffing him using my cuff key so they could
18 provide further medical aid.

19 He was put onto the ambulance but I stayed where I was the
20 entire time. I did not move. A lot of officers were being
21 decontaminated. A firefighter came over to me to decontaminate
22 me, as well. But I stayed on scene where I was, to preserve the
23 crime scene.

24 Q And when you refer to "decontaminate," there was actually
25 blood that was transferred during the course of rendering this

1 aid; is that right?

2 A There was, yes.

3 Q Now, with regard to the scene itself, did you note the
4 location of any ballistics-related evidence in the -- near the
5 vehicle?

6 A I did. As I -- As the sergeant was preparing to put everyone
7 on scene to protect the scene, I noticed that in my area -- that
8 there was two casings near me. I made note to make sure that no
9 one was in that area.

10 Q Now, with regard to your presence at that location, did you
11 remain there for a period of time until you were given another
12 assignment?

13 A I -- I was. I remained there until the scene was
14 photographed by Detective Holmes [phonetic]. And then I was
15 relieved. It was a really cold night. They allowed me to sit in
16 -- in a cruiser for a few moments until I was told to go somewhere
17 else, further.

18 Q And did you go to the police station that night?

19 A We did. I was then cleared from the scene and I was told to
20 report directly to the police station.

21 Q Now, had you been given any instructions concerning whether
22 you could discuss what you had observed with anyone?

23 A We were. We were strictly instructed not to speak to each
24 other, to report to the sergeant's room away from everyone else,
25 and to not discuss anything that had happened.

1 Q And did you abide by those rules?

2 A I did.

3 Q That evening, early morning hours, did you give a recorded
4 interview to the state police and a member of the Reading Police?

5 A I did. Prior to that, I ended up going to the hospital to be
6 evaluated. And when I returned, I did an interview, yes.

7 Q Now, with regard to -- Strike that. I'm just going to show
8 you a series of photographs.

9 MS. LYNCH: I'm sorry, Your Honor; if I might just have a
10 moment.

11 THE COURT: No, of course you can.

12 MS. LYNCH: I'll do these in shifts, if I might.

13 BY MS. LYNCH:

14 Q I'm showing you this item. Do you recognize what that item
15 is?

16 A Yes.

17 Q And what do you recognize that to be?

18 A This is a picture of the East Coast Gas and the apartment
19 building attached to it.

20 MS. LYNCH: I'd ask that this be admitted as the next
21 exhibit.

22 [Photo of Gas Station and Apartment Marked as Exhibit No. 8]

23 BY MS. LYNCH:

24 Q And is this a fair and accurate representation of the way
25 that area appeared on the evening of February 3rd?

1 A Yes.

2 Q That next photograph before you, do you recognize what that
3 depicts?

4 A I do.

5 Q And what do you recognize that to be?

6 A It's the side of the apartment building.

7 Q And does that depict the window where you saw the neighbor?

8 A Yes, it does.

9 Q And which window was that?

10 A It was the top left window.

11 MS. LYNCH: I would ask that this be admitted as the next
12 exhibit.

13 [Photo of Apartment Building Marked as Exhibit No. 9]

14 BY MS. LYNCH:

15 Q And so, for purposes of the record, this is the window that --

16 A Yes, it is.

17 Q -- you saw?

18 And with regard to the next photo that I placed before you,
19 do you recognize what that is?

20 A I do.

21 Q And what do you recognize that to be?

22 A This is the back of the apartment building where I saw the
23 back door. But that only leads to the first apartment. It
24 doesn't lead to Alan's apartment.

25 Q And did you continue further beyond that door to see the area

1 where there was windows --

2 A I did.

3 Q -- and you see the block wall?

4 A Yes.

5 Q And when you went back there, were the windows opened or
6 closed?

7 A At the time, they were closed.

8 MS. LYNCH: I'd ask that this be the next exhibit, please.

9 [Photo of Apartment Building Marked as Exhibit No. 10]

10 BY MS. LYNCH:

11 Q And this is the porch that you're referring to?

12 A Yes, it is.

13 Q I'm just showing you this photograph. Recognizing that the
14 window is now open, do you recognize what that depicts?

15 A I do. It's the back of the apartment building. And that is
16 the window that was in the bedroom/living room area --

17 Q And that --

18 A -- that we --

19 Q That was the one that you observed open when you went inside
20 the apartment?

21 A Yes, it was.

22 MS. LYNCH: I'd ask that this be admitted as the next
23 exhibit.

24 [Photo of Window Marked as Exhibit No. 11]

25 BY MS. LYNCH:

1 Q And directing your attention to this, is this the window that
2 you looked out?

3 A Yes, it is.

4 Q I'm showing you that item. Do you recognize what that is?

5 A I do. That is the bedroom/living room area off the kitchen.

6 Q And does that depict the window that was open when you went
7 in?

8 A Yes, I'm sorry.

9 MS. LYNCH: I'd ask that this be admitted as the next
10 exhibit.

11 [Photo of Window Marked as Exhibit No. 12]

12 BY MS. LYNCH:

13 Q And referencing Exhibit 12, that would correspond to this
14 window; is that right?

15 A Yes.

16 Q Now, I believe you indicated that you entered the apartment
17 that evening through the door inside the gas station; is that
18 right?

19 A Yes.

20 Q I'm going to show you this photograph and ask you if you
21 recognize what this photograph depicts.

22 A I do. It is the kitchen. And that is the door that enters
23 towards the gas station.

24 Q Okay. So, this would be viewing that door that you had
25 entered; is that right?

1 A Yes, it is.

2 Q And is this a fair and accurate representation of the
3 condition as you found it that night?

4 A Yes, it is.

5 MS. LYNCH: I would ask that this be marked as the next
6 exhibit, please.

7 [Photo of Door Marked as Exhibit No. 13]

8 BY MS. LYNCH:

9 Q And so, for purposes of the record, the door that you're
10 referring to, what door is that?

11 A That is the door that you can enter the -- from the gas
12 station into the apartment.

13 Q And these windows here and here, what do they look out onto?

14 A They look out onto the front of the gas station, where we
15 were standing outside. But we were further down.

16 Q And showing you this next photograph, do you recognize what
17 this photograph depicts?

18 A I do.

19 Q And what do you recognize that to be?

20 A This is the main apartment door, the door where Officer Lee
21 was standing out on the opposite side.

22 Q So this would be the vantage point as you are walking in from
23 the gas station?

24 A This would be the vantage point if you were walking in from
25 the gas station, yes.

1 Q Those objects on the floor, is that a fair and accurate
2 representation of what -- where those objects were when you made
3 your way into the apartment that night?

4 A Yes.

5 Q I would ask that this be admitted as the next exhibit.

6 [Photo of Apartment Interior Marked as Exhibit No. 14]

7 BY MS. LYNCH:

8 Q I'm showing you Exhibit 14. Do you know what these items are
9 that I'm pointing to, specifically the --

10 A It was furniture. It was a table and chair.

11 Q And were they in that condition?

12 A Yes, they were.

13 Q And I'm just going to show you some photographs that appear
14 to depict those objects at a closer vantage point. Do you
15 recognize what these photographs depict?

16 A I do. It's the broken table and chair.

17 Q Okay. And does this photograph appear to depict the window
18 through which you observed Mr. Greenough with the pole?

19 A It does.

20 MS. LYNCH: I'd ask that this be marked as the next exhibit.

21 [Photo of Apartment Interior Marked as Exhibit No. 15]

22 BY MS. LYNCH:

23 Q Now, in terms of this photograph, it appears to show two
24 windows. Which was the window through which you and other
25 officers were speaking to Mr. Greenough?

1 A It was the window to the left, the one with the screen that
2 was up.

3 MS. LYNCH: And I'd ask that this next photograph be marked,
4 as well.

5 [Photo of Apartment Interior Marked as Exhibit No. 16]

6 BY MS. LYNCH:

7 Q And this area here, do you recognize what -- where I'm
8 pointing to now?

9 A Yes.

10 Q And what is that?

11 A That is the staircase that leads upstairs.

12 Q And concerning your observations, does this -- I'll just show
13 you these photographs. Does this appear to be a fair and accurate
14 representation of the condition of the bedroom where you observed
15 that open window?

16 A Yes, it does.

17 MS. LYNCH: I would ask that these be admitted as the next
18 exhibits.

19 [Photos of Apartment Interior Marked as Exhibit Nos. 17-18]

20 BY MS. LYNCH:

21 Q And so, with regard to this area, you described it as a
22 bedroom/living room combination; is that right?

23 A Yes.

24 Q We're looking at, here, what part of the room?

25 A You're looking at a sofa. But right behind it is the bedroom

1 area.

2 Q And showing you Exhibit 18, --

3 A That --

4 Q -- do you recognize what's depicted there?

5 A -- would be the living room.

6 Q Now I'm just going to -- I'm showing you these photographs.
7 Do you recognize what's depicted in these photographs?

8 A I do.

9 Q And what do you recognize that to be?

10 A The gas station. This is the waiting room.

11 Q And is that the door through which you entered --

12 A It is.

13 Q -- the premises?

14 A That is the door that leads into the apartment building.

15 MS. LYNCH: I'd ask that this be marked as the next exhibit.

16 [Photo of Waiting Room Marked as Exhibit No. 19]

17 BY MS. LYNCH:

18 Q And so, with respect to Exhibit 19, does that indicate that
19 there is a -- steps that you have to climb up to enter the
20 residence portion of the premises?

21 A It does.

22 Q And the second photograph before you, do you recognize that
23 to just show the location of the television and the fish tank --

24 A Yes.

25 Q -- or the turtle tank, I should say?

1 A Yes. It was located in that same room.

2 [Photo of Waiting Room Marked as Exhibit No. 20]

3 BY MS. LYNCH:

4 Q Now, at some point as you were rendering aid to Mr.
5 Greenough, did you do something with respect to the door of the
6 Hummer that had been opened?

7 A Yes. Before we started rendering aid, after I had placed Mr.
8 Greenough in -- in handcuffs, I noticed that the door was open. I
9 did a quick scan of the door and the inside, and then I closed the
10 door because I was un -- unaware if there was any weapons inside
11 that vehicle. So, for safety I closed the door. And then we
12 proceeded to render aid.

13 [Pause]

14 MS. LYNCH: I'm sorry, Your Honor.

15 THE COURT: No, that's okay.

16 BY MS. LYNCH:

17 Q Now, just showing you this photograph, do you recognize what
18 is depicted here?

19 A I do. It's the gas pumps in front of the gas station.

20 Q Okay. And can you see in this photograph the window with the
21 television set on?

22 A I do, yes.

23 Q And is this a fair and accurate representation of the way
24 this appeared that evening?

25 A Yes, it is.

1 Q Now, --

2 MS. LYNCH: I would ask that this be marked.

3 BY MS. LYNCH:

4 Q And I'm just going to point out an area to you.

5 [Photo of Gas Station Marked as Exhibit No. 21]

6 BY MS. LYNCH:

7 Q Now, with regard to this area that I'm pointing to now, what
8 was the ground cover in this area?

9 A There was all ice. It was actually a large section that was
10 covered in ice and snow.

11 Q And in terms of the premises itself, when you ran across the
12 area to where the Hummer was located, did you encounter areas that
13 had snow cover or ice cover as well?

14 A I did, yes.

15 Q I'm just going to show you this next photo and ask you if you
16 recognize it.

17 A I do.

18 Q And what do you recognize it to be?

19 A This area is to -- if you're facing the gas station, it's to
20 the left. There was a -- There was some cars that were parked and
21 then there's a billboard sign that's off to the side.

22 MS. LYNCH: I would ask that this be marked as an exhibit,
23 please.

24 [Photo of Lot Marked as Exhibit No. 22]

25 BY MS. LYNCH:

1 Q Now, as one is looking at Exhibit 22, what is the area of
2 along the right side of the photograph?

3 A That would be where the gas station is located.

4 Q Okay. So that's the side wall?

5 A That's the side wall, yes.

6 Q Okay. And then this appears to be a container or a truck of
7 some form?

8 A Yes, it is.

9 Q And then the -- you see this vehicle that is a silver SUV?

10 A Yes.

11 Q And was that sign there, as well?

12 A Yes, it was.

13 Q Now, showing you this next photograph -- these next two --
14 next photograph, sorry, do you recognize what that is?

15 A I do.

16 Q And the area where the Hummer was located, is that within
17 this photo frame but not visible?

18 A Yes.

19 Q And does that depict that sign?

20 A It does.

21 Q And showing you these next two photographs, --

22 MS. LYNCH: I'm going to move for the admission of this
23 photograph, please.

24 [Photo of Lot Marked as Exhibit No. 23]

25 BY MS. LYNCH:

1 Q And with regard to Exhibit 23, where approximately or
2 relatively speaking would the Hummer be in this photograph?

3 A The car that's pulled in, the grey car, is a -- it looks like
4 a Toyota. The -- The Hummer would be behind or in front of that
5 Toyota, off to the righthand side, further back behind the
6 billboard. Actually, it's directly to the side of that. I'm
7 sorry; I apologize.

8 MS. LYNCH: I would ask that this be marked as the next
9 exhibit.

10 [Photo of Lot Marked as Exhibit No. 24]

11 BY MS. LYNCH:

12 Q And can you tell us what this is that I'm pointing to right
13 here?

14 A Yes. That is a fenced-off -- That's a fence that runs
15 across. But it doesn't go all the way; it stops shortly after the
16 billboard.

17 Q And with regard to the area in question, I'm going to show
18 you this. And is this a fair and accurate representation of the
19 approximate position of that vehicle when you approached it?

20 A Yes. It's directly at the end of that fence line.

21 MS. LYNCH: I'd ask that this be admitted.

22 [Photo of Vehicle Marked as Exhibit No. 25]

23 BY MS. LYNCH:

24 Q Now, is this the position that these vehicles were in
25 relative to each other when you approached that night?

1 A Yes.

2 Q Now, the area approaching this vehicle, did it appear to have
3 any snow cover or ice cover on that area?

4 A There was.

5 Q Now, when you approached the vehicle itself, you say that the
6 vehicle door was open; is that correct?

7 A Yes, it was. It was the passenger side front door.

8 Q And showing you this photograph, do you recognize what this
9 photograph depicts?

10 A I do, yes.

11 Q And is that a fair and accurate representation of the
12 location of the orange Hummer at a point after you closed the
13 door?

14 A Yes.

15 MS. LYNCH: I would ask that this be admitted as the next
16 exhibit.

17 [Photo of Hummer Marked as Exhibit No. 26]

18 BY MS. LYNCH:

19 Q Now, referencing Exhibit 29, can you --

20 A 26?

21 Q Can you indicate how far the door -- Was the door all the way
22 open when you --

23 A The door was -- was all the way o -- was all the way open.

24 Q Okay. And with regard to the area where first aid was
25 administered, is that depicted in this?

1 A Yes, it is. It is right -- It was in that full space between
2 the orange Hummer and the fence, where you can see the blood on
3 the snow.

4 Q And showing you this photograph, do you recognize what is
5 shown in this photograph?

6 A I do. There is a AED that was brought over. There's also a
7 marking for where one of the casings were. There's plastic gloves
8 and compacts from the medical aid bag as well as a pack of
9 cigarettes and more medical aid material closer to the Hummer.

10 Q And does it show the front passenger door closed, of the
11 Hummer?

12 A It does.

13 Q And does it also show the stockade fence and its relative
14 location?

15 A It does.

16 MS. LYNCH: I'd ask that this be admitted as the next
17 exhibit.

18 [Photo of Scene Marked as Exhibit No. 27]

19 BY MS. LYNCH:

20 Q The area that I'm pointing now, what is that?

21 A That is where the orange Hummer is. And that is the door
22 that was closed.

23 Q And with regard to the placard, Number 1, what do you
24 recognize that to be?

25 A That was where one of the shell casings were that I marked.

1 Q I'm showing you this next photograph. Do you recognize what
2 this photograph depicts?

3 A I do. At this -- It's a different angle with the fence
4 alongside of you. It shows the Ambu bag, medical bags, the
5 Hummer, as well as other medical equipment that was used. And the
6 -- And the shell casing, the one that was marked Number 1.

7 MS. LYNCH: I'd ask that this be admitted as a --

8 [Photo of Scene Marked as Exhibit No. 28]

9 BY MS. LYNCH:

10 Q I'm showing you Exhibit 28. Does that fairly and accurately
11 depict the area adjacent to that fence and the Hummer as you
12 observed it that night?

13 A Yes.

14 Q Now, I'm going to show you this next photograph and ask you
15 if you recognize what is depicted in that photograph.

16 A I do. This is -- You're looking in between two vehicles.
17 There's that end of that fence line. There is medical equipment
18 as well as the second casing that was marked by myself.

19 MS. LYNCH: I would ask that this be admitted as the next
20 exhibit.

21 [Photo of Scene Marked as Exhibit No. 29]

22 BY MS. LYNCH:

23 Q I'm showing you Exhibit 29. Does this appear to be a fair
24 and accurate representation of the distance between those two
25 vehicles?

1 A Yes.

2 Q And does this also depict the stockade fencing that you
3 observed there?

4 A It does.

5 Q I'm going to show you this photograph. Now, I'm showing you
6 this photograph. Do you recognize that that photograph depicts?

7 A I do.

8 Q And is that a fair and accurate representation of the
9 interior of the Hummer as the front passenger door is open?

10 A Yes, it is.

11 MS. LYNCH: I'd ask that this be admitted as the next
12 exhibit.

13 **[Photo of Hummer Marked as Exhibit No. 30]**

14 BY MS. LYNCH:

15 Q And showing you the next photograph that's before you, do you
16 recognize this to depict the open door with the understanding that
17 the tape on the side is not there at the time that you initially
18 saw it?

19 A Yes. The -- The door was open. The tape was not there but
20 the bullet hole was in the door.

21 Q And was this piece of equipment that is depicted immediately
22 to the right of the open door --

23 A Yes.

24 Q -- where it was situated?

25 A Yes, it is.

1 MS. LYNCH: I'd ask that this be admitted as the next
2 exhibit.

3 [Photo of Hummer Door Marked as Exhibit No. 31]

4 BY MS. LYNCH:

5 Q And with respect to the taillight here, was that a vehicle
6 that was behind the fence?

7 A Yes, it was.

8 Q And I'm just going to show you another photograph. And does
9 this appear to be a fair and accurate representation of that
10 Hummer, the driver's side, and particularly the area in front of
11 it?

12 A Yes.

13 Q Now, can you see in this photograph the advertisement sign as
14 well as the side of the building?

15 A Yes, you can.

16 MS. LYNCH: I'd ask that this be marked as the next exhibit,
17 please.

18 [Photo of Hummer Marked as Exhibit No. 32]

19 BY MS. LYNCH:

20 Q And so, does this area depict the snow covering on the side,
21 driver's side of the Hummer?

22 A Yes, it does.

23 Q And this mound in the foreground, was that there?

24 A Yes, it was.

25 Q And this area to the left side of the photo, what is that?

1 A That is the gas station.

2 Q And that would be the side -- left side of the gas station?

3 A Yes, it's the left side of the gas station.

4 Q I'm showing you this photograph. Do you recognize what is
5 depicted in that photograph?

6 A Yes. It is the driver's side of the Hummer, the mound of
7 snow that we just talked about, and the side of the gas station as
8 well as everything behind that fence line.

9 Q Now, directing your attention to this area in the middle of
10 the photograph, do you know what that is?

11 A That is the top of the -- Mr. Greenough's apartment building.

12 Q Okay. And does it also indicate the condition in terms of
13 vehicles and debris in that area between the Hummer and the side
14 of that building that night?

15 A It does.

16 MS. LYNCH: I would offer this photograph as the next
17 exhibit, please.

18 [Photo of Scene Marked as Exhibit No. 33]

19 BY MS. LYNCH:

20 Q So, I'm showing you this item. What do you recognize where
21 I'm pointing now to be?

22 A That is the top floor of Mr. Greenough's apartment building.

23 Q And does this appear to be the side of the gas station?

24 A Yes, it does.

25 Q And does this appear to be the fence?

1 A Yes, it does.

2 Q And does this appear to be a stack of tires?

3 A Yes.

4 Q And other vehicles and garage-type --

5 A Yes.

6 Q -- materials?

7 Now, you indicated that at some point Officer Drauschke
8 provided a knife that assisted in removing the clothes from Mr.
9 Greenough; is that correct?

10 A Yes. That knife was provided by Officer Lee. It was then
11 kind of thrown off to the side, away from where we were, for
12 safety.

13 MS. LYNCH: If I might just have a moment, Your Honor.

14 THE COURT: Sure.

15 MS. LYNCH: It is rather hot in here.

16 THE COURT: Absolutely. So, while you're doing that, --

17 Ms. McLean -- and I should've said this earlier. The only
18 people I'm allowing to take notes are the attorneys. So, I'm
19 going to have you hand those into the Court Officer, just because
20 there's a concern that the Court has about information being
21 released to anyone. So, there's -- These -- The proceedings are
22 being recorded and there'll be a report at the end.

23 THE COURT OFFICER: Judge, do you just want me to take a note
24 and destroy them?

25 THE COURT: Just be destroyed.

1 THE COURT OFFICER: Okay.

2 BY MS. LYNCH:

3 Q I'm just going to show you these next few photographs and ask
4 you if you recognize what is depicted in them.

5 A I do. It is where the AED was located, the medical bag, the
6 shell casing, and the knife that was used to cut open Mr.
7 Greenough's sweatshirt. In this picture, it's a closeup of the
8 shell casing, the knife that was used which was Officer
9 Drauschke's knife that Officer Lee used, a gauze pad, and the
10 handle to the AED.

11 Q Thank you.

12 MS. LYNCH: I would ask that these be admitted as the next
13 two exhibits, the contact shot and then the closeup, in that
14 order.

15 [Photos of Scene Marked as Exhibit Nos. 34-35]

16 BY MS. LYNCH:

17 Q I'm just showing you Exhibit 34. Does this appear to be the
18 contact shot, wide angle?

19 A Yes.

20 Q And is this the item that was provided by Officer Drauschke
21 to cut open the clothing --

22 A Yes, it is.

23 Q -- in order to --

24 Now, with regard to your conversations with the brother,
25 Anthony, did he describe for you his efforts to attempt to get his

1 | brother to come out?

2 | A He did. He came over. He said that he was going to give Mr.
3 | Greenough a call. At one point he was able to make contact with
4 | him. He also tried again later but was unable to make contact
5 | with him. And that's when we were standing at the window, trying
6 | -- trying to speak to Alan at the time.

7 | Q Now, did you have any conversation with Mr. Greenough about --
8 | And I'm asking now for what Mr. Perrotti told you about his brother
9 | and if they went into the -- if he went into the house.

10 | A Yes. When we were speaking, Anthony told me that if we tried
11 | to -- if we made -- if we entered the apartment building, Alan was
12 | going to fight us, and to be prepared because he does not like
13 | police.

14 | Q Now, with regard to your involvement at that location, you
15 | described one incident when you went to the house in order to
16 | assist in getting medical attention for Mr. Greenough. Had you
17 | ever been to that location other than that -- on that one prior
18 | occasion?

19 | A I have, not for -- not for that. It was -- I've been -- I
20 | drive through that area. I also, you know, do checks of that area
21 | several times. But the past history of that place I also knew
22 | from other officers responding.

23 | Q Now, given the history of what you had learned regarding the
24 | night before and your understanding of the prior incident with Mr.
25 | Greenough, can you describe for us the tone and tact that the

1 officers, you and Officer Wilson and Officer Lee as well as
2 Vatcher and Fontes -- had in attempting to get Mr. Greenough out
3 of the apartment?

4 A Yes. Arriving on scene, we -- we know Al -- Mr. Greenough
5 wasn't going to be willing to just come out and speak with us. We
6 all went there because of the fact that we know that it -- it --
7 there could be a -- a tussle and a d -- where Mr. Greenough
8 wouldn't come willingly or wouldn't speak with us. Or if we
9 couldn't locate him, we would need more officers to help look for
10 him.

11 Q And what was the tone of voice that officers used in talking
12 to Mr. Greenough and his brother and other people on the premises?

13 A It was professional. We arrived on scene. We -- I -- While
14 speaking with Anthony, I used the same tone of voice that I was
15 using right now, asking him questions. While speaking with Alan
16 through the window, it was a little bit louder. It was more
17 direct and affirmative, to try to get him to come out and speak
18 with us. We -- The wh -- The entire time, we were trying to
19 remain, you know, professional throughout the --

20 MS. LYNCH: If I might just have one moment.

21 THE COURT: Sure.

22 MS. LYNCH: I have no further questions, Your Honor.

23 MR. PASCIUCCO: I just have a few questions.

24 THE COURT: Sure.

25 CROSS EXAMINATION OF WITNESS, OFFICER KAYLYN GOOLEY

1 BY MR. PASCIUCCO:

2 Q Good afternoon, Officer Gooley.

3 A Good afternoon.

4 Q My name is Peter Pasciucco. I represent Officer Erik
5 Drauschke. I just have a few questions for you today.

6 Now, you indicated on direct examination that you've worked
7 for the Reading Police Department for approximately five years; is
8 that correct?

9 A It will be, yes, in -- in July.

10 Q Okay. And Officer Drauschke has been with the Reading Police
11 Department for that entire time; is that correct?

12 A Yes, he has.

13 Q Okay. And you've responded to radio calls with Officer
14 Drauschke prior to this incident; --

15 A Yes, I have.

16 Q -- is that correct?

17 Okay. And you've worked with him in the field on, I would
18 assume, numerous occasions?

19 A Yes, I have. We were on the same shift.

20 Q Okay. And you've observed him interacting with other police
21 officers, civilians, suspects, --

22 A Yes, I have.

23 Q -- that sort of thing, in the past?

24 Okay. Prior to this incident, did you have any concerns with
25 his abilities as a police officer?

1 A No, I did not.

2 Q Did you have any concerns with his judgment and his approach
3 to the job?

4 A I did not. I actually fully s -- supported him. I thought
5 he was a great senior officer. And I actually recommended him to
6 be a field training officer.

7 Q Okay. And it's your understanding that he was a field
8 training officer?

9 A Yes, he was.

10 Q Okay. And what is a field training officer?

11 A It is a officer that goes and trains the new officers that
12 come in. The -- They ride with them, they evaluate them, and they
13 teach them how to do the job.

14 Q Okay. Now, turning to this incident, you were not present at
15 the gas station on Friday evening; is that correct?

16 A The night before? No, I was not.

17 Q Friday the -- That would be February 2nd, 2018?

18 A Yes.

19 Q Okay. When you responded on Saturday at approximately
20 3:40/3:00 p.m., around that time, what was your understanding of
21 what had happened the evening prior?

22 A The evening prior, we were told that there was an assault
23 where Alan assaulted his roommate Devin and that there was charges
24 that were going to be pressed against -- two charges for assault
25 and battery -- against Alan.

1 Q Okay. And that's Alan Greenough?

2 A Yes, it is.

3 Q Were you told anything about a table and chairs inside the
4 apartment?

5 A At the time, I -- I was not aware of all the details. I do
6 know that there was broken furniture and that they were offered
7 medical aid but it was refused. I didn't know the extent of any
8 injuries, as well.

9 Q Okay. Were you ever alerted to or notified as to how the
10 furniture inside the apartment came to be broken or smashed?

11 A Yes.

12 Q Okay. And can you just tell us a little bit about how you
13 were alerted to that.

14 A Yes. Officer Vatcher informed me that the tables and chairs
15 were broken during the incident the night prior, during the
16 domestic, by Alan.

17 Q Okay. So, when you responded to the gas station on Saturday
18 afternoon, your understanding was that there was probable cause to
19 arrest Alan Greenough?

20 A Yes.

21 Q Okay. And that was for the assault the evening prior?

22 A The assault the evening prior and what had occurred that
23 evening.

24 Q Okay. Now, when you arrived on scene, Officer Lee was
25 already there?

1 A Officer Lee arrived first and I arrived shortly after him.

2 Q Okay. How long were you on scene before you came into
3 contact with who you came to know as Alan Greenough's brother,
4 Anthony?

5 A We were on scene for a couple minutes. I ended up speaking
6 with Anthony a -- for a little bit. That's when I was trying to
7 gather a key to get into the apartment. And it wasn't until a bit
8 later on that I found out that they were brothers.

9 Q Okay. And how did you learn that? Did Anthony tell you that
10 or someone else tell you that?

11 A Anthony told me that.

12 Q Okay. Did you hear Alan Greenough say that he was -- had a
13 pole or a stick in his hand?

14 A I did. He was standing at the window, speaking with Officer
15 Wilson. And that's when he was holding an item in his hand. And
16 he said that if we were going to come in he was going to attack us
17 with the -- with the pole.

18 Q Okay. And you heard that through the window?

19 A I was outside. Yes, I heard it.

20 Q Okay. Could you see inside? Could you see Alan Greenough
21 holding an item?

22 A I did, yes.

23 Q Okay. And what did that item look like?

24 A It was a dark item. It was in his hand. And he was holding
25 it up.

1 Q Okay.

2 A He would also put it down, but he was holding it up.

3 Q Okay. In your training and experience as a police officer,
4 you have a suspect on scene who's noncompliant; is that correct?

5 A Yes.

6 Q And you have a suspect who's possibly armed; is that correct?

7 A Yes.

8 Q Okay. You recall speaking with state police as well as, I
9 believe, a Reading detective the evening of the incident?

10 A Yes.

11 Q Okay. Do you recall during that interview telling them that
12 you had concerns with Anthony?

13 A I did. The interview actually happened the early morning of
14 the 4th. I -- I expressed my concern that when on scene at first I
15 thought Anthony just worked at the gas station and then I found out
16 he was his brother. He was trying to assist us but then I had a
17 question of whether or not he was actually helping us or trying to
18 help his brother. Even though I still continued to try to have him
19 make with contact to Alan to try to diffuse the situation, I -- I
20 did question it.

21 And then later, as the evening went on, I questioned how he
22 was coming from the same direction that Officer Drauschke after
23 the shooting had taken place. And I told him that he would be
24 someone that I would definitely interview.

25 Q Okay. And you told state police detectives that?

1 A Yes, I did.

2 Q Okay. And you were on scene -- You arrived to the scene
3 approximately 3:50; is that your recollection?

4 A Yes.

5 Q Okay. And you were let into the apartment by Anthony at
6 approximately 4:31:54; does that sound accurate?

7 A I was let into the gas station apartment door?

8 Q Correct.

9 A Yes.

10 Q Into the residence?

11 A Into the residence, yes.

12 Q Okay. So, your recollection is that you were on scene for
13 about 42 minutes before you were alerted by Anthony Perrotti that
14 there was a second door; is that correct?

15 A Yes.

16 Q Okay. And who -- And when you gained access into the
17 apartment, who did you go int here with?

18 A It was Officer Wilson, myself, and Officer Vatcher. Behind
19 me was Sergeant Silva and Officer Drauschke, but they didn't stay.
20 They entered and then exited.

21 Q Okay. And when you entered the apartment or the residence,
22 you entered through that door that we observed in one of the
23 exhibits, right?

24 A Yes.

25 Q And that was in the gas station office?

1 A That was in the gas sta -- It was the office, a waiting room,
2 and then there was the door that you could directly see through
3 all three.

4 Q Okay. And what do you recall seeing inside?

5 A The apartment?

6 Q Specifically, yeah. Did you -- You said you saw that the
7 apartment was in disarray. Can you just be a little more --

8 A Yes.

9 Q -- specific?

10 A There was broken furniture everywhere. There was other
11 pieces of furniture. There was, like, a living room chair that
12 was next to the stairs in the kitchen area. There was trash.
13 There were tools that were scattered around the apartment, as
14 well. The living room had empty cups and -- and other items that
15 were s -- all over the ta -- the living room table. There was
16 blankets and clothes everywhere.

17 Q Okay. And when you went into the residence, you looked
18 around to see if Mr. Greenough was inside; is that correct?

19 A I did, yes.

20 Q Okay. And you weren't -- Were you unable to find him?

21 A We were unable to find him.

22 Q Okay. At some point -- and I know we saw it on the video --
23 you came back outside?

24 A Yes.

25 Q Okay. Was that before or after you heard the radio call from

1 Officer Drauschke that he had a -- that he had observed Mr.
2 Greenough inside a vehicle out --

3 A That was after.

4 Q That was after, okay.

5 And when you came outside, you immediately went to the left;
6 is that correct?

7 A Yep, s -- Yes; I'm sorry. When I came outside, if you're --
8 the s -- gas station was behind me, I immediately went to the left
9 at first.

10 Q Okay. And you observed the video that was played earlier.
11 And you could see that Mr. Perrotti had immediately ran to the
12 right; is that correct?

13 A Prior to my exiting the building, on the video I was able to
14 see that he had went to the right, while when I exited I went to
15 the left.

16 Q Okay. Do you have any understanding as to why he immediately
17 went to the right?

18 A I do not, no.

19 Q Okay. Do you have a belief as to why he went to the right?

20 A I believe he knew that his brother had exited the building.
21 I believe that he knew his brother was in that direction. He was
22 the only one that went in that direction, while everyone else was
23 still to the left. I believe that -- that he knew his brother was
24 over there.

25 Q Okay. Now, you had a couple of past dealings with Alan

1 Greenough; is that correct?

2 A Yes.

3 Q Okay. But it was your understanding that Mr. Greenough was
4 not fond or did not like having police within his presence?

5 A Yes.

6 Q Okay. And that was your understanding from prior incidents.
7 But you were also told that by Mr. Perrotti that evening; is that
8 correct?

9 A I was, yes.

10 Q Okay. Now, when you arrived to Mr. Drauschke and -- Officer
11 Drauschke and Mr. Greenough, did you ask Officer Drauschke what
12 had happened?

13 A I didn't specifically ask him what happened. I just said --
14 I asked him if there was a weapon. I asked him if he was okay.
15 And I --

16 He proceeded to tell me, without me asking, that he had
17 ordered Mr. Greenough to show him his hands several times and that
18 he wouldn't; and that Mr. Greenough kept saying, "Shoot me, shoot
19 me."

20 Q Okay. And where was Officer Drauschke when he made those
21 statements to you?

22 A He was holding Mr. Greenough's right hand behind his back.
23 He was crouched down as well as -- Mr. Greenough was at that point
24 on his knees, crouched down as well.

25 Q Okay. And have you been -- Have you received training use of

1 force?

2 A Yes.

3 Q And have you received any training, whether it's general or
4 specialized or specific in officer-involved shootings?

5 A For use of force, yes.

6 Q Okay. And I believe you testified to it on direct
7 examination, but -- handcuffing and individual who has been shot
8 by police, is that a normal protocol?

9 A Yes.

10 Q Okay. And why is that?

11 A It's for safety. We didn't know if there was any weapons.
12 And immediately we were placing him in handcuffs to make sure that
13 he wasn't able to reach for anything. And then, directly after
14 handcuffing Mr. Greenough, we -- we searched him for weapons.

15 Q Thank you very much, officer.

16 A Thank you.

17 **CROSS EXAMINATION OF WITNESS, OFFICER KAYLYN GOOLEY**

18 BY THE COURT:

19 Q So, officer, I just have a couple of questions.

20 When Assistant District Attorney Lynch asked you, you said
21 you could see Mr. Greenough through the window: "He was waving
22 something in his head. He said if we come in he would hit us with
23 a pole." And then you just testified in response to what counsel
24 just asked you, "He said he would attack us with a pole." And you
25 saw "a dark item" in his hand.

1 Did you assume that it was a pole because that's what he told
2 you? Or did you see a pole? Or did you just see a dark item?

3 A I saw a dark item, and he said "a pole."

4 Q And you also said when you first encountered him you
5 described him as being angry and "There was no talking him down.
6 He was yelling and threatening us."

7 What was he yelling and what was he threatening, other than
8 what you testified to with regard to the pole?

9 A I'm sorry; that he was yelling that he didn't want to come
10 out, that he didn't like the police, he didn't trust us, and he --
11 he just kept yelling that he wasn't going to exit the building and
12 speak with us.

13 Q Thank you.

14 A Thank you.

15 MS. LYNCH: Just briefly.

16 THE COURT: Sure.

17 REDIRECT EXAMINATION OF WITNESS, OFFICER KAYLYN GOOLEY

18 BY MS. LYNCH:

19 Q Officer Gooley, were you subsequently shown an item that
20 appeared to be a table leg?

21 A Yes, I was.

22 Q And in terms of the size and shape of the item that you saw
23 Mr. Greenough handling, how would you compare that item?

24 A After seeing that, I would compare it as the item that he was
25 holding in his hand the day of the incident when he was in the

1 window waving an item around.

2 Q And did it have the same size and shape?

3 A It did, yes.

4 Q Thank you.

5 THE COURT: Officer, you understand that you're under a
6 sequestration order. You're not to discuss this testimony with
7 anyone outside of the attorneys in this matter until further
8 orders are received from the Court. Do you understand?

9 THE WITNESS: I do understand.

10 THE COURT: Thank you very much. You're excused.

11 THE WITNESS: Thank you, Your Honor.

12 THE COURT: Ms. Lynch, I wanted to make sure before we break
13 for the recess -- I did not give all the other witnesses a
14 sequestration order. I'd just like to have them come in and do
15 that, and then we can break for lunch. Okay?

16 [Witnesses entering]

17 [WITNESSES, Sworn.]

18 THE COURT: Okay. So, all witnesses who have been called to
19 testify into this inquest matter are under a sequestration order.
20 You are not to discuss your testimony with anyone outside of the
21 attorneys until further orders are received from this Court. Does
22 everybody understand that?

23 THE WITNESSES: Yes.

24 THE COURT: Yeah, thank you very much.

25 We're going to take the lunch recess, so everyone's excused

1 now for lunch. We'll be back in session at two o'clock. Thank
2 you.

3 [Court in Recess at 00:59:41 Runtime - Disc 3, Track 1]

4 [Back on Record at 00:00:09 Runtime - Disc 4, Track 1]

5 THE COURT: All right. Ms. Lynch, you can call your next
6 witness.

7 MS. LYNCH: Thank you. Officer Sean Wilson.

8 [OFFICER SEAN WILSON, Sworn.]

9 DIRECT EXAMINATION OF WITNESS, OFFICER SEAN WILSON

10 BY MS. LYNCH:

11 Q Good afternoon, sir. If you would please state your name and
12 spell your last name for the record.

13 A Good afternoon. My name is Officer Sean Wilson. The last
14 name is spelled W-I-L-S-O-N.

15 Q What is your occupation, sir?

16 A I am a police officer with the Town of Reading.

17 Q How long have you been a Reading police officer?

18 A Approximately 13 years.

19 Q Are you presently a member of the military?

20 A Yes, I am, ma'am.

21 Q And what branch?

22 A The Coast Guard Reserves.

23 Q And as a member of the Coast Guard Reserves, have you been
24 recently deployed to a mission for the next year?

25 A Yes, ma'am.

1 Q And where is that?

2 A Guantanamo Bay, Cuba.

3 Q And prior to your service in the Coast Guard, have you been a
4 member of any other military branch?

5 A Yes, ma'am.

6 Q And what was that?

7 A I was in the Marine Corps.

8 Q And how long were you in the Marine Corps?

9 A For 10 years.

10 Q And in terms of your ten-year service with the Marine Corps,
11 you also -- did that ever overlap with your service as a Reading
12 police officer?

13 A No, ma'am.

14 Q So you concluded your service to the Marines and became a
15 Reading police officer and then subsequently joined the Coast
16 Guard?

17 A Yes, ma'am.

18 Q Now, sir, in terms of your experience, other than the police
19 responsibilities did you have any law enforcement responsibilities
20 in the military, as well?

21 A Yes, ma'am, I worked in the brig. I was a brig guard my last
22 enlistment in -- in the Marine Corps.

23 Q And how long a period of time were you in that position?

24 A It was approximately six to eight years, give or take.

25 Q Now, sir, directing your attention to Saturday, February 3rd

1 of 2018, were you working that day with the Reading Police?

2 A Yes, ma'am.

3 Q What were your hours that day?

4 A I was working overtime originally. I started my shift at
5 8:00 a.m. and I was supposed to get off at 4:00 p.m.

6 Q Now, on that particular day who was the officer in charge of
7 the dayshift at the Reading Police?

8 A That would've been Lieutenant McKenna.

9 Q And on that particular date what was your assignment with the
10 Reading Police?

11 A I was the patrol, Sector 3 of the Town of Reading.

12 Q And as such, is that a uniform or plain clothes assignment?

13 A It's uniform.

14 Q And were you on foot or in a vehicle that shift?

15 A I was in a marked police cruiser.

16 Q And in that assignment were you alone or with a partner?

17 A I was by myself.

18 Q Now, you indicate that you were in Sector 3. Is Sector 3 a
19 part of -- Strike that. Is 1462 Main Street, the premises located
20 there, business and residential, is that within your sector?

21 A No, ma'am, it's not.

22 Q On this particular afternoon, directing your attention to the
23 timeframe approximately 3:46 p.m., do you recall where you were at
24 that approximate time?

25 A Yes, ma'am. We got dispatched to a domestic disturbance

1 call.

2 Q Now, with regard to that dispatch, when you received that
3 dispatch to the domestic disturbance call do you recall where you
4 were physically situated?

5 A Yes. I was in the roll call, doing a report from earlier in
6 the day.

7 Q And did you see any other officers on your shift at the
8 station when you received that transmission?

9 A Yes, ma'am.

10 Q And who was that?

11 A That would've been Officer Kaylyn Gooley.

12 Q Now, with regard to that dispatch, direct your attention to
13 Track 2 of the recorded calls for February 3rd of 2018.

14 MS. LYNCH: Can you please play that, with the Court's
15 permission.

16 [Audio Playing at 00:04:08 Runtime - Disc 4, Track 1]

17 BY MS. LYNCH:

18 Q Now, Officer Wilson, what is your call signal for the radio?

19 A 66.

20 Q Now, directing your attention to the time 3:47:22, Track 3, --

21 MS. LYNCH: If you would play that.

22 BY MS. LYNCH:

23 Q -- whether or not you received this while you were en route
24 to that call.

25 [Audio Playing at 00:05:05 Runtime - Disc 4, Track 1]

1 BY MS. LYNCH:

2 Q Now, given your location at the Reading police station, about
3 how far away is it from the station to the call at 1462 Main
4 Street?

5 A I would say drive-wise it's maybe 4 to 6 minutes. Not -- Not
6 even that. Probably 3 minutes.

7 Q Now, at some point did you arrive at that location?

8 A Yes, I did.

9 Q And in the course of your experience, were you familiar with
10 that location?

11 A Yes, I was.

12 Q How were you familiar with that location?

13 A There was a alarm call that I responded to, not sure when,
14 but numerous times. So --

15 Q And prior to your receiving this radio transmission, had you
16 received any information at roll call when you responded to duty
17 on February 3rd about what had happened the night before?

18 A Yes, ma'am.

19 Q And what specifically were you told?

20 A There -- There was domestic situation there the night before
21 and that there was probable cause to arrest a -- a gentleman by
22 the name of Alan Greenough.

23 Q And was Mr. Greenough a name that you were familiar with
24 prior to that call?

25 A Yes, ma'am.

1 Q And how were you familiar with him?

2 A I've arrested him one time before. And I've dealt with him
3 numerous times on -- on motor vehicle traffic stops and just
4 different investigations that I was involved in.

5 Q And with regard to this time when you placed him under
6 arrest, approximately when was that in relation to February 3rd of
7 2018?

8 A That was about seven years ago from that date.

9 Q Now, other than you, were other -- did other officers respond
10 to that gas station that afternoon?

11 A Yes, ma'am.

12 Q And who were the other officers that initially went on that
13 radio -- on that original radio transmission?

14 A It was Officer Mike Lee, Officer Kaylyn Gooley, and then
15 myself.

16 Q Now, at some point while you were en route to that location,
17 did you receive a radio transmission that the reporting party was
18 no longer at he address?

19 A Yes, ma'am.

20 Q Did you continue to call at that point?

21 A Yes, I did.

22 Q At some point were they asked during -- requested during that
23 radio transmission -- did officers request that they be asked to
24 come to the location to talk to the officers?

25 A Yes, ma'am.

1 Q Now, directing your attention to the timeframe of 3:50 p.m.
2 or thereabouts, do you recall whether you and other officers were
3 responding at that approximate time?

4 A Yes, ma'am.

5 Q Now, who arrived first, second, and third, in that order?

6 A Officer Mike Lee was the first one one scene. And then it
7 was Officer Kaylyn Gooley. And then I -- I arrived third.

8 Q And was this all within a short period of time?

9 A Yes, ma'am.

10 Q Now, as you were arriving, did you receive a radio
11 transmission from Sergeant Pat Silva, specifically Track 10 at --
12 on February 3rd of 2018?

13 MS. LYNCH: With the Court's permission if I could play that.

14 [Audio Playing at 00:08:36 Runtime - Disc 4, Track 1]

15 BY MS. LYNCH:

16 Q Now, what is the Lobster Claw?

17 A It's a seafood restaurant at the North Reading/Reading town
18 line.

19 Q And is that on Main Street?

20 A Yes, it is, ma'am.

21 Q Now, at that point what did you and Officer Lee and Officer
22 Gooley do once you first arrived at the premises?

23 A At that point we attempted to knock on the -- the door to
24 what we thought was the residence.

25 Q And the door that you're referring to, was that an interior

1 | or an exterior door?

2 | A That was an exterior door.

3 | Q When you knocked at that door, did you receive a response?

4 | A No, we did not.

5 | Q Did you try the door handle to see if it was locked or
6 | unlocked?

7 | A Yes, ma'am. It -- It was -- It was locked.

8 | Q What happened next?

9 | A I -- I recall trying to look into the -- any of the windows
10 | and remember seeing that none of the windows were open.

11 | Q Now, in order to do so, where did you go to look at? Which
12 | windows? Where were they situated?

13 | A The windows to the left and to the right of the door. And
14 | then I walked around to the -- to the right of building, as you're
15 | facing it, all the way into the back, into what was -- got too
16 | woody that I couldn't walk a complete 360 around the building.

17 | Q And with regard to that walk around the perimeter of that
18 | side of the building, did you observe any of the windows and their
19 | condition?

20 | A Yeah. All the windows were shut and either the blinds or the
21 | shades were -- were closed so you could not see any -- anything
22 | into the house.

23 | Q Now, just showing you what has previously been admitted as
24 | Exhibit 8, do you recognize the area that is depicted in that
25 | photograph?

1 A Yes, ma'am.

2 Q And is the front door depicted in that photo?

3 A Yes, ma'am.

4 Q And what is the condition of the door as it's shown in the
5 photo?

6 A I believe it's open right now.

7 Q And so, that door was originally closed when you --

8 A Yes, ma'am.

9 Q -- first showed up?

10 And in terms of these windows on the left side, were they
11 open or closed?

12 A Those were closed, ma'am.

13 Q And were the shades drawn initially, those blinds?

14 A Yes, ma'am.

15 Q What about the windows to the right of the door, both on the
16 first level and the upper level?

17 A They were closed, as well.

18 Q Now, did you walk around the side of the building, to the
19 right of the front door?

20 A Yes, ma'am.

21 Q And those windows that are depicted -- appears to be three --
22 what was their condition?

23 A They were closed and shut, as well.

24 Q Now, showing you what has previously been admitted as Exhibit
25 10, do you recognize what is shown in Exhibit 10?

1 A Yes, ma'am.

2 Q And what do you recognize that to be?

3 A That would be the d -- the door in the --

4 Q And is this the back of the building or?

5 A Yeah, that's the back where it's all wooded and --

6 Q Now, do you see this item or object here --

7 A Yes, ma'am.

8 Q -- that I'm pointing to? What was that item?

9 A I -- I believe that's a motorcycle or a moped.

10 Q And is that the location it was in when you walked back
11 there?

12 A Yes, ma'am.

13 Q Showing you what has previously been admitted as Exhibit 11,
14 did you observe the condition of these two windows when you went
15 back there?

16 A Yes, ma'am.

17 Q And at the time that you looked at them, were they open or
18 closed?

19 A They were closed.

20 Q And were the blinds or curtains closed or shut?

21 A Yes, ma'am.

22 Q And this item that I'm pointing to here, does that appear to
23 be a part of that motor bike?

24 A Yes, ma'am.

25 Q Now, in terms of the area directly ahead, can you describe

1 | what this area was, where I'm pointing?

2 | A Yeah. It was the back of a gas station. So, there was a
3 | bunch of, like, propane tanks or some type of tanks and -- and
4 | various cylinders and canisters that made access kind of tough.

5 | Q Now, did you yourself walk back there and observe its
6 | condition --

7 | A Yes, ma'am.

8 | Q -- that night?

9 | A Yes, I did.

10 | Q I'm showing you this photograph. Do you recognize what is
11 | depicted in that photograph?

12 | A Yes, ma'am.

13 | Q And what do you recognize that to be?

14 | A That's the back of the gas station where it was hard to
15 | access going all the way around.

16 | Q And is that a fair and accurate representation of the way it
17 | appeared to you when you walked back there to see if there was any
18 | activity within the apartment itself?

19 | A Yes, ma'am.

20 | MS. LYNCH: I would ask that this be marked as the next
21 | exhibit, please.

22 | [Photo of Back of Building Marked as Exhibit No. 36]

23 | BY MS. LYNCH:

24 | Q Now, once you made that observation, what if anything did you
25 | do at that point? Did you remain in the back, or where did you

1 go?

2 A No, I went back to the front of the building.

3 Q When you went back to the front of the building, was -- did
4 you see Officer Gooley or Officer Lee?

5 A Yes, I did.

6 Q And where were they?

7 A They were at that front door, trying to -- still continuing
8 to knock, announcing their presence.

9 Q And that --

10 A And --

11 Q -- was still the exterior door?

12 A Yes, ma'am.

13 Q Now, at some point did you announce your presence? That is
14 to say, in addition to knocking did anyone identify themselves or
15 who they were as they were knocking at the door?

16 A Yes, ma'am.

17 Q And what was that?

18 A We announced, "Reading Police."

19 Q And were you told why you were knocking -- did you say why
20 you were knocking at the door? Did any of the officers say why
21 they were knocking at the door?

22 A I believe we might've yelled the name Alan. If he was in
23 there -- "We just want to talk to you," if I remember correctly.

24 Q Now, after walking around the building at some point did
25 anyone working in the gas station approach you and other officers?

1 A Yes.

2 Q And did you know who that person was, prior to his
3 approaching you at the station that afternoon?

4 A No, I did not.

5 Q Did you later learn who that was?

6 A Yes.

7 Q And who was that?

8 A That would've been Alan Greenough's brother. There was a
9 couple people that approached me.

10 Q Did you speak to Mr. Greenough's brother?

11 A Yes.

12 Q And what was your conversation with him initially?

13 A Initially, he -- he basically stated that his brother was
14 involved in a domestic with the neighbors, he had been drinking,
15 and that the domestics happen all the time and he's just being,
16 you know, his typical self.

17 Q Did he make any reference to you about the incident the prior
18 night or in the past?

19 A I -- I don't recall, ma'am, at the time.

20 Q Now, what if anything did you tell Mr. Greenough's brother
21 about your reason for being at the house?

22 A I basically stated that we were there for a disturbance call,
23 a domestic issue, and we wanted to speak to Mr. Greenough to find
24 out his version of the story, what happened.

25 Q Now, after you spoke to Mr. Greenough's brother, did he go

1 about his business or did he remain there with you at that time?

2 A It was back and forth. He would leave and then come back and
3 talk to us and then leave and then come back and talk to us.

4 Q Now, at some point did a fourth officer join you and the
5 others at that location?

6 A Yes, ma'am.

7 Q And who was that?

8 A That was Officer Fontes, Zach Fontes.

9 Q Now, as part of your involvement did you learn that Officer
10 Fontes was originally dispatched to meet the parties at the
11 Lobster Claw?

12 A Yes, ma'am.

13 Q And that at some point he had been requested to come back?

14 A Yes, ma'am.

15 Q And were you told that the witnesses would be asked to report
16 to the location?

17 A Yes, ma'am.

18 Q At that point did you know whether or not Mr. Greenough was
19 still in the apartment?

20 A I had no clue yet.

21 Q Now, at some point after you were there for a period of time,
22 did you and your fellow officers gain access into that -- from
23 that exterior -- through that exterior doorway?

24 A Yes, ma'am.

25 Q Do you remember the circumstances?

1 A I -- I believe it was one of the gas station clerks. Or it
2 could've been the roommates. I don't remember it correctly right
3 now. But they brought us a key to that front door and -- and --
4 and we were able to open up that front door.

5 Q Do you recall whether or not a neighbor came down and opened
6 the door?

7 A That's right, yes, it was a neighbor.

8 Q So, once that door was opened, what did it open into?

9 A It opened up into basically a hallway where there was a -- a
10 door on the left, and I believe a door straight ahead.

11 Q Showing you this item, Officer Wilson, do you recognize what
12 that photograph shows?

13 A Yes, ma'am.

14 Q And what is that?

15 A That's the hallway entryway. And then the door on the left
16 is right there.

17 Q And is that a fair and accurate representation of the area
18 that evening?

19 A Yes, ma'am.

20 MS. LYNCH: I'd ask that this be marked as the next exhibit.

21 **[Photo of Apartment Vestibule Marked as Exhibit No. 37]**

22 BY MS. LYNCH:

23 Q And referencing Exhibit 37, is this the exterior door that
24 you were trying to gain entry through?

25 A Yes, ma'am.

1 Q And the door to the apartment that you were knocking at, is
2 this depicted in this area where I'm pointing, to the left side of
3 the picture?

4 A Yes, ma'am.

5 Q Now, who was knocking at that door?

6 A That would've been Officer Mike Lee.

7 Q And where were you when he was knocking at the door?

8 A I was basically at that entryway to the first door.

9 Q And what about Officer Gooley?

10 A Sh -- I believe she was in the same vicinity, if not between
11 me and Officer Lee and -- me and m -- and Officer Lee.

12 Q And do you recall where Officer Fontes was at that time?

13 A I don't remember specifically. But I would imagine he was in
14 the area close to us or near us.

15 Q Now, at some point did you and other officers take any steps
16 to see if there were any other means of exiting or entering the
17 apartment?

18 A Yes, ma'am. That's earlier in the night when I -- earlier in
19 the call, when I first got there. I -- I walked around to see if
20 there was any other doors or accessways to the building. And I
21 couldn't see any. They were all -- Everything was locked and the
22 blinds were all shut and closed.

23 Q Now, as you were attempting to knock on the door, could you --
24 once you got into the interior hallway, could you determine whether
25 there was anyone in that apartment?

1 A No, you could not. No one was responding to our knocks.

2 Q Did you receive use of a key from -- you or other officers,
3 from the roommates or the gas station personnel for that door, to
4 possibly try to open it?

5 A I -- I remember something about a key. But I'm not sure how
6 we obtained it. And I'm not sure how we even --

7 Q And did it allow you into that door?

8 A No, it did not.

9 Q At some point were you in communication with Sergeant Silva
10 concerning what had been transpiring up to that point?

11 A Yes, ma'am.

12 Q Were you informed at 4:01:23 by radio transmission,
13 specifically Transmission No. 15, that other officers were coming
14 -- another officer was coming?

15 A Yes, ma'am.

16 MS. LYNCH: With the Court's permission, I could play this.

17 [Audio Playing at 00:21:13 Runtime - Disc 4, Track 1]

18 BY MS. LYNCH:

19 Q Now, Officer 86, do you know who Officer 86 is?

20 A Yes, ma'am.

21 Q And who is that?

22 A That'd be Officer Matt Vatcher.

23 Q And did Officer Matt Vatcher arrive at that location?

24 A Yes, he did.

25 Q Now, as this was going on, at some point did you become aware

1 that Mr. Greenough was in the apartment itself?

2 A Yes, ma'am.

3 Q And how did you first become aware that he was actually
4 inside the apartment?

5 A Through his brother. His brother let me know that he was
6 inside.

7 Q And what did his brother say to you at that time?

8 A I don't recall specifically what he said. But he stated he
9 was on his phone with his brother, talking to him on the phone.

10 Q And did he indicate that he was trying to get his brother to
11 come to the door and open it up?

12 A Yes, ma'am.

13 Q And did he I don't know that he told you [sic] that you just
14 wanted to talk to Mr. Greenough?

15 A Yes.

16 Q Did he tell you what Mr. Greenough said in response to that?

17 A Yes. He -- He stated that he -- he didn't want to get beat
18 up by the police and that he mentioned some incident that happened
19 in Winchester prior, that he -- that he did get beat up by the
20 police. And -- And I expressed that, you know, we're not here to
21 beat up anyone; we just want to talk to him and get his side of
22 the story.

23 Q And did you ask him to just have him come to the door or
24 window?

25 A Yes, ma'am.

1 Q Where were you when you were having this conversation with
2 the brother who was on the cell phone?

3 A W -- We were right out in front of the -- the apartment/gas
4 station. We were, like, in the front area.

5 Q Now, when Mr. Greenough's brother was on the phone with his
6 brother, could you hear any part of the conversation or sounds
7 coming from the other end of the phone?

8 A Yes, ma'am.

9 Q What could you hear?

10 A I -- I heard him yelling, you know, "No, I'm not coming to
11 the door. They're not coming in. I'm not coming out." And then
12 he mentioned also that "I'm -- I'm not getting beat up." He -- He
13 -- And I remember that Winchester incident where he mentioned that
14 he got beat up by the cops in Winchester.

15 Q Did you know anything about an incident in Winchester?

16 A No, I did not.

17 Q Do you have any information about that event?

18 A No, I do not.

19 Q Now, in terms of that interior office -- strike that -- of
20 the building -- At some point you obviously came out to have this
21 conversation with Mr. Greenough's brother; is that right?

22 A Yes, ma'am.

23 Q So, did -- was there one officer who basically throughout the
24 interaction was in the hallway itself?

25 A Yes, ma'am.

1 Q And who was that?

2 A That was going to be Officer Mike Lee.

3 Q And then you were between both places?

4 A Yes, ma'am.

5 Q Outside and inside?

6 A Yes, ma'am.

7 Q At some point after that conversation did you receive word
8 that Mr. Greenough was coming to the window? Or how did you first
9 become aware of that?

10 A He agreed to speak to me through -- through the screen of --
11 of one of the windows.

12 Q And at that point did you observe the condition of that
13 window change in any way?

14 A Yes, ma'am.

15 Q What did you observe?

16 A The blind or the screen went up, whatever one it was. I
17 don't recall at this time. And then I could see Mr. Greenough
18 through an open screen.

19 Q Was the window itself open or closed?

20 A The window was, I believe, open. And it was just a screen
21 that we were talking through.

22 Q So, do you know if that window had been opened by Mr.
23 Greenough? Or was it always open in the time up until that point?

24 A No, that was opened by Mr. Greenough.

25 Q And in terms of the location of this window in relation to

1 the front door, where -- which window was that?

2 A That would be the first window to the left as -- as -- of the
3 front door.

4 Q And in terms of that window, when you went to that location --
5 Strike that. Were you able to speak to him through that window?

6 A Yes, ma'am.

7 Q That may be somewhat obscured. In terms of Exhibit 8, do you
8 see these windows where I'm pointing, --

9 A Yes, ma'am.

10 Q -- one and two?

11 A Yep.

12 Q Which of those two windows was that window?

13 A The one to the right.

14 Q So, the one that is partially obscured by the porch?

15 A Yes, ma'am.

16 Q And I'm just going to show you what has previously been
17 admitted as Exhibit 15. Do you recognize what room this is?

18 A Yes, ma'am. That was the room directly behind the window
19 that I was talking to Mr. Greenough in.

20 Q And in terms of the window that you talked to Mr. Greenough
21 through, is that window depicted in this photograph?

22 A That's the view that we're looking through.

23 Q Okay. So, this window with blinds partially up ---

24 A Yep, right there, ma'am.

25 Q -- is that window; is --

1 A Yes.

2 Q -- that right?

3 Now, at that point, where did you position yourself?

4 A I was right on the other side of that window.

5 Q And how tall are you, sir?

6 A I'm approximately 6'2".

7 Q And at 6'2" were you able to see in that window or was it
8 above your head?

9 A No, I could see into the window.

10 Q Did you recognize the person inside that you were talking to?

11 A Yes, ma'am.

12 Q And who did you recognize that to be?

13 A Alan Greenough.

14 Q And can you tell us, in terms of your interaction with Mr.
15 Greenough at that point, what happened when he opened that window?

16 A He -- He recognized who I was. He -- He immediately said,
17 you know, "You're the guy that arrested me seven years ago." And
18 he -- he informed me that he beat that charge for possession of
19 heroin.

20 Q What did you observe about his demeanor or tone as he was
21 speaking to you?

22 A He was very enraged. I mean, he had bloodshot, glassy eyes.
23 You know, I could smell alcohol emanating from his breath. He --
24 He was just -- He was just enraged. Very angry person.

25 Q Now, at that -- Based upon your observations, did you form an

1 opinion at that point as to whether or not Mr. Greenough was under
2 the influence of any alcohol or drugs at that time?

3 A Yes, ma'am. It was pretty evident to the indicators that I
4 observed that he was under the influence of alcohol and some form
5 of a narcotic.

6 Q Now, at that point did you say anything to Mr. Greenough in
7 terms of interacting with him?

8 A I -- I believe I mentioned, you know, that the incident
9 happened seven years ago and the reason why I'm here right now is
10 to find out, you know, what happened -- what happened today and
11 what caused us to show up at that residence.

12 Q And at some point did he respond to that?

13 A Yes, ma'am.

14 Q What did he say?

15 A He -- He s -- basically said -- You know, he showed me the
16 room and goes, "Look at it. Look at this. This place is a mess.
17 They destroyed this -- this place." And he also mentioned
18 something to the fact that the two roommates were in his room
19 messing with his stuff at one point and that's what caused him to,
20 you know, go off and be angry.

21 Q Did he indicate anything about what his role was in any of
22 this?

23 A No, he did not, ma'am.

24 Q Did he tell you he didn't do anything wrong?

25 A Right. He stated he didn't do anything. He wasn't aware.

1 Q Now, during this time did you see him make any physical
2 gestures while you were standing outside?

3 A Physical gestures?

4 Q Yes.

5 A I'm not sure. I'm pretty sure when I was looking at him
6 through the window he did have a -- a club in his hand.

7 Q And what if anything did he say as he did that?

8 A When I spoke to him and asked him, you know, what our purpose
9 was there -- you know, to find out his side of the story and that
10 we were there to arrest because we had probable cause to arrest --
11 I -- I stated -- or he stated to me that if anyone comes into this
12 place they're going to get this club over the side of their head.

13 Q And do you recall what word he used? Or did he just refer to
14 the object?

15 A Sp -- I -- Specifically said, "You're going to get this club
16 over your fucking head."

17 Q Now, with regard to your interaction with Mr. Greenough at
18 that time, was that the only profanity that was used?

19 A I -- I believe so, ma'am.

20 Q And at some point did your interaction with him end?

21 A Yes, ma'am.

22 Q And how did that end?

23 A I -- I basically told Alan that, you know, we had PC to
24 arrest and that's what we were going to do: we were going to place
25 him into custody. And then I believe he -- he s -- that -- at

1 that point, he slammed the window in front of my face and -- and
2 just stormed off.

3 Q And did -- What was the condition of the blind? You indicate
4 the window was shut, but what about the blind?

5 A The blind was still up, so you could see into the -- into the
6 house or apartment.

7 Q Now, as this was going on, did you -- or were you in radio
8 communication with Sergeant Silva?

9 A Yes, ma'am.

10 Q And was it your understanding that Sergeant Silva was to be
11 the supervisor for the four-to-midnight shift --

12 A Yes, ma'am.

13 Q -- that was just due to come in?

14 A Yes.

15 Q Now, at some point were you communicating with him to confirm
16 the existence of probable cause to arrest?

17 A Yes, ma'am.

18 Q And I'm just going to direct your attention to a radio
19 transmission at 4:21:52 p.m., Track No. 30. And I'm going to ask
20 you if you would listen to it and if you can identify who the
21 participants are.

22 [Audio Playing at 00:31:35 Runtime - Disc 4, Track 1]

23 BY MS. LYNCH:

24 Q Now, who were the speakers in that radio transmission?

25 A That would be me and Sergeant Silva.

1 Q And who used the word "pole" in that transmission?

2 A I did.

3 Q Can you describe what this object looked like?

4 A Yeah, it was basically the wooden leg of a -- of a chair that
5 was demolished.

6 Q And were you able to see from your vantage point how it was
7 being held, if at all?

8 A Yeah, like a -- basically like a baseball bat.

9 Q I'm showing you this item. Do you recognize what this item
10 is?

11 A Yes, ma'am.

12 Q And what do you recognize this to be?

13 A This was the pole that he had in his hand and he threatened
14 to -- threatened to hit us with.

15 MS. LYNCH: And I will be asking that this be marked as an
16 exhibit. We can put it on the bag, if that's okay.

17 THE COURT: Yes, that's fine.

18 [Table Leg Marked as Exhibit No. 38]

19 BY MS. LYNCH:

20 Q Using the object which has been marked as Exhibit 38, can you
21 just indicate for the record how you observed it being held?

22 A Yeah, he was just holding it down like this and then, you
23 know, making aggressive motions with it as, you know, raising it
24 up like that and just being real threatening about it with it.

25 [Demonstrating.]

1 Q So, can you verbally describe the movements that you've made?

2 A You want me to stand up and show you?

3 Q Yes, if you would.

4 A Yeah, just -- just, you know, just using his arms, his hands.

5 And then, you know, I'm not -- I don't recall if he -- if he swung

6 it like this or like that. But just being real aggressive and

7 letting us --

8 Q And was it --

9 A -- know that --

10 Q Was it at a constant height or did --

11 A No, he --

12 Q -- he pull up?

13 A -- was moving it up like this, down like this.

14 [Demonstrating.] You know, he had it all over the place.

15 Q So, you've demonstrated an up-and-down movement --

16 A Yes, ma'am.

17 Q -- along your side?

18 A Yes, ma'am.

19 THE COURT: And officer, you described it as a pole on the

20 day of the incident. And then you just said a wooden leg. Did

21 you know when you saw it?

22 THE WITNESS: I did not know it was a wooden leg --

23 THE COURT: Leg. When you -- after the fact --

24 THE WITNESS: -- until after the fact when we made entry.

25 BY MS. LYNCH:

1 Q Now, as a result of that radio transmission that you made, I
2 believe you used the words "It's a horror show," something along
3 those lines?

4 A Yes, ma'am.

5 Q I want to direct your attention to -- I'd direct your
6 attention to Track 32.

7 [Audio Playing at 00:35:11 Runtime - Disc 4, Track 1]

8 MS. LYNCH: And for the record, that radio transmission was
9 at 4:22:58.

10 BY MS. LYNCH:

11 Q Who was "80"?

12 A That would be Sergeant Silva.

13 Q And "66" was you?

14 A Was myself.

15 Q Now, with regard to the events that happened next, directing
16 your attention to the time approximately 4:29:21 p.m., did you
17 have an opportunity at that approximate time to see other officers
18 arriving at that location?

19 A Yes, ma'am.

20 Q And who did you see arrive, in what order?

21 A I believe it was Sergeant Silva and then I believe Officer
22 Dave Savio and then Officer Erik Drauschke arrived, as well.

23 Q And this was in the timeframe of 4:29 p.m. that they arrived?

24 A Yes, ma'am.

25 Q Now, at some point had firefighters gone to that location at

1 the request of the police department?

2 A Yes, ma'am.

3 Q The -- Did the fire department ever make entry into that
4 apartment?

5 A No. We asked them to and they declined to do so.

6 Q And so, originally were they called when you were uncertain
7 as to whether anyone was inside the house?

8 A Yes, ma'am.

9 Q And then when it became clear that there were people in the
10 house, they would not make that entry for you?

11 A Yes, ma'am.

12 Q And so, was it around this time that the fire department
13 left?

14 A Yes, ma'am.

15 Q What happened with Sergeant Silva, Officer Savio, and Officer
16 Drauschke arrived at that location?

17 A I briefed them on the situation as far as what was going on.
18 I stated that, you know, Alan was not willing to come out and talk
19 to us. I stated that I did talk to him through the screen door
20 [sic] and that his, you know, demeanor was very irrational. He
21 was under the influence of an unknown type of narcotic and
22 alcohol. And he was just not rational whatsoever.

23 Q Now, at that time can you tell us, did something happen that
24 attracted your attention, you and other officers?

25 A Yes, ma'am.

1 Q What was that?

2 A Alan Greenough's brother came over and talked to us. And he
3 stated that he was just in the house and he did not see his
4 brother.

5 Q What happened next?

6 A And then we asked him, you know, "How did he get in the
7 house?" And then he informed us that there was a -- a side door
8 inside the -- the clerk's office of the gas station that was
9 another entrance into the building.

10 Q And was this the first that you personally had learned about
11 another door --

12 A Yes, ma'am.

13 Q -- into that apartment?

14 As a result of receiving that information from Mr.
15 Greenough's brother, what if anything did you do?

16 A Then we -- we went ahead and we gathered up a team and -- to
17 go into the house to -- to look for Mr. Greenough.

18 Q Now, can I ask you, in your conversation with Mr. Greenough's
19 brother, did he ever tell you that he had seen his brother come
20 out of that room prior to that time?

21 A No, he did not.

22 Q Now, once this door was brought to the officers' attention,
23 what happened next?

24 A We made entry and attempted to search for Mr. Greenough
25 inside the house.

1 Q And how did you make entry into the house?

2 A We -- We stacked ourselves up, just standard room-clearing
3 procedures. You know, we went --

4 Q Okay, but what door did you enter?

5 A Oh, we went -- entered the doorway that was basically in the
6 lobby of the gas station.

7 Q And showing you what has previously been admitted as Exhibit
8 No. 19, do you recognize what is depicted in this photograph?

9 A Yes, ma'am.

10 Q And what do you recognize it to be?

11 A That's the door that we made entry into the apartment with.

12 Q And as to the two doors that are shown in Exhibit 19 -- one
13 to the left, a brown color; and one to the right, a white color --
14 which is the door that you entered? I'll bring the photo closer
15 to you if you need to see it.

16 A I'm pretty sure it was that door. [Indicating.]

17 Q Okay. So, when you say "that door," is it -- are you
18 referring to the white door?

19 A Yes, ma'am.

20 Q Okay. Now, who made entry into the actual apartment itself?

21 A I believe there was four of us. It was myself, Sergeant
22 Silva, Officer Gooley, and I believe it was Officer Fontes, if I
23 remember correctly.

24 Q Was -- Officer Gooley was one of those officers?

25 A Yes, ma'am.

1 Q And when you entered the apartment, what room did you enter?

2 A We entered that room directly that I was speaking to Alan
3 Greenough through the window in. That was kind of like the big
4 open room area.

5 Q And what did you observe about the condition of the room when
6 you entered it?

7 A It was totally destroyed. Every -- All the furniture was
8 broken and busted and on the floor. There was pieces of furniture
9 everywhere.

10 Q What if anything happened next?

11 A At that point we announced, you know, our presence. We
12 announced, "Police." And we announced, "Alan, come on out. Show
13 us your hands. If you're in here, come on out." And then we just
14 continued walking deeper into the room.

15 Q Can you describe what next happened and what you observed?

16 A And then we went to one of the back bedrooms and I
17 immediately saw that one of the windows was opened.

18 Q Now, were you able to hear radio transmissions from other
19 officers, specifically Officer Savio, at around the time that you
20 folks were making entry into the apartment?

21 A Y -- Y -- I believe so, ma'am, yes.

22 Q And directing your attention to the Radio Transmission 35 at
23 4:30:58 on February 3rd.

24 MS. LYNCH: If you would play that, please.

25 [Audio Playing at 00:41:38 Runtime - Disc 4, Track 1]

1 BY MS. LYNCH:

2 Q And did you actually look out that window at some point?

3 A Yes, I did, ma'am.

4 Q And could you see Officer Savio --

5 A Yes, ma'am.

6 Q -- outside?

7 What happened next?

8 A At -- At that point, I asked Officer Savio if he saw any
9 footprints in the snow, because when I first got to the scene I
10 know for a fact that that window was shut. And I -- Basically,
11 this guy just jumped out the window on us. So --

12 Q So what if anything happened next?

13 A At -- At that point, Officer Drauschke gets over the radio
14 and we hear him say that he's over by the -- I believe it was
15 either Humvees or -- or by the cars.

16 Q Now, directing your attention to radio transmission at
17 4:33:13 p.m., Track 38.

18 MS. LYNCH: Would you please play that.

19 [Audio Playing at 00:42:36 Runtime - Disc 4, Track 1]

20 BY MS. LYNCH:

21 Q And did you recognize the voice on that transmission?

22 A Yes, ma'am.

23 Q And who was that?

24 A That was Officer Erik Drauschke.

25 Q Now, were you in the apartment at the time that you received

1 that?

2 A Yes, ma'am.

3 Q Did you continue clearing the house at that point?

4 A At that point, we knew he wasn't in the house, so we -- we
5 basically turned around and we stopped our search.

6 Q Now, I'll direct your attention to the time 4:33:25. Did you
7 receive this transmission, Track 39?

8 [Audio Playing at 00:43:14 Runtime - Disc 4, Track 1]

9 BY MS. LYNCH:

10 Q From your vantage point inside the residence portion of the
11 premises, prior to hearing that radio transmission did you hear
12 anything that sounded like gunshots?

13 A Yes, ma'am, we did.

14 Q How many did you hear?

15 A Two gunshots.

16 Q As a result of that, what did you and other officers do?

17 A We immediately exited the room that we were in and ran out to
18 the front to see what was going on.

19 Q Now, when you ran out the door, as you were running out of
20 the gas station part of the premises, which direction did you go?

21 A I went to the left.

22 Q Did you see where other officers went at that time?

23 A Yes, ma'am. We all pretty much went to the left.

24 Q When you heard the radio transmission of "shots fired," did
25 you know or could you tell which direction they came from?

1 A No, ma'am.

2 Q And so, when you went out, you went to the left?

3 A Yes, ma'am.

4 Q Can you describe what happened next?

5 A Yeah. We -- We -- When I went outside, all of a sudden I
6 looked to my right and then I see Alan's brother in hysterics,
7 crying or yelling, "They didn't have to shoot my brother. They
8 didn't have to shoot my brother."

9 Q What did you do next?

10 A At that point I ran over to the right and I -- I saw Officer
11 Drauschke attempting to handcuff Alan Greenough. And as I got
12 closer, I realized that his chest was just full of blood.

13 Q Now, at the point when you arrived, had Officer Gooley
14 already gotten to that location when you got there?

15 A Yes, ma'am.

16 Q And what if anything happened as you approached where Officer
17 Drauschke, Mr. Greenough, and Officer Gooley were?

18 A They were attempting to resuscitate Mr. Greenough by doing
19 chest compressions.

20 Q Did you observe whether they had Mr. Greenough handcuffed at
21 that time?

22 A Yes, he was handcuffed.

23 Q And in order to give him emergency medical aid, did you see
24 what position he was in at that time?

25 A Yeah. He was basically on his back.

1 Q Now, when he was lying on his back, can you describe what
2 they were doing at that time?

3 A Yeah. They were pushing on his chest.

4 Q Now, do you remember previously giving a statement to the
5 police on the night of this incident at the police station?

6 A Yes, ma'am.

7 Q And do you remember that when you approached -- that he and
8 Officer -- Officer Drauschke and Officer Gooley were attempting to
9 handcuff Mr. Greenough with one arm behind his back?

10 A Yes, ma'am.

11 Q Did you see that?

12 A Yes, ma'am.

13 Q What was Mr. Greenough's position at that point, when they
14 were trying to handcuff --

15 A At that pat [sic], before they started CPR, he was basically
16 on his knees. Actually, not on his knees. I think he was on his
17 butt with his, like, feet sticking out like this. And he was kind
18 of, like, slumped over a little bit.

19 Q And they were at that point trying to handcuff him?

20 A Yeah, they put his hands behind his back and -- at -- at that
21 point trying to handcuff him.

22 Q And then once that was accomplished, what happened next?

23 A At that point, that's when they put him down and started CPR.

24 Q So, when you say put him down, he was flat, in a prone
25 position?

1 A Yes, ma'am.

2 Q And he was face up?

3 A Yes, ma'am.

4 Q And what were the measures that were taken at that point?

5 A Conduct -- We -- We -- We got the paramedics back. We called
6 over the radio to have the paramedics come back immediately. And
7 then we started -- or Officer Gooley and -- and I don't recall who
8 the other person was, but -- started CPR.

9 Q By this point had you been joined at that location by other
10 officers that were on the call?

11 A Yes, ma'am.

12 Q And did that include Officer Vatcher, Officer Lee, and
13 Sergeant Silva?

14 A Yes, ma'am.

15 Q Now, did you at any point talk to Officer Drauschke and ask
16 him what happened?

17 A Yes, I did.

18 Q And what if anything did he do or say in response to that
19 question?

20 A Yeah, I asked Erik why he -- why he shot. And -- And Erik
21 told me. He goes, "Sean, he was -- came running at me with his
22 hands in his pocket," basically at -- attempting to conceal
23 something. And he told him to stop and he kept on running. So,
24 at that point he -- he shot his weapon when he would not stop
25 chase -- coming towards him.

1 Q Now, at that point were you given an assignment?

2 A Yes, ma'am.

3 Q And what was that?

4 A It was to identify all the witnesses that were on scene and
5 then, you know, get their names and the pertinent information.

6 Q And as a result of that, where did you go to do that?

7 A The -- Basically the Clerk's Office of the gas station.

8 Q And who did you speak to at that location?

9 A I -- I spoke to the -- the three clerks and Mr. Greenough's
10 brother.

11 Q And during that time, did you interview them concerning their
12 observations or did you just get their information?

13 A At that point I -- I just was trying to get their names and
14 date of births and addresses, cell phone numbers.

15 Q Now, while you were at that location getting names and
16 numbers, did Mr. Chaghouri, the owner of the gas station, provide
17 you with any information that you did not know before concerning
18 Mr. Greenough coming out of the apartment?

19 A Yes, ma'am.

20 Q What did he tell you at that time?

21 A At that point, he told me that Mr. Greenough came out of the
22 door that we made entrance and basically threatened him. You
23 know, "Don't let the cops in here," or something to the effect of
24 "Don't let kn -- Don't let them know I'm in here." And he
25 basically made aggressive -- bas -- b -- basically a -- aggressive

1 movements with the club in his hand, toward -- directed towards
2 the -- the clerk there.

3 Q So, when you say the club in his hands, what did Mr.
4 Chaghouri tell you was the object that Mr. Greenough had when he
5 came into the office?

6 A I believe it was that wooden chair [sic] leg.

7 Q And did he physically demonstrate to you what he -- what Mr.
8 Greenough did with that in his presence?

9 A Yes, ma'am.

10 Q And what did he physically demonstrate for you?

11 A Demonstrated, like, pointing it at him and swinging it --
12 swinging it towards him in his direction.

13 Q Now I'm going to direct your attention to the video.

14 MS. LYNCH: If we could fast-forward to the area that would
15 be -- I'll get the time in a moment. This would be starting Video
16 C2, timestamp 1708:40, real-time 4:35:50.

17 [Video Playing at 00:50:44 Runtime - Disc 4, Track 1]

18 MS. LYNCH: That's outside; I'm sorry. No, we can -- If you
19 could fast-forward to 1710:03, which is 4:37:13 in the video.

20 [Video Playing at 00:51:18 Runtime - Disc 4, Track 1]

21 BY MS. LYNCH:

22 Q And this individual coming in is who?

23 A That's the clerk and Mr. Greenough's brother. Or that's the
24 owner, I believe, and then Mr. Greenough's brother. And that's
25 me.

1 [Video Playing at 00:52:00 Runtime - Disc 4, Track 1]

2 BY MS. LYNCH:

3 Q And was it while you were in the office here that you spoke
4 to the owner and he --

5 A Ye --

6 Q -- demonstrated this to you?

7 A Yes, ma'am.

8 Q And that individual that you're speaking to, as it shows on
9 Counter 11-7, who is that?

10 A That's Alan Greenough's brother.

11 THE COURT: Can we pause for a minute? I just want to make
12 sure I'm clear on something. Ms. Lynch, you just said, "Is that
13 when he demonstrated this --

14 MS. LYNCH: While they were --

15 THE COURT: -- to you?"

16 MS. LYNCH: -- in the office.

17 THE COURT: Demonstrated what, though?

18 MS. LYNCH: The movement that Mr. Greenough made when he came
19 in the office.

20 THE COURT: Okay.

21 BY MS. LYNCH:

22 Q Is that fair to say?

23 A Yes, ma'am.

24 Q You understood?

25 THE COURT: Okay. That -- But maybe I'm -- I thought there

1 was the owner, and then I thought you said -- Is that Mr.
2 Chaghouri?

3 MS. LYNCH: Chaghouri.

4 THE WITNESS: That's the owner right there, the guy with the
5 --

6 THE COURT: Is his --

7 THE WITNESS: -- blue sweatshirt.

8 THE COURT: -- name Mr. Chaghouri? I'm --

9 THE WITNESS: Because you said, I thought, Mr. Chaghouri was
10 the one who demonstrated that.

11 THE COURT: Yes, ma'am.

12 THE WITNESS: And that's --

13 MS. LYNCH: Hasn't happened yet.

14 THE COURT: That's the name of the owner?

15 MS. LYNCH: Yes.

16 THE COURT: Okay.

17 MS. LYNCH: This is. Sorry.

18 THE COURT: All right.

19 [Video Playing at 00:53:51 Runtime - Disc 4, Track 1]

20 BY MS. LYNCH:

21 Q Now, as you see him pointing and gesturing at that time, what
22 is he talking about?

23 A He -- He's telling me that Alan came out from that door that
24 we made entry in, came out and threatened him, that if in --
25 That's him explaining to me what was going on right now and --

1 Q Okay. Thank you. I'm going to stop there.

2 Now, did you also speak to and get contact information for
3 the employees of the gas station, specifically a Mr. Randall and a
4 Mr. Ortiz, --

5 A Yes, ma'am.

6 Q -- in addition to Mr. Chaghouri and Alan's brother, Anthony
7 Perrotti?

8 A Yes, ma'am.

9 Q Now, at some point while you were in that office, you had
10 conversation with Anthony; is that right?

11 A Yes, ma'am.

12 Q And what was that conversation?

13 A It was not very cooperative. He -- He wouldn't give me any
14 information as far as his name or anything. I -- He -- He refused
15 to basically speak to me or answer any of my questions.

16 Q Did he make any reference to the person who shot his brother?

17 A Yes, ma'am.

18 Q And do you recall what he said about that person?

19 A I -- I believe he said, you know, the -- I think he said,
20 "The fat bastard that came last with the mean mug on his face is
21 the one that shot my brother."

22 Q In terms of your role, how long did you stay at the gas
23 station that evening?

24 A I believe I was there -- I don't remember s -- specifically
25 exact time when I left. But I was there when I was told to go to

1 the sta -- or the -- the station and -- and be -- and interviewed
2 by the state police.

3 Q And were you interviewed by the state police and did you know
4 that were you being recorded when you were interviewed?

5 A Yes, ma'am.

6 Q Now, have you subsequently had an opportunity to review that
7 transcript of your testimony?

8 A Yes, ma'am.

9 Q With regard to your involvement in this investigation, did
10 you ever tell Anthony Perrotti, "If we go in there, he's going to
11 end up with a broken nose or a broken jaw"?

12 A No, ma'am.

13 Q In terms of anyone getting injured, what if anything did you
14 say to Mr. Perrotti or Mr. Greenough about that?

15 A I -- I just remember during the incident where he mentioned
16 the Winchester Police beating him up. I remember saying, you
17 know, "We're not here to beat anyone up. We're -- We just want to
18 get your version of events of what happened." That's all I
19 remember, according -- regarding that.

20 Q Did you ever express concerns that someone could get injured
21 in arresting an uncooperative person?

22 A I -- I don't believe so, ma'am. I don't recall.

23 MS. LYNCH: If I might just have one moment, Your Honor.

24 THE COURT: Sure.

25 MS. LYNCH: Thank you, sir.

1 **CROSS EXAMINATION OF WITNESS, OFFICER SEAN WILSON**

2 BY THE COURT:

3 Q Officer, when you were speaking to Mr. Greenough, Officer
4 Gooley was on scene at the time?

5 A She was on scene, yes, ma'am.

6 Q On scene?

7 A But she wasn't, like, next to me.

8 Q Where was she?

9 A Somewhere behind me. Or she could've been, like, over in the
10 doorway/passageway area, 'cause they were still just standing --
11 I'm -- I'm not sure specifically where she was at. But when I was
12 talking to Alan Greenough through the window, it was just me and
13 him talking.

14 MR. PASCIOCCO: Thank you.

15 **CROSS EXAMINATION OF WITNESS, OFFICER SEAN WILSON**

16 BY MR. PASCIOCCO:

17 Q Good afternoon, sir.

18 A Good afternoon, sir.

19 Q My name is Peter Pasciucco. I represent Officer Erik
20 Drauschke. I just have a few questions for you today.

21 A Sure.

22 Q You indicated on direct examination that you worked as a
23 Reading police officer for 13 years; is that correct?

24 A Yes, sir.

25 Q Okay. And during your 13 years with Reading, Officer

1 Drauschke has been a police officer for approximately 12 of those
2 years; is that correct?

3 A Yes, sir.

4 Q Okay. And you've had a chance to work with him on occasion,
5 work the same shift --

6 A Yes, sir.

7 Q -- as him? And you've responded to calls with him?

8 A Yes, sir.

9 Q And you've seen him interact with conversations as well as
10 other police officers as well as suspects; --

11 A Yes, sir.

12 Q -- is that correct?

13 And you've never had concerns about his abilities as a police
14 officer?

15 A No.

16 Q Okay. You've never had concerns about his judgment on the
17 job?

18 A No.

19 Q Okay. Officer Wilson, you didn't respond to the call on
20 Friday, February 2nd, 2018; is that correct?

21 A No, I was not.

22 Q Okay. When you arrived to the gas station on February 3rd,
23 2018, did you have any information as to what had transpired the
24 night before?

25 A We -- We just went over it briefly in roll call through the

1 log incident. It was basically a domestic where Alan Greenough
2 roughed up the boyfriend or the girlfriend -- or it might've even
3 been both; I can't remember at this time -- of those two
4 individual parties. And -- And from that incident last night, we
5 -- we had PC to arrest Mr. Greenough.

6 Q Okay. So, when you arrived on scene, you knew that you were
7 looking for Alan Greenough?

8 A Yes.

9 Q Okay. And you had had prior interactions with Mr. Greenough
10 over the years?

11 A Yes, I have.

12 Q Okay. And you indicated that you had arrested him about
13 seven years prior to this incident?

14 A Yes.

15 Q Do you remember the details of that arrest?

16 A Yeah. There was a -- a hand-to-hand exchange at three-fif --
17 352 Main Street that I observed him make. And then he got into
18 his vehicle. I believe it was a truck, at the time. And I made a
19 motor vehicle stop. He made some furtive movement. I had him
20 exit the vehicle. I found heroin in his pocket. And then I
21 arrested him for possession of Class A, heroin.

22 Q Okay. And you indicated that in addition -- That was the
23 only time you arrested him, but you had other interaction with --

24 A Right. A --

25 Q -- him over the years?

1 A Another time during that same period -- actually it might've
2 been afterwards, I believe; I'm not sure it was afterward or
3 before, but -- I pulled him over on, I believe it was, Ash Street.
4 He had a taillight or a brake -- a license plate light out. And I
5 pulled him over for that. And he had a Stephanie Conway in the
6 car with him, who was known to us as well. And I gave him a money
7 fine for defective equipment.

8 Q Okay. And who's Stephanie Conway?

9 A She was just another person that was in the vehicle during
10 that motor vehicle stop.

11 Q Okay. But you indicated that she's known to you?

12 A Yes. She was the one that sold Alan Greenough the heroin --

13 Q Okay.

14 A -- during that prior arrest.

15 Q Okay. Had you had any involvement with Anthony Perrotti
16 prior to this?

17 A No, I have not.

18 Q Okay.

19 THE COURT: So, I'm sorry; so, the interactions, were those
20 two things?

21 THE WITNESS: Ye -- Yes, ma'am.

22 THE COURT: Two different -- Okay.

23 BY MR. PASCIOCCO:

24 Q And you said that you had not -- had no interaction or
25 involvement with Anthony Perrotti prior to this?

1 A No, ma'am -- or no, sir. My bad.

2 Q When you arrived to the scene, what's the first thing you
3 did? Did you go directly to the door or did you make the loop
4 around the apartment?

5 A The first thing, I believe we went to the door. We got no
6 answer at the door. And then I walked around, you know, the front
7 and then the l -- the right side and then the back side, until I
8 couldn't really traverse anymore because it was too thickly wooded
9 and all the stuff was in the way. And I observed that none of
10 those windows were open and I couldn't see inside the building at
11 all.

12 Q Okay. Approximately how long were you on scene before the
13 neighbor came down and opened the door, if you recall?

14 A I would say best guesstimate was twenty minutes to a half an
15 hour.

16 Q Okay. During that time-period, were you ever notified by
17 Anthony Perrotti that there was a second door inside the clerk's
18 office?

19 A No, I was not.

20 Q Okay. When you were conversing with Mr. Greenough through
21 the window, you indicated that he was angry and that his tone --
22 Would you describe it as belligerent?

23 A Yes, very belligerent.

24 Q Okay. How about confrontational?

25 A Very confrontational.

1 Q Okay. And you did witness him with what you at the time
2 believed was a club in his hands?

3 A Yes.

4 Q Okay. And you observed the video of you inside the office of
5 the gas station speaking with the owner, Mr. Chaghouri?

6 A Yes.

7 Q That's up on the screen here?

8 A Yep.

9 Q And is that from after shots were fired?

10 A Yes, it is.

11 Q Okay. And the movements or the demonstrations that Mr.
12 Chaghouri was making with reference to the pole or the club, was
13 that similar to what you observed Mr. Greenough doing through the
14 window?

15 A Yes, it was.

16 Q Okay. And approximately how close did you get to Mr.
17 Greenough? I know that there was a screen between you, but --

18 A Three feet?

19 Q Three feet? And --

20 A Or there -- There was -- Basically, the window sill was
21 separating us -- us. I was, like, bending over, looking in to s --
22 trying to make observations of what was in there and, you know,
23 seeing the level of destruction of the property that was inside the
24 house. So, I -- two/three feet, max.

25 Q And you've been a police officer for 13 years; you've

1 | interacted with individuals who are under the influence of
2 | alcohol; is that correct?

3 | A Yeah, yes.

4 | Q As well as individuals that are under the influence of
5 | narcotics; is that correct?

6 | A Yes.

7 | Q Okay. Based on your dealings with Mr. Greenough, three feet
8 | away, through the screen window, did you have an opinion as to
9 | whether he was intoxicated by both alcohol and drugs?

10 | A Yes, most definitely.

11 | Q Okay. So, at this point, when you're dealing with him
12 | through the window, you would agree that he was hostile, he was
13 | angry, and he was armed; is that correct?

14 | A Yes.

15 | Q Okay. And that's when you radioed or made the radio
16 | transmission about Mr. Greenough having a -- "He's got a pole"; is
17 | that --

18 | A Yes.

19 | Q -- correct?

20 | Okay. And I think you labeled it as a "horror show"?

21 | A Yes.

22 | Q Okay. Eventually you made entry into the apartment, at the
23 | residence; is that correct?

24 | A Yes, we did.

25 | Q Okay. And once you made entry into the residence, you

1 immediately observed the tables and the chairs that were smashed
2 on the ground?

3 A Yes.

4 Q Okay. Did you have any understanding or a -- did you have
5 any knowledge as to how tables and chairs came to be destroyed or
6 --

7 A I -- I -- I --

8 Q -- smashed like that?

9 A I learned that after the fact.

10 Q Okay. And what did you learn after the fact?

11 A Basically, that's from the night-before's incident on the
12 second. Anthony destroyed the place 'cause he was on a bender.

13 Q Anthony or --

14 A Or --

15 Q -- Al?

16 A A -- My bad. Alan destroyed the place. My bad.

17 Q Okay.

18 THE COURT: Who did you learn that from?

19 THE WITNESS: The roommates.

20 THE COURT: And your opinion that he was under the influence
21 of both alcohol and drugs was based on what?

22 THE WITNESS: I could smell the alc -- odor of alcohol from
23 his breath. His eyelids were droopy and his pupils were really
24 constricted. And basically his eyes were, like, real glassy, all
25 indicators of opiate use, through training and experience.

1 THE COURT: And what training do you have in that?

2 THE WITNESS: Approximately about 60 hours of narcotic
3 investigations.

4 THE COURT: Go ahead; I'm sorry.

5 BY MR. PASCIUCCO:

6 Q Officer Wilson, I know you had demonstrated what Mr.
7 Greenough was doing with the pole or the club earlier. Did you
8 notice anything else about his movements, whether or not he was
9 jittery or moving back and forth?

10 A He was just all over the place. But his movements were --
11 were -- were slow and lethargic like he just -- You know, he
12 definitely was not rational when I was speaking to him and, you
13 know, not just c -- not thinking with a -- with a clear head.

14 Q And after shots were fired, you responded to the area by the
15 Hummer; is that correct?

16 A Yes.

17 Q What route did you take to get there?

18 A Basically walked right in front of the gas station to -- The
19 Hummer was on the far left of the gas station. So, basically a
20 straight road.

21 Q And did it take you any time to find out where -- or learn
22 where Officer Drauschke and Mr. Greenough and Officer Gooley were
23 situated? Or could you immediately see them?

24 A Once I got close enough to them. They were probably maybe
25 25-30 yards away. Once I got close enough to them -- and there

1 was vehicles in the way, so I couldn't see them right away -- then
2 I realized, you know, what had happened.

3 Q What do you remember being in the area in addition to the
4 Hummer and the individuals? What -- You said there were vehicles.
5 Do you remember anything else?

6 A Yeah, it was basically like the used car lot of a gas
7 station. All of the cars that were either being waiting to
8 repaired [sic] or being repaired, they were kind of like all lined
9 up. And where Erik was was in between these vehicles.

10 Q Okay. So, in order to get from sort of the pump area of the
11 gas station to where Officer Drauschke, Mr. Greenough, and Officer
12 Gooley were located, did you have to maneuver around any cars?

13 A I believe so, yes.

14 Q Okay. And when you arrived to that location, you asked
15 Officer Drauschke what had happened; is that correct?

16 A Yes, I did.

17 Q Okay. And he indicated to you that Mr. Greenough's hands
18 were in his pockets?

19 A Yeah. He mentioned that his -- he was hiding his hands.
20 Erik stated that he was coming at him. And Erik told him to "Show
21 me your hands." And when he didn't show Erik his hands, that's
22 when he shot him.

23 Q Okay. Now, after the -- after you were at that particular
24 area or that scene, you went back and that's when you spoke with
25 other individuals on scene, trying to get names and whatnot?

1 A Yes.

2 Q And you indicated that Anthony Perrotti was not cooperative
3 in that respect?

4 A Not at all.

5 Q Did you ask him for his name?

6 A Yes, I did, numerous times.

7 Q Would he give you his name?

8 A No, he would not.

9 Q Okay.

10 MR. PASCIUCCO: Just one moment.

11 THE COURT: Mm-hmm.

12 MR. PASCIUCCO: Thank you, officer.

13 [Witness steps down]

14 THE COURT: Officer Michael Lee, please.

15 [OFFICER MICHAEL LEE, Sworn.]

16 **DIRECT EXAMINATION OF WITNESS, OFFICER MICHAEL LEE**

17 BY MS. LYNCH:

18 Q Good afternoon, sir. If you would, would you state your name
19 and spell your last name for the record.

20 A Officer Michael Lee. Last name is spelled L-E-E.

21 Q What is your occupation, sir?

22 A I am a police officer.

23 Q And where are you a police officer?

24 A Town of Reading.

25 Q How long have you been a Reading police officer?

1 A About 20 years.

2 Q Sir, directing your attention to Saturday, February 3rd of
3 2018, were you on duty with the Reading Police?

4 A I was.

5 Q What was your assignment that day?

6 A I was working patrol.

7 Q And as such, are you in uniformed assignment?

8 A I was.

9 Q Were you assigned to a marked police vehicle?

10 A I was.

11 Q Were you alone or with a partner?

12 A I was by myself.

13 Q Were you assigned to a particular area of the Town of
14 Reading?

15 A Yes. We call it Sector 2. It's the south part of town.

16 Q And whether or not 1462 Main Street is part of that sector?

17 A It is not.

18 Q So, in terms of your duties that day, this was not within
19 your regularly apportioned area of patrol; is that right?

20 A Correct, it was not in my s -- usual sector.

21 Q What is your radio call number?

22 A Five-eight, fifty-eight.

23 Q And is that your badge number?

24 A That is.

25 Q Now, directing your attention to 3:46:23 p.m. or thereabouts,

1 did you receive a radio transmission?

2 A I did.

3 Q And as a result of that, were you dispatched to a particular
4 location?

5 A I was dispatched to the gas station, 1462.

6 Q And that's 1462 Main Street?

7 A Yes.

8 Q And what was the nature of the call that you received?

9 A We had a report that there -- a domestic had happened in the
10 past. And we were trying to go up there and make contact with the
11 suspect.

12 Q And were you identified -- were -- was the suspect identified
13 to you by name in the radio transmissions you received prior to
14 arrival at that location?

15 A I don't recall.

16 Q Directing your attention to radio transmission Track 3,
17 February 3rd at 3:47:22 p.m.

18 MS. LYNCH: With the Court's permission, if I might have that
19 played.

20 THE COURT: Yeah.

21 [Audio Playing at 01:11:24 Runtime - Disc 4, Track 1]

22 BY MS. LYNCH:

23 Q And in addition to the dispatcher, whose voice is recorded in
24 that transmission?

25 A I believe it sounded like Officer Gooley, 88.

1 Q Did that sound like a woman to you?

2 A It did.

3 Q Now, as a result of receiving this radio transmission, were
4 you on patrol at that time or do you recall what location you were
5 in?

6 A I was down by Main Street and Washington Street, which is
7 probably about 3 to 5 miles away from the area.

8 Q And did you directly respond to that location?

9 A I did.

10 Q Did you later learn or did you while you were en route learn
11 by radio transmission that Officer Gooley and Officer Wilson were
12 both leaving the station and were en route, as well?

13 A Yes.

14 Q Now, while you were en route, did you receive information
15 concerning the whereabouts of the reporting party?

16 A I don't recall. All I know: that he was at 1462 Main Street.

17 MS. LYNCH: With the Court's permission, if I may play Track
18 5.

19 THE COURT: Yes.

20 [Audio Playing at 01:12:55 Runtime - Disc 4, Track 1]

21 MS. LYNCH: And that would be 3:48:19.

22 BY MS. LYNCH:

23 A My -- I misunderstood what you asked; sorry.

24 Q Excuse me?

25 A I misunderstood what you asked me.

1 Q Okay.

2 A So, yeah, I -- The reporting party was not on scene. Yes, I
3 -- I remember that. Yes.

4 MS. LYNCH: Yes, you can finish the call.

5 [Audio Playing at 01:13:25 Runtime - Disc 4, Track 1]

6 BY MS. LYNCH:

7 Q Now, who is the person that is requesting that they be
8 brought back to the scene?

9 A That was Officer Wilson.

10 Q Now, in terms of your response to that location, were you the
11 first on the scene?

12 A I was.

13 Q And directing your attention to approximately 3:50 p.m., did
14 you and other officers arrive at around the same time?

15 A Yes, roughly.

16 Q Who was the first to pull into the station?

17 A I believe I was the first one to pull into the station. And
18 Officer Fontes was behind me. And Officer Gooley showed up
19 shortly thereafter.

20 Q Was it Fontes or Wilson that showed up first?

21 A I thought it was Fontes.

22 Q Okay.

23 A Fontenes -- Fontes.

24 Q What did you do when you got there?

25 A I went to -- On the side of the house, there's a door. I

1 went to try to enter that door on the side, to go to the apartment
2 and try to talk to the suspect that was in there.

3 Q And in terms of that exterior door, did it take a while for
4 you to gain entry into the building itself?

5 A It did. We thought it was locked.

6 Q At some point were you given admittance to the hallway?

7 A Yes, we were.

8 Q And how did that happen?

9 A There was a gentleman upstairs that came downstairs and
10 opened the door for us.

11 Q And was he from Mr. Greenough's apartment or the other unit?

12 A I'm not sure. I just know he came down the stairs.

13 Q Was he able to provide access to you, to the interior
14 apartment?

15 A Not to the apartment but to the hallway to the door to the
16 apartment.

17 Q And did he go somewhere after he let you in?

18 A I believe so. I think he went back upstairs, but I didn't
19 notice.

20 Q So, what did you do at that point?

21 A I started knocking on the door to try to get the suspect's --
22 Alan's attention, try to talk to him.

23 Q What did -- What were you saying when you were knocking on
24 the door?

25 A "We got to talk to you. We got a call. Can you talk to us?"

1 We got to figure out what's going on." Just trying to get his
2 attention to try to figure out what was going on at that
3 particular time.

4 Q Now, at some point while you were there, did the roommate and
5 his girlfriend show up at that scene?

6 A Yes, they did.

7 Q And did you at any time try to enter that apartment with the
8 use of keys provided by people?

9 A Yes, we did.

10 Q Did either of those keys or any of those occasions work?

11 A No, they did not.

12 Q So what did you do at that point?

13 A I just continued to knock on the door to try to get his
14 attention and have him open the door for us.

15 Q How were you knocking, in terms of -- and your tone of voice?
16 What were you saying?

17 A "Alan." Pounded on the door with my fist, like that.

18 [Indicating.] "Alan, Alan, talk to us."

19 And he's just hollering back at us through the door.

20 Q Did he originally speak to you or was --

21 THE COURT: Ms. Lynch, hang on one second.

22 MS. LYNCH: Oh, I'm sorry.

23 [Pause]

24 THE COURT: All right. So, Ms. Lynch, the witness that was
25 habe'd in we're not going to get to today.

1 MS. LYNCH: Yes.

2 THE COURT: So I'm going to -- All right.

3 MS. LYNCH: Thank you, Your Honor.

4 BY MS. LYNCH:

5 Q Now, at some point did you become aware of the presence of a
6 relative of Mr. Greenough's at the location?

7 A Yes. His brother was out there talking with us.

8 Q And at some point did the brother make efforts to try to
9 reach his brother by the phone?

10 A Yes, he did.

11 Q Was it after those initial efforts to reach his brother by
12 phone that you clear hear Mr. Greenough inside the apartment?

13 A It was before and after. It was -- It was throughout the
14 whole time. We were talking to him and then the brother said,
15 "I'll get him not he phone." And his brother talked to him. I
16 assume he talked to him. I kind of heard a little bit on the
17 phone. Sounded like him. With the kind of, like, angry/hostile
18 voice, it sounded like him. I -- I can't confirm or not.

19 Q So you could hear it through the phone?

20 A Yes, I could hear some of it.

21 Q Was it on speaker?

22 A I don't think so. It was just really loud.

23 Q Could you hear the speaking coming from inside the apartment,
24 as well?

25 A I don't recall. I -- I don't recall.

1 Q Did you go anywhere other than the interior of that hall,
2 throughout the encounter up to that point?

3 A Up to that point? No, just the front hall and that front
4 porch. Did not go anywhere else after that.

5 [End of Disc 4, Track 1, at 01:18:00 Runtime]

6 [Beginning of Disc 5, Track 1, at 00:00:00 a.m.]

7 BY MS. LYNCH:

8 Q At some point, did you become aware that Mr. Greenough was
9 inside the apartment?

10 A Y -- Y -- Which one? The brother or -- or --

11 Q Mr. Greenough.

12 A Alan?

13 Q Not the brother.

14 A Okay.

15 Q Mr. Greenough.

16 A I knew he was in the apartment 'cause I heard his voice.

17 Q And what could you hear him saying?

18 A He was swearing at us, saying, "Get the fuck off my property.
19 You're not allowed here. Go away. Go fuck yourself. Let me talk
20 to Lieutenant Brown." That's who he wanted to talk to. Just kind
21 of being aggressive and hostile and -- towards us while we were
22 trying to talk him --

23 Q Did you hear anything going on inside the apartment itself?

24 A I heard some scuffling, like -- might've been hitting some
25 furniture, moving -- moving around. Yeah.

1 Q Now, at some point did you become aware that Mr. Greenough
2 had gone to the window to speak to Officer Wilson?

3 A Yes.

4 Q And can you tell us what you observed about that?

5 A I observed Officer Wilson. I believe Sergeant Silva was
6 there. But there was somebody other than Officer Wilson there
7 talking to he screen. I saw the brother. I'm sorry; not the
8 brother. I saw Alan kind of shadowy, not really clear. And they
9 were talking back and forth through the screen.

10 Q And this would've been from your vantage point on the porch?

11 A Yes.

12 Q Were you able to hear anything coming from -- through the
13 screen?

14 A Not that I recall.

15 Q How long did that go on for?

16 A Not sure. Five/ten minutes. Maybe fifteen.

17 Q And what did you do at that point?

18 A While he was talking to him at the screen?

19 Q Yes.

20 A I was still watching, trying to get his attention at the
21 door, letting him try to talk it out there. And then when it
22 seemed like it wasn't working, I went back to the door and tried
23 to knock on the door and have him come talk to us at the door.

24 Q Now, as this was unfolding, was it more than the three
25 original officers that were on scene? Were you joined by other

1 officers?

2 A Yes.

3 Q Were you joined by an Officer Zachary Fontes?

4 A Yes.

5 Q What about an Officer Matt Vatcher?

6 A Yes.

7 Q Did you have any conversation with Officer Vatcher concerning
8 what had taken place the night before?

9 A I don't recall, no.

10 Q Did you talk to either of the roommates at that location?

11 A I did not.

12 Q In terms of the response, in addition to Officer Fontes and
13 Officer Vatcher -- Can I ask you, were they on the dayshift,
14 Fontes and Vatcher, to your knowledge?

15 A No, they're not. They were coming in on the next shift,
16 which is at four.

17 Q So they were due at work at four o'clock?

18 A Yes.

19 Q And by now it was after four; is that right?

20 A I believe so, yes.

21 Q At some point do you recall hearing a radio transmission
22 concerning a pole?

23 A No, I don't recall that.

24 Q Let me ask you if --

25 MS. LYNCH: With the Court's permission, if we could play the

1 radio transmission at Call No. 30. Yes, please.

2 [Audio Playing at 00:03:23 Runtime - Disc 5, Track 1]

3 BY MS. LYNCH:

4 Q Now, did you recognize the voices of the people on that radio
5 transmission?

6 A Officer Wilson was one of them. And I think the other one is
7 Deputy Clark [phonetic], but I'm not sure about that second voice.
8 And when you mention the pole, I didn't know you're referring to
9 the pole that he said he was going to hit us with while he was
10 inside the apartment.

11 Q Did you become aware of that?

12 A Yes, I did.

13 Q How did you become aware of that?

14 A He said he was going to hit us with a pole.

15 Q And did you hear that or did you --

16 A Yes. Nope, --

17 Q -- hear that from other officers?

18 A Nope, I heard that in the room when he was hollering and
19 being aggressive and hostile, speaking through the door when I was
20 trying to talk to him.

21 Q So, you could tell when you were talking to him -- You were
22 at the door?

23 A Yes.

24 Q And where was he in relation to the door?

25 A Hard to tell. But I could hear him. I -- I don't know how

1 thick the walls are.

2 Q And did you hear anything other than him yelling?

3 A Yeah, I heard him scuffing [sic] around, moving around like
4 he was moving some stuff around.

5 Q Now, as a result of that radio transmission, do you -- did
6 you learn that other officers were being dispatched to that
7 location to assist? Well, directing your attention to the radio
8 transmission --

9 MS. LYNCH: If I might just have one moment.

10 THE COURT: Mm-hmm, yeah.

11 MS. LYNCH: Track No. 33, play this. And this is at 4:24:57.

12 Thank you.

13 [Audio Playing at 00:05:50 Runtime - Disc 5, Track 1]

14 BY MS. LYNCH:

15 A Okay.

16 Q Who was the person, "4-3," broadcasting?

17 A That's Lieutenant McKenna.

18 Q And was he the dayshift commander?

19 A Yes.

20 Q Now, in terms of the broadcast begin to "6-6," did you
21 understand that to be Officer Wilson?

22 A Yes.

23 Q When he indicated that "80" is en route, do you know who 80
24 is?

25 A That's Sergeant Silva.

1 Q And 51 and 74?

2 A Fifty-one is Officer Savio. And seven-four, I don't recall
3 who seven-four is.

4 Q But at that point, at 4:24:57, you were advised that the
5 sergeant and two other officers were en route; --

6 A Yes.

7 Q -- is that correct?

8 A Yes.

9 Q At some point did those officers arrive at that location?

10 A Yes, they did.

11 Q And directing your attention to the timeframe approximately
12 4:29 p.m., did those officers arrive at around the same time at
13 that location?

14 A I believe they did, yes.

15 Q What happened when they arrived?

16 A I think that's when they all kind of -- kind of huddled
17 towards that porch. And I was still in the hallway. I don't know
18 what they were doing around out there. But I kind of remember
19 vaguely seeing some more heads outside, more than there was prior.

20 Q So you remained inside --

21 A Yes.

22 Q -- at -- throughout this period.

23 A Yes.

24 Q What happened next, if you recall?

25 A I don't. I don't recall what happened once they arrived on

1 scene.

2 Q Okay. At some point do you recall a radio transmission
3 concerning an open window?

4 A No.

5 Q You don't recall that?

6 A I don't recall them saying there was an open window.

7 Q Okay. At some point do you recall officers indicating that
8 they were going inside?

9 A I don't recall that, either.

10 Q At some point after that, did you become aware that officers
11 were inside the apartment itself?

12 A Yes.

13 Q How did you first become aware of that?

14 A I heard the brother's voice in there. And I heard -- I'm not
15 sure whose -- other voices. But I knew there was somebody on the
16 -- the Reading force. More voices and a lot more scuff --
17 scuffling around than prior.

18 Q Now, at some point did you receive or hear a radio
19 transmission at 4:33:13 p.m., Track No. 38, from Officer
20 Drauschke?

21 MS. LYNCH: With the Court's permission --

22 A Possi -- Yeah, po --

23 [Audio Playing at 00:08:37 Runtime - Disc 5, Track 1]

24 BY MS. LYNCH:

25 Q And do -- did you receive that radio transmission as you were

1 inside?

2 A I don't remember. I don't remember hearing that.

3 Q Now, as you were in the hallway, did you hear anything that
4 attracted your attention?

5 A I heard some gunshots and people were starting to holler for
6 Erik.

7 Q Do you remember how many shots you heard?

8 A I don't.

9 Q Did you actually hear the shots? Or did you hear a radio
10 transmission of "shots fired"?

11 A I've heard bo -- I heard both.

12 Q And what did you do upon hearing the call, "Shots fired"?

13 A I left the hallway, went outside, starting looking around to
14 see where it was, starting hollering for Officer Drauschke, see
15 where he was 'cause we weren't sure where the shots were fired,
16 and then I noticed people start running -- if you're looking out
17 the building -- to the left.

18 I went to my cruiser to get my medical bag. And then I
19 followed behind them.

20 Q And at some point did you go somewhere with your medical bag?

21 A I did. To the left of the building, there as an orange
22 Humvee there. There's a wooden fence that ended there. And it
23 was like there was a Humvee, then there's a wooden fencepost.

24 Q And in terms of the area where the Humvee and the fence was
25 located, did you see any people in that area?

1 A Yes, I saw Officer Drauschke, Alan, Officer Gooley, Officer
2 Vatcher, and Officer Savio.

3 Q And at the point when you arrived there, what were they
4 doing?

5 A I'm not sure. I s -- think I -- I saw Al -- I saw Alan bent
6 over with his handcuffs behind his back, on his knees with his
7 head into the snow, facing down. I saw Erik sitting there
8 somewhere to, like, his rear. I saw Officer Gooley towards his
9 head somewhere. That's all I remember seeing right there at that
10 time.

11 Q And were -- was anyone administering aid to Mr. Greenough at
12 that time?

13 A At that particular time, no.

14 Q What happened at -- when you brought the medical bag back?

15 A So, once I got the medical bag, we flipped him over onto his
16 back. I asked for a knife to cut the shirt off and tried to open
17 -- open up my medical bag, grab what stuff I had, tried to apply
18 first aid, and then I started going to CPR. And I think Officer
19 Gooley had the Ambu bag, which is to help breathe him. And we
20 worked on him.

21 Q And how long did you work on him before you were relieved?

22 A A minute or two.

23 Q And who were you relieved by?

24 A I was relieved by Officer Vatcher.

25 Q At some point after you were relieved by Officer Vatcher --

1 Can you describe the quarters, how much room you had to maneuver
2 in that area?

3 A Yep. So, between the Humvee and the post, it was probably 3
4 to 4 feet, maybe, once we had Alan's back -- on the back, he took
5 up most of that. Officer Gooley was on the other side of the
6 fence, on his head. I was right near the pole, trying to work on
7 him. Officer Savio was behind my right. And I think Officer
8 Drauschke was back there also. Officer Vatcher -- Officer Vatcher
9 came in from the right. So there wasn't a lot of room between the
10 -- the Humvee and the fence.

11 Q And how long before fire personnel arrived to spot you?

12 A After I swapped out with Officer Vatcher, I think maybe three
13 minutes. They were like -- They were right there. I -- I don't
14 know what the exact time was.

15 Q And during this period of time, up until the time you went
16 over there, did you physically see Mr. Greenough at all?

17 A No.

18 Q And that was the first time you saw him that --

19 A First time I saw him was when he was on his knees with his
20 head down towards the snow, with his handcuffs behind his back.

21 Q And had you ever had any interactions with Mr. Greenough
22 prior to that night, yourself?

23 A No.

24 MS. LYNCH: If I might --

25 THE COURT: Sure.

1 MS. LYNCH: Thank you.

2 THE COURT: Mr. Pasciucco?

3 CROSS EXAMINATION OF WITNESS, OFFICER MICHAEL LEE

4 BY MR. PASCIUCCO:

5 Q Good afternoon, sir. My name's Peter Pasciucco. I represent
6 Officer Erik Drauschke. I just have a few questions for you
7 today.

8 You've worked for the Reading Police Department for
9 approximately 20 years, --

10 A Yes.

11 Q -- that's correct?

12 Okay. And Officer Drauschke has been with Reading for
13 approximately 12 of those years?

14 A Probably.

15 Q Okay. And you've worked with him in various situations and
16 scenarios over the years?

17 A Not really. We -- I don't remember us working on shift
18 together ever.

19 Q Okay.

20 A Maybe once or twice. Maybe in overtime. But not -- not like
21 a permanent shift. I -- I don't -- No.

22 Q So, did you work a different shift than Officer Drauschke?

23 A Yes.

24 Q Okay. You did not respond to the scene on Friday night; is
25 that correct?

1 A I did not.

2 Q Okay. When you arrived to the scene on Saturday, that being
3 February 3rd of 2018, did you have any information as to what had
4 happened the evening before?

5 A I had just heard that there was a -- a warrant out for his
6 arrest for a previous domestic.

7 Q Okay. And you weren't familiar with the name "Alan
8 Greenough" or --

9 A I was not.

10 Q Okay. Now, when you arrived to the scene, eventually you
11 made it inside a hallway that led to the door to the apartment; is
12 that correct?

13 A Correct.

14 Q Okay. At any time were you aware of another door on the
15 property that one could gain entry into the residence?

16 A No. We even asked, and they said there wasn't one.

17 Q Okay. Were you -- Was anyone else with you at the door
18 that's the -- Once you entered the hallway, it's the door on the
19 left, correct?

20 A Yeah. Yeah. Yes, Of -- Yes, Officer Fontes was w -- Officer
21 Fontes was with me.

22 Q Okay. Did Mr. Greenough immediately respond to your knocking
23 on the door, your request for him to come out?

24 A He started yelling and screaming at us, agitated and hostile
25 and aggressive.

1 Q Okay. And that was -- Was that fairly immediate or --

2 A Yeah, I don't recall how quick it was. But it wasn't like a
3 really long time. It was -- It was fairly immediate, I guess
4 you'd say. But not like immediate-immediate.

5 Q Okay. And the door was closed --

6 A Yes.

7 Q -- the entire time?

8 But you could hear his voice, and you didn't have difficulty
9 making out what the individual on the other side of the --

10 A No.

11 Q -- door was saying; is that correct?

12 A Correct.

13 Q Okay. And at some point, Mr. Greenough or the individual who
14 you believed was Mr. Greenough yelled that he had a pole and that
15 he would strike you with the pole --

16 A Yes.

17 Q -- if you came to the door?

18 A Yes. If we came through the door, yes.

19 Q Okay. And was he banging on the door? Was he doing anything
20 else?

21 A I don't know. I -- I don't recall. I believe he was but I'm
22 not sure. Mo -- Mostly I heard him just yelling and screaming
23 while I was trying to knock on the door to get his attention to
24 come talk to us.

25 Q Okay. Did you have any discussion with Anthony Perrotti

1 while you were on scene?

2 A I don't know who he is.

3 Q Okay. With Mr. Greenough's brother?

4 A Yes.

5 Q Okay. And you didn't know his name --

6 A No.

7 Q -- that evening and --

8 A No.

9 Q -- you still don't know his name.

10 A I still don't know his name.

11 Q Okay. But you did -- you do recall having a discussion with
12 an individual who you --

13 A Yes.

14 Q -- know to be Mr. Greenough's brother; is that correct?

15 A Yes.

16 Q Okay. And you recall speaking with the state police either
17 the evening of the incident or the following day; is that correct?

18 A Yes, that evening we went upstairs and got debriefed. And I
19 think a few days -- No, that wasn't state police. But, yes, it
20 was at least th -- that night.

21 Q Okay. And do you recall telling the state police detectives
22 that during your conversation with Mr. Greenough's brother he
23 indicated to you that Alan was drunk?

24 A Yes.

25 Q Okay. And do you -- Today, do you have a recollection that

1 that's what Mr. Greenough's brother told you?

2 A Yeah, I know he was drunk, yes. I don't know if it was -- He
3 did mention that. He said he was -- he did have a -- some
4 substance abuse issues other than just alcohol.

5 Q Okay. At what point were you made aware of another mode of
6 entry into the residence?

7 A I don't think I ever was until I was actually going to where
8 we ended up. I think maybe a few days later they said there was a
9 door in the gas station.

10 Q Okay. So, while on scene, your -- most of the time you were
11 on scene was in that hallway --

12 A Yes.

13 Q -- by that door?

14 A Yes.

15 Q And you had described at least how you heard Mr. Greenough
16 through the door?

17 A Yes.

18 Q He was hostile and aggravated; is that correct?

19 A Correct.

20 Q Okay. Thank you, sir.

21 **CROSS EXAMINATION OF WITNESS, OFFICER MICHAEL LEE**

22 BY THE COURT:

23 Q Officer, you said when Mr. Greenough was communicating with
24 you, at one point he said, "Let me talk to Lieutenant Brown."

25 A Yes.

1 Q Is --

2 A Yes, Your Honor.

3 Q -- Lieutenant Brown with the Reading Police Department?

4 A Yes, ma'am, he is.

5 Q Did he say why he wanted to talk to Lieutenant Brown?

6 A No, ma'am. After the fact, I guess he had some interactions
7 with Lieutenant Brown and they had a good working rapport.

8 Q And did anybody make any attempt to reach out to Lieutenant
9 Brown?

10 A I have no idea.

11 Q Thank you.

12 THE COURT: Okay. Thank you very much.

13 [Witness steps down]

14 THE COURT: We are going to need to stop there for today. We
15 can go a little bit longer tomorrow and start without having the
16 need for a view. Any preliminary issues before tomorrow that we
17 need to address before tomorrow? No? Okay. All right. So,
18 again, the plan would be to start right at nine o'clock, go longer
19 tomorrow if need be.

20 Again, everyone is reminded they are not to discuss anything
21 that happens during the course of this matter with anyone. Thank
22 you very much.

23 THE CLERK: Okay. This matter is in recess until tomorrow.
24 Thank you.

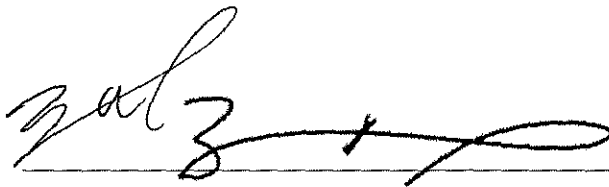
25 [Adjourned at 00:18:59 Runtime - Disc 5, Track 1]

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October 25, 2019

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TYPE: FTR JAVS QUALITY: EXCELLENT GOOD FAIR POOR

ISSUES:

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- speaking away from mic.**
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