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

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MIDDLESEX DISTRICT ATTORNEY

v.

ALAN GREENOUGH

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* Docket No. 1853IN000001
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INQUEST HEARING DAY 2
BEFORE THE HONORABLE STACEY J. FORTES

APPEARANCES:

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Woburn, Massachusetts
Courtroom 2
March 26, 2019

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

APPEARANCES (Continued):

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1 [Case Called at 9:06:11 a.m.]

2 THE CLERK: Continued from yesterday. So, I'd just ask
3 everybody again just to identify themselves for the record.

4 MS. LYNCH: For the record -- I'm sorry.

5 THE COURT: Mm-hmm.

6 MS. LYNCH: For the record, Adrienne Lynch, Assistant
7 District Attorney. With me, Ashley Cunningham [phonetic].

8 THE COURT: Good morning.

9 MR. DRAUSCHKE: Good morning. Officer Erik Drauschke,
10 Reading PD.

11 MR. PASCIUCCO: Good morning. Attorney Peter Pasciucco on
12 behalf of Officer Erik Drauschke.

13 MR. KOUFMAN: Victor Koufman on -- and Melissa Garand on
14 behalf of Catherine Rawson and Anthony Perrotti.

15 THE COURT: Okay. All right. And I again note Attorney
16 Stone is here from Chief Justice Dawley's office, as well.

17 I want to start with just again having any witnesses here
18 come in. So, I don't know if there are witnesses who weren't here
19 yesterday for the Court's sequestration orders and instructions
20 out in the hallway. You can be seated.

21 MR. KOUFMAN: Just, Judge, before we start the testimony, I
22 do have a preliminary --

23 THE COURT: Okay. Hang on. Why don't we have the witnesses
24 come in.

25 [Witnesses entering]

1 THE CLERK: Judge, would you like me to swear them in?

2 THE COURT: Sure.

3 [WITNESSES, Sworn.]

4 THE COURT: Okay. So, gentleman, some of you might have been
5 here yesterday. But the Court has issued a sequestration order
6 that's going to be in effect during this entire procedure. You're
7 not to discuss this matter with anyone outside of the attorneys in
8 the case. And you're not to discuss this matter at all until
9 report of this inquest becomes public and any further orders of
10 the Court with regard to that. Does everyone understand that?

11 THE WITNESSES: Yes.

12 MS. LYNCH: As a preliminary matter, Your Honor, may I ask
13 the Court for an exemption from the sequestration order for the
14 limited purpose of Lieutenant Paul Bulman being able to be present
15 when I speak to a witness? I don't like to make it a practice of
16 speaking alone to a witness, in the event that they say something.
17 And that would purely be his role.

18 THE COURT: Okay.

19 MS. LYNCH: So, that would be --

20 THE COURT: That's permissible, yes.

21 MS. LYNCH: Thank you.

22 THE COURT: Okay. All right. And, gentlemen, you can step
23 outside now. Thank you very much.

24 [Witnesses exiting]

25 THE COURT: Okay. So, there were some preliminary issues?

1 MR. KOUFMAN: Yes, Judge, --

2 THE COURT: Yeah.

3 MR. KOUFMAN: -- if I may.

4 THE COURT: Sure.

5 MR. KOUFMAN: Victor Koufman on behalf of the family.

6 THE COURT: Yeah.

7 MR. KOUFMAN: This morning I had a long conversation with the
8 family. And the family right now is deeply disturbed about a
9 couple of things. And one of the things they're disturbed about --
10 They don't feel as if this process is working for them. It feels
11 that they're -- the inquest has really been more about the brothers
12 as opposed to the officer. I've explained to them what the process
13 is. Nonetheless, they're left with that feeling.

14 And I'm not in a position where I can step in and ask the
15 Court to allow me to take more of a role because I have not had
16 the benefit, like counsel for the officer, to see any of the
17 reports. I asked for the reports at the pretrial or the pre-
18 inquest hearing. I was denied. I wasn't even given an inquest
19 list of witnesses. I filed FOIA requests and I was -- received
20 basically nothing other than policies. And so I'm not in a
21 position where I can cross-examine witnesses because the basic
22 rule is you've got to know what the answer is when you cross-
23 examine them.

24 THE COURT: Mm-hmm.

25 MR. KOUFMAN: And so the only solution, because of all that,

1 that I could think about was to ask something unusual which is to
2 allow to suspend the process, this procedure, this inquest, to
3 give me the same opportunity that counsel for the officer had to
4 review all the reports in the Clerk's Office and then to come back
5 when I can participate in the process, having been prepared to do
6 so.

7 Again, the family at this point feels very strongly that
8 they're becoming the victims. And they feel that they're being
9 revictimized by this process because they don't have a counsel who
10 is being more active in this process for the purpose of protecting
11 their interests.

12 THE COURT: Okay. Well, I understand and I certainly
13 appreciate the family's concerns. The inquest procedure is an
14 investigatory procedure. The inquest was requested by the
15 District Attorney. Certainly, as I said yesterday, if there are
16 witnesses that you feel that you would like to cross-examine, then
17 upon offer the Court would consider allowing you to do that in a
18 limited scope.

19 MR. KOUFMAN: It's very difficult to do an --

20 THE COURT: Sure.

21 MR. KOUFMAN: -- offer of proof when I have not seen any
22 reports, despite my request for reports through a FOIA request, my
23 requests when we were here last time to at least look at them in
24 the Clerk's Office --

25 THE COURT: Mm-hmm.

1 MR. KOUFMAN: -- like just counsel for the officer. And my
2 request now, I mean, I still want -- I haven't even seen the
3 evidence that's been introduced for the timeline --

4 THE COURT: Mm-hmm.

5 MR. KOUFMAN: -- or a number of the other things.

6 THE COURT: Mm-hmm.

7 MR. KOUFMAN: So for me to make an offer of proof when I
8 don't know what's happened in any of the discovery is almost -- is
9 an impossible task.

10 THE COURT: Mm-hmm.

11 MR. KOUFMAN: And it just puts me in a -- and the family in a
12 very difficult position. And again, it just seems at this time
13 that the way this is proceeding and the process, it's just very
14 unfair to the family. They're being victimized again.

15 THE COURT: Okay. All right. Well, again, I appreciate the
16 family's concerns. But at this time, we're going to continue with
17 the next witness.

18 MS. LYNCH: Thank you. This next witness is Officer Fontes.

19 [OFFICER ZACHARY FONTES, Previously Sworn.]

20 DIRECT EXAMINATION OF WITNESS, OFFICER ZACHARY FONTES

21 BY MS. LYNCH:

22 Q Would you please state your name, sir, and spell your last
23 name for the record.

24 A Yep. Zachary Fontes, F-O-N-T-E-S.

25 Q And, Officer Fontes, what is your occupation?

1 A Police officer for the Town of Reading.

2 Q And how long have you been a police officer in the town of
3 Reading?

4 A One-and-a-half years.

5 Q When did you start the police academy for the Reading Police?

6 A March of 2017.

7 Q And when did you graduate from the academy?

8 A August of 2017.

9 Q And so that as of the date of February the 2nd of 2013, you
10 had been on -- strike that -- 2018, you had been on the job for
11 approximately eight months?

12 A Correct.

13 Q Five months; excuse me.

14 A Cor -- Right.

15 Q On the street since August.

16 A Correct.

17 Q Now, did you have any prior security or law enforcement
18 experience prior to that?

19 A I did.

20 Q And what was that?

21 A I was a security supervisor at Market Street in Lynnfield.
22 And then I had also attended the part-time reserve police academy.

23 Q And directing your attention to the date Friday, February the
24 2nd of 2018, in the evening hours between 7:30 and 8:00 p.m., were
25 you on Reading Police?

1 A I was.

2 Q And what was your assignment that particular Friday evening?

3 A I was working the patrol, four o'clock to midnight shift.

4 Q And in your capacity as a patrol officer, were you in police
5 uniform that day?

6 A I was.

7 Q Were you assigned to a vehicle or foot patrol?

8 A I was assigned to vehicle.

9 Q And that's a marked police cruiser?

10 A Correct.

11 Q And did you have a partner?

12 A No, it was a solo car.

13 Q What is your radio call number?

14 A Nine-three, which is my badge number.

15 Q Now, directing your attention to the time 7:32:13 p.m., did
16 you receive a radio transmission at that approximate time?

17 A I did.

18 MS. LYNCH: And with the Court's permission, if we could play
19 the radio transmission from February 2nd. That would be Track 2
20 at 7:32:13 p.m.

21 THE COURT: Yes.

22 [Audio Playing at 9:15:19 a.m.]

23 BY MS. LYNCH:

24 Q Now, as a result of receiving that radio transmission, did
25 you respond anywhere?

1 A Yes, I did.

2 Q And where was that?

3 A 1462 Main Street.

4 Q Now, other than you, were -- any other officers respond to
5 that call that evening?

6 A Yes.

7 Q And who were those officers?

8 A Officer Vatcher, Officer Drauschke, and Officer Savio.

9 Q And on that particular date, how long did it take you to
10 arrive at that location?

11 A Within minutes.

12 Q When you arrived there, were there any other police personnel
13 already on scene?

14 A Yes.

15 Q And at that time when you arrived, what if anything did you
16 do?

17 A I -- We -- Well, we all arrived simultaneously at that point.
18 There was already some officers out of their cars. I got out and
19 I started following those officers.

20 Q And where did you follow them to?

21 A The -- To the entrance of the apartment.

22 Q And was that the exterior entrance or the interior entrance?

23 A That was the exterior.

24 Q And when you got to the exterior entrance, what did you
25 observe?

1 A Mr. McDonald on the -- sitting on the steps.

2 Q Was Mr. McDonald someone what was known to you prior to that
3 time?

4 A No.

5 Q Can you tell us what happened when you approached Mr.
6 McDonald?

7 A Right. So, the officers were -- who were previously out of
8 their cars approached him and started talking to him. There
9 wasn't a need for a fourth officer to be there, so I walked over
10 to the gas station attendant to try and get some more information
11 on what happened.

12 Q And did you speak to this gas station attendant?

13 A Yes, Mr. Randall. I spoke to him.

14 Q And what conversation did you have with Mr. Randall at that
15 time?

16 A I asked if he knew anything, had heard anything, which -- to
17 which he stated he did.

18 Q And what did you tell him?

19 A He told me that he had heard males screaming and he heard
20 some banging from the interior of the building where the apartment
21 was.

22 Q What happened next?

23 A So, after that I returned -- At that point, the officers were
24 inside the apartment and I r -- I went into the apartment to join
25 the officers.

1 Q And when you went into the apartment, which door did you
2 enter the apartment through?

3 A So, there's -- It was the exterior door that Mr. McDonald was
4 sitting in front of. And then once you enter that door there's a
5 secondary interior door. So, both of those doors.

6 Q And where did you go when you went inside at that time?

7 A I entered the kitchen.

8 Q What did you observe about the condition of the kitchen when
9 you went in that night?

10 A It was in disarray. There was a kitchen table that was
11 completely smashed in small-to-large pieces, wooden pieces. Some
12 of the pieces had nails sticking out of them. Some were very
13 small, some were very large.

14 Q And where were these items located?

15 A Right on the floor.

16 Q Now, on that particular evening, were all of the officers in
17 that room, or did they go elsewhere?

18 A All the officers were in the room, but they did go elsewhere.

19 Q Can you describe at that point, had you received any
20 information or heard any information concerning what Mr. McDonald
21 had told the police had happened?

22 A I did.

23 Q Can you tell us what you heard Mr. McDonald say?

24 A Yep. That his roommate, Alan, had returned home from a wake
25 of his friend and was having trouble getting inside the apartment

1 due to the door sticking. And he began to kick the door, which
2 got Mr. McDonald's attention.

3 And then once he entered, once he gained access to the
4 apartment, he was in a rage and had smashed -- started kicking
5 chairs. He had smashed the kitchen table, to which point Mr.
6 McDonald asked, you know, what was going on. And at that point
7 Alan started -- what he described as egging him on -- started
8 making fun of him and stuff like that. And then he had walked up
9 the stairs to where Mr. McDonald was and had physically assaulted
10 him. He had punched him and put him in a headlock.

11 Q And at that time did you or other officers notice whether he
12 appeared to have any cuts or bruises or injuries?

13 A He did.

14 Q And what did you observe?

15 A His left cheek on his face was red. He also had a cut on the
16 left side of his neck. And he also had what appeared to be blood
17 on the bottom of his lip.

18 Q Now, what if anything did you observe about Mr. McDonald's
19 physical appearance and condition as it related to the question of
20 sobriety?

21 A He did appear to be intoxicated.

22 Q And what manifestations did you see of that?

23 A It would be -- Where, there was alcohol; you could smell it
24 on his breath. He also had red, glassy eyes.

25 Q Now, did you remain downstairs on the first floor throughout?

1 A I did.

2 Q Did other officers go elsewhere within the apartment?

3 A They did.

4 Q Now, at some point did you learn that there was a female
5 witness who was reporting that she too had been assaulted?

6 A I did.

7 Q How did you find that information out?

8 A That was through Ms. McDonald. She was upstairs at the time
9 that I was downstairs. I didn't know she was there until Officer
10 Savio had went upstairs. And I had heard her voice and spoken to
11 her.

12 Q And what did you learn happened to her?

13 A That she had been grabbed.

14 Q By who?

15 A Alan Greenough.

16 Q Now, as a result of observing those markings to Mr. McDonald,
17 did you or other officers do something to document that?

18 A We did.

19 Q And what was that?

20 A We have a high-risk domestic violence worksheet that we
21 filled out. And we also took pictures of the injuries.

22 Q Now, generally what is the procedure for -- You talk about a
23 high-risk checklist. And what are the cases that you've utilized
24 the high-risk checklist?

25 A Any domestic violence case where there is injuries that we

1 | could see, we utilize that.

2 | Q And in terms of that, did you during the course of time that
3 | you were there actually fill out the form -- one of the forms,
4 | yourself?

5 | A I -- I did.

6 | Q I'm showing you this item. Do you recognize that to be a
7 | copy of a document you are familiar with?

8 | A I do.

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

10 | A The domestic violence high-risk worksheet that I filled out
11 | that night.

12 | Q Now, with regard to the notations on it, did you place those
13 | notations?

14 | A I did.

15 | Q And the reporting person who responded to these questions was
16 | who?

17 | A Mr. McDonald.

18 | Q Now, in addition to you filling a form out, are you familiar
19 | with whether or not Officer Vatcher himself filled out another
20 | form?

21 | A Yes, he did.

22 | Q But this is the form that you filled out; is that right?

23 | A That is correct.

24 | MS. LYNCH: And at this time I would just ask that this be
25 | marked as the next exhibit.

[High-Risk DV Worksheet Marked as Exhibit No. 39]

1
2 BY MS. LYNCH:

3 Q And so, to just go through this form with you -- I don't
4 know; can you see? "Are you being or have you been abused by the
5 suspect?" He answered no; is that right?

6 A Correct.

7 Q "Has the suspect used -- threatened to use a weapon or used
8 anything as a weapon against you?" And his answer was?

9 A "No."

10 Q "Has he ever threatened to kill or murder you or your
11 children?"

12 A His answer was no.

13 Q Now, did you ask any questions concerning -- I'll
14 specifically draw your attention to five: "Does the suspect have a
15 gun/firearm, or can he or she get one easily?" Did you ask Mr.
16 McDonald that question?

17 A I did.

18 Q And what did he answer to that?

19 A "No."

20 Q Now, in terms of the history that was provided that time,
21 directing your attention to Question No. 6, "Has the suspect ever
22 tried to strangle or choke you?" -- And you indicated what?

23 A That he answered yes. And --

24 Q And did he describe what that was?

25 A Yes, he did. He described that he was placed in a headlock.

1 Q And the next question: "Has the suspect ever tried to or
2 talked about committing suicide?" What was the response provided
3 by Mr. McDonald?

4 A "Yes."

5 Q And did he specify further what that meant?

6 A Yes, he did. He said that six to eight months ago he had
7 talked about committing suicide while he was using heroin.

8 Q Now, did -- You asked the question, "Has the abuse escalated
9 or become more frequent or violent?"

10 A And he answered yes.

11 Q And did he further characterize or explain that?

12 A Yes. He said that there was more verbal arguments in recent
13 weeks.

14 Q And then in terms of the other questions, the answers that
15 you checked off were the answers that you got from Mr. McDonald?

16 A Correct.

17 Q Now directing your attention to Question No. 12, you see that
18 at the bottom of -- towards the bottom? "Does the suspect abuse
19 alcohol or drugs?" What did Mr. McDonald indicate?

20 A "Yes."

21 Q And did he indicate what that was?

22 A Yes.

23 Q And what did he indicate?

24 A Alcohol and possibly heroin.

25 Q Now, this paperwork was filled out at the scene that morning?

1 A That --

2 Q That evening, --

3 A That night, yes.

4 Q -- I should say. And after you filled out that checklist,
5 what did you do with that form?

6 A I file it with the -- Well, I give it to Officer Vatcher to
7 file with the report. He was the primary officer for the call.

8 Q So, Officer Vatcher was the reporting officer. You assisted
9 in that respect?

10 A Correct.

11 Q How long were you and the other officers at the apartment
12 that night?

13 A I would say in the range of 30 to 45 minutes.

14 Q And during that time did you ever see the female victim?

15 A I did not physically see her but I did hear her voice.

16 Q What about Mr. Greenough? During the time that you were at
17 the apartment, did Mr. Greenough return to the apartment or to
18 your knowledge contact anyone in the apartment?

19 A Not to my knowledge.

20 Q After you concluded the paperwork, what was the status of the
21 call or the report at that time, to your knowledge?

22 A Could you just clarify that? What do -- What do --

23 Q Well, what action if any was to be taken?

24 A A report was going to be filed and charges would be filed.

25 Q Okay. Now, with regard to your participation in this, was

1 | there any radio broadcast put out to officers concerning Mr.
2 | Greenough and any interest in him if officers should come across
3 | him that evening?

4 | A Right. I -- I -- I do believe there was a "be on the
5 | lookout" put out for him.

6 | Q And that would have been -- directing your attention with the
7 | Court's permission -- February 2nd, 2018, Track 13, 8:02:58 p.m.?

8 | [Audio Playing at 9:28:21 a.m.]

9 | BY MS. LYNCH:

10 | Q Now, with regard to that dispatch, did you hear that as it
11 | was being transmitted?

12 | A I did.

13 | Q Now, did you work the remainder of your shift with the
14 | Reading Police?

15 | A I did.

16 | Q What time did you conclude your "tour of duty," if you will?

17 | A Midnight.

18 | Q In that timeframe from shortly after 8:00 p.m. to the time
19 | that you left work, did you hear or see whether Mr. Greenough had
20 | been located?

21 | A I did not.

22 | Q Now, directing your attention to the following day, February
23 | 3rd of 2018, were you on duty with the Reading Police at that
24 | time?

25 | A I was.

1 Q What was your -- What were your scheduled hours that day?

2 A The same as the night before: four o'clock to midnight.

3 Q And what time did you actually report to the station that
4 day?

5 A I would say around 3:15.

6 Q And was there a reason that you came in at 3:15, 45 minutes
7 before your shift?

8 A I usually like to get there early, just to get ready.

9 Q Okay. And so, you changed into your uniform at that
10 location?

11 A Correct.

12 Q And when you arrived at 3:15, where do you report to within
13 the police station itself to get ready?

14 A The locker room.

15 Q And what level of the police station is that on?

16 A That is in the basement.

17 Q Now, from your vantage point in the basement getting ready
18 for work, did you hear any radio transmissions related to 1462
19 Main Street while you were there?

20 A I did not.

21 Q So, this is an area that you do not have your police radio
22 on? You're off duty?

23 A Correct.

24 Q What time did you -- were you ready to go onto duty?

25 A 3:45.

1 Q Now, at 3:45, in order to start your shift is there a
2 particular practice that you and other officers engage in before
3 you go out in your vehicles?

4 A We -- There is.

5 Q And what is that?

6 A That is roll call.

7 Q And where is roll call located in relation to where you were
8 situated in the locker room?

9 A It's upstairs, directly above the locker room.

10 Q Now, when you went upstairs, do you have a police radio with
11 you, or do you get it when you go upstairs?

12 A I have it with me.

13 Q And at that point, given that you hadn't started at four
14 o'clock yet, had you turned the radio on at all?

15 A I had not.

16 Q Now, did you see anyone else that was on your shift,
17 scheduled four-to-midnight shift, at the time when you were coming
18 up at 3:45?

19 A I did not.

20 Q Did something happen at that approximate time that attracted
21 your attention away from the roll call?

22 A Yes.

23 Q And what was that?

24 A In the hallway, s -- p -- prior to walking into roll call,
25 Sergeant Silva was in the hallway and told me I needed to respond

1 to a call.

2 Q And where did he assign you at that time to respond to?

3 A He told me to head up to 1462 Main, which was the gas
4 station, East Coast.

5 Q And did he indicate to you what was going on there or why you
6 were being sent there?

7 A He told me just to head up there.

8 Q Did you know anything about a call that came into the station
9 regarding that location?

10 A I did not.

11 Q So the only information you had was "Go up to 1462 Main
12 Street"?

13 A Correct.

14 Q Was it your understanding that other officers were already up
15 there?

16 A Correct.

17 Q And what other officers to your knowledge or were you advised
18 were up there?

19 A The dayshift officers.

20 Q Now, where were -- What did you do at that point?

21 A At that point I grabbed my gear and got into a cruiser and
22 started heading up there.

23 Q And as you were headed up to that location, did you receive
24 further instructions as to what to do?

25 A I did.

1 Q And what was that?

2 A Sergeant Silva came over the radio and advised me to go to
3 the Lobster Claw restaurant, which was located in North Reading,
4 to meet with victims of the incident.

5 Q Okay. And directing your attention to Radio Transmission --
6 that would be Number 8, for February 3rd, with the Court's
7 permission we'd play that. That's at 3:50:04.

8 [Audio Playing at 9:35:05 a.m.]

9 BY MS. LYNCH:

10 Q The time you received that radio transmission, were you
11 driving en route?

12 A I was.

13 Q And as a result of that, did you go to the Lobster Claw?

14 A I did.

15 Q And in order to get to the Lobster Claw from the police
16 station, did you actually pass 1462?

17 A I did.

18 Q And did you see whether or not there were other officers at
19 the Lobster Claw? Strike that -- at the address, 1462?

20 A Yes, I saw multiple police cars there and officers out.

21 Q Okay. And just directing your attention to Video C, Camera 2,
22 timestamp 1626:42, real-time 3:53:52, I'm going to ask you to --
23 Sorry.

24 [Video Playing at 9:36:32 a.m.]

25 BY MS. LYNCH:

1 Q Now, did you see a vehicle?

2 A I did.

3 Q And whose vehicle was that?

4 A That would be mine.

5 Q So, the Lobster Claw is to the upper left-hand corner of the
6 screen?

7 A Correct.

8 Q At some point did you arrive at the Lobster Claw?

9 A I did.

10 Q And in terms of the Lobster Claw, that's a restaurant; is
11 that right?

12 A It is.

13 Q And when you arrived at that location, did you see whether or
14 not there was a green van at that location?

15 A There was not a green van upon my arrival.

16 Q As a result of that, did you do something?

17 A I did.

18 Q And what was that?

19 A I called off that I did not see a green van. And I just
20 asked for clarification.

21 Q Okay. And directing your attention to Track 11 on February
22 3rd, time 3:54:13.

23 [Audio Playing at 9:37:33 a.m.]

24 BY MS. LYNCH:

25 Q And was that you on the radio transmission?

1 A That was.

2 Q What is Harold Parker?

3 A That is a park.

4 Q And is that located in North Reading?

5 A It is.

6 Q And at some point did you receive a radio transmission from

7 Sergeant Silva, specifically Track 14 at 3:56:20?

8 MS. LYNCH: And with the Court's permission, we'll play that.

9 THE COURT: Yes.

10 [Audio Playing at 9:38:40 a.m.]

11 BY MS. LYNCH:

12 Q And the female voice at the end of that transmission -- "Will
13 be standing by" -- who was that?

14 A That was Officer Gooley.

15 Q Now, as a result of that did you head back to the station?

16 A I did.

17 Q And --

18 A No, I did -- I went back to the -- Yeah, the gas --

19 Q I mean the gas station.

20 A Yeah, the gas station, correct.

21 Q And did you arrive there at some point after that
22 transmission?

23 A I did.

24 Q And directing your attention to Camera 2, timestamp 1630:37,
25 which is real-time 3:57:47, do you see your arrival at that

1 location?

2 [Video playing at 9:39:41 a.m.]

3 BY MS. LYNCH:

4 A I do.

5 Q And is that your vehicle pulling in at that proximate time?

6 A That is.

7 Q Now, at the time that you responded back, what officers were
8 on scene?

9 A Officer Wilson, Officer Gooley, Officer Lee.

10 Q And where were they when you arrived at that location?

11 A They were by the exterior entrance.

12 Q And was the door open or closed at that point?

13 A It was closed.

14 Q And what if anything did you do when you arrived there? Did
15 you speak to them, or --

16 A I did.

17 Q And what did you learn at that time?

18 A They had advised me it was a similar incident to the one the
19 night before: Mr. Greenough had assaulted his roommate again, and
20 his girlfriend.

21 Q And at that point in time, what if anything did you do?

22 A At that point, I -- I stood by with the officers.

23 Q And at some point did you go anywhere away from that front
24 door, regarding the residential premises?

25 A I did.

1 Q And what did you do?

2 A I checked the rear of the house.

3 Q And when you say you checked the rear of the house, as you're
4 facing the building did you go to the right side to the rear or
5 the left side to the rear?

6 A I went to the right side, to the corner.

7 Q And when you got to the corner, what did you observe?

8 A I observed a window.

9 Q And were the windows opened or closed?

10 A It was closed.

11 Q Did you -- What did you do after you made that observation?

12 A At that point I stood there, and then I was told that that
13 window did not -- was not part of the apartment.

14 Q What did you do next?

15 A I then returned to the front, with the officers.

16 Q And at that point was it still the three officers that were
17 originally there?

18 A Officer Vatcher was arriving.

19 Q Now, at -- up to that point had the green van that you were
20 to meet at the Lobster Claw -- had that arrived at that location?

21 A Yes.

22 Q And directing your attention to Video Clip C2, 1635:07
23 timestamped, real-time 4:02:17, if you can tell us if you see that
24 vehicle pull in.

25 [Video Playing at 9:42:05 a.m.]

1 BY MS. LYNCH:

2 A Right -- That would be the vehicle right there, pulling in.

3 Q And who was in that vehicle?

4 A Mr. McDonald and his girlfriend.

5 Q Now, when Mr. McDonald and his girlfriend arrived, the door
6 was still locked in the front?

7 A It was.

8 Q And what if anything happened when they got there?

9 A I approached them to confirm that they were the victims, to
10 which they did. And seeing that there was going to be a female
11 victim, I notified Officer Gooley to talk to her. And at that
12 point she took over talking to the victims.

13 Q And what did you do at that point?

14 A I returned back to the front of the house.

15 Q And what happened next? Let me ask you this: did anyone talk
16 to anyone at the gas station, any of the employees, up to that
17 point, to your knowledge, that you were aware of?

18 A I did -- I wasn't aware if -- if -- I didn't know who talked
19 to who at that point.

20 Q Okay. At some point were keys tried on that door?

21 A Not that I witnessed but from my understanding.

22 Q Did you observe how the door eventually was opened?

23 A I did.

24 Q And how did that happen?

25 A Officer Gooley saw someone in the t -- top floor of the

1 building and hailed them th -- through the window. And they came
2 down and unlocked the door.

3 Q And once they unlocked the door, what happened?

4 A Officers entered the vestibule of -- between the exterior and
5 the interior door of that apartment.

6 Q Now, do you know whether anyone had any keys that were tried
7 on that door?

8 A I do not.

9 Q So you were not present when -- if that happened?

10 A I was not.

11 Q Where were you situated at this time?

12 A At that time I was in the interior hallway.

13 Q And were you alone or were you with anyone?

14 A I was with Officer Lee.

15 Q And what happened at that point, once you gained entry into
16 that hallway?

17 A We could hear Mr. Greenough inside. We tried to hail him,
18 talk to him through the door.

19 THE COURT: Can I just ask you --

20 THE WITNESS: Yes.

21 THE COURT: -- to go back for a minute. So, before you
22 gained entry what was your understanding, officer, as to why you
23 were going in?

24 THE WITNESS: For a similar situation the night before, where
25 the roommate was assaulted and --

1 THE COURT: Right. But --

2 THE WITNESS: -- as well as the girlfriend.

3 THE COURT: But I understood from your interview there was a
4 question whether there was probable cause or not, if there was
5 probably cause from the night before to go in and arrest him.

6 THE WITNESS: Correct.

7 THE COURT: So what was your understanding with regard to
8 whether there was probable cause or not at that time?

9 THE WITNESS: At the time, there was -- there was confusion
10 on the probable cause from the night before. However, there was
11 an -- it s -- seemed like there was another incident that day that
12 would establish another probable cause.

13 THE COURT: So, was somebody still talking to Sergeant Silva
14 at that point, as to determine what you were going to do?

15 THE WITNESS: Officer Wilson was on the phone with Sergeant
16 Silva and Lieutenant Brown regarding the probable cause from the
17 night before.

18 THE COURT: And what -- so what were you told about that, at
19 that point?

20 THE WITNESS: Well, I -- I knew there was probable cause from
21 the night before, 'cause I was there. But it seemed like the
22 dayshift was confused.

23 THE COURT: And what made you think the dayshift was
24 confused?

25 THE WITNESS: Because they were on the phone trying to

1 establish probable cause with the -- the sergeant and lieutenant.

2 BY MS. LYNCH:

3 Q And so, your understanding was that the probable cause from
4 the night before remained at that point?

5 A Correct.

6 Q And do you know whether Officer Vatcher was consulted in
7 terms of what happened the night before and what paperwork had
8 been filed?

9 A He was.

10 Q And at some point were you -- did you receive a confirmatory
11 radio broadcast from the station, specifically Sergeant Silva,
12 regarding the issue of probable cause?

13 A Correct.

14 Q And just directing your attention to Track 26, February 3rd
15 of 2018:

16 [Audio Playing at 9:46:20 a.m.]

17 BY MS. LYNCH:

18 Q Now, with regard to that transmission, did you recognize the
19 voice of Officer Gooley?

20 A I did.

21 Q And what other officers' voices did you recognize from that
22 transmission?

23 A Sergeant Silva.

24 Q Now, directing your attention to the time 4:20:44, Track 29,

25 did you receive the radio transmission or hear a radio

1 transmission that was broadcast as Track 29?

2 [Audio Playing at 9:47:41 a.m.]

3 MS. LYNCH: And for the record, that was at 4:20:44 p.m.,
4 that broadcast.

5 BY MS. LYNCH:

6 Q Once that confirmatory broadcast was received, did something
7 happen within the apartment itself? Did you make any observations
8 concerning what was going on in the house where Mr. Greenough was
9 located?

10 A I did.

11 Q And what did you observe?

12 A He was -- Well, I heard -- I -- He was screaming inside. He
13 was acting erratically. You could hear him.

14 Q What did you hear him screaming?

15 A Profanities against us, that he wasn't coming out, and that
16 if he -- if we entered that he was going to physically harm us.

17 Q And when he was saying this, what was the tone or volume of
18 his voice?

19 A Extremely loud.

20 Q Now, at some point did you become aware that an employee at
21 the gas station had been in communication with him over the
22 telephone, a cell phone, I should say?

23 A An employee? I did not.

24 Q What about -- Did you know whether anyone had been in touch
25 with him by phone?

1 A Yes.

2 Q And who was that?

3 A His brother.

4 Q Do you know whether -- Did you know at the time that his
5 brother worked at the gas station?

6 A I did not.

7 Q So, can you tell us what you learned while you were on scene
8 about those communications.

9 A Right, that he was -- he was on the phone with his brother
10 inside the apartment, and he was trying to get him to come out
11 just peacefully.

12 Q Now, at some point was your attention attracted to an
13 exterior window from inside the apartment, outside?

14 A At that point, no.

15 Q Did you learn that something happened at that window?

16 A Later in the -- Right. Later in the course of the incident,
17 yes.

18 Q So this was early on in the incident itself?

19 A Correct.

20 Q Can you describe what happened over the course of time
21 leading up to that?

22 A Right, so, Mr. Greenough was acting extremely erratically
23 within the apartment. You could hear him shuffling throughout the
24 apartment. You could hear banging, things falling over. At one
25 point Officer Lee and I, well, we were in front of the interior

1 door and then we heard very loud banging against the door from a
2 dense object. It sounded like a pole or some type -- nothing
3 hollow, something very hard and solid banging against the door,
4 with more screaming.

5 Q And the screaming was -- was it words or just screams?

6 A It was -- It was words. It was more just like "I'm not --"
7 It was more profanities and the same of what he'd been screaming
8 the whole time.

9 Q Now, were you present when anyone told Mr. Greenough why you
10 were there, what you wanted to do?

11 A Yes.

12 Q And what did you hear -- what did you say or what did you
13 hear other officers say to him while he was inside the apartment?

14 A Officer Lee was outside the -- Well, we were inside the
15 vestibule, outside the door again. Officer Lee was trying to talk
16 to him, just to come out and tell us his side of the story and to
17 try and end this peacefully and that it didn't need to escalate
18 into any violence or any -- anything like that.

19 Q And what was Mr. Greenough's response to that?

20 A That he wasn't coming out.

21 THE COURT: Did --

22 Q What --

23 THE COURT: So, did he also say he wasn't going to let anyone
24 in and that he knew his rights?

25 THE WITNESS: Correct.

1 THE COURT: So, you also said --

2 THE WITNESS: Correct.

3 THE COURT: -- that, right? Okay.

4 Did you speak to his brother?

5 THE WITNESS: I did.

6 THE COURT: You did.

7 THE WITNESS: Yes.

8 THE COURT: And what did you say to his brother?

9 THE WITNESS: I said that we were just trying to end this
10 peacefully and to tell him that, you know, we weren't going to
11 harm him physically or anything like that and we just --

12 THE COURT: Did --

13 THE WITNESS: -- wanted his --

14 THE COURT: Did you tell his --

15 THE WITNESS: -- his side of the story.

16 THE COURT: -- brother you were going to arrest him?

17 THE WITNESS: I don't recall telling him that he was going to
18 be arrested.

19 MS. LYNCH: And excuse me, Your Honor.

20 THE COURT: Mm-hmm.

21 MS. LYNCH: May I proceed?

22 THE COURT: Yes, you may.

23 MS. LYNCH: Thank you.

24 THE COURT: Mm-hmm.

25 BY MS. LYNCH:

1 Q Can you describe what next happened?

2 A His brother was able to get him to come to the window, one of
3 the windows in front of the house.

4 Q And where were you when this was going on?

5 A I was still in the -- the vestibule.

6 Q From your vantage point in the vestibule, could you see or
7 hear what was going on outside?

8 A Muffled, yes.

9 Q And when you say "muffled": were you able to make out any
10 sounds, or --

11 A I was.

12 Q Okay. So, from your vantage point inside, what did you
13 observe about that interaction?

14 A That he had come to the window, opened the window, and was
15 met by Officer Wilson and then he started screaming profanities at
16 Officer Wilson.

17 Q What was he saying to Officer Wilson, as best you can recall?

18 A Just "F you. Oh, it's you." It seemed like he didn't have a
19 good rapport with Officer Wilson.

20 Q And what if anything was Officer Wilson's response to him
21 that you could hear?

22 A I could not hear Officer Wilson's response.

23 Q And why was that?

24 A Officer Wilson has a low tone of voice, and I was in the
25 vestibule, so it's hard to hear.

1 Q And so, you were able to hear because the -- Mr. Greenough's
2 volume was great? Or could you hear him through the apartment
3 door?

4 A Correct, his volume was very loud.

5 Q What happened next?

6 A At that point, Mr. Greenough shut the window and returned
7 back inside, out of sight.

8 Q Now, at that time did you hear a radio transmission from
9 Officer Wilson concerning that interaction?

10 A Yes.

11 Q And directing your attention to Radio Transmission No. 30 at
12 4:21:52 p.m.:

13 [Audio Playing at 9:53:58 a.m.]

14 BY MS. LYNCH:

15 Q Now, when you heard that radio transmission, where were you?

16 A I was still in the interior, by the door.

17 Q Now, as a result of that, did you learn or learn by a radio
18 transmission that other officers were en route?

19 A Yes.

20 Q And directing your attention to Track 33 at 4:24:57: --

21 MS. LYNCH: Court's permission, we're going to play that.

22 THE COURT: Yes.

23 [Audio Playing at 9:55:16 a.m.]

24 BY MS. LYNCH:

25 Q Now, at that time, after you received that radio transmission

1 did other officers arrive at that location?

2 A They did.

3 Q And who were those officers?

4 A It was Officer Silva, Officer Savio, and Officer Drauschke.

5 Q Now, was Sergeant Silva your supervisor or scheduled to be
6 your supervisor for the nightshift?

7 A He's a -- Yeah, he's a -- I have a d -- direct supervisor, my
8 primary, which is -- would be Sergeant Santasky. But he wasn't in
9 that night, so it was Sergeant Silva.

10 Q Okay. But the point was he was -- that was his shift, the
11 evening shift; he wasn't the dayshift.

12 A Correct.

13 Q Now, at some point, directing your attention to the time
14 4:29:21, at that approximate time -- which would be C2, timestamp
15 1702:11 --

16 [Video Playing at 9:56:36 a.m.]

17 BY MS. LYNCH:

18 Q And do you recognize that vehicle pulling in?

19 A I do.

20 Q And that black SUV, whose vehicle was that?

21 A That's Sergeant Silva's.

22 Q And this white vehicle that pulled in after, do you recognize
23 that?

24 A I do.

25 Q What do you recognize that to be?

1 A That's the animal control officer's van.

2 Q Is that usually used for a police deployment?

3 A It is not. However, we had so many vehicles at the scene
4 there was none left to take out.

5 Q Was that the arrival of Sergeant Silva, Officer Drauschke,
6 and Officer Savio?

7 A That was.

8 Q What happened when they got to that location? Where were
9 you?

10 A I was still in the vestibule.

11 Q And did you have any contact with them at that point in time?

12 A I did not.

13 Q Did you remain in the vestibule at that point?

14 A I did.

15 Q At some point did you receive a radio transmission or hear a
16 radio transmission from Officer Savio, specifically at 4:30:58,
17 Track 35?

18 [Audio Playing at 9:58:05 a.m.]

19 BY MS. LYNCH:

20 Q And when you heard that transmission, where were you?

21 A I was still in the vestibule.

22 Q Did you remain in the vestibule at that point?

23 A I did.

24 Q Did other officers go somewhere?

25 A They did.

1 Q And how did you become aware that they were going somewhere?

2 A S -- So, the other officers were in -- From when I heard them
3 say that they were going to go check the interior of the -- the
4 house.

5 Q And did you know how they were going to get into the house at
6 that point?

7 A There was an open door on the s -- left side of the apartment
8 to the gas station.

9 Q And were you aware of the existence of that door prior to
10 being informed at that approximate time?

11 A I was not.

12 Q What happened next? Did you remain in that hallway area?

13 A I did.

14 Q At some point as you were in the hallway area, were you with
15 any other officers at that location --

16 A I was with --

17 Q -- in the hall?

18 A I was with Officer Lee.

19 Q And at some point did you receive a radio transmission that
20 attracted your attention?

21 A I did.

22 Q Specifically, did you hear a radio transmission broadcast by
23 Officer Drauschke, Track 38 at 4:33:13 p.m.?

24 MS. LYNCH: I'll play that with the Court's permission.

25 [Audio Playing at 9:59:38 a.m.]

1 BY MS. LYNCH:

2 Q Did you receive that transmission while you were in the
3 hallway?

4 A I did.

5 Q What did you do at that point?

6 A I couldn't understand what was said but I did exit to the
7 front, outside.

8 Q And so where did you go? Did you go to the porch? Did you
9 go into the parking lot?

10 A I -- I just went straight out. If you were to walk out,
11 straight out.

12 Q And as you were doing so, did something happen that attracted
13 your attention?

14 A Yes.

15 Q And what was that?

16 A There -- I heard two gunshots.

17 Q And could you -- You actually heard the gunshots themselves?

18 A I did.

19 Q Could you tell where they were coming from?

20 A They were coming from the opposite end of the property.

21 Q So not the end nearest you.

22 A Correct.

23 Q At that approximate time, did you receive a radio

24 transmission or hear a radio transmission from Officer Drauschke,

25 Track 39 at 4:33:25 p.m.?

1 MS. LYNCH: With the Court's permission, I'll play it.

2 THE COURT: Yes.

3 [Audio Playing at 10:00:44 a.m.]

4 BY MS. LYNCH:

5 Q Now, once you heard the call of "shots fired," can you
6 describe what happened next?

7 A Yes. Officers began to run -- run over to the side of the
8 property where the gunshots were.

9 Q What did you do at that time?

10 A I followed them.

11 Q And can you describe where you went and what you saw?

12 A Right, we went to -- If you're looking directly in front of
13 the property, we went to the left side where there's multiple cars
14 parked. We ran over to that side. And at that point we came
15 across Officer Drauschke and Mr. Greenough 1 -- lying on the
16 ground.

17 Q And did you see Officer Gooley in that location?

18 A I did.

19 Q And where was she situated?

20 A She was with Officer Drauschke, around Mr. Greenough.

21 Q And can you describe the area where you saw them situated?

22 A It was very tight and confined. It was between two cars.

23 Q Now, at that time what did you do as you approached the
24 group?

25 A There was -- The officers had gotten around Mr. Greenough and

1 had began to perform medical aid. At that point I realized that
2 due to the confined areas there was nothing that I could do
3 physically. At that point, Sergeant Silva directed me to grab an
4 Ambu bag in the back of the cruiser.

5 Q And what is an Ambu bag?

6 A It's a -- It's a device you use to perform rescue breaths.

7 Q And so you ran from that location back to your vehicle?

8 A I did.

9 Q And what happened then?

10 A Officer Vatcher had also gone to his cruiser and received the
11 Ambu bag, as well. I saw him take it out prior to me getting mine
12 out. And at that point he rushed back over, so I ran back over.

13 Q And so what happened next?

14 A At that point once again there was so many officers around
15 Mr. Greenough that I knew that I couldn't -- there was no role
16 that I could play in medical aid besides just directing the fire
17 department. So I ran out in the middle of the street as the fire
18 department was arriving, to show them where to go.

19 Q So you flagged them where --

20 A I did.

21 Q -- Mr. Greenough was situated?

22 A I did.

23 Q And at some point after that, did you see the fire department
24 personnel come in?

25 A I did.

1 Q And what if anything happened at that point?

2 A At that point they had begun walking towards the apartment
3 doors, thinking that it had occurred inside the apartment. I
4 directed them back over.

5 Q And once you did that, what happened next?

6 A At that point, they took over for medical aid. And then
7 Sergeant Silva told me to start getting police tape to tape-off
8 the area --

9 Q And --

10 A -- upon the fire department's exit.

11 Q And did you do that?

12 A I did.

13 Q And what happened after you put the tape around the area?

14 A I was told to stand by with Sergeant Silva and I was going to
15 be the scribe for the scene.

16 Q And so did you take a log sheet of who came and who left?

17 A I did.

18 Q How long did you maintain this role?

19 A Until I was cleared around seven o'clock.

20 Q And when you were cleared at seven o'clock, what did you do?

21 A I returned to the station.

22 Q And what did you do when you got to the station?

23 A I was told to go to the sergeant's office, where I wasn't
24 allowed to talk about the incident. And I was to remain there
25 until interviewing.

1 Q Had you discussed what had occurred with -- between Officer
2 Drauschke and Mr. Greenough at all that afternoon?

3 A No.

4 Q Did you discuss it when you got back to the police station?

5 A No. We were told not to by Sergeant Silva.

6 Q So, at some point were you asked to give an interview with a
7 state trooper as well as a Reading detective?

8 A I was.

9 Q And did you give that interview that evening?

10 A I did.

11 Q Now, in one of the radio transmissions that Sergeant Silva
12 broadcast, he indicated that he had talked to the supervisor from
13 the night before, is that correct, regarding the event in
14 question?

15 A Yes.

16 Q And the supervisor from the night before was who?

17 A Sergeant Jones was -- was there as well as, I believe,
18 Lieutenant Brown.

19 Q And Lieutenant Brown was situated where? Did he come to the
20 scene or was he at the station through the shift the night before?

21 A He was at the station.

22 Q And did Officer Silva indicate that he had been in touch with
23 Lieutenant Brown regarding that?

24 A Yes.

25 Q And that was part of the transmission for probable cause?

1 A Correct.

2 Q Thank you, officer.

3 THE COURT: Attorney Pasciucco, am I pronouncing your name
4 correctly?

5 MR. PASCIUCCO: Pasciucco, correct.

6 THE COURT: Pasciucco.

7 CROSS EXAMINATION OF WITNESS, OFFICER ZACHARY FONTES

8 BY MR. PASCIUCCO:

9 Q Good morning, sir.

10 A Good morning.

11 Q My name's Peter Pasciucco. I represent Officer Erik
12 Drauschke. I just have a few questions for you today.

13 A Mm-hmm.

14 Q I want to direct your attention to Friday, February 2nd,
15 2018. You were one of the responding officers for that incident,
16 --

17 A I was.

18 Q -- correct?

19 Okay. Which door did you gain entry into the apartment from?

20 A It was the same one -- I was in the vestibule. It was the
21 interior.

22 Q Interior. So, when you walk through the hallway into the
23 vestibule, --

24 A There's -- There's an interior door, correct.

25 Q And that's the door to the left?

1 A That is the door, yes.

2 Q Okay. Do you recall if you were the first officer inside
3 that evening or if other officers had already been inside once you
4 gained entry?

5 A Other officers were already inside.

6 Q Okay. When you walk into the apartment or into the
7 residence, what's the first room that you observed?

8 A It's like a kitchen area.

9 Q Okay. Did -- Was your attention directed by someone else to
10 the table and chairs, or were you -- did you immediately just see
11 the --

12 A I immediately saw it.

13 Q Okay. And what specifically did you see, with respect to the
14 table and chairs?

15 A That there was -- it was in small-to-large pieces.

16 Q And those pieces were on the ground?

17 A They were.

18 Q Did it appear to you that the table and chairs had fallen
19 over or that someone had manually broken them?

20 A Manually broken.

21 Q Okay. And you indicated that you saw wooden legs, and there
22 were nails or screws sticking out of them?

23 A Correct. There was also smaller pieces with nails, as well.

24 Q Where did you remain inside the apartment? Did you stay in
25 the kitchen or did you go to other areas?

1 A I stayed in the kitchen.

2 Q Okay. Do you have any specific recollection of Officer
3 Drauschke being in the apartment that evening?

4 A I do.

5 Q Okay. And do you know where he was in the apartment?

6 A He was in multiple rooms.

7 Q Okay. And it's your opinion or your belief that based on
8 what you observed and the statements that you heard from Devin
9 McDonald that there was probable cause to arrest Alan Greenough
10 for assault and battery?

11 A Correct.

12 Q Okay. And it was your understanding that Devin McDonald and
13 Kim Bellino were Mr. Greenough's roommates?

14 A Correct.

15 Q Okay. And you're trained with respect to assault and battery
16 on domestic partners as well as roommates; is that correct?

17 A Correct.

18 Q Okay. And if an assault and battery occurs on a domestic
19 partner or roommate not within your presence but there's probable
20 cause, you can arrest that individual; is that correct?

21 A Correct.

22 Q Directing your attention to Saturday, February 3rd, 2018,
23 once you realized that Ms. Bellino and Mr. McDonald were not at
24 the Lobster Claw, is that when you went back to the gas station?

Correct. I was told -- I stood by, thinking that they were

1 going to arrive at some point. But I was told by Sergeant Silva
2 to return to the scene.

3 Q Okay. And once you arrived to the scene, the other officers
4 had not yet gained entry into the vestibule area?

5 A Correct.

6 Q Okay. And at some point an individual inside the apartment
7 who was -- his attention was received by Officer Gooley came down
8 to open the door; is that correct?

9 A That is correct.

10 Q Okay. And then Officer Lee and yourself then went into the
11 hallway?

12 A Correct.

13 Q Okay. And I know that you indicated that you heard Mr.
14 Greenough through the door, making various statements; is that
15 correct?

16 A That is correct.

17 Q Okay. And prior to this incident, had you met Mr. Greenough?

18 A I had not.

19 Q Okay. Do you remember Mr. Greenough making any specific
20 statements while you were in that hallway about having a pole in
21 his possession?

22 A No, I do not.

23 Q Okay. Your information about Mr. Greenough having a pole
24 came from the radio transmission; is that correct?

Mr information was from him hitting the door with a hard

1 object. That was -- It was a very dense, solid object which p --
2 I perceived as either a pole or a wooden leg. I was thinking it
3 was w -- likely a wooden leg from the night before, the kitchen
4 table.

5 Q Okay.

6 THE COURT: Did you learn from Officer Vatcher that his
7 brother had said it was a wooden leg, while you were on scene?

8 THE WITNESS: Yes, I had heard his brother on the phone with
9 him outside say that he has some type of a pole. I heard him yell
10 that to --

11 THE COURT: But did --

12 THE WITNESS: -- the officers.

13 THE COURT: Did you hear that it was a wooden leg?

14 THE WITNESS: I d -- I didn't -- I did not.

15 THE COURT: From Officer Vatcher? No.

16 BY MR. PASCIUCCO:

17 Q Okay. So, your understanding that it was a wooden leg
18 possibly came from the information that you observed the night
19 before?

20 A Correct.

21 Q Okay. Did you hear Mr. Greenough make any statements as to
22 what would happen if officers did gain entry into the residence?

23 A Yes.

24 Q And what were those statements that you recall?

25 A That he was going to physically harm us.

1 Q Where were you when you heard the two gunshots? Were you
2 still inside the vestibule, or had you exited to the exterior of
3 the gas station?

4 A I was -- I was in between. I was in the -- I was in the
5 vestibule but I was also, like, -- 'cause I was in betw -- The
6 best way to describe it is just "in between," because I was still
7 in the vestibule but I was halfway outside to h -- as well.

8 Q Okay. And did you wait at all when you heard the gunshots,
9 or did you immediately go to the area where you believed they were
10 coming from?

11 A We went straight to the area.

12 Q Okay. Approximately how long did it take you to get to that
13 area?

14 A I would say a few seconds.

15 Q Okay. And when you arrived to that area, you observed
16 Officer Drauschke, correct?

17 A I did.

18 Q You observed Officer Gooley?

19 A I did.

20 Q And you observed an individual who you later came to know as
21 Alan Greenough; is that correct?

22 A I did.

23 Q Okay. And when you arrived to that area within a few
24 seconds, was -- aid was already being rendered?

It was.

1 Q Okay. And you -- Other than going back to your car to
2 retrieve an Ambu bag, you never got down on your knees and
3 attempted to assist; is that correct?

4 A I -- I did not.

5 Q Okay. And the reason you did that was 'cause there were
6 other officers already doing that.

7 A There was other officers and there was no room for me to
8 stand over him or do anything physically. It was a very small,
9 confined space.

10 Q Thank you, officer.

11 A Thank you.

12 THE COURT: Was -- Who was -- So, the officer in charge of
13 the scene that night was who?

14 THE WITNESS: Sergeant Silva.

15 THE COURT: Did John McKenna arrive on the scene?

16 THE WITNESS: He w -- He's the dayshift lieutenant.

17 THE COURT: Okay.

18 THE WITNESS: He did not arrive at the scene.

19 THE COURT: Okay. And you said the prior incident,
20 Lieutenant Brown didn't arrive at the scene; he was just at the
21 station --

22 THE WITNESS: Correct.

23 THE COURT: -- communicating with someone.

24 REDIRECT EXAMINATION OF WITNESS, OFFICER ZACHARY FONTES

25 BY MS. LYNCH:

1 Q Did you ever tell any of the dayshift officers that were
2 there that afternoon about what you had observed the night before
3 concerning what the object might be?

4 A I did.

5 Q And can you tell us what you said to them?

6 A I informed them that he likely had a -- a -- a piece of wood
7 from the night prior. I told them that there was wooden pieces
8 and legs and large -- large-to-small pieces of wood with nails
9 that were still on the ground from the night before and that he
10 was banging something very hard against the door.

11 Q And you said this not over the radio but --

12 A I did not. I turned around in the vestibule. It was open.
13 I could just yell out to the officers.

14 Q Okay. And was that before or after the transmission from
15 Officer Wilson?

16 A That was before the transmission.

17 Q Thank you.

18 THE COURT: Attorney Koufman, do you -- No? Okay. Thank
19 you.

20 THE WITNESS: Thank you.

21 [Witness steps down]

22 THE COURT: I know you wanted to take the morning break to
23 speak to --

24 MS. LYNCH: Well, --

25 THE COURT: -- a witness. At what time did you want to do

1 that?

2 MS. LYNCH: Well, when the -- eleven o'clock break, I guess,
3 or whenever it was.

4 THE COURT: I just want to go back to Attorney Koufman's
5 earlier request, because obviously we all want to make sure that
6 the inquest is a investigatory procedure and the Court's able to
7 get as much investigatory information as possible.

8 What information do you have? Do you have any of the
9 transcripts? What have you -- Nothing?

10 MR. KOUFMAN: Nothing, Judge. I --

11 THE COURT: Okay.

12 MR. KOUFMAN: I don't have any information. I don't even
13 know what witness is coming up. I don't know the name, I don't
14 have any witness list. I have not been provided with any kind of
15 police reports, --

16 THE COURT: All right.

17 MR. KOUFMAN: -- et cetera.

18 THE COURT: Because I had already indicated in my ground
19 rules that -- and earlier when we started the inquest procedure,
20 that upon an offer, the Court may entertain a request from you to
21 cross-examine witnesses. I would -- Understanding the limited
22 case law and standards that allow the Court to control the
23 attorneys who are allowed to inquire, I would still -- If there's
24 some offer made with regard to what information you need in order
cross-examine witnesses, I would still entertain such a

1 request.

2 MR. KOUFMAN: I -- For the police officers that are about to
3 testify, I'd like to see their -- the statements that they've
4 made. For the witnesses that are about to testify, I'd like to
5 see the statements that they've made. There's a medical examiner
6 apparently that's going to testify tomorrow; I'd like to see the
7 autopsy report, I'd like to see any other reports that he made.
8 If there are ballistics that are going to be presented by the
9 Commonwealth, -- I'd like to see whatever information is relevant
10 to the upcoming witnesses so I have an -- And I'd like an
11 opportunity to be able to look at it. The problem that I have now
12 is that -- given we're in the middle of it, is I don't know what I
13 can do with all this information --

14 THE COURT: Right.

15 MR. KOUFMAN: -- once I have it.

16 THE COURT: Right. But again understanding what I've already
17 indicated -- that the Court would not necessarily allow you the
18 same scope in order to cross-examine and get information with
19 regard to every witness that's going to be before the Court -- I
20 would still be willing to allow you some additional information in
21 order to ask questions of some of the witnesses. But I'd need some
22 more information about what -- some offer with regard to those
23 witnesses, understanding that I'm not going to allow us to -- every
24 witness that is called, allow you to have all of that information
25 under the rules.

1 MR. KOUFMAN: Well, then I would at least -- I understand
2 that ballistics has not been presented yet and the ME has not
3 presented yet. So, I would at least like an opportunity to review
4 the ME's report and any conclusions derived from the ME's report
5 before he testifies tomorrow at two o'clock. I also would like
6 whatever ballistics there are so I have an opportunity to review
7 that before -- if a ballistics person is going to testify, 'cause
8 I wasn't even given a witness list despite asking for it.

9 THE COURT: Okay. All right. Ms. Lynch, why don't you call
10 your next witness.

11 MS. LYNCH: Thank you, Your Honor. Officer Vatcher, please.

12 [OFFICER MATTHEW VATCHER, Previously Sworn.]

13 **DIRECT EXAMINATION OF WITNESS, OFFICER MATTHEW VATCHER**

14 BY MS. LYNCH:

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

17 A My name is Matthew Vatcher. Last name is spelled
18 V-A-T-C-H-E-R.

19 Q What is your occupation, sir?

20 A I'm a police officer with the Town of Reading.

21 Q How long have you been a police officer with the Town of
22 Reading?

23 A I started with the Town of Reading in June of 2014.

24 Q And did you have any prior law enforcement experience, prior
25 to 2014?

1 A I worked as a dispatcher with the Reading Police Department
2 for approximately 10 years before that.

3 Q Now, directing your attention to Friday, February 2nd of
4 2018, were you on duty with the Reading Police that day?

5 A I was.

6 Q What were your hours?

7 A 4:00 p.m. to midnight.

8 Q And were you assigned to a uniform of plain clothes unit?

9 A I was uniform in a marked police cruiser.

10 Q And were you alone or with a partner?

11 A I was alone.

12 Q What was your radio call number?

13 A Number 86.

14 Q Now, in terms of your reporting to duty that evening, I'm
15 going to direct your attention to February the 2nd, 2018, at
16 7:32:13 p.m. or thereabouts. Did you receive an assignment?

17 A I did.

18 Q How did you receive that assignment?

19 A Via the radio.

20 Q And did you receive a radio transmission directing you to go
21 to the location of 1462 Main Street?

22 A Yes.

23 Q And what was the nature of the call?

24 A It was an assault that occurred.

And was there any further information about the type of

1 assault it was?

2 A I believe it was roommate, domestic related.

3 Q Now, as a result of receiving this radio transmission, what
4 did you do, officer?

5 A I responded to the location.

6 Q Do you remember how long it took you to get there?

7 A A few minutes.

8 Q And when you arrived, where you the first officer to arrive?

9 A I believe so. I believe we might've got there at the same
10 time. I can't recall.

11 Q And when you arrived, what role did you take at that call?

12 A I was the reporting officer.

13 Q And how is that determined?

14 A It's determined by sectors of town. And this was in Sector
15 1, which is my assignment and therefore I take the report.

16 Q Now, can you tell us, sir, when you arrived what happened?

17 A When we arrived or I arrived, we met the assault victim, who
18 was sitting on the front steps.

19 Q And what was the name of that person?

20 A Devin McDonald.

21 Q And he was seated outside at the time?

22 A Yes, he was on the -- on the steps leading into the
23 apartment.

24 Q What happened at that time?

We asked Mr. McDonald if the person who assaulted him was

1 still there, and he said no.

2 Q What happened next?

3 A We went into the apartment. Well, I -- I observed injuries
4 and asked him if he needed an ambulance. He said no.

5 Q And what were the injuries that you observed?

6 A His left side of his f -- I believe it was the left side of
7 the face was red. And there was red scratch marks and a bruise on
8 his neck.

9 Q And as a result of that -- Strike that. You asked him for
10 medical, if he wanted medical assistance?

11 A Yes.

12 Q And what did he indicate to you?

13 A He declined at that time.

14 Q So, did this all take place outside? Or had you made your
15 way inside at that point?

16 A We did not make our way inside yet.

17 Q So, can you describe what next happened?

18 A Myself, Officer Savio, and Officer Drauschke went into the
19 apartment while Officer Fontes spoke to the attendant at the gas
20 station that's attached to the apartment.

21 Q And what happened once you and Officer Drauschke and Officer
22 Savio got inside the apartment?

23 A We s -- first searched the apartment for the suspect, just in
24 case he was still there.

and were you aware of other occasions when police had

1 | responded to that location where Mr. Greenough was at the house?

2 | A Yes.

3 | Q Was he at the house that night?

4 | A I'm sorry?

5 | Q Was he at the house that night?

6 | A No.

7 | Q What happened next?

8 | A After searching the apartment, Officer Savio located the
9 | victim's girlfriend on the second floor and spoke to her while I --
10 | while I spoke to Mr. McDonald on the first floor.

11 | Q Now, what if anything did you observe about the condition of
12 | the first-floor apartment at that time?

13 | A As we entered the apartment, it was -- you enter into the
14 | kitchen. And all throughout the kitchen it was broken furniture,
15 | appeared to be the table and possibly a few chairs, all wooden and
16 | broken into pieces.

17 | Q And what if anything were you told about that?

18 | A During my interview with Mr. McDonald, he said his roommate,
19 | Mr. Greenough, had come home and smashed all the furniture in the
20 | kitchen.

21 | Q Did he indicate to you why that was or where he was coming
22 | from?

23 | A He said he was coming from a friend's wake and he had
24 | difficulty getting in the front door because it sticks sometimes.
25 | So he kicked it. And once he made his way in, he began kicking

1 the furniture and smashing it.

2 Q Did he indicate what if anything happened during the course
3 of that?

4 A He said he came, I believe it was -- I believe he came to the
5 top of the stairs, not downstairs, and asked him what he was
6 doing. And at that point he came -- I believe he was upstairs and
7 Mr. Greenough came upstairs and started saying in appropriate
8 things about his father to him and then started assaulting him.

9 Q Did he say what those inappropriate things about his father
10 were?

11 A It was something to do with his father's passing.

12 Q So Mr. McDonald told you that his father had died?

13 A Yes.

14 Q And what happened as a result of that?

15 A They began to -- Mr. Greenough ass -- Mr. McDonald told me
16 that Mr. Greenough punched him and they began to wrestle. Mr.
17 McDonald then put him in a headlock to get him under control. And
18 Mr. Greenough elbowed him in, I believe, the mouth.

19 Q Now, did he indicate if anything -- where Mr. Greenough was?

20 A Where he was at --

21 Q At the time that you were there.

22 A He said that he had left in an unknown vehicle with an
23 unknown female.

24 Q And did he indicate to you or did you ask him if he had a way
to get hold of Mr. Greenough?

1 A I believe -- I believe I did.

2 Q And did he provide you with any phone number or contact
3 information?

4 A I believe he said he didn't have a phone number.

5 Q Were you aware that at this time there was some communication
6 going on by text between Mr. Greenough and Mr. McDonald?

7 A I was not.

8 Q But in terms of your being -- speaking to Mr. McDonald that
9 night, was he talking to you or was he actually texting?

10 A Mr. McDonald?

11 Q Yes.

12 A He was talking to me.

13 Q Now, during the course of time, is there a particular
14 procedure or protocol that you find in calls in which you respond
15 to a report of a domestic incident involving either significant
16 others, married couples, or roommates?

17 A In that case we provide them with their 209A rights to see if
18 they want a restraining order at that time, as well as if there's
19 any injuries we fill out an injury worksheet as well as a
20 high-risk assessment for domestic violence.

21 Q And in terms of the 209A rights, is there a form that is
22 filled out?

23 A Yes, ours --

24 Q And are you familiar with who filled the 209A forms out?

I believe Officer Savio offered the rights to both Mr.

1 McDonald and his girlfriend.

2 Q Now, did you participate in the preparation of an injury
3 worksheet?

4 A I did.

5 Q I'm showing you this item. Do you recognize what that item
6 is?

7 A Yes, that's the injury worksheet.

8 Q And was that filled out by you that night while you were in --

9 A Yes, it was.

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

11 THE COURT: That would be Exhibit 40.

12 [Injury Worksheet Marked as Exhibit No. 40]

13 BY MS. LYNCH:

14 Q Now, approximately how long would you approximate it was that
15 you were in the apartment that evening?

16 A Approximately half an hour.

17 Q And during that time, were any photographs taken?

18 A Yes. I --

19 Q And what were the photographs taken of?

20 A I took photographs of the kitchen, where the furniture had
21 been broken, as well as the injuries to Mr. McDonald.

22 Q Now, at some point did you hear radio transmissions or cause
23 to be issued radio transmissions concerning what the result of
24 that call was?

I believe I req -- I believe I requested a -- a BOLO be put

1 out, a be-on-the-lookout for probable cause for domestic assault
2 and battery.

3 Q And was that at 8:02:58 p.m. or thereabouts?

4 A Yes.

5 Q At the time that you left the premises at 1462 Main Street,
6 had you seen or heard from Alan Greenough while you were there?

7 A I'm sorry; prior?

8 Q No, while you -- while --

9 A While I was there?

10 Q Yes.

11 A No.

12 Q Now, how long did you remain on duty after clearing that call
13 shortly after 8:00 p.m.?

14 A Until midnight.

15 Q During that time, after you requested the be-on-the-lookout
16 broad bulletin, did you hear or see from -- hear from or see Alan
17 Greenough?

18 A No.

19 Q Now, as part of your duties as the reporting officer, what
20 did you do after the call in order to memorialize what had taken
21 place?

22 A I wrote a police report.

23 Q And as part of the package that you wrote, are there also
24 other forms that are part of that --

25 A Yes, depending --

1 Q -- package?

2 A -- on what the report is about, there's other forms.

3 Q Now, showing you what has previously been admitted as
4 Exhibits 39 and 40, 40 being your injury worksheet, and the
5 domestic violence high-risk assessment by Officer Fontes, was that
6 a part of the packet that you submitted that night?

7 A Yes.

8 Q And I'm going to approach you with these remaining documents.
9 If I may just have one moment. I'm showing you this packet. Do
10 you recognize the items in this packet? If you'd just look at it.

11 A Yes. [Reviewing documents.] Yes.

12 Q Do you recognize those documents?

13 A I do.

14 Q And what do you recognize them to be?

15 A I recognize it to be my report and the standard paperwork for
16 a complaint application.

17 Q And when you left your tour of duty that evening, early
18 morning, midnight, where was this packet of information along with
19 Exhibits 39 and 40?

20 A It was left in the station, I believe in the sergeant's
21 office.

22 Q Now, just directing your attention, it appears the first page
23 is the paperwork checklist --

24 A Mm-hmm.

for criminal complaints and hearings, officer's formal

1 report. This was written by you; is that correct?

2 A Correct.

3 Q There is an application for criminal complaint.

4 A Correct.

5 Q And you filled that out and signed it.

6 A Correct.

7 Q It appears to be a driver's license listing for Alan
8 Greenough; is that correct?

9 A Correct.

10 Q And is that printer-stamped 2/2/2018, 7:38 p.m.?

11 A Correct.

12 Q Similarly, is there a timestamp of the same time for the
13 Mass. criminal history of Alan Greenough?

14 A Correct.

15 Q And that was run by who, if you know?

16 A Whoever was working dispatch that night.

17 Q And are you familiar with Christopher Finnigan [phonetic]?

18 A Yes, he's one of our dispatchers.

19 Q So, when you get dispatched to a call is that part of the
20 normal course, that a check would be run?

21 A Yes, to see criminal background, any firearms included,
22 especially at a domestic or an assault call.

23 Q Okay. And these appear to have that timestamp of 2/2/2018,
24 including 8:03 p.m.?

25 A Correct.

1 Q And that was around the time that you had cleared the call?

2 A That's correct.

3 Q Does there also appear to be a license, Mass. license
4 printout for Kimberly Bellino?

5 A Yes.

6 Q And then the two forms, Abuse Prevention Act, victim's rights
7 forms?

8 A That's correct.

9 Q And they appear to be signed by Devin McDonald and Kim
10 Bellino --

11 A That's correct.

12 Q -- and Officer Savio; --

13 A Mm-hmm.

14 Q -- is that right?

15 A Yes.

16 MS. LYNCH: Your Honor, I would ask that this item be marked
17 as one exhibit. I could try to staple it, maybe.

18 THE CLERK: Oh, I have a stapler.

19 MS. LYNCH: Oh, okay, thank you.

20 **[Complaint Application Paperwork Marked as Exhibit No. 41]**

21 BY MS. LYNCH:

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

25 A I was.

1 Q What were your schedule of hours on that Saturday?

2 A 4:00 p.m. to midnight again.

3 Q And did you report to the police station that particular
4 afternoon at a particular time?

5 A I did. I usually change before my shift, so I'm there around
6 3:30 and usually up in the roll call room where we hold roll call
7 before our shift around quarter of four.

8 Q And so did you go into work that day at that same -- and
9 follow that same procedure?

10 A Yes.

11 Q As you came upstairs a few minutes before four, did you
12 observe any of the other members of your shift at that time?

13 A I did not.

14 Q What happened at that point?

15 A I believe I went down the hall to find out where everyone was
16 and what was going on.

17 Q And when you say down the hall, where? What area is that?

18 A Oh, to the sergeant's office.

19 Q And when you arrived there, did you receive any information
20 concerning where the other folks were?

21 A Yeah, I believe Sergeant Silva advised me that they were all
22 on a call at the same location I was the night before, at 1462
23 Main Street.

24 Q And were you informed of whether or not Mr. Greenough was
25 present at that time?

1 A I was.

2 Q And what were your -- what was your knowledge about that?

3 A They said he was barricaded in the apartment.

4 Q And who told you that?

5 A I believe it was Sergeant Silva.

6 Q Now, how long did you remain talking to Sergeant Silva in
7 that area?

8 A I can't recall exactly but it was only a few minutes.

9 Q And what happened at that time?

10 A I loaded up my cruiser and I headed up to 1462 Main Street.

11 Q And were you assigned by anyone to do that?

12 A I believe Sergeant Silva told me to respond.

13 Q Now, directing your attention to Track 15, radio transmission
14 at 4:01:23 on September -- on February 3rd of 2018 --

15 MS. LYNCH: If we could -- Court's permission, if I could --

16 THE COURT: Yes.

17 MS. LYNCH: -- play that.

18 THE COURT: Mm-hmm.

19 [Audio Playing at 10:37:30 a.m.]

20 BY MS. LYNCH:

21 Q And that transmission, 8-0 was who?

22 A Eight-zero is Sergeant Silva.

23 Q And he was reporting that 8-6 -- that was you? --

24 A That was me.

was going up. Directing your attention to the time

1 4:08:10 p.m., did you respond to that location?

2 A At what time?

3 Q Did you arrive at that location at 4:08:10 p.m.?

4 A Yes.

5 Q Directing your attention to Video C2, timestamp 1641:00,
6 real-time 4:08:10 --

7 [Video Playing at 10:38:40 a.m.]

8 BY MS. LYNCH:

9 Q Do you see that police vehicle --

10 A I do.

11 Q -- pulling in? And do you recognize who that was?

12 A I believe that was me.

13 Q Now, where were the other officers situated when you arrived
14 at that location?

15 A When I arrived, all the officers were in that f -- hallway
16 leading into the apartment. This -- There's two apartments, one
17 to the left and one to the right. And they were situated in the
18 hallway outside the apartment door.

19 Q When you arrived at that location, were there -- how many
20 other officers were there when you got there?

21 A I believe it was four: Officer Lee, Officer Wilson, Officer
22 Gooley, and Officer Fontes.

23 Q And you said they were all in that hallway area?

24 A I believe so, yes.

25 Q What happened when you got there?

1 A I was told that someone had barricaded themselves in the
2 apartment and they were threatening to hit us with some sort of
3 pole if we came in.

4 Q And do you recall who told you that?

5 A I believe it was Officer -- either Officer Lee or Officer
6 Wilson.

7 Q Now, other than the police, were there any other individuals
8 in that area near the apartment?

9 A Mr. McDonald and his girlfriend were sitting in the car to
10 the right of the apartment.

11 Q And did you know or at some point learn that Mr. Greenough's
12 brother was actually at work at that location that afternoon?

13 A Yes.

14 Q When did you first become aware of that?

15 A I can't approximately remember. I remember someone saying
16 that he was on the phone with him.

17 Q And could you see this individual?

18 A Yes.

19 Q And at some point after that interchange where you learned
20 that he was talking to his brother, did something happen at that
21 outside window or did you witness anything at that outside window?

22 A Yeah. O -- Officer Wilson was at the outside window, and Mr.
23 Greenough came to the window and opened it up.

24 Q What did you observe about that interaction? What did
Officer Wilson say and what did Mr. Greenough say, and who else

1 was present?

2 A I believe I was behind Officer Wilson. I don't think
3 anything else was close to us in proximity. I heard a lot of what
4 Mr. Greenough said. But what Mr. -- Officer Wilson said, since
5 his back was turned to me and he talks very low, I could not
6 understand what he said. But Officer Greenough was saying --

7 Q You said "Officer"; are you referring to --

8 A Excuse me; yes, Mr. Greenough, he was saying something about
9 a former charge from Officer Wilson that he beat. And he was
10 being very berating to Officer Wilson and calling him names and
11 such.

12 Q And what was Officer Wilson's reaction to it?

13 A From what I saw, it was relatively calm. He's a relatively
14 calm officer. I didn't hear what he said, because his back was
15 turned to me. But he didn't raise his voice at all.

16 THE COURT: You didn't hear anything he said? How close were
17 you?

18 THE WITNESS: He was in front of me and I was standing
19 approximately a foot or two behind him.

20 THE COURT: And you didn't make out anything that Officer
21 Wilson said?

22 THE WITNESS: He talks very low.

23 THE COURT: But you were able to hear Mr. Greenough?

24 THE WITNESS: Yeah, he was talking very loudly.

25 BY MS. LYNCH:

1 Q Can you describe what happened during that interaction?

2 A That was -- That was about it. He was saying he wasn't
3 coming out. And he was berating Officer Wilson and just talked
4 about the former charge that I guess Officer Wilson arrested him
5 previously for.

6 Q And how long did this go on for?

7 A No more than a couple minutes.

8 Q Could you see Mr. Greenough yourself?

9 A Yeah, yes, through the screen.

10 Q And what did you see about him at that time?

11 A I just saw him in the kitchen.

12 Q Did he have anything in his hands when you looked in?

13 A Not that I saw.

14 Q What happened next?

15 A Mr. Greenough shut the window and went out of sight.

16 Q And then what did you do at that point?

17 A What did I do at that point? I know at some point I walked
18 over to Mr. McDonald's car and spoke to him and his girlfriend
19 about a 258E order, harassment prevention order against Mr.
20 Greenough, which he -- which they both declined at the time, I
21 believe.

22 Q And after you spoke to them at their vehicle, what happened?

23 A I just went back to the front of the apartment and awaited
24 more officers to come.

25 Q Now, were you present when there was a conversation about

1 whether or not Mr. Greenough had any item in his possession at
2 that time or was claiming to have an item?

3 A I was told he had some sort of pole. That's about all I -- I
4 got from the officers that were already on scene.

5 Q And the officers told you that and did you see or hear Mr.
6 Greenough's brother say anything about that?

7 A I believe his brother said he didn't have a pole, he had a
8 piece of wood.

9 Q Now, during the time that you were in a position to observe
10 Greenough, what if anything did you observe about his physical
11 appearance and condition that related to sobriety, if anything?

12 A Mr. Greenough always appeared disheveled to me. I've dealt
13 with him a few times. And he's always -- it's always been
14 something to do with alcohol or intoxication. So, he just -- he
15 seemed a little disheveled.

16 Q Now, when you heard Mr. Perrotti mention that it was a piece
17 of wood, did anything come to mind in light of your prior response
18 the night before?

19 A Due to the wooden furniture that was broken in the apartment,
20 yes, possibly one of the broken pieces of furniture.

21 Q So your state of mind at that point: that it was possibly one
22 of those pieces of furniture?

23 A Yes.

24 Q Now, at some point was this information broadcast to your
25 supervisors, that there was the possibility of a pole or a piece

1 of wood being used?

2 A I believe so. I b -- I -- To the best of my knowledge,
3 Officer Wilson relayed that information.

4 Q And as a result of, did other officers respond to that
5 location?

6 A Yes.

7 Q And who was it that responded to that location?

8 A Officer Savio and Officer Drauschke, as well as Sergeant
9 Silva.

10 Q And when they arrived, where were you situated?

11 A I was still standing outside the apartment steps and window.

12 Q And when they arrived, what happened?

13 A They arrived. I believe Officer Savio at that point went
14 around to the rear of the apartment, to the best of my knowledge.
15 And I remember Mr. Greenough's brother saying something about a
16 door inside the gas station that was now unlocked.

17 Q As a result of that, what happened?

18 A Then Officer Savio I believe came to the front and said there
19 was an open window in the rear. So at that point, myself, Officer
20 Gooley, and Officer Wilson went through the gas station into the
21 apartment to check the apartment.

22 Q Now, let me just stop you for a minute. Did you hear a radio
23 transmission broadcast by Officer Savio specifically indicating
24 that the window was unlocked --

25 A I -- I --

1 Q -- or out, the screen was out?

2 A To the best of my knowledge, I believe that's how it was
3 told.

4 Q So you heard it over the radio.

5 A I think it was over the radio, yes.

6 Q And so it was -- Around the time that you received this radio
7 transmission, is that the point when you're going towards the
8 office?

9 A Once we heard the o -- the window was found open, that was
10 approximately the same time he told us that the door was unlocked.

11 Q So as you're getting this radio transmission, you proceed to
12 walk up towards that gas station; is that right?

13 A Yes, that's correct.

14 Q Now, I'm just going to call your attention to this radio
15 transmission, Track 35 at 4:30:58.

16 [Audio Playing at 10:48:35 a.m.]

17 BY MS. LYNCH:

18 Q And directing your attention to Track 36 at 4:31:54, --

19 MS. LYNCH: With the Court's permission I'll play that.

20 BY MS. LYNCH:

21 Q -- whether or not you received that transmission or heard
22 that transmission.

23 [Audio Playing at 10:49:12 a.m.]

24 BY MS. LYNCH:

25 Q Now, at that time when you went, can you describe for us

1 where you went in order to get into the apartment?

2 A We went to the left of the apartment, through the main -- I
3 would guess -- "lobby" of the gas station, you would call it, or
4 the counter area. Once you go into the counter area of the gas
5 station, to the right there's an additional room with the door
6 leading into the apartment.

7 Q And did you go through that with other officers?

8 A Yes.

9 Q Now, the officers that went inside, they were who? You --

10 A Officer Wilson and Officer Gooley.

11 Q And where did you -- When you entered the apartment, what
12 observations did you make?

13 A We walked into the kitchen and I observed the broken
14 furniture from the night before and appeared no one to be in the
15 apartment, from my s -- my point of view.

16 Q Where did you go to make that determination?

17 A Officer Wilson I believe went straight through the kitchen
18 into the living room area. And myself and Officer Gooley went
19 upstairs.

20 Q And when you went upstairs, did something happen that
21 attracted your attention?

22 A As -- Well, we searched upstairs, did not find Mr. Greenough.
23 As we started to make our way toward the stairs back down, we
24 heard a radio transmission for shots fired.

25 Q Now, prior to that had you received any radio transmission

1 that anyone had located Mr. Greenough in a vehicle?

2 A Yes.

3 Q And who was the person who broadcast that transmission?

4 A Officer Drauschke.

5 Q And directing your attention to the radio call, Track 38 at
6 4:33:13, where were you when this radio transmission came in?

7 [Audio Playing at 10:51:34 a.m.]

8 BY MS. LYNCH:

9 A I was still on the second floor of the apartment.

10 Q Now, as a result of that, what did you do and Officer Gooley
11 do at that time?

12 A We started to make our way down the stairs.

13 Q And as you did so, did you hear anything further that
14 attracted your attention?

15 A That's approximately when we heard the "shots fired"
16 transmission.

17 Q Once you heard the "shots fired" transmission, what did you
18 do?

19 A We exited the apartment through the same door we entered,
20 through the counter area of the gas station and out into the
21 parking lot near the pumps.

22 Q And when you went out that doorway, which way did you go as
23 you're exiting the door? Did you go to your left or to your
24 right?

25 A Initially we went left out of the doors.

1 Q And why was that?

2 A We didn't have a location of Mis -- Officer Drauschke yet.

3 Q What happened next?

4 A We -- Someone determined or it was determined that Officer
5 Drauschke was on the left side of the building -- if you're
6 looking at it, to the left side of the building. And we responded
7 over there.

8 Q And when you say "we responded over there," who responded
9 over there?

10 A I believe it was me, Officer Gooley, and Officer Lee.

11 Q And when you got to that location, what happened? What did
12 you see?

13 A When I -- W -- When I got there, Officer Drauschke and
14 Officer Gooley were attempting to handcuff Mr. Greenough.

15 Q And what did you see about Mr. Greenough's position at that
16 time?

17 A He was kind of on his side while Officer Gooley tried to get
18 the handcuffs behind or the hand -- his arm behind his back.

19 Q And were you able to see whether she was able to accomplish
20 that?

21 A Yes.

22 Q What happened once Mr. Greenough was handcuffed?

23 A Once Mr. Greenough was handcuffed, we -- officers began to
24 administer CPR and first aid.

25 Q What if anything did you do at that time?

1 A I ran back to my cruiser to grab my AED and medical bag.

2 Q And what's your ADD?

3 A AED.

4 Q What's your AED?

5 A Automated electronic defibrillator.

6 Q And did you get that device?

7 A I did.

8 Q And what happened next?

9 A I came back to the scene and Officer Lee was providing c --
10 chest compressions and Officer Gooley was providing breaths with a
11 -- with a bag, Ambu bag.

12 Q And what did you -- what happened next?

13 A I took over chest compressions for Officer Lee.

14 Q And as this was going on, were arrangements being made for
15 other medical personnel to come to relieve you?

16 A Yes, the fire department at that point had already been
17 contacted.

18 Q And at some point after that did the fire department respond?

19 A They did. They responded to the scene and took over care.

20 Q Now, at the time that you ran back to get your medical bag,
21 did you see anyone in the area of the gas pumps?

22 A Yes.

23 Q And who did you see?

24 A Mr. Greenough's brother.

25 Q And were there any other employees at the gas station with

1 him at that point?

2 A I believe there was some off to the side. I -- I think there
3 were a couple others.

4 Q Now, in terms of the appearance of the house when you went in
5 the second night, how would you compare it -- the appearance or
6 condition of the house -- from the way it appeared the night
7 before?

8 A It appeared pretty much the same. The kitchen might've been
9 tidied up a little bit with the wood maybe just pushed aside. But
10 the broken pieces of wood were still there.

11 Q I'm showing you what's previously been admitted as Exhibit
12 13. Do you recognize what is depicted in Exhibit 13?

13 A Yes, that was -- that's the kitchen of the apartment.

14 Q And do you see any items from the night before that you
15 described as the broken pieces of wood?

16 A Yes, the black pieces of wood.

17 Q Now, directing your attention to the wood that appeared to be
18 on this lounge chair, --

19 A Mm-hmm.

20 Q -- lounge chair, were they on that chair when you came the
21 night before?

22 A No, I don't believe so.

23 Q And showing you what has been marked as Exhibit 14, in terms
24 of the condition of that area, was that similar to the way it
25 appeared the night before?

1 A Yes.

2 Q Now, in terms of your work as a Reading police officer, had
3 you been on any -- had any other encounters with Mr. Greenough or
4 Mr. McDonald or Ms. Bellino prior to your initial response on
5 February 2nd of 2018?

6 A Yes.

7 Q And can you describe what that interaction was?

8 A We got called there, I believe it was, early in the morning
9 for -- I believe it was Mr. McDonald who was locked out of the
10 apartment by Mr. Greenough.

11 Q And do you recall when in relation to February of 2018 that
12 call was?

13 A I would like to say it was a couple months prior, maybe
14 October.

15 Q So sometime in the fall of 2017?

16 A I believe so, yes.

17 Q And you indicate that Mr. McDonald was outside of the house?

18 A Yes.

19 Q And what happened that night?

20 A He was locked out of the apartment, he couldn't get back in,
21 and Mr. Greenough wouldn't let him back in or come outside to talk
22 to us.

23 Q Did you and other officers attempt to ask Mr. Greenough to
24 come outside or come to the door to talk to you?

25 A Yes. He was talking through us -- to us through a

1 second-story window, I believe.

2 Q And what was he saying on that occasion?

3 A He was -- He was very argumentative and interruptive. He
4 really wasn't listening to what we were saying. He was constantly
5 interrupting us. He wasn't being cooperative.

6 Q And as a result of that, what happened?

7 A I believe Mr. McDonald was picked up by his mother and stayed
8 at his mother's house that night. And Mr. Greenough was told that
9 we'd -- we'd have the landlord to come back tomorrow to get Mr.
10 McDonald's things and let him in.

11 Q Now, had you ever had any interaction with Ms. Bellino before
12 this incident?

13 A Not that I can recall.

14 Q And what about Mr. Greenough's brother?

15 A Not that I can recall.

16 Q If I might just have one moment. Now, during the time that
17 you were at the scene, do you recall -- Well, let me ask you this:
18 prior to the brother coming over and saying that there was an
19 unlocked door into the apartment, were you and other officers
20 aware that there was another door?

21 A I was not aware.

22 Q Did you recall whether or not you had a conversation with
23 Officer Gooley about what the brother had initially said about
24 whether there was another door?

25 A I believe Officer Gooley told me that -- she said there was

1 no other door or she was told there was no other door, I believe.

2 Q And then subsequently you went in that other door.

3 A Yes.

4 MS. LYNCH: If I might just have a moment.

5 THE COURT: Sure.

6 MS. LYNCH: Thank you, I have no further questions.

7 THE WITNESS: Okay.

8 THE COURT: Mr. Pasciucco?

9 CROSS EXAMINATION OF WITNESS, OFFICER MATTHEW VATCHER

10 BY MR. PASCIUCCO:

11 Q Good morning, sir.

12 A Good morning.

13 Q My name is Peter Pasciucco. I represent Officer Erik
14 Drauschke. I just have a few questions for you today. You
15 indicated on direct examination that you've been a police officer
16 for approximately five years; is that correct?

17 A Approximately, yes.

18 Q And you were a dispatcher prior to that?

19 A Yes.

20 Q And were you a dispatcher in the town of Reading?

21 A Yes.

22 Q Okay. And Officer Drauschke has been a police officer during
23 your entire time with the department; is that correct?

24 A Yes, that's correct.

25 Q Okay. And you've responded to calls with him in the past?

1 A Yes.

2 Q Okay. And you've worked the same shift as him; is that
3 correct?

4 A Yes, I was on the same shift.

5 Q Okay. And you've never -- Prior to this, you've never had
6 concerns about his ability as a police officer; is that fair to
7 say?

8 A No, never once.

9 Q Okay. Directing your attention to Friday, February 2nd,
10 2018, you were one of the responding officers that evening,
11 correct?

12 A Yes, that's correct.

13 Q Okay. What door did you enter the residence from?

14 A On the 2nd?

15 Q Yes.

16 A The main apartment door.

17 Q And when you enter that main apartment door, that's when you
18 walk directly into the kitchen area?

19 A Yes, it enters into the kitchen.

20 Q Okay. And you indicated on direct examination that you
21 observed what appeared to be broken furniture, possibly table and
22 chairs?

23 A Yes, looked like kitchen -- kitchen furniture.

24 Q Okay. Could you make any observations as to whether someone

physically dismantled or broken those table and chairs or

1 | whether the table had simply fallen over?

2 | A | It -- I don't think the damage could've been done just by
3 | simply falling over.

4 | Q | Okay. Where were you inside the apartment? Did you stay in
5 | the kitchen or did you go in different areas?

6 | A | We -- We did go upstairs.

7 | Q | All right.

8 | A | We searched the apartment when we got there.

9 | Q | And this is Friday evening?

10 | A | Yes.

11 | Q | And do you have a specific recollection of Officer Erik
12 | Drauschke being inside the apartment on Friday evening, as well?

13 | A | Yes.

14 | Q | Okay. Directing your attention to Saturday, February 3rd,
15 | 2018, you're obviously one of the responding officers that day, as
16 | well, correct?

17 | A | Yes.

18 | Q | Okay. And you arrived to the scene at approximately
19 | 4:08 p.m.?

20 | A | Approximately, yes.

21 | Q | Okay. And at some point you were outside, behind Officer
22 | Wilson when he was communicating to an individual --

23 | A | Yes.

24 | Q | -- who you now know to be Alan Greenough; is that correct?

-- | A | That's correct.

1 Q Okay. And you could -- You indicated that you could not hear
2 what Officer Wilson was saying but you could hear what Mr.
3 Greenough was saying; is that correct?

4 A Yes, that's correct.

5 Q Okay. And would you agree that Mr. Greenough was being
6 confrontational in his conversation with Officer Wilson?

7 A Yes.

8 Q Okay. At some point, approximately 4:31 p.m., you were
9 alerted that there was an open door; is that correct?

10 A Yes.

11 Q Okay. And did -- And you were alerted to that open door by
12 an individual later known to you as Mr. Greenough's brother; is
13 that correct?

14 A That's correct.

15 Q Okay. And so, for the approximately 23-24 minutes you were
16 on scene, you were not aware that there was a second door; is that
17 correct?

18 A That's correct.

19 Q A second door into the apartment?

20 A That's correct.

21 Q Okay. Did you have any direct communication with Mr.
22 Greenough's brother about whether or not he had been inside the
23 apartment?

24 A Whether his brother has?

1 A I don't believe so.

2 Q Okay. But can you just describe in a little bit more detail
3 how the brother came to you or came to the officers and directed
4 you into the apartment?

5 A We were standing out front and he was still off to the left
6 of us, by the gas pumps or closer to the gas pumps, on the phone.
7 And he -- That's when he came out and said, "Hey, this door's open
8 now," or something to that effect.

9 Q Okay. But he didn't tell you or you didn't hear him say
10 anything about being inside the apartment?

11 A Not that I recall -- can recall.

12 Q Okay. So then you go into the apartment with other officers?

13 A Yes.

14 Q Okay. And you observe the kitchen table and chairs, and they
15 were in same or similar condition as the night before; is that
16 correct?

17 A That's correct.

18 Q Okay. And you were still inside when you heard the radio
19 transmission of shots fired, or you were on your way out?

20 A We were on our way down the stairs from the second floor.

21 Q Okay. And did you immediately go to the area where Officer
22 Drauschke was?

23 A Once we found out the location, yes.

24 Q Okay. Approximately how long did it take you to get to that
25 location?

1 A I would say approximately 10 seconds, maybe. I'm unsure of
2 exact time.

3 Q But it was relatively --

4 A It was fairly quickly.

5 Q Fairly quickly. And what did you observe in the general
6 vicinity of where Officer Drauschke and Mr. Greenough were?

7 A There was a fence. There was a few cars. There was an
8 orange Hummer. That was -- It's pretty much it when -- as they
9 were handcuffing him.

10 Q Okay. Would you agree that the area was confined?

11 A Yeah. There was -- There was a lot of cars waiting to be
12 serviced or just parked there.

13 Q And did you render aid specifically to Mr. Greenough?

14 A I did.

15 Q Okay. And that's when -- And you did chest compressions.
16 And did you actually utilize the AED?

17 A I don't believe so. I did chest compressions. I don't think
18 - I think the fire department got there before we could utilize
19 AED.

20 Q Okay.

21 MR. PASCIOCCO: Just one moment.

22 THE COURT: Sure.

23 BY MR. PASCIOCCO:

24 Q On Saturday, February 3rd, while you were on scene do you
recall any communications with Officer Drauschke prior to shots

1 being fired?

2 A Any communications from, like, him directly?

3 Q Yeah, speaking with him directly on scene?

4 A To the best of my knowledge, I -- I can't remember.

5 Q Okay.

6 MR. PASCIUCCO: I have no other questions. Thank you, sir.

7 THE COURT: Thank you.

8 Do you have questions?

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

10 THE COURT: Absolutely.

11 MR. KOUFMAN: I'd like to make an offer of proof.

12 THE COURT: Yes.

13 MR. KOUFMAN: I would like to -- I'd like to ask the officer
14 about certain policies and procedures that the Reading Police
15 Department told me were in place at the time of the shooting and
16 see whether they were followed during this encounter.

17 THE COURT: Okay.

18 **CROSS EXAMINATION OF WITNESS, OFFICER MATTHEW VATCHER**

19 BY MR. KOUFMAN:

20 Q Officer, you said you've been an officer for five years or
21 six years?

22 A Almost five years.

23 Q Five years. And as part of your training to be a police
24 officer, is it true that you learned about the policies and
25 procedures of the Reading Police Department?

1 A Yes.

2 Q And in fact, in order to become a Reading police officer do
3 you not have to demonstrate some knowledge as to your familiarity
4 with the policies and procedures of the Reading Police Department?

5 A Yes.

6 Q And in fact, do you also have to take a test to determine
7 whether or not you fully understand the policies and procedures of
8 the Reading Police Department before you are given your badge?

9 A I -- I'm -- Not that I recall taking a test.

10 Q Did you take a test to show your familiarity with the
11 policies and procedures for the Reading Police Department?

12 A Not that I can recall.

13 Q Okay. Are you familiar with the policies and procedures of
14 the Reading Police Department?

15 A I would say yes.

16 Q Okay. Now, on February -- You arrived at the scene on
17 February 4th [sic] of 2018; is that correct?

18 A That's correct.

19 Q And you said your shift started at four?

20 A 4:00 p.m., yes.

21 Q 4:00 p.m.; did I hear you correctly?

22 A Yes.

23 Q Okay. And when you arrived at the scene, I think I heard you
24 say that when you arrived, Alan Greenough was barricaded in his
25 apartment: is that correct?

1 A Yes.

2 Q So, he was a barricaded person; is that correct?

3 A Yes.

4 Q Okay. Now, isn't there certain policies and procedures that
5 are in place with respect to Reading Police Department, how you're
6 supposed to proceed when you have a barricaded person?

7 A I -- I believe so. I'm --

8 Q Okay.

9 A Can't say a hundred percent.

10 MR. KOUFMAN: Judge, may I proceed?

11 THE COURT: You may.

12 MS. LYNCH: May I sit down, please? Thanks.

13 BY MR. KOUFMAN:

14 Q I'm showing you what was provided to me by the Reading Police
15 Department with respect to a policies and procedure concerning
16 barricaded persons. I only have one copy, so I'm going to have to
17 share it with you. Do you recognize that policies and procedure?

18 A Yes.

19 Q Okay. And is it fair to say that that policies and procedure
20 concerns -- tell me if I'm reading it correctly: "The Reading
21 Police Department has made the following plans to respond
22 effectively to special operations such as hostage and barricaded
23 person situations." Did I read that correctly?

24 A Yes.

25 Q So would it be fair to say that this policy and procedure

1 would apply to the shooting that occurred on February 4th [sic] of
2 2018?

3 A To the best of my knowledge.

4 Q Okay. Now, if you look at the front of this --

5 MR. KOUFMAN: Judge, would you like to see it before I ask --

6 THE COURT: I would.

7 MR. KOUFMAN: -- any questions?

8 THE COURT: Thank you very much.

9 MR. KOUFMAN: Thank you, Judge.

10 THE COURT: Mm-hmm.

11 BY MR. KOUFMAN:

12 Q I'm sorry. So, this is the policies and procedure that was
13 in effect on February 3rd of 2018 -- I think I said February 4th
14 of 2018 -- correct?

15 A February 3rd.

16 Q Yes, of 2018.

17 A That's correct.

18 Q Okay.

19 A To the best of my knowledge.

20 Q Okay. Now, if you look at the definitions, it talks about
21 "inner periphery area"; is that correct?

22 A Mm-hmm.

23 Q And it --

24 A Yes.

and it also talks about "outer periphery area"; is that

1 correct?

2 A That's correct.

3 Q And the inner periphery area is: "The inner periphery shall
4 be that area accommodating the command post and designated by the
5 OIC." Did I read that correctly?

6 A Yes.

7 Q And is the OIC the officer in charge?

8 A Yes.

9 Q Okay. "Only those persons specifically requested by the OIC
10 are always in this area." Is that correct?

11 A It says "allowed" not "always."

12 Q Okay. "Only those persons specifically requested by the OIC
13 are allowed in this area." Is that correct?

14 A That's correct.

15 Q Okay. Now, when you arrived on the scene on February 3rd,
16 who was the OIC?

17 A I believe it was Sergeant Silva.

18 Q Okay.

19 A To the best of my knowledge. There might've been a dayshift
20 officer in charge, as well.

21 Q Now, if you read on to "Definitions," for outer periphery
22 area it says "The outer periphery shall be that area surrounding
23 the inner periphery area and so designated by the OIC," which you
24 believe was Sergeant Silva, correct?

25 A For the nightshift, I believe, yes.

1 Q Okay. "The outer periphery area shall be restricted to
2 police," -- correct? --

3 A Mm-hmm.

4 Q -- "emergency personnel, and authorized persons," correct?

5 A Correct.

6 Q "The staging area will be an area designated by the OIC and
7 shall be at the outer boundary of this area"; is that correct?

8 A That's correct.

9 Q Okay. Where is the staging area when you arrived?

10 A It wasn't set up yet.

11 Q It hadn't been set up. This had been going on since --

12 MS. LYNCH: Your Honor, --

13 Q -- two o'clock.

14 MR. KOUFMAN: Yeah.

15 MS. LYNCH: -- I'm going to object at this time, in terms of
16 this particular officer. This is a non-adversarial proceeding.
17 The issue before Your Honor is whether or not the officer
18 committed a crime or whether his exercise of the use of force was
19 acceptable under the law. What -- This officer's understanding of
20 the policies and procedures does not speak to that issue. And I
21 am at this point objecting.

22 THE COURT: Okay. Thank --

23 MS. LYNCH: If the policy wants to be admitted, it can be
24 admitted, but --

25 MR. KOUFMAN: So, --

1 THE COURT: Sure. I'm going to allow a few more questions.

2 MR. KOUFMAN: Thank you. I'll limit it, Judge. Thank you
3 very much.

4 THE COURT: Mm-hmm.

5 BY MR. KOUFMAN:

6 Q So, at the time that you showed up, you just said that -- if
7 I'm correct; correct me if I'm wrong -- the staging area had not
8 been set up, to your knowledge.

9 A To the best of my knowledge, it has not been set up.

10 Q Now, I'm moving on to -- first to paragraph 3C. And it says
11 the first supervisor on the scene has certain responsibilities;
12 isn't that correct?

13 A It says that, yes.

14 Q And it also says in paragraph E as one of those
15 responsibilities that the officer in charge will designate an
16 inner and outer periphery area; is that correct?

17 A That's correct.

18 Q Okay. Now, the inner periphery is obviously, as you -- as
19 defined, is the area closest to the barricaded person, correct?

20 A Correct.

21 Q And then the outer periphery would be the periphery around
22 the building; is that correct?

23 A It says "The inner periphery shall be the area accommodating
24 the command post."

25 Q Okay. The outer periphery --

1 A That's what it says for --

2 Q Okay.

3 A -- the inner periphery.

4 Q But in this case the outer periphery would be surrounding the
5 building; is that correct?

6 A I'm not sure. It all depends where the inner periphery is.

7 Q "The outer periphery shall be that area surrounding the inner
8 periphery area and so designated by the OIC." When you arrived at
9 the scene, had a outer periphery area been designated?

10 A No.

11 Q And is there a purpose for having an outer periphery? Is
12 there a purpose for the outer periphery area?

13 MS. LYNCH: Your Honor, I'm going to object. Relevance.

14 THE COURT: The objection's sustained.

15 BY MR. KOUFMAN:

16 Q But to your knowledge, when you arrived at the scene there
17 had been no designation of the inner or the outer periphery area,
18 correct?

19 A To the best of my knowledge, yes.

20 Q Now, you also testified, did you not, that you looked at Alan
21 Greenough's probation record or Board of Probation record; is that
22 correct?

23 A Yes, af -- later, after the incident --

24 Q Okay. And --

25 A -- on the 2nd.

1 Q -- when you looked at his outer -- at his probation record,
2 you testified that you were looking for incidents of violence; did
3 you not?

4 A If I did, I did.

5 Q And is it also true when you looked at his probation record
6 that the only incident of violence was back in 2003? Is that
7 correct?

8 A If -- If that's what the Board of Probation record says.

9 MR. KOUFMAN: Judge, I'd just like to introduce this as an
10 exhibit.

11 THE COURT: I'll accept that --

12 THE CLERK: Exhibit 42.

13 THE COURT: -- as the next exhibit.

14 [Decedent's BOP Record Marked as Exhibit No. 42]

15 CROSS EXAMINATION OF WITNESS, OFFICER MATTHEW VATCHER

16 BY THE COURT:

17 Q Okay. Officer Vatcher, I just have one follow-up question
18 for you: you indicated that the -- in your interview that you were
19 standing next to Officer Wilson. But your testimony today is it
20 was behind Officer Wilson?

21 A It was -- It was close. It wasn't really next to but it was
22 kind of behind.

23 Q Kind of behind, or behind? Can you just describe where you --

24 A He was standing right here; I was standing right here.

25 [Indicating.] It was probably a foot.

1 Q Okay. You also indicated during the interview that he was
2 trying to get Mr. Greenough to come out of the house. How did you
3 know that if he testified that you didn't hear anything he was
4 saying?

5 A I assume that he was trying to get him out. That was why we
6 were there.

7 Q The incident that you -- the only -- There was only one prior
8 incident that you responded to involving Mr. Greenough before
9 these two. And that was the lockout; is that correct?

10 A To the best of my knowledge, yes.

11 Q Okay. And when you arrived for that, did you speak to Devin
12 McDonald as well?

13 A I did.

14 Q Okay. And what were your observations of Mr. McDonald on
15 that day?

16 A I -- I can't recall. I would have to refer to my report, if
17 I mention anything in that.

18 Q You said that Mr. Greenough appeared to be disheveled, I
19 think you described at one point?

20 A Yes.

21 Q Okay. And by that, what do you mean?

22 A Just -- Just unclean-shaven. I guess that's --

23 Q Unclean-shaven.

24 A Yeah.

25 THE COURT: Thank you very much. Thank you. You're excused.

1 MS. LYNCH: May I just --

2 THE COURT: Oh, sure.

3 MS. LYNCH: Some questions.

4 THE COURT: Sure.

5 REDIRECT EXAMINATION OF WITNESS, OFFICER MATTHEW VATCHER

6 BY MS. LYNCH:

7 Q I believe you indicated that Sergeant Silva arrived at that
8 location, and I believe that was at 4:29:21 on the video,
9 real-time.

10 A Okay.

11 Q Did you recall identifying the sergeant showing up?

12 A Today?

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

14 A I'd have to re-watch.

15 THE COURT: Sure.

16 MS. LYNCH: -- play the clip, Video C2, timestamp 1702:11.

17 [Video Playing at 11:19:18 a.m.]

18 BY MS. LYNCH:

19 Q That black vehicle that is shown in the camera coming in at
20 real-time 4:29:21, whose vehicle is that?

21 THE COURT: It's -- Where? It's blank.

22 A I -- I --

23 MS. LYNCH: Oh, I'm sorry.

24 THE COURT: That's all right.

25 [Video Playing at 11:19:55 a.m.]

1 BY MS. LYNCH:

2 Q This black vehicle that is pulling in, do you recognize that
3 vehicle?

4 A Yes, I believe that's the supervisor's vehicle.

5 Q And that was Sergeant Silva?

6 A That was Sergeant Silva.

7 Q Now, in this clip, do you see Sergeant Silva leaving that
8 vehicle and approaching you and other officers at some point?

9 A I believe that's him walking over now.

10 Q And that's -- That was Officer Drauschke and Officer Savio
11 are getting out of the cruiser?

12 A Yep, that's correct.

13 Q Now, in terms of the timeframe of you going back to the
14 station, -- So, while you were at that location, from the time
15 that you first arrived until the point where Sergeant Silva
16 arrived, was he the only supervisor or the first supervisor to
17 arrive while you were there?

18 A Yes.

19 Q Was Lieutenant McKenna ever there when you were there?

20 A Not that I can recall.

21 Q So the first supervisor arrived on scene at 4:29:21, per
22 real-time calculation from the video.

23 A Yes.

24 Q Now, I believe you indicated that you then shortly after the
25 arrival were alerted to the fact that there was an open window in

1 the back; is that right?

2 A Yeah, I believe, yes, Officer Savio transmitted that over the
3 radio.

4 MS. LYNCH: Now, with the Court's permission if I could play
5 Video C2, timestamp 1704:44, --

6 THE COURT: Sure.

7 MS. LYNCH: -- which is real-time 4:31:54.

8 [Video Playing at 11:21:58 a.m.]

9 BY MS. LYNCH:

10 Q You recognize what's happening in this clip?

11 A Yes.

12 Q What is that?

13 A It's Officer Wilson, myself, and Officer Gooley going into
14 the gas station counter area to access the other door.

15 Q So, would it be fair to say that between -- that Sergeant
16 Silva was on scene from 4:29:21 up to 4:31:54, would have been a
17 matter of 2 minutes and 23 seconds if you subtract or count the
18 difference between 4:29:21 and 4:31:54?

19 A Four -- Yes, 4:29 and 4:31, yes.

20 Q So between the time of his arrival and the time of his going
21 into the office, or you walking into the office, was a total time
22 of approximately 2 minutes and 23 seconds or thereabouts.

23 A I would say that.

24 Q So it's fair to say that in that two minutes he did not have
25 time to set up a command post or a station.

1 A I would say that.

2 Q And would it be fair to say that at the time that you were
3 informed that the -- there was a window in the back and that the
4 door was open inside the gas station that this was no longer a
5 barricade situation?

6 A Yeah, I would say that.

7 MS. LYNCH: Thank you. No further questions.

8 THE COURT: Anything further from anyone? Okay, thank you
9 very much.

10 THE WITNESS: All right.

11 THE COURT: Thank you.

12 THE WITNESS: Do you need these?

13 THE COURT: Yes.

14 MS. LYNCH: Yes.

15 THE COURT: We're going to take the morning recess.

16 MS. LYNCH: Thank you.

17 THE COURT: And Assistant District Attorney Lynch, who --
18 what are the other witnesses for today, so we all have --

19 MS. LYNCH: Okay, I have -- The next witness would be
20 Sergeant Silva.

21 THE COURT: Mm-hmm.

22 MS. LYNCH: Officer Savio. Officer Drauschke.

23 THE COURT: Mm-hmm.

24 MS. LYNCH: And then I potentially have Mr. McDonald.

25 THE COURT: Mm-hmm.

1 MS. LYNCH: And Mr. Chaghouri.

2 THE COURT: Okay. All right. So, the tentative witness list
3 that I have, because it seems like --

4 MS. LYNCH: Yes.

5 THE COURT: -- you're going in order of them, --

6 Do you have the tentative witness list?

7 MR. KOUFMAN: No, it was denied to me.

8 THE COURT: Okay. I think it would be at least appropriate
9 to give a copy of the tentative witness list, if I've said that I
10 would allow some --

11 MS. LYNCH: Yeah, but I'm actually off the list. I'm not
12 doing dispatcher -- Trooper Connor [phonetic] and Trooper
13 [Indiscernible at 11:24:54 a.m. - speaking away from microphone].
14 I'm going to skip to the witnesses that are the civilians.

15 THE COURT: Okay. All right. Well, just so that they're
16 aware of who the witnesses are potentially going to be. So, are --
17 Do you plan to call those individuals, just not today? Because I --
18 - The Court would --

19 MS. LYNCH: I do.

20 THE COURT: Okay.

21 MS. LYNCH: I do intend to call them.

22 THE COURT: Okay. All right. Okay. And the medical
23 examiner you plan to call tomorrow.

24 MS. LYNCH: At two o'clock.

25 THE COURT: At two o'clock.

1 MS. LYNCH: I scheduled that one.

2 THE COURT: Okay. All right. Okay. Let's take the recess.
3 Thank you.

4 [Court in Recess at 11:25:28 a.m.]

5 [Back on Record at 12:58:53 p.m.]

6 THE COURT: I didn't want anybody to come back at two and
7 hear me say what I'm about to say now. I want to make sure that I
8 am getting all of the necessary information to be able to conduct
9 my role as the judge in this inquest procedure. One of the
10 standards, the rules, indicates -- and Ms. Lynch certainly has
11 done that, but -- the Court should ensure that the District
12 Attorney remains essentially neutral, not act as a proponent or
13 opponent of any particular position. And, again, she has done
14 that.

15 I am sensitive and concerned about my role in the process
16 because the Reading Police, the target in this case, are police
17 officers within Middlesex County -- that I am able to fulfill my
18 role of making sure that the process is neutral and that I am
19 getting all of the necessary information that I need to get to
20 make a determination in this procedure.

21 Having said all that, reviewing my notes, there may already
22 be witnesses that I would like to hear from again. I don't want
23 to go on now and hear witnesses that may be even more critical
24 with regard to information that they supply the Court without me
back through things with a fine-tooth comb on my own to mak

1 a determination as to whether there are other questions that I
2 have before we go forward. There are additional boxes of
3 information that were supplied that I want to make sure that I go
4 through very thoroughly myself.

5 So at this point I'm going to suspend the inquest to give the
6 Court an opportunity to go through all of that information,
7 because it's critical.

8 MS. LYNCH: Your Honor, if I just might say something.

9 THE COURT: Sure. Yeah.

10 MS. LYNCH: I just want to bring to the Court's attention
11 that on Thursday of this week Officer Wilson will be leaving for
12 Cuba for a year.

13 THE COURT: Yes.

14 MS. LYNCH: And we went through the higher-ups at EOPS to
15 Washington to get him here for yesterday.

16 THE COURT: Mm-hmm, mm-hmm.

17 MS. LYNCH: I know that he's leaving Thursday.

18 THE COURT: Yeah.

19 MS. LYNCH: And he won't be back for a year.

20 THE COURT: And that's fine. That's fine.

21 MS. LYNCH: Okay. I just want to make sure --

22 THE COURT: Yeah.

23 MS. LYNCH: -- that was clear.

24 Officer Lee is leaving for Cuba on Sunday, --

THE COURT: Mm-mm-hmm.

1 MS. LYNCH: -- and he too will be gone for a year.

2 THE COURT: Okay. All right.

3 MS. LYNCH: And so I just want to have it clear on the record
4 that those two -- we have a short window.

5 THE COURT: Okay. All right. Thank you. And I appreciate
6 you bringing that to the Court's attention. So, I will go through
7 specifically with regard to Officer Lee's testimony. He's leaving
8 Sunday, you said, --

9 MS. LYNCH: Yes.

10 THE COURT: -- if there's anything else I need with regard to
11 Officer Lee. Officer Wilson?

12 MS. LYNCH: Thursday.

13 THE COURT: Thursday. Okay, so I just have tomorrow. Okay.
14 All right. I'm going to spend the rest of the afternoon then
15 going through Officer Wilson's testimony again, Officer Lee's
16 testimony, and then I can notify you as to whether I want to hear
17 from them again. Those are the only witnesses that may be a
18 scheduling problem with --

19 MS. LYNCH: Yes.

20 THE COURT: Okay. All right. Any other scheduling issues
21 that anybody else has?

22 FEMALE: Judge, just with the Court, we do have one gentleman
23 in custody. When should we --

24 THE COURT: Mr. McDonald?

--- he aiming for? Yes.

1 THE COURT: Well, let's see now, because I know you all have
2 other scheduling issues, other matters. And I don't want to have
3 an unreasonable delay, because I know that's important too; I just
4 want to be mindful of my charge, here. What about the week of
5 April 29th? No?

6 MR. PASCIUCCO: Unfortunately, that's not a good week for me.
7 And then, the following week I'm going to be out of the state.

8 THE COURT: Okay.

9 MR. PASCIUCCO: Earlier in April I'm -- I can definitely move
10 things around.

11 THE COURT: Yeah. Yeah, I don't have any availability
12 earlier April. That's the first week I can be available. And you
13 said you're not available the following week at all?

14 MR. PASCIUCCO: I'm going to be out of state the week of May
15 -- I believe it's May 4th to the 11th. Is that the second way in
16 May?

17 MS. LYNCH: I am going to my niece's graduation in Colorado
18 in that week of May 17th to the 23rd. I think it's earlier that
19 weekend.

20 THE COURT: What if -- What about -- The 24th is a Wednesday.
21 And the 26th, the Friday. We could start with those two days.

22 MS. LYNCH: This is of April?

23 THE COURT: Yes. Do those work?

24 MS. LYNCH: That'll work.

25 THE COURT: With the understanding that we may need more

1 days. But at least we could continue then.

2 MS. LYNCH: Yes, Your Honor.

3 THE COURT: Okay. Is there something that's happening at the

4 --

5 FEMALE: No, we just didn't know if we were still doing
6 tomorrow, Judge, and these are just extra days or --

7 THE COURT: No, not unless I indicate. And I'll do that
8 today 'cause I'm going to spend the rest of my time going through

9 --

10 FEMALE: Okay.

11 THE COURT: -- Officer Wilson and Lee's testimony. Unless I
12 indicate to the parties -- 'cause everybody still has the day
13 available -- that I want to hear from Officer Wilson and Lee
14 tomorrow.

15 FEMALE: Okay.

16 THE COURT: But I'll know that before the end of the day.

17 FEMALE: But any -- All other testimony will be heard on
18 April 24th?

19 THE COURT: The 24th and 26th.

20 FEMALE: And 26th.

21 THE COURT: And 26th. So that should be -- 'cause Friday you
22 don't have jurors. And I know Wednesdays usually are better here,
23 too.

24 FEMALE: Right.

25 THE COURT: Okay.

1 FEMALE: But not the 25th.

2 THE COURT: Not the 25th.

3 FEMALE: Okay.

4 MS. LYNCH: Before that witness is remanded -- he is being
5 released on Monday -- can I ask that he be held until I can get a
6 subpoena written up and answer?

7 THE COURT: Yes, yes.

8 FEMALE: So, we don't -- we do not need a habe for the 24th?

9 THE COURT: Not for the 24th, right, Ms. Lynch? He'll be --
10 No, no.

11 MS. LYNCH: Not that I'm aware of, --

12 THE COURT: No, okay.

13 MS. LYNCH: -- at this point.

14 FEMALE: And, Judge, I'm sorry to keep asking a lot of
15 questions.

16 THE COURT: No.

17 FEMALE: There's an additional box --

18 MS. LYNCH: Your Honor, excuse me.

19 THE COURT: Sure.

20 MS. LYNCH: I'm sorry. I completely forgot that I flew a
21 witness in from Florida.

22 THE COURT: Okay.

23 MS. LYNCH: And she is here now.

24 THE COURT: Now.

25 MS. LYNCH: And she's flying back on Thursday --

1 THE COURT: Okay.

2 MS. LYNCH: -- night.

3 THE COURT: All right. I'll hear from her if you want to
4 take her --

5 MS. LYNCH: Okay.

6 THE COURT: -- out of order.

7 MS. LYNCH: Okay, thank you.

8 THE COURT: Okay. Yeah.

9 FEMALE: Do you want to do that now, Judge, or do you want to
10 do that at two?

11 THE COURT: What time's her flight?

12 MS. LYNCH: It's Thursday.

13 THE COURT: Oh, okay. So why don't we do that at two. Two?

14 MS. LYNCH: Sure. And we'll try to get her. She's --

15 FEMALE: Yeah. She's in North Reading, I believe, so --

16 THE COURT: Okay. We could do two. Yep, two o'clock after --

17 FEMALE: Okay. So, we'll still do two o'clock.

18 THE COURT: Yeah. We'll --

19 FEMALE: We don't need to do the habe. And, Judge, just
20 while we're on the subject, there's an additional box for -- that
21 counsel for the officer can go through, correct? He was -- Or --

22 THE COURT: Just --

23 MS. LYNCH: That was from yesterday.

24 FEMALE: From --

25 THE COURT: Additional box that -- What do you want?

1 FEMALE: Just of discovery.

2 THE COURT: Right.

3 MS. LYNCH: So, that --

4 THE COURT: That --

5 FEMALE: That's subject to the same discovery order --

6 THE COURT: Yea.

7 FEMALE: -- that the other box is.

8 THE COURT: Exactly.

9 FEMALE: Okay.

10 THE COURT: When you said the officer --

11 FEMALE: Can go through.

12 THE COURT: Yes. Absolutely.

13 FEMALE: Thank you, Judge.

14 THE COURT: Yes, yes.

15 Attorney Koufman and Ms. Garand -- Is it Ms. Garand?

16 MS. GARAND: Yes.

17 THE COURT: Yeah, okay. Again, the same orders of the Court
18 would apply: that with an offer I would allow you to cross-examine
19 witnesses in the future. I am not going to provide the autopsy
20 reports or any of that information to you. I gave that some
21 consideration, as well. But certainly again you can inquire of
22 any witness with regard to an offer. Okay?

23 MR. KOUFMAN: Can we just ask what witness is coming at two?

24 THE COURT: Yeah.

25 MS. LYNCH: That would be Kimberly Bellino.

1 THE COURT: Okay. So, any other questions? No, okay. I'll
2 see you all at two o'clock for Ms. Bellino.

3 MS. LYNCH: Thank you.

4 [Court in Recess at 1:08:14 p.m.]

5 [Back on Record at 2:01:37 p.m.]

6 MS. LYNCH: The next witness would be Kimberly Bellino.

7 [Pause]

8 [KIMBERLY BELLINO, Sworn.]

9 THE COURT: So, ma'am, because --

10 THE WITNESS: Yes.

11 THE COURT: -- you weren't here earlier, I just want to make
12 sure that you understand that the Court has issued what we call a
13 sequestration order, --

14 THE WITNESS: Okay.

15 THE COURT: -- meaning that you're not able to talk about
16 your testimony in this matter with anyone outside of the
17 attorneys. And you're not to discuss your testimony at all in
18 this matter until a report is released by the Court. Do you
19 understand that?

20 THE WITNESS: Yes, I do.

21 THE COURT: Thank you.

22 THE WITNESS: Yes.

23 MS. LYNCH: Thank you.

24 DIRECT EXAMINATION OF WITNESS, KIMBERLY BELLINO

1 Q Would you please identify yourself, state your first and last
2 name, and spell your last name for the record?

3 A Sure. It's Kimberly Bellino, B-E-L-L-I-N-O.

4 Q And what city or town do you presently reside in?

5 A Northport, Florida.

6 Q And how long have you lived in Florida?

7 A About nine months.

8 Q What is your date of birth?

9 A 9/26/1966.

10 Q And directing your attention back to February of 2018, where
11 were you living at that time?

12 A That would be at 1462 Main Street, Reading, Mass.

13 Q And who if anyone were you living with at that address?

14 A Devin McDonald and Alan Greenough.

15 Q How long had you been living there as of February 3rd of
16 2018?

17 A I had started staying at their -- most of the time at the end
18 of July of that summer.

19 Q And when did you begin to live there fulltime?

20 A Fulltime, I started in around December, November/December.

21 And that's when I started pay -- to -- to live there fulltime.

22 Q And at that time can you describe for us what arrangements :
23 any you and Mr. McDonald had with Mr. Chaghouri, the owner of th
24 property, concerning rent?

Sure. I was to pay \$500 a month. And Mr. McDonald, I thi

1 was 750. I get disability, so I paid it on the 3rd of every
2 month.

3 Q And how would you pay that?

4 A Cash.

5 Q And when did you start paying that?

6 A That would've been in December.

7 Q Now, in terms of this apartment where you lived with Mr.
8 McDonald and Mr. Greenough, can you describe the general layout of
9 the apartment and the rooms?

10 A Okay. When you walked into the door, the entranceway,
11 there's the kitchen. To the right would have been the living
12 room/dining room, which later on became Al's bedroom. And if you
13 went straight, looking straight down to the kitchen, there'd be
14 the door, entranceway to the garage, washer/dryer. The stairs
15 were right in front of you as you entered. And at the top of the
16 stairs was a closet, bathroom to the left, Al's second bedroom to
17 the right. Devin's room and my room was at the end of the hall,
18 at the end.

19 Q And you say that at some point Mr. Greenough moved his
20 bedroom from upstairs to downstairs?

21 A Yes, that's correct.

22 Q Do you remember what timeframe that was?

23 A It was November or December, I would -- Yeah.

24 Q Now, in that timeframe were you working?

25 A Yes. I worked -- I took care of my grandson who als -- live

1 on 28 North Reading. And I took care of him during the day, from
2 sev --

3 Q How old was your grandson?

4 A My grandson is now 2. So, he was probably 18 -- well, 12 to
5 18 months.

6 Q And what hours or days would you babysit for your grandchild?

7 A Monday through Friday, seven to three.

8 Q And how would you get back and forth to their house?

9 A Well, Devin would drive me. Or if he was not available, I
10 would walk.

11 Q About how far a distance was it?

12 A Couple miles.

13 Q Now, in the timeframe when you were living there, what was
14 the door that you would generally use to go in and out of the
15 apartment?

16 A That would be -- If you were looking at the -- the gas
17 station from the street, it would be in the righthand side,
18 through the hallway. That would be the main entrance.

19 Q And was there another door in the apartment through which you
20 could gain access to the apartment?

21 A Only during business hours. If we had to use the s -- We
22 could've gone in through the office-way of the gas station.

23 Q And was there a key necessary to get in that door?

24 A No.

25 Q So how would you be able to get in if there was no key

1 necessary?

2 A If -- If --

3 Q Was it unlocked?

4 A It was unlocked. If we knew -- If I knew I was going to use
5 that entrance or if somebody knew that entrance was going to be
6 used, it w -- on the other side, on the apartment side, there
7 would be a deadbolt-type lock.

8 Q Did you have a key, yourself?

9 A No.

10 Q And did Mr. McDonald have a key?

11 A He had a key to the first door, the door that I -- I -- that
12 -- that we always used, but not -- not to the -- the -- the door
13 at the end of the way, towards the garage, no.

14 Q What about the outside door into the building, as the
15 exterior door into the hallway?

16 A The exterior door to the hallway, there was no key I -- or no
17 lock that I knew of. It was just a very hard door to open.

18 Q Now, directing your attention to the date February 2nd of
19 2018, were you at the apartment during that day?

20 A Is that the Friday?

21 Q Yes.

22 A The Friday, yes, I was.

23 Q And was there a reason that you were not watching your
24 grandson that day?

25 A Yes. I have a -- I'm disabled. And I had reinjured my nec

1 and back. So I could not carry him or take care of him. So I was
2 taking a week off to rest my back.

3 Q Okay. And so during the course of that afternoon, February
4 2nd of 2018, were you in the apartment?

5 A Sure. Yes, I was.

6 Q That day, was Devin home?

7 A Not during the day, no.

8 Q And was Mr. Greenough home during the day?

9 A Yes, he was.

10 Q Now, during that day did you see or speak to Mr. Greenough in
11 the afternoon?

12 A I spoke with Al throughout the morning and afternoon.

13 Q And what did you observe about him during that time?

14 A In the morning-time before guests have arrived, he was just a
15 -- he was fine. He was concerned 'cause he had to wake to go to,
16 what -- what to wear, so we were just having a normal discussion.
17 And it wasn't until he had guests coming in that the -- the
18 demeanor had changed.

19 Q And when you say "guests coming in," do you know who those
20 guests were?

21 A The first person to come visit Al would be his -- I only kn
22 him by slang names, but -- Al B. [phonetic]

23 Q And Al B., do you know what Al B. did?

24 A For work or --

1 A I knew that her part-time was at a liquor store. I knew they
2 were friends and he had a wife and kid in Reading. I -- I didn't
3 know much about him.

4 Q Okay.

5 A Okay.

6 Q And Al B. came over that afternoon?

7 A Yeah.

8 Q And did anyone else, to your knowledge, come home?

9 A You mean come to the apartment?

10 Q Come to the apartment.

11 A I know Dee [phonetic] had come through. He works there.

12 Q Who is Dee?

13 A Dee is one of the people that lived on the other apartment,
14 but he also works at the gas station. And he would come through
15 periodically, talking with Al. Also, a person by the name of
16 Corey stopped by and stayed. And then at the very end, to pick
17 him up was an Amy Thorn. I do believe that's his -- was his
18 friend. Okay.

19 Q And as this was going on, as Albie B. [phonetic] and Corey
20 and Amy came to the house, where were you within the house itself?

21 A Well, when Albie came, Al and I were talking downstairs. Bu'
22 when Albie came, Al shut the shades and I just went upstairs.

23 Q When you say "shut the shades," what shade are you referring
24 to?

We had put a curtain between the kitchen and the living room

1 entranceway, so you -- to give him privacy. So, when Albie came,
2 I asked him if he wanted me to shut the shade or whatever. He
3 said said [Indiscernible at 2:12:26 p.m. - pronunciation unclear]
4 shut the sh -- he shut the shade and I just went upstairs. Yep.

5 Q Did you have any further interaction with Mr. Greenough prior
6 to his leaving for the wake that day?

7 A When he got out of the bathroom and I s -- just to see how he
8 looked, 'cause we discussed on what he -- what he should wear.
9 And I -- I told him to wear what he wore to his christening -- his
10 brother's christening. I told him he looked good. But he didn't
11 hear me. There was no acknowledgment.

12 Q Did you notice anything different about his demeanor or
13 appearance concerning sobriety at that point?

14 A Ye -- Yeah, at that time, he had -- at that p -- he had been
15 drinking. And, yeah, he was not -- it -- the -- at what -- as he
16 was in the morning. He was not sober.

17 Q What happened at that point?

18 A At what point? I -- What --

19 Q As soon as he came out of the bathroom.

20 A At that point, he -- his demeanor was more of an angry -- His
21 face gets very stone-like. And he wasn't acknowledging anything.
22 And no goodbye before before we're -- You'd say -- We'd say, "Have
23 -- See you later." I mean, Devin tried to say something to him
24 and he just -- he wasn't having it.

25 Q So, when he left to go to the wake, was Devin home by that

1 time?

2 A Yes.

3 Q And when Devin came home, where was he in the apartment? Did
4 he come upstairs?

5 A He came upstairs, yep.

6 Q And in this timeframe, where did you and Mr. McDonald spend
7 most of your time?

8 A We usually just stayed in the -- the bedroom.

9 Q Now, can you tell us, at some point did you hear Mr.
10 Greenough leave the apartment?

11 A Yes, we did. We heard him leave.

12 Q And do you know who he left to go to the wake with?

13 A Amy.

14 Q Now, after Mr. Greenough left to go to the wake, did you and
15 Mr. McDonald do something?

16 A We went out to do errands and we came back.

17 Q And when you came back, was there anyone at the apartment
18 when you first arrived [Indiscernible at 2:14:21 p.m. -
19 simultaneous speech]?

20 A No. Nope.

21 Q In order to come into the apartment, did you come in through
22 that exterior door into --

23 A Yes, that would be --

24 Q -- the hallway?

25 A -- the main entrance, yes.

1 Q And can you describe if you had any difficulty getting in?

2 A Yeah, the door had iced over because it was an icy day. And
3 you really had to give it a shoulder push to get in.

4 Q And that's the one out in the front?

5 A Yes.

6 Q Exterior door?

7 A Yes, it is.

8 Q And were you able to get that door open?

9 A Yeah. Yeah, --

10 Q You and Mr. McDonald?

11 A -- the -- the -- Yes, yes.

12 Q And then what about the interior door? Was that --

13 A Well, it was --

14 Q -- locked?

15 A That was locked, but we -- Devin had the key, so we got in.

16 Q And what happened when you got in?

17 A Put away some things, went up to proceed up to our room, and
18 then we heard Al banging on the door because he c -- he couldn't
19 get the exterior door open either.

20 Q And at that point what happened?

21 A Devin went down to let him in.

22 Q What happened at that point? Did you remain upstairs?

23 A I remained upstairs.

24 Q What happened next?

I heard Devin and Al arguing, yelling. I think Al

1 | thought that Devin locked him out for some reason. Some words
2 | were exchanged. Devin came upstairs. And then the -- the
3 | smashing and the smashing of the table began.

4 | Q And from your vantage point upstairs, what could you hear
5 | going on downstairs?

6 | A I could hear Al y -- saying, "I didn't -- You know, I don't
7 | like this table anyways." I heard the chairs smashing.

8 | I asked Devin to go down.

9 | He said, "No, he'll stop."

10 | Proceeds to smash a little more. Then I hear Al on the
11 | phone. Presumably he was talking to Anthony, stating that Devin
12 | and I were smashing our own table, we're going crazy, we're
13 | destroying the place. And we're upstairs, so that's what was
14 | going on. He -- I mean, he was -- he was demolishing the table at
15 | that point.

16 | Q What happened next?

17 | A There was a lull. I don't know why there was a lull. Maybe
18 | Al stopped. I have no idea. But Devin made -- At that point,
19 | there was a metal sculpture that was his father's that was on the
20 | table at the time. Devin made a beeline to get that and ran back
21 | upstairs.

22 | Q So you remained upstairs at this point?

23 | A I -- I remained upstairs. At th --

24 | Q When Mr. McDonald came upstairs, he had that sculpture with
25 | him?

1 A He had the sculpture with him, put it in the room, and then
2 the smashing begins again.

3 So, I went to the hallway and I told Al to stop smashing our
4 stuff.

5 And he said something to the reference of, "You have
6 something to say to me, bitch?"

7 And I said, "Yes, I do. Come on up here and I'll tell you."

8 And that's when Al came up and he started with his -- Al's
9 much taller -- was much taller than I was. So he was --

10 Q How tall was Mr. Greenough, approximately?

11 A Si -- I don't know, 6-foot-3? Six-foot. And I'm 5-foot-3.

12 So, -- So, he started chest -- you know, pushing me. So, I pushed
13 back. And then Mr. McDonald was in the bathroom at the time.

14 Q And the bathroom is located right at the top --

15 A At the top of the stairs, --

16 Q -- of the stairs?

17 A -- to the left. Now we're in the hallway.

18 Q Where did this exchange between you and Mr. Greenough take
19 place?

20 A In the hallway upstairs, between -- the -- the -- right in
21 front of his entrance of his bedroom, t -- to Al's room. So,
22 we're in the hallway. It's really n -- It's probably a little
23 wider than this. [Indicating.]

24 Q So, for purposes of the record, what are you demonstrating?

The width is probably about 4 feet, 5 feet -- 4 feet, 5 feet

1 And the length. Yeah.

2 Q So, what happened next after Mr. McDonald was in the
3 bathroom?

4 A He -- He -- He came out and saw what was going on and told --
5 He thought that Al had hit me, but he did not. And we both
6 exchanged -- The -- The -- Me and Al both said, no, he didn't.
7 But at that point Devin -- that focused Al on Devin. And then
8 those two went at it.

9 Q And when you say the went at it, --

10 A I'd say it was a physical -- a physical altercation.

11 Q And what specifically did you see?

12 A Flai -- Choking, punching, hitting, wrestling. It's at that
13 point I'm screaming, you know, "Just stop."

14 Q And where is this taking place between Devin McDonald and
15 Alan Greenough?

16 A In the hallway.

17 Q As this was going on, what if anything did you do?

18 A I retreated back into the bedroom. And then Al -- It -- They
19 -- They stopped. And Devin came back into the bedroom. Now, at
20 this point I don't know how l -- It was only a matter of minutes.
21 Al came charging through the bedroom door. There was no door.
22 The bedroom -- The bedroom door/entrance.

23 Q This was the second time?

24 A Yeah, this --

25 Q A second time?

1 A This is the s -- This is -- Yeah. They stopped, now we come
2 -- now he's coming up a second time.

3 Q How much of a lapse of time was there between this first
4 interaction and the next time you saw Mr. Greenough?

5 A A minute or two.

6 Q And then what happened at that point?

7 A He -- Well, Devin had retired on -- was sitting at -- at --
8 on his side of the bed. I was at the doorway/entrance, a little
9 farther off. When he came through, he grabbed my arm and pushed
10 me aside. And then he d -- he basically just dove onto Devin and
11 was choking him. And -- And Devin was flailing. And they were --
12 they were -- they -- I -- I didn't know what to do. I just
13 stepped back because I didn't want to get in the middle of the
14 fight.

15 Q How long did this go on for?

16 A Oh, five/ten minutes.

17 Q And what -- Can you describe what you were doing at that
18 point?

19 A I was sitting at -- I was standing in shock 'cause I didn't
20 know exactly what to do. I know not to get in the middle of t --
21 two men fighting. I was screaming to stop, you know, "Just get
22 off him." It was "Leave him alone." I -- I really thought he was
23 going to choke him out, at that point.

24 Q Had you ever seen anything like that between --

1 Q -- the two of them?

2 A They've gotten -- They have -- They've had altercations in
3 the past, but not to that -- where that -- to that severity.
4 They've -- I've seen Al punch Devin before. I've seen, you know,
5 -- It -- It went b -- It went back and forth.

6 Q And at that point you've seen mutual --

7 A Yes.

8 Q -- confrontations before?

9 A Yeah, but not that -- not to that extreme.

10 Q Now, at some point, what ended that interaction between the
11 two of them?

12 A Okay. I think it was that I -- I said I was -- I had had it
13 and was going to call the police. And Al retreated downstairs.

14 Q What happened next?

15 A I know that we tried to make a call to Anthony. We tried to
16 make a call to Joe or text Joe.

17 Q When you say "we," who are you referring to?

18 A Devin and I. We tried to get in touch with them to let them
19 know what was going on, that we -- that they could come and help
20 or to -- to s -- you know, to deescalate the situation. When w --

21 Q There ever been occasions in the past where you or Mr.
22 McDonald in your presence had reached out in that way?

23 A Yes. We had tried to tell -- We sent a picture to Anthony,
24 or Devin sent a picture to Anthony because we found a spoon in a
25 baggie and we were trying to tell him that Al had started using

1 | drugs again.

2 | Q And when in relation to February was this, approximately?

3 | A It was -- It was probably at the end of January.

4 | Q And what was the response to that?

5 | A That -- That it w -- That it was not so.

6 | Q What if anything happened after Mr. Greenough went downstairs
7 | and you began trying to reach Anthony and --

8 | A Well, since nothing happened, Devin actually was the one who
9 | made the phone call to the police.

10 | Q And were you present when he made that phone call?

11 | A Yes, I was.

12 | Q And when Mr. McDonald made that phone call, were you present
13 | in the room?

14 | A Yes.

15 | Q Where was Mr. Greenough, if you know?

16 | A Downstairs.

17 | Q And so, he was still downstairs when the call was placed?

18 | A Yes, he was.

19 | MS. LYNCH: And, Your Honor, with the Court's permission can
20 | we play the emergency communications recorded call for February
21 | 2nd at -- I'm sorry; excuse me, Your Honor -- 7:31:37? Excuse me;
22 | 7:30:29, emergency communications, Essex County Regional Center.

23 | [Audio Playing at 2:23:46 p.m.]

24 | BY MS. LYNCH:

25 | Q Now, directing your attention to the recorded call for the

1 Reading Police from February 2nd at 7:31:37, I'm going to ask you
2 to listen to this:

3 [Audio Playing at 2:25:20 p.m.]

4 BY MS. LYNCH:

5 Q And the caller on that phone call, do you recognize the voice
6 of that caller?

7 A It's Devin McDonald.

8 Q Now, the reference in that call to his father, when had Mr.
9 McDonald's father passed away, if you know?

10 A It was the summer probably -- I think it's in August, July or
11 August of that summer.

12 Q And in terms of that loss, how was Mr. McDonald handling
13 that?

14 A Not -- He's still not handling it. No, he did not handle it
15 well at all.

16 Q And how would he manifest that?

17 A By drinking.

18 Q Now, as a result of placing that 9-1-1 call, did you see
19 police officers at the house at 1462?

20 A Yes, they had a police officer to come -- had come. At that
21 point, Devin was downstairs and I stayed in the back bedroom.

22 Q And at some point as you stayed in that back bedroom, did one
23 of the officers come upstairs?

24 A Yes, he d -- Yes, he did. And he spoke with me in the
25 bedroom.

1 Q And during that time did you describe for the officer what
2 had happened?

3 A Yes, I did.

4 Q Do you recall what you told him happened?

5 A That Mr. Greenough had come home and was angry, starting
6 smashing the table, came and attacked Devin, pushed me, we had a
7 pushing match, and then t -- came at him again and proceeded to,
8 you know, choke and -- choke him and -- and beat -- you know, I
9 thought flailing/fighting on the bed, and then he t -- he left
10 when he -- when he knew that we were going to call the police.

11 Q Do you know the circumstances under which he left? How he
12 left, who he left with, if anyone?

13 A Amy Thorn.

14 Q And how do you know that?

15 A We s -- She was the one who -- who dropped him off from the
16 funeral. And I do believe that either D -- I don't know if --
17 Devin had t -- said he seen the car, the truck had taken him --
18 taken o -- taken -- her particular vehicle leave. I'm -- That's --

19 Q Did you tell the police that you knew the identity of the
20 person he left with?

21 A I think we said he -- It -- I think we did say Amy Thorn.

22 Q Do you know for sure whether you said that?

23 A No, I'm not for-sure, no.

24 Q Now, when the police were at your house, did they ask you
25 whether you wanted any medical attention?

1 A Yes.

2 Q Did you need any medical attention?

3 A No, I did not. No.

4 Q With regard to Mr. McDonald, had you seen his physical
5 appearance and condition after this incident?

6 A Yes.

7 Q And what if anything did you observe about his condition?

8 A His ear was bloody. And he was -- I didn't see any visible,
9 like, bruising. But he was pretty shaken up. But his -- his ear
10 had been -- I don't know if it was hit, but it was bloody.

11 MS. LYNCH: Your Honor, the printed copy that I have of these
12 photographs is not the highest quality. And I'm just -- I'm going
13 to authenticate it with the witness. But if they can at a later
14 date be substituted with more suitable --

15 THE COURT: Yes.

16 MS. LYNCH: -- printouts.

17 BY MS. LYNCH:

18 Q I'm showing you these photographs. Do you recognize what is
19 depicted in these photographs?

20 A Yep. That's the marks and that's the ear that was hurt and
21 the redness around his eyes.

22 Q And did you notice anything about his lips?

23 A Yep, right here is a little bl -- bloody. He was probably
24 punched [Indiscernible at 2:32:30 p.m. - pronunciation unclear].

25 Q With the exception of the color contrast here, is that a fair

1 and accurate representation?

2 A Yes.

3 Q And does it appear that these photographs were actually taken
4 in the house itself?

5 A Yes, it was.

6 MS. LYNCH: I would offer these photographs.

7 THE CLERK: That would be starting at Exhibit 43.

8 [Photos of Injuries Marked as Exhibit Nos. 43-45]

9 BY MS. LYNCH:

10 Q When the police arrived at your house that night, did you go
11 downstairs?

12 A No.

13 Q At some point did you go downstairs to the apartment, in the
14 apartment?

15 A Oh, after the police had left.

16 Q Yes.

17 A Yes, yes I did.

18 Q Do you remember about what time it was that you went
19 downstairs? Was it that night, or --

20 A It was that night, yes, yes.

21 Q And what did you observe about the conditions in the kitchen,
22 at the time?

23 A The table was smashed all over the place, and the chairs.

24 Q I'm showing you this photograph. Does this appear to be a
25 photograph of the condition downstairs after you went down --

1 A Yes.

2 Q -- that night?

3 A Yes.

4 MS. LYNCH: I would ask that this be admitted as the next
5 exhibit.

6 THE COURT: Exhibit 44.

7 THE CLERK: Oh, sorry, Judge, I -- Each of these is --

8 THE COURT: Oh. Okay.

9 THE CLERK: -- a different one, if that works.

10 THE COURT: That's fine.

11 THE CLERK: Okay. So, this would be 46.

12 [Photo of Kitchen Marked as Exhibit No. 46]

13 BY MS. LYNCH:

14 Q Now, after the police left that night, did they tell -- ask
15 you to do anything or tell you to do anything?

16 A I signed a form just s -- stating that they had told me about
17 restraining or -- restraining orders or to that effect.

18 Q And did you want to get a restraining order --

19 A No.

20 Q -- at that time?

21 A No.

22 Q Now, on that particular evening did you and Mr. McDonald stay
23 at the apartment?

24 A Yes, we did.

25 Q And during the course of the evening, into the early morning

1 of February 3rd, did Mr. Greenough come back to the apartment?

2 A He came back in the morning.

3 Q Now, I just want to ask you whether or not you know this or
4 not: back in February of 2018, did Mr. McDonald have a cell phone?

5 A Yes.

6 Q And concerning that cell phone, were you aware of whether or
7 not he was getting texts during the course of this evening and
8 making texts during the course of the evening?

9 A Of Febu -- On the Friday?

10 Q Yes.

11 A I know that the texts went out to Anthony or Joe when -- And
12 then that would be it.

13 Q Were you aware of whether or not there was any texts between
14 Mr. McDonald and Mr. Greenough in that timeframe?

15 A At the -- No, I didn't --

16 Q During the course of --

17 A During -- D -- During the course of the evening, no.

18 Q Now, that following day, February 3rd of 2018, did Mr.
19 McDonald work that day?

20 A Yes, he worked.

21 Q What did Mr. McDonald do for work back then?

22 A He was working for Jackal -- Jack -- I don't know the exact
23 name of it. But he fixes restaurant -- restaurant ovens and
24 equipment.

25 Q And so, he worked that Saturday morning?

1 A Yes. He had an early morning, already pre -- 4:30 in the
2 morning, he had to go to work.

3 Q And at some point that morning, did he leave for work?

4 A He had to get picked up for work.

5 Q And was that because he had a flat tire on his car?

6 A He had a flat tire.

7 Q Now, when he left for work, who was at the apartment?

8 A Just me.

9 Q And during the time that you were in the apartment that day
10 by yourself, did you have any problems?

11 A No, no problems. I just got up and did my usual laundry and
12 tried to pick up the downstairs.

13 Q And what did you do to try to pick up downstairs?

14 A I started separating the wood from the table. I was -- I was
15 going to make something out of the wreckage. I was going to make
16 a toybox for my grandson out of the wreckage. I figured I'd save
17 it that way.

18 Q And what did you do with those pieces?

19 A I kept them in the kitchen but I had them separated. What
20 was too far gone, I would p -- I was going to throw away. So I
21 was in the process of doing that. I also had a corrugated piece
22 of card -- a round c -- corrugated -- I don't know how -- the roll
23 that had been there f -- since I started dating Devin. And I had
24 marked them out to make leg pillars for shelving. So, I was
25 getting all that ready to do during the morning because nobody was

1 there and it would be less -- it would've been a peaceful time to
2 do it.

3 Q Now, this project that you were working on, had you discussed
4 doing a project with Mr. Greenough at any point in the previous
5 morning?

6 A Yes. Friday morning when we were talking, I actually sat
7 down with Al, had coffee with -- we were reading the newspaper,
8 discussing the whole day, that he had to go to the funeral,
9 whatnot.

10 Q This was the morning of February 2nd?

11 A Of -- This was the Friday morning, yes. And we were actually
12 civil. Let's -- Let's -- And we were never really friends, but we
13 were civil. And I had asked him if I could use the saw that was
14 on the mantle because of the corrugated -- It was very thick. So
15 I had marked it out and I wanted to be able to cut it. And he
16 said sure. That Friday, I never got to it. So, Saturday morning
17 when everything was quiet, that's what I was planning on doing.

18 Q And in order to do that project, what did you do?

19 A What did I do?

20 Q Let me ask you this: --

21 A Yes.

22 Q -- had Mr. McDonald come home from work?

23 A Mr. McDonald had come home from work and was upstairs
24 sleeping. And I went downstairs.

25 Q And it was at this time that you decided to do that project?

1 A Yep, I -- Yep, I -- Yeah. After I got everything situated,
2 that's what I was going to do. Yep.

3 Q And this project that you were going to do, was the -- can
4 you describe the corrugated cardboard?

5 A Like, it is a th -- it was thick, about this thick.
6 [Indicating.] It was about this round. And it was, say, about
7 8 feet long. So, I had -- I had marked it out, the good sections
8 of equal length so I could make four different legs for shelving.

9 Q Now, in terms of this saw, where was the saw kept?

10 A It was on top of the mantle in the fireplace which was the
11 living room but now is Al's room.

12 Q And was -- Where were you when you had this conversation with
13 Mr. Greenough about using the saw?

14 A Oh, that -- I was sitting on the couch in the -- in his room.
15 The way it was divided, where the entrance was, his -- there were
16 couches and a -- and a coffee table and the TV. And then he put
17 his bed to the other side so he had privacy, 'cause there was a
18 full wall blocking that -- that scene. So, I was sitting on the
19 smaller couch/loveseat. And Al was on the main couch. So, I was
20 here, he was here. [Indicating.]

21 Q And where was this saw kept?

22 A The saw was kept on top of the mantle, on the left-hand side
23 of the fireplace.

24 Q And so, that afternoon when you went to get the saw, where
25 was the corrugated cardboard?

1 A It was in the kitchen. I had tried -- I had placed it from
2 the counter to the radiator, to give it some -- so I could cut.

3 Q And as you were doing so, you indicate that at this time Mr.
4 McDonald was upstairs in his room?

5 A Yes.

6 I never got to cut the corru -- I never got that far.

7 Q So, you're -- You are in Mr. Greenough's room?

8 A I -- I was in the kitchen. When I got ready to cut, get
9 ready for the saw, I went to go to the mantle and get the saw.

10 Q And did you go into his room to do that?

11 A Get -- Yes, I did.

12 Q And when you went into the room to get the saw, what did you
13 do with it?

14 A Well, at that point in time, just as I was taking it off the
15 mantle, Anthony and Al had walked in.

16 Q And which door did they come in?

17 A They came in the -- the normal door, through the hallway.

18 Q And when they came in through the normal door and the
19 hallway, what happened?

20 A It was a -- a yelling match. Al immediately started yelling
21 and screaming, "What are you doing in my room? What, are you
22 touching my stuff?"

23 And then Anthony started, "What are you doing, Kim, going
24 through his things?"

25 And I was -- I -- I kept trying say, "But he -- he gave me

1 permission. Al, you gave me permission."

2 But at this point Al was not i -- in -- himself. So, he --
3 he took this point to, like, drive the point home and use it agai
4 -- use it an advantage.

5 Q So what did you do with the saw at that point?

6 A I think I dropped it. I -- I -- I was shocked. I got -- I
7 was in front of the stairwell and they're yelling and screaming at
8 me.

9 And at that point Al took a speaker and tried to throw it at
10 me.

11 Anthony was in front of Al; he deflected it. Anthony turned
12 to Al and said, "What are you doing?"

13 And then Al picked up the speaker again and tried to throw it
14 at me again, at the --

15 And then I jumped back to -- I b -- jumped back onto the
16 stairs and sat down on the stairwell.

17 Q So you were standing when the speaker went --

18 A Yep. I was standing and then I screamed. Second time, I
19 guess it didn't break enough, so Al grabbed it again, tried to
20 throw it again. And I jumped back into the stairwell and sat
21 down.

22 Q Now, at the time that Mr. Greenough and Mr. Perrotti found
23 you in Mr. Greenough's room, did you remain in the room or did you
24 --

25 A No, I --

1 Q -- go out of that room?

2 A No, I walked right back out. The whole point was I wasn't
3 going to be -- I w -- I was just going to get the saw out of the --
4 off the mantle. It was a w -- enter and pick it up. I went
5 between the couch and his bed because it was the easiest access-way
6 there. And I was just going to get it and go start my project.

7 Q I'm showing you a photo that has been marked as Exhibit 12

8 A Yep.

9 Q Do you recognize what is depicted in this photograph?

10 A Sure, that's Al's room and that's the mantle. Where the
11 bicycle is is what the side -- the -- the saw would've been on.

12 Q And so, you had taken the saw --

13 A The saw.

14 Q -- from that area --

15 A Yep.

16 Q -- prior to this photo being taken.

17 A Yes.

18 Q Now, in terms of the room itself, I'm going to show you this
19 photograph which has previously been admitted as Exhibit 13. And
20 I'm going to direct your attention to a photo -- to the -- in the
21 photo to the area to the left of the stairs.

22 A Yep.

23 Q The chair and --

24 A Yep.

25 Q -- the items on it, --

1 A Sure.

2 Q -- do you recognize that?

3 A Yeah, that's when I -- I had started to s -- That's the
4 separation. That was the good wood, what I was going to use with
5 -- The other wood was e -- elsewhere. Yeah.

6 Q And in terms of the saw that you had in your hand, --

7 A Mm-hmm.

8 Q -- what happened to that when this happened?

9 A I -- I dropped it.

10 Q Do you recognize what is shown in that saw [sic]?

11 A Sure. This is the table frame, and there's the saw, my power
12 tools, and the separation -- the -- the rest of the scattered
13 wood.

14 Q Okay. And in any of these photographs, is the speaker that
15 was thrown depicted?

16 A Yeah, it -- it's in this one right here.

17 Q Let me just show you this other picture --

18 A Okay.

19 Q -- and ask you if that is a fair and accurate representation
20 of the location of the speaker.

21 A Okay. The speaker I see in this picture. And the speaker is
22 right here, yep. Yep.

23 Q And are these fair and accurate representations of the items
24 that you've described that you were working with --

25 A Yes.

1 Q -- at that point?

2 A Yes, it was.

3 MS. LYNCH: Your Honor, at this time I would offer these
4 three photographs.

5 THE CLERK: Going to be starting at 47.

6 [Photos Marked as Exhibit Nos. 47-49]

7 THE COURT: I'll see them in the picture, but how big was the
8 speaker?

9 THE WITNESS: This big. [Indicating.] It was a little Bose
10 speaker about this big.

11 THE COURT: A little Bose speaker?

12 THE WITNESS: Yeah, no more than 12 inches high.

13 MS. LYNCH: Thank you.

14 BY MS. LYNCH:

15 Q I'm showing you what has been marked as Exhibit 47. Can you
16 see it, projector?

17 A Yep.

18 Q I'm going to point to this item and ask you if you recognize
19 what this item is.

20 A That's the corrugated tubing I was talking about that I had
21 marked out to make the pillars.

22 Q And directing your attention to this item, do you know what
23 that is?

24 A That's the saw.

25 Q Showing you what has previously been entered as Exhibit No.

1 48. Directing your attention to this item that I'm pointing to,
2 do you know what that item is?

3 A That is the Bose speaker.

4 Q And that -- Was that its location after it was thrown the
5 second time?

6 A Yes.

7 Q Now, can you describe what happened at that point?

8 A Okay. At that point I -- Anthony t -- t -- told me to leave,
9 to -- to get -- to leave.

10 Q So, are you standing or seated when --

11 A I am sitting now. I'm -- I'm --

12 Q And --

13 A -- sitting on the stairwell, probably three to four steps up.
14 There's a lot of commotion, yelling. Anthony's yelling at me to
15 leave. Al's just yelling at me. Then --

16 Q Do you remember what he was yelling at you?

17 A Oh, no, just I have no idea. Profanity. I have no idea.
18 But he was just yelling. "How'd you got to go th --" One of the
19 things: "How'd you go through my things? What are you doing?"
20 And he knew that he had given me permission, 'cause he had kind of
21 smiled 'cause Anthony wasn't looking at me. And he gave me a
22 smile, like a-ha.

23 And I was just -- I couldn't get the words out. And I -- I d
24 -- I tried to s -- you know, tell Anthony that he d -- that --
25 that he shouldn't be here, "You don't understand; there was an

1 incident," and that he had -- I couldn't get those words out. And
2 then all of a sudden Devin heard --

3 Q What couldn't you get out?

4 A I just -- That -- That he -- it's not my -- it's not our
5 fault and that -- that there was an incident is what -- all I
6 could say, that Al -- Al's in trouble. You know, get -- he has a
7 warrant. I thought I g -- I got those words out. I could -- I --
8 'cause it may not have been audible. But I was trying to get them
9 out. At that point, --

10 Q Do you know whether you said that there was a warrant?

11 A I think I said there was a warrant. But can I be -- Did he
12 hear it? No. I don't --

13 Q And let me ask --

14 A -- I don't know.

15 Q -- you about this: when the police left your house that
16 Friday night, --

17 A Yes.

18 Q -- what had they told you --

19 A That they were going to --

20 Q -- of his arrest?

21 A They were going to put out assault and battery. And I
22 assumed it was for Devin. I -- I didn't take the pushing as an
23 assault towards me, which was my -- my reasoning. But there was
24 going to be a warrant out for his arrest and that if he was to
25 come home that we were to call.

1 Q Now, as this was going on, where was Devin?

2 A Devin was downstairs talking with the -- on -- on the -- the
3 s -- On the Friday night, Devin was downstairs talking to that
4 officer.

5 Q Now I'm talking about --

6 A Oh, Saturday.

7 Q I'm sorry; I'm going back to --

8 A Okay, now Saturday.

9 Q When you think you might have said "warrant."

10 A A warrant but -- Devin was still upstairs. And at this point
11 Al -- He heard me scream, he heard the commotion. He -- He
12 started coming out. I could hear him starting to come out. And
13 that's when Al went around Anthony, up over and s -- and went
14 upstairs, ran through me to Ant -- to Devin. And then you could
15 just hear them rolling around f -- And that would be Friday. But
16 --

17 Q What could you hear from your perspective --

18 A Banging on the walls, --

19 Q -- downstairs?

20 A -- banging, grunting, y -- you know, screaming, yelling.

21 Q And what if anything did you do at that point?

22 A I asked -- I asked Anthony if he was going to go up and stop
23 it.

24 Q And what happened?

25 A Anthony told me to get out.

1 Q And what if anything did you do?

2 A I ran out first. And then I came back and grabbed my
3 cigarettes and ran right back out.

4 Q And where did you run to?

5 A Devin had a -- a GMC Envoy that was no longer on the road.
6 So, --

7 Q That's a vehicle?

8 A That's --

9 Q Type of vehicle?

10 A Yeah, it's a type of vehicle. And he -- he had his mother's
11 Caravan but it was locked, so I jumped in --

12 Q Who had his mother's Caravan?

13 A Devin had his mother's Caravan as the working -- that -- the
14 -- the vehicle that he was going to use but had a flat. But it's
15 locked, so I went into the Envoy because I had no coat and I was
16 cold.

17 Q So what happened then?

18 A Meanwhile, a little ways later, I couldn't tell you if it was
19 10 minutes, whatever, Devin came out and then Anthony came out.
20 And then they proceeded -- I -- I -- He -- He couldn't find me. I
21 called over to him. He got me a coat out of his mother's van.
22 And then they realized, you know, they had to take the tire off.
23 So Anthony and Devin took the tire off.

24 Q So, at that point, in order to assist you and Mr. McDonald in
25 leaving, --

1 A Yes.

2 Q -- Mr. Perrotti assisted --

3 A Assisted Devin in taking the tire off, yes.

4 Q And at some point was the tire changed?

5 A From the spare, from the donut?

6 Q Yes.

7 A Yes, Devin had gone to a place and got it f -- got -- got a
8 new tire.

9 Q Okay. But what I'm asking is: once Mr. Perrotti and Devin
10 worked on the tire, --

11 A Yes.

12 Q -- were you able to drive --

13 A Yes. We drove --

14 Q -- the car?

15 A Yes, we drove away. Yes, we did.

16 Q And did you drive away in that Dodge Caravan?

17 A Yes, we did.

18 Q And when you drove away in the Dodge Caravan, where did you
19 go?

20 A We started down 28 originally. We were just -- We were going
21 to go to his mother's. And then we decided to head towards Harold
22 Parker, just to sit and just collect ourselves.

23 Q And Harold Parker is what?

24 A A state -- A state park. People camp there. You can go
25 hiking there, fishing.

1 Q So, what happened as you headed towards Harold Parker?

2 A I made the decision that we should -- that enough was enough,
3 that I -- I didn't know why we had chose to -- we had to leave.
4 Al was irate. He's already destroyed the table. All I could
5 picture was the rest of our belongings being destroyed. We -- I
6 didn't understand why we were leaving. I understood that, yes, Al
7 and -- and Anthony is his brother, I get that. So, -- But I had
8 had enough of -- of the verbal and the pushing and the violence
9 and just feeling intimidated. So, I said, "We're going to call
10 because he has a warrant out. I -- We're calling."

11 Q And so, as a result of that, while you were in the car did
12 you do something?

13 A I called the Reading Police Department, not the emergency
14 line but the actual just local -- the regular line.

15 Q Okay.

16 MS. LYNCH: So, with the Court's permission, could we play
17 Track 1 at 3:44:24 p.m., the recorded line.

18 [Audio Playing at 2:54:42 p.m.]

19 THE COURT: So, can I just -- Where were you when you made
20 that call, ma'am?

21 THE WITNESS: Harold Parker state -- Harold -- Harold forest
22 state park.

23 THE COURT: Okay. And had you already been drinking when you
24 made that call?

25 THE WITNESS: No, I wasn't drinking at all. It was first

1 thing in the morning. No.

2 THE COURT: All right. So, at -- When you told the state
3 police, "We didn't know where to go. I called for you. I said,
4 'Let's sit,'" and you have a margarita and called the police, when
5 was that?

6 THE WITNESS: [No response.]

7 THE COURT: So, the -- In your interview --

8 THE WITNESS: We -- Yeah, we never -- we never -- We just
9 drove. We --

10 THE COURT: In your interview with them --

11 THE WITNESS: Yep.

12 THE COURT: -- you said, "And then we left. And then --

13 THE WITNESS: Yep.

14 THE COURT: -- I called the main line."

15 THE WITNESS: The main line.

16 THE COURT: You didn't call 9-1-1.

17 THE WITNESS: Yeah, I called the main line. Yep.

18 THE COURT: And you didn't call 9-1-1, you said, the PD on
19 the main line, because it wasn't an emergency.

20 THE WITNESS: It was not an emergency.

21 THE COURT: "I was already gone."

22 THE WITNESS: I was already gone, yes.

23 THE COURT: And then the trooper said, "Where were you guys
24 when you made the call?"

25 And you said --

1 THE WITNESS: On --

2 THE COURT: -- "We didn't know where to go. --

3 THE WITNESS: Yep.

4 THE COURT: -- When I called for you I said, 'Let's sit and
5 have a margarita and call the police.'"

6 MS. LYNCH: I think that might be a typo.

7 THE WITNESS: Main Street. We were on Main Street.

8 THE COURT: Okay. At some point, is this -- Then --

9 THE WITNESS: We --

10 THE COURT: -- you go to the Lobster Claw?

11 THE WITNESS: No, we did not. We -- No. No, this is the
12 point where when we made that call we had -- were stopped at the --
13 at the s -- park that when the off -- Then there'll -- there'll be
14 another. And so, the officer calls back and asks us to proceed
15 towards the house. We --

16 THE COURT: Okay.

17 THE WITNESS: That's when we start -- Then I -- I told the
18 officer I wasn't comfortable going back to the house.

19 And then they said, "Let's meet at the Lobster Claw."

20 THE COURT: Okay.

21 THE WITNESS: Okay?

22 THE COURT: So you did meet later at the --

23 THE WITNESS: No, we never made it to the Lobster Claw
24 because in the interim we got another call back from the Reading
25 Police saying that they already had officers there but the doors

1 were locked, and did we have a key to the apartment.

2 We said yes.

3 "While the officers are already there, would you mind please
4 going back to give them the key?"

5 See, we were a c -- we were a couple lights away from the
6 Lobster Claw when we g -- received the second call that they
7 needed a key to get into the apartment.

8 MS. LYNCH: Your Honor, I -- I'm just going to --

9 THE COURT: Yeah.

10 MS. LYNCH: -- try to --

11 THE COURT: Yeah.

12 MS. LYNCH: -- notate the audio recording --

13 THE COURT: Sure. That'd be helpful. Thank you.

14 MS. LYNCH: -- as transcribed, 'cause I think that is --

15 THE COURT: Is a typo.

16 MS. LYNCH: -- potentially a typo.

17 THE COURT: Okay.

18 THE WITNESS: Main Street, I think I said.

19 BY MS. LYNCH:

20 Q Directing your attention to after that call concluded, did
21 you receive a callback on your cell phone at 3:48:50 from the
22 Reading Police?

23 A Yes, that's when we made the arrangements to go to the
24 Lobster Claw.

25 Q Okay. And directing your attention to Track 6 at

1 3:48:50 p.m., I'll play that for you at this time.

2 [Audio Playing at 3:01:41 p.m.]

3 BY MS. LYNCH:

4 Q Now, at some point after that call did Mr. McDonald begin to
5 drive towards the Lobster Claw?

6 A Yes, yes.

7 Q Now, as you were driving, about how far away was the location
8 where you were from the Lobster Claw?

9 A We were probably two sets of lights away.

10 Q And at some point did you get to the Lobster Claw?

11 A No, we n -- we bypassed it because in the interim we had
12 received a second call from the officers stating that they needed
13 a key.

14 Q Now, directing your attention next to Track No. 12 at
15 3:55:07. And see if you recognize --

16 [Audio Playing at 3:03:52 p.m.]

17 BY MS. LYNCH:

18 Q And after that call, directing your attention to the
19 timeframe shortly after 4:00, at 4:02:17 p.m., I'd ask you to look
20 at this video in the area of timestamp 1635:07, real-time 4:02:17,
21 whether you see --

22 [Video Playing at 3:05:31 p.m.]

23 BY MS. LYNCH:

24 A Yeah, it's coming in now. The van just turned in.

25 Q That was the van?

1 A That was the van turning in.

2 Q And so, at 4:02:17 when you responded back to the house, did
3 you see any police officers there?

4 A Yes, I did.

5 Q And where were they situated?

6 A In the front entrance, in the -- the main -- the first store.

7 Q So, directing your attention to what has previously been
8 admitted as Exhibit 8, does this depict that area?

9 A Yes, it does. Through the latticework would be the first
10 door I'm speaking of, yes.

11 Q Now, did you and Mr. McDonald remain in the vehicle?

12 A I remained in the vehicle. I do believe Devin got out to
13 give the key.

14 Q And once Mr. McDonald gave the key, what happened?

15 A It wasn't the right door because it -- we did not know that
16 they had -- The -- The very first door was the door they were
17 speaking of. It was not our door/entrance to the apartment.
18 There w --

19 Q And so you did not have the key.

20 A No, nobody -- I --

21 Q Mr. McDonald --

22 A As far as I know, nobody has a key to that door.

23 Q Now, do -- were you in a position to see how that door got
24 opened or if it did?

25 A It was opened at -- No, actually, it never was opened, not

1 that I saw.

2 Q From your vantage point, could you see that area though?

3 A From that vantage point, if -- if I could -- I couldn't see
4 it. But I do n -- I do not remember.

5 Q How long did you and Mr. McDonald remain in that vehicle or
6 at that location in the vehicle or around the vehicle?

7 A Until eleven/twelve o'clock at night. We were caution-taped
8 in after -- at a certain point.

9 Q And at some point did you go somewhere at the request of the
10 police?

11 A We went to the Reading Police Department. We were escorted
12 separately to the Reading -- I took -- I was in one car, Devin was
13 in another.

14 Q Now, prior to that time, as you were seated in the car did
15 you see or hear anything that attracted your attention?

16 A At one point they were a -- We could hear Al was at the
17 window where you can see to the left of the entranceway. The --
18 That -- The second-story window, that's the bathroom window. And
19 he was in the bathroom window. And I think it -- Anthony or
20 people were trying to talk to him, to come out.

21 Q And could you hear anything that he was saying?

22 A He was not coming out.

23 Q And he said that?

24 A Yeah, he wasn't going to come out. He -- No, he wasn't.

25 Q Did you see or hear him at all after that?

1 A After that point, he -- I did not see him.

2 Q Did you hear him?

3 A Right -- Right -- Right after he left the -- the window area,
4 you could only hear him faintly. That was it. And then it was
5 nothing. Then it was -- he was lost in the house somewhere.

6 Q Now, at some point after that, did something happen that
7 attracted your attention?

8 A Did something happen that attracted my attention? Well, the
9 officer -- I -- I -- I mean, there's -- The officers had started
10 to go around the house, okay.

11 Q So, which side of the house had they started to go around?

12 A To where you see the cars, the big bay window there, around
13 the back there are two back windows that are ground-level that --
14 that is one of the -- in our living room. Okay? So, at one point
15 one -- the officers had come --

16 Q When you say living room, you're referring to Mr. Greenough's
17 room?

18 A Mr. Green -- Living room, yeah, and Mr. Greenough's
19 first-floor bedroom, yes. So, we told them that there was an
20 entrance there, 'cause an officer came to talk to us, and that --
21 that that would -- that there were viable entrances back there.

22 Q Meaning what?

23 A That if they had to enter they could probably enter through
24 the windows, 'cause sometimes you forget your key, we crawl
25 through the windows. The windows were always open.

1 Q Okay. So, you pointed that out to the officers --

2 A Yes.

3 Q -- as they were walking --

4 A Yep.

5 Q -- around there?

6 A Yep. So, they were going around.

7 Q Now, did you -- While you were seated on the side of the
8 building in the car, did you give the police a statement
9 concerning what had happened that day when Mr. Greenough came
10 back?

11 A Yes. One of the -- We s -- I -- We spoke to a female officer
12 prior, then a male officer came up and asked what was the
13 situation and that they h --

14 And since they could not get in and there was no reason for
15 them to be there, I made him aware of the Friday night assault and
16 battery and the warrant.

17 And then he double-checked it and said, "Oh, okay." So,
18 there was some miscommunication between the officers, I guess.

19 Q And then what happened at that point?

20 A At that point, long standoff. I mean, just n -- nothing
21 going on. More police were coming. Then at some point they were
22 starting to go -- Two of the officers started to go around the
23 side then all of a sudden stop. And they all started running
24 around t -- past the gas pumps and around to that side. The rest
25 of the officers were at the front door waiting. They -- They were

1 all at the front door. Two were around. And then they all just
2 stopped and started running past and through the gas -- through
3 the awning, past the bays.

4 Q Now, during this time did you see Mr. Greenough's brother,
5 Anthony?

6 A Time we saw that Anthony came into vision, he was at the gas
7 pump. And he dropped to his knees and he said, "They shot my
8 brother."

9 Q Now, at that point had you seen Mr. Perrotti there prior to
10 that time?

11 A He was in and out the front part of the gas station. But at
12 that time, no, he was -- he was -- came from, like, the office
13 side, office entrance.

14 Q Now, to just go back for a moment to the time after you and
15 Mr. McDonald left the house when Alan and his brother told you to
16 leave, did Mr. McDonald call someone?

17 A His mother.

18 Q And was he on the phone for a period of time with her?

19 A Yeah. Yeah, I think he just wanted to let her know what was
20 going on. And I think that's where we originally were going to
21 head to. She was concerned. He always kept in t -- in close
22 touch with his mom.

23 Q And then at some point did you learn that there were texts
24 coming to Mr. McDonald's phone from Mr. Greenough?

25 A Ye -- About the cat. Ye -- The cat, threatens the cat,

1 something -- He was going to kill the cat, get rid of the cat.

2 Q Do you have a specific memory of the texts saying "Getting
3 rid of the cat now --

4 A Yes.

5 Q -- or it's going to be adopted"?

6 A Yes, "Come get --"

7 Q So it wasn't "Kill the cat," it was "Get rid of --"

8 A Get rid of the cat.

9 Q And whose cat was that?

10 A That was Devin's cat.

11 Q And at that point was there some texting or calling going on?

12 A I guess there was t -- there was texting going on.

13 Q But this was prior to your even getting back.

14 A Yes.

15 Q Now, at some point after you saw all the officers run to the
16 other side, did you at some point learn that something had
17 happened to Alan Greenough?

18 A Well, Devin thought he heard a shot. He said he heard a
19 shot. I did not hear it. I heard what I said I heard. But I did
20 not hear it. When the running -- That's what I took it, that
21 there was a shot, because then Anthony said it.

22 Q Now, -- So you did not hear a gunshot.

23 A I didn't hear the shot, no. Devin --

24 Q But at some point did you learn that Mr. Greenough had been
25 shot?

1 A Well, ye -- Well, yes, because of Anthony dropping to his
2 knees. I didn't know -- We didn't know if it was fatal or -- We
3 didn't know anything other than that. It was -- He was shot.

4 Q Now, at some point that night did you go to the police
5 station from that location?

6 A Yes. At that -- At the point after that, we were -- There --
7 We -- Yellow-taped off, caution-taped off. And then we stayed.
8 We were not to leave the car. And then about eleven -- between
9 eleven and twelve -- It was just a really long time. And then
10 another officer, I don't -- from a different town, I do believe,
11 escorted me separately from Devin to the Reading Police
12 Department.

13 Q And at that location were you interviewed by the police?

14 A Yes, I was.

15 Q And did you give a recorded interview to the police?

16 A Yes, I did.

17 Q Now, during that time did the police ask you whether you
18 would be willing to consent to them examining the interior
19 premises of your apartment?

20 A Yes, I did. I -- I consented. I -- I signed the form.

21 Q I'm showing you this document. Do you recognize what this
22 document is?

23 A Yep. That's the consent form. That's my signature.

24 Q And this was signed at the police station?

25 A Yes, it was, in the interrogation room.

1 Q And the time on that was?

2 A 9:00 p.m. Wow, I was way off. At 9:00 p.m. Way off.

3 Q And the consent that you provided was for the police to
4 search the apartment --

5 A Mm-hmm.

6 Q -- at 1462 Mass. Ave., the left-hand apartment?

7 A Main Street, 1462 Main Street.

8 Q Okay.

9 MS. LYNCH: I'd offer this as an exhibit.

10 THE CLERK: It's going to be Exhibit --

11 THE COURT: So, what number is it now?

12 THE CLERK: 50. Sorry.

13 [Consent Form Marked as Exhibit No. 50]

14 BY MS. LYNCH:

15 Q Now, I believe you had indicated earlier that you -- your
16 present memory was exhausted or you no longer recalled what you
17 told -- what you said after the speaker was thrown and smashed on
18 the ground.

19 A Mm-hmm.

20 Q Do you recall testifying that?

21 A Mm-hmm.

22 Q I'm going to approach you with the Court's permission.

23 A Yes.

24 Q I'm just going to ask you to read from your statement, page
25 21 to 22.

1 A Okay.

2 Q And if you could, starting at line 15 and continue on to the
3 next page.

4 A Okay.

5 Q I'm just going to ask you to read that to yourself and see if
6 that refreshes your recollection.

7 A [Reviewing document.] Yeah, mm-hmm.

8 Q Having reviewed that, --

9 A Mm-hmm.

10 Q -- is your present memory refreshed as to what was said when
11 you were in that area after the speaker was thrown?

12 A Yes.

13 Q And what did you say?

14 A Basically, I was trying to tell Anthony that he didn't
15 understand the situation and that I was trying to spit out --
16 which obviously I could not -- about -- that -- that -- about the
17 police and the warrant, that he didn't understand the full
18 situation with the trouble that Al was in and that we got to go
19 but we shouldn't -- I didn't say why we had to go. Why are we
20 going? I didn't understand.

21 Q Now, during the time that you were in the apartment when Mr.
22 Greenough came in with his brother, did you make observations of
23 Mr. Greenough's physical appearance and condition as it related to
24 the question of his sobriety?

25 A He was not sober.

1 Q And what did you base that on?

2 A Al had a -- When he was high, you -- he had a whole different
3 look about his face. I can't explain it but you could tell just
4 by the set of the eyes, the jaw, and the way he acted, his
5 mannerisms. And he was always angry at that -- you know, angry,
6 downright angry.

7 Q How -- So, was the anger -- angry demeanor in your view
8 related to his intoxication or sobriety?

9 A It -- It came out because of the intoxication and sobriety,
10 yes, more.

11 Q And that afternoon did you form an opinion as to whether he
12 was under the influence?

13 A I -- I came under the opinion that he was under the influence
14 of heroin.

15 Q Now, on the previous day when the incident happened that led
16 you to call the police, did you make observations of Mr.
17 Greenough's physical appearance and condition as it related to his
18 sobriety?

19 A When he left for the wake?

20 Q Yes.

21 A Yes, his -- he -- he had gotten high.

22 Q And did you observe his demeanor when he came back and the
23 incident involving the table and chairs and upstairs --

24 A Oh, he was -- Oh, yeah. He was very angry. It's -- Just not
25 -- It was -- It was not rational, coming in screaming, that -- we

1 -- Devin -- He thought Devin locked him out. And then he was just
2 angry, screaming about everything, about Devin's father to d -- to
3 -- to anything. He didn't like the table. He wasn't rational.
4 There was no sense of being that.

5 Q So, based on that, did you form an opinion?

6 A Oh, he was high. He was high on heroin.

7 Q Now, what was your relationship with Mr. Greenough like?

8 A We didn't have one. It was sometimes we -- I -- Ad --
9 Admittedly, I said, "Al, I know you don't like me. I don't
10 particularly like you. But let's get along." There were days
11 where we were civil. There was days we actually laughed. There
12 were days where we'd fought like cats and dogs.

13 Q And was that physical or verbal?

14 A Verbal and sometimes physical, yeah. Mm-hmm.

15 Q And with regard to the time that you were staying there, was
16 there a period or extended period where Mr. Greenough was not at
17 the apartment?

18 A Prior to December, he had left to go to a private detox in
19 Groveland or Georgetown. He had been taken out by ambulance. He
20 had OD'd.

21 Q And were you present when he OD'd?

22 A No, we were out running errands that -- that -- that being
23 "we": Devin and I were out running errands.

24 Q What did you observe about Mr. Greenough's relationship with
25 Devin in this timeframe of January and February?

1 A Okay, January into February, it was getting -- it -- it --
2 increasingly worse.

3 Q And what about Mr. McDonald's sobriety or drug or alcohol use
4 during this timeframe?

5 A His -- His -- His alcohol use was getting more and more.

6 Q And what knowledge if any did you have concerning drug use by
7 Mr. McDonald in this timeframe?

8 A In that timeframe, I know one time that he had used cocaine.
9 I was not there, I was not present, but I was told.

10 Q And when in relation to these events was it?

11 A It was before Al had gone to detox. It was months before.

12 Q Now, you mentioned about Mr. McDonald's father.

13 A Yes.

14 Q When in relation to these events had Mr. McDonald's father
15 died?

16 A It was the summer -- I -- I do believe it was in August, end
17 of July or August that his father had finally passed. But he did
18 have a stroke. He was in a nursing home. But the procedure he
19 went -- was something to -- very minute. And the -- the death was
20 unexpected.

21 Q And in the time that you knew Mr. McDonald after that, how
22 was he handling that?

23 A He was not handling it at all.

24 Q And how was he responding?

25 A Denying it. He was drinking. He was sneak-drinking.

1 Q Now, after these events took place on February 2nd and 3rd,
2 did you and Mr. McDonald continue to live at that residence?

3 A Yes.

4 Q Did you pay rent to stay at the apartment?

5 A Yes.

6 Q And was that you and Mr. McDonald or you and -- you
7 separately?

8 A I paid mine and Mr. McDonald paid his.

9 Q And what did you pay the landlord for rent?

10 A Five hundred a month.

11 Q That was you, personally.

12 A That was me, personally.

13 Q And how -- what period of time did you pay that?

14 A Nov -- It would've been November, December, January.

15 Q And what about Mr. McDonald? Did he pay anything for rent?

16 A Well, he paid -- He was supposed to pay 750. I always know
17 he was behind at some point. But I never really got a straight
18 answer and -- with him and never pressed it. So --

19 Q And with regard to your relationship, did you continue to
20 live at that house with him?

21 A Yes.

22 Q And at some point did your relationship deteriorate?

23 A Oh, yes. It -- It was deteriorating even before the incident
24 with Al. I was c -- I was actively looking for places to live for
25 myself.

1 Q And in terms of your relationship with Mr. McDonald, did it
2 involve you calling the police --

3 A Yes.

4 Q -- and Mr. McDonald getting arrested?

5 A Yes. Devin's deteriorated very fast after Al's incident, to
6 the point where he was very aggressive, blackout drunk. I moved
7 everything downstairs after the third time I -- I -- being
8 upstairs, trying to stay up there. But things were getting
9 ruined. My things were being destroyed. So I moved all my things
10 downstairs in the hope that, you know, I would be getting out
11 soon.

12 Q And so at some point did you call the Reading Police and was
13 Mr. McDonald arrested?

14 A Yes, he was. Yes, he was.

15 Q Was that in April?

16 A That was the day before Easter.

17 Q And at some point after that did you obtain a restraining
18 order?

19 A I retained a emergency -- emergency restraining order the
20 morning of Easter because Mr. McDonald was not supposed to show
21 back up and he did. And he came in screaming profanity. And I
22 had just -- I had had enough. So I called the Reading Police
23 Department. And the officer said, "Please come down and take a
24 picture and file an emergency restraining order," you know. And I
25 said okay. And I -- And they had an officer come get me and I did

1 that.

2 Q And after that, did you have any further contact with Mr.
3 McDonald?

4 A Not for -- Not -- I had to go into court. We had a 10-day --
5 10-day restraining order. He could not come to the apartment. He
6 did come back. I let him in. I didn't -- At that point, we got a
7 no- -- There was a -- It wasn't a full restraining order. It was
8 a no-abuse order or -- I -- I don't know the exact terminology.
9 But we had gotten in contact and I said it would be fine. And I
10 had no animosity at this point. It was just I -- I knew I was
11 leaving. So just -- You know, "Go. I'm leaving. Let's get this
12 - wrap this up." There's a lot damage in the house that we wanted
13 to patch up and fix. You know, we were trying to be respectful,
14 you know.

15 Q And in terms of the -- your relationship with Mr. McDonald,
16 what is your present relationship with him?

17 A I -- I -- I -- If -- When he's in -- I talked to me a couple
18 times. I've had a couple family deaths. I've spoke with him when
19 he's been out of jail. But he's been in jail for breaking his
20 probation, I guess. I don't know; I haven't spoke with him. I d
21 --

22 Q Now, in terms of coming to this hearing, were you contacted
23 by someone at my request, to get in touch with us?

24 A Yes, I got in t -- Stephanie, his mother, contacted me.

25 Q So, this was Mrs. McDonald?

1 A Mrs. McDonald texted me through h -- she has his phone. So,
2 --
3 Q Now, --
4 A -- she ph -- she contacted me.
5 Q Now, in order for you to come up here, --
6 A Mm-hmm.
7 Q -- did the Commonwealth make arrangements for you to fly?
8 A Yes. Yes, they did.
9 Q And have arrangements been made to fly you back --
10 A Yes, they have.
11 Q -- to Florida?
12 A Yes.
13 Q Now, in terms of the events that day, I just want to ask you
14 about a picture I have here. You mentioned something about --
15 there was a sculpture downstairs on the --
16 A Yep.
17 Q -- night of February 2nd that you had to --
18 A Yes. It was a --
19 Q -- that Mr. McDonald --
20 A Yes. It was a metal boat. His father was a big yacht man.
21 And he belonged to the Marblehead Yacht C -- Club, so --
22 Q And this was previously in the room downstairs?
23 A That was on the t -- It was on the table in the kitchen.
24 Q Now, did you -- Strike that. I'm showing you this
25 photograph. Do you recognize what is depicted in this photograph?

1 A Sure. Okay. Okay, this is Devin's room. And that's the
2 metal sculpture that we got.

3 Q And is the cat that was referenced in the text message --

4 A That's Pretty. Yes, that's Pretty Kitty.

5 Q And that's the name of the cat?

6 A Yes, and the cat's name is Pretty.

7 THE COURT: Number 51.

8 [Photo of Sculpture and Cat Marked as Exhibit No. 51]

9 BY MS. LYNCH:

10 Q Now, did you do anything to Mr. Greenough's television prior
11 to leaving on the 3rd?

12 A No.

13 Q And --

14 A I didn't 1 --

15 Q -- was there one television or more than one television in
16 his room?

17 A There's one television. It's a big old -- It was a big old
18 monstrous thing.

19 Q But when you were in his room, the item that you obtained
20 was?

21 A A saw. It's a saw.

22 Q That mantle area, have you ever seen an item described as a
23 hatchet?

24 A Yeah, that would be on the -- directly on the other side.
25 The saw was on the left, the hatchet was on the right.

1 Q And that fireplace, did -- was that a woodburning fireplace?

2 A It -- It was an inactive woodburning s --

3 Q So, with regard to 18, I'm showing you this item behind the
4 motorcycle. Do you recognize --

5 A Yep.

6 Q -- that?

7 A That's the hatchet.

8 Q And do you know what that was? Was it just decorate?

9 A It's decorate, yep.

10 Q Was it a tool --

11 A Yep.

12 Q -- that was used?

13 A No, it was a decorate piece.

14 MS. LYNCH: If I might just have one moment, Your Honor.

15 Thank you. I have nothing further.

16 THE COURT: Thank you. Mr. Pasciucco?

17 MR. PASCIUCCO: Your Honor, if I can just see Exhibit -- I
18 believe it's 17 and 18.

19 THE COURT: Sure.

20 CROSS EXAMINATION OF WITNESS, KIMBERLY BELLINO

21 BY MR. PASCIUCCO:

22 Q Good afternoon, Ms. Bellino.

23 A Hi.

24 Q My name's Peter Pasciucco. I represent Officer Erik
25 Drauschke.

1 A Hi.

2 Q So, a few questions for you today. I want to direct your
3 attention to what's been marked as Exhibit 18.

4 A Okay.

5 Q And I believe you identified this earlier. But this was Alan
6 Greenough's living area?

7 A Yes.

8 Q And that was Mr. Greenough's coffee table?

9 A Yes.

10 Q And the items on that coffee table, it was your understanding
11 that those were Mr. Greenough's?

12 A Yes.

13 Q And when did you begin dating Devin McDonald?

14 A The beginning of the summer.

15 Q Of 2017?

16 A Of 2017, yes.

17 Q Okay. And did you know Mr. McDonald prior to dating him?

18 A No.

19 Q Okay. And how did you come to meet Mr. McDonald?

20 A I had a girlfriend named Ramona Lavoy [phonetic], and Mr.
21 McDonald and her both lived with a -- a mutual friend, Laurie and
22 -- Laurie Berg [phonetic] --

23 Q Okay.

24 A -- was her name.

25 Q So, were you set up with Mr. McDonald, or --

1 A Well, we went out. Me, Ramona, and him went out on, you
2 know, -- Yeah.

3 Q Okay. And did you know Alan Greenough prior to meeting
4 Devin?

5 A No.

6 Q Okay. So, was the first time that you met --

7 A At --

8 Q -- Mr. Greenough after you started or began seeing Mr.
9 McDonald?

10 A Yes.

11 Q Okay. Do you know how Mr. McDonald and Mr. Greenough knew
12 each other?

13 A They told me stories, that they were childhood friends
14 growing up, from kindergarten on or from elementary school on.

15 Q You indicated that during the time-period where you resided
16 at the apartment on Main Street in Reading with Mr. McDonald and
17 Mr. Greenough --

18 A Mm-hmm.

19 Q I think your direct testimony was that you fought like cats
20 and dogs with Mr. Greenough?

21 A Yes.

22 Q Okay. And you recall speaking with state police detectives
23 on the night of the incident; is that correct?

24 A Okay.

25 Q Do you recall speaking with the state police?

1 A Yes, yes.

2 Q Okay. Do you recall telling them that Alan tried to punch
3 you once?

4 A Alan -- Alan came at me when Devin and I were in the bedroom
5 and we were arguing. So, Al came busting through the door. He
6 insinuated himself into the argument, proceeded to try to push me
7 or hit me. And he got me t -- he pushed me twice. And Devin was
8 trying to get in. And I'm the one who swung at Al.

9 Q And when was this?

10 A Jeez, it was during the summer.

11 Q Okay. Do you recall telling the state police that Alan had
12 slashed Devin's motorcycle tires?

13 A Oh, yes, he had done that too.

14 Q Okay. And can you --

15 A Yep.

16 Q -- tell us a little bit about that?

17 A There was an incident. Al was mad at Devin for some reason.
18 There was another person who was -- he was with. Al had been
19 drinking with a Kevin Merrill that day. And there -- there was --
20 they had words, Devin and Al. And Devin at some point went to go
21 use the motorcycle to leave. And I guess Kevin had told him not
22 to, 'cause he d -- Kevin s -- Kevin knew that the tires were
23 slashed and that --

24 THE COURT: Did you see this yourself?

25 THE WITNESS: I did not see any slashing. I'm -- I'm hearing

1 it through --

2 THE COURT: From somebody else.

3 THE WITNESS: From Kevin -- Kevin Merrill, that they had --
4 that -- that Al had slashed the tires. So, he didn't want Devin
5 to go on the bike and get hurt.

6 THE COURT: Do you know whether Kevin saw that?

7 THE WITNESS: Kevin saw that, yes.

8 THE COURT: Kevin told you he saw that --

9 THE WITNESS: Yes.

10 THE COURT: -- or did you hear it?

11 THE WITNESS: Kevin said he saw Al slice the tires.

12 THE COURT: It's Kevin who?

13 THE WITNESS: Merrill, M-E-R-R-I-L-L.

14 BY MR. PASCIOCCO:

15 Q And who is Kevin Merrill?

16 A It's one -- I guess one of their friends. I met -- When I
17 came in with Devin, K -- I met Kevin 'cause he was sitting with Al
18 in the living room.

19 Q You indicated that -- to the state police detectives that you
20 believe that Al was using heroin and had fallen off the wagon?

21 A Yes.

22 Q Okay. When did you believe -- again, this is prior to the
23 incident -- that Mr. Greenough began using heroin again?

24 A When did -- When did I suspect him using heroin again before
25 February 3rd?

1 Q Correct.

2 A It was probably a couple weeks. Mid-January. He got out
3 before Christmas. By three weeks -- About -- About three weeks
4 after he got out of the detox, he was back using.

5 Q And what led you to believe that he had begun using?

6 A We had found the spoon. We had found a baggie. And the way
7 he was acting. Al would be very angry. He would clean like a son
8 -- a son of a B. And then he -- he was just very angry. And it
9 would be mostly you couldn't make a noise, you couldn't make a
10 sound. If you went downstairs, he'd go off kilter. I -- It was
11 to the point where I wouldn't even go downstairs if I knew he was
12 high. I'd ask Devin to go down and make a coffee 'cause I didn't
13 want to -- I didn't want to go down, 'cause he was always angry.
14 It would be at me.

15 THE COURT: Was Mr. McDonald using heroin?

16 THE WITNESS: No, Mr. McDonald does not use heroin.

17 THE COURT: Were you using heroin?

18 THE WITNESS: No.

19 THE COURT: Were you using any other drugs?

20 THE WITNESS: No. I smoke pot. That's the most that I do.

21 THE COURT: And you said that Mr. McDonald was using other
22 drugs?

23 THE WITNESS: Mr. McDonald at the time was smoking pot and
24 drinking. And that was it.

25 THE COURT: I thought you said something about cocaine.

1 THE WITNESS: He used cocaine once when I was not there, p --
2 way prior to -- He did have a history when he was 20 years old of
3 using cocaine. But he was at that point not using cocaine.

4 BY MR. PASCIUCCO:

5 Q Did you know Mr. Greenough to use any other substances apart
6 from heroin?

7 A He had a lot of prescriptions. But I know he liked his
8 Klonopins or the -- or they call it benzos. He would get those
9 often. Valium. That'd be about it. And pot.

10 Q And I know you referenced this in your direct testimony, but
11 you believe that there was a correlation between Mr. Greenough's
12 substance abuse and his personality and specifically his anger; is
13 that correct?

14 A Yes, yes.

15 Q Okay. Did you have a relationship with Anthony Perrotti at
16 all?

17 A No, not really. I mean, I knew he's Al's brother. I was
18 sort of told, you know, -- Devin would like to do all the speaking
19 for e -- everything. I d -- You know, at one point in time I did,
20 you know, go pay rent and then, you know, to Anthony. And he told
21 me about Devin. I mean, I don't speak to Anthony very often. He
22 -- He ran the shop and that was his job. In -- In terms -- I say
23 hi, but that would be about it.

24 Q Now, on Friday evening, February 2nd, after Mr. Greenough had
25 returned from the wake, you testified about the table being

1 | smashed.

2 | A Yes.

3 | Q Did you actually see Mr. Greenough smashing the table?

4 | A I could hear him smashing the table.

5 | Q Okay. Did Devin McDonald contribute or join in with Mr.
6 | Greenough --

7 | A No, not at all.

8 | Q -- in smashing the table?

9 | A No, he didn't even want to go downstairs to confront Al,
10 | 'cause I asked him to please go and talk to him and have him stop
11 | 'cause it -- First it just started with a small chair. And then
12 | Devin said, "Just let it be, Kim." And then I heard more smashing
13 | and Devin wasn't going to go downstairs. And that's when I yelled
14 | to Al to please stop smashing our things.

15 | Q Okay. And that table and chair that you then observed
16 | smashed, that was not broken earlier in the evening?

17 | A Oh, no, there was -- it w -- No, not at all.

18 | Q Turning your attention to Saturday, February 3rd, you
19 | indicated that you were home with Devin. This is what you
20 | indicated to state police detectives: --

21 | A Yep.

22 | Q -- that you were home with Devin, Alan and Anthony showed up,
23 | and all hell broke loose?

24 | A All hell broke loose, yes.

25 | Q Okay. And it's your belief that Mr. Greenough was under the

1 influence of heroin or other substances on Saturday, --

2 A Yes.

3 Q -- February 3rd?

4 A Yes.

5 Q Okay. Do you recall labeling Mr. Greenough's behavior to
6 state police detectives as immediate outrage?

7 A Mm-hmm.

8 Q Is that a yes?

9 A Instant. Yes, instant outrage, immediate outrage.

10 MR. PASCIUCCO: Nothing else. Thank you.

11 THE WITNESS: You're welcome.

12 CROSS EXAMINATION OF WITNESS, KIMBERLY BELLINO

13 BY THE COURT:

14 Q Ms. Bellino, what --

15 A Yes?

16 Q What led you to believe that there was going to be a warrant
17 for Mr. Greenough's arrest from the Friday night incident?

18 A Because the police said they were issuing a warrant. They
19 were going to do a cursory look around the neighborhood but they
20 were going to have a warrant out for his arrest.

21 Q Do you remember which officer told you that?

22 A I only spoke to -- I really don't. It was a male officer.
23 That's all.

24 Q And I think you testified that they also said, if he comes
25 back, to call.

1 A Yes.

2 Q Okay. So, on Saturday, the District Attorney played the
3 phone call that you made to the police.

4 A Yes.

5 Q Did you make that phone call on your cell phone?

6 A Yes.

7 Q And did both you and Mr. McDonald have cell phones --

8 A Yes.

9 Q -- at that time?

10 A Mm-hmm.

11 Q Okay. So, what time did Mr. Greenough come to the house on
12 Saturday? When was the next -- after the Friday night incident,
13 in other words.

14 A I want to say -- I want to say it was between one and two,
15 'cause I -- one and two.

16 Q And then you said he was with Anthony.

17 A Well, he came walking in with Anthony.

18 Q With Anthony.

19 A Yes.

20 Q Okay.

21 A Anthony was already at work. I don't know -- You know, you
22 see your brother, you say hello, and they walked in. You know,
23 that's a typical thing to do. You know?

24 Q You didn't call the police then and say, "He's here?"

25 A N -- I c -- N -- I was downstairs. I was taken back [sic]

1 'cause I was grabbing the saw. If -- I didn't have my phone. And
2 I didn't expect all that. And at that point I thought maybe
3 Anthony was coming in so we could resolve the issue. And then,
4 you know, we could've worked it -- done something other than what
5 happened.

6 Q Mr. McDonald was there at the time?

7 A He was sleeping upstairs.

8 Q And you didn't yell to him to call the police?

9 A N -- No. I didn't -- I -- I -- There really wasn't any time,
10 Your Honor.

11 Q And the night before, I think you also testified that the
12 officers advised you of your rights with regard to getting a
13 restraining order --

14 A Sure, yes.

15 Q -- or a harassment prevention order.

16 A Yes.

17 Q And you said, I think when the District Attorney asked you,
18 you didn't get one of those.

19 A No, I didn't need -- I --

20 Q And why was that? You said you didn't need one.

21 A I didn't need one because all -- because Al -- We'd been
22 living in such a state. And all it was was pushing and shoving in
23 a hallway. And to me, that doesn't con -- constitute assault and
24 battery on me. I mean, he did assault Devin. But I didn't feel
25 that I had any right to.

1 Q And you never requested a restraining order before?

2 A No.

3 Q Mr. McDonald hasn't/hadn't, as far as you knew?

4 A A -- Against Al Greenough?

5 Q Yeah.

6 A No, no.

7 Q Okay. Now, I think you also testified that at some point
8 before Mr. Greenough went to the wake you said, I think, you knew
9 he'd been drinking.

10 A Oh, I knew he'd been drinking -- been drinking all day with
11 Albie 'cause g -- Albie came in with bottles.

12 Q Okay. So, Albie came in with bottles.

13 A Yeah, bottles.

14 Q And you -- Who was the other person there? Dee or somebody?

15 A Albie. No, Dee works there. Dee would just come on through.

16 Q Okay.

17 A And there's some banter between him and Dee. And then I
18 heard another per -- I was upstairs and then I heard another
19 person come in. And that's when Devin came in that d -- and he --
20 he identified that person as Corey. And he was n -- and that was
21 not a good thing.

22 Q And did you see them drinking, that group?

23 A Did I see them drinking? No, I went upstairs.

24 Q Okay.

25 A But they were there for -- until the late afternoon until

1 they went to the wake at seven o'clock.

2 Q And you weren't drinking.

3 A No, I was upstairs.

4 Q And then you said when Mr. Greenough came home --

5 A Yes.

6 Q -- then there was --

7 A The altercation.

8 Q -- altercation.

9 A Yes.

10 Q And is it that point when you said you first called Anthony
11 and Joe?

12 A We had -- We -- I called using D -- Anthony using Devin's
13 phone, 'cause I don't have any numbers, because Al was either pret
14 -- it was either calling Anthony and speaking to Anthony or
15 pretending to speak with Anthony. So, when I called, I -- Devin
16 dialed the number, I was telling Anthony that he's destroying the
17 table, he's -- you know, he's yelling that we're doing it, and
18 he's out of his -- you know, he's not right. Can -- You know, --

19 Q Forgive me; I just --

20 A Yeah.

21 Q -- want to make sure I have this straight. So, you -- Who
22 called Anthony?

23 A I used Devin's phone to call Anthony.

24 Q Did somebody call Joe?

25 A I do believe Joe was texted --

1 Q Okay.

2 A -- by Devin.

3 Q By Devin. And about how long did all of that take?

4 A Oh, that was probably less than a minute for the -- the
5 voicemail I left Anthony. I don't know if Devin texting -- I
6 don't know how -- how much texting was going before, back and
7 forth.

8 Q And you did that before you called the police.

9 A Yes.

10 Q Okay. And so, how soon after all of that did you call the
11 police, approximately?

12 A About a half-hour.

13 Q A half-hour after that.

14 A After that.

15 Q Okay. And you waited that long because --

16 A Well, that was when -- In the -- When we were texting and
17 whatnot, that's when Al had only started destroying the table.
18 There was no physical contact at that point.

19 Q Okay.

20 A And then the physical contact happened. And then that's when
21 the -- the police -- was a decision --

22 Q So, the whole first part was the --

23 A Just the --

24 Q -- destroying the --

25 A Of the table. The bantering back and forth. Okay.

1 Q The hatchet that you saw in the photograph, --

2 A Mm-hmm.

3 Q -- you I thought said that it had been there as long as
4 you've been living there; --

5 A Yep.

6 Q -- is that correct?

7 A Yep.

8 Q Okay. Had you seen it moved from that location?

9 A No.

10 Q And why is it at some point Mr. Greenough changed rooms and
11 moved his bedroom down there?

12 A He didn't like t -- The rooms were close and he was talking
13 about plowing. And he just didn't want to be downst -- upstairs.
14 He didn't want to listen to -- to Devin and I. So he moved
15 everything downstairs.

16 Q And I think you testified earlier too that there had been
17 what you described as back-and-forth kind of mutual confrontations
18 between Mr. Greenough and Mr. McDonald.

19 A Yes.

20 Q Okay. Some initiated by Mr. McDonald?

21 A Yep, some initiated by Mr. McDonald, some initiated by Mr.
22 McDonald. It went back and forth. It was a love/hate
23 relationship.

24 Q And were the police called for all of those incidents?

25 A No, no. No, no. The -- No. For all the incidents that we

1 had, there were more than a dozen prior that were n -- nobody was
2 ever called. We try not to, try -- try to resolve it amongst
3 ourselves.

4 Q And you said that -- I think, that you had -- you would fight
5 like cats and dogs with him at times.

6 A Yeah. Well, yeah, because it w -- Yes, I would 'cause I
7 don't back down. I'm pretty stubborn and I don't like getting
8 pushed around.

9 Q And some of that was physical?

10 A Yes. If Al -- Al would come at me, I would defend myself.

11 Q Okay. I know Mr. Pasciucco asked you a few questions about
12 your statement to the state police, and I just want to be clear --

13 A Mm-hmm.

14 Q -- about that. It -- So, it was Detective Fitzgerald who
15 asked you, "So, where were you guys when you made the call? You
16 said you were in the --"

17 And then you said, "We didn't know where to go. When I
18 called for you --"

19 A Yes.

20 Q -- I said, 'Let's sit and have a margarita and call the
21 police.'" And you're saying that didn't happen.

22 A No, I said, "Let -- We're on Main S -- We're on -- We're on
23 Main Street."

24 Q Main Street.

25 A "We're on Main Street."

1 Q "We're on Main Street."

2 A We didn't know where we were going.

3 Q Okay.

4 A Yeah.

5 Q But that -- On that occasion, --

6 A Yep.

7 Q -- you didn't call 9-1-1 because you said it wasn't an
8 emergency.

9 A We had left.

10 Q Okay.

11 A And we were contemplating what we were going to do. It's
12 shock again. We're just -- It's been a -- It was a tumultuous two
13 days.

14 Q On Friday after that -- once you decided to call the police
15 after trying to deescalate the situation --

16 A Yep.

17 Q -- did you call the business line?

18 A Yes, yes.

19 Q You didn't call 9-1-1 that time?

20 A I did n -- No, I did not call 9-1-1. No.

21 Q Do you remember -- I know you didn't know the name of the
22 male officer who was there on Friday.

23 A Mm-hmm.

24 Q But did you recognize any of the officers from Saturday as
25 having been there on Friday?

1 A Not -- I -- Not that I recall.

2 Q Okay. And the officer that you spoke to on Friday, --

3 A Yes.

4 Q -- that conversation took place where?

5 A Upstairs in the bedroom.

6 Q Okay. And how did the officer get upstairs to the bedroom?

7 A He walked up the stairs and came back to see me.

8 Q Did you go let him in? Or how did he get in?

9 A Devin was already downstairs with the -- He let the officers

10 in. Devin went downstairs, let the officers in. I did not go

11 downstairs. I stayed upstairs in the back, in the bedroom.

12 Q Thank you, ma'am.

13 A You're welcome.

14 MR. KOUFMAN: May I make an offer of proof?

15 THE COURT: Sure.

16 MR. KOUFMAN: On the issue of fear of the police, if that's

17 okay.

18 THE COURT: Mm-hmm.

19 **CROSS EXAMINATION OF WITNESS, KIMBERLY BELLINO**

20 BY MR. KOUFMAN:

21 Q Ms. Bellino, my name --

22 A Yes.

23 Q -- is Victor Koufman and I represent Anthony's --

24 A Okay.

25 Q -- and Alan's family.

1 A Okay.

2 Q Just a couple quick questions. Did you testify or do you
3 have any thoughts as to whether or not Alan Greenough had a fear
4 of the police?

5 A Yes, I knew he had a fear of the police.

6 Q And can you tell the judge what the fear of the police was
7 about?

8 A He had many incidents, but the last incident was when he was
9 at Winchester Hospital and he claimed that the Winchester Police
10 had beat him up. And he had a big egg on his -- a big egg.

11 Q But did you actually see that big egg on him?

12 A Yes, I did. Yes.

13 Q And that was how many months before the shooting, if you
14 recall?

15 A Before or after the -- Let me think about this. It was
16 before -- I want to say it was before detox. So --

17 Q September?

18 A D -- November, October/November, yeah.

19 Q But you actually saw that egg?

20 A Yes, I did see the egg.

21 Q And he indicated to you it was from that incident with the
22 police?

23 A Y -- Yes.

24 Q Now, --

25 MR. KOUFMAN: Judge, I'd like to make an offer of proof --

1 THE COURT: Sure.

2 MR. KOUFMAN: -- with respect to another issue, --

3 THE COURT: Mm-hmm.

4 MR. KOUFMAN: -- which is the weapons, the alleged weapons.

5 THE COURT: Yes.

6 BY MR. KOUFMAN:

7 Q On that Friday, February 2nd, --

8 A Mm-hmm.

9 Q -- with the incident, first incident before the Saturday of
10 the shooting, --

11 A Yes.

12 Q Okay. At that time, there were no weapons in the house; is
13 that correct?

14 A No.

15 Q None whatsoever; is that correct?

16 A Yes.

17 Q Okay. Then on Saturday at some point the police came -- Or,
18 in fact, even on that Friday, Alan was in no possession of any
19 weapons; is that correct?

20 A No. I mean, no, no. No.

21 Q Saturday when the police arrived you said that at some point
22 you had a conversation with the police when they actually -- when
23 you returned to the apartment and you were in the car, you recall?

24 A Mm-hmm.

25 Q And then the police came to you and spoke with you in the

1 car; is that right?

2 A Yes.

3 Q And then, isn't it true that the officer then asked you if
4 Alan had any weapons?

5 A And we said no.

6 Q I'm sorry?

7 A Yes, they did ask. And we said, "Not to our knowledge."

8 Q Okay. So, they specifically asked you that question on that
9 Saturday; do you remember?

10 A Yes. Yes.

11 Q And that was before the shooting; is that correct?

12 A Yes.

13 Q Okay. And at that point, do you remember how many officers
14 were there when that statement was made, when you told them he had
15 no weapons?

16 A I s -- I said that not to my knowledge that he had weapons.
17 And there were two cruisers, so I assume there was four police
18 officers. I remember seeing three.

19 Q Okay. And they were all in the vicinity when you made that
20 statement or when --

21 A No, no. The officer came right to the window. So, it was
22 one officer. Devin rolled down the window and asked if -- if we
23 knew if Al had any weapons.

24 Q And your answer was?

25 A "Not to our kn -- Not to my knowledge."

1 Q And after the whole shooting, the day of the shooting, you
2 went to the police station. And then you returned to the
3 apartment; is that correct?

4 A Yes.

5 Q Okay. And you went into the apartment with a detective; is
6 that correct? He wanted to see the inside?

7 A We got a call while we were at Wendy's. We got some food at
8 Wendy's. And we got a call from the state police asking if we
9 would mind having them come to pick up s -- some evidence at the
10 house. We got there just shortly prior to them and we had to
11 climb through the window because the door was still locked from
12 the inside.

13 Q That being --

14 A The -- The front door. Yes, it was still deadbolted from the
15 inside.

16 Q Okay. But at some point did you go in with the detectives?

17 A Yes. We let them in, yes.

18 Q And did you show the detective the table?

19 A They -- They -- We just -- We just were in the kitchen. And
20 they went to the table.

21 Q And when they got to the table, one of the things they wanted
22 was a leg; is that correct?

23 A Yes.

24 Q And in fact there were four legs that were there; is that
25 correct?

1 A Yes.

2 Q Thanks.

3 REDIRECT EXAMINATION OF WITNESS, KIMBERLY BELLINO

4 BY MS. LYNCH:

5 Q And they were all the same size?

6 A Yes, I know that for a fact.

7 Q In this house did you have silverware, knives, things like
8 that?

9 A Sure. Yes, of course.

10 Q And when you left the house that morning, those chair legs
11 were in the apartment?

12 A Yes.

13 Q And the table legs?

14 A Yes.

15 Q That bedroom/living room, --

16 A Mm-hmm.

17 Q -- did you have any property in that room?

18 A No.

19 Q Do you know what a gunlock looks like?

20 A A gunlock?

21 Q Yes.

22 A No.

23 Q Did you ever possess a gunlock at that house?

24 A No.

25 Q I'm just going to show you a picture --

1 A What is a gunlock? I don't even know what a gunlock is.

2 Q I'm showing you this item. Do you recognize what this item
3 is?

4 A Which one?

5 Q What this depicts.

6 A Oh, this is the -- the -- the c -- coffee table that was in
7 Al's area.

8 Q Are any of these items yours?

9 A No.

10 Q Do you know what this yellow item is?

11 A I thought it was a bike lock.

12 Q That item -- Do you know what a gunlock looks like?

13 A No.

14 Q But this item is not yours.

15 A No.

16 Q And was that item Devin's?

17 A No.

18 Q And this appears to be the coffee table in the room where you
19 sat the night before, right?

20 A The day before, yes.

21 MS. LYNCH: I would just ask that this be marked.

22 THE CLERK: Exhibit 52.

23 [Photo of Gunlock Marked as Exhibit No. 52]

24 BY MS. LYNCH:

25 Q And referencing this item, specifically in the corner here,

1 yellow, was that item your item?

2 A No, it is not.

3 Q And that's what you've described as what you thought was a
4 bike lock.

5 A Bicycle lock, yeah.

6 Q And -- But you don't know what a gunlock looks like.

7 A No.

8 Q What about that hatchet? Was it a handheld hatchet?

9 A It was a handheld hatchet. It was rusty, it was old. It was
10 more of an ins -- it was more of a decorative thing, if you want
11 to call it that.

12 Q Thank you.

13 A You're welcome.

14 **RE-CROSS EXAMINATION OF WITNESS, KIMBERLY BELLINO**

15 BY THE COURT:

16 Q Had you seen the item before that Ms. Lynch just --

17 A No.

18 Q -- pointed out to you?

19 A No.

20 Q Have you ever seen it before --

21 A No.

22 Q -- just seeing this photograph?

23 A Exactly.

24 Q So, just to be clear: you don't remember that being in the
25 house before.

1 A Exactly.

2 THE COURT: Okay. Any further questions for Ms. Bellino?

3 Thank you, ma'am.

4 THE WITNESS: Okay. Thank you.

5 [Witness steps down]

6 THE COURT: Okay. So, as I indicated, we are going to
7 adjourn the inquest to give me an opportunity to review some of
8 the information that I have. I also during the recess have
9 thought about my earlier ruling and the reasons why I've indicated
10 that we're going to continue things on the 24th and 26th.

11 I am, understanding that there is an impoundment order, going
12 to give Mr. Koufman and Attorney Garand an opportunity to see
13 some of the items that have been impounded and are discovery for
14 purposes of the inquest. They cannot be copied, they cannot leave
15 the Clerk's Office. They can be viewed -- I'm allowing that -- in
16 the Clerk's Office by counsel to prepare for a potential
17 cross-examination of witnesses for the future, understanding that
18 there would still have to be an offer made to the Court with
19 regard to whether or not I will allow you to cross-examine any
20 particular witness.

21 THE CLERK: So, just for the record, for the docket, all
22 counsel may inspect but not copy?

23 THE COURT: All counsel may inspect but not copy. All
24 counsel of record may inspect but not copy.

25 MS. LYNCH: All three boxes?

1 THE COURT: Yes, yes.

2 MS. LYNCH: And that is all discovery, Your Honor?

3 THE COURT: Yes.

4 MS. LYNCH: Your Honor, I would ask for an added protective
5 order in this case --

6 THE COURT: Okay.

7 MS. LYNCH: -- concerning the dissemination of it to
8 non-attorneys.

9 THE COURT: Yep.

10 MS. LYNCH: And there has to be a protective order that any
11 dissemination of the information beyond the attorneys must be with
12 prior authorization of the Court. I have some concerns here,
13 particularly after the fact that the inquest was announced that
14 certain members of the family made representations to the press
15 that -- some of them were not accurate concerning the process or
16 the information that they had received.

17 And I think that the purpose of an inquest and it being
18 confidential and private is to assure the rights of all parties.
19 And I do have some concerns about it. I think that this is a very
20 tight-knit community. There's a lot of friends. I mean no
21 aspersions towards Mr. Perrotti. He lost his brother, I
22 understand that. He works with witnesses. And I just think that
23 the process, the integrity of the process, requires that type of a
24 protective order.

25 THE COURT: Okay. I couldn't agree more. I am going to

1 prepare a protective order to that effect in writing. But I'm
2 also indicating that now. And I want to be clear to all of the
3 family members, attorneys, next-of-kin, those folks on the list
4 that the Court have allowed to be part of this inquest: this is a
5 confidential matter. Nothing can be disseminated beyond that of
6 which the Court has allowed the attorneys to view for purposes of
7 the inquest.

8 If the Court finds out that there is information that has
9 been leaked, then the Court will take a serious action with regard
10 to that. And that is to protect the -- this process and the
11 integrity of this process. And I want to make sure everyone
12 understands that completely. So, I've indicated that verbally and
13 I'm going to put that in writing.

14 I've also during the break, because Assistant District
15 Attorney Lynch brought up Officer Wilson and Lee -- I, at this
16 point, upon review of my notes, don't have anything now that I
17 need them to come in for tomorrow. But understanding that I've
18 allowed counsel to review more information at some point, I don't
19 know if it's possible to do video from -- That may be appropriate
20 then. That gives everybody enough time. We can get them on video
21 from Gitmo or wherever they're stationed. And should I at some
22 point have further questions for them, that would be appropriate
23 as well. But that won't interfere with their orders.

24 Anyone have anything else?

25 MR. PASCIUCCO: Yes, Your Honor. With respect to the file

1 being at the Court and available for counsel to look at it.

2 THE COURT: Yeah, yeah.

3 MR. PASCIOCCO: And the Court staff has been very gracious in
4 allowing me to come look at it. It's obviously --

5 THE COURT: Yeah.

6 MR. PASCIOCCO: -- very inconvenient, coming in from Boston.
7 So, --

8 THE COURT: Right.

9 MR. PASCIOCCO: -- I don't want there to be a situation
10 where, you know, I show up or even Attorney Koufman or Attorney
11 Garand show up and we're both here the same day. So, I don't know
12 --

13 THE COURT: What I would do is I would call in advance to the
14 Clerk's Office and make sure that there is no conflict so that --
15 you know, I'll let you prepare that through the Clerk's Office --
16 that you have an opportunity to look at what you need and are not
17 -- you know, run into that situation.

18 MR. PASCIOCCO: Yes. The other point I want to make is
19 obviously this has been hanging over my client's head for -- we're
20 going on 14 months now.

21 THE COURT: Mm-hmm.

22 MR. PASCIOCCO: We're scheduling two days, April 24th and
23 26th. We were under the impression that this would be finished,
24 you know, this week. On circumstances outside of our control,
25 that's not going to happen. I would request that the Court

1 schedule more than two days so we can make sure that at least the
2 testimony's going to be wrapped up.

3 THE COURT: I'm happy to do that. I was scheduling based on
4 counsel's schedule, understanding that I think there was a
5 scheduling conflict that you both have as well. That takes us
6 into May. I can do the week of May 6th.

7 [Discussion Regarding Scheduling at 4:04:20 p.m.]

8 THE CLERK: All right. So, this matter will be continued to
9 April 24th, with April 24th, April 26th, May 14th, May 22nd, May
10 23rd, the docket to reflect that all counsel of record may inspect
11 but not copy all discovery that has been impounded by the Court.
12 All counsel must sign a protective order prior to inspecting of
13 the discovery.

14 MS. LYNCH: And, Your Honor, there is going to be a
15 supplemental notice of discovery, the photographs that were
16 admitted today, taken on the 2nd of February.

17 THE COURT: Mm-hmm.

18 MS. LYNCH: Additionally, there was an interview that was
19 done with Mr. Chaghouri in which he made additional statements
20 that were reduced to writing in a report. Prior to the hearing, I
21 did show a copy to counsel for Officer Drauschke. And I will do a
22 notice of discovery and get a copy. Should I still forward one
23 copy to the Court in Lowell and one copy to the Clerk's Office in
24 Woburn to be impounded, --

25 THE COURT: Yes.

1 MS. LYNCH: -- subject to the order?

2 THE COURT: Yes.

3 MS. LYNCH: I will get that this week.

4 THE COURT: Anything else? Thank you all very much.

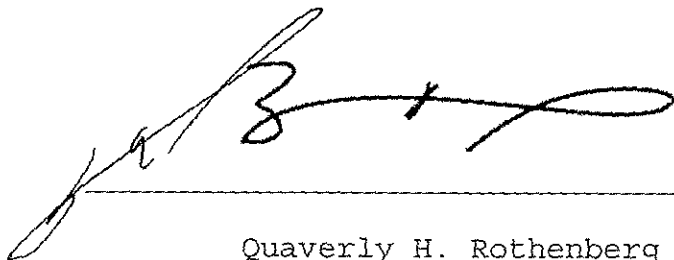
5 [Adjourned at 4:07:24 p.m.]

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October 23, 2019

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<input checked="" type="checkbox"/> speaking away from mic.	11:24:54 a.m. enter time; enter time;
<input checked="" type="checkbox"/> other: pronunciation unclear	2:12:26 p.m. 2:32:30 p.m. enter time

COMMENTS: A.D.A speaking away from mic.

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