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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 3  
BEFORE THE HONORABLE STACEY J. FORTES

APPEARANCES:

For the Commonwealth:  
By Adrienne Lynch, Assistant District Attorney  
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For Officer Erik Drauschke:  
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Woburn, Massachusetts  
Courtroom 2  
April 24, 2019

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

APPEARANCES (Continued):

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1 [Case Called at 9:09:28 a.m.]

2 THE COURT: Okay. You be seated. Thank you. So why don't  
3 we start with just all parties in the room identifying themselves  
4 for the record. Then I'm going to have the witnesses come in, be  
5 sworn, and issue the sequestration order. Okay?

6 MS. LYNCH: Adrienne Lynch, Assistant District Attorney for  
7 the Commonwealth.

8 MS. CUNNINGHAM: Ashley Cunningham, paralegal for the  
9 Commonwealth.

10 THE COURT: Good morning.

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

13 THE COURT: Good morning.

14 MR. DRAUSCHKE: Good morning. Officer Erik Drauschke,  
15 Reading PD.

16 THE COURT: Good morning.

17 MR. KOUFMAN: Good morning, Your Honor. Victor Koufman for  
18 the family, Catherin Rawson and the other members of the family.

19 THE COURT: Good morning.

20 MR. KOUFMAN: Anthony Perrotti will be late.

21 THE COURT: Okay.

22 MR. KOUFMAN: But I'd ask that he have permission to come in  
23 when he arrives.

24 THE COURT: Okay. All right. So, why don't we have all the  
25 witnesses come in, be sworn, and then I can -- the Court can issue

1 the sequestration order.

2 [Witnesses entering]

3 [WITNESSES, Sworn.]

4 THE COURT: Okay. So, gentlemen, I just want to remind you  
5 that there's a sequestration order in effect for this matter.  
6 You're not to discuss this matter with anyone, and there's to be  
7 no discussion of this matter by anyone in this room until there is  
8 a formal report issued. With that, you can step outside. Thank  
9 you.

10 [Witnesses exiting]

11 THE COURT: Are there any preliminary matters that need to be  
12 addressed, Ms. Lynch, or -- No?

13 MR. PASCIUCCO: Just briefly, Your Honor.

14 THE COURT: Yeah.

15 MR. PASCIUCCO: Your Honor, my client is expected to testify  
16 today. And it's our position that he will testify. And I have no  
17 issue with him answering questions from Assistant District  
18 Attorney Lynch. However, I've advised him not to answer questions  
19 posed by Attorney Koufman. So, if Attorney Koufman does ask him  
20 questions, which I understand he'll -- he will be allowed to  
21 question witnesses, my client's going to respond that upon advice  
22 of counsel he has elected not to answer the question.

23 THE COURT: Okay. Well, we'll address that when it's time  
24 for him to testify. Okay? All right. Ms. Lynch, you want to  
25 call your first witness?

1 MS. LYNCH: Thank you. Sergeant Patrick Silva, please.

2 [SERGEANT PATRICK SILVA, Previously Sworn.]

3 MS. LYNCH: May I proceed, Your Honor?

4 THE COURT: You may.

5 MS. LYNCH: Thank you.

6 DIRECT EXAMINATION OF WITNESS, SERGEANT PATRICK SILVA

7 BY MS. LYNCH:

8 Q Good morning, sir, would you please identify yourself, state  
9 your name, and spell your last name for the record?

10 A Sergeant Patrick Silva, S-I-L-V-A.

11 Q What is your occupation, sir?

12 A I work as a Sergeant for the Reading Police Department.

13 Q How long have you been with the Reading Police Department?

14 A Ten years.

15 Q Of those ten years, how long have you held the rank of  
16 sergeant?

17 A Almost five.

18 Q Now, sir, directing your attention to Friday, February 2nd of  
19 2018, did you work for the Reading Police on that Friday night?

20 A No.

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

24 A Yes.

25 Q What were your hours that day?

1 A 3:00 p.m. to 1:00 a.m.

2 Q And on that particular date, what time did you arrive at work  
3 that day?

4 A Probably about twenty of or quarter of three o'clock.

5 Q And when you arrived at work that day, where did you report  
6 to initially?

7 A The sergeant's office at the -- at the police station.

8 Q And was anyone there when you arrived at the sergeant's  
9 office?

10 A I don't know if he was inside the sergeant's office, but I  
11 spoke with Lieutenant McKenna, who was the OIC of the dayshift  
12 that day.

13 Q Now, in terms of the shift that you were responding to, what  
14 was your role as the sergeant that evening?

15 A So, because my shift overlaps on two different ends, I  
16 would've been a patrol supervisor from 3:00 p.m. to 4:00 p.m., and  
17 then I would've assumed the role of the officer in charge between  
18 the hours of 4:00 p.m. and midnight.

19 Q And that would be in the normal course; --

20 A Yes.

21 Q -- is that right?

22 A Yes

23 Q Now, on this particular date when you arrived at work what  
24 did you do to familiarize yourself with any activities going on in  
25 Reading at the time that you were reporting for duty?

1 A So, I do what I always typically do, which is I use our  
2 computer system, our CAD system which is called Micro Systems, to  
3 generate the log of the previous few days. I work a four-on-and-  
4 four-off, so I'm off for a number of days in between my -- my  
5 shifts. So, I tried to s -- scan the log to see any kind of major  
6 incidents that have been going on or ongoing things that I need to  
7 be aware of as I take control of the shift.

8 Q Now, in terms of the shifts at the Reading Police, did the  
9 officers that were doing patrol -- did they respond at three  
10 o'clock, as well, or was their time staggered?

11 A So, the -- I am the only person that works -- On that  
12 particular day, I was the only person that -- working the  
13 3:00 p.m. to 1:00 a.m. shift. The other officers either work a  
14 dayshift which runs from 7:00 a.m. to 5:00 p.m. or an evening  
15 shift which runs from 4:00 p.m. to midnight.

16 Q Now, how long did it take you to familiarize yourself with  
17 the entries in the Reading Police electronic system?

18 A I probably scanned them for 15 minutes or so.

19 Q And on that -- in that occasion did you have an opportunity  
20 to review information concerning an incident at 1462 Main Street  
21 the previous evening?

22 A Yes.

23 Q Now, in addition to reviewing the electronic information, did  
24 you also speak to Lieutenant McKenna?

25 A Yes.



1 Q Now, initially when you responded to that location, was there  
2 anything unusual going on when you first arrived?

3 A No, business as usual.

4 Q Now, at some point as you were -- Now, -- Strike that. Just  
5 to go back: regarding the address 1462 Main Street, prior to  
6 reading that report about the previous evening, were you familiar  
7 with that address before?

8 A Yes.

9 Q Had you ever responded to that location before?

10 A Yes.

11 Q On approximately how many occasions?

12 A At least a handful of times for -- for various different  
13 things. May -- Maybe upwards of almost 10 times, including all  
14 the different reasons I would respond to that location for -- for  
15 various reasons.

16 Q What were those reasons?

17 A So, mo -- most of them were for domestic-related calls or  
18 domestic disturbances. But there was also occasions I was there  
19 for gas disputes. It's a gas station as well as a -- a business.  
20 So maybe a business dispute of some kind. And there was also a  
21 break-and-enter that happened that I was up there for that I  
22 investigated one time.

23 Q Now, in terms of your familiarity with that location, had any  
24 of those prior calls involved an individual named Alan Greenough?

25 A Yes.

1 Q And how many of those instances?

2 A Those would've been all of the domestic-related incidents.

3 So, at least a handful of times. Three, four, five probably.

4 Q Now, were you familiar with Devin McDonald or Kim Bellino  
5 prior to that time?

6 A No. That was my first interaction, I believe, with -- with  
7 Mr. McDonald.

8 Q Now, on this particular evening who was scheduled to comprise  
9 the evening shift, four to midnight?

10 A So, the evening shift would've been four patrol officers.

11 And that would be Officer Drauschke, Officer Savio, Officer  
12 Fontes, and Officer Vatcher.

13 Q And when you initially arrived, were any of those three still  
14 there -- four still at the station?

15 A Not when I arrived at just prior to 3:00, no.

16 Q Now, as you were at the station getting ready for the shift  
17 to start at four o'clock, those officers' shift to begin at four  
18 o'clock, did you become aware of a situation that was occurring at  
19 that proximate time?

20 A Yes.

21 Q And what did you become aware of?

22 A Reading dispatch put out a -- a -- a broadcast for a -- a  
23 domestic-type incident at -- at the gas station, there at East  
24 Coast Gas. And the -- So the dayshift units were advised of that  
25 Three patrol officers working the dayshift were advised of that.

1 The call, I believe, initially came in from a -- a female, the --  
2 the person you mentioned, Kim, who indicated that she had been  
3 assaulted and that she had left that residence. So now we were  
4 having officers respond to that residence to investigate that --  
5 that call for service.

6 Q Okay. And how were you made aware of this? Was it through  
7 radio, through phone?

8 A I think I heard it over the radio. But my office is directly  
9 adjacent to dispatch, so I don't know if I heard it through actual  
10 human speaking or through -- through the radio. But I heard it  
11 starting to occur.

12 Q And in terms of the officers that were reporting for the  
13 evening shift, did any of them begin to come in as this call had  
14 come into the station?

15 A Yes. I don't remember exactly what time, but those officers  
16 started to respond in by about twenty of or quarter of four  
17 o'clock, prior to their shift starting.

18 Q Now, in terms of the information regarding the call, did you  
19 at that time recognize it to be the location from the prior  
20 evening?

21 A Yes.

22 Q Now, at that time as you and Lieutenant McKenna -- was it? --

23 A Yes.

24 Q -- were in the process of transferring command of the  
25 department, can you tell us what if anything you did?

1 A Well, because I recognized the address from the night prior  
2 and knew that a criminal application was being sought against --  
3 against Mr. Greenough for some criminal charges, I went back to  
4 the log to -- to verify what had happened the night prior. And --  
5 And as I was being updated as to what was happening, that day on  
6 Saturday.

7 Q And when you reviewed the report, did you take any action  
8 with respect to the officers on the scene in terms of informing of  
9 informing them of the information in the log?

10 A Yes. I started to just update them and advise them. I  
11 wasn't sure if they knew or they were aware that we had been at  
12 that address the -- the night prior and that -- for a similar-type  
13 incident and that there was a -- a report filed by Officer Vatcher  
14 in which criminal charges were being sought.

15 Q And with regard to that, that was over the radio?

16 A Yes.

17 Q And did you advise them in that radio transmission that there  
18 was PC for Mr. Greenough for two counts of assault and battery  
19 against two roommates?

20 A Yes.

21 Q Now, in terms of the response to that location, at some point  
22 did you become aware that the officers were having some difficulty  
23 getting into the residential premises?

24 A Yes.

25 Q Now, at that time had you assigned anyone to do anything with

1 respect to the two roommates who were not onsite?

2 A Yes. I -- I believe it was Officer Fontes that I initially  
3 dispatched or ordered basically over the radio or -- to go to  
4 where they were. And I believe that was just over the line at the  
5 -- at the Lobster Claw rest -- restaurant, which is just over the  
6 line into North Reading.

7 Q And with regard to that meeting, at some point did you hear  
8 from the officers that led you to do something with respect to Ms.  
9 Bellino?

10 A I -- It was my understanding that Ms. Bellino had a key for  
11 the address. And at some point I was attempting to get the -- get  
12 her to respond to -- to the gas station, to the apartment, in  
13 order to help us unlock one of the doors using whatever means she  
14 had. I believe it was a key.

15 Q And directing your attention to the radio transmissions for  
16 February 3rd of 2018, specifically Track 12 at 3:55:07 p.m., if  
17 you would just listen to that transmission.

18 A Yes.

19 [Audio Playing at 9:22:43 a.m.]

20 BY MS. LYNCH:

21 Q And that was you who identified yourself as Sergeant Silva?

22 A Yes.

23 Q And that call was placed by the dispatcher, according to the  
24 records of the Reading Police, at 3:55 p.m.; is that correct?

25 A Yes.

1 Q Now, as a result of that did you continue to monitor the  
2 radio?

3 A Yes.

4 Q Now, as a result of your conversation diverting Ms. Bellino  
5 back to the house as opposed to Lobster Claw, did you communicate  
6 with Sergeant -- with Officer Fontes at 3:56:20?

7 A I believe so, yes.

8 Q Okay. And directing your attention to Track 14 of February  
9 3rd of 2018, if you would listen to that recording.

10 [Audio Playing at 9:24:44 a.m.]

11 BY MS. LYNCH:

12 Q Now, did you make that transmission?

13 A Yes.

14 Q And who were you communicating with?

15 A Badge No. 93 is Officer Fontes. Badge No. 66 is Officer Sean  
16 Wilson. And I was advising Officer Sean Wilson who was already on  
17 scene of the gas station that Kim was on her way there. And I was  
18 advising Officer Fontes that he didn't need to go to the Lobster  
19 Claw, to go straight to the -- to the gas station because the --  
20 the female was on her way there.

21 Q And the female voice on the radio transmission was what  
22 officer?

23 A Officer Gooley.

24 Q Now, at some point, directing your attention to Radio  
25 Transmission Track 15 at 4:01:23 p.m., did you -- Well, if I could

1 play that now.

2 [Audio Playing at 9:26:02 a.m.]

3 BY MS. LYNCH:

4 Q Now, at 4:01:23 p.m., that was supposed to be the start of  
5 the evening shift relieving the dayshift; is that right?

6 A Correct.

7 Q And at that time Number 86, Call No. 86, was who?

8 A Officer Vatcher.

9 Q And at that time what did you do with respect to Officer  
10 Vatcher?

11 A I sent him up to the scene, to the gas station.

12 Q And subsequent to that, at 4:02:28 p.m., did you receive a  
13 radio transmission that Devin McDonald had showed up but the keys  
14 didn't work?

15 A I -- I believe so, yes.

16 Q Now, at some point, directing your attention to 4:06:50 p.m.,  
17 which would be Track 22, did you learn at that time -- or did you  
18 receive a radio transmission from Officer Gooley at that  
19 approximate time?

20 A I believe so, yes.

21 Q And if you would play that, please.

22 [Audio Playing at 9:27:32 a.m.]

23 BY MS. LYNCH:

24 Q Now, at some point did you learn -- did you receive a  
25 subsequent transmission from Officer Gooley at 4:07:51 p.m. that

1 they had access to the building but not the actual apartment and  
2 requesting that they would need the fire department to get in?

3 A Yes.

4 Q Now, directing your attention to the radio transmission on  
5 February 3rd, Track 26 at 4:09:33 p.m., I'm going to play this and  
6 ask you some questions.

7 [Audio Playing at 9:28:37 a.m.]

8 BY MS. LYNCH:

9 Q Now, after you had that communication with Officer Gooley,  
10 did you do something yourself to follow up on the information from  
11 the prior night?

12 A Yes.

13 Q What was that?

14 A I placed a phone call to Lieutenant Kevin Brown, who was in  
15 charge of the shift f -- for the incident on -- on the night  
16 before.

17 Q So, he had the role that you would have had if you were  
18 working.

19 A Correct.

20 Q And did you speak to Lieutenant Brown at that time?

21 A Yes.

22 Q And what was your purpose for calling Lieutenant Brown?

23 A Just to make absolute 100-percent certainty what occurred the  
24 night before and verify that we did in fact have probable cause to  
25 make an arrest for the night before on top of whatever we had



1 | happening during my current shift then.

2 | Q Did anyone other than you following up on that PC initiate  
3 | any communication with Lieutenant Brown?

4 | A Not to my knowledge.

5 | Q And did you --

6 | THE COURT: I'm sorry; just to be clear: you spoke to  
7 | Lieutenant Brown.

8 | THE WITNESS: Correct.

9 | THE COURT: Lieutenant Brown told you what specifically?

10 | THE WITNESS: We -- We basically reviewed the night before,  
11 | stated that we absolutely had probable cause to make a -- an  
12 | arrest of t -- I believe it was two counts of assault and battery  
13 | for the night before. And we spoke about how that was on top of  
14 | and -- and in addition to whatever charges we would've had from  
15 | the incident on Saturday when I was working.

16 | THE COURT: And had you talked to Lieutenant Brown to verify  
17 | that prior to communicating over the radio with Officer Gooley?  
18 | Or did you do that after? I was just confused by the --

19 | THE WITNESS: I believe the radio transmissions we just heard  
20 | were just prior to me placing that phone call. And it was those  
21 | radio transmissions that made me want to call and just make --  
22 | triple-check that we were a hundred percent sure on what we were  
23 | doing.

24 | THE COURT: So, back to you saying to her, "I believe we do,"

25 | --

1 THE WITNESS: Yes.

2 THE COURT: Yes. But at that point you weren't sure.

3 THE WITNESS: Well, no, I was -- I was sure in -- in my  
4 heart. The reason why I called Lieutenant Brown was to just make  
5 sure I wasn't missing anything from the night before because I  
6 wasn't physically working.

7 THE COURT: Sure in your heart based upon what?

8 THE WITNESS: The -- The log entries that I saw, that the  
9 charges were actually being filed, the complaint application was  
10 filled out by Officer Vatcher from the night before, and he's an  
11 officer that I -- I believe and I trust that he filed a complaint  
12 application so -- and reviewed and signed off by Lieutenant Brown.

13 THE COURT: Thank you.

14 BY MS. LYNCH:

15 Q And directing your attention to the radio transmission for  
16 February 3rd at 4:20:44 p.m., Track 29, if I could play that for  
17 you.

18 [Audio Playing at 9:32:05 a.m.]

19 BY MS. LYNCH:

20 Q And when you say you spoke to 62, who was 62's call number?

21 A Lieutenant Brown.

22 Q Now, were you personally aware of any prior connection  
23 between Lieutenant Brown and Mr. Greenough?

24 A No.

25 Q Did that come up at all during your conversation regarding

1 PC?

2 A Not that I can recall.

3 Q Now, at this time, two of the officers that had been  
4 scheduled for the evening shift were Fontes and Vatcher -- were  
5 not at the police station; is that correct?

6 A Correct.

7 Q Now, in the normal course when you would take over a shift,  
8 was there a procedure that would take place at the station before  
9 the officers went out on the street?

10 A Yes, we commonly refer to that as roll call.

11 Q Had -- Because of the events that were unfolding shortly  
12 before roll call, did roll call take place at that time?

13 A No.

14 Q Now, as all of this was transpiring, were the other two  
15 officers that were scheduled at 4:00 p.m. -- specifically Officer  
16 Drauschke and Officer Savio, were they physically at the police  
17 station?

18 A Yes, they -- they were definitely there by -- by the time  
19 these transmissions were happening.

20 Q Okay. And did you see them?

21 A Yes.

22 Q And were they privy to the same radio transmissions that you  
23 were at the time?

24 A Yes.

25 Q Now, at some point did you receive a radio transmission

1 shortly after that, specifically at 4:21:52 p.m.?

2 MS. LYNCH: And for the record, that would be Track 30 for  
3 February 3rd of 2018. I'd ask to play that.

4 A Yes.

5 [Audio Playing at 9:34:13 a.m.]

6 BY MS. LYNCH:

7 Q Now, who were you communicating with in that radio  
8 transmission?

9 A The call sign is 66. That's Officer Sean Wilson.

10 Q And you were at the police station still when that happened?

11 A Yes.

12 Q And were Officer Drauschke and Officer Savio with you at the  
13 station?

14 A Yes.

15 Q Now, as a result of that information, that he has a pole and  
16 it's turning into a horror show, did you do something at that  
17 point?

18 A Yes.

19 Q And what was that?

20 A I ordered Officer Savio and Officer Drauschke to respond up  
21 to the scene, and I myself got my equipment together and also  
22 responded up to the scene.

23 Q And in the meantime was there any effort made to contact the  
24 Reading Police Fire Department?

25 A Yes.

1 Q Now, had that occurred at a time when it was unclear whether  
2 Mr. Greenough was inside the apartment?

3 A I believe so.

4 Q And the purpose for the fire department was what?

5 A To open the door.

6 Q And at some point when you realized that Mr. Greenough was in  
7 the apartment were -- was some action taken with respect to the  
8 fire department?

9 A That happened when I arrived on scene. I advised the fire  
10 department that we wouldn't be using them to force any type of  
11 entry with him inside there. And I advised them they could clear  
12 the scene.

13 Q Okay. Now, in terms of your direction to Officer Drauschke  
14 and Officer Savio, did something happen with respect to them being  
15 able to get up there, in terms of availability of vehicles?

16 A We -- We were just running short of cruisers, at this point.

17 Q And so did you have a cruiser assigned to you?

18 A Yes.

19 Q And what if anything did they do for means of transportation  
20 up to that call?

21 A They took the animal control officer van up to the scene  
22 together. They both rode in the same vehicle.

23 Q Now, at that point, with the officers from the evening shift  
24 going up there, what was your intention concerning the dayshift  
25 once you got up there?

1 A Well, depending upon how s -- how serious the incident was  
2 once I got up there and I made that determination, my initial  
3 feeling was that maybe we could relieve the dayshift officers and  
4 they could go home and have the evening s -- evening shift  
5 officers take care of the -- the rest of the call.

6 Q Now, at that point, once you made the decision to go up to  
7 the station, can you describe what you did?

8 A Once I decided to go up to the gas station?

9 Q Yes.

10 A So, I -- I went up as quickly and safely as I could. Officer  
11 Drauschke and Officer Savio were shortly behind me, in -- ins --  
12 inside of their vehicle. As soon as I arrived on scene, I  
13 attempted to gain as much information as I could regarding where  
14 Mr. Greenough was, where my officers were in relation to the  
15 building, specifically speaking if we had a perimeter set up  
16 around the building, and find out what the actions were with the  
17 pole that Officer Wilson had mentioned. So, basically I'm trying  
18 to figure out how serious the incident is and where to go from  
19 there.

20 Q Now, as -- in anticipation of testifying, were you -- did you  
21 view certain videotape that was obtained from the gas station?

22 A Yes.

23 Q And I'm going to draw your attention to the video Camera 2,  
24 timestamp 1702:11, which was 4:29:21 p.m. I'm going to ask you to  
25 look at this sequence of events and see if you recognize --

1 [Video Playing at 9:38:33 a.m.]

2 BY MS. LYNCH:

3 Q Now, do you recognize this area to be the area of 1462?

4 A Yes.

5 Q Now, this black SUV that just pulled in, do you recognize  
6 that vehicle?

7 A Yes.

8 Q And whose vehicle was that?

9 A Mine.

10 Q And that second vehicle that pulled in after you, the white  
11 vehicle, do you recognize that?

12 A Yes.

13 Q And what do you recognize that to be?

14 A That's the animal control officer's vehicle. And that's  
15 Officer Drauschke and Officer Savio getting out of it.

16 Q Now, who was the driver?

17 A Officer Drauschke.

18 Q And who was the passenger?

19 A Officer Savio.

20 Q Now, at that point what did the three of you do?

21 A Walked over and met with the other officers who were already  
22 on scene, as well as the --

23 MS. LYNCH: Just stop there for a moment.

24 A -- as well as the fire personnel that was on scene.

25 BY MS. LYNCH:

1 Q Now, as you were approaching that group, do you see the man --  
2 If I just might walk up here for a moment. Do you see this man  
3 here in the camera angle? [Indicating.]

4 A Ye -- Yes.

5 Q Did you have any conversation with him prior to -- well, as  
6 you approached the group of officers?

7 A I don't recall if I spoke to him while I was walking right  
8 there. I did speak to him at some point.

9 Q Okay. But initially you went over to the officers.

10 A Yes, yeah.

11 Q And as you were talking to the officers -- Now, that vehicle,  
12 that white vehicle, is that a police officer's vehicle, a police  
13 cruiser?

14 A It's a police department vehicle. It belongs to our animal  
15 control officer, who uses it for his animal control duties as well  
16 as the parking enforcement officer duties.

17 Q Now, as you arrived and approached around that timestamp,  
18 what was happening as you got there?

19 A My officers were in that area just past the gas pumps,  
20 basically standing outside of the -- of the residential section of  
21 -- of this property. The fire department -- that's the ladder  
22 truck, and then there's a pickup truck -- they were also standing  
23 out there. And that's when I had my initial conversation with  
24 them that based on the facts that I knew we -- we wouldn't be --  
25 we wouldn't be using them for -- for whatever we had going on down



1 | there at the point -- at that point.

2 | Q And as a result of that did they leave the area?

3 | A Yes.

4 | Q And at that point can you tell us what happened after you  
5 | basically discharged the fire department?

6 | A Well, it was at about this time that I realized that all of  
7 | my officers who were on scene were in the front of the building  
8 | and -- and nobody was in the rear of the building, which surprised  
9 | me and -- and drew my attention because I had specifically  
10 | requested and ordered and verified that we had a perimeter on the  
11 | building on my -- prior to arriving on scene.

12 | Q So, as a result of making that observation, what did you do?

13 | A I -- I -- I believe I -- I don't know if I asked Officer  
14 | Savio or if he suggested it and I confirmed it, but he is the  
15 | person who was sent around to the rear of the building in order to  
16 | take that post to make sure that Mr. Greenough was not fleeing out  
17 | of the back of the residence.

18 | Q And up until that point it was your understanding that he was  
19 | inside the building?

20 | A Yes.

21 | Q And that he had actually talked to the officers?

22 | A Yes.

23 | Q Now, at some point after Officer Savio went towards the back  
24 | of the building, did you receive a radio transmission from him at  
25 | 4:30:58 p.m., specifically Track 35?

1 A Yes.

2 Q And if I could play that, please.

3 [Audio Playing at 9:42:27 a.m.]

4 BY MS. LYNCH:

5 Q And that was Officer Savio that made that transmission?

6 A Correct.

7 Q And was that the first notice that you had that the back of  
8 the building had an open --

9 A Yes, ma'am.

10 Q -- opening. Now, as a result of that, what if anything did  
11 you do?

12 A I believe it was about this time that I myself walked around  
13 to the side and looked in the back to see what Officer Savio had  
14 observed. And I also observed the same thing.

15 Q What happened next?

16 A Well, at this point, situation is -- is changing in my mind  
17 and I -- I am now considering various tactical options as far as I  
18 believe our suspect who was inside of the residence has now fled  
19 outside of the residence. And I am advising my officers to kind  
20 of fan out and take a look and see if he's in the immediate area  
21 of the -- of the property there.

22 Q Now, at that time do you remain in the back of the building  
23 or do you walk back to --

24 A I think I've walked back towards the front, at this point.

25 Q Now, directing your attention next, was your attention

1 attracted to the area of the service station itself?

2 A Yes.

3 Q And how did that happen?

4 A At some point I heard two gunshots.

5 Q Okay. But before that --

6 A Oh, I'm sorry; I apol --

7 Q -- did you have occasion to learn that there was another door  
8 into the premises?

9 A Yes. I apologize. Yes.

10 Q Okay. So, you come around back and you at some point after  
11 that learn that there is another way into the apartment.

12 A Correct.

13 Q How did you learn that information?

14 A I believe one of my officers relayed it to me.

15 Q Now, as a result of that, did you do anything?

16 A We attempted -- Well, we went over towards that secondary  
17 entrance and entered the apartment.

18 Q And did you ever see an individual that you later learned to  
19 be Mr. Greenough's brother, Anthony Perrotti?

20 A Yes.

21 Q And when did you first see him or have any interaction with  
22 him?

23 A I mean, I saw him kind of at the onset. He was there. He  
24 was one of the civilians that was there on scene. My first  
25 interaction would've been at that time when we were moving towards

1 entering the -- entering the property.

2 Q Okay. Now, with the Court's permission I'm going to show you  
3 some video, specifically Camera 2, timestamp 1704:29 at  
4 4:31:39 p.m. real-time.

5 [Video Playing at 9:45:19 a.m.]

6 BY MS. LYNCH:

7 Q Now, do you recognize that man who came out?

8 A That appears to be Anthony.

9 Q Where were you when he came out at that point?

10 A I'm in the group of people that he's walking towards and  
11 talking to, I believe.

12 Q And what is the conversation at that point?

13 A As I recall, th -- that's him telling us that there is a -- a  
14 separate entrance or that we can get into the apartment the way  
15 that he's leading us now.

16 Q And in terms of going into the office itself, did you go into  
17 the office?

18 A That is -- I'm the last person in line there and, yes, I'm --  
19 I'm just about to walk inside.

20 MS. LYNCH: Now if you could just switch with the Court's  
21 permission to Camera 1, timestamp 1704:54, real-time 4:32:04.

22 [Video Playing at 9:46:56 a.m.]

23 BY MS. LYNCH:

24 Q Who were those officers that are coming in?

25 A So, that's Officer Wilson, Officer Vatcher, and Officer

1 Gooley.

2 Q And who's that?

3 A That is Officer Drauschke, I believe. And that's me.

4 Q Now when you go out of camera range with Officer Drauschke at  
5 that point, where do you go?

6 A Inside the apartment that's just off of that hallway.

7 Q All right. And were you the first of you and Officer  
8 Drauschke?

9 A I believe so.

10 Q And the individual with the hat, is that Mr. Perrotti?

11 A Yes.

12 Q Now, as you were in there, did you say anything regarding --  
13 Well, is that -- You recognize those two officers going out?

14 A I saw Officer Drauschke. I missed if there was somebody --

15 Q All right.

16 A -- in front of him.

17 MS. LYNCH: If you could just go back.

18 [Video Playing at 9:48:00 a.m.]

19 BY MS. LYNCH:

20 A That's myself and Officer Drauschke.

21 Q So you had entered at real-time 4:32:12 and you were then  
22 leaving at 4:32:48 approximately, --

23 A Yes.

24 Q -- real-time, timestamp 17:05:38. Where did you go at that  
25 point?

1 A Back out to the front of the building, where I -- where I  
2 just was, kind of just beyond the gas pumps, I believe.

3 Q And when you say just beyond the gas pumps: towards the  
4 residence or towards the --

5 A I believe it was -- I believe it was towards the residence.

6 Q And why did you and Officer Drauschke leave?

7 A Just in the quick time that we had inside the apartment, it  
8 appeared as though -- as though Mr. Greenough had -- had left. He  
9 didn't appear to be inside the residence, so --

10 Q How far did you get into the apartment?

11 A Only a few steps into the first room. I think it's like a  
12 living room.

13 Q And what happened at that point?

14 A We left and went back outside.

15 Q And where did Officer Drauschke go?

16 A He went -- so, south, which would be more towards the other  
17 side of the gas pumps.

18 Q And I'm just going to draw your attention back to Camera  
19 Angle 2 at 1705:44, starting at 1705:44.

20 [Video Playing at 9:49:22 a.m.]

21 BY MS. LYNCH:

22 Q And who was that first person out?

23 A I believe that was Anthony.

24 Q And who was with him?

25 A I'm standing with him. And that's Officer Drauschke, walking

1 | towards the camera.

2 | Q And so, Officer Drauschke goes out of view at 1705:52 --

3 | A Yep.

4 | Q -- or thereabouts?

5 | A Yes, ma'am.

6 | MS. LYNCH: And that would've been real-time 4:33:02, for the  
7 | record.

8 | BY MS. LYNCH:

9 | Q Now, at that point, when you left the building where did you  
10 | go?

11 | A Into that area just beyond the gas pumps. I don't know  
12 | specifically if I went beyond the building or just where those  
13 | cars are.

14 | Q Now, directing your attention to the timeframe 4:33:13 p.m.,  
15 | I'm going to direct your attention to Radio Transmission Track 38,  
16 | if I can play that for you.

17 | A Yes.

18 | [Audio Playing at 9:50:37 a.m.]

19 | BY MS. LYNCH:

20 | Q Now, did you recognize who the speaker was?

21 | A Yes.

22 | Q And who was that?

23 | A Officer Drauschke.

24 | Q And in terms of that radio transmission, did you receive it  
25 | or were you conscious or aware of receiving it?

1 A Yes.

2 Q Did you know at that time when he said, "Got him by one of  
3 the vehicles," what he -- where he was referring to?

4 A I thought I did, but I didn't.

5 Q Where did you initially think he had observed him?

6 A On the north side of the property. So, if you're looking at  
7 the building, to the right.

8 Q So, where the residences were, as opposed to where the garage  
9 bays were.

10 A Yes.

11 Q Where were you when you received that radio transmission?

12 A Over to that side, as well.

13 Q But you did not see Officer Drauschke.

14 A No.

15 Q Now, after you received that radio transmission, what if  
16 anything happened next that attracted your attention?

17 A I heard two gunshots.

18 Q And had you ever heard gunshots outside of the range before  
19 this?

20 A No.

21 Q After you heard the two gunshots, were you able to tell from  
22 your vantage point where the gunshots were coming from?

23 A No.

24 Q Did you know whether they were inside or outside?

25 A I couldn't tell.



1 Q Now, after you heard those two gunshots, did you receive  
2 another radio transmission?

3 A Yes.

4 Q And directing your attention to Track 39, Reading Police  
5 recorded transmissions for February 3rd, real-time 4:33:25, if I  
6 could play that.

7 [Audio Playing at 9:52:26 a.m.]

8 BY MS. LYNCH:

9 Q And so it was within a matter of less than a minute, half a  
10 minute, that you had received that transmission; is that correct?

11 A Correct.

12 Q So, that Transmission 38, "Got him in one of the vehicles,"  
13 began at real-time 4:33:13. And according to the records of  
14 Reading, at 4:33:25 was the broadcast from Officer Drauschke of  
15 shots fired.

16 A Correct.

17 Q What happened after you heard that sound?

18 A Quite honestly, a little bit of panic s -- struck in. And I  
19 was -- I started to scramble to figure out where those shots were  
20 coming from. As we just discussed earlier, I didn't know if it  
21 was inside, outside, which side.

22 Q So what did you do?

23 A At some point I called over the radio to Officer Drauschke,  
24 asking him where he was.

25 Q And did you receive a radio transmission back?

1 A I don't bel -- I don't recall. I don't believe so.

2 Q At some point did you become aware of other officers and  
3 their movements?

4 A Yes.

5 Q And what did you observe?

6 A The -- The officers that were still inside the apartment came  
7 running out that door that we went in and also scrambled in  
8 looking for where the -- the -- the gunfire was coming from.

9 Q So, you could see those officers coming out of the building,  
10 or --

11 A I believe I -- O -- Once they -- Definitely once they came  
12 out, I -- I -- I knew where they were coming from and I knew who  
13 they were and --

14 Q Okay.

15 A -- what was going on.

16 Q Now, in terms of the officers, once you saw the officers  
17 outside did you see anyone go in a particular direction away from  
18 where you were?

19 A Yes.

20 Q And who was that?

21 A Anthony.

22 Q And what happened next?

23 A My attention was drawn to Anthony, as he was running towards  
24 me from the south side. So, the -- As you're looking at the  
25 building, to the left side. And he was screaming something to the

1 effect of, "You shot my brother. You killed my brother,"  
2 something to that effect.

3 Q What did you do at that point?

4 A I ran past Anthony in the direction he was coming from,  
5 looking for Officer Drauschke.

6 Q Now, to just go back for a moment, I'm going to direct your  
7 attention to the Reading Police radio transmissions, Track 43  
8 broadcast at 4:33:45. I'm going to ask that you listen to that  
9 broadcast.

10 [Audio Playing at 9:55:17 a.m.]

11 BY MS. LYNCH:

12 Q Now, the voice that said, "Out by the vehicles," who was  
13 that?

14 A Officer Drauschke.

15 Q And who was the voice that said, "Get the fire department  
16 down here"?

17 A That was mine.

18 MS. LYNCH: And so that was at 4:33:45, according to the  
19 records, for the record.

20 BY MS. LYNCH:

21 Q In terms of your movements, after you saw Mr. Perrotti run  
22 towards you, what happened next?

23 A I ran -- Like I said, I ran past him in the direction that he  
24 was coming from, searching for Officer Drauschke.

25 Q And where did you go?

1 A I went to a section of -- of where vehicles are parked, like  
2 I said, to the south side, to the left side as you're looking at  
3 the building, where there's a -- a number of vehicles, I don't  
4 recall how many, and located Officer Drauschke in between two of  
5 those vehicles.

6 Q Was he alone or was he with anyone?

7 A He was with Mr. Greenough.

8 Q And were there any other officers with him?

9 A No.

10 Q Did you see Officer Gooley?

11 A At some point, yes. I don't recall where she was standing as  
12 I was running up. I just remember running as fast as I could that  
13 way.

14 Q But was it -- Did Officer Gooley get there before you did?

15 A It's possibly. My -- I just -- My memory is just running as  
16 fast as I could and officers around me running towards the same  
17 direction.

18 Q What happened when you got there?

19 A I located Officer Drauschke and I observed Mr. Greenough on  
20 the ground. He was bleeding from his -- his midsection, from his  
21 chest. And it appeared as though he had been shot.

22 Q What happened next?

23 A I s -- I spoke to Officer Drauschke. I -- I don't even think  
24 I -- I don't know if I started the conversation or if he did. But  
25 Officer Drauschke had said something to the effect of, "He came at

1 me. I had to shoot," or, "He came at me. I had to." Something  
2 along those lines.

3 At that point I then began directing my officers to secure  
4 Mr. Greenough in handcuffs and then begin medical aid.

5 Q Now, in terms of your memory of the words that Officer  
6 Drauschke used, do you have a memory of the exact words that he  
7 used?

8 A Not today, no.

9 Q At the time that you were there, did you -- Strike that.  
10 That evening of February 3rd, were you interviewed by members of  
11 the state police and Reading department?

12 A Yes.

13 Q And at that time were you interviewed concerning what was  
14 said when you approached Officer Drauschke?

15 A Yes.

16 Q So, is your present memory exhausted as to the exact words  
17 that you recall Officer Drauschke using?

18 A Yes.

19 MS. LYNCH: Let me just -- One moment.

20 THE COURT: Sure.

21 MS. LYNCH: Page 17.

22 BY MS. LYNCH:

23 Q I'm just going to draw your attention to lines 16 to 22 on  
24 page 17. And if you could read that to yourself. And once you  
25 do, if you could let me know.

1 A [Reviewing document.]

2 Q Having reviewed that document, is your present memory  
3 refreshed as to the words that Officer Drauschke used?

4 A Yes.

5 Q And specifically what is your present memory now refreshed as  
6 to what that was?

7 A Officer Drauschke told me Mr. Greenough had his hands in his  
8 pockets, he was charging towards him screaming, "Kill me. Kill  
9 me."

10 Q Now, what did you observe about Officer Drauschke's physical  
11 appearance/demeanor/condition at that time?

12 A He was obviously affected by the incident that was going on.  
13 He was -- appeared -- I just don't -- not nervous but, you know,  
14 he -- he appeared, you know, hypervigilant about what was going on  
15 around him. He was speaking quickly to me, faster than his normal  
16 tone that he would s -- usually speak to me in. And he was kind  
17 of -- kind of walking back and forth in a very short period, as if  
18 he was greatly affected by something that just happened.

19 Q Now, in terms of Officer Drauschke, when you arrived did you  
20 observe him assist in administering first aid to Mr. Greenough?

21 A Yes.

22 Q At some point did you step in with regard to what Officer  
23 Drauschke was doing?

24 A Yes.

25 Q And what specifically was that?

1 A Once I -- Once we had enough officers that were rendering aid  
2 and I knew the fire department was on the way, I had Officer  
3 Drauschke step away from Mr. Greenough and I advised him to go sit  
4 in the front seat of my cruiser.

5 Q And did he comply with those requests?

6 A Yes.

7 Q Was the cruiser, your cruiser, still in the position that you  
8 had left it initially?

9 A No. I believe it was further towards the south side of the  
10 building.

11 Q So at some point did you or another officer move that  
12 vehicle?

13 A Yes.

14 Q And do you recall who?

15 A I don't.

16 Q Now, is -- was there a protocol that you were to follow,  
17 based upon your training and experience, in the aftermath of a  
18 police-involved shooting?

19 A Yes.

20 Q And specifically can you generally describe what that  
21 protocol is?

22 A Well, so, the first course of action is to render any aid  
23 that's needed to anybody that's injured, which is the first thing  
24 that I did. I had the officers retrieve medical gear and start to  
25 do that.

1           Once that was ongoing and I knew the fire department was  
2 coming and possibly already had arrived on scene, I had Officer  
3 Fontes take crime scene tape and his job was to mark off the  
4 entire scene once anybody that was to be transported to the  
5 hospital had left.

6           I assigned Officer Savio to stay with Officer Drauschke at  
7 the front seat of my car, should he need anything -- anything.

8           And I assigned Officer Vatcher to stay with Mr. Greenough  
9 wherever he went.

10 Q       And so, did Officer Vatcher accompany Mr. Greenough to the  
11 hospital, --

12 A       Ye --

13 Q       -- to your knowledge?

14 A       Yes.

15 Q       And did Officer Savio subsequently accompany Officer  
16 Drauschke to the hospital?

17 A       Yes.

18 Q       Now, is an officer being checked out at a hospital protocol  
19 in the aftermath of a police-involved shooting?

20 A       Yes.

21 Q       Now, in addition to that, in a situation in which a police  
22 officer is exposed to blood or other biological fluids, is there a  
23 protocol that's followed for a safety precaution?

24 A       Yes.

25 Q       And what is that?



1 A They would also be seen at a local hospital and evaluated for  
2 any exposure in a -- in a -- documentation would be done. I  
3 believe it's called an unprotected exposure form. The officers  
4 would also document using that form.

5 Q Now, while you were there, were you aware of whether or not  
6 Officer Drauschke was seen by one of the firefighters to check his  
7 vitals?

8 A Yes. Firefighter Belmonte came over to Officer Drauschke.  
9 And I was managing several different things, but I know that he  
10 spoke to Officer Drauschke.

11 Q Now, in terms of what was going on in terms of the protocol,  
12 in an officer-involved shooting incident is there some  
13 responsibility that you have to secure the officer's weapon?

14 A Yes

15 Q Can you describe what that is and what you did?

16 A So, the reason why I'm securing it is that it could -- it's  
17 potentially evidence and it needs to be secured. It's not going  
18 to go with the officer to be evaluated at the hospital. Officer  
19 Drauschke remained with his firearm in the front seat of my  
20 vehicle until after he was initially evaluated and -- and then  
21 until it was determined that he was going to be transported. At  
22 that time, I was the person with gloves, removed the firearm from  
23 his holster, and I secured it in a lockbox that it's in the rear  
24 of -- of my cruiser.

25 Q And at some point that evening did you turn Officer

1 Drauschke's department-issued weapon to members of the state  
2 police firearms identification section?

3 A Yes.

4 Q And so it remained from Officer Drauschke to you to the state  
5 police?

6 A Correct, ma'am.

7 Q Now, in terms of your familiarity with that location, you had  
8 responded to that location previously; is that right?

9 A Correct.

10 Q And had you ever had any interactions with Mr. Greenough away  
11 from those premises?

12 A To my -- To my best recollection, I had. He was a member of  
13 a group of individuals who I had had numerous individuals with.  
14 So I had definitely spoken with him, not at the residence there at  
15 the gas station, but nothing that I can speak specifically about  
16 here.

17 Q Now, in terms of the situation that you were confronted with  
18 that afternoon, when you went down to assess the situation were  
19 you at that time considering other options that were available to  
20 the police at that time?

21 A Yes.

22 Q Now, at -- when you learned that it appeared that Mr.  
23 Greenough was no longer in the building, what were the options  
24 that you were considering at that time?

25 A So, the -- the first thing I wanted to do was expand the

1 perimeter a little bit to make sure that he wasn't still on the  
2 property. That would've been my first course of action.

3 My second course of action would've been if I felt as though  
4 a -- a track was necessary in order to apprehend him, would be to  
5 request a -- a -- the assistance of a K9 officer. We don't have  
6 one in Reading, so it would have to be a -- a mutual aid partner.

7 Those were the -- Containment and -- and some type of a  
8 secondary search would've ben what my -- what my typical reaction  
9 to a person who fled the scene of a crime would've been.

10 Q And at the point when you arrived at that location, was Mr.  
11 Greenough to your knowledge inside the house?

12 A To the best of my -- To the best of my knowledge, he was  
13 inside the house when I first arrived on -- on scene.

14 Q So you believe that he left after you arrived.

15 A I -- I can't -- I don't know. I -- I don't know if he left  
16 just prior to my arrival or -- or when I arrived. But the  
17 information that I had from my officers was that they observed him  
18 inside. And my first knowledge that he wasn't was when Officer  
19 Savio went around the back and realized that the window had been  
20 pushed out.

21 Q Now, given the timeframe between the time of your arrival and  
22 the time of being alerted to the door inside, did you feel that  
23 you had a barricaded situation at that point?

24 A Not once I realized that I believed Mr. Greenough had left

25 Q And so, did you have any time to initiate protocols for that?

1 A No.

2 Q Now, in terms of your involvement or your being a member of  
3 the Reading Police, as of February of 2018 did the Reading Police  
4 have any taser capability or less-than-lethal capability?

5 A No.

6 Q And in terms of the events that unfolded, it's fair -- would  
7 you agree that the -- that amount -- the amount of time that you  
8 were at the scene was a little under, I believe it was, about five  
9 minutes --

10 A That's fair.

11 Q -- before the shooting happened?

12 MS. LYNCH: If I might just have one moment, Your Honor.

13 THE COURT: Sure.

14 BY MS. LYNCH:

15 Q Now, did you have any knowledge concerning Mr. Greenough from  
16 your past dealings with that residence? You indicated you had  
17 been there before for calls involving the roommates. What was  
18 your understanding concerning Mr. Greenough's mental state or  
19 whether he was known to use controlled substances?

20 A Mr. Greenough was known as a person who used drug and --  
21 illegal drugs and alcohol to the -- to the Reading Police  
22 Department. I knew that personally.

23 Q And were the calls that you responded to correlated or  
24 related in any way to that?

25 A The best way I can describe it is typically somebody on scene

1 | when we go -- when we went to that address was under the influence  
2 | of either drugs or alcohol, which was a -- a p -- a part or a --  
3 | some type of a cause of the just disagreement or the -- or the  
4 | fight that had been -- what had been called in to us.

5 | Q Thank you, Sergeant.

6 | A I appreciate it.

7 | THE COURT: Mr. Pasciucco.

8 | CROSS EXAMINATION OF WITNESS, SERGEANT PATRICK SILVA

9 | BY MR. PASCIUCCO:

10 | Q Good morning, sir.

11 | A Good morning.

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

14 | A Yes, sir.

15 | Q Sergeant, now, you indicated on direct examination that  
16 | you've been with the Reading Police Department for approximately  
17 | 10 years; is that correct?

18 | A Yes. Yes, sir.

19 | Q And you've been a sergeant for five years?

20 | A It'll be five years in just a month or two, but yes.

21 | Q And during the duration of your time with Reading Police,  
22 | Officer Erik Drauschke has also been a sworn officer; is that  
23 | correct?

24 | A Correct.

25 | Q Okay. And he was a -- he was an officer with Reading when

1 | you came on approximately 10 years ago.

2 | A | Correct.

3 | Q | Okay. So you've worked with him in various capacities over  
4 | the years?

5 | A | Yes.

6 | Q | Okay. And during this timeframe in February of 2018, you  
7 | essentially supervised him?

8 | A | Yes.

9 | Q | Okay. And you observed him on radio calls or speaking with  
10 | civilians on occasion, --

11 | A | Yes.

12 | Q | -- correct? Did you ever have any issue with his training or  
13 | how he handled those situations?

14 | A | Never.

15 | Q | Okay. And did you trust him as a fellow officer?

16 | A | Yes.

17 | Q | Directing your attention to Friday, February 2nd, 2018, you  
18 | were not working that night; is that correct?

19 | A | Correct, sir.

20 | Q | Okay. And so, when you came in on Saturday, February 3rd of  
21 | 2018, that's when you reviewed the logs and sort of familiarized  
22 | yourself with what had transpired the night before.

23 | A | Correct.

24 | Q | Okay. And your shift started at what time?

25 | A | 3:00 p.m.

1 Q 3:00 p.m., okay. And at approximately 4:00 p.m., that's when  
2 the -- Is it -- What is it called in Reading? Is it last half?  
3 Is it afternoon shift?

4 A We -- We call it the C shift. But it would be a -- a first  
5 half, first half of the evening.

6 Q Okay. At some time around four o'clock, that's when the  
7 other officers arrived at the station?

8 A Yes.

9 Q Okay. And initially you only ordered or requested that  
10 Officer Vatcher respond to the scene --

11 A Yes.

12 Q -- out of those -- Was it three or four officers that were  
13 on?

14 A Four officers would be working the evening shift with me.

15 Q Okay. And it was only Officer Vatcher that you initially  
16 requested or ordered to go to the scene.

17 A Correct.

18 Q Okay. And then at some point you heard a radio transmission  
19 from Officer Wilson about a pole?

20 A Yes.

21 Q And the suspect threatening to hit the officers with a pole;  
22 is that fair to say?

23 A Yes.

24 Q And was it at that point that you then decided "I need to get  
25 additional officers on scene"?

1 A Correct.

2 Q Okay. And that's when you specifically informed Officer  
3 Drauschke and Officer Savio to respond.

4 A Yes.

5 Q Okay. And why was there a shortage of cruisers that evening?

6 A Well, we just don't have a whole lot in Reading, we'll --  
7 I'll start with that. The other reason is that we're all  
8 single-officer cruisers in Reading. So, between the three  
9 dayshift officers that were already on -- on the road and on --  
10 and on scene as well as Officer Vatcher and then Officer Fontes,  
11 who I dispatched up originally to go meet with the reporting  
12 party, -- as well as we also just from time to time have cruisers  
13 that are out of service for one reason or another.

14 Q And so, did you instruct Officer Drauschke and Officer Savio  
15 to take the animal control vehicle?

16 A I don't specifically remember telling them to take that car.  
17 But it is very common for me to say, "Take whatever's out there  
18 and go."

19 Q Okay. So there was a sense of urgency for them to respond to  
20 the scene?

21 A Yes.

22 Q Now, once you do respond to the scene, was it known to you  
23 how many entrances there were into the residence?

24 A No.

25 Q When you arrived to the scene, was it your understanding that



1 the suspect, Mr. Greenough, was locked inside?

2 A Yes.

3 Q All right. And at some point you learned that there's a  
4 window open in the back; is that correct?

5 A Correct.

6 Q Okay. And you recall speaking with state police detectives  
7 in the evening hours after the shooting?

8 A Yes.

9 Q Okay. And do you respond [sic] telling those state police  
10 detectives that you seemed a little annoyed or almost scolded your  
11 guys because there wasn't someone looking out the back?

12 A Correct.

13 Q Okay. At some point did you have conversations with your  
14 fellow officers on scene for them to either go in the back or them  
15 to go to the other side of the property?

16 A Yes.

17 Q Okay. Do you remember who you spoke to specifically?

18 A I -- I definitely had a conversation in some regard with  
19 Officer Savio, telling him to go out back. That is the radio  
20 transmission that sparked the issue of the -- there being an open  
21 back window.

22 A period of time after that is when we were led into the  
23 residence by Anthony to go check the inside of the residence. And  
24 when we came -- when myself and Officer Drauschke came out, I  
25 believe I directed him in some way to go stay on the far side of

1 the building. So, that's the south side, or the left side as  
2 you're looking at the building.

3 Q Okay. So, when you -- So, you speak with Anthony Perrotti at  
4 some point. He directs you into the second entrance.

5 A Yes.

6 Q Okay. Do you go into the actual apartment, or did you stay  
7 in the office area?

8 A No, I -- I was in just a few steps into that first room. I --  
9 Like I said, I would call it maybe a living room or -- or  
10 something, the first room inside the -- from where that entrance  
11 was.

12 Q Do you recall any observations you made once you were inside  
13 there?

14 A Yes.

15 Q And what did you observe?

16 A The -- The apartment was in disarray. There was a -- a  
17 broken -- like, maybe a coffee table or a table that was  
18 completely broken in the middle of the apartment. Disarray is the  
19 best way I can describe it. There was stuff everywhere.

20 Q And then when you exit the apartment and leave the office to  
21 go back to the exterior of the office of the property, that's when  
22 you think you had some sort of a conversation with Officer  
23 Drauschke to --

24 A Yes. We were walking out at the same time. So, the only  
25 side of the building or the property, if you will, that we didn't

1 have an officer standing at was, like I said, the south side or  
2 the left side as you're looking at it. And that's where Officer  
3 Drauschke -- that's the direction he left when we walked out that  
4 door.

5 Q Okay. And that's the video that you -- the video  
6 surveillance that you observed earlier --

7 A Yes.

8 Q -- of you walking out of the office, you going one way,  
9 Officer Drauschke going the other?

10 A Correct.

11 Q Okay. At some point you hear shots fired and you immediately  
12 -- I shouldn't say "immediately." You don't know where they come  
13 from, --

14 A Correct.

15 Q -- correct?

16 At some point you learn over radio transmission from Officer  
17 Drauschke that he's out by the vehicles.

18 A Correct.

19 Q Okay. At that point do you know which side of the property  
20 he's on?

21 A No.

22 Q At what point do you realize that Officer Drauschke is on the  
23 south side of the property?

24 A When Anthony came running towards us and was screaming at us  
25 that -- I knew it was obviously behind him, that he was c -- that

1 -- that -- where the incident had took place.

2 Q Okay. Do you know where Anthony Perrotti was when the  
3 shooting took place?

4 A I don't.

5 Q Okay. So, once your attention is drawn to the south side of  
6 the property, that's when you respond?

7 A Yes.

8 Q And do you remember who was with Officer Drauschke and Mr.  
9 Greenough when you arrived?

10 A No. Like -- You know, like I testified earlier, I -- I wish  
11 I did. I -- I r -- was running that way. I know I was running  
12 with other officers. I'm not as fast as some of the other  
13 officers, so it's entirely possible that somebody got to that  
14 location before me. My memory is hectic of that, you know,  
15 snippet of time. And I ran as fast as I could and discerned the  
16 best -- you know, figured out the best I could of what was going  
17 on.

18 Q Okay. And you were able to review your transcript from the  
19 state police interviews the evening of the shooting; is that  
20 correct?

21 A Yes.

22 Q And you recall telling the detectives that Officer Drauschke  
23 made statements to the effect of: the suspect, Mr. Greenough, had  
24 his hands in his pockets; he was charging towards him; and he was  
25 yelling, "Shoot me"?

1 A Something to that effect, yes.

2 Q Did you assist in rendering aid to Mr. Greenough?

3 A No.

4 Q You sort of supervised the scene at that point?

5 A Correct.

6 Q And fair to say that you had a lot of supervision to do at  
7 that point?

8 A Most I've ever had.

9 Q Thank you, sergeant.

10 A You're welcome.

11 THE COURT: Mr. Koufman, questions?

12 MR. KOUFMAN: If I may.

13 THE COURT: Yeah.

14 MR. KOUFMAN: An offer of proof with respect to a couple of  
15 topics.

16 THE COURT: Yes.

17 MR. KOUFMAN: First I'd like to ask some questions about some  
18 radio transmissions.

19 THE COURT: You just have to speak a little louder.

20 MR. KOUFMAN: I'd like to ask some questions about the radio  
21 transmissions for when he was at the station, if I may begin  
22 there.

23 THE COURT: Yeah.

24 CROSS EXAMINATION OF WITNESS, SERGEANT PATRICK SILVA

25 BY MR. KOUFMAN:

1 Q Officer -- Sergeant, excuse me, my name is Victor Koufman and  
2 I represent the family of Anthony -- of Alan Greenough, Anthony  
3 Perrotti, and also Ms. Rawson, who's here. And I just have a few  
4 questions for you.

5 A Sure.

6 Q When you were on the station that Saturday, February 3rd, you  
7 did hear some radio transmissions; is that correct?

8 A Yes.

9 Q And you overheard some radio transmissions come in; is that  
10 correct?

11 A Yes.

12 Q And did you also hear some radio transmissions come in from  
13 Officer Wilson?

14 A Yes.

15 Q And one of those radio transmissions that came in from  
16 Officer Wilson had to do with -- we heard that things were  
17 deteriorating at the garage; is that correct?

18 A Correct, sir.

19 Q And on top of all that, that this was turning into a  
20 shitshow, I think he said.

21 A I don't recall the specific verbiage he used. But I don't  
22 think he swore on the radio. But --

23 Q Okay. But that things were deteriorating; --

24 A Yes.

25 Q -- is that correct?

1           And is it also true that that's the point where you asked  
2 Officer Wilson if Alan Greenough had been contained? Is that  
3 correct?

4   A     I believe that's -- that's the time that I made that  
5 transmission, yes.

6   Q     Right. And you made -- And his response was, "Yes"; is that  
7 correct?

8   A     Yes.

9   Q     And it was important for you to do that, in order to fulfill  
10 your responsibilities, because that was protocol; is that correct?

11   A     Less protocol and more tactics, I w -- I would say. But,  
12 yes, that's what I was aiming for, is to have a contained scene  
13 when I got there.

14   Q     Right. And so, at that point was he -- if he was contained,  
15 would he have been barricaded?

16   A     Yes.

17   Q     Now, at some point you go to the garage. I'm just going to  
18 refer to it as the garage, if that's okay.

19   A     The property you mean, sir?

20   Q     The property.

21   A     Yes.

22   Q     Yeah. Okay. And when you arrived at the East Coast Gas &  
23 Auto Repair, the garage, --

24   A     Yes.

25   Q     -- all your officers were out front; is that correct?

1 A Yes.

2 Q Okay. So, the first thing that goes through your head, or  
3 the first thought, is "Is anybody out back?" Is that correct?

4 A That's correct.

5 Q And at that point you were a little pissed; is that correct?

6 A That's fair to say, yes.

7 Q Okay. And so, at that point you actually ask your guys --  
8 Were there six officers there at the time?

9 A So, there was three from the dayshift and now there'd be four  
10 from the evening shift. So, I had seven officers on scene and --  
11 and then in addition to -- to me.

12 Q Okay. And they were all in the front of the building; is  
13 that correct?

14 A Thereabouts.

15 Q Okay. And so, you actually asked them, "How are we -- Guys,  
16 how are we surrounding? How do we know he's still in the  
17 apartment if nobody's out back?" Is that correct?

18 A That's -- That sounds close to what I said, yes.

19 Q And then that's the point that you sent Officer Savio to the  
20 back of the building; is that correct?

21 A Correct.

22 Q Okay. Now, -- And that's when he observed the window being  
23 opened.

24 A Yes.

25 Q Okay. And that's when he radioed to you that the window was



1 open; is that correct?

2 A Correct.

3 Q Okay. And so then, after that, at some point you learned  
4 that the side door of the -- leading from the apartment into the  
5 office of the garage was open; is that correct?

6 A I don't know if "open" is the right word. It was able to --  
7 able to be accessed, is the best --

8 Q Unlocked.

9 A Okay, yes. We were able to get into it, yeah.

10 Q Right. And you said you did give a statement to the state  
11 police after this incident; --

12 A Yes.

13 Q -- is that correct? And in your statement you indicated that  
14 he -- "he" being Anthony Perrotti -- was able to open that door.  
15 "So, clearly that door which was previously locked according to my  
16 officers is now open." When did your officers tell you that door  
17 was open?

18 A I was present when the door was opened by Anthony.

19 Q Okay. But when did they tell you that the door could be  
20 accessed so you could access the inside of the apartment through  
21 that door?

22 A That was the conversation that Anthony had with the group of  
23 officers out front then, when he let us into the -- to the -- to  
24 the shop, to the business side of it.

25 Q Okay. So, Anthony told you it was open; is that correct?

1 A I don't remember his exact words. Anthony let us in there,  
2 to let us into the apartment. I don't remember exactly how that  
3 exchange went.

4 Q Okay. And then you walked into the apartment with some of  
5 your officers; is that correct?

6 A Yes.

7 Q Okay. And at that point you scolded your officers again  
8 because nobody had been in the back, and you saw that the window  
9 had been opened; is that correct?

10 A I spoke to them. I don't know if "scold" is the right word.  
11 But I definitely addressed the situation.

12 Q Okay. And then that's when you heard the first radio  
13 transmission, or shortly thereafter, from Officer Drauschke that  
14 he found somebody in the back; is that correct?

15 A I was already outside at that point, I believe. But yes.

16 Q So he -- Okay. And then the -- And then subsequently you  
17 heard a second transmission from Officer Drauschke; is that  
18 correct?

19 A Yes.

20 Q And the second was "Shots fired"; is that correct?

21 A Yes.

22 Q Okay. Just so it's clear: so, that was -- the amount of time  
23 separating those two calls was 12 seconds; is that correct?

24 A It's hard for me to judge time, sitting here, sir. But I --  
25 I trust that the radio transmissions reflect that.

1 Q Okay. And so that's when you went out and you -- and at some  
2 point you saw Anthony running; is that correct?

3 A Correct.

4 Q And he said, "You killed my brother. You did not have to  
5 shoot him. You guys just killed my brother"; is that correct?

6 A I don't recall specifically what he said. My memory would be  
7 exhausted as far as his -- his specific words. But --

8 Q Okay. But you don't recall anything else as you sit here  
9 today?

10 A No.

11 Q Okay. Now, when you arrived at the Hummer -- I mean, you  
12 went into the back. I'm trying to move quickly here. When you  
13 arrived to the left of the building and you went, Alan Greenough  
14 was -- you saw him near the Hummer; is that correct?

15 A Correct.

16 Q And you saw him near the passenger front door of the Hummer;  
17 is that correct?

18 A Yes.

19 Q Okay. And the front door of the Hummer was open; is that  
20 correct?

21 A I -- I just don't recall if it was open or closed.

22 Q But his -- But he was -- Was he lying on the ground?

23 A Yes.

24 Q And you -- So, he was lying on the ground right near the  
25 front door, the passenger front door of the Hummer, correct?

1 A Yes.

2 Q Okay. And Sergeant -- I'm sorry -- Officer Drauschke was  
3 near him; is that correct?

4 A Yes.

5 Q Okay. Now, prior to this incident, you said that you had  
6 some familiarity with Alan Greenough; is that correct?

7 A Yes, sir.

8 Q Okay. And you made some mention of that -- in your  
9 statement, that you did some work in your police as a -- as a  
10 police officer with respect to the community, and that's how you  
11 gained your familiarity with him; is that correct?

12 A Yes.

13 Q Okay. But isn't it also true that you never arrested Anthony  
14 for anything; is that correct?

15 A I've never arrested Ant --

16 Q Up to this, yes.

17 A I've never arrested Anthony.

18 Q And you've never arrested Alan Greenough, as well; --

19 A Cor -- Correct.

20 Q -- is that correct?

21 A Correct, sir.

22 Q And is it also true that you never arrested somebody out of  
23 the house, of the garage, for an assault and battery?

24 A I have never been the officer arresting anybody out of that  
25 house.

1 Q Okay. And it's also true that you've never had a physical  
2 altercation with Alan Greenough; is that correct?

3 A As in myself with Offic --

4 Q Yes.

5 A -- with Alan Gr -- No, I've never had a physical  
6 confrontation with him.

7 Q Okay. And so, you basically had been to the garage for  
8 roommate disputes; is that correct?

9 A Yes.

10 Q Not to arrest somebody; is that correct? This is before the  
11 shooting.

12 A Yes.

13 Q Now, you mentioned a Lieutenant Brown, that you were able to  
14 call Lieutenant Brown on that Saturday, February 3rd, --

15 A Correct.

16 Q -- before you went to the garage. And is that correct?

17 A Yes.

18 Q And so, you were able to have -- you had contact with  
19 Lieutenant Brown that day.

20 A Yes.

21 Q And you were easily able to call him; is that correct?

22 A Yes.

23 Q And if one of your officers had told you that Alan Greenough  
24 wanted to speak with Lieutenant Brown, you would've been able to  
25 get in touch with Lieutenant Brown.

1 A Yes.

2 Q And so, you and Officer -- you were on the scene for  
3 approximately five minutes before the shooting?

4 A I believe that -- that's correct.

5 Q And Officer Drauschke arrived with you to the garage; is that  
6 correct?

7 A Correct.

8 Q So he was on the scene for less than five minutes before the  
9 shooting; is that correct?

10 A Yes.

11 Q Thank you.

12 THE COURT: So, Sergeant Silva, I just have some questions, --

13 THE WITNESS: Yes, ma'am.

14 THE COURT: -- just to make sure that I have everything in  
15 the proper sequence.

16 **CROSS EXAMINATION OF WITNESS, SERGEANT PATRICK SILVA**

17 BY THE COURT:

18 Q Just to pick up a little bit on what you've been asked about  
19 the -- "prior domestics" I think is how you classified them when  
20 A.D.A. Lynch asked you -- prior domestic calls that you responded  
21 to: approximately how many times had you responded?

22 A I would say three to five times involving Mr. Greenough. We  
23 have been to that location many times.

24 Q Okay.

25 A It's a busy place.

1 Q All right.

2 A But Mr. Greenough for --

3 Q Mr. Greenough: three to five times.

4 A I -- I believe that's my best estimate, yes.

5 Q And when you say "involving Mr. Greenough," was Mr. Greenough  
6 the caller calling for -- were they cross-complaints? What type  
7 of interaction did you have?

8 A I would say it's a pretty good even split: sometimes he was  
9 the caller, sometimes he was the person being called on.

10 Q You also said -- I think in response to one of the questions,  
11 again, Ms. Lynch asked -- that alcohol and drugs had often been  
12 involved in those calls. Again, your memory of who was involved  
13 under the influence of either of those?

14 A Mr. Greenough was almost always intoxicated when I dealt with  
15 him. He clearly had a substance abuse issue.

16 Q Now, when you arrived on shift on February 3rd, in addition  
17 to reviewing logs I think you also testified that you also spoke  
18 to Lieutenant McKenna.

19 A Yes, ma'am.

20 Q Okay. And what did Lieutenant McKenna tell you about the  
21 prior call to that location?

22 A So, he actually didn't have much to share about the prior  
23 call because he worked the dayshift on Saturday. He wasn't  
24 involved with the incident directly on Friday. The conversations  
25 I had with Lieutenant McKenna prior to this call coming in were

1 very routine: you know, no prisoners, no -- you know, nothing --  
2 you know, very routine OIC-to-OIC conversations prior to the --  
3 this call coming in.

4 Q Prior to this call. And was it your understanding that --  
5 for the incident that happened the day before, that Mr. Greenough  
6 was going to be summonsed?

7 A Yes.

8 Q Okay. So, after you talked to Kim or Ms. Bellino, at that  
9 point after hanging up the phone with her and finding out that  
10 she'd gone, I think, to the Lobster Claw and was going to be  
11 coming back to the residence, what was your intention at that  
12 point with regard to Mr. Greenough and the direction that you gave  
13 your officers?

14 A So, the direction that I gave my officers was: if he had  
15 already fled and he was completely gone from the scene, we would  
16 be including this incident with the incident from the night before  
17 and kind of making it all one incident over two days, just to  
18 supply the court with that documentation. So, that was only a  
19 brief period of time when I thought that Mr. Greenough had been  
20 gone for a period of time.

21 We were actually inviting the reporting party and victim back  
22 to allow us in just to make sure there nobody was in there, so  
23 that she felt safe to go in.

24 That quickly changed as soon as I started receiving the  
25 transmissions from Officer Wilson that he was in fact inside the



1 apartment and now beginning to interact with Officer Wilson.

2 Q Okay. So, at that point Officer Wilson and the officers who  
3 are on scene are trying to find out, based on the transmissions,  
4 whether they have PC; --

5 A Yes.

6 Q -- is that correct? Okay.

7 And Mr. -- And they're asking Mr. Greenough to come down and  
8 speak to them.

9 A Yes. I wasn't on scene for that, but that -- that's what has  
10 been kind of relayed to me from those officers: that they're  
11 speaking to him through, I believe it was, an open window or a  
12 screened-in window, basically trying to negotiate with him to come  
13 outside and speak to them.

14 Q And he didn't want to come outside.

15 A He -- No, he did not.

16 Q Okay. And so, Mr. Greenough at that point could've left,  
17 because you're still trying to figure out whether or not --  
18 they're still trying to figure out from you on the transmission  
19 whether or not there's probable cause. So, he doesn't want to  
20 speak to the officers and he's free to leave, then, at that point.

21 A I wouldn't say so, not based on the -- So, the -- the -- Now  
22 the call for service on Saturday was a f -- the female, Kim,  
23 indicating that she had been assaulted by Mr. Greenough. And that  
24 was the call for service. So, I would say no, he wouldn't have  
25 been free to leave. I would've asked my officers to detain him,

1 based on that accusation that he had just assaulted a roommate.

2 Q So, then at some point things change. You hear from Officer  
3 Wilson that things are turning into a horror show. He's got what  
4 appears to be a pole.

5 A That's -- That's what we've --

6 Q Then at that point, you decide to do what?

7 A Go to the scene.

8 Q Okay. Do you -- Before you go to the scene, do you call the  
9 fire department to go to the scene as well?

10 A Lieutenant McKenna did that.

11 Q Lieutenant McKenna did that, okay. And why did Lieutenant  
12 McKenna do that? Did he communicate with you?

13 A He did. He believed that should -- So, he made that  
14 communication during the time-period when we thought Mr. Greenough  
15 was not there, that the keys did not work from the two other  
16 people, Kim and Devin. And he was going to use the fire  
17 department to assist those people in getting back into the  
18 residence that they lived in, that they felt as though they were  
19 locked out of as a result of this incident.

20 Q Okay. And at least when you were interviewed by the state  
21 police, I think you said something about the chief or whoever was  
22 in charge of the fire department storming off and refusing to  
23 help.

24 A He -- He was upset that he had been called down to assist  
25 with this.

1 Q Okay. So, you arrive on scene. The fire department, at some  
2 point, you send them away and tell them --

3 A Yes, ma'am.

4 Q 'Cause they're not going to help. And then again tell me  
5 what happens from that point on.

6 A I -- I -- I first met with the -- the fire captain. I told  
7 him that we -- we would not use them. He was unwilling and I  
8 didn't feel as though he was an appropriate option at that point.  
9 So they began to leave.

10 That was at that point that I began to meet with all my  
11 officers on scene and I realized that they -- there was not some --  
12 there couldn't have been somebody in the back because they were all  
13 in the front. And that's when I directed Officer Savio to go  
14 around to the back of the building to basically hold the perimeter  
15 on the back to make sure that Mr. Greenough did not leave the  
16 residence.

17 Q Okay. I just want to find something that -- All right. So,  
18 I'm just looking at page 25 of what you told the state police: "It  
19 wasn't a real formulated plan. Just that honestly everything was  
20 clicking in my head: 'All right. Am I going to call for the K9?  
21 How serious is this call? Are we definitely going to track this  
22 guy down?'"

23 So you still didn't know if this was a serious call or not.

24 A I knew it was serious. I didn't know -- I didn't know  
25 whether I was -- In the -- In the time-period where I -- I knew

1 that Mr. Greenough or I believed Mr. Greenough was not still in  
2 the residence but I didn't know how far he had gotten from the  
3 residence, I didn't know that I was going to be calling in K9s and  
4 how big of a perimeter I was now -- now going to attempt to  
5 secure.

6 Q Okay. You also said, "Am I going to have this dog go bite  
7 this guy in the woods? Are we good to go on everything like  
8 that?" What did you mean by that?

9 A What I meant by that was: are we good to lock down an entire  
10 neighborhood and bring dogs out and send them searching through  
11 the woods? I'm -- I was thinking about kind of liability. Are  
12 there other people around there? There was a lot of civilians at  
13 the -- at the gas station during this incident. I was thinking  
14 about having to lock everybody down, clear it out, you know, how  
15 many officers that would take, how large of a scale this was  
16 starting to grow to had he got any distance away from the gas  
17 station at all.

18 Q Okay. And so, while that's racing through your mind as a  
19 sergeant, at any point do things stop or do you immediately hear  
20 gunshots next? Do you -- "Guys, we need to regroup. I have  
21 to --"

22 A So, my first point of order was to make sure he wasn't  
23 inside, which -- We were let inside by Anthony, his brother. The  
24 -- The number of officers went inside and I had them checking the  
25 entire inside, to start there to make sure that he was not there.

1           That plan or that course of interaction was interrupted by  
2 the gunfire.

3           Had that not happened, my plan at that point would then have  
4 been to make a decision: whether we were going to start calling in  
5 for additional resources from out of town to set up a bigger  
6 perimeter and call in for help from K9 units in order to track  
7 him.

8   Q     Okay.

9   A     But that was interrupted.

10   Q     So, at no point would the plan be to determine just on a  
11 search of the area that he's not there and then leave?

12   A     No, b -- not based on -- based on the fact that he had made  
13 those threats toward Officer Wilson that he had relayed to me,  
14 with the pole that he said --

15   Q     What threats?

16   A     He said that -- Officer Wilson had relayed to me that he was  
17 threatening him with a pole.

18   Q     Okay. I thought Officer -- I thought you had said that  
19 Officer Wilson said he had a pole. He was threatening him with a  
20 pole?

21   A     I -- I th -- I -- To my recollection, one of the radio  
22 transmissions was he had armed himself with a pole and he was  
23 either threatening them or s -- I believe the word was  
24 "threatening."

25   Q     And that was the only weapon or that was the only thing that

1 | could be construed as a weapon that you were aware that he had?

2 | A     Yes.

3 | Q     Okay.  And because of that, again, at no point would you have  
4 | searched the area, determined that the residence was safe for Ms.  
5 | Bellino and folks to go back to, determined that Mr. Greenough was  
6 | there, and had left and applied for a warrant or whatever you were  
7 | going to do next?

8 | A     No, we would've done a much more exhaustive search than that  
9 | before I cleared and -- and took no action.

10 | Q     "Exhaustive search" meaning what?

11 | A     As in: if he wasn't located directly on the property --

12 | Q     On the property.

13 | A     -- I would've done a -- a larger-scale search of the  
14 | neighborhood to see if he had made it to the street behind the  
15 | property.  I don't think he would've made it out the front, but I  
16 | would've made that -- that perimeter more towards the back,  
17 | towards the neighborhood that doesn't really directly abut but it  
18 | abuts through the woods behind the gas station.

19 | Q     And is that -- And that's typical police protocol in all --

20 | A     I would say given the fact that this was an incident that  
21 | happened for a second time in two days, that he had in my opinion  
22 | threatened the officer with some type of a weapon, that this had  
23 | risen to that level.

24 | Q     So when you heard what you believed to be gunshots -- I think  
25 | you testified that you hadn't -- you'd only heard them on the

1 range before that --

2 A Yes, ma'am.

3 Q -- you went where or did what?

4 A Well, because I wasn't able to pinpoint exactly where they  
5 came from, to be quite honest I kind of stutter-stepped and drew  
6 my gun out and just started searching the area with my eyes to see  
7 if I could find where the gunfire was coming from, where there was  
8 a commotion or something that would lead me to go towards that  
9 location.

10 Q And at some point you came across Officer Drauschke and Mr.  
11 Greenough.

12 A Correct.

13 Q And where, physically located?

14 A In between two vehicles on, like I said, the s -- So, it's  
15 the south side of the property, which would be the left side as  
16 you're looking at the building.

17 Q How soon after did you hear -- after his radio transmission  
18 did you hear the gunshots?

19 A Maybe 10 seconds. It wasn't very long. I --

20 Q And his radio -- as you recall, his transmission was what?  
21 What did he say, Officer Drauschke?

22 A So, first he said, "I have him by the cars," or "in the cars"  
23 or "near the cars," something to that effect. Then it was the two  
24 gunshots. Then it was "Shots fired."

25 And then I -- as I'm searching, I called out to him over the

1 radio. I think I said, "7-4, location."

2 And I initially had forgot about this but he did respond and  
3 said again, "By the cars," or, "Near the cars," which was still  
4 confusing to me as to which car he was near.

5 Q And were you the first officer to get there?

6 A I went with a group of officers. So, my memory is -- is  
7 exhausted as far as which officer was standing in front of me. We  
8 were there within a moment of -- of -- of one another. We --  
9 Officer Drauschke was there and then all the officers came rushing  
10 over to help in fairly quick, short order.

11 Q Okay. And I'm sorry if I already asked you, but your  
12 direction of travel to get to them was what?

13 A So, I was -- If you're looking at the building, I'm off to  
14 this side. [Indicating.] I had to run basically clear across the  
15 parking lot, to the south side, which is where I located Officer  
16 Drauschke.

17 Q Did you have any trouble reaching them?

18 A No.

19 Q Okay. So there was nothing in your way, nothing obstructing  
20 you from getting to them.

21 A Not other -- I mean, there's vehicles there. But I was able  
22 to navigate my way through.

23 Q And the other officers that arrived, were they essentially  
24 running with you, or did they seem to be coming from other  
25 directions? Was anybody right with you?



1 A No. Oh, yes, everybody -- Right with me.

2 Q Right with you.

3 A Not with Officer Drauschke, correct.

4 Q Okay. All right. And all in the same direction, --

5 A Yes. Yes, ma'am.

6 Q -- running to him.

7 And I know your memory had to be refreshed by Ms. Lynch with  
8 regard to what Officer Drauschke said to you when you reached  
9 them, but was that the first thing he said to you?

10 A Yes, it was the -- it was the only thing.

11 Q The only thing.

12 And you testified earlier that Mr. Greenough in the limited  
13 encounters you had with him had never been violent.

14 A No, not towards me, no.

15 Q Not towards you. You'd never had a physical confrontation  
16 with him.

17 A Correct, ma'am.

18 Q And at some point there was some difference in what you  
19 indicated about the window being open. I think at one point you  
20 said "pushed out." Was it open or was there a screen pushed out?

21 A I believe a screen was pushed out and -- and -- at the  
22 exterior of the building.

23 Q Screen pushed out.

24 And, again, it was Lieutenant Brown that you confirmed with  
25 that there was probable cause?

1 A Yes, ma'am.

2 Q Okay. Just give me one second.

3 A Yes, ma'am.

4 Q And you -- You were the -- As the sergeant, you secured  
5 Officer Drauschke's firearm.

6 A Correct, ma'am.

7 Q And from your review of the logs from the incident the day  
8 before, it was the officer's intention, you said, to -- or they  
9 were -- get a summons?

10 A Th -- That was the intention, based on solely Friday night.

11 Q Solely Friday night. Thank you, sergeant.

12 A Yes, ma'am.

13 THE COURT: Ms. Lynch?

14 MS. LYNCH: Yes, if I might.

15 **REDIRECT EXAMINATION OF WITNESS, SERGEANT PATRICK SILVA**

16 BY MS. LYNCH:

17 Q You indicate that your memory was exhausted concerning the  
18 sequence of officers going to the side.

19 A Yes, ma'am.

20 Q With the Court's permission, I'm going to ask to show you  
21 portions of the video, specifically Video Camera 2 starting at  
22 1706:41 on the timestamp, which is 4:33:51 p.m. And then I'm  
23 going to ask you some questions about it.

24 [Video Playing at 10:44:48 a.m.]

25 BY MS. LYNCH:

1 Q Now, the individual who's running, who is that?

2 A Anthony.

3 Q Now, do you see anyone coming from the office?

4 A Yes, it's -- I'm having trouble discerning which one is  
5 which. But those are three officers coming out from what appears  
6 to be the -- the residential section of this building.

7 Q And who is the officer running now towards the --

8 A I believe that's Officer Gooley.

9 Q And then is Anthony back at this point?

10 A Correct.

11 Q And who are these officers?

12 A Myself; Officer Vatcher; that's Officer Fontes; that's  
13 Sergeant Silva running right there.

14 Q So, with regard to that video, is your present memory  
15 refreshed as to whether you were the first officer to run in that  
16 director or whether there were other officers ahead of you?

17 A It is refreshed.

18 Q And what is your present memory now as to who --

19 A That --

20 Q -- was there first?

21 A That Officer Gooley was a few steps in front of the group  
22 that I was running with.

23 Q And in terms of this call, did Lieutenant McKenna ever go to  
24 the scene that afternoon?

25 A No, ma'am.

1 Q And --

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

3 THE COURT: Sure.

4 BY MS. LYNCH:

5 Q And with regard to Officer Wilson on the radio transmission,  
6 I'm going to direct your attention to -- or your knowledge that a  
7 threat had been expressed, I'm going to ask you to listen to Track  
8 30 from February 3rd. And the timeframe is 4:21:52.

9 [Audio Playing at 10:46:45 a.m.]

10 BY MS. LYNCH:

11 Q And that individual that said, "He's threatening us with it,"  
12 who was that?

13 A Officer Wilson.

14 Q And that was when you were at the police station that you  
15 were first aware of this.

16 A Correct.

17 MS. LYNCH: Thank you.

18 THE COURT: Anything further? Anyone? No.

19 Thank you, sir.

20 THE WITNESS: Thank you, ma'am.

21 [Witness steps down]

22 THE COURT: Call your next witness.

23 MS. LYNCH: Thank you. Officer David Savio, please.

24 [OFFICER DAVID SAVIO, Previously Sworn.]

25 THE COURT: Good morning.

## 1 DIRECT EXAMINATION OF WITNESS, OFFICER DAVID SAVIO

2 BY MS. LYNCH:

3 Q Good morning, sir. Would you please state your name and, if  
4 you would, for the record spell your last name?5 A Good morning. My name is David Savio. And the spelling is  
6 S-A-V-I-O.

7 Q And Officer Savio, what is your occupation?

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

9 Q How long have you been a Reading police officer?

10 A Twenty-four years.

11 Q Now, directing your attention to Friday, February 2nd, and  
12 Saturday, February 3rd of 2018, did you work with the Reading  
13 Police Department on those days?14 A Yes. On both those days I was working the C shift, which is  
15 4:00 p.m. to 12:00/midnight.16 Q And directing your attention to that Friday, the 2nd, what  
17 was your assignment that day?

18 A I was assigned to uniform patrol in a marked police car.

19 Q And were you alone or with a partner?

20 A Alone.

21 Q Who else was working patrol that evening with you?

22 A So, it was Officer Drauschke, Officer Vatcher, and Officer  
23 Fontes.24 Q And so, were you the same officers that were scheduled to  
25 work on February 3rd --

1 A Yes.

2 Q -- that shift?

3 A Yes.

4 Q Now, directing your attention to the evening hours, did you  
5 respond to a radio broadcast at 7:32:13 p.m. for a call to 1462  
6 Main Street?

7 A Yes.

8 Q And where did you go?

9 A We went to 1462 Main Street.

10 Q And did other officers respond to that address that evening?

11 A Yes. The entire shift responded.

12 Q And who was that?

13 A It was Officer Vatcher, Officer Drauschke, Officer Fontes,  
14 and I.

15 Q Now, given -- Was there a reason that all four officers  
16 showed up?

17 A Usually on domestic disturbances we try to send heavy  
18 staffing, just for safety reasons.

19 Q And when you arrived -- At some point did you arrive at 1462?

20 A Yes. I believe we all arrived at about the same time.

21 Q Now, directing your attention to the timeframe approximately  
22 7.36 p.m., did you arrive at that location with other officers  
23 around that time?

24 A Yes.

25 Q And when you arrived at that location, did you speak to

1 anyone?

2 A Yes. We spoke to Devin McDonald. He was seated on the front  
3 stairs of the apartment.

4 Q And what did you observe about Mr. McDonald as he was seated  
5 on the front stairs?

6 A He -- He was upset. He had been in some type of altercation.

7 Q And when you say he was sitting on the steps, is that outside  
8 the premises?

9 A Yes.

10 Q And what happened when you saw him at that location?

11 A He indicated that the suspect, Alan Greenough, had already  
12 left the scene prior to our arrival.

13 Q And did he indicate whether there was anyone else in the  
14 house at that time?

15 A No.

16 Q Now, was there anyone working -- Was the gas station open at  
17 that hour?

18 A Yes.

19 Q And to your knowledge did any of the officers that responded  
20 speak to any of the employees of the gas station at that time?

21 A Yes, I believe Officer Fontes peeled off from us and he went  
22 to speak to the gas station attendant.

23 Q And at some point did you and the other officers enter the  
24 house?

25 A Yes, Officer Drauschke, Officer Vatcher, and I and also Devin

1 entered the apartment together.

2 Q Now, as you were outside initially, what if anything did Mr.  
3 McDonald tell you had led them to call the police?

4 A I don't have a recollection on that.

5 Q With regard to your role at that location, once you went  
6 inside what role did you assume in this call?

7 A Well, what we first did was we took a sweep through the  
8 apartment just to make sure that the suspect, Alan Greenough,  
9 wasn't still on scene. So, we -- we quickly walked through the  
10 apartment, making sure that he wasn't there.

11 Q And where did you go?

12 A I went through the kitchen and I went upstairs to the second  
13 floor.

14 Q And did you observe anyone on the second floor when you got  
15 there?

16 A Yes. I encountered a white female. Her name was Kimberly  
17 Bellino and she was in a second-floor bedroom.

18 Q And what did you observe about her?

19 A She was also upset. And I asked her, you know, what had  
20 happened that evening.

21 Q Now, prior to you getting upstairs, did you observe anything  
22 about the condition of the apartment itself that attracted your  
23 attention?

24 A Yes. Upon entering the apartment, in the kitchen the kitchen  
25 table was completely shattered and on the ground.



1 Q And when you got upstairs, did you have any conversation with  
2 Ms. Bellino?

3 A Yes. I asked Ms. Bellino the facts of the matter.

4 Q And what if anything did she tell you had happened?

5 A She explained to me that Alan Greenough had come home upset  
6 from a friend's wake. She said that apparently a friend had died  
7 of sleep apnea. He came home very upset. He stormed into the  
8 kitchen, shattered some of the kitchen furniture.

9 He proceeded up to the second floor, where he went out of his  
10 way to grab her by the arm and push her out of the way.

11 And then he focused his attention on Devin McDonald, who was  
12 also in the second-story bedroom across from her. And then he  
13 focused his attention on Devin McDonald. And she said that he  
14 attacked Devin McDonald. And I asked her to clarify what she  
15 meant by "attacked." And she said that Alan had gotten Devin into  
16 a headlock and t -- tried to strangle or -- or choke him.

17 Q Now, in terms of Ms. Bellino's description to you, did she  
18 tell you anything about Mr. Greenough's sobriety?

19 A Sh -- I don't believe she did.

20 Q Now, at that time, given the nature of the call and the  
21 nature of the report, did you take any action with regard to  
22 advising either Ms. Bellino or Mr. McDonald of any rights that he  
23 has under the Abuse Prevention Act?

24 A Yes. Well, first and for -- foremost we made sure that they  
25 didn't need rescue, emergency rescue attention. So, we asked them

1 if they needed an ambulance and they both declined. And we also  
2 explained their rights under Mass. General Law 209A. Not only did  
3 we verbally explain their rights, but we gave them a hard copy of  
4 the law.

5 Q Now, with regard to your observations of Mr. McDonald, did  
6 you observe any injuries -- cuts, bruises, injuries to him?

7 A Yes. Actually, Officer Vatcher pointed them out. And he had  
8 some markings on his face, his lip, and his neck.

9 Q What about Ms. Bellino? Did she appear to have any injuries?

10 A She did not.

11 Q Did you make any observations concerning her sobriety?

12 A No.

13 Q Did you make any observations concerning Mr. McDonald's  
14 sobriety?

15 A No.

16 Q Sir, showing you these two documents, do you recognize what  
17 these two documents are?

18 A Yes. These are the 209A rights forms.

19 Q And did you have any role in providing these to Ms. Bellino  
20 or Mr. McDonald?

21 A Yes. My signature is on both; that means I produced both of  
22 them to -- to each person.

23 Q And so you had told them about their right to seek a  
24 restraining order?

25 A That's correct.

1 Q And at that time they declined; is that right?

2 A They declined.

3 MS. LYNCH: At this time, Your Honor, I would offer these two  
4 documents signed by Officer Savio, one Devin McDonald's and the  
5 other Kim Bellino.

6 THE CLERK: It would be Exhibit 53 and Exhibit 54, Judge.

7 THE COURT: Thank you.

8 THE CLERK: Thanks.

9 [209A Rights Forms Marked as Exhibit Nos. 53-54]

10 BY MS. LYNCH:

11 Q Now, while you were there did Mr. -- Strike that. While you  
12 were at the house, did anyone observe Mr. Greenough in the house?

13 A No.

14 Q During the time that you were at the apartment, -- Well, how  
15 long a period of time were you officers at the apartment?

16 A I would estimate approximately a half-hour.

17 Q And during that time were any photographs taken of Mr.  
18 McDonald or the residence?

19 A Yes, there were photographs taken of the smashed furniture.  
20 And there were also photographs taken of Devin McDonald.

21 MS. LYNCH: If I might just have one moment, Your Honor.

22 THE COURT: Sure.

23 MS. LYNCH: If I might just see the exhibits.

24 BY MS. LYNCH:

25 Q I'm going to show you what has previously been admitted as

1 Exhibit No. 43. Do you recognize what this photograph depicts?

2 Oh, sorry.

3 A Yes, that's a -- a photograph of Devin McDonald's face.

4 Q And does that show the areas of any injuries?

5 A Yeah, the left cheek. And it -- it's kind of blurry and  
6 cloudy, so it's difficult to see that lip. But there was some  
7 blood on his lower lip. I can't see it from this angle.

8 Q Okay. And in terms of what's been previously admitted as  
9 Exhibit 44, do you recognize that?

10 A Yes.

11 Q And 45, does that appear to be the same shot?

12 A Yes.

13 Q And the quality of this print, you would agree, is less than  
14 optimal?

15 A Yes.

16 MS. LYNCH: Your Honor, I believe the last time we were in, I  
17 had indicated that we were having some printer issues. And if I  
18 could just at this time substitute those pictures.

19 THE COURT: Sure.

20 MS. LYNCH: Let me just -- This one is not in yet.

21 BY MS. LYNCH:

22 Q I'm going to show you this photograph. Do you recognize what  
23 this photograph depicts?

24 A Yes. I can see the -- the blood on Devin McDonald's lower  
25 left lip now.

1 Q And is that a fair and accurate representation of the picture  
2 that was taken that night when you were at the house?

3 A Yes.

4 Q Okay.

5 MS. LYNCH: At this time I'd ask that this be admitted as the  
6 next exhibit, please.

7 THE COURT: This is 55.

8 [Photograph of Lip Marked as Exhibit No. 55]

9 BY MS. LYNCH:

10 Q And with respect to these next two photos that are marked as  
11 45 and 44, do these appear to be images of those photographs that  
12 don't have the different color lines through them?

13 A Yes.

14 MS. LYNCH: Okay. So, Your Honor, at this time I would just  
15 ask that these photographs be substituted for the associated ones.

16 [Exhibit Nos. 44-45 Replaced with Higher Quality Prints]

17 BY MS. LYNCH:

18 Q I'm placing 55 on the presenter. I'll direct your attention  
19 to this area where my pen is, which would be the bottom and top  
20 area of the left side of the mouth. What does that depict?

21 A Some light blood staining on the lower-left lip.

22 Q How long were you and the other officers at the apartment  
23 that evening?

24 A Approximately 30 minutes.

25 Q And during that time, did you observe whether or not there

1 were --

2 MS. LYNCH: If I may just have one moment.

3 BY MS. LYNCH:

4 Q Did you observe the condition of the table? I believe you  
5 described that. Was that photographed, as well?

6 A That was photographed.

7 Q And showing you Exhibit 46, does this appear to be a fair and  
8 accurate representation of that condition of the kitchen at that  
9 time?

10 A Yes.

11 Q How long were you and the other officers at the residence  
12 that evening?

13 A Approximately a half-hour.

14 Q And during that time did Alan Greenough ever arrive at the  
15 apartment or to your knowledge contact the apartment?

16 A No.

17 Q And directing your attention to the timeframe of  
18 approximately 7:55 p.m., did you cause a radio transmission to be  
19 transmitted?

20 MS. LYNCH: Specifically, for the record, Track 11 on  
21 February 2nd.

22 A Yes.

23 MS. LYNCH: And with the Court's permission, if I could play  
24 that.

25 THE COURT: Yes.

1 [Audio Playing at 11:02:39 a.m.]

2 BY MS. LYNCH:

3 Q And the voice on that radio transmission, that was you,  
4 Officer Savio?

5 A Yes.

6 Q And after that were you aware of a transmission by Officer  
7 Voucher -- Vatcher concerning a BOLO -- "be on the lookout" --  
8 broadcast for Mr. Greenough?

9 A Yes, that's correct.

10 Q And directing your attention to Track 13 at 8:02:58 p.m.

11 MS. LYNCH: With the Court's permission if that can be  
12 played.

13 THE COURT: Yes.

14 [Audio Playing at 11:03:39 a.m.]

15 BY MS. LYNCH:

16 Q Now, at the time that Officer Vatcher made that transmission  
17 requesting the BOLO, saying that there was probable cause to  
18 arrest and the last sighting of Mr. Greenough, where were you and  
19 the other officers when that was being broadcast?

20 A I believe we were still at the residence.

21 Q And did you leave at around that time?

22 A Correct.

23 Q How late did you remain on duty that evening?

24 A Until midnight.

25 Q And from that point until midnight, did you see or speak to

1 or learn of the whereabouts of Alan Greenough?

2 A No.

3 Q So that at -- the status of that call as of midnight was that  
4 no contact had been made with Mr. Greenough, to your knowledge?

5 A Correct.

6 Q Now, directing your attention to the following day, Saturday,  
7 February 3rd, you indicate that you were on the same shift, four  
8 to midnight?

9 A Correct.

10 Q When had you reported for duty?

11 A Our shift starts at four, and I usually show up to work a few  
12 minutes early. So I was in roll call a few minutes early. And  
13 Officer Drauschke and Officer Vatcher were also present.

14 Q And at that time what happened when you arrived for your  
15 shift in the roll call room?

16 A Sergeant Silva came into roll call and he indicated that  
17 there was a disturbance at 1462 Main Street that had tied up the  
18 entire dayshift.

19 And he spoke to Officer Vatcher and he said, "Officer  
20 Vatcher, you were responsible for the domestic violence report  
21 that too place the night before. Why don't you head up there and  
22 see if you can assist the dayshift officers?"

23 And then he said to Officer Drauschke and I, "There's plenty  
24 of help up there. You've -- You -- You officers can sit tight  
25 until we determine what your assignment's going to be."



1 And then he walked back down the hallway.

2 Q So what did you and Officer Drauschke do at that point?

3 A We just kind of hung around the station and we were waiting  
4 for assignment. And while we were waiting, I heard three radio  
5 transmissions come over the air.

6 Q And specifically can you tell us what those radio  
7 transmissions communicated to you?

8 A Yeah, first it was: Officer Wilson came over the air and said  
9 the situation was turning into a show. Then Officer Wilson came  
10 over the air and he said that the suspect, Alan Greenough, had  
11 armed himself with a pole. And then the third transmission, he  
12 asked if there was probable cause to arrest.

13 Q And in terms of the sequence of these calls, are you familiar  
14 with what the sequence was? Or you just recall that there were  
15 three calls and that those were the contents?

16 A I can't say the exact sequence, but those were the three  
17 radio broadcasts while we were in the station.

18 Q That you recall.

19 A Yes.

20 Q Now, concerning the radio transmission regarding a pole, as a  
21 result of that radio transmission did something happen?

22 A Well, Sergeant Silva came back in the roll call and he spoke  
23 to Officer Drauschke and I. And he said, "Hey, officers, why  
24 don't you find a cruiser and get down to the scene. See if you  
25 can either assist or relieve the dayshift officers."

1           But there was a bit of delay because there was no marked  
2 police units left. So, Officer Drauschke was looking for keys to  
3 any vehicle. And he did locate the keys to the animal control  
4 officer's van. And he notified Sergeant Silva that we would be  
5 taking that.

6 Q       Now, this van was located where in relation to the police  
7 station proper? Is there a garage? Is it outside?

8 A       It was -- It was in the lot.

9 Q       Now, when you and Officer Drauschke got into the vehicle, who  
10 assumed what positions in the vehicle?

11 A       Officer Drauschke was the driver; I was the passenger.

12 Q       And were you able to see Officer or Sergeant Silva and him  
13 responding?

14 A       Yes. As -- As we were getting into the animal control  
15 officer's van, I noticed that Sergeant Silva was also getting into  
16 the supervisor's car, Car 6, which is a marked police unit.

17 Q       And what happened next?

18 A       We all left the lot at the same time and we all arrived at  
19 1462 Main Street at about the same time.

20 Q       And who pulled in first, if you recall?

21 A       I believe it was Sergeant Silva, and then we were behind him.

22 Q       What happened when you arrived at that location?

23 A       I exited the -- the vehicle and I observed several officers  
24 and emergency personnel meandering or mingling in front of the  
25 apartment building. There were police officers and also

1 firefighters.

2 Q What happened next?

3 A So, I walked up to the group and I tried to ascertain what  
4 was happening on scene and see if I could be of assistance.

5 Q And what did you learn at that time?

6 A So, there were several officers present: there was Officer  
7 Wilson, there was Officer Lee, Officer Gooley, Officer Fontes, and  
8 Officer Vatcher. And there were also fire officials. But I asked  
9 them. I said, "What's happening here on scene?"

10 And the information that I got: that Alan Green -- Greenough,  
11 the suspect, he had armed himself with t -- some type of stick or  
12 pole that had either a nail or a screw hanging out of it. And he  
13 had locked himself in the apartment.

14 Q What happened next?

15 A So, to see how I could be of assistance I said, "Hey, has  
16 anyone gone around back to secure the perimeter?" Didn't seem  
17 like anybody had, 'cause all of the resources were mingling around  
18 the front. So I thought it would be helpful to -- to go around  
19 back and secure the perimeter.

20 Q And did you do that?

21 A Yes.

22 Q And can you describe what you observed as you went back  
23 there?

24 A As I arrived around back, I noticed a lower-level window that  
25 was open. There was a torn screen on the ground that had fallen

1 into a concrete -- It was either a small, like, window basin  
2 crawlspace or like a stepdown. And -- And the window remained  
3 open.

4 Q As a result of that, what if anything did you do?

5 A I immediately notified Sergeant Silva via the radio that  
6 there was an open lower-level rear window and possibly the suspect  
7 might've already escaped the apartment.

8 Q Now, with the Court's permission I'd like to direct your  
9 attention to the radio transmission on February 3rd, Track 35 at  
10 4:30:58 p.m. And then I'll ask you questions about it.

11 A Okay.

12 [Audio Playing at 11:12:28 a.m.]

13 BY MS. LYNCH:

14 Q And did you receive a response to that radio transmission  
15 from Sergeant Silva, specifically Track No. 36 at 4:31:31?

16 A Yes.

17 MS. LYNCH: If you could play that please.

18 [Audio Playing at 11:13:10 a.m.]

19 BY MS. LYNCH:

20 Q And so, that transmission was who directing you to remain in  
21 the back?

22 A That was Sergeant Silva.

23 Q Now, can you tell us, in the back area of that location, what  
24 that looked like? What was located back there?

25 A So, there was a fence that lined the back of the building.

1 There was some snow cover and some -- some debris.

2 Q And at that time, were you able to observe whether or not  
3 there were any doors or entrances in the back of the premises?

4 A I don't believe so.

5 Q I'm showing you this item, which has previously been admitted  
6 as Exhibit 10. Do you recognize what's depicted in that photo?

7 A Yes, that's the rear of the building.

8 Q And is that a fair and accurate representation of the area  
9 that you had to travel to get from the side of the building to the  
10 back, where you found that open window?

11 A Yes.

12 Q And directing your attention to Photograph No. 11, I'm going  
13 to ask you if you recognize what that photograph depicts.

14 A Yes. That's the lower-level window that I discovered upon  
15 reaching the back.

16 Q And specifically, the area that I'm pointing, is that the  
17 condition of the window as you saw it when you went in the back  
18 that afternoon?

19 A Yes.

20 Q Now, what did you observe about the area extending behind --  
21 further behind that area, the back of the building leading to the  
22 parking lot on the left-hand side?

23 A There was a fence that wrapped tight toward the back of the  
24 building.

25 MS. LYNCH: May I just have a moment --

1 THE COURT: Sure.

2 MS. LYNCH: -- to show counsel the photos.

3 BY MS. LYNCH:

4 Q I'll show you this photograph, sir, and ask you if you  
5 recognize this photograph.

6 A Yes.

7 Q And what do you recognize that to be?

8 A That's the open window and that's the torn screen that was on  
9 that -- either a stairwell or a crawlspace that it had fallen  
10 into.

11 Q And with regard to this photograph, it only shows a part of  
12 that screen; is that fair to say?

13 A Correct.

14 Q But it does show the open window.

15 A Correct.

16 MS. LYNCH: I would ask that this be marked as the next  
17 exhibit.

18 THE CLERK: Exhibit 56.

19 [Photo of Open Window Marked as Exhibit No. 56]

20 BY MS. LYNCH:

21 Q So, I just want to show you Exhibit 56 here. And the area  
22 that you described as the open window, showing you this, what is  
23 that that I'm pointing to?

24 A An open window.

25 Q This area here, what is that, that object?

1 A That looks like the screen that had fallen out of the open  
2 window.

3 Q Now, this area that I'm pointing to now, which as you're  
4 looking at the photograph would be on the righthand side, what is  
5 that?

6 A I can't see it.

7 Q Okay. If I can approach you with it and see if this will  
8 allow a better view.

9 A Fencing.

10 Q Okay. So, there's an area of fencing. And can you see the  
11 back of the gas station in that photograph?

12 A I cannot, in that photograph.

13 Q What is this white siding?

14 A I'm not sure. I can't make it out, counsel.

15 Q Okay. But with regard to this area that you pointed out  
16 that's fencing, I'm going to direct your attention to this, this  
17 area that I'm pointing to now, to the righthand side of the  
18 photograph. Is that the area that you described as fencing --

19 A Yes.

20 Q -- when I approached you with the photo itself?

21 And showing you the next two photographs, do you recognize  
22 what these photographs depict?

23 A Yes, it's the torn screen and the area into which it fell  
24 into.

25 Q Okay.

1 MS. LYNCH: I'd ask that these two be marked as the next  
2 exhibits.

3 [Photo of Screen and Fencing Marked as Exhibit Nos. 57-58]

4 BY MS. LYNCH:

5 Q I'm showing you this next photograph; do you recognize what  
6 this depicts?

7 A Yes, the -- the back of the building.

8 Q And with regard to this photograph, what does it depict in  
9 terms of -- Where is the open window as one is looking at this  
10 picture?

11 A I believe it's to the left.

12 Q So it's not visible in this picture, but it would be to the  
13 left as one is looking in this vantage point?

14 A I believe so.

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

17 [Photo of Back of Building Marked as Exhibit No. 59]

18 BY MS. LYNCH:

19 Q So, as this photograph is being taken, it's your testimony  
20 that that open window would be to the left, offscreen?

21 A I -- I can't be certain, but I believe so.

22 Q Okay. I'm going to show you this next photograph. I'm  
23 showing you this photograph. Do you recognize what this shows?

24 A No.

25 Q So you don't recognize this photograph.



1 A No, it's difficult from the angles. I just --

2 Q Okay.

3 A -- don't --

4 MS. LYNCH: I'd ask that this be marked for identification at  
5 this time.

6 [Photo of Window Marked for Identification]

7 BY MS. LYNCH:

8 Q I'm showing you this photograph. Do you recognize what this  
9 shows?

10 A Yes.

11 Q What do you recognize that to be?

12 A The open window.

13 Q And in relation to the open window, does it also show the  
14 area of fencing and what appears to be a white-sided structure?

15 A Correct.

16 Q I'd ask that this be marked as the next exhibit.

17 [Photo of Open Window Marked as Exhibit No. 60]

18 BY MS. LYNCH:

19 Q I'm showing you Exhibit 60. This would be the open window;  
20 is that right?

21 A Yes.

22 Q White structure?

23 A Yes.

24 Q And fencing.

25 A Correct.

1 Q Now, as you were outside, were you aware or did you receive a  
2 radio transmission related to officers going into the house?

3 A Yes. Sergeant Silva indicated for me to -- to keep my  
4 position, that officers were making entry.

5 Q And did you learn that via radio transmission?

6 A Yes. Also I -- I -- I walked toward the corner of the  
7 building and I believe Sergeant Silva had met me at the corner.  
8 And he indicated "The officers were making entry now, make sure  
9 you hold the perimeter."

10 Q So, when you say you went back to the corner of the building,  
11 did you backtrack where you had come?

12 A So, I was standing in front of the window and I walked to the  
13 -- if you're looking from the street, to the right corner of the  
14 building. And Sergeant Silva was there and he explained to me  
15 that the officers were making entry, "Hold the perimeter."

16 Q Okay. And so at that point you remained where?

17 A I went back to the open window.

18 Q And from your vantage point outside, did you see any officers  
19 inside the house?

20 A Yes, I saw Officer Vatcher inside the apartment. And Officer  
21 Wilson was also speaking to me. He was asking me if I could see  
22 any footprints in the snow.

23 Q Could you?

24 A With the terrain, it was uneven. And I had already walked  
25 back and forth several times. I didn't find anything of

1 | significance.

2 | Q     Okay.  Now, as you were at your vantage point in the back,  
3 | did you hear a radio transmission from Officer Drauschke at  
4 | 4:33:13 p.m., specifically Track 38: "Got him in one of the  
5 | vehicles"?

6 | A     No, I didn't hear that.

7 | Q     So, from your vantage point, that was a transmission that you  
8 | didn't hear at the time.

9 | A     I didn't hear that first transmission, no.

10 | Q     Now, after -- As you were in the back, as you saw the  
11 | officers inside, did something happen that attracted your  
12 | attention?

13 | A     Yes.  Two gunshots rang out.

14 | Q     You could hear the actual gunshots?

15 | A     I could.

16 | Q     Could you tell what direction they were coming from, given  
17 | your position behind the building?

18 | A     It was diff -- It's difficult to say.

19 | Q     What did you do once you heard that?

20 | A     I remember officers inside the apartment running.  And I was  
21 | running toward the front.  I -- I began to run toward the front of  
22 | the building.

23 | Q     And what happened when you got to the front of the building?

24 | A     There was a bit of confusion, where those gunshots were  
25 | coming from.  And I saw officers stacked on the entryway to the

1 apartment. So, I fell into the stack of officers that were there.

2 Q What happened next?

3 A Sergeant Silva asked Officer Drauschke for clarification,  
4 what his location was.

5 Q And what happened at that point?

6 A Officer Drauschke said, "Over by the cars."

7 Q And directing your attention to Track 43 on February 3rd,  
8 timestamped 4:33:45, if I could play that. And I'll ask you  
9 questions about it.

10 [Audio Playing at 11:24:08 a.m.]

11 BY MS. LYNCH:

12 Q Now, you say that -- Once Officer Drauschke said that he was  
13 out by the vehicles, what did you do?

14 A I began to proceed toward the left side of the building. One  
15 of our responsibilities as overnight shift officers is to check  
16 commercial properties, so we learn the commercial properties and  
17 we learn the dynamics of those commercial properties. And I knew  
18 at that particular gas station, East Coast Gas Station, that  
19 customer cars were usually stored on the left-hand side of the  
20 building. So I began to run toward the left-hand side of the  
21 building where I thought he may be.

22 Q And what happened next?

23 A As I approached the awning, I observed a white male. He was  
24 v -- very upset. He was crying and he was collapsing to his  
25 knees. And he made several -- several statements.

1 Q And do you remember what he said?

2 A I don't -- I don't remember his specific verbiage. But my  
3 understanding of what he was saying was he was threatening a  
4 lawsuit.

5 Q And did you have a memory at that time of what -- well, at  
6 the time -- Strike that. Is your present memory exhausted as to  
7 the words that he used?

8 A Yes.

9 Q Might it refresh your recollection if I showed you something?

10 A You could show it to me and then I'll let you know.

11 Q Page 6. I'm going to direct your attention to page 6, line  
12 16 through line 21.

13 A [Reviewing document.] So, I can see the verbiage in the  
14 statement.

15 Q Well, I'm just --

16 A Oh.

17 Q I'm going to ask you a question now.

18 A Okay.

19 Q Having looked at that document, is your present memory  
20 refreshed as to what this man said as he ran towards you?

21 A I -- I'm still not sure of the specific verbiage.

22 Q Okay.

23 A I know what my understanding of what he was saying is, --

24 Q Okay.

25 A -- as I -- as I stated.

1 Q Now, with regard to that interview, the transcript that I  
2 showed you, that was an interview that was conducted that evening;  
3 is that right?

4 A It w -- It -- It was, yes.

5 Q Or late evening.

6 Now, on this particular day, once you encountered this man,  
7 where did -- what did you do? Did you stop or did you continue?

8 A No, I ran r -- I ran right by him. At the time, I didn't  
9 know who he was. One of the officers pointed out later that he  
10 was the brother of the suspect.

11 And I continued over to the -- the customer cars. And that's  
12 where I encountered Officer Drauschke, Officer Gooley, and the  
13 suspect. And they were to the right of a Hummer H2, color orange.

14 Q So, when you arrived it was -- there were three people in  
15 that location: Officer Drauschke and Mr. Greenough and Officer  
16 Gooley?

17 A Yes.

18 Q What did you observe about their relative positions and what  
19 they were doing?

20 A Officer Drauschke was on the left. Officer Gooley --

21 Q Left of what?

22 A If I'm facing Officer Drauschke, Officer Gooley, and the  
23 suspect, Officer Gooley was on the left. They were all to the  
24 right of the Hummer H2 that was parked head-in. And so, Officer  
25 Drauschke was on the left. The suspect was in the middle; he was

1 handcuffed and on the ground. And Officer Gooley was on the  
2 right.

3 Q And what were they doing at that point?

4 A They were standing.

5 Q What happened next?

6 A I was re -- rehear -- rehearsing in my head what -- what you  
7 do at a police-involved shooting. And I was referring to an  
8 80-hour course that I had taken approximately 15 years ago at a  
9 DEA drug class. And the first thing they said you do at a  
10 police-involved shooting is handcuff the suspect. So, I knew that  
11 was already done, so we checked that off.

12 And the second thing they said you do at a police-involved  
13 shooting is try to make the scene safe by securing the weapon and  
14 an -- any evidence. So the next thing I did was I approached  
15 Officer Drauschke and I asked Officer Drauschke where the weapon  
16 was.

17 Q And what if anything did Officer Drauschke say to you at that  
18 time?

19 A Officer Drauschke said, "I couldn't find a weapon." And then  
20 he said to me, "He wouldn't show me his hands. He wouldn't show  
21 me his hands."

22 Q What happened next?

23 A I rehearsed in my head what -- the third thing you do at a  
24 police-involved shooting. And they said that you give medical aid  
25 when it's safe to do so. So, what we did was we focused on

1 preservation of life and -- and -- and saving the suspect's life.

2 Q And what did you do in order to facilitate that?

3 A Well, at the same time, Sergeant Silva was already on it and  
4 he was already yelling out commands. And he said to me -- He  
5 said, "Officer Savio, I want you to go grab the medical kit and  
6 the AED so we can start medical aid."

7 Q So, did you go back?

8 A As I turned to satisfy his order, I saw Officer Vatcher and  
9 Officer Lee already running to our location. Each had -- One had  
10 an AED and one had the medical kit. So I knew the -- those items  
11 were already being brought.

12 Q What's an AED?

13 A It's a -- It's an automatic defibrillator.

14 Q So, once you saw that they had the necessary equipment, what  
15 if anything did you do?

16 A So, once the equipment arrived on scene, Officer Drauschke,  
17 Officer Vatcher, Officer Lee, Officer Gooley, and I, we all began  
18 medical aid and we all took a task.

19 Q And what did -- what was your task?

20 A I assembled the -- the Ambu bag, which is a rescue breathing  
21 device. And I gave rescue breaths.

22 Q And how do you give rescue breaths?

23 A Two breaths to every 30 chest compressions.

24 Q What were the other officers doing?

25 A So, initially -- initially, Officer Lee was at the head of



1 the suspect and he was trying to tear off the T-shirt. And he was  
2 having trouble. And Officer Drauschke had the wherewithal to see  
3 that he was having trouble. So, Officer Drauschke was able to  
4 produce a knife and then lean down towards him and the suspect so  
5 the shirt could be cut off.

6 Q And at some point was Mr. Greenough's shirt cut off?

7 A Yes.

8 Q At that time were you able to see any injuries to Mr.  
9 Greenough?

10 A Yes.

11 Q What injuries did you observe?

12 A He had two gunshot wounds to the -- to the right of his  
13 chest.

14 Q Now, in this process of administering emergency first aid,  
15 did Officer Drauschke assist in that venture?

16 A The only thing that Officer Drauschke was able to assist with  
17 was providing the knife so the shirt could be cut off.

18 Q And was there a reason for that? Specifically, did he  
19 receive an assignment or a direction from Sergeant Silva?

20 A I don't recall.

21 Q At some point did he go to another location at the scene  
22 itself?

23 A Yes. At -- When the EMTs arrived, they're a higher level of  
24 training than us. And as the EMTs arrived on scene, they replaced  
25 all the officers that were giving medical aid. And at that point

1 Sergeant Silva removed Officer Drauschke from the area of the  
2 immediate shooting to the front seat of a patrol unit that was  
3 close by. And then he assigned me to Officer Drauschke.

4 Q Were you given any specific instructions concerning any  
5 conversations that you had with other officers?

6 A Yes. So, while we were being treated by fire officials, it  
7 was determined that Officer Drauschke at some point needed to be  
8 transported to the hospital. Prior to getting onto the rescue  
9 unit, Sergeant Silva advised us not to discuss any of the facts of  
10 the matter with one another.

11 Q Other than Officer Drauschke's statement to you when you  
12 first arrived, had he told you anything about what had happened  
13 between him and Mr. Greenough?

14 A No.

15 Q Had you discussed with any other officers what they had seen  
16 or heard up to that point?

17 A No.

18 Q Now, in terms of your involvement in administering first aid,  
19 did you and other officers get blood or other bodily fluids on  
20 you?

21 A Yes. There was -- There was a substantial amount of blood.  
22 It was on the ground. It was on the suspect's chest. It was in  
23 the suspect's mouth. And during CPR, at the conclusion when we  
24 were relieved, I remember Officer Gooley saying to me, "D -- Dave,  
25 you have blood splatter on your face."

1 Q Now, as a result of your work as a police officer, is there  
2 something that you have to do when you come in contact with bodily  
3 fluids?

4 A Yes. We have to fill out an exposure report, and then we  
5 have to get baseline tests done to make sure that we don't have  
6 any communicable diseases already. And then months later, you  
7 have to get retested to make sure that you didn't contract a  
8 communicable disease.

9 Q And so, was that protocol followed as well?

10 A Yes.

11 Q And did you receive an assignment from Officer Silva at the  
12 scene that you followed up on? Specifically, did you go  
13 somewhere?

14 A Yeah, I went to a hospital with Officer Drauschke.

15 Q Okay. So, were you assigned to remain with Officer  
16 Drauschke?

17 A Yes, for the duration of the evening.

18 Q What did you observe about Officer Drauschke's physical  
19 appearance, condition, demeanor, and the circumstances from the  
20 time that you saw him at the side of the cruiser through the time  
21 that you left the area to go to the hospital?

22 A Stress, anxiety, shock, upset.

23 Q And is Officer Drauschke someone that you knew through his  
24 entire career at the police department?

25 A Yes.

1 Q How long a period of time were you at the hospital with  
2 Officer Drauschke?

3 A I'm not sure.

4 Q Did you go somewhere after you went to the hospital?

5 A Yes. Aft -- After Officer Drauschke was released by medical  
6 staff, Officer Mullin [phonetic] and I transported him and his  
7 wife home to his house.

8 Q And after you did that, did you do something?

9 A Yeah, we re -- we returned to the station.

10 Q And directing your attention to the early morning hours of  
11 February 4th at approximately 12:50 a.m. -- strike that -- 3rd,  
12 the 3rd, did you -- were you interviewed by police?

13 A Yes.

14 Q And in terms of your experience as a police officer in  
15 Reading, did you have any contact with Alan Greenough before you  
16 had administered CPR to him that afternoon?

17 A Well, we had the call the night before but we had never run  
18 into him. And then, October 11th of 2017, we did respond to a  
19 disturbance call at 1462 Main Street at one in the morning, where  
20 I had some interaction with Alan.

21 Q And can you describe for us what that experience was?

22 A That particular evening, it was a call at about 1:00 a.m.  
23 Dispatch broadcasted that a resident was locked out of his  
24 apartment by his roommate. And the officers that were working  
25 that night were Officer Drauschke, Officer Vatcher, and I. And we

1 all responded.

2 Q And what happened on that call?

3 A Upon arriving at 1462 Main Street, Devin was at the same  
4 location, seated on the stairs out in front of the apartment. He  
5 indicated that he was having an argument with his roommate over  
6 roommate things and that he was locked out of the apartment by  
7 Alan Greenough.

8 Q What happened?

9 A Well, what we try to do in cases like that is we try to  
10 mediate a resolution. So, we tried to -- Officer Vatcher and I  
11 tried to raise Alan at the door. But he refused to answer the  
12 door. He refused to let us in. But he did speak to us through an  
13 open second-story window.

14 Q And what was that conversation?

15 A It wasn't -- It wasn't good. I mean, he was a little bit  
16 impolite. He was a little bit immature. He -- He would interrupt  
17 us as we spoke.

18 So, there was a point where we just stopped interacting with  
19 him and we spoke back with Devin. And we said, "You know, -- You  
20 know, what are we going to do for a resolution to this?"

21 And Devin was able to contact his -- his mom, who was able to  
22 come to the scene and pick him up and allow him to stay there for  
23 the evening.

24 Q And in terms of observations of sobriety that night, were you  
25 in a vantage point to make any observations concerning Mr.

1 Greenough's sobriety that occasion?

2 A No, he was on a sec -- in a second-story window.

3 Q And what about Mr. McDonald?

4 A I believe he was drinking that evening.

5 Q But Mr. McDonald was able to resolve the situation by getting  
6 his mother to pick him up?

7 A Correct.

8 Q And you had no other dealings at that address in your  
9 experience?

10 A Not me personally. I don't believe so.

11 Q And was there anything unusual about the police response to  
12 Mr. Greenough on that prior call that you were there, specifically  
13 Officer Vatcher or Officer Drauschke?

14 A No.

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

16 THE COURT: Sure.

17 MS. LYNCH: Thank you, Officer Savio.

18 THE WITNESS: Thank you.

19 THE COURT: Mr. Pasciucco?

20 MR. PASCIUCCO. Sure.

21 **CROSS EXAMINATION OF WITNESS, OFFICER DAVID SAVIO**

22 BY MR. PASCIUCCO:

23 Q Good morning, sir.

24 A Good morning, sir.

25 Q My name is Peter Pasciucco. I represent Officer Drauschke.

1 I just have a few questions for you today.

2 A Okay.

3 Q You indicated on direct examination that you've worked for  
4 the Reading Police Department for 24 years; is that correct?

5 A Yes.

6 Q All right. And Officer Drauschke's worked there for about 12  
7 of those years?

8 A Correct.

9 Q Okay. Are you familiar with the term "FTO"?

10 A Yes.

11 Q And what is that?

12 A Field training officer.

13 Q Are you a field training officer?

14 A Yes. I have been for the past 20 years.

15 Q Okay. And what are the responsibilities of a field training  
16 officer?

17 A Well, the new officers shadow the field training officers and  
18 they learn actually how to function as a police officer in the  
19 community. So, number one, you teach the recruit the dynamics of  
20 the town. You teach them the operation of the vehicle. You  
21 expose them to policy during calls. You assist them with  
22 report-writing. Things of that nature.

23 Q When Officer Drauschke became a sworn officer with the  
24 Reading Police Department, were you assigned as his field training  
25 officer?

1 A Yes.

2 Q Okay. And so you worked directly with him, in that capacity  
3 as a field training officer?

4 A Yes.

5 Q And you've seen Officer Drauschke progress as a police  
6 officer over the past 10 to 12 years?

7 A Yes.

8 Q All right. And you've seen him or you've worked with him  
9 responding to calls and interacting with the community; is that  
10 fair to say?

11 A Yes.

12 Q Okay. And in February of 2018 did you have any concerns with  
13 his abilities as a police officer?

14 A No.

15 Q Was he someone that you could rely on and someone you could  
16 trust when responding to calls?

17 A Definitely.

18 Q Okay. Do you know whether Officer Drauschke ever served in  
19 the role as field training officer --

20 A Yes, he --

21 Q -- himself?

22 A He is now.

23 Q Okay. And do you know around what time he was assigned to or  
24 became a field training officer himself?

25 A No.



1 Q Directing your attention to Friday, February 2nd of 2018, you  
2 were one of the responding officers that evening?

3 A Yes.

4 Q To 1462 Main Street?

5 A Yes.

6 Q Okay. When you walked into the residence or entered the  
7 residence, did you immediately see the table that had been, as you  
8 indicated, smashed?

9 A Yes.

10 Q Okay. So, no one had to direct your attention to it. It was  
11 plainly visible to you?

12 A It was demolished.

13 Q Okay. And you had a conversation with Ms. Bellino, and  
14 during that conversation she indicated that Mr. Greenough was the  
15 one that had demolished that table?

16 A Yes.

17 Q Did you have any reason to believe anyone other than Mr.  
18 Greenough was the one who was responsible for demolishing that  
19 table?

20 A No.

21 Q Okay. You indicated that there was -- the table was  
22 demolished Did you actually see the screws or nails sticking out  
23 of the --

24 A Not at that time, no.

25 Q -- table or table legs?

1           Okay. Do you recall Officer Drauschke being inside the  
2 apartment that Friday?

3   A     Yes.

4   Q     Okay. Do you recall where he went inside the apartment?

5   A     I don't have a recollection of what rooms that he went into  
6 or who he was with.

7   Q     Okay. And he was not the primary officer to that call?

8   A     No, it was Officer Vatcher's.

9   Q     Okay. And you never saw -- Alan Greenough never responded to  
10 the apartment that evening?

11   A     No.

12   Q     But it was your understanding, your belief, that there was  
13 probable cause to arrest for a domestic assault and battery?

14   A     Yes.

15   Q     And your training and experience as a police officer, if a  
16 domestic assault and battery doesn't happen within a police  
17 officer's presence yet there's probable cause that the crime  
18 occurred, you can arrest; is that correct?

19   A     Correct.

20   Q     Okay. And that's different than a non-domestic assault and  
21 battery.

22   A     Yeah, that would be a misdemeanor in the past. That's  
23 non-arrestable.

24   Q     So, you end your shift on Friday. Do you go home or did you  
25 work it overtime, or did you -- into Saturday or did you --

1 A I'm not sure if I worked in overtime. But I -- I did go home  
2 at midnight that night, on Friday.

3 Q Okay. And then you returned to the station that afternoon?

4 A At four o'clock, correct.

5 Q On that Saturday, the 3rd. And do you recall being inside  
6 the station and seeing Officer Drauschke and Sergeant Silva?

7 A Yes.

8 Q At the onset of the shift?

9 A Yes.

10 Q Okay. Do you recall hearing the three radio calls that you  
11 mentioned on direct testimony? Do you recall hearing them or were  
12 they relayed to you by Sergeant Silva?

13 A No, I -- I heard them directly. I had a radio on me.

14 Q Okay. So your radio was on and you --

15 A Yes.

16 Q -- heard the calls.

17 Okay. And initially Sergeant Silva was not going to dispatch  
18 you to the scene; is that correct?

19 A That's correct, or Officer Drauschke.

20 Q Okay. But at some point did -- the radio call came over that  
21 the suspect was armed with a pole and he was threatening the  
22 officers; is that fair to say?

23 A Well, I -- I believe the radio transmission was he was armed  
24 with a pole. I -- I don't remember if he said that he was  
25 threatening anyone with it.

1 Q Okay. But at some point when that radio transmission that  
2 you recall hearing that said something about being armed with a  
3 pole --

4 A Correct.

5 Q That's when Sergeant Silva then changed his mind and ordered  
6 you or requested you and Officer Drauschke to respond to the  
7 scene.

8 A Yes.

9 Q Okay. And you were unable to secure a cruiser; is that  
10 correct?

11 A Yes.

12 Q And so you had to take the animal control van?

13 A Yes.

14 Q Were there any animals inside the vehicle?

15 A No.

16 Q Okay. And you were able to respond to the scene with Officer  
17 Drauschke?

18 A Yes.

19 Q Okay. Once you arrived to the scene, do you remember who you  
20 spoke with initially?

21 A No. There was a group of officers. I don't remember who  
22 specifically said what.

23 Q Okay. But within seconds or at least a minute of being on  
24 scene, you made the decision or you made the statement "I should  
25 go check the back."

1 A Yeah, to secure -- secure the perimeter.

2 Q Perimeter, okay. And you go out back and you see the open  
3 window; is that fair to say?

4 A It is.

5 Q Okay. Did you have any interaction with Anthony Perrotti on  
6 scene?

7 A I didn't speak with him at all. I -- I remember seeing him  
8 underneath the awning.

9 Q When you arrived on scene, were you aware that there were --  
10 there was a second entrance into the residence from the office?

11 A No, I wasn't aware of that.

12 Q Okay. So that's not -- you didn't use that entrance the  
13 night before --

14 A No.

15 Q -- in getting into the apartment?

16 A No.

17 Q Okay. At some point you received information that the  
18 suspect, Mr. Greenough, had a piece of wood with screws in it?

19 A Correct.

20 Q Okay. Do you remember who you heard that communication from?

21 A No.

22 Q Okay. And I know this was almost a year-and-a-half ago, but  
23 did you make any connection between the demolished table and the  
24 piece of wood with screws in it that evening?

25 A Yes.

1 Q Okay. So what -- And it was your belief or your  
2 understanding that it might be the same thing?

3 A Yes.

4 Q Okay. And would you consider that a weapon?

5 A Yes.

6 Q Can you tell us a little bit about the NESPIN training that  
7 you attended? I realize it was 15 years ago, but sort of what it  
8 entailed, where it was located?

9 A Ye -- Yes. It was in Franklin, Mass. It's r -- It's run by  
10 the state police. It was an 80-hour DEA drug school. And one of  
11 the -- one of the sections of the school or one of the learning  
12 points was officer-involved shootings.

13 Q Okay. And you indicated that when you heard the shots fired,  
14 you realized that this was an officer-involved shooting situation,  
15 you started replaying in your head what you had learned at that  
16 training.

17 A Yes.

18 Q And was this the first real-life officer-involved shooting  
19 scenario that you were involved in?

20 A Yes. I -- I -- I have responded to another call where a -- a  
21 female had fired a gun at her loved one, but it wasn't -- no  
22 officers fired a weapon. So, this was the first time I was on  
23 scene where an officer has fired their weapon.

24 Q Okay. And in that training, to your recollection the first  
25 thing to do in that scenario once a firearm has been discharged is

1 to handcuff the suspect.

2 A Yes. And that was a clear point. That's the first thing you  
3 do.

4 Q And why -- What were you trained-on/taught? What's the  
5 reason for that?

6 A 'Cause that ends the threat.

7 Q And is that because there's a possibility that they could  
8 still be armed or that the gunshot may have not limited their  
9 mobility?

10 A And also, in most cases they're under arrest for some crime  
11 at that point also.

12 Q The second point you indicated was to secure the scene or  
13 secure the weapon?

14 A Correct.

15 Q Okay. And in this scenario, you directly asked Officer  
16 Drauschke if there was a weapon or something to that extent; --

17 A Yes, I said, --

18 Q -- is that right?

19 A -- "Where is the weapon?"

20 Q Okay. And what do you recall his response being?

21 A His response was "I didn't find a weapon."

22 Q Okay. Did that tell you that he had already looked for a  
23 weapon?

24 A Yes.

25 Q Okay. Did he make any statements -- or I believe you did

1 testify on direct that he made some statements, but if you could  
2 just testify again as to what he -- what Officer Drauschke  
3 indicated the suspect was doing with his hands.

4 A He said the suspect would not show him his hands.

5 Q Now, the location where Officer Drauschke was, where the  
6 suspect was that you responded to, do you have a recollection as  
7 to what was surrounding the vehicle and the individuals?

8 A Yeah, I remember it being a confined space. There was some  
9 fencing, maybe another vehicle. It was a confined space.

10 Q Okay. So it wasn't an open area. It was something -- Did  
11 you have to maneuver around anything to get there?

12 A Vehicles. I -- I remember vehicles.

13 Q Thank you, officer.

14 THE COURT: Mr. Koufman, do you have --

15 MR. KOUFMAN: If I may.

16 THE COURT: -- an offer to make?

17 MR. KOUFMAN: Thank you.

18 **CROSS EXAMINATION OF WITNESS, OFFICER DAVID SAVIO**

19 BY MR. KOUFMAN:

20 Q Officer Savio, my name is Victor Koufman. I'm the attorney  
21 of the family, Alan Greenough's family. I just have a few  
22 questions for you.

23 A Good morning, sir. Yes.

24 Q So, if you go to a domestic and there's suspicion that  
25 there's a firearm on the premise, is the protocol to search for



1 that firearm?

2 A I don't understand the question. Can you -- Can you -- Can  
3 you rephrase the question?

4 Q Yeah. If you arrive at a domestic and you have a suspicion  
5 that there might be a firearm on the premise, are you under an  
6 obligation as a responding officer to search for that firearm?

7 A I would say yes. We -- If -- If I believed a firearm was on  
8 scene, I -- I would look for it, correct.

9 Q Now, on Saturday, on February 3rd of 2018, you -- when you  
10 arrived at the scene, the first thing you did was you requested an  
11 update from the officers who were already there; is that correct?

12 A Yes.

13 Q And then you noted all the officers were out front, correct?

14 A Yes.

15 Q And so you went to the back to form a perimeter, as you had  
16 just said; is that correct?

17 A Yes.

18 Q 'Cause you recognized the importance of doing that; isn't  
19 that correct?

20 A Yes.

21 Q Because you had somebody who was supposedly contained or was  
22 supposed to be contained within that apartment, correct?

23 A Yes.

24 Q Okay. And then when you got to the back at some point, you  
25 were in the back and at some point you saw the sergeant at the

1 corner of the building; is that correct?

2 A Yes, I believe so.

3 Q Right. And so then he told you to maintain the perimeter  
4 because people were going into the apartment; is that correct?

5 A Yes.

6 Q And so, you went back to that window; is that correct?

7 A Yes.

8 Q And when you were at that window, suddenly you heard two  
9 shots; is that correct?

10 A Yes.

11 Q And before those two shots, you didn't hear anything; is that  
12 correct?

13 A Well, I was having a conversation with Officer Wilson about  
14 footprints in the snow.

15 Q Okay. After that, how much time separated your conversation  
16 with Officer Wilson about footprints in the snow and the hearing  
17 of the shots?

18 A It didn't seem like much time at all, sir.

19 Q Okay. But during that short period of time, whatever it was,  
20 you heard nothing else; is that correct?

21 A Yeah.

22 Q Okay. Then you heard the two shots, is that correct, all of  
23 a sudden, --

24 A Yes.

25 Q -- right? And at that point you heard Officer Drauschke's

1 radio transmission?

2 A O -- O -- Officer Drauschke came over the air and indicated  
3 shots fired.

4 Q Okay. And that's when you ran to the front of the building;  
5 is that correct?

6 A Yes.

7 Q Okay. And then -- 'Cause you didn't know where the shots  
8 came from.

9 A Yes.

10 Q Okay. And then when you were at the front of the building,  
11 at some point you saw Anthony Perrotti, right? And so you ran in  
12 the direction that he was coming from; is that correct?

13 A Well, I -- It -- It's not that-quite simple. So, when I came  
14 to the front of the building, there was some confusion where the  
15 shots had come from. And I saw officers stacked on the corner of  
16 the building, so I fell into that stack.

17 And then when Sergeant Silva indicated that -- over the  
18 radio, he asked Officer Drauschke's location. And Officer  
19 Drauschke said he was over by the cars. I knew that the cars were  
20 parked on the left side of the building. Then I started to make  
21 my way toward the customer cars, where I thought Officer Drauschke  
22 was.

23 I encountered Anthony underneath the awning.

24 Q On the way to the --

25 A On -- On the way to the cars, correct.

1 Q And then ultimately you made it to the Hummer and where Alan  
2 Greenough was located; is that correct?

3 A Yes.

4 Q Okay. Now, when you saw Officer Drauschke, you indicated  
5 that he said -- you asked him where the weapon was; is that  
6 correct?

7 A I did, yes.

8 Q That was the first thing you said.

9 A First thing.

10 Q And his response was "We could not find a weapon"; is that  
11 correct?

12 A Yes.

13 Q And he also says, "He would not show his hands"; is that  
14 correct?

15 A That's correct.

16 Q And what he did not say was: Alan was running at him; isn't  
17 that correct?

18 A He didn't say anything like that, no.

19 Q Now, just that back area of the building, you had a good look  
20 at the window that you thought Alan Greenough may have left the  
21 apartment from; is that correct?

22 A That is a possibility, he left through that open window. I  
23 still don't know to this day if he --

24 Q Okay.

25 A -- if he left --

1 Q Well, --

2 A -- through that window.

3 Q If somebody was coming out of that window, how far up is the  
4 window to the ground?

5 A A few feet.

6 Q And in order to navigate that few feet, then you -- it falls  
7 down on sort of like a bulkhead to a basement; is that correct?

8 A Yeah, some type of crawlspace or stairwell.

9 Q Right.

10 A Something to that effect.

11 Q So somebody descending or coming down from that window has to  
12 negotiate themselves to get over that bulkhead; isn't that  
13 correct?

14 A Yes.

15 Q Okay. And so then can -- The path that leads from that  
16 bulkhead to the Hummer, if you're facing the window going to the  
17 right, are you familiar with that area?

18 A Yes.

19 Q Okay. And there's a lot of -- There was a lot of -- In  
20 February of 2018 when you were there, there was a lot of debris in  
21 that area; is that correct?

22 A There was snow and there was, like, tree limbs and -- and  
23 fencing. Yeah, it was -- it was a congested area.

24 Q And so there are a lot of items that somebody would have to  
25 navigate in order to get from that window to the Hummer where the

1 cars were kept; is that correct?

2 A I -- I would say that's fair.

3 Q Now, you mentioned an incident where you were at the East  
4 Coast Gas & Auto Repair. Was it 2014?

5 A Two thousand -- Well, 2017.

6 Q 2017, where you came with Officer Drauschke and another  
7 officer because apparently Devin McDonald was locked out of the  
8 apartment; --

9 A Yes.

10 Q -- is that correct? And you testified that that incident was  
11 resolved when he called -- when Devin called his mother to come  
12 pick him up; is that correct?

13 A Yes.

14 Q Okay. So nobody was arrested; is that correct?

15 A No.

16 Q There was no violence that you observed; is that correct?

17 A Yeah, or -- or reported, I -- I believe.

18 Q And there was no reported violence, either; is that correct?

19 A Yes.

20 Q Okay. Thank you.

21 THE COURT: Thank you.

22 Officer Savio, I just have a few questions for you, too, so I  
23 can just get the sequence of things correct.

24 THE WITNESS: Okay.

25 THE COURT: Okay?

## 1                   CROSS EXAMINATION OF WITNESS, OFFICER DAVID SAVIO

2 BY THE COURT:

3 Q     So, other than the October 11, 2017, incident, the February  
4 2nd and 3rd, you didn't have any other interactions with Mr.  
5 Greenough? Or --

6 A     Cor --

7 Q     -- did you?

8 A     Correct. No, I did not.

9 Q     Okay, okay. So, when the state police interviewed you, you  
10 indicated on page 11, with regard to the October incident, "One  
11 night he wouldn't let Devin back in the apartment and Devin  
12 decided just to have his mom pick him up and he went home. But  
13 they were having -- Apparently, Devin and Alan are childhood  
14 friends and they kind of have a soft spot for each other. But it  
15 doesn't seem like they get along when they drink. So I think  
16 that's the cause of some of the behavior here, is the drinking or  
17 the alcohol dependency."

18         So, when you say they kind of had a soft spot for each other,  
19 it seemed like you had more knowledge of the relationship between  
20 the two of them. Is that just from the October 11th incident, or  
21 where did you get that information about the soft spot they had --

22 A     I --

23 Q     -- for each other?

24 A     I believe it was a combination of the call on the 11th and  
25 also the call on the 2nd.

1 Q Okay. On the 2nd when you responded to that call, Mr.  
2 McDonald was under the influence of something; is that correct or  
3 fair to say?

4 A I'm not sure. I believe it -- On the -- the -- October 11th  
5 I believe he had been drinking. But on the 2nd, I'm not -- I'm  
6 not sure if he had been drinking.

7 Q Did you speak to him on the 2nd, or was that the -- was that  
8 Officer -- was it Vatcher who --

9 A Vatcher spoke to Officer -- I mean, to Devin.

10 Q So you don't know whether he was under the influence?

11 A Not on --

12 Q Or you don't recall?

13 A I don't recall.

14 Q Okay. Do you have any knowledge from that incident as to  
15 whether the situation with the headlock after the funeral -- Was  
16 that a mutual-combat situation? Or did you receive any  
17 information --

18 A Yeah, so after I spoke to Kimberly Bellino upstairs, we -- I  
19 came downstairs and I conferenced the matter with Officer Vatcher.  
20 And he indicated that he had a conversation with Devin and he went  
21 through the facts that Devin presented to him. He indicated that  
22 Devin said to him that Alan had come home intoxicated and upset  
23 from a family friend's wake and that he encountered a sticky door  
24 which he kicked m -- many times. And then he came into the  
25 apartment, he shattered some furniture.



1 Devin yelled downstairs to him from the bedroom, "Hey, what's  
2 going on down there?" He indicated that Alan ran up the stairs,  
3 said some hurtful things to incite a fight, threw some punches and  
4 elbow, and then they wrestled a bit. And Devin said that he had  
5 to put Alan in a headlock to -- to stop the assault.

6 Devin was specifically asked -- because there's forms we have  
7 to fill out if a strangulation takes place at a domestic.

8 Q Mm-hmm.

9 A So Devin was specifically asked: was he strangled on scene?  
10 And he declined and he said it was a mutual headlock.

11 Q Mutual headlock.

12 And they both denied their rights with regard to 209A to get  
13 a restraining order, emergency order?

14 A Well, Devin did. Alan had already left that time.

15 Q I meant -- What I meant was Ms. Bellino. There was --

16 A That's correct.

17 Q She was advised of her rights, too.

18 A Yes. They both declined emergency orders at that time.

19 Q Okay. Was there any reason that evening to check the  
20 perimeter of the house to look for Mr. Greenough? Did you or  
21 Officer Vatcher do that that night?

22 A No. The information that we had was when Kimberly threatened  
23 to call the police they said that Alan had already left. A female  
24 had come to pick him up in a car.

25 Q Okay. Now, on the 3rd when you were waiting, I think you

1 | said for further instructions either after roll call or when the  
2 | other officers had gone up to the station, you said you heard the  
3 | transmissions over your radio; is that right?

4 | A Yes.

5 | Q And the radio that you're wearing where on your uniform?

6 | A Duty belt. We all have issued personal radios. So when we  
7 | come to role call, we're in uniform, prepared to work, with our  
8 | duty belts on.

9 | Q Okay. Once you heard those transmissions and you were given  
10 | further instructions by Sergeant Silva, you and Officer Drauschke  
11 | went up to the station; is that right?

12 | A Yes. We went up to 1462 Main Street, which is --

13 | Q Okay.

14 | A -- East Coast Gas.

15 | Q Did you go up with lights and sirens, or --

16 | A Yes.

17 | Q Yeah, okay.

18 | A That ACO van, even though it's an animal control officer's  
19 | van, it's also outfitted with blue emergency lights.

20 | Q And when you got up there, did Sergeant Silva direct you to  
21 | go check the perimeter, or did you do that on your own initiative?

22 | A I did that on my own initiative.

23 | Q Okay.

24 | A And then later he confirmed for me to stay where I was, via  
25 | that radio transmission.

1 Q And was that after you radioed to him about the window?

2 A Correct.

3 Q Did he send any other officers out to assist you with the  
4 perimeter once you said you saw the window in the state it was?

5 A No. But I did see him at the corner of the building at some  
6 point.

7 Q Saw who?

8 A Sergeant Silva.

9 Q But you don't know whether the window was in that condition  
10 before or when the screen was -- came out of the window.

11 A No.

12 Q Okay. You also testified that when your -- You didn't hear  
13 the transmission that Officer Drauschke made about locating Mr.  
14 Greenough. Did you say you didn't hear that?

15 A I did not hear that first transmission.

16 Q Okay. And I don't -- How does that -- I mean, are there --  
17 Sometimes are there transmissions that are missed over an  
18 officer's radio?

19 A It -- It happens sometimes. You just don't hear the  
20 transmissions.

21 Q But to your knowledge you heard all the other transmissions --

22 A Yes.

23 Q -- at issue that night, just not that one.

24 A Just not that specific one.

25 Q Okay. How far away were you when you're standing by the

1 window from ultimately where you found Officer Drauschke and Mr.  
2 Greenough?

3 A I would -- I would estimate 60 yards, maybe.

4 Q Now, you said something about training with regard to  
5 commercial property, and that's how you knew where to go?

6 A Yeah. So, in our police department, one of the  
7 responsibilities of the A shift, which is the midnight-to-eight  
8 officers, is each night at around five in the morning we have to  
9 do a round of commercial building checks. Each officer that's  
10 assigned to that shift has to check every single commercial  
11 business in their sector as well as all the schools and parks.  
12 So, every single shift that you work, you drive through every  
13 single commercial lot, park, and school. So you become very  
14 familiar with the commercial businesses, the parks, and the  
15 schools as a result.

16 Q So, when you said when the shots -- when you heard the shots,  
17 I think you used the word -- the officers were -- you were  
18 originally "stacked." And then once Officer Drauschke gave his  
19 location -- "By the cars" -- you, based on that knowledge, then  
20 peeled off and went which way?

21 A So, originally when I came around the front of the building,  
22 there was some confusion where those gunshots rang out from. And  
23 I saw officers stacked on the entryway to the apartment. I  
24 figured if these officers are stacked on the entryway to the  
25 apartment, maybe they believe the shots came from inside the

1 apartment.

2 Q Mm-hmm.

3 A So I stacked on the officers, planning that they were going  
4 to make an entry.

5 Q Mm-hmm.

6 A And then Sergeant Silva indicated over the radio, to Officer  
7 Drauschke, "What's your location?"

8 And he said, "Over by the cars."

9 And then I knew -- a lightbulb went on -- if he's over by the  
10 cars, the customer cars are parked to the left side of the  
11 building if facing the building from the street. So I made my way  
12 toward those cars.

13 Q Did you communicate that to the other officers, or you just  
14 went to the left side on your own?

15 A Yeah, I -- I just went. And, I mean, this is a extremely  
16 stressful situation.

17 Q Mm-hmm.

18 A When you hear gunshots ring out, you -- you know, you're  
19 fearful of getting harmed.

20 Q Mm-hmm.

21 A You're fearful of not seeing your family again. And this  
22 isn't a regular call like an OUI arrest where you can just, you  
23 know, say all the facts of the case and it's this simple. It --

24 Q Mm-hmm.

25 A It can become a little distorted, a little bit confusing.

1 There can be stress distortions that --

2 Q Mm-hmm.

3 A It's a very, very stress -- the first time in my career I  
4 experienced this level of stress.

5 Q So, you took off in that direction.

6 A Yeah.

7 Q And then I think you testified when you got over there you  
8 saw the other officers standing; is that right?

9 A Yes.

10 Q Okay. And "the other officers," again, being? Who was there  
11 already?

12 A So, it was Officer Drauschke.

13 Q Mm-hmm.

14 A He was standing to the left. The suspect was in the middle,  
15 handcuffed and on the ground. Officer Gooley was on the right.

16 Q And the first thing you asked is -- 'cause you were going to  
17 secure the weapon, is "Where's the weapon?"

18 A That's right.

19 Q And Officer Drauschke responded how?

20 A He could not find a weapon.

21 Q Was anyone directed that night to do an additional search to  
22 see if you could find a weapon?

23 A I know that I searched the -- the passenger compartment of  
24 the Hummer myself. There was a Hummer H2 that was right there at  
25 the scene. And I remember checking that passenger compartment

1 seat, just making sure that there was no weapon there.

2 Q On your own initiative.

3 A Yes.

4 Q No one directed you to do that.

5 A I don't believe so.

6 Q Was there any search of the yard there for any weapon, either  
7 the -- what y'all believed was the pole or the stick or anything?

8 A Not at that initial time because, as I say, once we  
9 determined that there was no weapon in the immediate area after  
10 Officer Drauschke explained that to me, the thing that we focused  
11 on was preservation of life and -- and administer first aid.

12 I'm not sure what -- After the EMTs came and -- and -- and we  
13 were swapped out by EMTs, I'm not sure what assignments Sergeant  
14 Silva gave what officers, because I was assigned to Officer  
15 Drauschke.

16 Q And it's your testimony today -- I just want to make sure I'm  
17 clear on this -- that you -- when you ran by Mr. Greenough's  
18 brother, now you're not sure what you heard?

19 A Well, he said several statements. And it was riddled with --  
20 it was riddled with s -- like, swear words.

21 Q Mm-hmm.

22 A So, I'm not sure of the exact verbiage. So, I don't think  
23 it's fair to quote someone if you don't know the exact thing they  
24 said. I know how I understood it. And my understand is -- is  
25 that he was threatening a lawsuit.

1 Q Okay. And I appreciate what you said about "not fair." But  
2 you did tell -- give a statement to the state police indicating  
3 that --

4 A Yes. I'm just not m -- remembering that specific language  
5 right now.

6 Q Okay. And it's your understanding from the February 2nd  
7 incident that Officer Vatcher was seeking a summons or a warrant?

8 A No, I -- it was my understanding on scene that night that he  
9 was going to a -- apply for an arrest warrant. And that's what  
10 the radio transmission says, if -- if you listen to the radio  
11 transmission.

12 Q But separate from the radio transmission, he had communicated  
13 that to you or you had some discussion about it?

14 A Yes.

15 Q And did you observe the bullet wounds to Mr. Greenough?

16 A Yes.

17 Q And where were they located?

18 A They were the right portion of his chest, within an inch of  
19 each other. If you're facing the suspect, a little offset to the  
20 right.

21 THE COURT: Ms. Lynch, do you have any questions?

22 MS. LYNCH: Nothing, thank you.

23 THE COURT: Thank you. Anything? No?

24 Thank you very much, officer.

25 MR. KOUFMAN: Judge, can I just ask one?



1 THE COURT: Oh, sure.

2 MR. KOUFMAN: Just a few quick questions.

3 RECROSS EXAMINATION OF WITNESS, OFFICER DAVID SAVIO

4 BY MR. KOUFMAN:

5 Q On February 3rd, 2018, did Officer Drauschke have a full duty  
6 belt? Do you know?

7 A I'm not sure.

8 MR. KOUFMAN: Thank you.

9 THE COURT: Thank you, officer. You're excused.

10 THE WITNESS: Thank you.

11 THE COURT: Thank you.

12 THE WITNESS: Have a good day.

13 [Witness steps down]

14 THE COURT: Okay. So, I'd like to take just a 10-minute  
15 recess/morning break. People can use restrooms and then we'll go  
16 straight through the lunch. Okay?

17 Who's your next witness?

18 MS. LYNCH: Officer Drauschke.

19 THE COURT: Okay.

20 [Court in Recess at 12:07:55 p.m.]

21 [Back on Record at 12:21:10 p.m.]

22 MS. LYNCH: Your Honor, the next witness would be Officer  
23 Drauschke.

24 THE COURT: Okay.

25 THE CLERK: I don't believe he was sworn in at the beginning.

1 THE COURT: Okay.

2 THE CLERK: So if I could --

3 THE COURT: Absolutely.

4 [OFFICER ERIK DRAUSCHKE, Sworn.]

5 THE WITNESS: Good morning, Judge.

6 THE COURT: Good morning.

7 DIRECT EXAMINATION OF WITNESS, OFFICER ERIK DRAUSCHKE

8 BY MS. LYNCH:

9 Q Good afternoon, sir. If you would please state your name and  
10 spell your last name for the record.

11 A Good afternoon. It's Officer Erik Drauschke. It's Erik with  
12 a K. Last name is D-R-A-U-S-C-H-K-E. And it's Badge No. 74.

13 Q And, sir, can you tell us what your occupation is?

14 A I'm a police officer in the town of Reading.

15 Q How long have you been a police officer in the town of  
16 Reading?

17 A Right now it's been approximately 12 1/2 years.

18 Q Prior to becoming a police officer, did you have any other  
19 law enforcement or security experience?

20 A I worked as a security officer for several different  
21 companies. They included Stop & Shop loss prevention; as well as  
22 a company that was Kemm [phonetic] Security that became Selonon  
23 [phonetic] Security, working over -- it was overnight security for  
24 the protection of buildings; and also briefly as a security guard  
25 at a college campus.

1 Q Now, sir, directing your attention to Friday, February 2nd of  
2 2018, were you on duty with the Reading Police?

3 A I was.

4 Q And what were your hours and assignment that night?

5 A I was working 4:00 p.m. to 12:00 a.m., the C shift. And I  
6 was assigned to Sector 2. I -- As I recall, it was Car 1.

7 Q And is that a marked police cruiser?

8 A It is.

9 Q And are you in uniform or plain clothes?

10 A In uniform.

11 Q And did you have a partner or were you alone?

12 A I was lone.

13 Q Now, on that particular evening what were your duties?

14 A The Sector 2 that I was assigned to is the south side of  
15 town. It's delineated south and west of the train tracks that are  
16 in town.

17 Q And the area of 1462 Main Street, was that within your sector  
18 that night?

19 A No.

20 Q Now, during the course of your duties, were you dispatched to  
21 a call at 1462 Main Street with other officers?

22 A I was.

23 Q And in terms of that call, did you receive that assignment  
24 through a radio transmission?

25 A As I recall, yes. From -- And I responded from the station,

1 as I recall.

2 Q And did -- were you the only officer that responded, or did  
3 other officers respond?

4 A No, other officers responded as well.

5 Q And do you recall who those officers were?

6 A As I recall, Officer Savio, Officer Fontes, and Officer  
7 Vatcher.

8 Q And was there a reason that four officers were dispatched to  
9 that particular call?

10 A We've all been familiar -- at least Officer Savio, Officer  
11 Vatcher, and I have been familiar with that location for previous  
12 calls for domestic incidents involving several roommates having  
13 discrepancies and having consumed alcohol and that being a part of  
14 it, as well as I've also responded there prior times for alarm  
15 calls or gas leaks.

16 Q Now, in terms of the nature of the call, were you familiar  
17 with Alan Greenough at the time that you received the assignment  
18 to go to 1462 Main Street?

19 A I was.

20 Q Had you ever arrested Mr. Greenough before?

21 A Not from what I recall.

22 Q And how many prior interactions with him had you had?

23 A Maybe two.

24 Q And do you recall when they were in relation to this  
25 particular evening?

1 A The only one that I can recall a specific date for was  
2 several months before February we had responded, as Officer Savio  
3 had stated, to a call for a roommate being locked out of the  
4 residence.

5 Q And so you responded to that call --

6 A Correct.

7 Q -- at that location.

8 When you arrived at that location, were other officers  
9 already there?

10 A I recall us all arriving approximately the same time.

11 Q And what did you encounter when you arrived at that location?

12 A The victim, iden -- later identified as Mr. McDonald, was  
13 outside. And he was starting to explain to us that Alan had  
14 already left the residence with a unknown female in an unknown  
15 vehicle in an unknown direction of travel, was what I understood.

16 Q And you received this information when you were outside?

17 A Correct.

18 Q What happened next?

19 A As we went inside with Mr. McDonald, we entered the front  
20 entrance into the apartment. As you walk down the hallway, it's  
21 the door on the left. We walked into the kitchen to go over what  
22 had occurred with Mr. McDonald.

23 Q Now, when you entered this, this is the exterior door that  
24 leads into a hallway?

25 A Correct.

1 Q And you say that you went into the door to the left?

2 A Correct.

3 Q And what room do you enter as you -- as that door opens from  
4 the hall?

5 A You enter right into the kitchen.

6 Q What did you observe about the kitchen when you went in?

7 A The kitchen was in disarray. It was a mess. There was  
8 broken pieces of furniture all over the kitchen floor. It looked  
9 like shattered pieces of wood from a table and chairs.

10 Q And showing you what has previously been admitted as Exhibit  
11 No. 46, do you recognize this?

12 A Yes. That's the broken table.

13 Q And is that a fair and accurate representation of the way it  
14 appeared to you that night?

15 A I'm sure it had been shuffled around a bit while we were  
16 there trying to kick it out of the way. But, yes, that's what was  
17 on the floor.

18 Q Okay. And do you know who took pictures that night, if  
19 anyone?

20 A I do not recall who specifically took the photographs.

21 Q Okay. But you did not.

22 A Not from what I recall.

23 Q Okay. Now, when you entered the room and saw that, what if  
24 anything did you and the other officers do? Well, first of all,  
25 who went into the apartment?

1 A From what I recall, Officer Savio, Officer Vatcher, and I  
2 entered. I later realized that Officer Fontes had come in at some  
3 point after us. I was unaware of where he was specifically at  
4 that time.

5 Q Okay. So, you are in the apartment. Where do you go in the  
6 apartment itself?

7 A As I was standing in the kitchen listening to Mr. McDonald's  
8 explanation of what happened, we had explained to him that we were  
9 going to check the residence to make sure that Mr. Greenough was  
10 not still there. And as from what I recall, myself and I believe  
11 Officer Fontes checking down in the basement, as well as in his  
12 bedroom which we learned was off to the right when you came in  
13 that kitchen door, off to the right, that was also split into part  
14 of a living room.

15 Q How did you access the basement?

16 A From a -- As you went through the kitchen, it was a door that  
17 was at the end of the kitchen.

18 Q And was it straight ahead or --

19 A It was --

20 Q -- to the side?

21 A -- off to the right, from what I recall.

22 Q Okay. Did you observe anything in the basement?

23 A I did not observe anyone inside the basement, no.

24 Q Where else did you go?

25 A And I also went into what I later found out was Alan's

1 bedroom, which as I mentioned was off to the righthand side of the  
2 kitchen that was split in two between -- it looked like a bedroom  
3 and a living room.

4 Q And as you went in that location, what observations if any  
5 did you make that you noted at that time?

6 A I decided to check around the bed to make sure that he wasn't  
7 hiding underneath or under any sheets. I observed several things  
8 that had taken my attention. One of them was a -- a hatchet --  
9 looked like it was old and rusty -- with a wooden handle that was  
10 up over the mantelpiece, as well as a gunlock that I recognized as  
11 a cable-style gunlock that was on a table. It looked like a  
12 coffee table inside that room.

13 Q Okay. And I'm just going to approach you before I put it on  
14 the presenter. Showing you what has been marked as Exhibit No.  
15 18, do you recognize the area that's depicted in that photograph?

16 A Yes. That's the living room portion of that bedroom that was  
17 Alan's.

18 Q And do you see the items that you observed that Friday night,  
19 specifically the hatchet and the -- what appeared to be a gunlock?

20 A Yes. This is the hatchet right up here above the  
21 mantelpiece, behind this motorcycle model. And this is the  
22 cable-style gunlock with a black cable and the yellow locking  
23 mechanism.

24 Q Okay. So, you've just pointed to two locations that I will  
25 point when I put it on the presenter.



1           And then just showing you Exhibit 52, do you recognize what's  
2 depicted there?

3 A       Yes, that's that same gunlock that I just had explained.

4 Q       And just showing you Exhibit 18, the area of the hatchet, is  
5 that where -- is this the item that I'm pointing to that appears  
6 to be behind a figurine of a motorcycle?

7 A       Correct.

8 Q       And is that the position that those items were in as you  
9 recalled seeing them on the night?

10 A      I do not recall the hatchet being specifically behind that  
11 model, but I could be mistaken.

12 Q      Okay. But you remember the hatchet.

13 A      Correct.

14 Q      And it's that hatchet.

15 A      Yes.

16 Q      Now, the area of this table here, is that the area where you  
17 -- the item you recognized as a gunlock was?

18 A      Correct.

19 Q      And showing you Exhibit 52, what is this item?

20 A      That's the gunlock that I had seen.

21 Q      Now, you indicated that you had prior familiarity with that.  
22 Can you just generally describe for us how that is engaged when it  
23 is used as a gunlock itself?

24 A      This is a similar gunlock to ones that we actually give out  
25 as -- I believe it's called Project S -- Child Safe from the

1 station. Officers are generally given one of these to go along  
2 with their firearm when they become a police officer so that the  
3 firearm is safe at your house as well as possibly being inside a -  
4 a locked safe or cabinet.

5 So, when the cable goes down, generally in a handgun it goes  
6 generally down through the chamber or it could go down through the  
7 slide when the slide is racked back and come out down through the  
8 handle. You then lock it into the yellow locking mechanism there  
9 and there's a key. Or some gunlocks possibly have a combination  
10 lock.

11 THE COURT: Can I just ask a question about that. That same  
12 lock, officer, could be used for a bike; is that right?

13 THE WITNESS: Not that I'm aware of, no.

14 THE COURT: That lock can't be used for a bike?

15 THE WITNESS: I've never seen that specifically used for a  
16 bike. Bike cable locks are generally a lot bigger and generally  
17 have a spiral-corded expandable cable to them.

18 THE COURT: Okay. Because there is an exhibit with a bicycle  
19 in it. And I'm wondering whether or not you saw that bike in Mr.  
20 Greenough's bedroom on -- when you went.

21 THE WITNESS: Since I have seen these exhibits, I have seen  
22 that bike. But I don't recall seeing the bike or having that go  
23 through my mind as even an option that night.

24 THE COURT: Okay. Thank you.

25 BY MS. LYNCH:

1 Q And in terms of the bike lock -- strike that -- the gunlock  
2 that you observed in that, it was empty at the time you saw it?

3 A Correct.

4 Q As a result of that, what if anything did you do or say at  
5 that time, if anything?

6 A I thought it was unusual. I had made a mental note of it.  
7 And from what I recall, I had listened when the other officers  
8 were interviewing Mr. McDonald. And we have a check-sheet that  
9 goes through an assessment of injuries as well as domestic  
10 violence worksheet. And one of the questions that specifically is  
11 in there is: does the suspect have a firearm or does he have easy  
12 access to one? And I had recalled hearing him say no.

13 But I thought I had recalled mentioning it to them: "This  
14 seems kind of odd, even though he just said no, that there is a --  
15 a gunlock here." And I don't recall anyone else making a big deal  
16 out of it, that I had noticed it.

17 Q Now, at that time, having noted that, was Mr. McDonald asked,  
18 "Does he have a gun or does he have access to a gun?"

19 A He had been asked by the other officers during that  
20 checklist, yes.

21 Q Yes. And he answered no to those questions?

22 A Correct, from what I understood.

23 Q Now, in terms of your observations in the room, it's fair to  
24 say Mr. Greenough was not in the room.

25 A Correct.

1 Q And after you had looked in the room and made those  
2 observations, what happened next?

3 A I had gone back just to confer with the other officers about  
4 what had occurred. I had been made aware that Mr. McDonald and  
5 Mr. Greenough had a -- both a verbal and a physical altercation.  
6 Mr. McDonald informed us several times, like a broken record, that  
7 he had consumed several drinks after getting home from work.

8 When Alan had come home from a wake, Alan was upset. He had  
9 evidently smashed either several of the chairs or the table; I'm  
10 not sure which order. There was some more verbal argument. He  
11 then later went down and smashed the rest of the furniture that  
12 was inside the kitchen.

13 While I was speaking with them, Officer Savio had been  
14 upstairs. He had spoken with a female that I was unaware was in  
15 the residence that I later found out was last-name Ms. Bellino and  
16 that she had also been assaulted by Mr. Greenough physically.

17 They had both been advised of their rights.

18 Someone had requested that photographs be taken of both Mr.  
19 McDonald as well as the residence.

20 They were informed of any -- if they had any injuries that  
21 they had the right to be seen by the medical staff, as well as  
22 their 209A rights.

23 Q And this was handled by other officers?

24 A Correct. I was just a backup officer there in case they  
25 needed any assistance.

1 Q And at some point were you actually called away to go to a  
2 call?

3 A I did actually -- Once I realized that they were all set,  
4 that Mr. Greenough was not there and that the matter was being  
5 handled, that charges were going to be filed, I cleared the scene  
6 if I wasn't needed. And I did end up responding to another call.

7 Q Now, during your interaction with Mr. McDonald that night,  
8 did you make any observations concerning his sobriety?

9 A I observed that he had been drinking. I could detect the  
10 odor of alcohol. I did not know whether he was intoxicated. But  
11 he had admitted several times that he had consumed alcohol and  
12 that he was home when he had done it. And he had just come home  
13 from work, and that's why he chose to have a few drinks.

14 Q And did he make any statements to you that you heard or that  
15 you -- to officers that you heard concerning Mr. Greenough's  
16 sobriety?

17 A I do not recall that.

18 Q Now, what was your understanding, as you cleared from that  
19 call, concerning what action if any was to be taken concerning Mr.  
20 Greenough and the events that night?

21 A I was aware that there were going to be charges filed for  
22 assault and battery. They were also putting out a BOLO, "be on  
23 the lookout," for Mr. Greenough for PC to arrest if he had been  
24 located.

25 Q And after that BOLO went out or while that BOLO was going out

1 -- "be on the lookout," that is -- did you resume your patrol?

2 A Yes, I -- As I stated, I had gone to another call for  
3 service.

4 Q During that time that you were working that night, how late  
5 did you work that night?

6 A Until midnight.

7 Q During the time that you left the house until the time that  
8 you left your duty that morning, now on the 3rd, had you had any  
9 contact with Mr. Greenough yourself?

10 A No.

11 Q Had you any information that Mr. Greenough had been located  
12 by any officers?

13 A No.

14 Q Was there any information that anyone had any contact,  
15 whether in person or by telephone, with Mr. Greenough?

16 A No.

17 Q Now, after you went home from work that day, when were you  
18 next at work as a Reading police officer?

19 A I was working the next C shift on the next day, on Saturday  
20 the 3rd, from 4:00 p.m. until 12:00 a.m.

21 Q And again was it a uniform patrol?

22 A Yes.

23 Q Was it supposed to be a marked vehicle?

24 A Yes.

25 Q And were you expecting to have a partner or to be alone?

1 A To be alone.

2 Q Now, when did -- Where did you report for duty that  
3 afternoon?

4 A Generally when I report for duty I get there, as best as I  
5 can, 15 to 10 minutes ahead of time if I need to change into my  
6 full uniform as well as my duty belt. Or sometimes if I worked  
7 the detail I already come in uniform. As best as I recall, I had  
8 gone down to the basement to change, that day.

9 Q Okay. So, you actually got dressed into your uniform at the  
10 station prior to reporting?

11 A From what I recall, yes.

12 Q So, once you changed into your uniform, where did you report?

13 A Up to roll call.

14 Q Do you remember about what time it was that you arrived at  
15 roll call?

16 A It was right approximately at four o'clock.

17 Q Now, prior to reporting to roll call, were you monitoring or  
18 hearing any of the radio transmissions?

19 A I do not recall having my radio on at that point in time.  
20 Occasionally I do have to change the battery out or I have it  
21 turned off.

22 Q Now, when you got up to the radio room, what if anything did  
23 you observe? -- the roll call room, what if anything did you  
24 observe?

25 A I recall shortly being followed by Officer Savio at one

1 point. I did not recall seeing anyone else inside the roll call  
2 room, which is unusual 'cause generally the sergeant's there  
3 waiting to start roll call. The other two officers that are  
4 normally on the shift were not in the room, from what I recall.

5 Q And would that be Vatcher and Fontes?

6 A Correct.

7 Q What happened when you and Officer Savio found the roll call  
8 room empty?

9 A I'm not sure who had made us aware but someone had made us  
10 aware at that point, after we noticed that no one was in there and  
11 gone out towards the hall, that there was another similar incident  
12 as the night before, up at 1462 Main Street, the East Coast Gas  
13 Station, involving the same individuals.

14 Q And were you advised as to who if anyone was responding to  
15 that call at that point?

16 A As far as I was aware, the dayshift was already up there.  
17 And at one point I had been made aware that Officer Vatcher had  
18 gone up there.

19 Q Now, on that particular afternoon, you were getting -- you  
20 and Officer Savio were both reporting to duty for four o'clock; is  
21 that right?

22 A Correct.

23 Q And you were getting this information from who, concerning  
24 what was going on?

25 A I had gone down the hall to hear several broadcasts over --



1 through dispatch. You can hear their radio out loud as you're  
2 walking down the hallway. Lieutenant McKenna and Sergeant Silva,  
3 I recall, were also present in the station. And at one point I  
4 had gone in to speak with them, as well.

5 Q What happened when you went in to speak with them?

6 A I recall going in and being present with Sergeant Silva while  
7 they were looking to see if there was the PC still to arrest Mr.  
8 Greenough, as well as what other charges may be present at that  
9 current time.

10 Q Now, were you familiar with or were you present for a radio  
11 transmission made by Sergeant Silva to Officer Wilson regarding  
12 sending Officer Vatcher up?

13 A Yes.

14 Q And in terms of Officer Vatcher, did he have any special  
15 responsibilities relative to the call that you had responded to  
16 the night before?

17 A I was just aware that he had already been sent up there prior  
18 to my arrival.

19 Q Okay. But the question I was asking has to do with the  
20 February 2nd response. Was he the reporting officer?

21 A He was, on the 2nd. Yes, that's correct.

22 Q Now, as part of your presence in that area of the police  
23 station at approximately 4:02:28 p.m., did you hear a radio  
24 transmission from Officer Gooley that Mr. McDonald had arrived at  
25 the scene but the keys didn't work on the deadbolt?

1 A I didn't remember hearing any specific names. I just  
2 recalled hearing a conversation in the background while I was  
3 standing between dispatch and the sergeant's office regarding them  
4 having trouble getting into the door and trying to obtain a key to  
5 one door and it not working.

6 And then they -- I had recalled hearing also that they were  
7 going to be sending the fire department down and that they were --  
8 There was eventually a conversation about the fire department  
9 having questions about why they were being sent down.

10 Q Okay. So, I'm going to direct your attention to Reading  
11 radio transmission for 4:03:04 p.m., Track 17. I could play that  
12 for you.

13 [Audio Playing at 12:43:16 p.m.]

14 BY MS. LYNCH:

15 Q Now, with regard to 4-3, who is 4-3?

16 A That's Lieutenant McKenna.

17 Q And in terms of Call Sign 88: the female voice was who?

18 A That's Officer Gooley.

19 Q And did you hear that radio transmission as you were  
20 reporting to duty?

21 A Yes. That's the conversation that was going on while I was  
22 going back and forth between dispatch and the sergeant's office.

23 Q Now, at some point did you learn that -- through a radio  
24 transmission that someone inside the building, the next-door  
25 neighbor, was going to open the outside door for the officers?

1 A I don't recall specifically that someone was coming down. I  
2 just recalled hearing during that conversation in the background  
3 that there was confusion over which lock had a key and whether  
4 they did have a key or did not, and that's why the fire department  
5 was specifically going down.

6 Q Now, in terms of your being at the station, did you remain in  
7 that area near dispatch?

8 A From what I recall, yes.

9 Q Now, at some point did you hear a radio transmission that the  
10 officers got access inside the building but not the apartment, and  
11 that they would need the fire department?

12 A Yes.

13 Q And at some point after that did you hear any radio  
14 transmissions concerning whether or not there was -- what action  
15 they were to take as to arrest or not arrest?

16 A Yes.

17 Q And what do you recall about that?

18 A I recall Sergeant Silva and Lieutenant McKenna being in the  
19 sergeant's office discussing it and it being conveyed over the  
20 radio by Sergeant Silva that they had PC to arrest on both the  
21 charges from last night and whatever charges were being added on  
22 Saturday.

23 Q Now, at some point did you become aware that Lieutenant Brown  
24 had been notified?

25 A I was unaware of that.

1 Q Was Lieutenant Brown working the prior night?

2 A I had been --

3 Q February 2nd?

4 A I did not recall that he was working. But I have since been  
5 informed that he was the one that was in charge that night.

6 Q But you have no independent memory of Lieutenant Brown.

7 A No.

8 Q He did not respond to the scene on the night --

9 A No.

10 Q -- of the 2nd.

11 Now, at some point did you hear any radio transmissions  
12 confirming that there was probable cause for charges from February  
13 2nd as well as any new charges?

14 A Yes.

15 Q And was that your state of mind as of the time that you were  
16 still at the police station?

17 A Correct.

18 Q Now, directing your attention to the radio transmission at  
19 4:21:52 p.m., Track 30, between Sergeant Silva and Officer Wilson,  
20 did you hear that radio transmission?

21 A I'd have to hear it and then --

22 Q Okay.

23 A -- I'd be able to tell you.

24 MS. LYNCH: With the Court's permission, may I play Track 30  
25 from 4:21:52?

1 THE COURT: Yes.

2 [Audio Playing at 12:47:32 p.m.]

3 BY MS. LYNCH:

4 Q Now, while you were at the station did you hear that radio  
5 transmission?

6 A Yes. As I recall, I had been sent out by Lieutenant McKenna  
7 to find a vehicle to go up to the scene to assist. I had  
8 attempted to go outside to find a vehicle, but the keys I had did  
9 not go to a vehicle that was present in the lot. I recall hearing  
10 that specific conversation as I was by the back door on, as I  
11 recall, Middle Street when he had mentioned what I had recalled  
12 him saying: it was a shitshow, that he had a pole.

13 Q And what happened at that point when you hear that at the  
14 back door?

15 A I had gone back inside. I had found Officer Savio and I had  
16 informed him that we were going to be going up there.

17 I recall having a conversation with Lieutenant McKenna that I  
18 couldn't find any set of keys to a marked cruiser.

19 I recall either him or Sergeant Silva saying, "Just take  
20 whatever's available."

21 At that point I found the keys to the animal control officer  
22 van. I had informed Officer Savio that that's what we were going  
23 to be taking. And we went outside to get inside that vehicle to  
24 head up to the scene.

25 Q And as you were doing this, do you -- could you tell where

1 Sergeant Silva was?

2 A From my understanding, Sergeant Silva had called over the  
3 radio that he was also going to be heading up to the scene. I  
4 believe Lieutenant McKenna advised them over the radio of that, as  
5 well. We had seen him outside getting into the supervisor's SUV,  
6 which is a large, black, unmarked, all-black police cruiser.

7 Q So, at some point who led the way to the call?

8 A I was the driver in the animal control officer van. Officer  
9 Savio was next to me in the passenger side. We had initially  
10 activated what lights that vehicle does have, and siren. I had  
11 realized that it probably wasn't the safest vehicle to be taking  
12 up to an emergency at a higher speed. So I then let Sergeant  
13 Silva go in front of us, and trailed behind him.

14 Q Now, as you were en route to that location, did you hear  
15 radio transmissions from the officers at the scene inquiring as to  
16 whether or not they wanted to have the fire department open the  
17 door or whether the call would be made from the scene itself?

18 A I recall the conversation about the fire department being up  
19 there. I don't recall any specific communication that was with  
20 them once we were on our way up there.

21 Q Now, were you aware of a radio transmission at 4:22:58?  
22 Specifically Track 32, which I'll play for you.

23 [Audio Playing at 12:51:01 p.m.]

24 BY MS. LYNCH:

25 Q Now, it was around this time that you also were going up to

1 the scene?

2 A Correct. That -- as he was going outside to get into his  
3 vehicle.

4 Q And you were still at the station at that point?

5 A We were all still at the station, correct.

6 Q About how long did it take to get from the police station to  
7 that location at 1462?

8 A My best guess is less than five minutes.

9 Q Now, directing your attention to the timeframe approximately  
10 4:29:21 p.m. -- Let me just ask you this: have you been, as part  
11 of preparation for your testimony today, shown certain video and  
12 asked to identify yourself and other persons on that video?

13 A Yes.

14 Q And did you recognize that to be a video depicting persons  
15 and vehicles at that location on the afternoon of February 3rd?

16 A Yes.

17 MS. LYNCH: With the Court's permission I'd ask to show  
18 Camera Angle 2, timestamp 1702:11, real-time 14:29:21 [sic].

19 THE COURT: Yes.

20 [Video Playing at 12:52:41 p.m.]

21 BY MS. LYNCH:

22 A So, that's Sergeant Silva's vehicle right there, the patrol  
23 supervisor SUV. And that's the animal control officer van that I  
24 was in, as well as Officer Savio. And that's me exiting the --  
25 the van.

1 Q And you had to go back?

2 A Yeah.

3 Q So, Officer Savio was ahead of you.

4 A Correct.

5 Q And what happened at that point?

6 A All the officers, as you can see, -- just beyond the gas  
7 pumps where the other cruisers and the ladder truck, I believe it  
8 is -- were gathered.

9 I recall seeing Officer Gooley and Officer Mike Lee up by  
10 that front door that I had entered the previous night, attempting  
11 to knock on the door and gain entry.

12 I recall speaking with Officer Vatcher, confirming with him  
13 that they had -- how they had in fact seen Alan. And he relayed  
14 to me that he had seen them through the screen window. He had  
15 been seen with that pole.

16 Q So, at the time that you arrived there, how many officers did  
17 you see out in front of the building?

18 A From -- As I recall, Officer Vatcher was there. Officer  
19 Gooley. Officer Lee. I knew that Officer Wilson was off speaking  
20 to someone at -- at a point. Sergeant Silva. Officer Savio. So,  
21 there was at least six or seven officers.

22 Q I'm just going to show you this up close and then I'll put it  
23 on the presenter. Do you recognize what this shows?

24 A Yes.

25 Q And is that a fair and accurate representation of the area



1 that you congregated in with the other officers upon your arrival?

2 A Correct.

3 Q I'll just switch over for one moment. The area that I'm  
4 pointing to right now, what is that?

5 A That's the front entrance to those apartments.

6 Q So that's the entrance --

7 A Correct.

8 Q -- that I'm pointing --

9 A In front of that SUV, yes.

10 Q Now, as you are standing there, what happens? You get  
11 debriefed?

12 A Right. As I had stated, I had spoke with -- I know at least  
13 Officer Vatcher, who had confirmed that they had seen Alan through  
14 that window with that pole.

15 Q Now, as you were out in front and had received that  
16 information, was there any conversation concerning the back of the  
17 house?

18 A I recall Officer Savio going to the back of the house. I was  
19 unaware of specifically what he was looking for. But I was aware  
20 that he had gone off to the right side of the building.

21 Q And you were still in front?

22 A Correct.

23 Q And did you at some point receive or hear a radio  
24 transmission from Officer Savio concerning what he saw at the

1 A I was made aware that the window was open. I was not  
2 immediately aware who it was that had called over the radio. But  
3 I did hear a transmission regarding a rear window being open.

4 Q Okay. And directing your attention to Track 35 at 4:30:58,  
5 I'm going to ask you to listen to that, whether you recognize it.

6 [Audio Playing at 12:56:27 p.m.]

7 BY MS. LYNCH:

8 Q And do you know whether or not that was the radio  
9 transmission that you learned about --

10 A Yes. And that is Officer Savio's voice calling out to -- 80  
11 is the -- Sergeant Silva.

12 Q Now, as this was transpiring, the radio transmission was  
13 being communicating, did something happen that attracted your  
14 attention?

15 A Yes. Someone who I had believed was a employee of the gas  
16 station had come over and stated that the door leading from the  
17 office into the rear of the apartment was either open or unlocked.  
18 And he had gone inside and Alan was not inside.

19 Q Now, did you know who this person was?

20 A I did not know immediately who it was. I later found out  
21 that it was Alan's brother.

22 Q And that would be Mr. Anthony Perrotti?

23 A Correct.

24 Q Now, as a result -- Now, how did he communicate this  
25 information? Did he approach you or did he call you up?

1 A I recall him speaking to us as he was approaching.

2 Q As a result of that, what happened?

3 A Officers had gone over to the office to go gain access to  
4 that rear door that led from the office area into the apartment.

5 MS. LYNCH: And with the Court's permission, if I could  
6 continue with the video, which is now on timestamp 1702:46.

7 [Video Playing at 12:58:06 p.m.]

8 BY MS. LYNCH:

9 Q Now, would this be the timeframe that Officer Savio was in  
10 the back?

11 A From what I understand, yes.

12 Q Now, this person that just came out of the gas station at  
13 1704:33, who is that?

14 A That's the individual that I had mentioned I thought was an  
15 employee that I later found out was Mr. Perrotti.

16 Q And what was happening when he approached the officers?

17 A And that's when he had explained that the door was either  
18 unlocked or he had managed to open it, and we went to go and check  
19 that door to get into the apartment.

20 Q Now, are you among any of these officers?

21 A I was one of the officers that went in. When I first went  
22 in, I had stopped inside the office to point out several doors  
23 that I had questioned about where they led to, that I was made  
24 aware that there was a bathroom and I believe a closet.

So. the last officer is in somewhere around -05:09 as the --

1 on the timestamp; is that fair to say?

2 A Yes.

3 MS. LYNCH: Now I'm going to with the Court's permission ask  
4 to switch to the interior camera, C1, and to go back to the  
5 timeframe of 1704:44 on the interior camera.

6 [Video Playing at 1:00:55 p.m.]

7 BY MS. LYNCH:

8 Q Who is that that's coming in the door now?

9 A That appears to be Mr. Perrotti leading us in.

10 Q And who's the next officer, if you know?

11 A I can't tell from this point.

12 Q Okay.

13 A I know I was the officer that had pointed out to the door, --

14 Q Okay. Well, --

15 A -- coming in.

16 Q -- we can continue.

17 [Video Playing at 1:01:38 p.m.]

18 BY MS. LYNCH:

19 A That's me right there.

20 Q Okay. So that's --

21 A That I pointed out the door.

22 Q -- at 1705:08.

23 A And then Sergeant Silva.

24 Q And he passes you?

25 A Correct. I was the last one through the entranceway, from

1 what I recall, going into the apartment. I don't recall any other  
2 specific officer that was in before me besides Officer Wilson, and  
3 then Sergeant Silva being directly in front of me.

4 Q Okay. That room that you entered, what is that room?

5 A That entered into the kitchen.

6 Q Okay. So, you go right into the kitchen from the office? Or  
7 is there another room?

8 A From what I recall, it goes into the kitchen --

9 Q Okay.

10 A -- right near the door that actually I -- ends up leading  
11 down into the basement.

12 Q Okay. But what I'm asking is --

13 A Oh, there -- there's a -- like a --

14 Q Does that room --

15 A There's a little waiting room that -- from that office that  
16 goes -- And that's where that door is, into the apartment.

17 Q Okay. And in terms of that, you were the -- you actually  
18 crossed the threshold into that room?

19 A I started working through the act -- threshold of the door  
20 into the apartment. Sergeant Silva was in front of me.

21 And that's when I had been made aware by him that he -- his  
22 concern about why no one was checking the back of the building.

23 And then took that upon myself as: someone should be outside  
24 starting to look around to find Mr. Greenough.

25 Q So how far into the apartment itself did you get?

1 A Just into the inside of the threshold.

2 Q So could you see anything inside?

3 A I could still see that the kitchen was in disarray, with  
4 pieces of furniture on the ground.

5 Q Now, you said that after being in that room -- And you noted  
6 different doors. Where were the doors that you noted?

7 A When I first entered into that -- that door that you see  
8 leading into the office space, which -- off to the right of that  
9 office space, so on the top part of that camera screen -- leads  
10 into the waiting room. They were just off of that waiting room.

11 Q And did you ask anyone about where they led?

12 A I recalled asking about what the doors went to, if they went  
13 to the apartment. I'm -- I don't recall who had told me, but  
14 someone had said that it was a bathroom and a closet, from what I  
15 recall.

16 Q And you say that at some point after entering that room and  
17 crossing the threshold into the kitchen that you then left; is  
18 that right?

19 A That's correct.

20 Q And just if we could continue with the Camera 1 angle.

21 [Video Playing at 1:04:25 p.m.]

22 BY MS. LYNCH:

23 Q Now, who is leaving?

24 A That's me and Officer -- sorry -- Sergeant Silva behind me.

25 Q So, it's Sergeant Silva, you, and?

1 A Mr. Perrotti.

2 MS. LYNCH: Now if we could with the Court's permission  
3 switch to the exterior camera, which would be Camera 2,  
4 specifically the timeframe 1705:44, which translates to 4:32:54.

5 [Video Playing at 1:05:03 p.m.]

6 BY MS. LYNCH:

7 Q Do you recognize who's coming out?

8 A Yep. That is me coming down towards the bottom of the  
9 screen.

10 Q So, you were actually the last person to leave the office?

11 A I recall being in front of Sergeant Silva.

12 Q Okay. But that is you who walked towards the --

13 A Correct.

14 Q -- foreground of the camera image. Now, can you tell us,  
15 after you left the camera angle, where did you go?

16 A I proceeded south towards the area that the parking lot is  
17 in. I then took a right immediately at the corner of the  
18 building, to proceed -- what would be westbound, following along  
19 the building, scanning the area of all the vehicles. And it's  
20 actually kind of like a junkyard behind there. There's a lot of  
21 cluttered tires and materials associated with a garage or  
22 junkyard: rims and generators and such.

23 Q Now, in order to go along the side of the building, did you  
24 follow the shape of the building at that point, or did you  
25 continue through the open field?

1 A I had walked in the -- As I mentioned, I had taken a right  
2 along the side of the building. And there was -- The -- The best  
3 I could find that was clear, you end up going b -- into an area  
4 that's separated between a small wooden fence line. And in  
5 between that small wooden fence line there's the area where all  
6 that material and obstruction is. And then there's actually a far  
7 fence line that separates the property from the abutting property  
8 and the woods.

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

10 THE COURT: Sure.

11 MS. LYNCH: It's a little hot in here; is it possible to  
12 crack a window?

13 THE COURT: Sure.

14 BY MS. LYNCH:

15 Q Now, officer, showing you this item, do you recognize the  
16 geographic location --

17 A Yes.

18 Q -- depicted in this?

19 A This is looking from Main Street towards the gas station,  
20 towards that section of the parking lot I mentioned, with that  
21 small section of wooden fence that partly separates where the  
22 vehicles are here, as well as the junkyard and several other  
23 vehicles and obstructions. Behind and along this tree line is  
24 also where there's the far fence line to the abutting property.

25 Q Okay. So it's fair to say that this is a fair and accurate



1 representation depiction of the premises themselves, but it was  
2 clearly taken at a time of year different from --

3 A Correct.

4 Q -- when you were there. But this -- does this fairly and  
5 accurately depict the areas where you traversed?

6 A Yes.

7 MS. LYNCH: I would ask that this be admitted as the next  
8 exhibit.

9 [Photo of Lot as Exhibit No. 61]

10 BY MS. LYNCH:

11 Q I'm showing you Exhibit 61. The area that you walked as one  
12 is looking at this, once you exited you're going to the left of  
13 the photograph or the right of the photograph?

14 A To the left of the photograph.

15 Q In the areas that you walked, where did you walk?

16 A So, past the -- Coming out from the station office, you pass  
17 in front of those two bay doors that you see for the garage. I  
18 then took a righthand turn and went towards the -- walking towards  
19 the backside of that building. And then as I mentioned, if you  
20 turn left is where the fence line is there, that wooden fence  
21 line. Then I walked between that wooden fence line and the area  
22 where the far fence line is.

23 Q And so you were behind this fence?

24 A Correct.

- But before the back fence?

1 A Correct.

2 Q What was that area like that day?

3 A There was snow cover and ice. There were mounds of dirt that  
4 were covered with snow, various garage objects that were in the  
5 way: tires, possible generators, various other scrap materials.

6 MS. LYNCH: I'm sorry, Your Honor, I --

7 THE COURT: Oh, that's okay.

8 MS. LYNCH: -- don't want to -- If I might just have one  
9 minute --

10 THE COURT: Sure.

11 MS. LYNCH: -- to get these papers.

12 THE COURT: Sure.

13 [Pause]

14 MS. LYNCH: I'm sorry, Your Honor; I just -- I had these  
15 organized and --

16 THE COURT: That's okay. Does it make sense, 'cause I'm  
17 going over people's lunchbreak and I'm always cognizant of that,  
18 particularly for the staff -- It's 1:10. Does it make sense to  
19 stop, give you some chance to organize, and --

20 MS. LYNCH: I think it would facilitate things --

21 THE COURT: Okay.

22 MS. LYNCH: -- if we could.

23 THE COURT: Great. Why don't we do that. So we'll take --

24 Ms. Lynch, how many other witnesses do you have for today,  
25 just to plan the rest of the afternoon?

1 MS. LYNCH: I am thinking two more.

2 THE COURT: Okay. All right. So, why don't we recess until  
3 2:15. Okay?

4 MS. LYNCH: Well, we might not get the two if it's 2:15.

5 THE COURT: Okay. So everybody has a full hour, so -- for  
6 lunch. 2:15. Okay?

7 [Witness steps down]

8 [Court in Recess at 1:12:15 p.m.]

9 [Back on Record at 2:17:01 p.m.]

10 THE COURT: Officer, you're back on the stand.

11 [Witness resumes the stand]

12 BY MS. LYNCH:

13 Q Now, officer, you indicated that you had walked past the  
14 garage bays and taken a righthand turn along the side of the  
15 building; is that right?

16 A Correct.

17 Q And showing you this photograph, do you recognize what is  
18 depicted in this photograph?

19 A Yes. Those are the two garage bays that I had mentioned.

20 Q And then the area where you turned right was immediately to  
21 the right --

22 A Correct, right after --

23 Q -- of the pillar?

24 A -- the building, yep.

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

1 exhibit.

2 [Photo of Lot Marked as Exhibit No. 62]

3 BY MS. LYNCH:

4 Q And referencing Exhibit 62, do you notice that lovely  
5 billboard concerning "Wipe out unwanted fat"? You see that in the  
6 --

7 A I can't read that specifically but --

8 Q Okay.

9 A Yeah, I can see the billboard.

10 Q And that's where it was positioned that night?

11 A As far as I recall, correct.

12 Q I'm showing you what has previously been admitted as Exhibit  
13 23. Does that show that billboard in the relation -- as you go  
14 through along the area between Main Street and that area where the  
15 Hummer was?

16 A In the driveway or the parking lot section?

17 Q Yes.

18 A Correct.

19 Q And showing you what has been marked as Exhibit 24, again is  
20 this another view showing that billboard and the location of the  
21 fence?

22 A Correct. That billboard appears to be closer to Main Street.  
23 And the small section of wooden fence that I mentioned that I was  
24 behind is right behind that billboard and that blue SUV.

Q So, in Exhibit 24, this fencing that I'm pointing to, you

1 were behind that?

2 A Correct.

3 Q And showing you what's been marked as Exhibit 25, the Hummer  
4 where -- that you were referring to, is that depicted in this  
5 photograph?

6 A Yes. It's that rusty, orange-colored Hummer H2 behind that --  
7 I believe it's silver/gray vehicle.

8 Q Okay. So, if I'm -- Is this the area that --

9 A Yes.

10 Q -- you're describing? [Indicating.] And, again, the fence  
11 is located here, where I'm pointing?

12 A Correct.

13 Q And you can see that's the back of that sign; is that right?

14 A Correct.

15 Q Now, as you made your way along the side of the building --  
16 I'm just going to show you what has previously been marked as  
17 Exhibit 22. Does this appear to be the area adjacent to where you  
18 walked towards, to get behind that fence?

19 A Right. The -- The building where the garage is, the side of  
20 the garage would be on your right. So, further on the right, off  
21 the picture, from where that white box truck is.

22 Q So, over to the right as --

23 A Correct.

24 Q -- one is looking at the picture.

25 Officer, showing you this photograph, do you recognize what

1 is depicted in this photograph?

2 A So, this is if you were looking from where the H2 Hummer was  
3 towards the garage itself, looking towards the direction that I  
4 had come from.

5 Q And is that a fair and accurate representation of that area  
6 that night?

7 A Correct.

8 MS. LYNCH: I would ask that this be admitted as an exhibit.

9 [Photo of Lot Marked as Exhibit No. 63]

10 BY MS. LYNCH:

11 Q Now, referencing Exhibit 63 on the monitor, this would be the  
12 side of the building that you initially walked by?

13 A Correct.

14 Q And does this appear to be the side of the box truck or  
15 trailer that appears in the other photographs?

16 A It would appear so, yes.

17 Q And the -- this debris, the tires, the vehicles, and the  
18 other equipment, were that -- they all there when you made your --

19 A From what --

20 Q -- way?

21 A -- I recall, yes.

22 Q And showing you this next photograph, do you recognize what  
23 this photograph depicts?

24 A Yes. That's looking from what appears to be the side of the  
25 building, the lift that's next to it in front of the trailer or

1 box truck or whatever that is, walking back in the direction  
2 towards which I had traveled to get behind the fence line there.

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

4 [Photo of Lot Marked as Exhibit No. 64]

5 BY MS. LYNCH:

6 Q And just to get acclimated to the area on this, does this  
7 appear to be that fence?

8 A That's correct.

9 Q And you were behind that?

10 A Correct, I went behind that.

11 Q So the fence was between you and Main Street.

12 A Correct.

13 Q Now, were there any other items in that back area that  
14 impeded your doing a straight-line path from the side of the  
15 building to the --

16 A I recall there being various debris. I couldn't specifically  
17 tell you what exactly, other than the tires that were depicted or  
18 the vehicles. But there was other m -- m -- what appeared to be  
19 maybe machinery parts or vehicle scrap.

20 Q And I'm going to show you Exhibit 32. Would this -- Would  
21 your path of travel be depicted in this photograph?

22 A It appears so.

23 Q So you were coming from the area of the left side towards --

24 A Correct, along that fence line, the rear of that fence line.

25 Q And Exhibit 33, do you know what this depicts?

1 A That's the opposite side from where I had been traveling,  
2 looking towards the building.

3 Q Now, as you were making your way through this area -- Now,  
4 can you tell us whether or not at the time that you were in the  
5 back of that location -- whether it was daylight out still?

6 A It was -- As you had mentioned, it was after 4:30 in  
7 February. It was starting to get to the hour where it would be  
8 failing light, I would best describe it. So, not bright daylight.

9 Q Now I'm going to show you what has been marked as Exhibit 26.  
10 Are you familiar with what is depicted in this photograph?

11 A Yes.

12 Q And is that a fair and accurate representation of the  
13 location of the Hummer when you observed it that night?

14 A Yes, it is.

15 Q Now, is the area that you approached -- Can you tell us by  
16 describing the vehicle's position which area you approached the  
17 Hummer?

18 A So, I came from the left side of that picture, as I stated,  
19 on the -- this side of the fence line, behind it, clo -- further  
20 away from Main Street and, from what I recall, on the opposite  
21 side of that piece of machinery or whatever that is, walking  
22 straight towards the Hummer from the passenger side.

23 Q Okay. Now I'm just going to show you a series of  
24 photographs.

25 THE COURT: Ms. Lynch, I don't know if you plan to have --



1 It'd be easier for the Court if the officer were to step down and  
2 kind of --

3 MS. LYNCH: Okay.

4 THE COURT: -- show/demonstrate so I could --

5 THE WITNESS: Okay. That -- Yep.

6 THE COURT: -- when asking these things.

7 BY MS. LYNCH:

8 A So, from what I recall -- sorry -- the direction of travel, I  
9 had come from this side of the screen, behind this fence on this  
10 side but on the opposite side of this machinery, straight towards  
11 that front passenger door of that hummer.

12 Q Okay. And while you're standing there I'm just going to show  
13 you this series of photographs and ask you if you recognize what  
14 these photographs depict.

15 A This is just a different angle of the same location with that  
16 piece of machinery, that fence, and the various debris leading up  
17 to the H2 Hummer.

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

19 [Photo of Lot Marked as Exhibit No. 65]

20 BY MS. LYNCH:

21 Q Referencing Exhibit 65, if you could just indicate the  
22 direction that you approached the vehicle as shown in that  
23 photograph.

24 A I had come from over on this side again, the left side of the  
25 screen directly behind this fence line on the opposite side of

1 | this -- from what I recall, this machinery, directly towards this  
2 | front door right here.

3 | Q Now, the next photo that I have in front of you, do you  
4 | recognize what that is?

5 | A This is various materials that were in the back of the fence.  
6 | It appears to be a table, some more machinery, a cone, tires, --

7 | Q And --

8 | A -- other various items.

9 | Q With regard to that table that's depicted in this photograph,  
10 | is that also depicted in Exhibit 65?

11 | A It appears to be right here, after the --

12 | Q So, that would be the bottom left-hand corner of the photo?

13 | A Correct.

14 | MS. LYNCH: I would offer this photo.

15 | [Photo of Lot Marked as Exhibit No. 66]

16 | BY MS. LYNCH:

17 | Q In referencing Exhibit 66, if you could indicate the areas  
18 | where you had to make your way in order to walk behind the fence  
19 | line.

20 | A I couldn't tell you exactly what of the materials I had  
21 | stepped over or walked on, 'cause I obviously tried to take the  
22 | clearest path. But this is the general area, from up where that  
23 | light is. I believe it's on the side of the building, up here.

24 | [Indicating.] Traversing through this area behind the fence line,  
25 | around all this various debris through the clearest path, which I

1 recall would probably have been right here in front of the  
2 machinery.

3 Q And I'm showing you the next photograph that you're holding  
4 in your hand. What does that show?

5 A It's another angle looking at that -- what appears to be that  
6 table. It's more of the various debris, maybe an engine part.

7 MS. LYNCH: I would offer this as the next exhibit.

8 [Photo of Lot Marked as Exhibit No. 67]

9 BY MS. LYNCH:

10 Q And referencing Exhibit 67, is there any part of the Hummer  
11 that is depicted in Exhibit 67?

12 A It appears to be right over here, a portion of the orange  
13 [Indiscernible at 2:28:45 p.m. - speaking away from microphone]  
14 that you can see right there in the very far top-right.

15 Q Okay. And again the table is depicted in this?

16 A The table right here. And then whatever this engine part or  
17 scrap material is.

18 Q Okay. You may resume the stand for now.

19 As you were situated walking in that direction, did you  
20 observe anything that attracted your attention?

21 A As I had been panning the area, searching around, I had  
22 observed as I got close enough to the vehicle to be able to see  
23 inside that H2 Hummer I could see a white male leaning towards the  
24 inside, towards the center of that Hummer H2, in the front seat.

Was the door of the Hummer open or closed?

1 A It was closed.

2 Q And was there any illumination in the area, other than the  
3 daylight conditions, at that point in time?

4 A Just from what I recall, daylight conditions.

5 Q Now, as you were approaching in this area prior to seeing  
6 this individual leaned over towards the driver's side of the  
7 Hummer, had you seen any pedestrians or people in the area of  
8 those vehicles or -- for lack of a better word -- junk?

9 A No.

10 Q At the point when you approached, -- Let me ask you this:  
11 that day, did you have a duty belt with a department-issued  
12 firearm?

13 A I did.

14 Q Are you righthanded or lefthanded?

15 A I'm lefthanded.

16 Q And so, your sidearm is at your left side?

17 A Correct.

18 Q As you were making your way, looking to see in that side --  
19 as you're facing the building, the left side of the building, what  
20 was the condition of your sidearm at that point?

21 A I -- It was holstered at that time. And the -- It's a  
22 Level 3 retention holster. The top latch or loop, as you could  
23 call it, was down and rolled forward with -- You still have to  
24 depress a thumb lever to pull the firearm from the holster.

25 Q So, when you say triple retention, does that mean that there

1 are three mechanisms that have to be --

2 A Correct.

3 Q -- utilized in order to remove it from --

4 A Correct.

5 Q And you had done one of the three --

6 A Correct. The top -- The top latch had been rolled over. But  
7 my firearm was still holstered.

8 Q And did it remain holstered as you made your way through this  
9 yard?

10 A Yes, it did.

11 Q About how close to the Hummer were you when you made  
12 observation of the individual crouched over the front seat?

13 A I couldn't give an approximate number of feet. But it was  
14 close enough to where I was -- at my height -- I'm approximately  
15 6 feet tall -- could see into the passenger -- front passenger  
16 glass window to be able to see him inside, leaning over.

17 Q Now, at that point, what part of this individual's body could  
18 you see?

19 A His upper portion of his body.

20 Q And what did you see about any garments he was wearing or  
21 what he was doing?

22 A He appeared to be wearing a sweatshirt and, as I mentioned,  
23 was leaning over towards the front of the vehicle -- or, I'm sorry  
24 -- towards the center of the vehicle. [Demonstrating.]

So for purposes of the record, you're kind of slightly

1 leaning.

2 A L -- Leaning towards -- Yeah, towards my left. So, if he was  
3 leaning towards the center of the vehicle, he was leaning towards  
4 his left.

5 Q And showing you what has been marked as Exhibit No. 30, do  
6 you recognize this area?

7 A So, that's the front passenger side door.

8 Q And the area here where this object appears --

9 A Front passenger seat.

10 Q And that was where this individual --

11 A That's where he was seated, correct, leaning towards that  
12 console in the center.

13 Q Where I'm pointing?

14 A Correct.

15 Q Now, when you observed this vehicle, did you do anything at  
16 that point when you saw this person in the vehicle in that  
17 position?

18 A I had -- As we had previously heard, I had called over the  
19 radio stating that I had him inside a vehicle.

20 Q And so, that was the radio transmission I believe, for the  
21 record, Track 38, February 3rd, at 4:33:13?

22 A Correct.

23 Q That was you radioing, "Got him in one of the vehicles"?

24 A Correct.

25 Q At the point when you said that, what was the condition of

1 the door of the Hummer?

2 A The door was still closed.

3 Q At that point, what was the condition of your sidearm?

4 A It was still holstered.

5 Q After you made that radio transmission -- Now, in order to  
6 make a radio transmission, did you have a handheld radio or was it  
7 one of those portable ones that clipped onto your uniform?

8 A It's portable that has the speaker that clips onto the front.

9 Q Did you have to use your hand or anything to engage that?

10 A Yes.

11 Q And so, you had which hand on that?

12 A From what I recall, my right hand is what I used.

13 Q And after you broadcast that radio transmission, can you tell  
14 us what happened next?

15 A I was waiting to see if there was a response, if anyone was  
16 showing up or if anyone had called over. Time did not seem to go  
17 the way I had seen. It felt like it took forever for someone to  
18 show up. I thought they should've shown up quicker. So, at that  
19 point I started to make my way directly towards the door and  
20 address the subject.

21 Q So you broadcast, "I have him in one of the vehicles." And  
22 then what do you do?

23 A So, I approach the vehicle. I said, "Alan, get out of the  
24 car." I opened the door with my right hand.

25 And he w -- I could see at that point -- I could see his

1 whole body. I could see him leaned over towards the center of the  
2 -- the Hummer, towards the console, with -- Both hands were hidden  
3 in the front pocket of his hooded sweatshirt.

4 He -- He looked at me. I could see that he was staring right  
5 through me.

6 I then said, "Take your hands out of your pockets."

7 He said something to the effect, while he was staring at me,  
8 "Fuck you."

9 Q And did he say it in that tone of voice?

10 A Yes. It was angry. It was not calm.

11 So, then I realized that he's not going to follow my  
12 commands. I -- So, per training from the academy and all our  
13 firearms training, I create a distance, I drew my firearm, and I  
14 again ordered him to show me his hands, to which he said something  
15 to the effect of, "Fucking shoot me," or, "Fuck you. Shoot me."

16 So, at that point --

17 Q Okay. Can I just --

18 A Ye --

19 Q -- stop you for a moment there. When you were having this  
20 exchange with this man, did you recognize who it was?

21 A Yes. I had recognized it as Alan Greenough. I hadn't seen  
22 him in a while but I did recognize him. And he also matched the  
23 description that was given as a tall, skinny, white male.

24 Q Okay. And who did you get that description from?

25 A From what I had later found out was Anthony, as well as one



1 of the other employees that I believe works at the gas station.

2 Q And when had they given you that description?

3 A As I was exiting the gas station and going to look for him.

4 Q Okay. So, when we saw the video of you walking out of the  
5 station and heading towards that area, it was --

6 A From what I recall, it was while we had been in the gas  
7 station, exiting, yes.

8 Q Now, at the point when you gave Mr. Greenough the command to  
9 show you his hands and to get out of the vehicle, was your gun  
10 unholstered at that point?

11 A When I first gave him the command and saw his hands were in  
12 there, my gun was still holstered.

13 Q What happened next?

14 A So, after he had sworn at me and failed to comply, that's  
15 when I had backed up, create a distance, --

16 Q And what is --

17 A -- and --

18 Q -- the purpose for doing that?

19 A To -- It's for s -- officer safety, to protect myself from an  
20 imminent threat, to create distance so I'm not within striking  
21 distance of any weapons.

22 Q Now, at that point in time, what was your state of mind as to  
23 whether or not Mr. Greenough was armed or could be armed?

24 A All the thoughts from the prior night with the gun -- seeing  
the gunlock, the hatchet, any of the household items that could'

1 been used as a weapon, pretty much anything he can conceal easily  
2 in that front pocket of his sweatshirt, as well as knowing that he  
3 had been armed with some sort of a pole.

4 Q Now, -- So, at the time when you unholstered your gun, what  
5 was your state of mind as to whether or not Mr. Greenough was  
6 armed?

7 A I said if he's not willing to comply with a firearm being  
8 drawn at him, whatever he has for a weapon -- he's not complying --  
9 he's going to end up using it.

10 Q So, you're backing up. You have your gun drawn.

11 A Correct.

12 Q You're lefthanded.

13 A Correct.

14 Q And what part of your body is closest to the passenger side  
15 of the hummer?

16 A My left side was closest to the hummer.

17 Q Okay. So you have your arm out. And the car, was it -- how  
18 far from your elbow-reach would it be?

19 A I would say only a matter of a foot or two.

20 Q So as you're backing up, what -- does Mr. Greenough stay in  
21 the car?

22 A So, as he started to suddenly get up from a seated position  
23 inside the vehicle, I s -- backed up towards the -- So, from here,  
24 if you're looking at the vehicle towards the left side of the  
25 vehicle, -- So, towards the back of the vehicle, looking --

1 Q If I can just have a moment.

2 A Yep.

3 THE COURT: Sure.

4 MS. LYNCH: With the Court's permission, if the officer might  
5 approach the --

6 THE COURT: Yes.

7 MS. LYNCH: -- monitor --

8 THE COURT: Okay.

9 MS. LYNCH: -- and show us.

10 BY MS. LYNCH:

11 A So, as he exited from this door right here and the door was  
12 open at that point and --

13 Q Now, when the --

14 A -- he started to get out --

15 Q -- door was open, was it open all the way, or was it  
16 partially open?

17 A From what I recall, it was open all the way. So, as he stood  
18 up and got out, I had my back turned -- turned towards this side of  
19 the -- the screen here.

20 Q So, for purposes of the record, --

21 A So I was facing towards the front of the vehicle.

22 Q And your back, where was that in relation --

23 A My back --

24 Q -- to Main Street?

My back was towards Main Street. So I was backing up toward

1 the rear of the vehicle, away from him as he stood right in the  
2 doorframe.

3 Q Now, the area that you were backing into, had you traversed  
4 that area that afternoon, up until that point?

5 A No. I had come from, as I mentioned, behind the fence line.

6 Q So how were you aware of what was behind you?

7 A I actually didn't know exactly, other than the fact that this  
8 whole area had been cluttered with cars -- what -- what I was  
9 backing into. I just knew the area was cluttered with various  
10 vehicles and parts and stuff like that.

11 Q So the door opens and Mr. Greenough gets out. What do you  
12 see about his hands?

13 A His hands were still inside the front pocket of his  
14 sweatshirt, tucked in. And as I continued to give him numerous  
15 commands to show me his hands, with my firearm drawn --

16 Q How did you say it and what did you say?

17 A So, I said, "Show me your hands. Take your hands out of your  
18 pockets. Show me your hands."

19 And every time I gave him the command to show me his hands or  
20 take his hands out of his pockets, he continued to say, "Fuck you.  
21 Fucking shoot me. Fuck you."

22 And it happened as quick as five or six times, giving him the  
23 commands and him failing to comply.

24 Q So, are you moving or are you stationery at this point?

25 A So, I had started, as I mentioned, to back up away from him

1 as best as I could, keeping my distance but keeping close enough  
2 that should he comply -- that I could go to the next procedure  
3 which would be to have him get down on the ground and go into the  
4 prone position.

5 Q Now, were you able to maintain a distance between you and Mr.  
6 Greenough as you were backing up and he was exiting the vehicle?

7 A I was only able to go, as I mentioned, as quick as it  
8 happened, as fast as I could give him the commands and take a step  
9 back in the time to keep my balance.

10 Q And as you were doing so, were you aware of what your  
11 backdrop was?

12 A I was not immediately aware that my back was turned to that  
13 vehicle, no.

14 Q Can you describe what is happening to the distance between  
15 you as you're backing up and he's heading towards you?

16 A So, as I had given him several commands and I realized that  
17 he wasn't going to follow my commands, I said in my head, "He's  
18 not complying. He has a firearm drawn at him. Whatever's in that  
19 pocket, as soon as he takes any steps closer he's going to -- it's  
20 going to come out of the pocket and he's going to use it."

21 Q This is your thought process --

22 A This is my thought process.

23 Q -- at that time?

24 A As quick as -- as he -- he was coming out and I was giving  
-- him the commands: "He's not listening, he's not listening."

1 And at that point, after I had mentioned about five or six  
2 times, he started to charge towards me --

3 Q Now, --

4 A -- with his hands still in his pocket.

5 Q Can you describe, when you say "charge" -- The hands are in  
6 the pocket. What type of a garment is this, if you recall?

7 A It's a hooded sweatshirt or a hooded jacket that did not have  
8 a zipper, 'cause we had to cut it off.

9 Q Okay. So the hands are in like a pouch --

10 A Tucked in.

11 Q -- pocket?

12 A Correct.

13 Q And can you see them at any point as he's coming towards you?

14 A I could not see his hands, no.

15 Q When you are backing up, you described that at some point he  
16 began charging?

17 A Correct.

18 Q What do you mean by charging?

19 A So, I can -- It's probably best to demonstrate, if I may.

20 Q Sure.

21 A So, as I was trying to step back and keep the distance, he  
22 started lunging in the charging motion like this --

23 Q So, for purposes of the --

24 A -- with his hands in his pockets. So, for the purposes of  
25 explaining it, it s -- it starts off with a lunging motion, I

1 guess you would say, coming towards me faster than I could back up  
2 in the limited space that I had had.

3 Q And so, with -- for purposes of demonstration, is your body  
4 straight-upright or is it at an angle, pitched forward as --

5 A I would say it would be cantered forward.

6 Q Okay. And how far -- Now, -- So, as you were thinking this,  
7 what was your state of mind as to whether or not you were faced  
8 with a situation of serious bodily harm or death?

9 A I said, "He has a weapon. It's in there." And as soon as he  
10 charged towards me, I said, "It's coming out and he's either going  
11 to seriously injure me or he's going to kill me."

12 Q So what did you do?

13 A So, at that point, as I mentioned, I had my firearm drawn  
14 center mass. I fired two shots to stop the threat.

15 Q And when you shot two shots at the center mass -- Did you  
16 receive training in use of deadly force in the course of your  
17 training and experience as a police officer?

18 A Yes, I have.

19 Q And did you receive any specific training as to when you're  
20 in a situation where you believe you are confronted with imminent  
21 danger of death or serious bodily injury, where you are to aim?

22 A Yes.

23 Q And what is that?

24 A And that would be center mass, which is the largest portion  
25 of the body that you're confronted with.

1 Q And in terms of your training and experience, is there  
2 anything that you received in your training concerning the amount  
3 of times or the number of discharges?

4 A You fire to stop the threat.

5 Q And so, you indicate that you fired twice?

6 A Correct.

7 Q And why did you stop?

8 A I stopped because the threat stopped. He stopped in his  
9 tracks and started to turn around. And that's when he had gone  
10 down to the ground.

11 Q Now, officer, as you were backing up, how close did you get  
12 to the other cars that were in that row behind the Hummer?

13 A After looking around and assessing where I had been, I was  
14 probably only a matter of about a foot from that back of that  
15 vehicle.

16 Q Okay. And I'm just going to -- just want to show you this  
17 photograph which has been admitted as Exhibit 27. Do you  
18 recognize what this shows?

19 A Right. So, this is the Hummer up to your left corner. The  
20 wood fence line over here. [Indicating.] These are several of  
21 the other vehicles that I had mentioned were -- realized  
22 afterwards were behind us. And this is the one -- appears to be  
23 right here -- that was directly behind where I was standing. And  
24 this is where he had ended up turning and falling onto the ground,  
25 where this blood is depicted.



1 Q And if I might just have one moment. Showing you what has  
2 been admitted as Exhibit 25, can you indicate, at the time that  
3 you shot, was the front door of the Hummer open or closed?

4 A From what I recall, the front door was still open.

5 Q So, this is the area that you were backing up towards when  
6 you discharged your firearm?

7 A Correct. This is the front door over here, the furthest away  
8 from us, the back of the hummer, as I mentioned, where I had been,  
9 in between the rear of the Hummer, the rear corner here, and that  
10 fence line.

11 Q Now, now at that point when -- You may resume the stand;  
12 sorry. At that point, once Mr. Greenough was on the ground, what  
13 if anything did you do at that time?

14 A I had continued to give him orders to show me his hands,  
15 'cause his hands were still tucked inside the front pocket of his  
16 sweatshirt as he was going from the standing up down onto his  
17 knees, from what I recall. I didn't know whether he could hear me  
18 or if he just wasn't complying still. So I continued to give him  
19 orders to show me his hands, to which he failed to do.

20 Q Now, can I just step back for one moment: you were backing up  
21 into an area that you -- Were you aware of what was behind you?

22 A I hadn't looked to see exactly what is behind me until I had  
23 assessed the threat and then started to back up, to look to see  
24 where he was in regards to where I was.

Did you have a sense that you had a clear path out of that

1 area?

2 A I did not appear to have a clear path out of that area, no.  
3 Not -- Not from what I had seen, not with that fence, the Hummer,  
4 and then the vehicles behind me.

5 THE COURT: I'm confused by the question and the answer,  
6 because I think it was asked earlier. So, was the -- When did you  
7 become aware of what was behind you? You said when you assess the  
8 threat?

9 THE WITNESS: A -- After I had -- After the threat -- After I  
10 had fired the two shots and he was going down on the ground and I  
11 was giving him orders to show me his hands, I had taken a 1 --  
12 You're trained to look around you to see if there's any additional  
13 threats and see your surroundings.

14 THE COURT: And that was the first time you --

15 THE WITNESS: And that's when I had realized the vehicle was  
16 right behind me, correct.

17 THE COURT: You weren't aware of it before you fired.

18 THE WITNESS: No, I was not aware that it was directly behind  
19 me.

20 BY MS. LYNCH:

21 Q Did you believe you had a path to escape?

22 A From behind me? I was not aware of one, no.

23 Q Because you had -- you don't have --

24 A I did not -- I didn't know what was behind me, no.

25 THE COURT: So you didn't know whether you did or didn't have

1 a path to escape, because --

2 THE WITNESS: Correct. I d --

3 THE COURT: -- you didn't know.

4 THE WITNESS: I didn't know what objects --

5 THE COURT: You didn't know --

6 THE WITNESS: I knew there were various vehicles in the  
7 parking lot, but I didn't know what was behind me.

8 BY MS. LYNCH:

9 Q Now, at that point you say that Mr. Greenough went to his  
10 knees and then on the ground.

11 A Correct.

12 Q Were you able to get his hands out of his pockets yourself?

13 A No.

14 Q Can you describe what happened?

15 A Once the other officers had called and asked where I was and  
16 I tried to give my explanation as best as I could, which -- I now  
17 realize over the air on the radio I had just said, "By the  
18 vehicles, by the vehicles," very quickly.

19 I recall at least Sergeant Silva and one other officer asking  
20 where I was. And I was calling out loud, "I'm over by the Hummer.  
21 I'm over by the Hummer."

22 So, Officer Gooley was the first to arrive. She assisted me  
23 in getting -- I advised her that I was having trouble getting --  
24 either he wasn't listening to me or couldn't get his hands  
25 immediately out of his pockets. So I then holstered my firearm.

1 We both were able to get his hands out of his pockets and  
2 handcuffed, at that point.

3 Q Now, at that point once you were able to handcuff Mr.  
4 Greenough, did you do any search or check for weapons?

5 A Yes, I did. I -- I tried to do a fast pat-frisk of the area  
6 that was where his hands had been as well as his upper torso and  
7 start with his pockets, at which point Sergeant Silva had come  
8 over and had stated, "We need to make sure that we're starting  
9 first aid after he's checked."

10 Q And what happened next?

11 A So, we had flipped him over so he -- he was laying with his  
12 face up.

13 Other officers started to show up. I recall someone asking  
14 out loud, "What happened?" And I wasn't sure at first -- I r --  
15 As I recall, after I had turned and looked, it was Officer Wilson.

16 And I had stated -- I wanted someone to know what had  
17 happened. And I had stated a quick recap: that he had been in the  
18 car, he had his hands in his pockets, he wouldn't take them out.  
19 And I told him to show me his hands. And he came toward me  
20 saying, "Shoot me. Fucking shoot me."

21 Q Now, how close was it that Mr. Greenough was to you at the  
22 point where you discharged your firearm?

23 A I would approximate that it was less than -- I had described  
24 it I believe to the state police as less than a body-length from

- than 6 feet.

1 Q And once you had determined by that search that there was no  
2 weapon in the pocket, what role did you play then?

3 A I recall asking for an Ambu bag and a first aid kit, which  
4 I'm sure every other officer that was there was asking someone to  
5 grab as well.

6 And I recall Officer Lee coming down and asking if anyone had  
7 a knife to get his sweatshirt off. So, I had a pocket knife that  
8 I bring with me to work. I provided him with that knife. He was  
9 able to cut his sweatshirt. I was able to rip his T-shirt below  
10 that, with my hands, to clearly expose his upper torso.

11 Q And at that point did you see any injuries?

12 A I had observed at least one gunshot wound to his upper --  
13 what would be his upper left torso.

14 Q So, from your vantage point you could see a single gunshot  
15 wound?

16 A Yes.

17 Q But you had fired twice?

18 A Correct.

19 Q And at -- How long did you remain assisting in the  
20 administration of first aid?

21 A I was assisting as long as it would take to cut someone's  
22 sweatshirt off and rip the T-shirt; call for, as I mentioned, the  
23 Ambu bag and the AED and the first aid kit.

24 I recall someone, I'm not sure -- I thought it was Officer  
25 Gooley -- was providing rescue breaths. But as I've been made

1 aware, she may have switched off with Officer Savio.

2 I made them aware that he appeared to be choking on blood or  
3 some object that was in his mouth and that he needed to turn his  
4 head to clear that obstruction.

5 It was at about that time that Sergeant Silva had pulled me  
6 away and said not to talk to anyone, go over to his SUV, and sit  
7 inside; that they were going to be sending the fire department  
8 over to clear me off; and not to talk to anyone.

9 Q At that point did you have any blood or bodily fluids on you?

10 A Yes, I did.

11 Q And was Sergeant Silva's vehicle where it was situated when  
12 you first pulled in behind him, or had it moved?

13 A It had moved.

14 Q And where was it in relation to the scene, at that point?

15 A It was behind all the vehicles. So, basically maybe a little  
16 closer to Main Street than from where you're looking at right now,  
17 from what I recall.

18 Q All right.

19 A So, probably halfway between the -- those vehicles and Main  
20 Street.

21 Q And at that point did you still have your firearm that you  
22 had been issued --

23 A Yes, I did.

24 Q -- by the department? And at what point did you re-holster?

25 A I had re-holstered after I started the handcuffing process.

1 Q Now, once you went to Sergeant Silva's vehicle, what next  
2 happened?

3 A I had started to remove -- I had black search gloves on. I  
4 had removed those 'cause they had been blood-soaked. I took off  
5 my watch 'cause it had blood on it. I then sat in the vehicle,  
6 the p -- front passenger seat, and just tried not to touch  
7 anything and not to talk to anyone until the fire department came  
8 over.

9 Q Now, after -- At some point after you discharged two rounds,  
10 did you ever communicate over the radio that shots had been fired?

11 A Yes, I did.

12 Q At what point in the sequence of events was it that you made  
13 that radio transmission?

14 A From what I req -- r -- recall, it was right after he had  
15 turned and faced away. And I had time to reach up with my right  
16 hand and activate my mic.

17 Q So, it -- he was still un-handcuffed at that point?

18 A Correct.

19 Q And it was how long after -- Well, I know time is probably  
20 hard to approximate in that context. But sequentially, was it  
21 after that that you then began the handcuffing attempt?

22 A Correct. It was after Officer Gooley had come. And they all  
23 had showed up after -- probably a matter of seconds after I had  
24 called off that there were shots fired.

25 Q Now, at some point were you given any instructions concerning

1 | whether you should speak to anybody about what had happened, by  
2 | anybody?

3 | A     Sergeant Silva advised me not to speak to anyone regarding  
4 | the incident.

5 | Q     And other than the investigators involved in this  
6 | investigation, did you speak to anybody else?

7 | A     The only people that I spoke to were the people that I was by  
8 | law allowed to, which was my wife, my attorney, anyone that worked  
9 | in the medical or -- excuse me -- therapist-related field, for  
10 | seeking assistance.

11 | Q     But you did -- you were allowed to speak to investigators  
12 | from the District Attorney's Office; is that correct?

13 | A     Correct, yes.

14 | Q     Now, at some point, per protocol were you transported to the  
15 | Winchester Hospital?

16 | A     Yes, I was.

17 | Q     And did you follow the protocol for exposure to blood?

18 | A     Yes, I did.

19 | Q     And in terms of your experience as a police officer, I  
20 | believe you indicated that you had received trainings in firearms  
21 | use; is that right?

22 | A     Correct.

23 | Q     And what about self-defense?

24 | A     Yes.

Can you generally describe what that training was, up



1 until the time February 3rd of 2018?

2 A During the academy as well as once a year, we've had training  
3 in self-defense, defensive tactics. During the academy, it was  
4 generally every Friday as well as, as I mentioned, at NERPI, which  
5 we have to go to once a year. One d --

6 Q What is NERPI?

7 A I believe it stands for Northeast Regional Police In-Service.  
8 So, you go to -- So, NERPI, you go to recertify and CPR, criminal  
9 law updates, defensive tactics. So, there's one day designated  
10 entirely to defensive tactics, use of force, the use-of-force  
11 continuum. And then we also have one other day that's also -- it  
12 -- it could be any various trainings that they have: domestic  
13 violence, --

14 Q Now, --

15 A -- special victims units.

16 Q Do you have any -- what's referred to as "scenario-based"  
17 firearms training?

18 A Yes, we have.

19 Q Can you describe that for the Court?

20 A Several years we had rented -- the department had rented a  
21 firearms trailer from the -- or borrowed from the sheriff's  
22 department, in which case it's a live fire. They use special  
23 rounds, in which case there's a -- self-healing is the easiest way  
24 to describe it -- screen that they project a -- various scenarios  
25 from a computer that were previously recorded with real people,

1 real scenarios. And it cut -- has cut screens depending on how  
2 you react to the individuals or how they react to what you're  
3 saying. And the person that's running the machine can either  
4 comply or fail to comply. And there's either deadly-force  
5 situations or there's situations where they comply or there's  
6 situations where th -- there's -- you use pepper spray or  
7 something to that nature.

8 Q And with respect to this training that you've had, are there  
9 any consequences to a failure to successfully complete these  
10 exercises?

11 A Not that I'm aware of. This was just for training purposes.

12 Q And how many times did you go through this scenario-based  
13 training?

14 A As I mentioned, it was a few years that we had done it. It  
15 wasn't consistent from the 12 1/2 years that I've been there.

16 Q Now, other than your department-issued firearm, did you --  
17 were you equipped by the department with a taser?

18 A No.

19 Q Did you have a taser?

20 A No.

21 Q Are you allowed to have any weapons that are not  
22 department-issued while you're on duty?

23 A From what I understand, various officers have had, as I  
24 mentioned, knives that they're allowed to utilize that -- most o

like. a punch on the back for breaking glass or cutti

1 seatbelts and stuff to that matter.

2 Q So you're permitted to have a knife for purposes of --

3 A Correct.

4 Q -- implementing a job.

5 What about a taser? Like an -- would an officer be allowed  
6 to have a private taser?

7 A No.

8 Q And were you aware of when a -- whether or not the Reading  
9 Police as of February 3rd had any less-lethal -- were you issued  
10 any less-lethal or what's called "less-lethal" weaponry?

11 A We -- The only thing that we have on our duty belt other than  
12 the firearm is a duty baton and pepper spray, OC spray.

13 Q And did you -- based upon the circumstances that you were  
14 confronted with and the knowledge that you had from the prior  
15 night and that afternoon, did you consider using pepper spray or  
16 the baton?

17 A No. This was a deadly-force situation.

18 Q Now, in terms of your training, you mentioned about shooting  
19 at the center mass. Are you trained to shoot in the extremities?

20 A No.

21 Q And do you know why that is?

22 A 'Cause it's a small target and generally when someone's  
23 moving it's even harder to hit a moving object like an extremity,  
24 a hand, or a foot. And you always have to be aware that the  
25 surroundings behind you could have other people. And if you start

1 aiming wide for someone's hand or your -- or their foot, it could  
2 r -- ricochet off the ground or it could go even wider and take a  
3 wider course towards someone else in the backdrop.

4 Q So, the actions that you took, were they based on your  
5 education, training, and experience?

6 A Correct.

7 Q In terms of your training and experience, is there any  
8 training that you received concerning the distance between people  
9 and what is a safe distance to maintain between someone that you  
10 believe is armed?

11 A Well, when we were in the academy, we learned about the  
12 21-foot rule, which as I've been made aware is even a longer  
13 distance now. And what the 21-foot rule was: if someone's  
14 confronting you with a deadly weapon, they can reach you and  
15 strike you in less time than you'll have to draw your firearm and  
16 successfully fire a round.

17 Q And you indicate that it was your approximation that you were  
18 how far from Mr. Greenough at the point where you discharged?

19 A Approximately less than 6 feet.

20 MS. LYNCH: Now, if I might just have one moment, Your Honor.

21 THE COURT: Sure.

22 MS. LYNCH: I'm just trying to find the portion of the  
23 transcript, Your Honor.

24 THE COURT: Sure, sure.

25 [Pause]

1 BY MS. LYNCH:

2 Q Now, officer, prior to Officer Gooley approaching, was there  
3 anyone else that you saw or heard in the vicinity?

4 A Yes, there was.

5 Q And who was that?

6 A It was Mr. Perrotti.

7 Q Where -- What was it that attracted your attention to Mr.  
8 Perrotti when you were at the side of the Hummer?

9 A Shortly after the shots were fired, I heard a voice come from  
10 my right. As I mentioned, when you're panning the area and  
11 keeping attention to who's around and what your surroundings are,  
12 I looked over to my right and I heard Mr. Perrotti say something  
13 to the effect of, "You shot my brother. You fucking shot my  
14 brother," and was very angry.

15 I then told him that he had to clear the area, he had to get  
16 out of here as fast as he could. He then stormed off angrily  
17 towards the front of the building, which I now found out is where  
18 you would have seen him in the video running towards the other  
19 officers.

20 Q Now I'm going to put up Exhibit 61 and the diagram that was  
21 previously admitted. The area where you observed Mr. Perrotti --

22 MS. LYNCH: With the Court's permission, if he can approach -

23 THE COURT: Sure.

24 MS. LYNCH: -- and just indicate where Mr. Perrotti was at

1 BY MS. LYNCH:

2 A So, as I had mentioned, the Hummer was over here on the side  
3 of the fence line. It doesn't appear to be in this shot right  
4 now. I had seen him from my right, over on this side of the  
5 building, somewhere along this side of the wall. [Indicating.]

6 Q So you're saying that he was in the area immediately adjacent  
7 to the wall of the garage portion?

8 A Right. I couldn't tell you how close from the building he  
9 actually was. But he was somewhere right around in this area.

10 Q So, can you approximate how far that was from the end of the  
11 fence line where you were at the Hummer?

12 A Maybe 30 yards, 25 yards.

13 Q And that was the closest that he got.

14 A Correct.

15 Q And at that point it was just you and Mr. Greenough?

16 A Correct.

17 Q And that's when you asked Mr. Perrotti to leave?

18 A Correct.

19 Q Okay. You may resume the stand.

20 At some point do you recall -- Strike that. Back in February  
21 of 2018, I believe you indicated that you were 6 feet tall; is  
22 that right?

23 A Correct.

24 Q What was your weight?

25 A Approximately 250 pounds.

1 Q Okay. And how does that compare to your weight today?

2 A It's probably pretty close. Maybe a -- a little lighter than  
3 I am now.

4 Q And in terms of your observations of Mr. Greenough, what was  
5 his approximate height?

6 A I would say he was probably close to my height, maybe a  
7 little bit shorter.

8 Q So, 6 feet or a little under?

9 A From what I recall.

10 Q And what about the manner in which you discharged your  
11 firearm? What was the direction that you held it if -- you know,  
12 at your side? Was it at any angle? Was it at a 90-degree angle?

13 A It was pointed up towards center mass, towards his -- as I  
14 mended -- as a mentioned, the largest portion of the body that was  
15 directly in front of me, which would be the torso region.

16 Q So, for purposes of the record, you've demonstrated a  
17 two-hand clasp on it?

18 A Two-handed grasp, correct.

19 Q And it was approximately in your chest area?

20 A It -- It w -- I would say it would be several feet in front  
21 of my chest.

22 Q And I believe you indicated that you believed it was just  
23 several feet that Mr. Greenough had gotten to the point where you  
24 fired?

25 A Approximately less than 6 feet, correct.

1 Q And was that less than the original distance that you had  
2 created by backing up?

3 A Correct.

4 Q Did you, in the circumstances, feel that you had any other  
5 option other than the action that you took?

6 A No. I felt it was the immediate threat.

7 Q Did you feel -- Did you -- Based upon your observations did  
8 you believe that Mr. Greenough had, in addition to complying,  
9 other options available to him --

10 A Yes.

11 Q What were they?

12 A He could've either: locked the door to the vehicle, not let  
13 me in; he could've gone out through the other side of the d -- the  
14 other side of the vehicle to escape out the other side of the  
15 Hummer; he could've got out the door, gone around the door, gone  
16 around the front of the vehicle or gone to the direction which I  
17 had originally traveled, since I was no longer standing in front  
18 of that doorway.

19 Q Now, understanding that it was the limited timeframe that  
20 this incident took place, did that have any significance to your  
21 assessment of the danger that you were presented with?

22 A Yes.

23 Q And what was that?

24 A He had other means to avoid the situation that he was  
25 creating.



1 Q And by failing to adhere to them, what was your thought  
2 process?

3 A That he had that threat to either seriously injure me or kill  
4 me. If he had the other options in front of him -- to back away,  
5 get out of the car, lock the car, or go the other way, run away --  
6 and he's choosing not to listen to that, not to take his hands  
7 out, and to charge towards me, he had no other intent.

8 Q And you indicated that you attempted to retreat by moving  
9 backward?

10 A Correct.

11 Q About how far back, distance-wise, do you think you got  
12 before you shot?

13 A I'd say I made it less than 6 to -- 5-6 feet.

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

15 THE COURT: Sure.

16 BY MS. LYNCH:

17 Q When Mr. Greenough got out of the vehicle and was coming  
18 towards you, what did you observe about his physical appearance  
19 and demeanor, in terms of mood?

20 A He appeared not in a right state of mind. He appeared angry.  
21 He wasn't calm and -- or laughing or anything like that. He was  
22 yelling when he said, "Fucking shoot me. Shoot me." I wasn't  
23 focused on his face as he was coming towards me or as he was out  
24 of the vehicle, because I was hyper-focused on where his hands  
25 were, inside his pocket. But I could hear in his voice that he

1 wasn't in a right state of mind.

2 Q And what was his tone of voice or volume of voice that you  
3 detected?

4 A I detected that he was angry and that it was a loud tone. It  
5 wasn't just speaking like this. He was -- "Fucking shoot me.  
6 Shoot me." It was angry and direct.

7 Q In the time that you were in Mr. Greenough's presence, did  
8 you make any observations of odors relative to the issue of  
9 sobriety?

10 A Yes, I did.

11 Q And what specifically did you observe?

12 A During my interaction with him, specifically when I opened  
13 the door and was talking to him inside the doorway, and then more  
14 specifically when I was standing over him after, providing first  
15 aid, I detected the strong odor of alcohol coming from his breath.

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

17 THE COURT: Sure.

18 MS. LYNCH: Thank you, officer.

19 THE COURT: Thank you.

20 **CROSS EXAMINATION OF WITNESS, OFFICER ERIK DRAUSCHKE**

21 BY THE COURT:

22 Q Officer, you indicated that you had pepper spray on you.

23 A Correct.

24 Q But you chose not to use it because you said this, in your  
25 mind, was a deadly-force situation.

1 A Correct.

2 Q Okay. How often -- How long have you been a police officer,  
3 again?

4 A Approximately 12 1/2 years. At that point it was  
5 approximately 11 1/2 years.

6 Q 11 1/2 years. And during that 11-1/2-year period, how often  
7 had you had the defensive-tactics/use-of-force training?

8 A As I mentioned, once a year we go to the NERPI, in which case  
9 one day is specifically directed towards the use of force and  
10 defensive tactics.

11 Q And prior to this incident, do you recall the last time that  
12 you'd been there for training?

13 A I have a record of it I believe I provided my attorney. I do  
14 not off the top of my head know what the date was.

15 Q And there's no consequences, I think was your answer, for  
16 failing any portion of the training.

17 A For that firearms trailer, no, it was not a pass-or-fail,  
18 from what I recall. It was more exposure to the various scenarios  
19 and a training purpose than it was a pass-or-fail scenario.

20 Q Do officers -- Do you know if they have to be retrained if  
21 they miss a portion of that? Is that -- I mean, do you consider  
22 that a consequence if you don't -- aren't successful with that?

23 A I would say if there was something they were concerned about  
24 after someone had run through various scenarios.

25 They didn't provide everyone with the same exact scenarios

1 'cause: A) they didn't want anyone to talk about what they went  
2 through, to be expecting it; and they also didn't want everyone to  
3 have the same type of scenario. They wanted as much variety as  
4 they could provide with that computer program that they had. I  
5 couldn't give you an exact number of scenarios that they had.

6 But if -- if someone did something that they felt they  
7 believed needed correcting, they would explain and go over what  
8 they could've done to fix in that specific scenario that they were  
9 going through. But as I mentioned, this -- each scenario was also  
10 being played out by the instructor, so it was not the same every  
11 time someone ran that one specific scenario; he could change it  
12 up.

13 Q Does the training include, then, scenarios where you might be  
14 dealing with people who have -- are under the influence or have  
15 anger issues or have mental health issues?

16 A I would say that they had people that would appear -- They  
17 don't tell you specifically that they're intoxicated. Sometimes  
18 they give you, like, a fake dispatch and they'll say there was a  
19 domestic dispute or this person was committing a robbery inside a  
20 store or something to that nature. Some of them appeared to act  
21 like maybe they were, from what I recall, intoxicated and  
22 stumbling around, like, over-excessively and --

23 Q Yeah.

24 A -- and such like that.

25 Q But there didn't appear to be any difference in how you were

1 trained to react given that particular scenario, encountering  
2 somebody who's mentally ill as opposed to somebody who's not,  
3 encountering somebody who may be under the influence as opposed to  
4 someone who's not, and then reacting based on that?

5 A I would say if it was -- I don't recall any situation that  
6 they would specifically point that out, no.

7 Q Okay. And you said in your mind this was a deadly-force  
8 situation. And that was based on what?

9 A That was based on my training and experience from, as I  
10 mentioned, scenarios that we've gone over during NERPI that  
11 they've showed us video clips on, the force -- use-of-force  
12 continuum, which is the backbone that they go over every year --

13 Q I think --

14 A -- to kind of --

15 Q -- what I meant, though, was what did you encounter that made  
16 you think that this fit into how you were trained and this was a  
17 situation where you would not use pepper spray?

18 A Oh, okay; I apologize.

19 Q No, that's okay.

20 A So, based on the fact that he had already been armed with a  
21 pole. I didn't know how big or small it was or what it looked  
22 like; I hadn't seen it.

23 Q Mm-hmm.

24 A Based on the fact that I knew there had been a hatchet the  
25 night before when I was there.

1 Q Mm-hmm.

2 A And I had made a note of that.

3 Based on the fact that there was the gun -- what I recognized  
4 from my training and experience as a gunlock that our -- us as a  
5 department hands out. There could possibly be a firearm in there  
6 that someone may own or could've been with him at that night.

7 The fact that I had known that he was a possible drug abuser.  
8 There could've been a needle concealed in there.

9 As I mentioned, any number of sharp objects could've been  
10 concealed in there.

11 Q So, all of which, though, you knew before you approached the  
12 vehicle. So, wouldn't officer safety dictate that you wait for  
13 other officers before you approach the vehicle, when Mr.  
14 Greenough's already contained in the vehicle?

15 A So, as I approached the vehicle I was close enough that he  
16 would've been able to hear me calling for other officers. And I  
17 didn't want the chance that he was going to either try to get away  
18 or escape. So, I immediately opened the door to be able to deal  
19 with him. It was -- If he tried to get out or run away, I was  
20 already by myself. So I decided to open the door and address it  
21 as I was there. As I mentioned, I thought time had elapsed and  
22 people were already on their way, in which case I ended up finding  
23 out that no one had been.

24 Q I guess, though, what I'm asking you, though, is: because you  
25 were concerned justifiably about your safety, wouldn't those

1 concerns -- all of the information that you knew that led it to be  
2 a deadly-force situation, you knew prior to approaching the car.

3 So, still I --

4 A I didn't know at that point, to be more specific, that he had  
5 had his hands in his pockets and that he was concealing something.

6 I -- I didn't see anything in the car specifically sticking out,  
7 like a pole or something like that that -- I -- I suppose that  
8 better explains to you my reasoning behind why I did what I did.

9 Q Why -- My --

10 A It's the fact that I didn't see anything sticking out or see  
11 it in his hands, holding anything.

12 Q My question is: a lot of what you already testified to in  
13 response to Ms. Lynch's question and what I've heard you say that  
14 rose to it being a deadly-force situation in your mind --

15 A Mm-hmm.

16 Q -- would also make it an unsafe situation, I would think, for  
17 you to approach the vehicle alone, because: you made observations,  
18 you testified to, of the hatchet, of the gunlock; you knew already  
19 that he wasn't responding to commands to officers who had already  
20 been on the scene; you knew that he was angry and it was turning  
21 into a shitshow or whatever Officer Wilson indicated.

22 So, protocol for your safety, I'm asking, wouldn't that have  
23 dictated you not approaching the vehicle once you radioed and  
24 said, "I see him in the car"? Wouldn't you then wait for the  
25 other officers?

1 A I didn't know at that point how long it had been that I had  
2 waited. So, I had already thought as I men -- mentioned, time did  
3 not seem to go relevant to what I was thinking.

4 Q Right.

5 A I thought I had already waited. And I said, "I can't wait  
6 any longer for someone to show up." So --

7 Q And you didn't radio and say, "Hey, guys, did you hear me?  
8 He's in the car over here"?

9 A It was all happening too fast to be able to --

10 Q Okay.

11 A -- get that out, so --

12 Q All right. So, how many minutes from the time that you  
13 radioed, "He's over here in the car," to when you started to  
14 approach the car?

15 A From what I felt or from what it actually time-wise was?

16 Q From what you felt and then what it was time-wise.

17 A I thought it -- From the time that I had actually called in  
18 and started approaching, I thought it had been several minutes.  
19 And then once I had opened the door and started to deal with him,  
20 it had felt like it had been about a minute, when in reality I  
21 found out that it was actually only a matter of less than -- From  
22 when I radioed it in until the shots were fired was less than, I  
23 believe, -- less than a minute, less than --

24 Q Just --

25 A -- 30 seconds.



1 Q So, again, when you approached the car, describe how you saw  
2 Mr. Greenough.

3 A So, as I approached, as I had mentioned, I was close enough  
4 to see at my height from the passenger side walking directly  
5 towards his vehicle. And I could see him leaning, as I mentioned,  
6 from where I was, in towards this -- the middle of the vehicle.

7 I was close enough that he would be able to hear my voice, as  
8 I had mentioned, when I called it over.

9 Q Mm-hmm.

10 A And I had called it over real quick, as you could hear as  
11 well the tension in my voice. So, obviously I had that distorted  
12 time. And as I mentioned, it was probably less than 6 to 7 feet  
13 or whatever I testified to, that I was -- close to the vehicle  
14 from when I called that off to opening the door.

15 Q Okay. And where's your hand with regard to your firearm?

16 A So, my left hand was on my firearm. As I mentioned, the  
17 latch had been down.

18 Q Yeah.

19 A My hand -- It was still holstered, --

20 Q Yeah.

21 A -- with the thumb depressor -- it was still locked in. And I  
22 reached with my right hand after I had called it in. And that's  
23 when I had approached and reached with my right hand to the handle  
24 and opened the door.

25 Q Opened the door.

1 A Correct.

2 Q Okay. And then when you opened the door did you step back or  
3 did you stand where -- right at the door?

4 A As I had opened the door, I had stood to basically where the  
5 length of the door would've opened to and -- so that I could see  
6 him fully with the door fully open.

7 Q Okay. And you could see him fully with the door open.

8 A Correct.

9 Q And what was -- where was he at that point? What was he  
10 doing?

11 A And as I had mentioned, his hands were in his pockets and I  
12 couldn't see them. And he was leaned over, still leaning over  
13 towards the center of the vehicle like --

14 Q Mm-hmm.

15 A -- he was trying to hide from me.

16 Q Okay. And still, you're the only officer there.

17 A Still, I was the only officer there.

18 Q All right. And then just go through again --

19 A And I had no idea whether anyone was around me or coming  
20 towards me at that point. So, --

21 Q Okay. So, I know you've already said it before, --

22 A Mm-hmm.

23 Q -- but tell me what happens next.

24 A Okay. So, as I mentioned, as I gave him the instruction to --  
25 saw that his hands were in there and I said, "Get out of the car,"

1 and he didn't immediately move, --

2 Q Yep.

3 A I could see his hands that were in his pockets, leaning over  
4 like he was trying to hide, even though I'm right there in front  
5 of him; he's not hiding from anyone.

6 I gave him the order to show me his hands, with my firearm  
7 still holstered.

8 And he said, as I mentioned, to -- something to the nature  
9 of, "Fuck you." And I --

10 Q And what --

11 A -- could see his eyes.

12 Q What's the lighting like then? Is the car illuminated? Or  
13 how -- What's the lighting like?

14 A It was the -- As I had previously mentioned, it was enough  
15 light that it was before failing daylight or --

16 Q Mm-hmm.

17 A -- approximately at -- at about that time where it was about  
18 4:30.

19 Q Mm-hmm.

20 A So I could see him enough through the daylight through the  
21 vehicle.

22 Q Okay. And go ahead.

23 A So, as I mentioned, as I had stated and gave him the command  
24 to show me his hands and he said something to the nature of, "Fuck  
25 you," I then backed up and moved back towards the -- with my back

1 towards, as I mentioned, Main Street as he started to get up and  
2 said to the nature of, "Fucking shoot me. Shoot me."

3 Q Is that left or right that you're moving, or straight back?

4 A So, can I stand up and demonstrate?

5 Q Yep, yep.

6 A So, if I was standing you -- towards you and you were in that  
7 passenger seat, I then turned with my back towards Main Street --

8 Q Mm-hmm.

9 A -- as he started to get out of the vehicle. So, as I contin  
10 -- And he said something to the nature, as I mentioned, as you --  
11 before, he was getting up -- and something to the nature of,  
12 "Fucking shoot me," or, "Shoot me."

13 So, as I started continuing to step back, saying, "He's not  
14 complying. I got to create distance."

15 And the amount of times that I was rapidly firing, saying,  
16 "Show me your hands. Take your hands out of your pockets," he's  
17 failing to comply and still swearing at me, saying, "Fucking shoot  
18 me. Shoot me."

19 Q How many times did you give him the commands?

20 A As I mentioned, it was approximately five or six times during  
21 the whole incident.

22 Q Now, I know you had testified that his hands are still in his  
23 pockets at this point.

24 A Correct.

25 Q And how -- Can you show/demonstrate: how does he get out of

1 the vehicle other than with his hands in his pockets?

2 A From what I recall, as -- So, it's hard to demonstrate from  
3 this position, so I might have to turn this way. So, he was in --  
4 he was leaning like this, towards the center of the vehicle. And  
5 as he was swearing at me, he was staring at me. And as he finally  
6 got up, he got up in a fast moment like this, was standing up,  
7 saying, "Fucking shoot me. Shoot me," almost like in a  
8 hunched-over, like, aggressive shoulder movement like, "Come on,"  
9 like, taunting me to -- to shoot him.

10 Q And what does -- Sweatshirt pockets are different. So, what  
11 kind of sweatshirt pocket --

12 A So, it was -- The best way to describe it is any typical  
13 heavy, hooded sweatshirt that you pull over your head has that big  
14 -- I don't know --

15 Q One.

16 A -- the best description. But one pocket, I would s -- call  
17 it. And like a giant pouch in the front that both hands were in.

18 Q Okay. Go ahead.

19 A So, as I mentioned, as he started to charge towards me and  
20 leaning towards me, that's when I had made the determination that  
21 if he gets too close that weapon's coming out of that pocket and  
22 he's going to use it. So that's when I had determined at  
23 approximately less than 6-foot distance he was too close and that  
24 I had to fire.

25 Q Okay. And at that point, when you're making that

1 determination, I know you were describing how the three steps --

2 A Mm-hmm.

3 Q -- of the unholstering and all of that.

4 A Yep.

5 Q So, at that point --

6 A So, it had already been -- I had unholstered after his  
7 failure to comply, while he was still leaning inside the vehicle.  
8 I had unholstered and drawn my firearm --

9 Q Mm-hmm.

10 A -- while stepping back.

11 Q Okay. And at this point he's still coming forward and you  
12 testified he's charging at you.

13 A Correct.

14 Q So, -- And you described it kind of with his head down. How  
15 many steps towards you?

16 A I wouldn't specifically say head down. It's --

17 Q Okay.

18 A It's the body lunging mo -- you know, your momentum's going  
19 forward. So your top half of your body would be further than your  
20 lower half.

21 Q But is he upright or --

22 A Not standing upright, no.

23 Q Okay. All right. So he's lunging towards you.

24 A Correct.

25 Q Still with his hands in his pocket.

1 A Correct.

2 Q Okay. And to be clear, at that point I think you testified  
3 that you weren't fully aware if there was anything behind you or  
4 not.

5 A I was not specifically aware of what was directly behind me,  
6 no. I just knew it was a cluttered area with vehicles and all the  
7 junk and stuff I had to walk through.

8 Q And you were still moving back.

9 A At that point, when he started charging toward --

10 Q Yeah.

11 A Correct.

12 Q And there was nothing obstructing you from moving back.

13 A Directly where -- The amount of steps I had taken, I had not  
14 run into anything.

15 Q Okay. Go ahead.

16 A So, as I mentioned, directly after I had fired the two shots  
17 and he turned around, from what I recall he had turned around  
18 towards -- from facing me, to his right, his clockwise, towards  
19 the vehicle and away from me, facing towards the woods, and then  
20 had got --

21 As I mentioned, Mr. Perrotti had come over from the side, and  
22 I had told him to clear out of there.

23 And I recall Alan going down onto his knees and hunching  
24 forward while he was on his knees, with his hands still in that  
25 front --

1 Q Let me --

2 A -- pocket.

3 Q -- just go back with you for a minute. You testified that  
4 you're trained to -- in a deadly-force situation, to shoot until  
5 the threat stops.

6 A Correct.

7 Q Okay. So, the threat could stop after one shot, potentially,  
8 yes? And you -- But --

9 A It could, potentially, yes.

10 Q So, you shot once. And then what did Mr. Greenough do?

11 A He was still coming towards me.

12 Q Okay. And so, what was the length of time between the first  
13 and the second shot?

14 A What -- I'm sorry; could you --

15 Q The time between the -- I -- Did you -- When you shot the  
16 first time, --

17 A Yep. I couldn't g --

18 Q -- you saw he was still coming.

19 A I couldn't give you --

20 Q Okay. But you --

21 A -- an approximation of the time.

22 Q -- saw he was still coming towards you.

23 A Correct.

24 Q Can you describe how he was coming towards you at that point?

25 A It was still in that charging motion, yeah.



1 Q Still in a charging motion. So you fired again.

2 A Correct.

3 Q Now, the deadly force training, you say you're trained to  
4 shoot at the --

5 A Center mass.

6 Q -- center mass. And is that in every scenario?

7 A Any deadly-force situation. You may not always be presented  
8 with someone's torso; I don't want to jump to just any situation.  
9 But if someone had presented to you and they were holding a  
10 hostage and their head was the biggest part of their body that was  
11 exposed and you had a clean shot, that would be center mass.

12 Q So they never -- You never shoot somebody in the leg --

13 A No, you do not.

14 Q -- or the arm or --

15 A No.

16 Q No. Okay.

17 A Not unless that was the only thing that was presented to you.

18 Q Okay. Go ahead.

19 A So, after the -- he had turned and I cleared Mr. Perrotti  
20 away, as I mentioned, it was approximately at that time where he  
21 had crouched down onto his knees and was still leaning with his  
22 hands in his pockets.

23 And I was continuing to give him the orders to show me his  
24 hands, take his hands out of his pockets. And as I mentioned, I  
I don't know whether he couldn't hear me or if he physically could

1 not take his hands out of his pockets. But he wasn't complying.

2 So at that point, as I mentioned, at -- after the shots had  
3 first been fired and I called off that I had shots fired, and when  
4 Officer Gooley arrived, she arrived over from -- what I recall,  
5 the righthand side. And she -- I told her that I can't get his  
6 hands out of his pocket, he's still got his hands in his pockets.

7 So, she assisted me in -- After I had holstered my firearm,  
8 she assisted me in handcuffing him.

9 And then I -- As I mentioned, I quickly pat-frisked him for a  
10 weapon.

11 And then the other officers starting showing up behind.

12 And I, you know, explained to -- when Officer Wilson had  
13 asked what had happened, I had given him that brief recap.

14 And we started providing the first aid, from that point.

15 Q So, when you -- when he got out of the vehicle and you were  
16 able to see/have a better visual of his hands in his pockets with  
17 the sweatshirt, --

18 A Correct.

19 Q -- did you see anything or were you able to see anything that  
20 appeared to be weighing the pocket down other than --

21 A I couldn't tell because his hands were both -- It appeared  
22 that they were both collapsed inside there. So --

23 Q And you said you did a pat-frisk.

24 A Correct.

25 O And was that the extent of the search that you did?

1 A As fast as I could before being told that we needed to start  
2 performing first aid, yes. I don't -- I am unaware if anyone  
3 further checked or double-checked. You know, as they had  
4 mentioned earlier, if anyone had checked the area, I was unaware  
5 of that.

6 Q Okay. Now, I know some of the other officers have testified  
7 that they were familiar with the location, various calls including  
8 calls for gas leaks and --

9 A Correct.

10 Q -- other things. Had you been there for --

11 A Yes.

12 Q Okay. Were you familiar with the interior of the gas station  
13 as well as the residence prior to you going there the --

14 A On Friday?

15 Q -- Friday before?

16 A Not from what I recall.

17 Q Okay.

18 A Just from what I could see outside on that prior incident  
19 where Officer Savio had mentioned that from a second-story window  
20 that Alan had been yelling at. So I was aware that there was at  
21 least an upper floor.

22 Q So, after you fired the second time was when he went down to  
23 the ground.

24 A He had first turned around, stopped, turned around, and then  
25 he had gone down onto the ground.

1 Q After the second --

2 A Second shot, correct.

3 Q So, turned away from you, down to the ground.

4 A Correct.

5 And that's the approximate time -- where he was either turned  
6 around or just gone down onto his knees -- that I had seen Mr.  
7 Perrotti come over from my righthand side.

8 THE COURT: I may have things later, but -- Mr. Pasciucco?

9 MR. PASCIUCCO: Yes. Your Honor, I've asked the District  
10 Attorney's Office if I can just utilize their laptop and the  
11 Internet at some point. I don't know if the Internet is set up.  
12 It is? Okay, thank you.

13 **CROSS EXAMINATION OF WITNESS, OFFICER ERIK DRAUSCHKE**

14 BY MR. PASCIUCCO:

15 Q Good afternoon, Officer Drauschke.

16 A Good afternoon, sir.

17 Q So, I just have a few questions for you. How old are you?

18 A I'm 36 years old.

19 Q Okay. And are you married?

20 A Yes.

21 Q Okay. And do you have any children?

22 A Yes. I have one daughter.

23 Q And how old's your daughter?

24 A Approximately a year-and-a-half.

25 Q Okay. And which police academy did you attend?

1 A The Transit Police Academy in Quincy, Mass.

2 Q Okay. And when did you graduate from that Academy?

3 A In the winter. I believe it was February 2007.

4 Q And what was the general curriculum at the academy?

5 A You went through all police procedures, report-writing, OUIs,  
6 investigations, firearm training, defensive tactics, as well as  
7 calls for service.

8 Q Did you have a license to carry prior to becoming a police  
9 officer?

10 A No.

11 Q Do you currently have a license to carry?

12 A Yes, I do.

13 Q And is it a Class A?

14 A Yes, it is.

15 Q Class A, unrestricted?

16 A Correct.

17 Q Okay. And do you recall when you obtained that license to  
18 carry?

19 A During the -- Sometime during the academy process.

20 Q Okay. And did you have to take a firearms course prior to  
21 obtaining a license to carry?

22 A We took a firearms course during the course of the academy.

23 Q Okay. And then, as a result of taking that course and  
24 completing the academy, you were issued a Class A license --

Correct.

1 Q -- to carry? Okay.

2 MR. PASCIUCCO: If I may approach, Your Honor.

3 THE COURT: Sure.

4 BY MR. PASCIUCCO:

5 Q So, I'm going to show you a document. Take a look at that.

6 A Yep.

7 Q Do you recognize that?

8 A Yes.

9 Q And what is that?

10 A This is the -- the certificate for the 17th NPOC graduating  
11 class, stating that I had graduated from a police academy.

12 Q And that's the Transit Police Academy in Quincy?

13 A Correct.

14 Q And the date of that is February 23rd, 2007?

15 A Correct.

16 MR. PASCIUCCO: If I could have this marked, if it's not too  
17 late.

18 THE CLERK: Is it an exhibit or is it identification?

19 THE COURT: You want it as an exhibit?

20 MR. PASCIUCCO: An exhibit.

21 THE COURT: Yeah, sure.

22 [Police Academy Certificate Marked as Exhibit No. 68]

23 BY MR. PASCIUCCO:

24 Q And, Officer Drauschke, you indicated that while you were at  
25 the academy you attended a firearms class?

1 A Correct.

2 Q I'm going to show you another document; just take a look at  
3 that.

4 A [Reviewing document.]

5 Q And what is that document?

6 A This is a certificate of completion of the basic firearms  
7 safety certificate.

8 Q And that's a copy of the certificate that you received during  
9 your time at the academy?

10 A Correct.

11 MR. PASCIOCCO: If I could have this marked as the next  
12 exhibit.

13 [Firearm Course Certificate Marked as Exhibit No. 69]

14 BY MR. PASCIOCCO:

15 Q Officer Drauschke, you also indicated during your testimony  
16 that you completed various firearm training as well as in-service  
17 trainings, some ethics trainings, during your time as a police  
18 officer with Reading?

19 A Correct.

20 Q All right. I'm going to show you a two-page document and  
21 just ask you to take a look at that and let me know if you  
22 recognize it.

23 A Yes, this is a list of all the various trainings.

24 Q And is that a list that's generated by the Reading Police  
25 Department?

1 A Yes.

2 Q Okay. And does that list, to the best of your knowledge,  
3 include the trainings that you've completed as a police officer  
4 since 2007?

5 A Yes.

6 Q Okay. And that includes the NERPI in-service trainings?

7 A Correct. It appears so.

8 Q And at those NERPI in-service trainings, you indicated that  
9 at least one day was dedicated to use-of-force and defensive  
10 tactics?

11 A Correct.

12 MR. PASCIOCCO: If I could have this marked as the next  
13 exhibit.

14 [List of Trainings Marked as Exhibit No. 70]

15 BY MR. PASCIOCCO:

16 Q And, Officer Drauschke, you've been a police officer for  
17 approximately 12 1/2 years; is that correct?

18 A Yes.

19 Q And during those 12 1/2 years, has a complaint ever been  
20 filed against you for excessive force?

21 A No.

22 Q Have you ever been suspended as a result of discipline?

23 A No.

24 Q Okay. Now, during your time as a police officer, in addition  
to being a patrol officer have you had any other responsibilities?



1 A I'm also currently an FTO.

2 Q And what is an FTO?

3 A A field training officer.

4 Q And I know another officer explained what that is, but can  
5 you just briefly tell us what you do?

6 A It's training new officers that are coming on the job that  
7 have been hired the Town of Reading with all patrol procedures and  
8 the day-to-day function of a police officer in all aspects of  
9 police work.

10 Q And as of February 2018, were you serving in a capacity as a  
11 field training officer?

12 A I was a field training officer at that time.

13 Q Now, what type of firearm do you carry as a police officer?

14 A It's a Glock 23. It's a .40-caliber.

15 Q And what's the capacity of that firearm?

16 A It's 13 rounds.

17 Q Now, during your time as a police officer, did you ever  
18 discharge your service handgun --

19 A No.

20 Q -- prior to this incident?

21 A No.

22 Q Okay. So, that's about 11 1/2 years as a police officer and  
23 there were no discharges; is that correct?

24 A Correct.

^ Okay. Did you ever accidentally discharge --

1 A No.

2 Q -- your service handgun?

3 A No.

4 Q Okay. Prior to this incident, had you ever unholstered your  
5 firearm and drawn down on a suspect?

6 A Yes, I have.

7 Q Okay. Can you tell us approximately how many times you had  
8 unholstered your firearm and drawn down on a suspect?

9 A From what I can recall, at least three times.

10 Q Okay. Now, during any of those instances, did you ever  
11 discharge your service weapon?

12 A No.

13 Q And during those instances where you unholstered your firearm  
14 and drew down the suspect, why did you not discharge that firearm?

15 A 'Cause the suspects complied with orders and the threat  
16 dissipated.

17 Q Officer Drauschke, directing your attention to February 2nd,  
18 2018, I understand that you were one of the responding officers  
19 that evening to Devin McDonald and Mr. Greenough's apartment; is  
20 that correct?

21 A Correct.

22 Q Okay. And when you entered the apartment, you observed the  
23 broken table and chairs, correct?

24 A Correct.

25 Q And then officers went in different directions but you went

1 to a room that you identified as belonging to Alan Greenough; is  
2 that --

3 A Right. I was told that it belonged to Alan by Mr. McDonald.

4 Q Okay. And I know that you had indicated and so I don't want  
5 to be too repetitive but you indicated that you observed a hatchet  
6 or what you believed was a hatchet.

7 A Correct.

8 Q Okay. And would you consider that a dangerous or deadly  
9 weapon?

10 A It could be, yes.

11 Q Okay. And that evening you made a mental note of observing  
12 that object; is that correct?

13 A Correct.

14 Q Okay You also observed what was a gunlock or what you  
15 believed was a gunlock on the coffee table; is that correct?

16 A Correct.

17 Q And you observed that gunlock in one of the previous exhibits  
18 that's been entered in this -- during this inquest; is that  
19 correct?

20 A Correct.

21 Q Okay. And how did you or what led you to believe that that  
22 was a gunlock?

23 A Based on my training and experience as a police officer. We  
24 deal with firearms and we have numerous gunlocks and boxes to give  
25 out to citizens and provide them. And as I recall, it's from a

1 Project Child Safe, to make sure that their kids don't get ahold  
2 of a firearm, so that you can securely lock up your firearm. And  
3 they also give them to every officer when they're issued their  
4 duty firearm.

5 Q Okay. Now, that --

6 THE COURT: I know I asked this earlier, but are there no  
7 gunlocks that are both -- can be used for bikes and guns?

8 A I'm not aware of any that are a multiuse like that. A -- I'm  
9 sure at some point someone's tried to MacGyver their way through  
10 using some lock that it's not supposed to -- But I can't speak to  
11 any one specific situation where I've seen that.

12 BY MR. PASCIUCCO:

13 Q That evening in particular, you -- the thought didn't cross  
14 your mind that that was being used a bicycle lock; is that fair to  
15 say?

16 A No.

17 Q With the Court's permission I want to direct your attention  
18 to the laptop.

19 MR. PASCIUCCO: And with the Court's permission I'm going to  
20 open Internet Explorer.

21 THE COURT: Sure.

22 BY MR. PASCIUCCO:

23 Q And Officer Drauschke, I'm going to direct your attention to  
24 the wall. Do you see a Google homepage?

25 A Yes.

1 Q Okay. And are you familiar with Google?

2 A Yes.

3 Q And you understand Google to be a search engine?

4 A Yes.

5 Q You indicated that during your time with the Reading Police  
6 Department gunlocks were handed out to citizens. Was that a  
7 specific service or was there a name to it?

8 A Project Child Safe is the one I've become aware of. So, it's  
9 cable locks that are issued. I believe that's the initiative that  
10 they had used: Project Child Safe.

11 MR. PASCIOCCO: Your Honor, with the Court's permission's I'm  
12 going to enter into the Google search terms "Project Child Safe  
13 gunlock."

14 THE COURT: So, this is for what purpose?

15 MR. PASCIOCCO: To -- There's obviously been discussion as to  
16 whether or not Officer Drauschke believed it to be a gunlock as  
17 opposed to a bicycle lock. And I think this will confirm, through  
18 his experience and time as a police officer --

19 THE COURT: I accept that he thinks it's a gunlock, --

20 MR. PASCIOCCO: Okay.

21 THE COURT: -- if that's what this is for. I accept that he  
22 -- that's what he thought.

23 MR. PASCIOCCO: Okay. I -- But I don't know without -- how  
24 you are accepting certain evidence. So, I would just like it to  
25 be on the record, if that's okay.

1 THE COURT: It -- I have said it, so it's on the record.

2 MR. PASCIOCCO: Okay. Then I don't feel the need to --

3 THE COURT: Nope.

4 MR. PASCIOCCO: -- utilize Google.

5 THE COURT: Thanks.

6 BY MR. PASCIOCCO:

7 Q During your time at the apartment on February 2nd, 2018,  
8 Officer Drauschke, not only were you observant of the gunlock, the  
9 hatchet, the broken table and chairs; it was also relayed to you  
10 what the allegations or accusations were; is that correct?

11 A Correct.

12 Q Okay. And those allegations included assaultive behavior by  
13 Mr. Alan Greenough, correct?

14 A Correct, against both Mr. McDonald and Ms. Bellino.

15 Q Fast-forwarding to the following day, you responded to your  
16 shift or showed up to your shift at approximately four o'clock; is  
17 that correct?

18 A Correct.

19 Q Okay. And at some point you heard a radio call from Officer  
20 Wilson?

21 A Correct.

22 Q Okay. And the substance of that radio call that you  
23 remembered was that Mr. Greenough was armed with a pole and it was  
24 turning into a shitshow; is that correct?

25 A Correct.

1 Q Okay. And you were made aware that this incident was  
2 occurring at the same location that you had been the night before;  
3 is that correct?

4 A Correct.

5 Q Okay. So, your understanding is that Mr. Greenough is  
6 possibly armed and is noncompliant with respect to officers on  
7 scene.

8 A Correct.

9 Q Okay. And you respond -- And eventually you respond to 1462  
10 Main Street.

11 A Correct, with Officer Savio.

12 Q And that's less than 24 hours from the time you were there  
13 the night earlier, correct?

14 A Correct.

15 Q Okay. Now, officer, I think -- Officer Drauschke, I think we  
16 covered the incident itself. I just want to direct your attention  
17 to February 7th of 2018. Do you recall completing an interview  
18 with the Massachusetts State Police on that day?

19 A Yes.

20 Q Okay. And do you recall who that interview was with?

21 A Yes.

22 Q Who was that interview with?

23 A I recall the primary investigator was Lieutenant Bulman from  
24 the state police.

25 Q Do you recall who else sat in on that interview?

1 A I recall you, as well as myself and Lieutenant Abate from the  
2 Reading Police Department.

3 Q Okay. At that -- Prior to that interview, had you been shown  
4 any photographs of what was -- photographs that were taken inside  
5 the residence by detectives?

6 A During the interview?

7 Q Prior to the interview.

8 A No.

9 Q Okay. Prior to the interview, were you advised that the  
10 detectives were conducting a criminal investigation?

11 A Prior to the interview?

12 Q Yes, or during the interview.

13 A I was advised during the interview that there -- it was a  
14 criminal investigation, yes.

15 Q And were you advised that anything you said during that  
16 interview could be used against you and would be used against you  
17 in a court of law?

18 A Yes.

19 Q Okay. Despite being advised of your rights, you voluntarily  
20 submitted to an interview; is that correct?

21 A Yes.

22 Q Okay. And you answered the questions posed by those  
23 detectives; is that correct?

24 A Yes.

25 Q Now, directing your attention to June 18th of 2018, do you



1 recall that day?

2 A Yes.

3 Q Were you requested for a follow-up interview with Lieutenant  
4 Bulman of the state police as well as Lieutenant Abate of the  
5 Reading Police?

6 A Yes.

7 Q Okay. And again at that interview were you advised of your  
8 rights, that it was a criminal investigation, and that anything  
9 you could say -- anything you said would be used against you?

10 A Yes.

11 Q Okay. And despite those warnings, did you cooperate and  
12 volunteer for an interview?

13 A Yes.

14 Q Okay.

15 MR. PASCIUCCO: Just one moment, Your Honor.

16 THE COURT: Sure.

17 MR. PASCIUCCO: No other questions. Thank you, sir.

18 THE COURT: Okay. So, Mr. Koufman, know Mr. Pasciucco has  
19 advised his client not to answer any questions that you might  
20 have. This is an inquest proceeding so again I'll give you an  
21 opportunity to make an offer if there's something that you would  
22 like to ask.

23 MR. KOUFMAN: Yes, Judge, thank you. I would like to ask  
24 some questions about his familiarity with Alan Greenough, number  
25 one.

1 I'd like to ask some questions about when he -- on February  
2 2nd of 2018 when he arrived at the East Coast Gas & Auto Repair  
3 and he went upstairs and he looked for a -- anybody and he saw the  
4 table, what he claims to be a lock, a gunlock, that there's  
5 certain procedures that are supposed to be followed. And I have  
6 the complete policy that the Reading Police is supposed to follow  
7 when they think -- when they respond to a domestic and they think  
8 that there is potential for firearm. And that is to actually do a  
9 search of the premise. And that search was not done by either  
10 this officer or any of the other officers.

11 I'd like to get into the fact that no other -- he didn't --  
12 that he says he told other officers that he found this gunlock;  
13 however, none of the other officers thought it was, according to  
14 his interview I think he said, "anything of substance."

15 I'd like to get into the fact that during the -- when he was  
16 there on February 2nd of 2018 that he overheard the interview of  
17 Devin McDonald and made observations suggesting that Devin  
18 McDonald had been drinking on that day.

19 I'd like to get into the fact --

20 THE COURT: Well, wait a minute. So, he --

21 Did you make observations on that date that Devin McDonald  
22 appeared to be under the influence of alcohol?

23 THE WITNESS: I had stated previously that he mentioned that  
24 he had had a few drinks.

25 THE COURT: Okay. So, there -- that's -- there -- that

1 question.

2 With regard to -- Did you -- When you observed the gunlock  
3 and you notified other officers, you already testified that the  
4 other officers didn't seem to make much of it.

5 THE WITNESS: Correct.

6 THE COURT: Correct.

7 Did you search the premises or --

8 THE WITNESS: I had checked everything that was within  
9 eyesight and did not observe anything.

10 THE COURT: Okay. SO you did check the premises.

11 THE WITNESS: Correct.

12 THE COURT: And how did you go about doing that --

13 THE WITNESS: I looked around the room and I didn't see  
14 anything within eyesight that would've been my legal right to look  
15 for it. So --

16 THE COURT: Okay. And nobody did a search on that date of --  
17 the date that that -- The day before, the Friday, you didn't go  
18 outside. You -- Outside, nobody did a perimeter search.

19 THE WITNESS: To look for --

20 THE COURT: Mr. Greenough.

21 THE WITNESS: -- Mr. Greenough? From what I believe, no.

22 THE COURT: Okay.

23 THE WITNESS: We had already been told that he had left with  
24 an unknown female in an unknown vehicle.

25 THE COURT: Okay. So, I'll let you ask some questions with

1 THE COURT: Okay. Do you have any other questions, Mr.  
2 Koufman?

3 MR. KOUFMAN: Yes. May I ask questions about the gunlock?

4 THE COURT: What questions?

5 MR. KOUFMAN: Specifically, he said that he did a search with  
6 respect to a firearm. And according to his statement, he in fact  
7 left after he discovered the gunlock. And he had already been to  
8 the three rooms that he claimed he had checked for the purpose of  
9 seeing if Mr. Greenough was in the apartment.

10 THE COURT: So I don't understand what the -- What is the  
11 question?

12 MR. KOUFMAN: So, the question is:

13 BY MR. KOUFMAN:

14 Q After finding the gunlock, did you look for a firearm in the  
15 basement?

16 MR. PASCIUCCO: Objection.

17 MS. LYNCH: I also join that objection, Your Honor, because I  
18 believe that the Fourth Amendment still applies to officers  
19 responding to a call to this and that that doesn't give them an  
20 open license to conduct a search. And so the officer's actions  
21 are irrelevant because the Fourth Amendment is in play.

22 THE COURT: There -- You didn't -- There was no firearm that  
23 you observed.

24 THE WITNESS: No, I would've --

25 THE COURT: No.

1 THE WITNESS: -- definitely noted --

2 THE COURT: Right. Okay.

3 THE WITNESS: -- if there was a firearm there.

4 THE COURT: All right. I think that answers the questions,

5 Mr. Koufman.

6 BY MR. KOUFMAN:

7 Q So there was no search of the basement.

8 THE COURT: Yeah.

9 BY MR. KOUFMAN:

10 Q Was there any search -- Did you check upstairs for firearms?

11 THE COURT: Okay. Mr. Koufman, any other questions, other

12 than about the firearm?

13 MR. KOUFMAN: [No response.]

14 THE COURT: No? Okay. So, we're going to stop now. It's

15 five minutes to four. Unfortunately --

16 You can step down and return --

17 THE WITNESS: Thank you, Your Honor.

18 THE COURT: -- to your attorney.

19 [Witness steps down]

20 THE COURT: Unfortunately I have a scheduling problem now for

21 Friday. I know that we have a date scheduled for the 22nd of May

22 and the 23rd of May, and the 14th of May. If it makes sense to

23 add another date, I don't know if the District Attorney's -- One

24 of the -- I've checked with Judge Hinkle during the recess for

25 additional days. I don't know if you're both going to the D.A.'s

1 conference. But the 16th, we were thinking --

2 MS. LYNCH: No, I am actually going to be out of state --

3 THE COURT: Oh, okay.

4 MS. LYNCH: -- in Colorado.

5 THE COURT: Okay.

6 [Further Discussion Regarding Scheduling at 3:53:29 p.m.]

7 THE COURT: Okay. So, just to recap, now we're going to  
8 resume on the 14th of May. We have May 22nd.

9 Now, Mr. Pasciucco, are you not available? 'Cause we had May  
10 23rd.

11 MR. PASCIUCCO: I can make myself available.

12 THE COURT: Okay. May 23rd. And we'll add June 11th. Do we  
13 need to add any other days now, while everybody -- for scheduling  
14 purposes, just in case? Do you think that's going to be enough?

15 MS. LYNCH: I think that should be enough.

16 THE COURT: Okay.

17 MS. LYNCH: May I ask the Court one request?

18 THE COURT: Sure.

19 MS. LYNCH: Since the Court had the witnesses come in, two  
20 witnesses, civilians, have come in. And I'm wondering would the  
21 Court -- if the Court would -- I'll have those witnesses come in  
22 and recognize them for the 14th.

23 THE COURT: Sure. Yes.

24 [Clerk confirms dates]

25 THE COURT: Why don't we have the witnesses come in.

1 [Witnesses entering]

2 [WITNESSES, Sworn.]

3 THE COURT: Okay. Can you state your name for the record,  
4 ma'am?

5 THE WITNESS: Amy Thorn.

6 THE COURT: And your name, sir?

7 THE WITNESS: Devin McDonald.

8 THE COURT: Okay. So, folks, I appreciate your patience with  
9 the Court today. We've come to the end of the court day. We're  
10 going to resume on the 14th. And I'm recognizing you -- ordering  
11 you, essentially -- to appear here on May 14th. If you fail to do  
12 that, then a warrant may issue for you. You understand that?

13 THE WITNESS: Yes.

14 THE COURT: Okay. So, we'll see --

15 THE WITNESS: May 14th?

16 THE COURT: May 14th, 9:00 a.m.

17 THE WITNESS: Okay.

18 THE WITNESS: Okay.

19 THE COURT: Okay. And you're also not to discuss this matter  
20 with anyone outside of the attorneys in this matter or what your  
21 testimony would be outside with anyone outside of the attorneys.  
22 And there's no discussion of this matter until an official report  
23 is released. Do you understand that?

24 THE WITNESS: Yes.

25 THE COURT: Okay. Thank you. All right. Thank you all very

1 much.

2

[Adjourned at 3:57:25 p.m.]

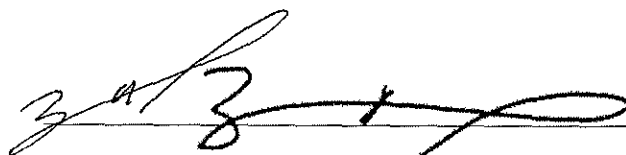


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October 23, 2019

Quaverly H. Rothenberg of Q &amp; A Transcripts

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CASE NAME: MIDDLESEX DISTRICT ATTORNEY v. ALAN GREENOUGH

DOCKET NUMBER: 1853IN000001

RECORDING DATE: April 24, 2019      TRANSCRIPT VOLUME: 4 OF 10

TYPE:  FTR    JAVS      QUALITY:  EXCELLENT    GOOD    FAIR    POOR

**ISSUES:**

**Time stamp(s) of indiscernible word(s):**

- background noise      enter time; enter time, enter time,
- low audio      enter time, enter time; enter time;
- low audio at sidebar      enter time, enter time, enter time,
- simultaneous speech      enter time; enter time, enter time,
- speaking away from mic.      **2:28:45 p.m.** enter time; enter time;
- other: specify issue      enter time; enter time, enter time

**COMMENTS:**

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