

Interview #WS400019
OFFICER PHIL MARTINEZ

Hello, it's Lieutenant Ed Forster from the States Police assigned to the Middlesex District Attorney's Office. We are at the Framingham Police Department. It's Thursday, January 6, 2011 approximately quarter to four in the afternoon. We are here conducting an interview of Officer Phil Martinez. Also present is:

Deputy Chief Kenneth Ferguson, Framingham Police Department,
Officer Dave Carlos, Framingham Police Department, Union President,
Attorney Allen MacDonald, Counsel for the Union.

We are here conducting an interview surrounding the homicide shooting of Eurie A Stamps of 26 Fountain Street that occurred at 26 Fountain Street on January 5, 2011 approximately 12:30 in the early morning. We are here with Officer Martinez was the assigned to the detective from the Framingham Police Department. Officer if you could take us through your knowledge of the case that was being investigated and what happened that night over at Fountain Street.

MARTINEZ

Basically we were working on narcotics case, primarily my job in the narcotics unit. We received information that there was a narcotic distribution on 26 Fountain Street. We received this from two confidential sources of information that were both reliable used them in the past they have done good work for us. Immediately told one specific name Dwayne Barrett as the suspect. I know Dwayne to be a drug distributor. Pretty much the rest of the department knows who he is. Through our investigation we did several controlled purchases. There's a conspiracy going on more than one person doing the drug sales. There's multiple people in and out of the house. Basically through the investigation we did a few controlled purchases *INAUDIBLE* applied for the search warrant. Was granted it.

FORSTER

To help you out, if you do know anything about the background or the records of any of these individuals?

MARTINEZ

Yes. Once we were making decision about how to go about the search warrant. Clearly we had to run the backgrounds on these people before. Saw that there's some [REDACTED] [REDACTED] [REDACTED] [REDACTED] Several other people we thought could potentially be in the house as well as unknown people. We saw a lot of people coming and going. There is a lot of traffic. On this particular day, it was the fifth that it was served. We had surveillance established for quite some time that day. There was a lot of people coming and going. Specifically the target in the case Joseph Bushfan and was a target as well. They all had [REDACTED] [REDACTED]

FORSTER

So, that's...

MARTINEZ

A decision made to call Deputy Davis and made decisions for the SWAT team for the entry.

FORSTER

OK. You particular what time, did you work night shift? Are you a night shift guy?

MARTINEZ

I work 3:30 until midnight. I work four to midnight.

FORSTER

What time did you actually get involved with what was going on at 26 Fountain Street that night, and what did you do? If anything at that point earlier in the night.

MARTINEZ

I got involved right away at the start of my shift. Started to do surveillance.

FORSTER

Oh, you started surveillance. Were you over there the whole night?

MARTINEZ

I was not. Detective Da Rose was there.

FORSTER

OK.

MARTINEZ

Most of the time I was here in the building.

FORSTER

OK.

MARTINEZ

...at the police station Detective De Rose and Officer Gutwill *INAUDIBLE* the surveillance.

FORSTER

All right.

MARTINEZ

I was here with Davila helping him finish his affidavit up doing all the paperwork.

FORSTER

All right. Take it from there. Once you got the warrant.

MARTINEZ

Once we got the warrant.

FORSTER

What time did you get the warrant, by the way, anyway? Was it that night?

MARTINEZ

It must have been the fourth it was right before midnight or so it was after eleven, eleven o'clock when we got it.

FORSTER

All right.

MARTINEZ

It wasn't executed until after midnight.

FORSTER

Right.

MARTINEZ

So I think it was about 12:20am on the fifth when we got there.

FORSTER

OK.

MARTINEZ

As we were approaching Detective Da Rose told me that he saw people exiting in the house.

FORSTER

OK. So you were over there when that happened?

MARTINEZ

I was in line with the SWAT team. I was behind the SWAT team in a marked car with detective Avila.

FORSTER

All right.

MARTINEZ

I had Jeff Da Rose on the phone. He told me that someone had exited with two girls. It was Joseph Bushfan at this point *INAUDIBLE* told us to wait that the SWAT team was at the intersection at Fountain Street. So, they could see the trucks already. So decision was made we would have to go seize the people left at the house. And the SWAT team continued to the house and met with *INAUDIBLE* Jeff Da Rose Lieutenant Slattery stopped Joseph Bushfan. I went up to the house. I stayed on the outside perimeter.

FORSTER

We'll give you a picture of the house. You can...where you were, where you went. Fill in or "X" your name whatever. Where you went... Is that looking up to the house?

MARTINEZ

Yup. That's the house. I started off...I can't really make an "X" here. It's the back right corner.

FORSTER

Back right corner? All right. Put a "X" and put an arrow down. That would be "C", "D".

MARTINEZ

"C" harlie... Yup. So I started out "C" harlie "D" elta...

FORSTER

Put your name in there. Where you with anybody else?

MARTINEZ

I went there by myself because it was unexpected. Initially Jeff Da Rose and Gutwill were supposed to be in that corner. But since they had to jump out on Bushfan. We were just trying to scramble to get there. So I went there. Initially I know I saw *INAUDIBLE* back there and a couple of SWAT guys with Brian Curtis and Gregg *INAUDIBLE* in the other corner saw that was covered.

FORSTER

Why don't you write in who was in the other corner, since you here... That would be "B", "C", right?

MARTINEZ

Right.

FORSTER

OK.

MARTINEZ

I saw that that was probably covered, so then I moved to the front to the "A" lpha", "D" elpha corner. Just to make sure we had a perimeter set-up.

FORSTER

Yup.

MARTINEZ

As we remain I heard the team entered. Flash bangs. We had a couple "break and rake" teams.

FORSTER

Did you actually hear them say Framingham Police entered? If not, it's alright if you haven't that's fine. If you haven't fine.

MARTINEZ

I heard, "Framingham Police search warrant".

FORSTER

OK.

MARTINEZ

As the team *INADUIBLE* they were already starting to make entry. I was actually approached behind them.

FORSTER

OK.

MARTINEZ

They had a head start on me.

FORSTER

Right.

MARTINEZ

That's why I scrambled to the "C" harlie "D" elpha corner. I didn't know if anyone was there.

FORSTER

Yup.

MARTINEZ

The team was already in position before I got there.

FORSTER

All right.

MARTINEZ

I ran to the back. I heard flash bangs go off. I came back to the front because I saw that it was covered.

FORSTER

Yup.

MARTINEZ

I heard a *INAUDIBLE* shot. I thought it was another flash bang into the house and then I heard somebody calling for TEMS.

FORSTER

OK.

MARTINEZ

Which is a tactical medical team. They are part of the SWAT team. I didn't know what happened. I was told it's a hot zone. Shots were fired.

FORSTER

OK.

MARTINEZ

The TEMS guys went in started first aid. They brought out Mr. Stamps. I went with them in the ambulance to the hospital.

FORSTER

You went, really? With Mr. Stamps?

MARTINEZ

Yes. I helped load him into the ambulance. And I stayed in the ambulance with him the whole time while they worked on him.

FORSTER

OK. Was he unconscious the whole time you were in there?

MARTINEZ

Yes.

FORSTER

OK. So there was no type of conversation what so ever?

MARTINEZ

No.

FORSTER

OK. All right. I didn't know that. I just need to ask that. I didn't know you went in the ambulance.

MARTINEZ

When we got to the hospital, Sergeant *INAUDIBLE* was there on a detail. So, he stayed, he watched over and I got picked up and went back to the scene.

FORSTER

OK. When you went back to the scene, who was there when you got back?

MARTINEZ

The whole SWAT team was still there because we had frozen the scene before we left. The scene froze the scene; tell everyone to leave all the cars where they are, all the gear where it was. So the scene was frozen off. I got back and we started taping off. We made an inner perimeter and we just waited for the *INAUDIBLE*.

FORSTER

OK. Did you go into the house any more at all?

MARTINEZ

I went in the house in the foyer.

FORSTER

In the foyer?

MARTINEZ

In the front door.

FORSTER

All right. So you never made any type of search in there at all after this happened?

MARTINEZ

No. I was told. I don't remember who telling me but I was told just to keep...they could see...

FORSTER

Did you learn anything back at the scene? Did you have conversation about what had happened if at all you remember? With anybody?

MARTINEZ

No one could really tell me what happened, so I didn't know. I was told that Duncan had fired a round, but that was all I knew. No one knew what happened.

FORSTER

OK.

MALE CALLER

How much time between the first bang and the second bang?

MARTINEZ

I don't know, I couldn't tell you for sure. Maybe a few seconds. It wasn't that long. It's *INAUDIBLE* ... I know it's common to...we can throw other bangs *INAUDIBLE* for multiple reasons you might get to run with the door shut or something happened to you, you want to bang the room before you go in.

FORSTER

Right.

MALE CALLER

What weapons did you have?

MARTINEZ

I just had my side arm. My 40 caliber handgun that was it. We stayed at the house until the crime scene did their thing and then afterwards the Middlesex NARC guy showed up and executed our warrant.

FORSTER

OK. With Gutwill and Da Rose, you didn't take part in any of that arrest at all?

MARTINEZ

No.

FORSTER

OK. All right. I can't think of anything else. Its 3:55pm.
Thank you Officer Martinez.