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2 STATEMENTS OF VINCENT STUART, JORGE RUIZ, CRAIG

3 DAVIS, KEVIN SLATTERY (phonetic)

4 1/6/2011
5

6 Questions: Detective Lieutenant Thomas Sullivan

7 Questions: Unknown

8 Answers: Vincent Stuart, Jorge Ruiz, Craig Davis,
9 Kevin Slattery
10

11 THOMAS SULLIVAN: I'm Detective
12 Lieutenant Thomas Sullivan from the State Police,
13 stationed at the District Attorney's Office,
14 Middlesex County.

15 Today is Thursday, January 6. It's
16 noontime and we're here to speak about the incident
17 that took place January 4th into January 5th,
18 ultimately, at 26 Fountain Street, in Framingham,
19 Mass.

20 What I'm going to do at this point is ask
21 everybody in the room to go around the room and
22 identify themselves.

23 SGT. SENNOTT: Sergeant Peter Sennott
24 from the DA's Office.
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3 ATTY. VIGLIOTTI: Attorney John
Vigliotti from Reading, Joyce and Akerson.

4 MR. AKERSON: Michael Akerson.

5 SGT. STUART: Sergeant Vincent Stuart
6 from Framingham Police Department.

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8 SERGEANT STUART

9 DET. LT. SULLIVAN: What I'm going to do
10 at this time is ask Sergeant Stuart to tell us what
11 occurred the evening, and his knowledge, as far as
12 the events that took place.

13 SGT. STUART: It first started for me
14 approximately 9:30 on the 4th. At 9:30 in the
15 evening, I got a page, putting the SWAT Team on
16 alert for a warrant service. Within a very short
17 period of time, maybe a minute or two later, I
18 received a phone call from Deputy Chief Davis, who
19 is the commanding officer of the SWAT Team, asking
20 me to come in and start brief planning. He was
21 going to give me the brief on what we had so far.
22 I got to the station approximately fifteen, twenty
23 minutes later, something like that. Met with him,
24 Lieutenant Downing, up in the Intel Bureau, the
25 third floor of Framingham Police Department. I

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2 was given a quick briefing. The Narc Unit,
3 Narcotics Unit had buys, narcotics buys, of, I
4 believe it was, 26 Fountain Street and they were
5 obtaining a search warrant as we were briefing.
6 They were intending on us executing a search
7 warrant for them at Fountain Street. I believe
8 there was three subjects were the primary targets.
9 I don't know their whole background, but they had--
10 what I was instructed as [REDACTED]
11 [REDACTED], which is why they called us. There was
12 anywhere from-- we could expect anywhere from--
13 just from those three to another possibly two or
14 three people in the house total. They didn't know
15 exactly how many people were going to be in there,
16 three, maybe six, what I was of the impression of.
17 We started gathering intel on the plan, exact
18 overview of the house, to develop our raid plan.
19 Officer Murtagh does our technical work on the
20 computer and goes on Google Earth and websites such
21 as that for aerial view of the house so we can make
22 up our approach. And we got on some type of--
23 those pictures right there look very familiar.
24 These are them. He draws them and he got on
25 another website, a real estate rental website, to

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2 get the interior layout of the house. These appear
3 to be them. Those appear to be the three targets,
4 I believe, that were involved in the narcotics
5 search warrant. We made up our raid plan. Looks
6 like a rough sketch of who was going to make entry
7 into where. We had a limited number of people on
8 the team, so we had patrol block off both ends of
9 Fountain Street; one up at the s curves on the
10 bridge; patrol officer, in uniform, with a cruiser;
11 another one down at the lights at Fountain and
12 Waverly. On our signal, on our final approach, we
13 would give them a call. They would block the road;
14 block all traffic. We made our approach in the
15 SWAT truck from Waverly onto Fountain and actually
16 parked in-- and this is a photo we're discussing
17 right now-- we parked our trucks in between the gas
18 station and this green house next door. It's the
19 darkest area on the street. As we were pulling up,
20 we saw one of these targets-- I couldn't recognize
21 which one it was. I was informed later that one of
22 the targets was making a hand-to-hand narcotics
23 transaction as we were pulling up. They ran across
24 us and the detectives stopped and detained them in
25 the gas station. While that was occurring, we had

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2 all dismounted the (?) raid plan and intended to
3 have a loose perimeter around the house on all four
4 points. We had two entry teams that were going in.
5 They were split into three and three because, when
6 you come into this front door here, there's a long
7 hallway; no windows. You can't see. On the
8 immediate left, it goes up to the second-floor
9 apartment, which we weren't-- we didn't have a
10 warrant for. All we had was the first floor.
11 Immediately as you come in through this first-floor
12 door, we were-- our first guys confronted a female
13 on the steps. She was detained; brought aside.
14 This front door here is like a common doorway into
15 a hallway which can be accessed from, not only the
16 tenants in the first floor, but also people on the
17 second floor. We open this door. The first team,
18 which was Downing, Sheehan and O'Toole, made their
19 approach up to the first closed door, which leads
20 into this kitchen right here. Second team, which
21 was my team, was at this doorway, and my first two
22 guys, which were Duncan and Sebastian, were stacked
23 on the other doorway, which, basically, this door
24 leading into this room right here. This is the
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2 doorway, front driveway. Once everyone was in
3 position.

4 DET. LT. SULLIVAN: Is it that window
5 there? One of these windows?

6 SGT. STUART: These windows. Would be
7 that window right here. That window right there is
8 our first rake-n-break team.

9 UNKNOWN: So as you were approaching that
10 front doorway, that would be the room to the right.

11 SGT. STUART: Yes. Actually, the
12 apartment is all right in here. The room to the
13 right, which is this room, and this door, opens
14 into the kitchen, which is this room, and they
15 connect after you go all the way around. Once
16 those teams were in position, we had a rake-n-break
17 team, which would be porting this window here.
18 They were going to break out and provide security
19 for us in case there was a threat on the other side
20 of this window, which would be this same window
21 right here. And another one--

22 DET. LT. SULLIVAN: We have the pictures
23 here, but for the tape, for the purpose of the
24 tape--
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SGT. STUART: A side, front side, first window to the right of the front door, would be the window I'm trying to indicate, on the photos--

DET. LT. SULLIVAN: That's the room your team goes in.

SGT. STUART: That's the room my team--

DET. LT. SULLIVAN: Alpha front room.

SGT. STUART: Exactly, yes. We had another rake-n-break team which was on the Bravo side of the building, which would be if you're looking at the front door, you go down the driveway to the left, and it's, I believe, the first window. As you move down the driveway, which, in these photos, indicating that window right there.

DET. LT. SULLIVAN: Which is off the kitchen.

SGT. STUART: Off the kitchen, right. Once all the teams were in position, I made my announcement. I stated it three times, very loudly, "Framingham Police. We have a search warrant. Open the door;" pounded on the door. "Framingham Police search warrant. Open the door;" pounded on the door." The third time, I used the command over the radio, "Execute," at which time,

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2 they started working the windows. Our breachers,
3 which was, from my team, Duncan, Sheehan,
4 Sebastian. They started working the doors. The
5 doors went open. At that time, my guys went in
6 this door, which was, I believe, Sebastian went in
7 first, followed immediately by Duncan and then
8 myself.

9 DET. LT. SULLIVAN: To the first room on
10 the right.

11 SGT. STUART: First room on the right,
12 through this door here. First door on the right,
13 we made entry into that room. I believe Duncan
14 came in and went-- if you-- as soon as you enter
15 the room, he went to the left, this way. Sebastian
16 more up the middle. I went deep right and circled
17 around the room.

18 DET. LT. SULLIVAN: How would you
19 describe that room? Is that the room that looked
20 like a makeshift bedroom?

21 SGT. STUART: Kind of a makeshift
22 bedroom, yes. Yeah. It was a sheet-- if there was
23 no sheet-- there was no door dividing this room
24 from another room, which appeared to be like a
25 dining room/storage area. But, yes, there was a

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2 bed-- they were using it as a bedroom, it appeared.
3 There was a sheet that was hanging between this
4 bedroom and what appeared to be a dining room
5 adjoined to the kitchen. Once we cleared this room
6 here; searched, checked there was no threats that
7 we could see, Duncan staged on the left-hand side
8 of the curtain dividing those two rooms. I staged
9 on the right. Sebastian turned around and was
10 covering the door that we made our entry through.
11 I believe Duncan pulled the curtain down or pushed
12 it to the side. He entered in towards the left. I
13 entered in again towards the right and made it
14 around, I believe it was a table or some kind of
15 box or something there, I went to the deep corner
16 in the back. By this point in time, the other
17 team, Downing's team, had made entry into the
18 kitchen area, and they had multiple doors. There's
19 a door that went to the basement here. There's a
20 hallway and other rooms further down the hall.
21 They started calling for trailers. For us, when
22 you start calling for trailers, that means you more
23 assistance over in that area; we need more bodies
24 to search these rooms, at which point, Duncan made
25 entry into that kitchen area. I was still in this

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2 room, finishing off behind the table, and Sebastian
3 was here providing cover. Once the call for
4 trailers went out, Sebastian starts making his way
5 back towards this door, where someone was
6 detaining, I'm not sure who, the female out here,
7 as well as the final parts of Downing's team, were
8 making their way up. I figured he was going to go
9 in and fall in the rear of Downing's team for
10 trailers because our actual assignment for this
11 entry, our primary assignment, was completed at
12 that point. So now we're filling in with Downing's
13 team. From the time-- I don't know, a short time
14 later-- from the time Duncan actually made entry
15 into the kitchen area, very short period of time
16 later, I heard what sounded like a gunshot. I
17 moved from this room into the kitchen. I saw a
18 couple of our operators standing immediately off to
19 the side here, by this door. They didn't appear
20 like they were recognizing any threat at the
21 moment. I looked over to the small hallway on the
22 far side of the kitchen, where you would go down
23 towards the bedrooms and, I believe, a bathroom,
24 and I observed two people laying on the ground, one
25 of whom was Officer Duncan. He was sitting against

1 the wall with his feet out crossing the hallway.
2 The deceased, who I didn't know at the time, was
3 lying face-down right next to him on the floor. I
4 yelled out, "What do you got?" He says, "I have
5 shots fired." I said, "Are you hit?" And he said,
6 "No, he is," pointing to him. I looked down. I
7 could see some blood. I didn't see the actual
8 wound at the time. He was face-down. I
9 immediately pulled Duncan away and I got over the
10 radio and I said, "We have shots fired. We need
11 the medics in here right now. Start rolling an
12 ambulance," at which time-- we staged the medics
13 real close. I'm pointing to the photograph of the
14 front of the house. They were staged somewhere out
15 here. By the time the call came in, they were in
16 in a matter of seconds. They started treatment on
17 the deceased. We had two other operators that were
18 on-- two or three that were on Downing's team that
19 were further down the hallway. I never went passed
20 the scene of this incident. Duncan was moved into
21 a separate room, which was a room I had cleared,
22 this like dining room area. Lieutenant Downing had
23 moved over here. While the medics were working
24 here, we still had to clear the basement. Myself
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2 and I believe three other operators went
3 downstairs. Me, Reilly, Jaycee and Sebastian went
4 downstairs, cleared the basement. Once we came
5 back out, the house was deemed secure-- well, the
6 first floor was anyway. I didn't go up to the
7 second floor. None of our operators did, as far as
8 my knowledge. By this point, I believe, the
9 deceased was being brought out. They brought out a
10 stretcher right through the front door, down the
11 main hallway, into the kitchen. He was evacuated
12 out of there. From that point there, we turned it
13 over to the detectives. They had to lockdown the
14 scene. So transfer basically from under us back to
15 them again. Once that had occurred, I was
16 instructed by Deputy Davis to take Officer Duncan
17 and his union representative, Eliadi, back to the
18 police station. Bring him up to the chief's
19 conference room, second floor, secure it, the
20 weapon he used in the shooting. And then he was
21 sent to the hospital, which is what I did, and
22 turned his rifle over to your ballistics guys later
23 that next morning.
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DET. LT. SULLIVAN: Okay. So, just to be clear on this, you secured the first room on the right, which is the makeshift bedroom.

SGT. STUART: Yes.

DET. LT. SULLIVAN: You entered into the dining area.

SGT. STUART: It was kind of like a dining area, through a curtain.

DET. LT. SULLIVAN: Through a curtain.

SGT. STUART: Yes.

DET. LT. SULLIVAN: Then Duncan entered into the kitchen area, where the incident took place.

SGT. STUART: Someone out there called for trailers and he went in.

DET. LT. SULLIVAN: He went in.

SGT. STUART: Yes.

DET. LT. SULLIVAN: And you remained-- you were heading that way, but you remained in the dining area.

SGT. STUART: I hadn't gotten there yet. I hadn't completely going around the--

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2 UNKNOWN: So does Duncan go in the
3 kitchen area? Does he go straight and turn or does
4 he have to retreat like the other guy did?

5 SGT. STUART: No, he goes straight in
6 because he was actually staged right at that door,
7 which you can't see it on this photo. I don't know
8 if you can see it on this.

9 DET. LT. SULLIVAN: As you enter into the
10 dining room, we'll call it, from that makeshift
11 bedroom, there's a doorway on the left--

12 SGT. STUART: He was--

13 DET. LT. SULLIVAN: -- that enters into
14 the kitchen.

15 SGT. STUART: Exactly. When he made
16 entry into that particular dining room, we'll call
17 it, he was basically standing right by the doorway
18 into the kitchen.

19 DET. LT. SULLIVAN: Yes. And then he
20 entered into the kitchen. And that's where you
21 heard the shot from.

22 SGT. STUART: Exactly.

23 DET. LT. SULLIVAN: And you weren't able
24 to see what took place.
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2 SGT. STUART: Once I heard the shot, I
3 immediately went that way. The bangs were already
4 deployed and it's unusual-- I mean, it's not
5 unusual-- I mean, it's not impossible, it's unusual
6 for the bangs to be deployed more often. So for
7 another sound similar to that to go off, it's
8 unusual. I took it as a gunshot.

9 DET. LT. SULLIVAN: So the bangs went
10 before the-- simultaneous to entering the house.

11 SGT. STUART: Right as we're entering.

12 DET. LT. SULLIVAN: And the rake-n-break
13 bangs.

14 SGT. STUART: Exactly. Yes. This bang
15 was never actually deployed because the door flew
16 right open and we were in before they even had a
17 chance. But the one in the kitchen did.

18 DET. LT. SULLIVAN: Okay. So the other
19 party that was arrested at the scene, was in the
20 kitchen on the floor?

21 UNKNOWN: No, he saw the victim on the
22 floor.

23 DET. LT. SULLIVAN: You saw the victim
24 and Duncan. Okay.

25 SGT. STUART: Yes.

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DET. LT. SULLIVAN: Okay. What was going on deeper in the room, I don't know. I didn't see that happening.

DET. LT. SULLIVAN: Okay. So you didn't see that party at all.

SGT. STUART: No. No.

DET. LT. SULLILVAN: Okay.

UNKNOWN: No. I've got a clear view of how they proceeded in.

DET. LT. SULLIVAN: Do you have any questions?

MR. AKERSON: I do, sergeant. This is Mike Akerson speaking with the scratchy voice. The photos that you-- that detectives had shown you, that's not the actual condition of the apartment when you were there two nights ago.

SGT. STUART: No, absolutely not. These photos are indicating-- basically, it looks like a vacant apartment.

UNKNOWN: These came from a rental site that they use for intelligence.

SGT. STUART: Yes. Exactly. Prior to moving in.

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MR. AKERSON: So it would be fair to say that, in the apartment, there was other stuff.

SGT. STUART: Much more cluttered. A lot more objects in the way. Yes.

DET. LT. SULLIVAN: Same thing here. These two cars-- this from the rental site too, I think.

SGT. STUART: Exactly. Yes. I believe that night--

DET. LT. SULLIVAN: These are all just intelligence photos.

SGT. STUART: Exactly.

MR. AKERSON: Thank you, sergeant.

DET. LT. SULLIVAN: And these photos were provided to me from Deputy Chief Davis and they were used in part of the operation prior to the actual going to the address and the front.

Anything else you want to put on the record?

SGT. STUART: That's pretty much my involvement.

DET. LT. SULLIVAN: That's fine. It's 12:18 p.m., and we're going to go off tape at this time.