

The Commonwealth of Massachusetts
Department of State Police

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January 5, 2021

To: Major Mark W. Kiley #1293, Commanding, Troop H
Major Michael J. Michno #2410, Commanding, Troop C
Captain James P. Devlin #2155, Executive Officer, Troop H
Captain Leonard G. Coppentrath #0809, Operations Commander, Troop H

From: Trooper Dylan R. Finerty, #4304, SP Millbury, C-2

Subject: Critical Incident Case # 2021-OH4-000215

1. I hereby reserve, insist upon, and do not waive my rights under the Constitution of the United States. I hereby object to and reserve the right to object to use of all or part of this statement in this or any subsequent proceedings, whether criminal or civil in nature, or in any investigation or inquiry, whatever its nature or purpose. (Garrity vs. New Jersey, 385 U.S. 495.) I respectfully request your information as to the current and expected stage which may evolve out of this report, and the basis and nature of any complaint or inquiry causative of your order and interrogation; and request is hereby made for the names and addresses of complainants or informants, members of the public, otherwise, in connection with the situation herein involved. Subject as aforesaid, and in compliance with your order, I respectfully submit the following;

2. On Tuesday, January 5, 2021 I was working a paid uniformed detail on Commonwealth Avenue at Lake Street in Brighton. At roughly 1340 hours, H Troop advised over the radio of an armed robbery with a knife at 16 Lincoln Street in Newton. The suspect had barricaded himself in an apartment upstairs at the same given address. At this time, I activated my emergency blue lights and left my detail to offer assistance at the scene. Upon arrival, I advised Station H I was on scene via my cruiser radio. I then exited my fully marked cruiser #1448 and started walking towards the scene.

3. Once I arrived on the scene I observed multiple Newton Police cruisers, as well as EMS staged in front of Indulge Candy Store. Sergeant Glen Chisolm of Newton Police immediately greeted me; he was carrying a less lethal beanbag shotgun. He requested that I follow him immediately. At this time, Trooper Christian Howell #4529 and I followed Sergeant Chisolm to the rear of 16 Lincoln Street. We entered the back entrance to the apartments located above Indulge. Captain Christopher Marzilli of Newton Police then greeted us on the third floor of the apartment building.

4. At this time, we entered the apartment and could hear loud screaming coming from the living room area. I heard several commands to "drop the knife". Once I entered the living room, I could see a Newton Police Officer standing in the living room facing the doorway to the main entrance of the apartment. I then observed a second Newton Police Officer standing in the hallway outside the apartment main entrance. The Newton Police Officer in the hallway had both hands raised in the air. He was talking to the suspect who was also in the hallway.

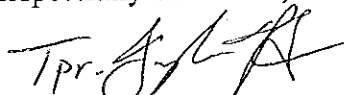
5. Captain Marzilli, Sergeant Chisolm, the Newton Police Officer and I all agreed that I would assist with less lethal coverage by use of Taser if necessary. Sergeant Chisolm would assume less lethal coverage by way of beanbag shotgun and the Newton Police Officer to my left would assume lethal coverage with his department issued firearm. Over the course of the next several minutes, the Newton Police Officer attempted to negotiate with the suspect to put down the knife he was holding in his right hand. The negotiator made numerous requests for the suspect to drop the knife while keeping both of his hands raised in the air at all times.

6. Moments later the suspect put the knife down on the ground by his side. Sergeant Chisolm, who had a direct view of the suspect, advised the Captain that the knife was no longer in the suspect's hands. At this time, Sergeant Chisolm requested to deploy the beanbag shotgun to subdue the suspect. Captain Marzilli approved the request. Moments later Sergeant Chisolm stepped into the hallway next to the Newton Police Negotiator. Chisolm attempted to deploy one round and it was unsuccessful. Chisolm then attempted to deploy a second round but was also unsuccessful. The suspect quickly retrieved the knife from the ground and charged towards Sergeant Chisolm. At this time, Sergeant Chisolm took a step back into the living room where the Newton Police Officer and I were standing. The suspect then stepped into the threshold of the doorway with the knife in his right hand with the blade facing towards me. Captain Marzilli immediately instructed me to deploy my Taser. I immediately deployed one cartridge at the suspect but the probe connection was unsuccessful. At this time, the suspect was charging at me with the knife in his right hand and blade facing towards me. The suspect was within 3 to 4 feet of me when the Newton Police Officer directly to my left fired several rounds at the suspect.

7. The suspect immediately collapsed to the ground. I then advised Station H that there was shots fired and all MSP and Newton Personnel were safe. Moments later EMS was rendering aid to the suspect. I then removed the spent cartridge from my Taser and placed it on the coffee table directly next to me. Minutes later, Sergeant David Nims #3037 from the State Police K9 unit escorted me downstairs and out to Lincoln Street in front of the apartment building.

8. Once cleared from the scene by the H Troop Command Staff I went to Newton-Wellesley Hospital to be examined by medical professionals. When the Newton Police Officer deployed his firearm, I suffered immediate damage to my left eardrum due to being right next to the firearm as it went off. Newton-Wellesley Hospital staff cleared me hours later where I returned home. I suffered constant ringing in my ear for several hours after.

Respectfully Submitted,

 # 4304

Dylan R. Finerty
Trooper, Millbury C-2
Massachusetts State Police