

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

NEWTON DISTRICT COURT
DOCKET NO.

IN RE: INQUEST INTO THE DEATH OF MICHAEL CONLON
IN NEWTON, MA, ON JANUARY 5, 2021

SUMMARY OF EXPECTED WITNESS TESTIMONY

Civilians

1. Linda Gulman

Linda Gulman is the owner and operator of Indulge Chocolates, a candy store located at 16 Lincoln Street, Newton. On January 5, 2021, Gulman was working alone in her store, speaking on her phone with USPS, when Michael Conlon entered the store unmasked. Gulman recognized Conlon as a regular customer who frequented her store 2 to 3 times a week and has “very apparent mental health issues.” Gulman also knew that Conlon lived upstairs in the apartment above her store and that he had been living there for approximately 1 year. At this time, Conlon appeared agitated, sweating profusely, and he told her that he had not taken his medication in days. Gulman initially told Conlon that he needed to wear a mask in the store and then observed what appeared to be a steak knife in his right hand. Conlon held the knife by his right side, but did not try to hide it. Conlon told Gulman that she needed to come upstairs with him. Gulman disconnected the call with USPS and dialed 911.

While keeping an open line with the 911 dispatcher, Gulman told Conlon that he needed to explain to her why he needed her upstairs. Conlon responded that he was not going to explain anything. Gulman advised Conlon several times that he was scaring her with the knife. Conlon then placed the knife in his pocket. Conlon pleaded with Gulman to help him contact his third-floor neighbor, “D -something.” Gulman then retrieved her keys and came around her counter and walked behind him, feigning to accompany him out of the store. When Conlon walked out the door, Gulman quickly locked the door behind him.

2. Danielle Kalfon

Danielle Kalfon lives at 18 Lincoln Street, unit 3, on the third-floor. On January 5, 2021, while working at Salon Capri, 31 Lincoln Street, Newton, she received a phone call from Linda Gulman, who works at Indulge Chocolate across the street. Linda told Kalfon that “Michael” (Michael Conlon) was in her store with a knife and was looking for her. Kalfon then walked over to Indulge Chocolate, spoke briefly with Linda, and returned to work. Kalfon did not observe any of the events that occurred inside 18 Lincoln Street.

Kalfon explained that “Michael” lives on the second floor of her building at 18 Lincoln Street and believes he has mental health issues. Kalfon said that she was friendly with Michael, but she never had more than brief conversations with him. A few months prior to January 5, 2021, Kalfon had filed a noise complaint against Michael with the building owner reporting that Michael banged his cabinets and threw things around his apartment all night long. In response to her complaint, Kalfon received a four-page letter from Michael where he apologized for disturbing her and said that a ghost caused the noise and not him.

3. Casey Murtagh

Casey Murtagh lives in unit 4 on the third-floor of 18 Lincoln Street, with Matthew Melia. At approximately 1:45 PM on January 5, 2021, Murtagh was in her apartment when she heard banging and unintelligible screaming coming from the stairway. She then heard someone banging on the door to unit 3, rented by Danielle Kalfon. The banging sound like a blunt object striking the door, not a hand or fist. Murtagh opened her apartment door to investigate and observed Michael Conlon banging on Kalfon’s door. Murtagh quickly closed her door and locked it. Murtagh did not have her glasses on and could not say whether she observed Conlon holding a knife. After closing her door, Murtagh heard police officers saying, “put the knife down.” She also heard Conlon saying, “Dani, Dani, call my real dad. Matt are you in on this? . . . I know you are in there Dani. This is a simulator.” Conlon continued to scream about being in a simulation and that he wanted the FBI because the FBI knows what is happening and they are in on the simulation. Conlon appeared desperate and the police officers were trying to calm him down. At one point, Murtagh heard Conlon say, “you come close I’ll kill myself . . . you are not real cops.”

At some point, Murtagh looked out her window and observed Danielle Kalfon outside on the sidewalk speaking with police. Murtagh then went to her backdoor and observed several police officers standing on her back deck. She opened the backdoor and spoke to the officers and advised them that the situation was occurring in the hallway and invited them into her apartment. Murtagh then exited her apartment, but asked police if they could stay with her on Kalfon’s back deck because she was scared. Murtagh then overheard police looking for a crowbar and advised that she had some tools and showed the officers where they were kept in the living room to her apartment. While in the living room, she observed a police officer open the door to her apartment and she became scared and went back to Kalfon’s deck. While on Kalfon’s deck, a police officer asked her, “do you know who Dani is?” She explained to the officer that “Dani” lives in apartment 3. Concerned that she was in the middle of a dangerous situation, Murtagh exited out the rear of the building. As she left the building, Murtagh heard six gunshots.

4. Matthew Melia

Matthew Melia lives at 18 Lincoln Street, unit 4, with Casey Murtagh. On January 5, 2021, at approximately 1:45 PM, Melia was at work when he received a call from Murtagh, who had him on speakerphone so that he could hear what was happening. Melia heard part of what Conlon said and believed it “sounded like he [Conlon] was going to hurt the cops.”

5. Jordyn Sisenwine

On January 5, 2021, at approximately 1:45 PM, Jordyn Sisenwine was walking on the sidewalk in the area of Lincoln Street in Newton when she observed a white male in his 30's holding a knife the size of an "x-acto blade." Seeing this, she became nervous and went into a store across the street from the man with the knife. From inside the store, Sisenwine observed a police officer arrive on scene and confront this man. The officer yelled to the man to "put down the knife" at least 3 times. The man with the knife responded, "get away from me."

POLICE WITNESSES

1. Officer Richard Benes

Officer Richard Benes has been a Newton police officer for approximately 16 years. On January 5, 2021, Officer Benes was assigned to cruiser 499 when he received a radio call relative to a possible armed robbery with a knife in progress on Lincoln Street. Officer Benes responded within minutes and while en route, he learned that the female caller actively engaged the suspect, Michael Conlon, while maintaining an open line with the 911 dispatcher, pretending to be on the phone with UPS.

Upon arrival, Officer Benes noticed that Officers Raymond and Umina were already on scene. Officer Benes parked his cruiser in the public parking lot on Lincoln Street and then walked to the front of 18 Lincoln Street. Officer Benes heard Officer Raymond report over the radio that he had encountered the subject, Conlon, who ran up the stairs of 18 Lincoln Street.

Officer Benes then went with Officers Wilson and McSweeney to the back of 18 Lincoln Street to ensure that Conlon could not flee out the rear of the building. While at the rear of the building, the officers entered a stairway that accessed the upstairs apartments, and went up to the third floor where a woman allowed them into her apartment. Upon entering this third-floor apartment, the Officer Benes could hear Conlon yelling about killing himself, wanting to speak to the FBI, and claiming he was stuck in a simulation while holding a knife to his own throat. Officer Benes could hear police officers on the second floor yelling up the stairs to Conlon telling him to drop the knife. During this time, Officer Benes was standing behind Sgt. Chisholm and Conlon remained at the top of the stairs on the third-floor. Although Officer Benes could not see Conlon's hands, he heard other officers commanding Conlon to drop his knife.

At some point, Sgt. Glen Chisholm left the third floor to retrieve the "less lethal shotgun," an orange shotgun that fires a bean bag. Newton Police Sergeants are qualified to use these guns and they are colored orange to distinguish them from live round shotguns. Sgt. Chisholm exited the third floor and returned a short time later with the less lethal shotgun. Around that time, two Massachusetts State Troopers arrived, each armed with a taser.

Captain Dowling, Captain Marzilli, Sgt. Chisholm, Officer Scaltreto, Officer Benes, and the two state troopers were all now in the third-floor apartment where they formulated a plan designating Officer Scaltreto to speak to Conlon and encourage him to drop the knife while Sgt. Chisholm stood ready with the less lethal shotgun, at least one trooper stood ready with a taser, and Officer Benes provided lethal cover. Officer Scaltreto exited the third-floor apartment and entered the hallway with his hands up to show that he was not a threat, not carrying a firearm. When Officer Scaltreto attempted to convince Conlon to drop the knife, Conlon responded by saying that he was in a simulation and wanted to talk to his father. As Officer Scaltreto engaged

Conlon, Sgt. Chisholm stood in the third-floor apartment doorway, not visible to Conlon. Officer Benes stood behind Sgt. Chisholm providing lethal cover, and the troopers behind Sgt. Chisholm providing taser cover.

Sgt. Scaltreto ultimately convinced Conlon to place the knife on the ground and Conlon placed it down by his own feet. Officer Benes could not see Conlon put the knife down, but when that occurred, Sgt. Chisholm turned to Captain Marzilli to tell him that Conlon had placed the knife on the ground. Sgt. Chisholm then attempted to shoot Conlon with the less lethal shotgun, but when he pulled the trigger, the gun failed to fire. At that point, Conlon picked up the knife and one of the troopers fired his taser at Conlon, but did not hit him. Sgt. Chisholm continued to work the less lethal shotgun, but could not get it to fire. Conlon again became highly agitated and repeatedly said that if the officers came any closer, he would kill himself. Officer Benes, did not hear Conlon threaten to kill the officers, but saw Conlon pick up his knife and advance towards Sgt. Chisholm in a quick and purposeful manner. Up to this point, Officer Benes had his firearm holstered with the top retention off. When Conlon picked up the knife, and began his advance, Sgt. Chisholm was crouching down in the doorway. Conlon advanced to less than a foot from Sgt. Chisholm and approximately two feet from Officer Benes holding the knife in his fist raised up above Sgt. Chisholm's head. At this point, Officer Benes unholstered his firearm and fired 3 or 4 rounds. At that time, Officer Benes did not realize Officer Scaltreto had also fired. Officer Benes believed, based on Conlon's quick advancement and Sgt. Chisholm's location, they did not have an opportunity to retreat because of the tight and close quarters. Officer Benes believed that if he did not discharge his firearm, Conlon would have stabbed Sgt. Chisholm in the head and killed him. Although he observed the knife, Officer Benes did not see a fire extinguisher in Conlon's hands, but had heard officers downstairs repeatedly tell him to put the fire extinguisher down.

Officer Benes explained that he has been trained to aim at a suspect's center mass and to shoot until the threat has ended. After being shot, Conlon fell down in the hallway in front of the apartment door. While other officers began life-saving measures on Conlon, Officer Benes went to the back porch to get some air. Shortly thereafter, an ambulance transported Officer Benes to Newton Wellesley Hospital for evaluation. Prior to getting into the ambulance, Officer Benes provided his duty belt, which included his firearm, to Sgt. McLean.

2. Sgt. Glen Chisholm

Sgt. Glen Chisholm has been a Newton police officer for approximately 27 years. As a sergeant his responsibilities include carrying a "less than lethal" shotgun, a firearm that discharges a bean bag round to disable or stop, but not kill. The less than lethal shotgun is kept secured on the dashboard of his vehicle between the front seats.

On January 5, 2021, Sgt Chisholm was on a call when he received a radio dispatch regarding a woman being held at knife point at an address on Lincoln Street. Upon arrival, Sgt. Chisholm parked his cruiser in front of the candy store on Lincoln Street where he observed a woman standing in the threshold. After arriving on scene, Captain Marzilli directed Sgt. Chisholm to get his "less than lethal" shotgun. Sgt. Chisholm retrieved the less than lethal from his vehicle and inserted a beanbag round into the shotgun. Once he had the less than lethal, Captain Marzilli directed him to the back of the building. Sgt. Chisholm did not recall whether he brought a box of ammunition with him.

Once at the rear of the building, Sgt. Chisholm went inside and up a dark spiral staircase. In the stairway, Sgt. Chisholm could hear a lot of yelling, but he could not understand what was being said. He ultimately came to a locked door and could hear a woman yelling from the back porch of her apartment, "he's in here, he's in her." Sgt. Chisholm entered that woman's apartment.

Once inside the apartment, Sgt. Chisholm handed the less than lethal shotgun to Captain Dowling to confirm that it was fully loaded. At this time, additional officers began entering the apartment including Captain Marzilli and two state troopers. From this apartment, Sgt. Chisholm stood inside the doorway with Officer Scaltreto in front of him. Sgt. Chisholm could not see Conlon, but knew he was in the hallway to the right. Officer Benes stayed on Chisholm's left shoulder. Officer Scaltreto was separated from Conlon by a banister and a stairway and did not have a protective shield between himself and Conlon. Sgt. Chisholm got three looks at Conlon. The first time Sgt. Chisholm could see Conlon holding a knife against his own throat; the second, time he observed Conlon waving the knife out in front of him; and, the third time, Sgt. Chisholm just saw Conlon's arm waving.

Once Conlon placed the knife on the floor, Captain Marzilli ordered Sgt. Chisholm to initiate the less than lethal shotgun. Sgt. Chisholm tried to aim the weapon at Conlon's center mass, but Conlon kept moving back and forth with his arms waving. At this time, Conlon is approximately twelve feet away from Sgt. Chisholm. Based on his training, Sgt. Chisholm is aware that a suspect within 21 feet can close that distance to an officer without the officer being able to react. Sgt. Chisholm ultimately stepped through the threshold of the apartment and aimed the shotgun at Conlon's collar bone, but when Sgt. Chisholm squeezed the trigger, nothing happened. The shotgun did not discharge. Sgt. Chisholm positioned the weapon at the low ready, tried to clear it, but could not get the shotgun to clear. He started to raise the shotgun again when suddenly, Conlon was on top of him. Sgt. Chisholm never saw him coming, but observed a knife approximately two feet from his eyes when other officers fired.

3. Officer Frances Scaltreto

Officer Frances Scaltreto has been a Newton police officer for approximately 19 years and has been assigned as a patrolman his entire career. On January 5, 2021, he was assigned to car 496 when he heard a radio call of a possible armed robbery. The report included information that a person armed with a knife was still inside a store with the store owner and that the store owner was on an open line to a 911 dispatcher pretending to be speaking to USPS. As Officer Scaltreto turned onto Lincoln Street, he observed Officer Raymond chasing a suspect up the stairs to a building on Lincoln Street. Officer Scaltreto parked and exited his vehicle and heard a woman on the second or third floor of the building calling for help and Officer Raymond repeatedly telling someone to "drop the knife." Officer Scaltreto entered the building and ran up to the second floor where several other officers were congregating at the bottom of the stairs that led to the third floor. The suspect, Conlon, was at top of stairs on the third floor holding a knife to his own neck.

Officer Scaltreto retreated back down to the first floor where he encountered Captain Marzilli who directed Officer Scaltreto to retrieve a bunker shield (a large metal protective shield). Officer Scaltreto obtained the bunker shield from Sgt. Chisholm's vehicle and handed it to Officer Raymond. Officer Scaltreto then went to the rear of the building with Sgt. Chisholm where they went up a back stairway to the third floor.

The officers formulated a plan to engage Conlon where officers would provide protective cover as Officer Scaltreto attempted to negotiate with Conlon. Ultimately, Sgt. Chisholm kneeled with the less than lethal, Officer Benes is behind him, and the troopers somewhere behind Officer Benes. Officer Scaltreto entered the hallway and Conlon asked Officer Scaltreto to put his hands up and turn around to show him he did not have any weapons. Conlon appeared agitated and erratic and said the if anyone came near him, he would kill them or himself. After showing Conlon that he did not have any weapons, Conlon asked to speak to his father, but that he did not have the phone number. When Officer Scaltreto offered to make the call, Conlon said, "you won't reach him and you are not really here." Scaltreto insisted that they could get in touch with him, but he had to put down the knife. Conlon refused to put the knife down. Officer Scaltreto then offered a compromise to put the knife down by his side, to which Conlon agreed. Scaltreto then updated the other officers advising that he felt he could get Conlon to put the knife down. Conlon continued to insist that they were in a simulation. Officer Scaltreto advised that he attempted to call his father, but because he still had the knife in his hand, the simulation would not allow it. Conlon then put the knife down on the floor and then he placed the fire extinguisher on the floor. Officer Scaltreto then looked to the other officers to determine the next step. Sgt. Chisholm brought the less lethal up and attempted to discharge a round, but there was a malfunction and it did not fire. When Conlon saw the shotgun and heard the click, Conlon grabbed the knife and ran at Sgt. Chisholm. Officer Scaltreto drew his firearm and ordered Conlon to drop the knife. Conlon had the knife held up about shoulder level in his right hand and then started to bring in down in a stabbing motion towards Sgt. Chisholm. Sgt. Chisholm is still kneeling and attempting to clear the less than lethal shotgun with the back of his neck exposed when Officer Scaltreto discharged his firearm. Officer Scaltreto believes he fired three shots. Conlon then fell to the floor.

4. Captain Dennis Dowling

Captain Dennis Dowling has been a police officer for the Newton Police Department since 1987. Captain Dowling is familiar with and is trained in the use of the less lethal shotgun, which is employed in situations where a suspect is threatening to harm another person and can be utilized to disable and apprehend the suspect without using lethal force. The Newton Police Department has up to four less lethal shotguns on the road and available at any given time. Only sergeants and above are trained to operate it.

On January 5, 2021, Captain Dowling was assigned as the supervisor of the patrol bureau when he heard a radio call for a 911 hang up, possibly an armed robbery. He learned that a woman on the phone with the 911 dispatcher kept an open line with the dispatcher while she spoke to a person armed with a knife. Upon arrival to Lincoln Street, several officers were already on scene. Captain Dowling parked his vehicle and met up with Captain Marzilli. He then went to the rear of the building and up the back stairs to the third floor where there were multiple officers present including Det. Sampson, Officer McSweeney, Officer Wilson, Officer Benes, Sgt. Chisholm, Officer Scaltreto, and two state troopers. Captain Dowling could hear Conlon yelling nonsensically, screaming about his father and a person named Danielle, while officers tried to engage Conlon and get him to drop his knife. During this time, a third-floor female resident exited her apartment and asked the officers if she could leave and then ran out the door.

Captain Dowling directed Officer Chisholm to retrieve the less lethal shotgun and observed that the two troopers had tasers. Captain Dowling entered the rear door of unit 4 and went to the front side door and looked into the hallway where he observed Conlon holding a knife to his own throat. Captain Dowling could hear Officer Raymond speaking to Conlon from the second floor, attempting to deescalate the situation and Officer Scaltreto offered to go into the hallway to speak with Conlon. Prior to Officer Scaltreto entering the hallway, Sgt. Chisholm set up cover with the less lethal shotgun, the two state troopers set up with their tasers, and Officer Benes with his firearm. The officers intended to speak to Conlon as long as it would take to resolve the situation. After formulating their plan, Captain Dowling went downstairs to explain the situation to the other officers. While returning to the third floor, Captain Marzilli radioed Captain Dowling that he had an opportunity to use one of the less lethal options. Captain Dowling told Captain Marzilli to take the shot. Soon after, Captain Dowling heard several shots fired. At the time of shooting, Captain Dowling was in an apartment below Conlon.

Although a social worker was on scene, she remained outside during the entire episode because the scene was not secure.

5. Captain Christopher Marzilli

Captain Christopher Marzilli has been a police officer for the City of Newton for approximately 36 years and is currently in charge of the detective bureau. On January 5, 2021, at approximately 1:30 PM, Captain Marzilli received a radio dispatch regarding an armed robbery on Lincoln Street. While en route to that location, Captain Marzilli learned that the suspect was a white male last seen running down Lincoln Street. Upon arrival, several officers were already on scene, so he drove past the scene and parked his vehicle so as to block traffic from entering Lincoln Street.

Once on scene, Captain Marzilli could hear ranting and screaming from upstairs in 18 Lincoln, heard officers yelling, "drop the knife," and immediately recognized the situation as a mental health issue. Inside the building, Captain Marzilli encountered Sgt. McLean, Officer Umina, and Officer Scaltreto who were yelling up to the Conlon on the floor above them. Conlon was rambling that he wanted to speak to his father and that he wanted to speak to the FBI. Captain Marzilli went back outside and then with Sgt. Chisholm around the back of the building to look for a rear entrance and ensure that Conlon did not run out the back. Once at the rear of the building, they went up a back stairway to the third floor. On the third floor they encountered a locked door, but could see into the third-floor hallway through a hole where it appeared a doorknob used to be. Through this hole, Captain Marzilli could see Conlon holding a small fire extinguisher in his left hand. Officer Scaltreto and Officer Raymond were speaking with Conlon at that time, trying to negotiate with him to get him to drop his knife. Captain Marzilli then went back down the stairs and around to the front of the building and spoke to Captain Dowling, who was now the incident commander.

Captain Marzilli returned to the third floor and went into a third-floor apartment. Officer Scaltreto was then speaking to Conlon from approximately 20 feet away and Sgt. Chisholm provided cover with the less than lethal shotgun. The two state troopers armed with tasers, were also providing protective cover, but advised that their tasers do not work well when a subject is wearing thick or heavy clothing. At some point, Officer Scaltreto advised that Conlon had put down the knife and Sgt. Chisholm stepped into hallway and took one shot with the less than lethal. Captain Marzilli then heard several more shots and thought that it was the less lethal, but

then observed that Officer Benes had his firearm out and asked him if he fired. Officer Benes said, “yes.” Captain Marzilli then observed Conlon on the floor in the hallway and began to render first aid.

6. Officer Michael McSweeney

On January 5, 2021, Officer Michael McSweeney was parking his cruiser in the rear of the Newton Police Department, when he received a radio call for a possible armed robbery in progress on Lincoln Street. While en route to that address, he received an update that the suspect with the knife was in Indulge candy store and the caller was pretending to be on phone with UPS while keeping an open line with the 911 dispatcher. He then heard that the suspect ran up the stairs to 18 Lincoln Street.

Upon arrival, Officer McSweeney went down an alley to the left 16 Lincoln Street with Officers Benes, Scaltreto, Wilson, and Sgt. Chisholm and around to the rear of the building. A woman came down with a key and let the officers into a rear door. The officers went into the building and up the stairs, now joined by Captain Marzilli and Det. Sampson. Once on the third floor, they came upon a locked door and could not get into the hallway and could hear someone saying that he needed to speak to his father. Captain Marzilli asked Officer McSweeney and Det. Sampson onto a back porch where a young woman opened a door and asked to leave and allowed the officers to enter into her apartment. Around this time, Captain Dowling arrived on the third-floor as well as two state troopers.

Officers Benes, Scaltreto, Sgt. Chisholm, and one of the troopers entered the third-floor apartment. Once in the apartment, Officer McSweeney stayed in the kitchen and could see Officer Scaltreto standing in the doorway speaking to Conlon, asking him to put down his knife. When Conlon asked to speak to his real father, Officer Scaltreto held out his cellphone and offered it to Conlon, but Conlon refused claiming that the phone was bugged. Sgt. Chisholm, armed with the third-floor less than lethal shotgun, moved towards the hallway and fired two rounds, and then, looking stunned, Sgt. Chisholm said, “it didn’t work.” Officer McSweeney then heard the tasers being deployed. Sgt. Chisholm ducked down and Conlon charged at him with his knife in his right hand raised above his head and started to come down towards the back of Sgt. Chisholm’s neck. Officer McSweeney then heard numerous “pops” and Conlon fell backwards. Both Sgt. Benes and Officer Scaltreto acknowledged that they had discharged their firearms.

7. Detective Carolyn Curry

On January 5, 2021, Det. Carolyn Curry responded to 16 Lincoln Street, Newton, for a report of a man with a knife, possible armed robbery, at Indulge candy store. Upon arrival, Det. Curry observed a white male matching the description of the suspect, Michael Conlon, exiting Indulge. Conlon observed the other responding officers entering into the adjacent doorway to 18 Lincoln Street and followed them to the top of the second floor and observed Conlon at the top of the stairs on the third floor waving a knife in his hand and yelling loudly.

Other officers began to arrive on scene and congregate on the second floor and were repeatedly yelling, “Drop the knife.” Conlon did not comply with repeated commands to drop the knife and continued to yell in an irrational manner. He also continued to bang on the door to apartment 3 and kept calling for his “real” father and the FBI. At some point, Conlon turned his

attention to Det. Curry and asked her to identify herself. Conlon then turned his attention to Officer Raymond who tried to calm him and engaged him by asking his name, offering to contact his father, and to get him help. Conlon did not respond to the officer and continued to wave the knife in a threatening manner towards the officers as well as himself. He maintained an agitated, angry, and threatening demeanor throughout the encounter.

Det. Curry stepped away from the stairwell and requested a less than lethal weapon and an ambulance. Shortly thereafter, Sgt. McLean arrived on the second floor with a less than lethal shotgun and Lt. Dangelo with a body bunker. Det. Curry then took up a position at the first-floor entryway. Sometime later, Det. Curry heard gunshots and a call over the ready of "shots fired." Emergency medical personnel then responded and rendered aid to Conlon.

Det. Curry also interviewed Linda Gulman, the owner and operator of the Indulge candy store.

8. Lt. Kenneth Dangelo

On January 5, 2021, Lt. Kenneth Dangelo responded to Lincoln Street relative to a call of a man with a knife. Upon arrival, Lt. Dangelo entered the building went up to the second floor to the base of the third-floor stairway. There, Lt. Dangelo encountered Sgt. McLean who was armed with a less than lethal shotgun. He also observed Conlon at the top of the third-floor stairway holding a knife to his own throat and appeared extremely agitated, yelling at officers and demanding to speak to his real father.

Lt. Dangelo position himself with the body bunker at the foot of the stairway and radioed dispatch requesting a negotiator from NEMLAC. He could hear Officer Scaltreto speaking to Conlon, trying to de-escalate the situation and get Conlon to put down his knife. At some point, Conlon picked up a fire extinguisher and held it in a threatening manner, as if he was going to throw the fire extinguisher at the officers while still holding the knife in his other hand. After approximately 20 minutes, Conlon advanced in the direction to where the officers on the third-floor were positioned. The officers continued to yell for Conlon to drop the knife then Lt. Dangelo heard several gunshots. Lt. Dangelo ran up the stairs with other officers and observed Conlon unresponsive on the floor and bleeding. Lt. Dangelo, Captain Marzilli, and Officer Raymond then performed CPR on Conlon until paramedics arrived.

9. Sgt. John O'Connell

On January 5, 2021, at approximately 1:50 PM, Sgt. John O'Connell responded to 16 Lincoln Street for a report of a possible armed robbery with a knife. While en route, Sgt. O'Connell learned that the suspect, Conlon, had fled up to the third-floor of 18 Lincoln Street.

Upon arrival, Sgt. O'Connell entered 18 Lincoln Street and went to the base of the third-floor landing where he observed Sgt. McLean holding a less lethal bean bag shotgun, Lt. Dangelo holding the body bunker, and Officer Raymond holding a handgun. Officers Scaltreto, Spinney, Gaudet, and Det. Curry were also in the second-floor hallway at that time.

Sgt. O'Connell also observed Michael Conlon screaming and holding a 6–8-inch knife to his own throat. Conlon stated that he was in a simulation and that he wanted it to end. He requested his real father, not the one in the simulation. Officers attempted to speak to Conlon, but he would not respond and continued to scream for his father and bang on the door to a third-floor apartment. Conlon looked at Sgt. O'Connell and asked if he was with the FBI. Sgt.

O'Connell then identified himself as a Newton police officer. Conlon then stated, "the woman downstairs is a nice lady, I am sorry I tried to take her hostage." Conlon then picked up a fire extinguisher and threatened to throw it at the officers if they did not remove themselves from the steps. He swung the fire extinguisher with one hand while holding his knife to his own throat with the other and screamed that if the police came any closer, he would cut his own throat and that he wanted his real father, not the one in the simulation, and he wanted the FBI because they know about the simulation. Conlon then began to scream at someone on the third-floor.

Sgt. O'Connell then spoke to other officers to formulate a strategy. A short time later, while positioned in the doorway at the bottom of the third-floor stairway, Sgt. O'Connell said to "put the knife down" then a loud bang that he assumed was the less than lethal shotgun followed by several loud bangs he believed to be gunshots. Sgt. O'Connell then went upstairs where he observed other officers performing first aid to Conlon.

10. Sgt. Sean McLean

On January 5, 2021, Sgt. Sean McLean was assigned as the south side patrol supervisor when at approximately 1:45 PM, he responded to a call for an armed robbery in progress at 16 Lincoln Street. While en route, Sgt. McLean learned that the suspect was armed with a knife and that the store owner maintained an open line with the 911 dispatcher pretending to speak to a "UPS" facility while also speaking with the suspect, Michael Conlon.

Upon arrival, Sgt. McLean briefly spoke with Linda Gulman, the owner and operator of the Indulge candy store and 911 caller, and then began to enter 18 Lincoln Street when officers on the second floor requested the less than lethal shotgun. Sgt. McLean then retrieved a less than lethal shotgun from his cruiser and brought it to the second floor of the building. On the second floor, Sgt. McLean observed Conlon at the top of the stairway holding a knife to his own neck and yelling that they were, "fake police" and he wanted the "real police or the FBI" to give him an FBI cell phone so he could talk to his "real" father. Conlon threatened several times to cut his own throat if officers approached him. Conlon also picked up a fire extinguisher with his free hand and began to swing it towards the officers. Sgt. McLean asked Conlon to drop the knife and attempted to assure him that he would not be harmed, but Conlon's agitation did not subside. Conlon began asking the time and when police told him, he responded that it was "fake time" and they only had minutes before he cut his own throat.

Sgt. McLean then conferred with other officers to formulate a plan of action focusing on attempting to use a lesser amount of force before attempting a greater amount of force. Officer Scaltreto then began to communicate with Conlon who began to de-escalate his hostility and momentarily removed the knife from his neck and held it down by his waist. Officer Scaltreto appeared to be making progress when Conlon began to move towards the officer and then Sgt. McLean heard approximately four gunshots.

11. Officer Alexander Spinney

On January 5, 2021, while working a City of Newton forestry detail on Centre Street, Officer Alexander Spinney heard a call from dispatch reporting a possible armed robbery on Lincoln Street. Due to his close proximity to the scene, Officer Spinney decided to respond. While en route, he learned that the incident was taking place at the Indulge candy store at 16 Lincoln Street. Officer Spinney arrived at Indulge with Officer Raymond and observed a man,

later identified as Michael Conlon, wielding a knife. Officer Raymond ordered Conlon to drop the knife and Conlon turned and ran through the doorway at 18 Lincoln Street and up a flight of stairs. Officers Spinney and Raymond then pursued Conlon into the building and up the stairs, stopping on the second floor as Conlon had made it to the third floor. The officers identified themselves and repeatedly asked Conlon to drop his knife. Conlon refused and began aggressively banging on the door to apartment 3 yelling for “Danielle” to open the door. Officer Spinney described Conlon as extremely agitated, gripping the knife so hard his knuckles were white. Conlon accused the officers of being CIA out to get him and repeatedly asserted that he was in a “simulation.” He continually moved about, shifting his weight back and forth, pointing the knife at the officers and threatening to “shank” them if they approached, and holding the knife to his own throat threatening suicide. Officer Spinney became concerned for the safety for anyone in apartment 3 because Conlon continued to hit the door and assert that “Danielle” was part of the simulation.

Officer Spinney took up a position at the base of the stairs on the second floor holding a ballistic shield. Sgt McLean stood behind Officer Spinney with the less than lethal shotgun, and Officer Raymond with his firearm. The officers continued to attempt to deescalate the situation while Conlon continued to state that he was hearing voices and asked someone to call his father.

Several officers, including Officer Scaltreto, made their way to the third floor and also began to engage with Conlon. Officer Scaltreto tried to address Conlon’s concerns and told him that he would attempt to call his father. Officer Scaltreto asked for his father’s phone number and Conlon responded that the number he had was fake and part of the simulation. At some point, Officer Scaltreto convinced Conlon to put the knife down and Conlon placed the knife by his foot and told the officers not to move towards him. Conlon crouched down near the knife then spontaneously reached down, grabbed the knife, and rushed down the third-floor hallway towards the officers. Officer Spinney then ran up the stairs with the shield and heard multiple gunshots. Conlon fell to Officer Spinney’s right on the other side of a banister dividing the hallway and the staircase. Other officers then began to render emergency medical aid.

12. Officer S. Andrew Umina

On January 5, 2021, Officer S. Andrew Umina was returning from a well being check with the department clinician when he heard a radio call for a possible armed robbery involving a knife on Lincoln Street. Upon arrival, Officer Umina observed a woman standing in the doorway of the candy store directing him to an open door next to her. Officer Umina entered the building and made his way up to the second floor where he joined Officers Spinney, Scaltreto, Raymond, and Detective Curry at the bottom of the second-floor stairway leading to the third floor. Several officers were telling the person at the top of the stairs, Conlon, to drop the knife. Officer Umina peered up the stairway and observed Conlon at the top of the stairs holding a knife to his own throat. Officer Umina heard Conlon yelling that he wanted to talk to his real father, that he was in an FBI simulation, and that he needed a hostage. Conlon was also banging on an apartment door yelling for “Danny,” rocking back and forth, and spitting as he spoke. At some point, Officer Scaltreto retreated down to the first floor and Sgt. McLean arrived on the second floor with a less lethal shotgun and Lt. Dangelo took a position with the body bunker.

At some point, officers on the third floor began speaking with Conlon. Officer Umina could hear Officer Scaltreto’s voice and peered upstairs and saw Conlon holding a knife to his own throat with one hand and a fire extinguisher in the other pointed at the officers. Eventually,

Conlon squatted down and placed the knife on the floor, but kept it at his feet and inches from his hand. At that point, Officer Umina backed up and lost sight of the third floor. A few seconds later, Officer Umina heard “shots fired” and someone say, “get the medics.”

RESPECTFULLY SUBMITTED,
FOR THE COMMONWEALTH,

MARIAN T. RYAN
DISTRICT ATTORNEY

By _____
Christopher M. Tarrant
Assistant District Attorney
Middlesex County
15 Commonwealth Avenue
Woburn, MA 01801
Tel: (781) 897-8300
BBO # 651135

Dated: August 6, 2021