

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

NEWTON DISTRICT COURT
DOCKET NO. 2112IN0001

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

SUMMARY OF EXPECTED WITNESS TESTIMONY II

Medical Examiner

1. Christina Stanley, M.D.

Dr. Christina Stanley is expected to testify relative to the autopsy she performed on Michael Conlon on January 6, 2021, describing injuries she observed during her external and internal examinations and opining on Michael Conlon's cause of death. Dr. Stanley is also expected to discuss the results of a postmortem toxicology analysis and explain the significance of those results.

Waltham Police Officer

1. Officer Charles DiChiara

Officer Charles DiChiara is a Waltham police officer and a level 4 use of force instructor who is expected to explain use of force training, which will include describing the different levels of force and appropriate levels of officer response, as well as use of force tactics.

Newton Police Officers

1. Det. Robert Sampson

Det. Robert Sampson has worked for the Newton Police Department for approximately 32 years and he has been assigned as a detective for 20 years. On January 5, 2021, Det. Sampson responded to Lincoln Street relative to a report of an armed robbery with a knife. Upon arrival, several other officers were already on scene, including Captain Marzilli, the ranking officer and in charge at that time. Captain Marzilli directed Det. Sampson to go to the rear of the building with other officers who then went up a back staircase to a third floor porch. Once on the third floor, Det. Sampson could hear Conlon talking and yelling from inside the building on the other side of a locked door. Conlon expressed that he wanted to talk to his father, his "real father, not his fake father." Conlon also made some incoherent comments and said something about being in a simulation. Det. Sampson could also hear police officers talking to Conlon, trying to get him to calm down. While on the porch, the detective noticed a second door that led into an apartment. While there, a woman came onto

the porch and allowed the officers to enter her apartment through that door. Once inside the apartment, Det. Sampson could hear Officer Scaltreto speaking with Conlon and pleading with him to drop the knife. At some point, Conlon's tone became elevated and he appeared to become more agitated. Sgt. Chisholm, standing at the apartment door, holding the beanbag shotgun, and monitoring the activity in the hallway, appeared to fire a round from the less lethal shotgun. Almost immediately thereafter, two troopers on scene deployed their tasers, and then Det. Sampson heard several bangs, but he could not see what was happening with Conlon in the hallway.

2. Officer Zachary Raymond

Officer Zachary Raymond has been a Newton police officer since 2001. Prior to becoming a police officer, Officer Raymond had worked for the Department of Corrections and the Department of Mental Retardation. On January 5, 2021, Officer Raymond was working uniform patrol from 7:30 AM to 3:30 PM when the dispatcher directed him to 16 Lincoln Street for a report of an armed robbery. Officer Raymond arrived to that location in less than a minute. Upon arrival, Officer Raymond observed a woman frantically waving to her left where he saw Michael Conlon holding a small steak or kitchen knife in his right hand. Officer Raymond immediately drew his firearm and ordered Conlon to put down the knife. Conlon then turned and ran into the building. Officer Raymond, along with Officer Spinney, followed Conlon into the building and continued to order him to drop the knife. Inside the building, the officers ran up to the second floor while Conlon went up to the third floor. On the third floor, Conlon stopped and placed his knife to his own neck and told the officers, "If you come any closer, I'll slash myself, I'll kill myself..." Conlon also began banging on an apartment door yelling a female's name, possibly Danielle, saying, "Let me in, let me in." As this went on, several other Newton officers began to arrive and gather on the second floor, including Sgt. McLean carrying a less lethal shotgun. At one point, Officer Raymond asked Officer Spinney to maintain cover with his firearm while he tried to engage Conlon. At this time, Conlon repeatedly talked about contacting his father. Officer Raymond believes this went on for approximately 25 minutes.

At some point, Officer Scaltreto, who was on the third floor, began to engage Conlon. While speaking to Officer Scaltreto, Conlon placed his knife on the floor by his feet, but continued to hold a fire extinguisher in his left hand. Officer Raymond feared that Conlon would deploy the fire extinguisher, creating a smokescreen, and then charge at them. Conlon suddenly picked up the knife with his right hand and charged at the officers on the third floor. Officer Raymond then heard several gunshots. After hearing the gunshots, Officer Raymond went up to the third floor and observed Conlon on the floor bleeding with a knife by his right hand. Officer Raymond picked up the knife and placed it on a windowsill and then he and others moved Conlon out of the doorway and began CPR. .

Massachusetts State Police

1. Trooper Christian Howell

Trooper Christian Howell has been a police officer for approximately one year. On January 5, 2021, Trooper Howell was working a detail at a construction site in Newton when at approximately 1:45 PM he heard a transmission over his radio relative to an armed robbery

at 16 or 18 Lincoln Street in Newton. Hearing this radio transmission, Trooper Howell responded to that area. Upon arrival, Trooper Howell spoke to Trooper Dylan Finerty, who advised that Newton Police requested assistance. The two troopers then entered the building at 16-18 Lincoln Street through the rear entrance, accompanied by a Newton Police sergeant, and up the stairway until confronted by a locked door. At that time, the trooper could hear Conlon ranting inside the building and Newton police officers talking to him, trying to get him to calm down. After approximately 5 minutes, he entered a third-floor apartment that contained several Newton officers. While in the apartment, Trooper Howell could hear a Newton officer negotiating with Conlon. He heard this officer ask Conlon to “drop the knife” several times and told him that he would call his father and said, “If I call your father, will you put the knife down?” Conlon asked, “How you gonna get in contact with him?” The officer responded, “I can find it, we have ways of calling him, will that get you to put the knife down?” This conversation lasted approximately 2 minutes. Although he did not see it, Trooper Howell believes that at one point Conlon put the knife on the floor. Once the knife was down, a Newton sergeant stepped into the hallway to deploy the non-lethal shotgun. The sergeant attempted to fire the shotgun, but the gun malfunctioned and did not shoot. The sergeant racked another round, but the shotgun malfunctioned again. At this point, Conlon charged at the sergeant with his knife and they struggled for 2 to 3 seconds when Trooper Finerty discharged his taser and one of the Newton officers discharged a firearm. The Newton captain on scene then attempted first aid and the EMT’s arrived approximately 10 seconds later. During the incident, Trooper Howell did not discharge either his firearm or his taser.

2. Trooper Dylan Finerty

Trooper Dylan Finerty has been a Massachusetts State Trooper since January 21, 2019. Prior to joining the state police, he worked as a reserve officer for the Town of Mansfield. Trooper Finerty attended both the Plymouth Reserve Police Academy, where he received firearm training, and the State Police Academy where he received training for both firearms and taser deployment, which included scenario training. Additionally, Trooper Finerty is qualified annually for the use of firearms and tasers. On January 5, 2020, Trooper Finerty was working a paid detail for the Middlesex Corporation in Brighton, approximately 2 to 3 miles from Lincoln Street in Newton, when he heard over his radio of an armed robbery with a knife at 16 Lincoln Street in Newton. The report also advised that the suspect, armed with a knife, had barricaded himself in an apartment upstairs above the scene of the alleged robbery. Hearing that, Trooper Finerty travelled in his cruiser to the scene of the robbery, which took approximately 5 minutes. Upon arrival, Trooper Finerty observed several other officers already on scene and parked his cruiser horizontally across Lincoln Street to block off civilian traffic. Trooper Finerty then walked towards the scene and spoke to a Newton Police sergeant carrying a less than lethal beanbag shotgun. The sergeant asked Trooper Finerty to accompany him into the building. Trooper Finerty then observed Trooper Howell on scene and asked him to join them as well. The three officers then went down an alleyway to a back door that led up to a steep dark staircase. When they arrived at the top of the stairs, they encountered a Newton police captain dressed in a kilt and several other Newton officers and could hear another officer repeatedly yelling, “Drop the knife,” but could not see the suspect. The captain directed Trooper Finerty and the Newton sergeant to enter the apartment. They then went through the kitchen, into an open living area, to a doorway that

led out into the hallway. At this point, Trooper Finerty took up a stationary position facing the doorway, approximately 6 feet from where a Newton officer was acting as a negotiator. Trooper Finerty looked out into the hallway and observed Conlon standing approximately 6-8 feet from the Newton officer, who did not have a weapon in his hands. Trooper Finerty could hear the negotiator attempting to de-escalate the situation. Conlon repeatedly asked to speak to his “real father.” The Newton officer would then tell him that he could make the call, but he had to put down the knife. Conlon, however, appeared to get louder and more aggravated over time. The Newton officer asked Conlon to drop the knife approximately 10 times.

At some point, the officers formulated a plan that Trooper Finerty would provide less lethal coverage with his taser. Trooper Finerty un-holstered his taser, activated it, and held it down by his side. At the same time, the Newton police sergeant held the less than lethal shotgun stood just inside the doorway. Another Newton officer, standing to Trooper Finerty’s left, provided lethal cover with his firearm out at the “low ready” position. Eventually, the sergeant with the less lethal shotgun looked into the hallway and reported that Conlon had placed his knife on the ground. At that time, the sergeant asked permission for the captain to deploy the beanbag shotgun. The sergeant then advanced slightly into the hallway, faced Conlon, cocked the shotgun, and pulled the trigger. When the gun did not fire, the sergeant attempted to load another round. After the shotgun failed, the sergeant yelled that Conlon was picking up the knife. Conlon then advanced towards the officers and up to the doorway to the apartment holding the knife in his right hand, up by his right shoulder with the blade pointed at the officers. At that point, the captain advised Trooper Finerty to deploy his taser. Trooper Finerty then fired his taser, aiming at Conlon’s center mass. Approximately 1 second later, the Newton officer to Trooper Finerty’s left fired 3-4 shots at Conlon. At this point, Conlon had closed to within 3 feet of the officers. Trooper Finerty is unaware whether any other officer discharged a firearm. Conlon fell to the ground holding a knife in his right hand. EMT’s arrived within a minute and began rendering Conlon aid.

RESPECTFULLY SUBMITTED,
FOR THE COMMONWEALTH,

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